

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

Disclaimer

Zoom Real Estate Ltd passes on LIMs to our customers which come directly from the local district council. Zoom Real Estate Ltd do not delete or alter any information. However, Zoom Real Estate Ltd doesn't warrant the accuracy or completeness of the information. Zoom Real Estate Ltd doesn't accept responsibility or liability for any action taken as a result of the use of part or all of its content. The use of any information is at the customer's own risk and discretion and should not be treated as advice from Zoom Real Estate Ltd.

**He Ripoata
Mōhiohio Whenua**

No. 2026-201

**Land Information
Memorandum**

**The following information is provided to the Applicant in respect of the property
described as Lot 41 DP 82908**

Valuation Roll No: 00419-08700

Property ID No: 3320375

and located at: 8 Gill Drive, Kawakawa 0210

He Ripoata Mōhiohio Whenua Land Information Memorandum

LIM-2026-201

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

Date Lodged: 09-Sep-2025

Receipt No: 8546225

Issued Date: 17-Sep-2025

1. Ōu Taipitopito Personal details

Zoom Real Estate
office@zoomre.co.nz

2. Ngā Āhuatanga o Te Whenua Special Features or Characteristics

Refers to the NZ Land Resource Inventory Worksheet – Land Use Capability Unit 4e7.

Note that this site lies within a zone identified as “Suspect Ground” in the Far North District Council Hazard Register. The nature and severity of this hazard is not identified, independent expert advice should be sought if additional information is needed.

a	Slope	Rolling to strongly rolling.
b	Rock Type	Greywacke association of rocks. Predominantly that extensive area of rocks belonging to Waipapa group.
c	Soils	Yellow-brown earths on greywacke and argillite. Moderately to strongly leached and weakly podzolised yellow-brown earths of Marua suite.
d	Potential Erosion	Moderate to severe when cultivated.
e	Avulsion / Alluvion	Nil
f	Falling Debris	Nil
g	Subsidence	Slight to moderate potential.
h	Slippage	Slight to moderate potential.
i	Inundation	Nil
j	Hazardous Contaminants	None known
k	Any other	-

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

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:		00419-08700
Rate Account No:		2420375
Rates Levied for the Current Year:	\$	4,384.79
Rate Arrears:	\$	284.02
Date of Disclosure:		11-Sep-2025

Notes regarding Rating Units

Rating units may consist of land contained within a single certificate of title or, in the case of a farm or in certain other circumstances may consist of land contained within several certificates of title.

Rates are always calculated on the basis of a rating unit, Council has no power under the Local Government Rating Act 2002 to apportion these rates and charges to separate parts of a single rating unit. Care needs to be taken when considering any rate arrears where a LIM is issued in respect of only part of a rating unit, in particular:

Rate Arrears:

Where the LIM is provided for land that is part of a rating unit, the rate arrears and water meter charges shown above relate to the entire rating unit. It is the responsibility of the applicant to determine how to address the issue of arrears in respect of the part of the property covered by the LIM.

Postponed Rates

Where there are postponed rates on the rating unit Council will have placed a statutory land charge over the rating unit to protect Council's interest in respect of this property.

Where the rating unit in its entirety is being sold, transferred or otherwise disposed, the total postponed rates will be repayable together with all accumulated charges.

Where only part of the rating unit is being sold, transferred or otherwise disposed of, the amount of postponed rates to be repaid will depend on the relative values of the land being retained by the original owner and that portion being disposed of,

AND

Whether Council considers that the land that remains in the ownership of the original owner continues to comply with the Conditions and Criteria set out in the Rates postponement Policy. If Council is of the view that the land no longer qualifies, the total postponed rates will be repayable together with all accumulated charges. Where Council is of the view that the land does continue to qualify, the amount of the postponed rates to be repaid, together with the accumulated charges, will be determined in accordance with the provisions set out in the respective policy.

Note: Council has determined that it will add a postponement fee to the total postponed rates as set out in Section 88 of the Local Government Rating Act 2002. These fees will continue to accumulate and will become payable as set out above and/or as determined in the policy.

Local Government Rating Act Section 20

In certain circumstances some rating units are rated with land value charges only, as they fall under the criteria of the Local Government Rating Act Section 20:

Rating units in common ownership

Two or more rating units must be treated as 1 unit for setting a rate if those units are—

- owned by the same person or persons; and
- used jointly as a single unit; and
- contiguous or separated only by a road, railway, drain, water race, river, or stream.

If the rating unit is sold and no longer fits the criteria of the Local Government Rating Act Section 20, the rating unit will attract full rate charges from the next rating year beginning 1 July.

2022 Rating Valuation Details		00419-08700
Land Value:	\$	170,000
Improvement Value:	\$	260,000
Capital Value:	\$	430,000
Rating Value Area:		0.0711Ha

4. Ngā Whakaaetanga Consents

Resource Consents	Includes Certificates, Notices and Orders where available.	
20-Oct-1975	79509-TCPSUB	Staged subdivision of Pt Allot 132 Ruapekapeka Psh and Pt Sec 3 Blk XVI Kawakawa SD created DPs 82908 & 82909 (Stage 1).
Monitoring	Nil	
Licenses	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 .		

5. Ngā Mōhiohio Whare Building Information

Status	Date of Issue	Number	Description
Building Permit Issued	06-Jun-1978	BP-8156908	New Dwelling.
Building Permit Issued	01-Jun-1978	BP-4146	Gen Plumbing & Drainage to Sewer & Stormwater.

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.

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 Link to Water Bylaws
c)	Stormwater	See Stormwater management plan
d)	Sewer	Connected

8. Ngā Whakamahinga Whenua Land Uses

Far North District Plan

Land zoned as **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.

12. Pūmate māori Natural Hazards

Far North District Council Hazards	None known.
Northland Regional Council Hazards	None known.
Tsunami Zone	Tsunami Inundation Green Zone – Safe Area.
Liquefaction Vulnerability	Unlikely There is a probability of more than 85 percent that liquefaction-induced ground damage will be None to Minor for 500-year shaking. At this stage there is not enough information to distinguish between Very Low and Low. More detailed assessment would be required to assign a more specific liquefaction category.

13. Ētahi Atu Mōhiohio Other Information

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.

TMBath

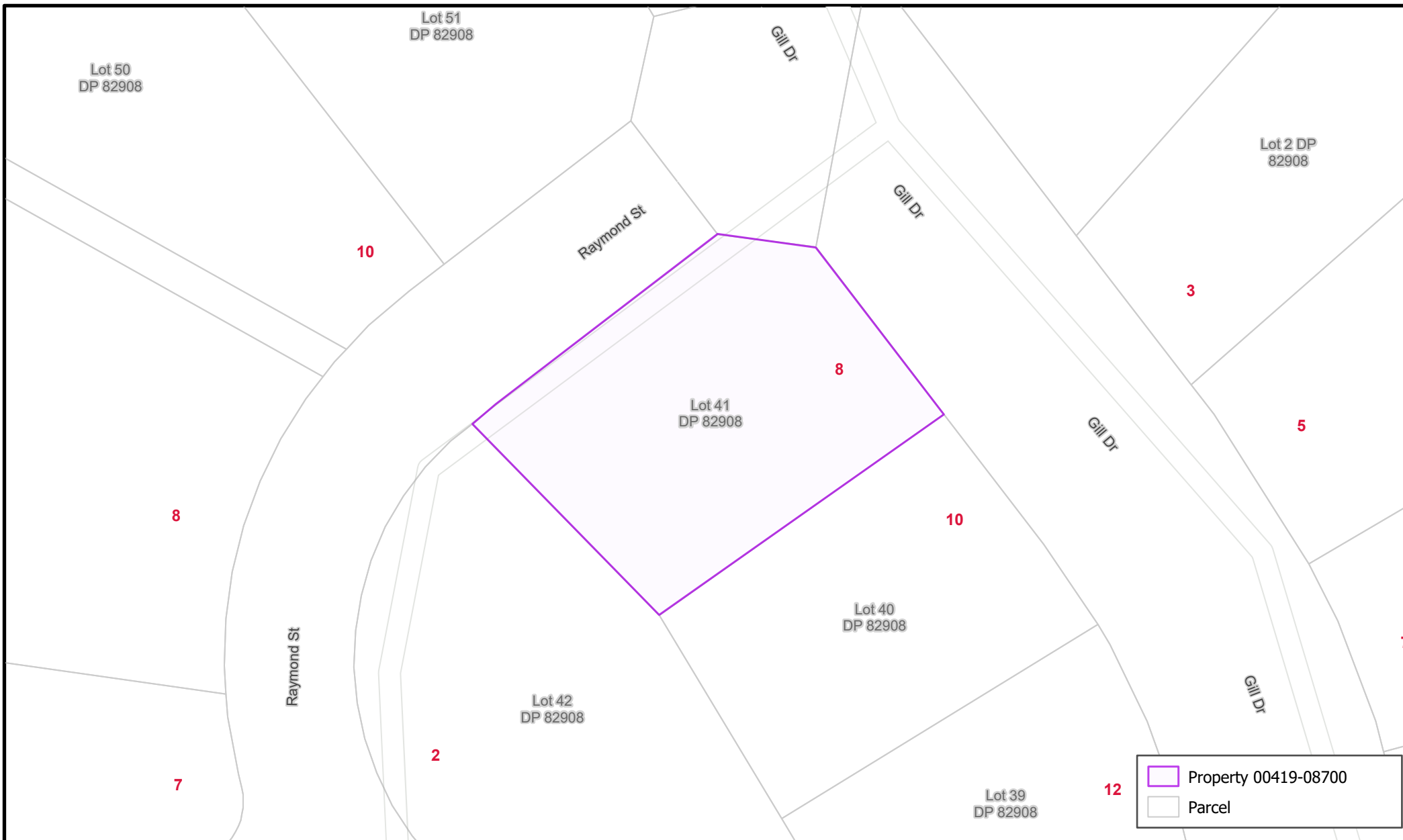
T BATH

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 at the date of issue only. Where the Council has advised 'not known' in respect of any category it is the responsibility of the applicant to undertake any other enquiries. Information can change over time (e.g., new consents issued, hazards identified) and council does not have to re-issue or amend LIMs issued if information changes or new information becomes known after the date of issue. If more information is required regarding the content of this LIM, the applicant should seek independent professional or legal advice.

Disclaimer

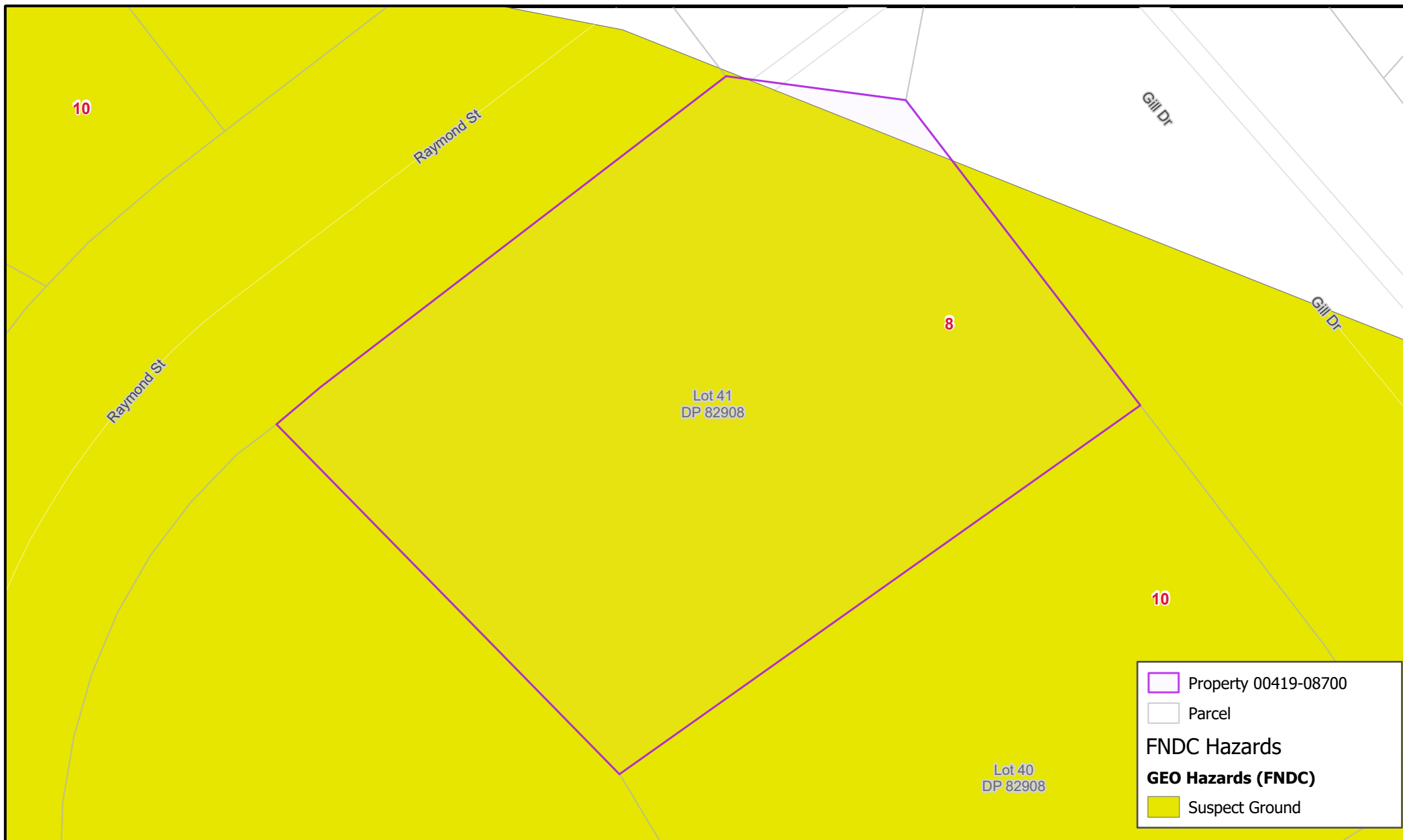
The information in this Memorandum is provided for the use of the applicant alone and is not to be relied on by any third party. The Council assumes no responsibility to any person other than the applicant. Where information has been supplied to Council by a third party it cannot guarantee the accuracy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

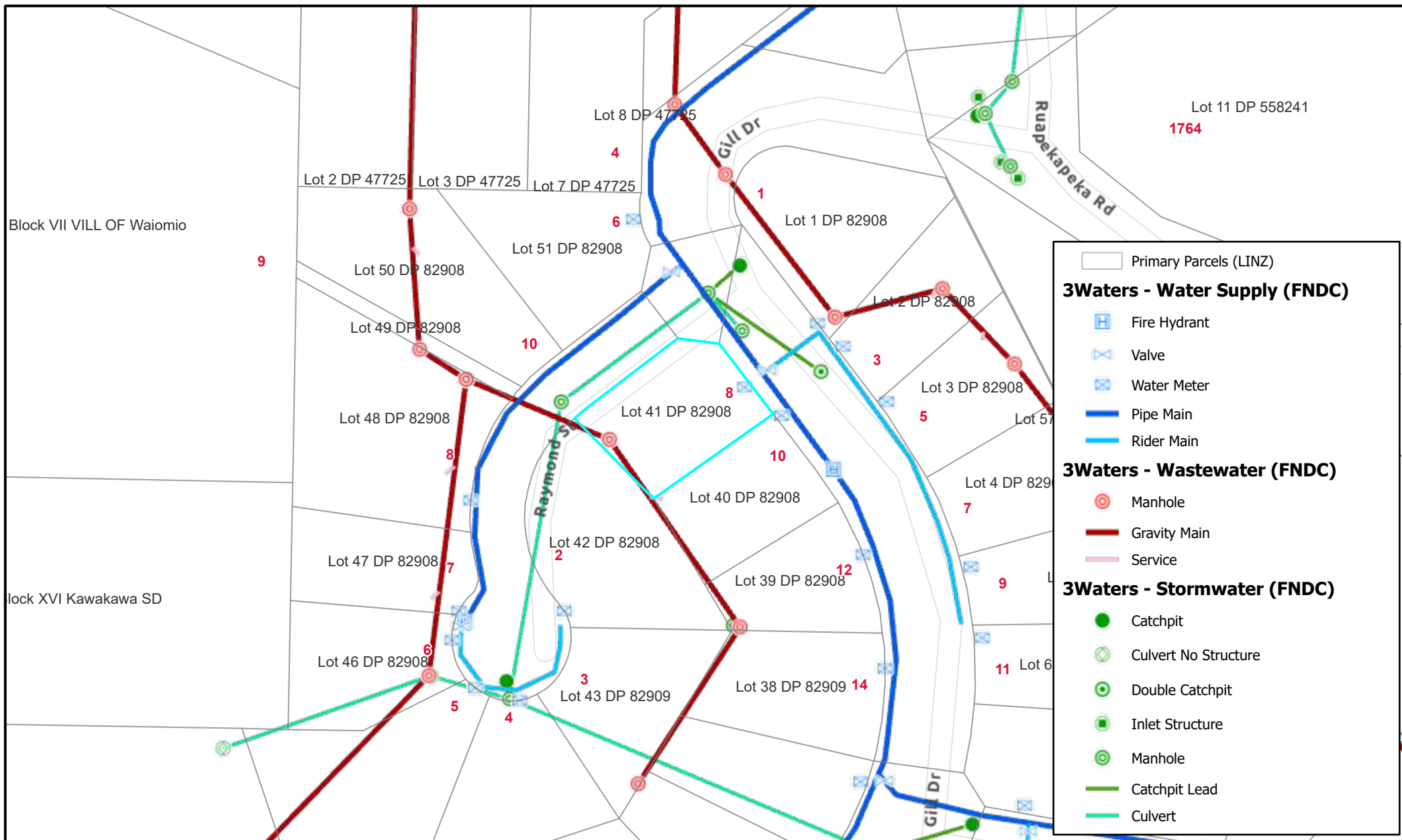




DISCLAIMER:

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

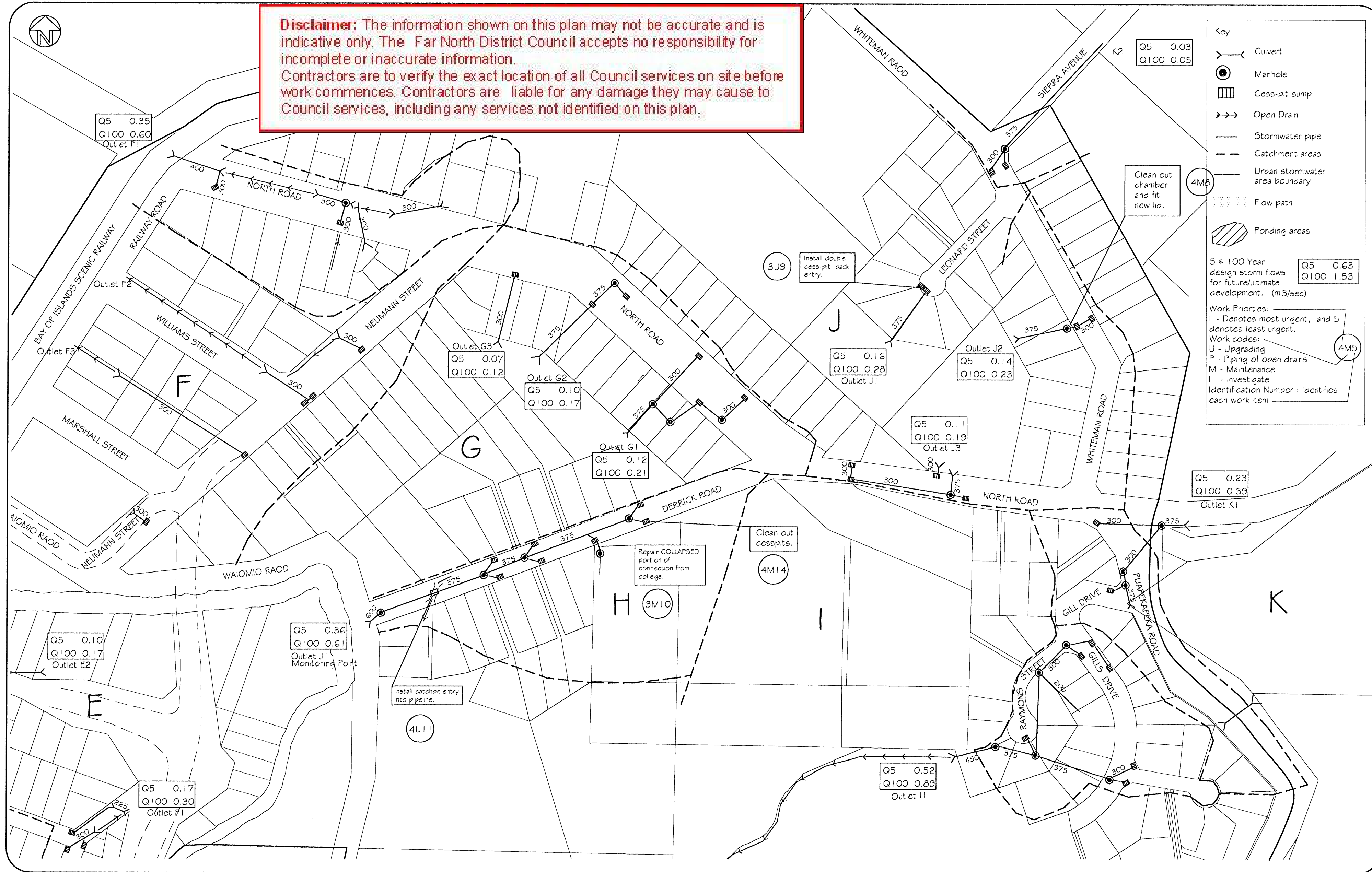
5 & 100 Year design storm flows for future/ultimate development. (m³/sec)

Q5	0.03
Q100	0.05

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

Q5	0.63
Q100	1.53

4M5



HAIGH CONSULTANTS LTD
14 Hobson Ave
P O Box 89
KERIKERI Ph (09) 4078327
Fax (09) 4078378

FAR NORTH DISTRICT
COUNCIL

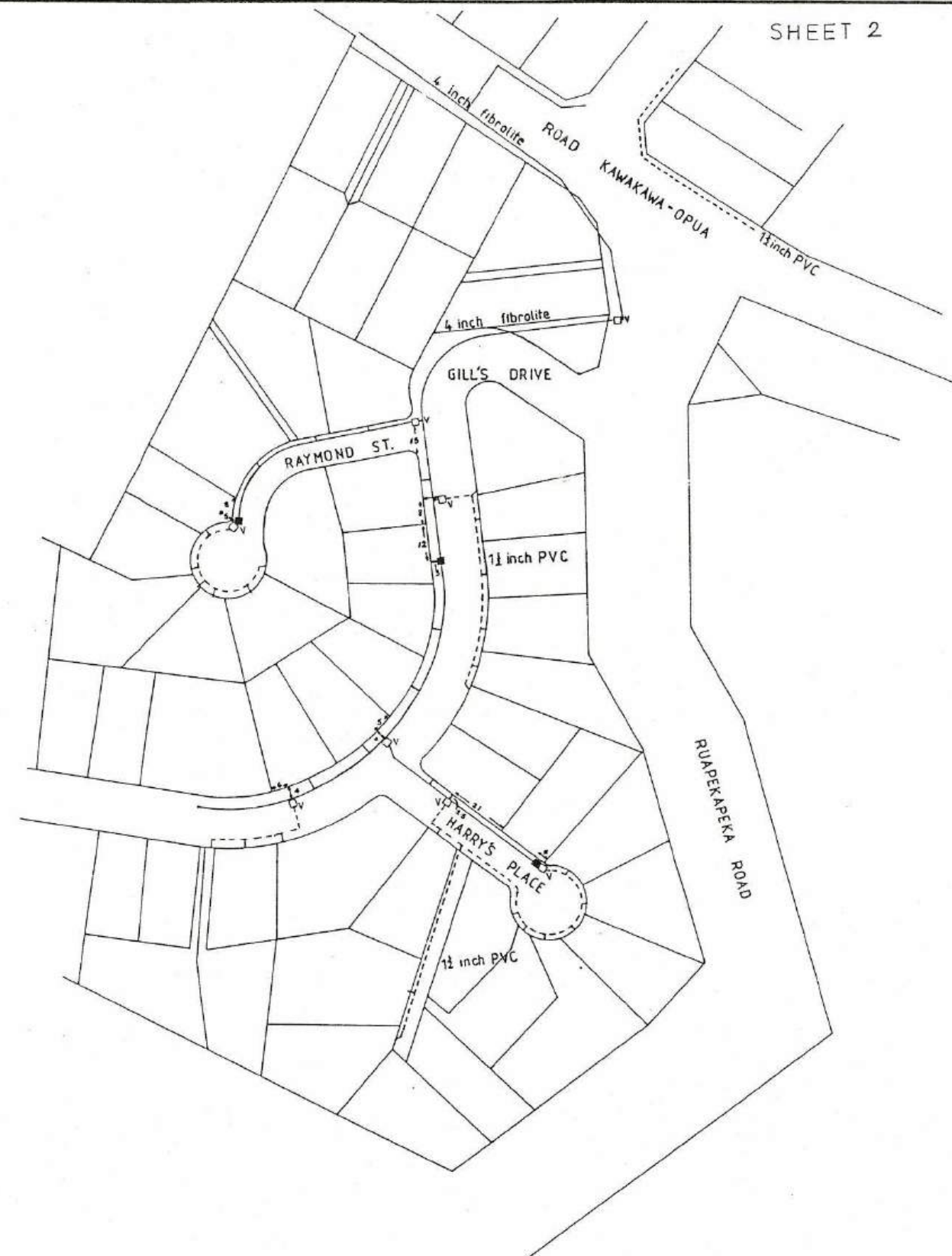
3.1 KAWAKAWA AREA

Urban Stormwater Management Plan
3 Kawakawa Ward

DRAWN: Pip
SCALE: 1:2000

DATE: 2/03/04
CHECKED:

SHEET:
3 of 3
REF: 01 095



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.

BAY OF ISLANDS COUNTY COUNCIL

SCALE 1:1000

SURVEYED
DESIGNED
TRACED
CHECKED

O.S.T

REVISIONS

NO.	DATE	DETAIL	BY

APPROVED

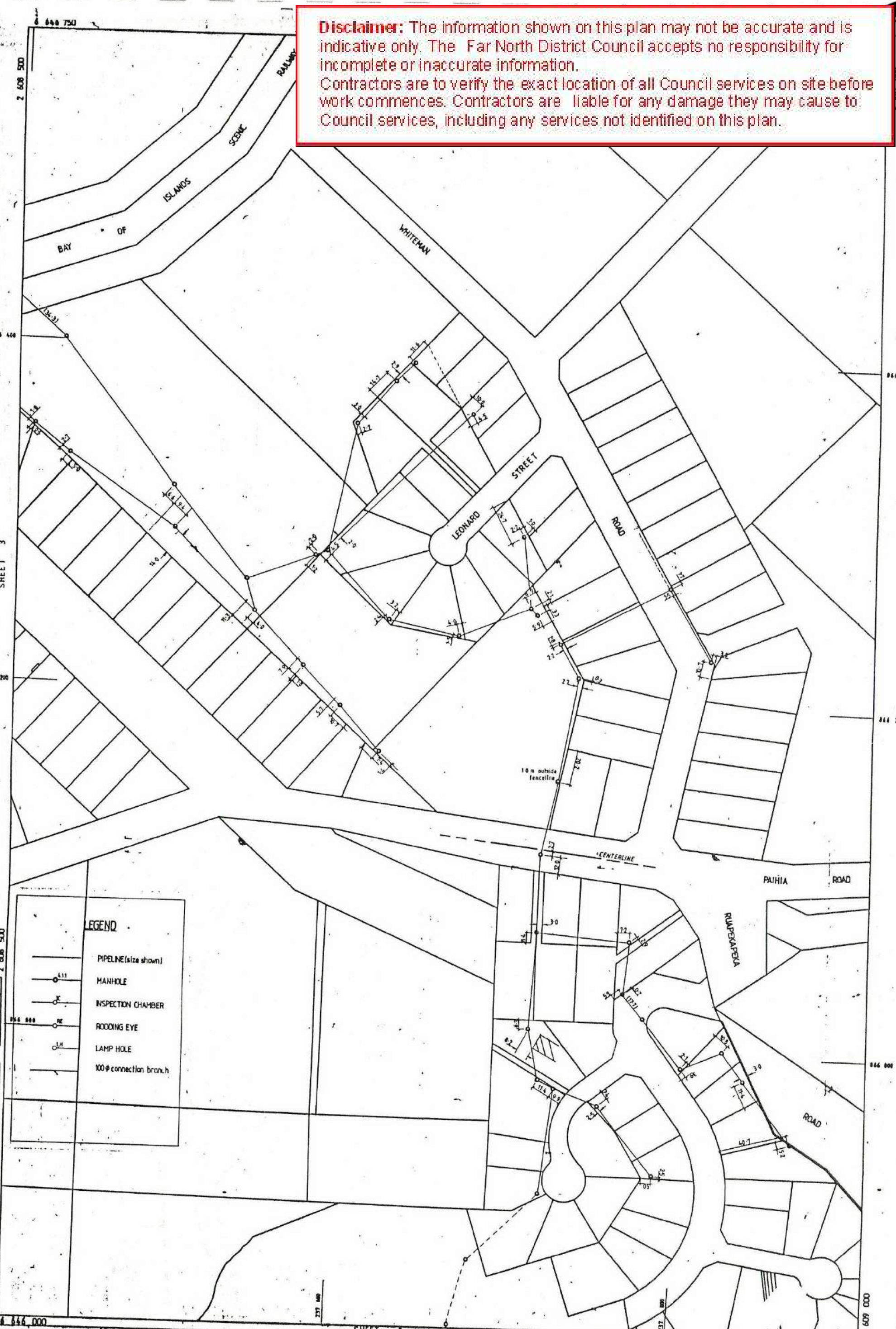
COUNTY ENGINEER
FIELD BOOK
LEVEL BOOK
FILE

KAWAKAWA WATER RETICULATION

SHEET NO 5 OF 6 SHEETS

KAW20004

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.



- LEGEND**
- PIPELINE (size shown)
 - MANHOLE
 - INSPECTION CHAMBER
 - RODDING EYE
 - LAMP HOLE
 - 100mm connection branch

SURVEYED	17/90
DESIGNED	1/1
TRACED	1/9/90
CHECKED	1/9/90

REVISIONS	
1	As per plan
2	As per plan
3	As per plan
4	As per plan

INDEX TO ADJOINING MAPS

1	2	3	4
5	6	7	8

KAW30023

infomap
SURVEY AND LAND INFORMATION

FAR NORTH DISTRICT COUNCIL

KAWAKAWA SEWERAGE - AS BUILT

APPROVED

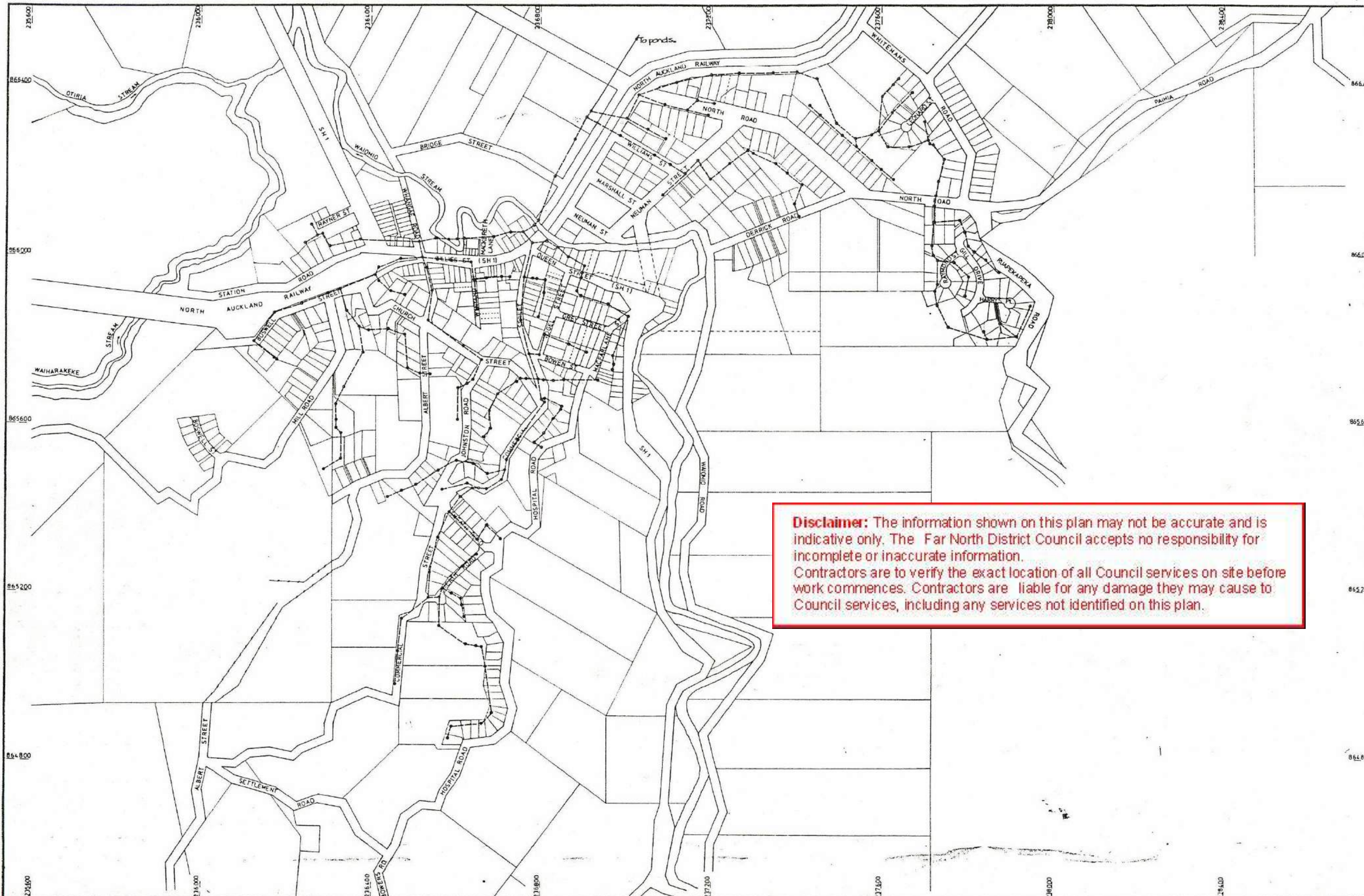
COUNTY ENGINEER

P05

1:1000

78.32

The Redacted Information sheet was produced from the Department of Survey and Land Information Digital Redacted Data Base. Approved for internal reproduction by Bay of Islands County Council Internal License Agreement. All other reproduction prohibited except with the express permission of the Bay of Islands County Council.



BAY OF ISLANDS COUNTY COUNCIL

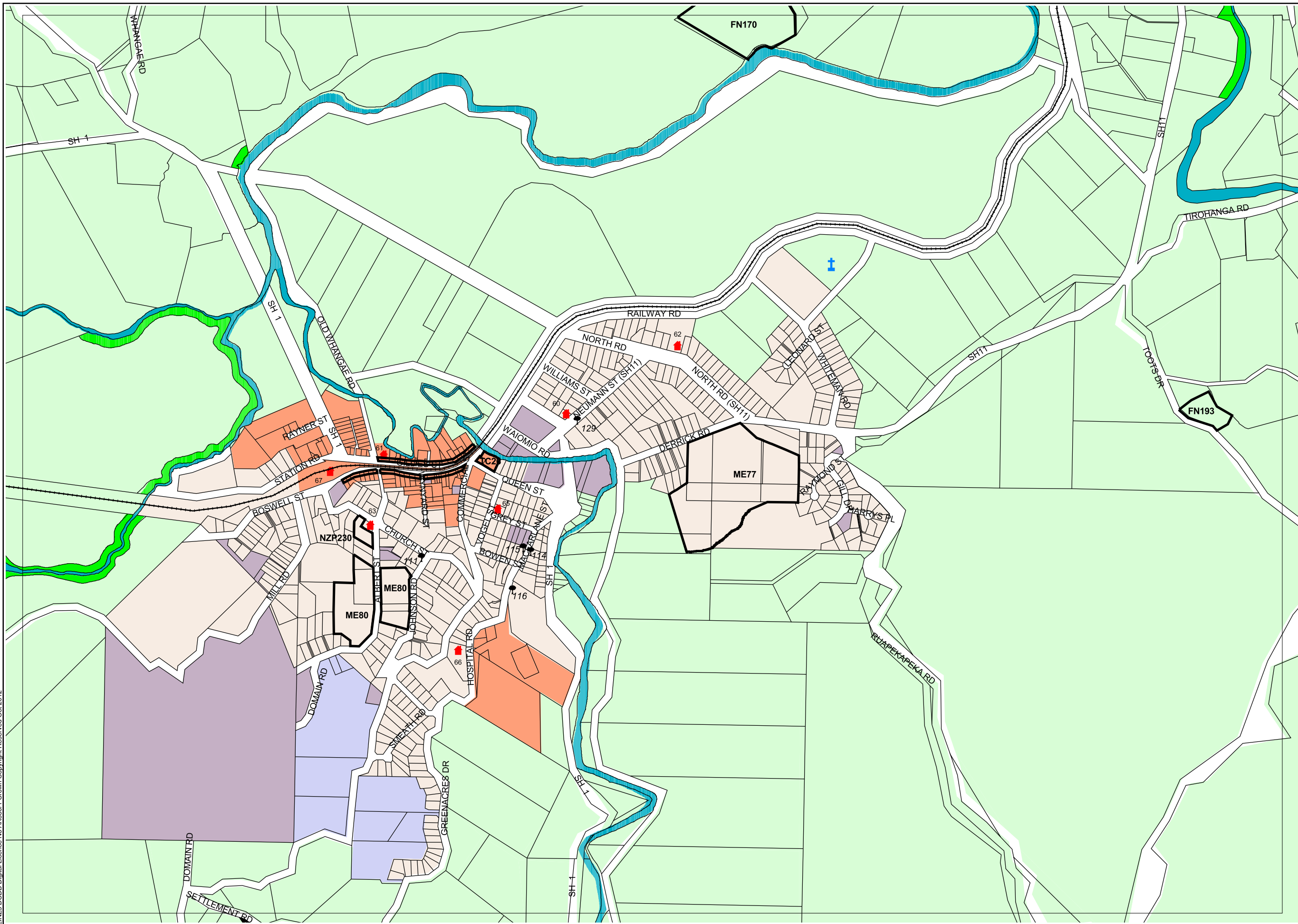
SCALE 1:4 000		REVISIONS		APPROVED	
50	0	100	200m	DATE	BY
SURVEYED				DETAIL	
DESIGNED					
TRACED	NR	5/89			
CHECKED					

COUNTY ENGINEER
FIELD BOOK LEVEL BOOK FILE

KAWAKAWA

SEWER MANHOLE LOCATIONS.

KAW30011



- Zone**
- Conservation
 - Commercial
 - Lakes and Rivers
 - Residential
 - Recreational Activities
 - Rural Living
 - Rural Production
 - Road
 - Designations
 - Pedestrian Frontage
 - Cemetery
 - Historic Site
 - Notable Tree
 - New Zealand Railways Corporation Designation

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

36
105
42

Map Index
Map 105
KAWAKAWA

7 URBAN ENVIRONMENT

CONTEXT

Redistribution and increase of population in the District is causing a demand for the expansion of some settlements. This has the potential to cause significant effects on the environment. In particular, urban expansion requires the provision of infrastructure (roads, electricity, telecommunications, water supplies, sewage and stormwater disposal systems, and community facilities such as parks and reserves, public parking, libraries and halls). It also results in a demand for residential, commercial, industrial and community activity.

Some other settlements have declining populations and a consequent decline in associated urban activities. This can have the effect of creating a surplus of infrastructure for the activities which wish to utilise them. These resources, such as buildings, roads and service infrastructure, cannot be moved to another location. Enabling people and communities to provide for their well-being by the use of such physical resources in innovative ways which do not have significant adverse effects on the environment is as important as managing development in expanding communities.

The various urban areas within the District have distinct, and often unique, amenity values. It is this variety which contributes to the diversity of the District and to the quality of life of its residents.

Amenity is protected in this Plan by providing separate zones for housing, industry and commerce, and by establishing appropriate thresholds. The thresholds reflect the different levels of sensitivity to environmental effects of the various urban activities.

A consequence of urban development is an increase in the area of impermeable surfaces. This in turn can affect the speed, volume and quantity of runoff into streams and rivers and can result in a significant deterioration of the natural environment of streams, rivers and the coast. This can be minimised through the use of Low Impact Design principles and through catchment-based management measures.

7.1 ISSUES

- 7.1.1 The demand for development which leads to urban expansion and the potential for this expansion to adversely affect the character and amenity of the areas in which it occurs.
- 7.1.2 The intensity of urban development generates a need for community-based utility services, in order to avoid adverse effects on the environment.
- 7.1.3 The adverse effects on communities of under-utilised buildings and infrastructure.
- 7.1.4 Amenity values within urban areas can be adversely affected by inappropriate subdivision, use and development.
- 7.1.5 Urban development results in an increase in impermeable surfaces and a risk of environmental degradation of streams, rivers and the coast and the habitats of flora and fauna that they contain.
- 7.1.6 Urban development leads to an increased demand for water in a District where there are summer shortfalls.
- 7.1.7 Increasing the intensity of urban development may generate more traffic and a demand for roads and access to them.

7.2 ENVIRONMENTAL OUTCOMES EXPECTED

- 7.2.1 Urban areas developed in a manner that promotes sustainable management of natural and physical resources, while preserving the distinctive character and amenity of each area.
- 7.2.2 Urban areas where a wide range of activities are provided for in a manner which ensures that adverse effects on the environment are avoided, remedied or mitigated.
- 7.2.3 Urban areas containing a variety of residential and non-residential environments, providing for a level of amenity which is appropriate to the particular environment.

7.3 OBJECTIVES

- 7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.
- 7.3.2 To enable the continuing use of buildings and infrastructure in urban areas, particularly where these are under-utilised.

- 7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.
- 7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.
- 7.3.5 To achieve the development of community services as an integral and complementary component of urban development.
- 7.3.6 To ensure that sufficient water storage is available to meet the needs of the community all year round.

7.4 POLICIES

- 7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.
- 7.4.2 That the permissible level of effects created or received in residential areas reflects those appropriate for residential activities.
- 7.4.3 That adverse effects on publicly-provided facilities and services be avoided or remedied by new development, through the provision of additional services.
- 7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.
- 7.4.5 That new urban development avoid:
 - (a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;
 - (b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;
 - (c) adversely affecting outstanding natural features, landscapes and heritage resources;
 - (d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
 - (e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;
 - (f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;
 - (g) adversely affecting the safety and efficiency of the roading network;
 - (h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.
- 7.4.6 That the natural and historic heritage of urban settlements in the District be protected (refer to **Chapter 12**).
- 7.4.7 That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.
- 7.4.8 That infrastructure for urban areas be designed and operated in a way which:
 - (a) avoids remedies or mitigates adverse effects on the environment;
 - (b) provides adequately for the reasonably foreseeable needs of future generations; and
 - (c) safeguards the life-supporting capacity of air, water, soil and ecosystems.
- 7.4.9 That the need for community services in urban areas is recognised and provided for.

7.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

- 7.5.1 **Policies 7.4.1, 7.4.2 and 7.4.7** are implemented through patterns of zoning appropriate to each urban area and the zone rules in the Plan.
- 7.5.2 **Policies 7.4.3, 7.4.4 and 7.4.9** are implemented through controls on subdivision applications (**Chapter 13**) and on applications for land use consents.
- 7.5.3 Methods in **Chapter 12 - Natural and Physical Resources**, together with the zoning pattern, will achieve **Policies 7.4.5, 7.4.6 and 7.4.8**.

- 7.5.4 Financial contributions (**Chapter 14**), towards provision car parking associated with non-residential activities and esplanade areas may be required. The amount of contribution will take account of the need for such services (**Policy 7.4.3**).
- 7.5.5 Land suitable for urban expansion is identified in the **Zone Maps (Policy 7.4.5)** and also in structure plans e.g. the **Watea Structure Plan (Section 18.2)**.

OTHER METHODS

- 7.5.6 The Council may promote opportunities for development, particularly of urban areas with under-utilised physical resources, through means other than the Plan e.g. Mainstreet programmes.
- 7.5.7 The Council will investigate the introduction of bylaws requiring on-site water storage to be provided when land is subdivided or developed within the urban environment, notwithstanding that there may be an existing reticulated water supply.
- 7.5.8 The Council will investigate the need for, and opportunities to provide, additional water storage for new and existing settlements, especially those in coastal locations.
- 7.5.9 The Council will promote the use of Low Impact Design principles to reduce site impermeability and provide education material to increase awareness.

COMMENTARY

People accept changes as an inevitable consequence of life in the Far North but they also expect some degree of certainty in the development of urban areas. Certainty as to the effects of uses they and their neighbours can make of their land contributes to their well-being. Urban areas generally involve relatively intense forms of development that require communal services in order that the effects of development can be made acceptable. Having made the investment in these services it is sensible that the community is able to make continuing use of the services.

*The Plan is not prescriptive in respect of the types of activities that can occur in the urban areas of the District. Control of development as exercised through **Policies 7.4.2, 7.4.4, 7.4.7** and **7.4.8** is therefore aimed at avoiding, remedying or mitigating any adverse effects that activities may have on the environment.*

*For the same reason, **Policies 7.4.1** and **7.4.9** also target the need for activities to be consistent with, or to enhance, the amenity of the area in which they are located. Equity is important in this context. The policies apply equally to all people.*

***Policies 7.4.3** and **7.4.7** recognise that urban development implies relatively high density of development. This in turn requires the provision of community-based services if amenity values and the condition of the natural and physical environment are to be maintained.*

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.

7.6 RESIDENTIAL ZONE

CONTEXT

The Residential Zone enables the development of residential areas where the effects of activities permitted in the zone are compatible with sustainable development and with the existing character and amenity, which is typically medium density residential living.

The zone contains specific amenity standards designed to protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between Maraenui Drive and the Kerikeri Town Centre.

The zone also contains specific provisions for protecting the residential amenity of the Coopers Beachfront Estate, as defined on *Planning Map 61*.

7.6.1 ISSUES

These issues supplement those set out in *Section 7.1*.

- 7.6.1.1 Areas that are predominantly residential, or that are identified for the future development of residential activity, can be adversely affected by development that does not have a residential character, scale and intensity similar to that of existing residential development.

7.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in *Section 7.2*.

- 7.6.2.1 Residential areas containing a range of activities that are compatible, in terms of their effects, with the predominant residential use and character of those areas.

7.6.3 OBJECTIVES

These objectives supplement those set out in *Section 7.3*.

- 7.6.3.1 To achieve the development of new residential areas at similar densities to those prevailing at present.
- 7.6.3.2 To enable development of a wide range of activities within residential areas where the effects are compatible with the effects of residential activity.
- 7.6.3.3 To protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive.

7.6.4 POLICIES

These policies supplement those set out in *Section 7.4*.

- 7.6.4.1 That the Residential Zone be applied to those parts of the District that are currently predominantly residential in form and character.
- 7.6.4.2 That the Residential Zone be applied to areas which are currently residential but where there is scope for new residential development.
- 7.6.4.3 That the Residential Zone be applied to areas where expansion would be sustainable in terms of its effects on the environment.
- 7.6.4.4 That the Residential Zone provide for a range of housing types and forms of accommodation.
- 7.6.4.5 That non-residential activities only be allowed to establish within residential areas where they will not detract from the existing residential environment.
- 7.6.4.6 That activities with net effects that exceed those of a typical single residential unit, be required to avoid, remedy or mitigate those effects with respect to the ecological and amenity values and general peaceful enjoyment of adjacent residential activities.

- 7.6.4.7 That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.
- 7.6.4.8 That the portion of a site or of a development that is covered in buildings and other impermeable surfaces be limited so as to provide open space around buildings to enable planting, and to reduce adverse hydrological, ecological and amenity effects.
- 7.6.4.9 That sites have adequate access to sunlight and daylight.
- 7.6.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on a site.
- 7.6.4.11 That the built form of development allowed on residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive remains small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

COMMENTARY

This Plan identifies the need to provide for both additional development in existing residential areas, and for the expansion of residential development into new areas.

The Council does not see the need, at this stage in the development of the District, for a sophisticated array of development controls. Rather, it has established rules that are designed generally to ensure that the type of residential development that has occurred historically in the Far North can continue provided adverse environmental effects are avoided, remedied or mitigated.

However, the Plan provides flexibility for new forms of residential activity, and also non-residential activity, to locate in residential areas. It is assumed that this type of development will be the exception rather than the rule in the Residential Zone. The effect of all activity must be consistent with the residential nature of surrounding development. This is important in enabling people to make decisions about the use and development of their land, and contributes to their well-being.

The entrance to Kerikeri along Kerikeri Road from SH10 is an important part of the town's identity for local residents and visitors alike. The road side stalls, tourist orientated enterprises, extensive landscape planting and shelter belts, add to the character of the entrance to Kerikeri, which is one of a mature landscape in which built form is well integrated with the surrounding vegetation. Specific requirements for building setbacks, landscape planting and vehicle crossings along Kerikeri Road will ensure that these special amenity values are recognised and protected.

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

7.6.5 ZONE RULES

Activities in the 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**).

7.6.5.1 PERMITTED ACTIVITIES

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

- (a) it complies with the standards for permitted activities set out in **Rules 7.6.5.1.1 to 7.6.5.1.17** below; and
- (b) it complies with the relevant standards for permitted activities set out in **Part 3 of the Plan - District Wide Provisions**.

7.6.5.1.1 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.

7.6.5.1.2 RESIDENTIAL INTENSITY

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

Sewered sites: 600m²

Unsewered sites: 3,000m²

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 (as 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.

- (b) Accessory buildings on a site within the Coopers Beachfront Estate are a permitted activity provided that:
- (i) there is no more than one accessory building detached from each residential unit on the site; and
 - (ii) any accessory building which is detached from the residential unit has a total floor area of no more than 45m².

7.6.5.1.3 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 600m² (sewered)

2 persons per 3,000m² (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 of 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.

7.6.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

7.6.5.1.5 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.

7.6.5.1.6 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 50%.

7.6.5.1.7 SET BACK FROM BOUNDARIES

- (a) The minimum building setback from road boundaries shall be 3m, except that;
 - (i) no building shall be erected within 9m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive; and
 - (ii) no building shall be erected within 10m of the Cobham Road boundary on Lot 1 DP 28017 and Lot 1 DP 46656 or the Kerikeri Inlet Road boundary of Lot 1 DP 404507 (and any sites created as a result of a subdivision of these lots);
 - (iii) no new buildings as of 25 March 2019 shall be erected within 10m of the Kerikeri Inlet boundary of Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333.
- (b) The minimum set-back from any boundary other than a road boundary, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), shall be 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 there from (i.e. a 2m wide planting strip along the road boundary) shall be landscaped, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots). For the landscaping required on Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots) refer to Rule 7.6.5.1.10 (b) below; and
- (d) The minimum set back from any other boundary other than the road boundary on Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) shall be 3m.

Landscaping includes grassed areas but does not include paved areas, drive ways or car parking (refer to **Chapter 3 Definitions**).

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

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.

7.6.5.1.8 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.

7.6.5.1.9 OUTDOOR ACTIVITIES

Except as otherwise provided by **Rule 7.6.5.1.10**, 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.

7.6.5.1.10 VISUAL AMENITY

(a) Within the Coopers Beachfront Estate (as defined on **Planning Map 61**) domestic vehicles, and recreational vessels which are on a road trailer, may be stored on a site provided that:

- (i) no materials, machinery, non-domestic vehicles or non-trailer borne vessels shall be stored; and
- (ii) no repair, restoration or maintenance of any vessels shall be carried out; and
- (iii) no new commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles, shall be carried out

on a site in the Coopers Beachfront Estate, unless stored or carried out within a building, except during the period of construction and/or maintenance of a residential unit and/or accessory buildings on the site.

(b) Prior to any building work on Lot 1 DP 28017 and Lot 1 DP 46656 located on Cobham Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) the following shall be provided:

- (i) The entire length of the road boundary, other than access points, shall be fenced using a visually permeable fence of varying heights not exceeding 1.8m and shall be planted to a depth of at least 3m from the road boundary with trees and shrubs that reflect the non weed species present along the road corridor. The planting shall predominantly visually mitigate and screen the built development within the site when viewed from the road. Full screening of all built development is not required. This fencing and planting shall be maintained in perpetuity.
- (ii) All other external boundaries of the above sites, not including the road or stream boundaries, shall be fenced using a visually permeable fence not exceeding 1.8m in height and shall be planted to a depth of at least 1.5m from the site boundary with shrubs and trees that will, in time, achieve a height sufficient to ensure the mitigation and screening of buildings within the site from neighbouring properties. Full screening of all buildings is not required. This planting shall be maintained in perpetuity.

(c) Prior to any building work on Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 located on Kerikeri Inlet Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) a landscaping plan that has been approved by Council showing:

- Screening of the entire length of the Kerikeri Inlet Road boundary, other than the access point, with a pittosporum hedge (or similar dense foliage evergreen hedge, or mix of species) capable of achieving a minimum height of 3m and a minimum of twenty trees capable of achieving a height of 5m within the 10m setback area behind the required hedge. Visually impermeable fencing can be installed on the road side of the hedge;
- Screening of the eastern boundary of Lot 1 DP 404507 with an evergreen hedge capable of growing to a minimum height of 3m;
- A hedge of *Griselinia littoralis* or similar along the western boundary of Lot 1 DP 404507 where it adjoins Lot 2 DP 103531 and Lot 1 DP 181291 to achieve a minimum height of 2.5m;
- Tree planting along the northern boundary, and within the northern third of Lot 1 DP 404507 and Lot 1 DP 181291. The proposed species must reflect the character of the area and the proximity to the stream, be capable of attaining a minimum height of 10.0 metres, and shall be resistant to Myrtle Rust. The trees shall be planted as pb95 specimens. The objective of the tree planting is to soften and fragment views of the site from the north rather than screen views.
- All planting shall be implemented and maintained in perpetuity.

7.6.5.1.11 TRANSPORTATION

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

7.6.5.1.12 SITE INTENSITY - NON-RESIDENTIAL ACTIVITIES

- (a) except as provided in (b) hereunder, the maximum net area of activities other than residential units on any site shall be 1,000m² for sewered sites, and 5,000m² for unsewered sites, except that this area may be exceeded for public reserves without buildings;
- (b) in the Coopers Beachfront Estate (as defined on **Planning Map 61**) retail sales of goods and services (excluding home stay accommodation, rental accommodation or holiday accommodation not being a camping ground or motor camp) are not a permitted activity.

7.6.5.1.13 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.

7.6.5.1.14 KEEPING OF ANIMALS

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

7.6.5.1.15 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 at or within the notional boundary of any dwelling in a rural or coastal zone:

0700 to 2200 hours	50 dBA L ₁₀
2200 to 0700 hours	45 dBA L ₁₀ and 70 dBA L _{max}

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"*.

7.6.5.1.16 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

7.6.5.1.17 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% of the gross site area.

7.6.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Residential Zone if:

- (a) it complies with all of the standards for permitted activities under **Rules 7.6.5.1** except for **7.6.5.1.6 Stormwater Management**; and

- (b) it complies with **7.6.5.2.1 Stormwater Management** below; and
- (c) 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 must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

7.6.5.2.1 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 60% or 600m², whichever is the lesser.

In order for an activity to be regarded as a controlled activity, a report must be prepared to demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off to no more than the levels that would result from the permitted threshold of buildings and other impermeable surface coverage in **Rule 7.6.5.1.6**. Any report required by this rule shall be prepared by a Chartered Professional Engineer or other suitably qualified person and must be provided to Council with an application for resource consent.

Note: The Verification Method E1/VM1 in the New Zealand Building Code (1992), Clause E1 Surface Water, can be utilised to demonstrate compliance with this rule.

Note: If no report is provided with the application, or if the report cannot demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off, then the activity becomes a discretionary activity.

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) 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;
- (g) the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;
- (h) the extent to which landscaping and vegetation may reduce adverse effects of run-off;
- (i) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.

7.6.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

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

- (a) it does not comply with any one of the following **Rules 7.6.5.1.2 Residential Intensity; 7.6.5.1.3 Scale of Activities; 7.6.5.1.4 Building Height; 7.6.5.1.5 Sunlight; 7.6.5.1.7 Setback from Boundaries; 7.6.5.1.11 Transportation; 7.6.5.1.15 Noise** and/or **7.6.5.1.17 Building Coverage** as set out above; but
- (b) it complies with all of the other rules for permitted and controlled activities under **Rules 7.6.5.1 and 7.6.5.2**; and
- (c) it complies with **Rules 7.6.5.3.1 Residential Intensity; 7.6.5.3.2 Scale of Activities; 7.6.5.3.3 Building Height; 7.6.5.3.4 Sunlight; 7.6.5.3.5 Building Coverage; 7.6.5.3.6 Transportation; 7.6.5.3.7 Setback from Boundaries** and **7.6.5.3.8 Noise** 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.

7.6.5.3.1 RESIDENTIAL INTENSITY

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

Sewered sites: 300m²

Unsewered sites: 2,000m²

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 (as 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;
- (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.

7.6.5.3.2 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 same household shall not exceed:

4 persons per 600m² (sewered)

4 persons per 3,000m² (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 of 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.

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.

7.6.5.3.3 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.

7.6.5.3.4 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**).

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.

7.6.5.3.5 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a restricted discretionary activity if the total Building Coverage of a site does not exceed 55% or 550m², whichever is the lesser, of the gross site area.

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

- (a) the ability to provide adequate landscaping for all activities associated with the site;
- (b) the extent to which building(s) are consistent with the character and scale of the existing buildings in the surrounding environment;
- (c) the scale and bulk of the building in relation to the site;

- (d) the extent to which private open space can be provided for future uses;
- (e) the extent to which the cumulative visual effects of all the buildings impact on landscapes, adjacent sites and the surrounding environment;
- (f) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;
- (g) the extent to which landscaping and other visual mitigation measures may reduce adverse effects;
- (h) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.

7.6.5.3.6 TRANSPORTATION

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

7.6.5.3.7 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of **Rule 7.6.5.1.7 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) for Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) and sites having frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:
 - (i) the scale of the buildings;
 - (ii) the extent of setback from Kerikeri Road and Cobham Road;
 - (iii) the visual appearance of the site from the Kerikeri Road and Cobham Road frontage;
 - (iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts;
- (f) 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.

7.6.5.3.8 NOISE

In assessing an application resulting from a breach of **Rule 7.6.5.1.15 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.

7.6.5.4 DISCRETIONARY ACTIVITIES

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

- (a) it complies with **Rules 7.6.5.1.13 Hours of Operation for Non-residential Activities** and **7.6.5.1.14 Keeping of Animals** for permitted activities set out above; and
- (b) 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
- (c) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under **Rules 7.6.5.1, 7.6.5.2, and 7.6.5.3** 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.

7.6.5.4.1 HELICOPTER LANDING AREA

Any helicopter landing area.

13 SUBDIVISION

CONTEXT

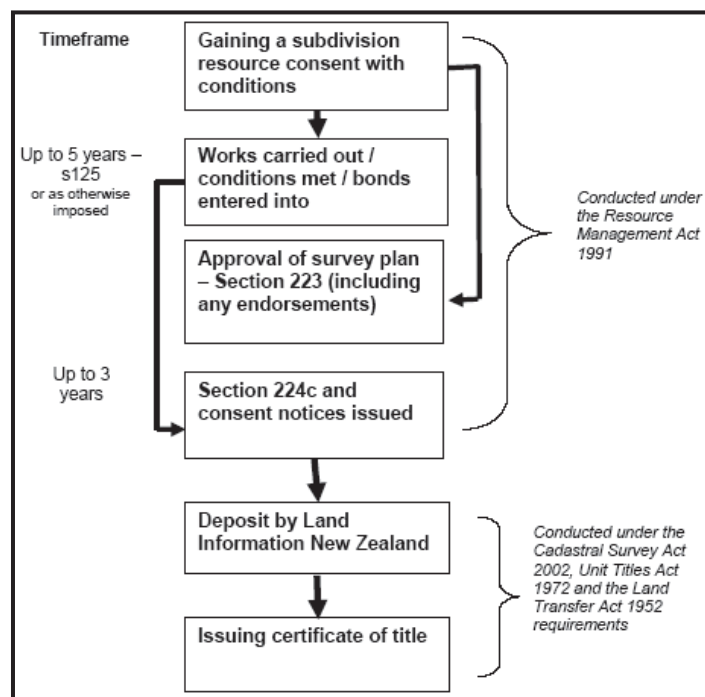
The Far North District Council is responsible for issuing two types of resource consents – land use consents and subdivision consents. In many cases both types of consents must be obtained before a development can proceed. Consents may also be needed from the Northland Regional Council. This chapter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

13.1 ISSUES

- 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

- 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

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

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)
The minimum lot size is 20ha. Note 1: 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 Rule 13.7.2.5). Note 2: Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity. Note 3: Subdivision within 100m of the boundary of the Minerals Zone is a restricted discretionary activity.	1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone; 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² 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 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; 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. Note 1: 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 Rule 13.7.2.5). Note 2: Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity.	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m² 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 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. 4. Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity. Note 1: There is no restriction on the number of 4ha lots in a subdivision (clause 1). Note 2: 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.

(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)
A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² 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. Note: 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.		1. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m² 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 2. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Note: Any further subdivision under this alternative (Clause 1) is a Non-complying Activity.

(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)
The minimum lot size is 4,000m² Note 1: There is no restriction on the number of 4,000m² lots in a subdivision. Note 2: 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 Rule 13.7.2.5).		The minimum lot size is 3,000m² Note: There is no restriction on the number of 3,000m² lots in a subdivision.

(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)
The minimum lot sizes are 3,000m² (unsewered) and 600m² (sewered).		The minimum lot sizes are 2,000m² (unsewered) and 300m² (sewered).

(vi) COMMERCIAL 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)
The minimum lot sizes are 3,000m ² (unsewered) and 250m ² (sewered).		The minimum lot size is 2,000m ² (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

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)
The minimum lot sizes are 3,000m ² (unsewered) and 500m ² (sewered).		The minimum lot size is 2,000m ² (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

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.	The minimum lot size is 20ha. Note 1: There is no restriction on the number of 20ha lots in a subdivision. Note 2: 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 Rule 13.7.2.5).	A subdivision in terms of via a management plan as per Rule 13.9.2 may be approved.

(ix) COASTAL 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)
The minimum lot size is 4ha (with provision for stormwater and wastewater disposal as a necessary part of the application). Note 1: 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 Rule 13.7.2.5). Note 2: Subdivision within 100m of the boundary of a Mineral Zone is a restricted discretionary activity.	1. The minimum lot size is 8,000m ² (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 ² (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 Rule 13.9.2 may be approved.

(x) COASTAL 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)
The minimum lot sizes are 3,000m ² (unsewered) and 800m ² (sewered).		The minimum lot sizes are 2,000m ² (unsewered) and 600m ² (sewered).

(xi) RUSSELL TOWNSHIP 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)
The minimum lot sizes are 3,000m ² (unsewered); and 1,000m ² (sewered).		The minimum lot sizes are 2,000m ² (unsewered) and 800m ² (sewered).

(xii) SOUTH KERIKERI INLET 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.	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

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)
Nil. Subdivision is a non-complying activity in this zone.		Nil. Subdivision is a non-complying activity in this zone.

(xiv) POINT VERONICA 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)
As in accordance with the approved development plan (refer Appendix 6D)		Any subdivision not provided for by way of a controlled activity shall be non-complying.

(xv) CARRINGTON ESTATE 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)
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 (Appendix 6E in Part 4 of the Plan), and as further detailed in Maps Sub 1-9 submitted within the consent applications, and in accordance with the conditions of RC 1990480/A .		Any subdivision not provided for by way of a controlled activity shall be non-complying.

(xvi) HORTICULTURAL PROCESSING 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)
Minimum lot size of 4,000m ² , maximum of 3 lots; for horticultural processing activities (as described in Rule 18.4.6.1).		Minimum lot size of 2,000m ² , maximum of 3 lots; for horticultural processing activities (as described in Rule 18.4.6.1); or for any other activity.

(xvii) CONSERVATION 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)
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

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)
The minimum lot sizes are 3,000m ² (unsewered) and 1,000m ² (sewered) provided the subdivision is part of an approved Comprehensive Development Plan in accordance with Rule 18.8.6.1 and Rule 18.8.6.3.3 and provided that the maximum number of separate titles created shall not exceed seven in the zone.		The minimum lot sizes are 2,000m ² (unsewered) provided that the subdivision is part of an approved Comprehensive Development Plan in accordance with Rule 18.8.6.1 and Rule 18.8.6.3.3 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

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)
The minimum lot size is 20ha except in the General Coastal Zone. Note: 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. 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 Puerua Heritage Precinct).	The minimum lot size is 20ha in the General Coastal Zone.	1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per Rule 13.9.2; 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 Appendices 1A and 1B 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. 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 Puerua Heritage

		Precinct).
--	--	------------

(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)
	Subdivision of up to 60 new lots for residential (golf living) purposes, provided that: (a) no lot is less than 4,000m² 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.	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

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 4,000m² 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 4,000m² 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, rats¹, 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.

¹Kiore 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) 5,000m² 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.

HEL:LB BIC 509

MR FINCH

21st November 1975

Messrs Reyburn and Bryant,
Registered Surveyors,
P.O. Box 191,
WHANGAREI.

Dear Sirs,

Mr H. Gill, Subdivision at Ruapekapeka Road - Kawakawa:

I understand that you seek clarification regarding the necessity for pedestrian access between Lots 49 and 50 and that as Lots 40 and 41 are under tentative sale and purchase agreement to the Crown, would Council select other sections for a reserve contribution.

This matter was discussed by Council at their recent meeting, when the following resolution was adopted:-

"That the Surveyors be advised that:-

- (1) The pedestrian access to the College grounds between Lots 49 and 50 is to make provision in the future for the safety of children by providing a possible alternative pedestrian route other than down Ruapekapeka Road and on to the Kawakawa-Paihia main through traffic route.
- (2) That Council adheres to its decision to require Sections 40 and 41 in lieu of reserve contributions."

With reference to para. 4 in your letter dated 30th October 1975;

(1) Sewerage:

- (a) Sewer has been extended to subdivision boundary between existing lots 2 and 3.
- (b) The original subdivision engineering plans allow for the subdivider to connect to the sewer over existing section 8 (subdivider's responsibility).

(2) Water Supply: (Council responsibility)

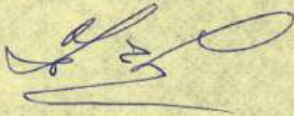
A 4" supply extends to the intersection sections 6 and 8 and will be extended over section 8 frontage. An increased supply is forthcoming when the new Whitemans Road bulk supply connection is

made which should be carried out prior to Christmas.

Yours faithfully,

M.M. Plowright
GENERAL MANAGER:

per:

A handwritten signature in blue ink, appearing to be 'M.M. Plowright', written over a horizontal line.

HEL:LB BIC 509

MR FINCH

20th October 1975

Reyburn and Bryant,
Registered Surveyors,
P.O. Box 191,
WHANGAREI.

Dear Sirs,

Proposed subdivision at Kawakawa for Mr H. Gill:

Your letter of the 2nd October 1975, together with the scheme plan of the above proposal, was considered by Council at their recent meeting, together with a report from a Special Meeting of the Planning Committee who made a field inspection of this subdivision, when the following resolution was adopted:-

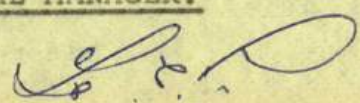
"That approval be granted for the proposed subdivision of Pt Allotment 132, Ruapekapeka Parish and Pt Section 3, Block XVI, Kawakawa D.D. subject to compliance with the following conditions:

- (1) The provision of Lots 19, 20 and 56 as reserves and of lots 30, 40 and 41 in lieu of reserve contribution.
- (2) The provision of underground power and telephone reticulation, street lighting to accompany the power reticulation.
- (3) The design and formation of the access onto the Ruapekapeka Road to be to the satisfaction of the County Engineer.
- (4) The provision of a pedestrian accessway between Lots 49 and 50 from the road to the boundary.
- (5) The extension of the public sewer and the adjacent water main to be negotiated between ~~developer~~ and Council.
- (6) Development and construction of roads and engineering services to be in accordance with Bay of Islands County Council subdivisional standards with particular reference to the following clauses:
 - 6.1. Stormwater control - Grassing.
 - 6.2. Earthworks Compaction - Lots 42 to 50.
 - 6.4. Vehicular Access - Lots 2 to 6, 46 to 50.
 - 7.8. Pedestrian Accessways.
 - 7.11. Structural Pavement design.
 8. Stormwater drainage.
 - 8.11. Stormwater connections - Lots 32 to 40, 46 to 50.
 - 9.1. Sanitary sewers - Lots 2, 46 to 50.
 - 9.2. Pump Station - Lots 46 to 50.

Engineering plans and specifications are to be submitted for approval.

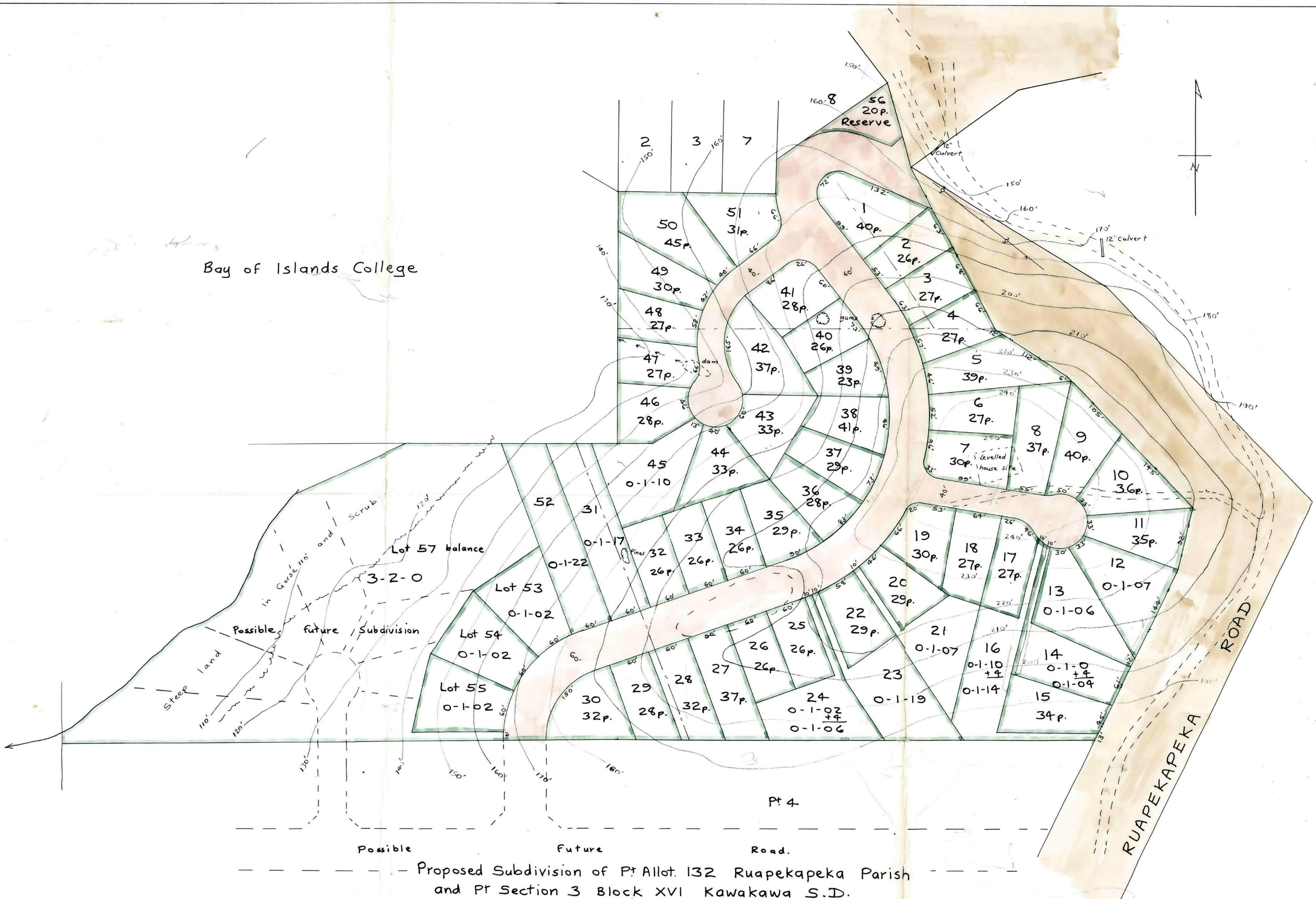
Yours faithfully,

M.M. Plowright
GENERAL MANAGER:

per: 

Bay of Islands College

1878



Proposed Subdivision of Pt Allot. 132 Ruapekapeka Parish
and Pt Section 3 Block XVI Kawakawa S.D.

C.T. 1928/79 & C.T. 301/167 - H. Gill - owner

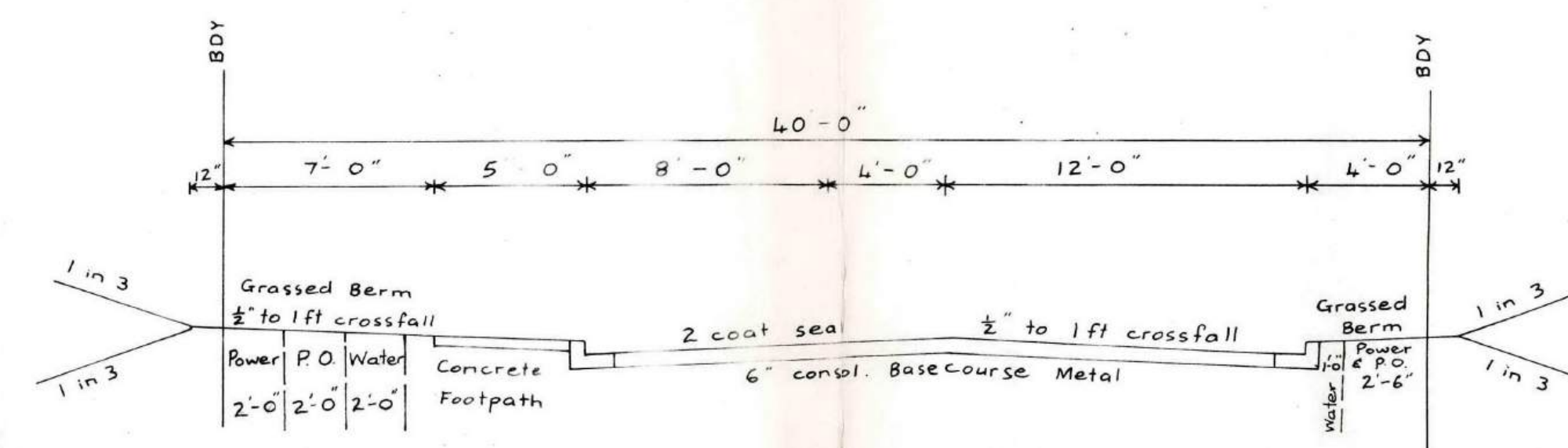
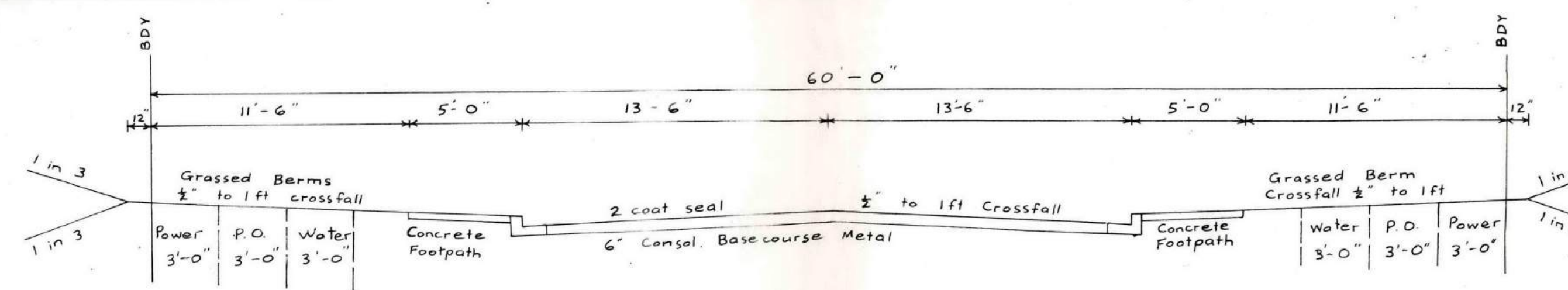
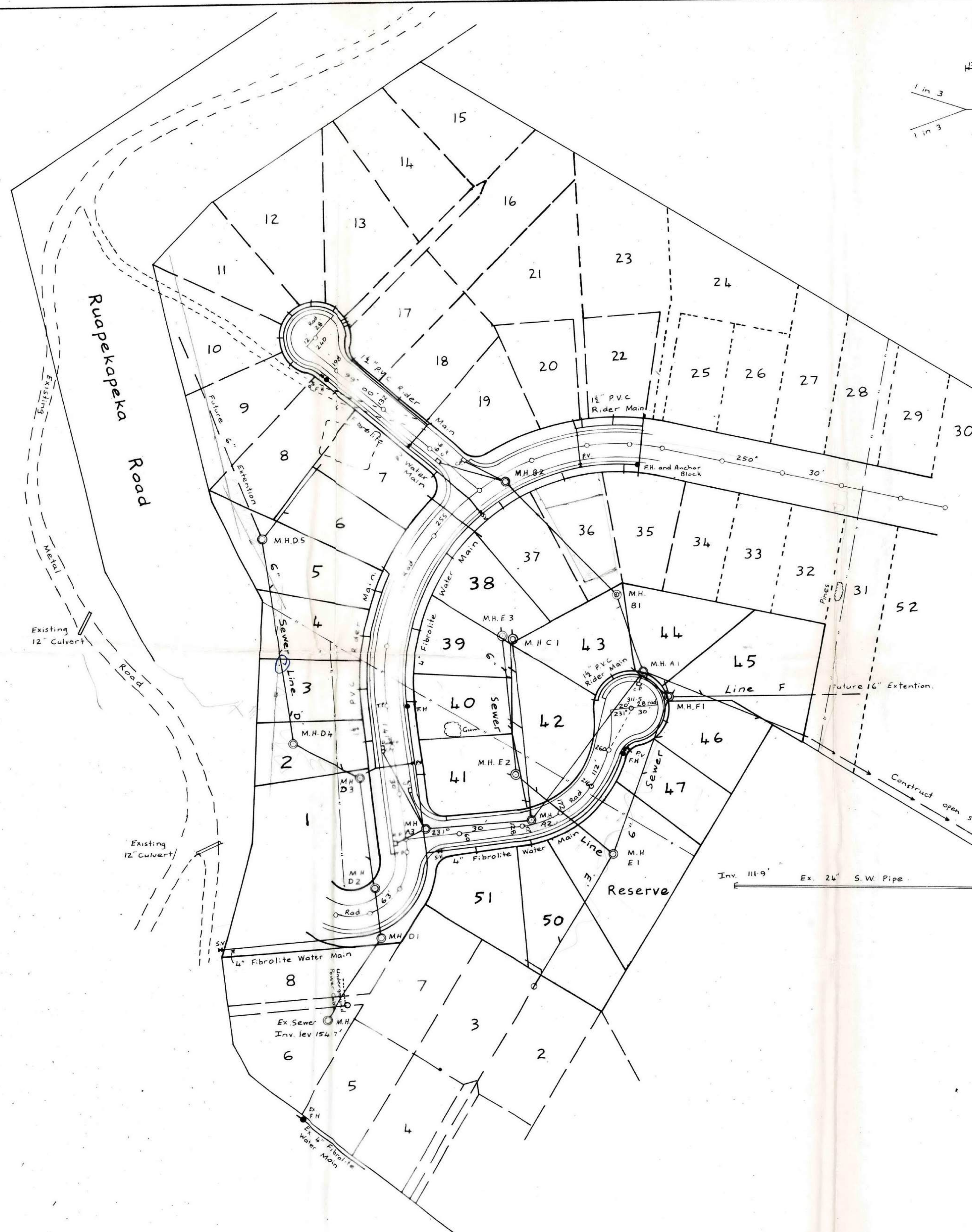
Scale: 1 Chain to an inch

Prepared by Reyburn & Bryant - Reg Surveyors - Whangarei

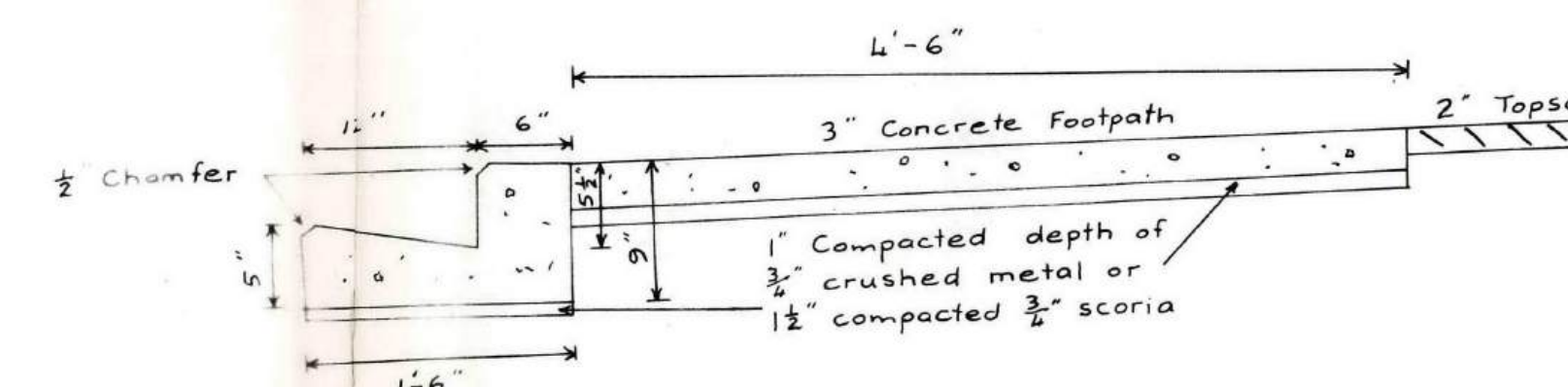
December 1972

BIC 509

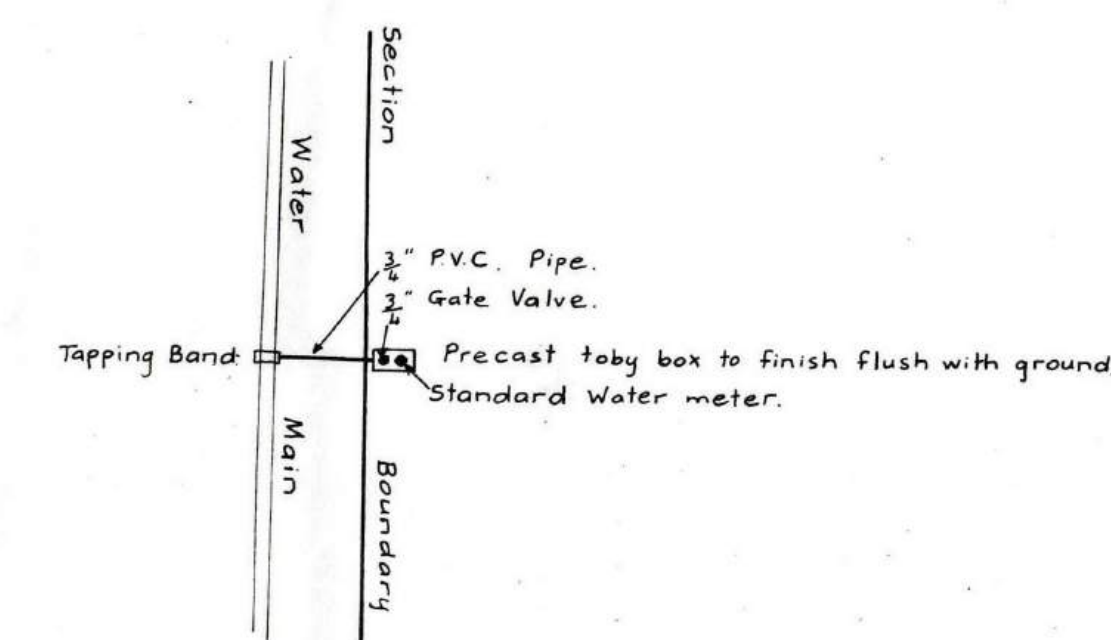
3-1-73



Typical Cross Sections
Scale 5 feet to an inch.



Kerb & Channel and Footpath Details.
Scale: 1 foot to an inch.



Detail of house
water connections.

7/4/75

COMPLETION CERTIFICATE:

B.I.C

T.P.C

LEGAL DESCRIPTION

Processing Fee
Engineering Fee

Rec. No

Rec. No

CONDITIONS OF APPROVAL:56. BIC 509A - GILLS SUBDIVISION, KAWAKAWA:

16 MAR 1977

Resolved: That the bond to the amount of \$10,000 be accepted to cover the maintenance period in respect of the subdivision works and that authority be given for the completion of the land transfer plan when outstanding works have been completed.

16 MAR 1977

24.12 BIC 509A - Harry Gill Trust:Resolved: 22 JUN 1977

22 JUN 1977

That the Land Transfer Plans of Lots 1-5, 20, 39-42, 46-51, 57 & 58 being subdivision of pt Allot 132, Ruapekapeka Parish and Pt Section 3, Blk XVI, Kawakawa S.D. Lots 6, 7, 19, 35-38, and 43-45, being subdivision of Pt Section 3, Blk XVI, Kawakawa S.D. and Lots 8-11, 59 & 60, being subdivision of Pt Section 3, Blk XVI, Kawakawa S.D. be approved pursuant to Section 34 of the Counties Amendment Act 1961 and certifying that the requirements of Section 33 (4) of the Town and Country Planning Act 1953 have been complied with, be completed under Seal by the Chairman and County Clerk on behalf of Council, subject to compliance with the conditions of approval.

BIC 509 - H. Gill Subdivision, Kawakawa:Resolved:

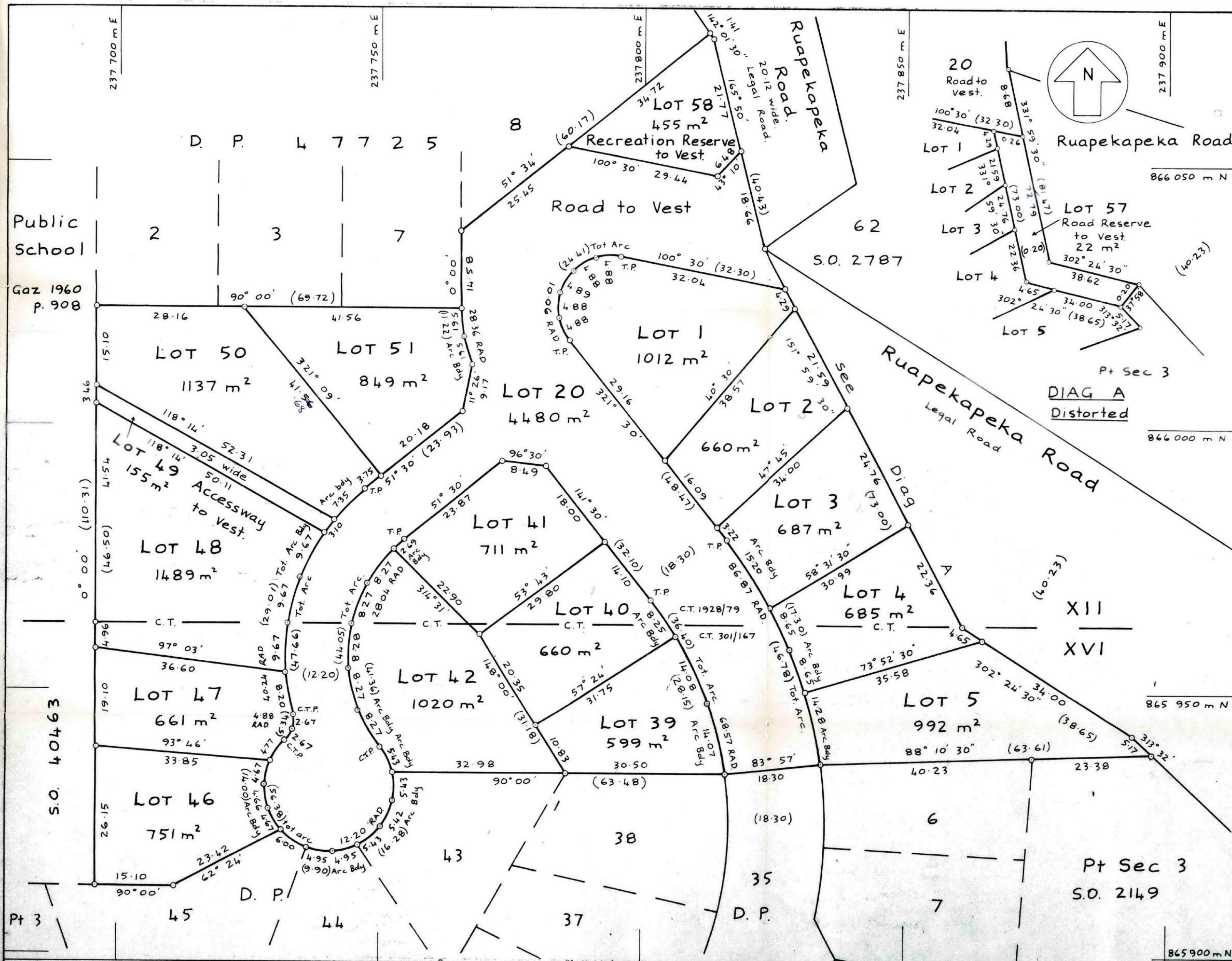
15 DEC 1977

That Council approve the reduction of the completion bond from \$10,000 to \$2,000 cash.

\$8000 Refund made 2/7/78. [Signature]

I HEREBY CONFIRM that the condition or conditions of approval as listed above for which I am responsible, have been complied with to my satisfaction.

Health Inspector _____ Building Inspector _____
 Surveyor/Planner *Ok Gm Latham 15/6/77* _____
 Engineering *AB [Signature] 15/6/77 cash \$10,000 bond received for maintenance period. Power and telephone not yet installed* _____
 Roading _____ Sewerage _____ Stormdrainage _____
 U/Ground Power _____ U/Ground T/Phone _____ Water _____
 Assistant County Treasurer _____
 Reserve Land Acquisition _____
 Land Transfer plan approved on _____ and sealed on *22/6/77* _____
 Assistant County Clerk *BB [Signature] for* _____ Despatched *30/6/77* _____
 Power Board Copy Despatched *Abb. [Signature]* _____



Approvals.

This plan is concurrent with D.P.

Pursuant to a resolution of the _____ day of _____ 19____, approving under Section 34 of the Counties Amendment Act, 1961, the subdivision shown hereon and certifying that the requirements of Section 23(4) of the Town and Country Planning Act, 1953, have been complied with, the Common Seal of the Chairman, Councillors and Inhabitants of the County of _____ was hereto affixed in the presence of:

Chairman

County Clerk

Approved:

Registered Owners.

Total Area 1.7025 ha.

Comprised in C.T. 1928/79 ALL & C.T. 301/167 PT

I, DAVID DAWSON REYBURN of WHANGAREI
Registered Surveyor and holder of an annual practising certificate hereby certify that this plan has been made from Surveys executed by me or under my direction; that both plan and Survey are correct and have been made in accordance with the regulations under the Surveyors Act 1966
Dated at WHANGAREI this _____ day of _____ 19____ Signature

Field Book _____ p. Traverse Book _____ p.

Reference Plans _____

Examined _____ Correct

Approved as to Survey _____

Chief Surveyor

Deposited this _____ day of _____ 19____

District Land Registrar

File _____
Received _____
Instructions _____

LAND DISTRICT NORTH AUCKLAND
SURVEY BLK. & DIST. XII & XVI KAWAKAWA
NZMS SHEET NO. _____

Plan of Lots 1-5, 20, 39-42, 46-51, 57 & 58
being Subdn of Pt Allot 132 Ruapekapeka Psh
& Pt Sec 3 BIK XVI Kawakawa S.D.

LOCAL AUTHORITY Bay of Islands County
Surveyed by REYBURN & BRYANT.
Scale 1:500 Date Dec 1976

P.O. Box:— *Rowney* Private Bag

Telephone No:— 71.499



DEPARTMENT OF JUSTICE

- 4 NOV 1977

CE. Raleo

LAND REGISTRY OFFICE,

AUCKLAND

2 November 1977

DEAR SIR,—

PLAN No. 82908, 82909 being a subdivision of pt Allot 132 Ruapekapeka Psh &

pt Sec 3 Blk XVI Kawakawa S.D.

1928/79, 301/167

signed by H. Gill as the ownerwas deposited on 31 October 1977Bay of Island County Council,P.O. Box 11,KAWAKAWA.

Yours faithfully,

for District Land Registrar

5154
DUPLICATE

BUILDING PERMIT

Refer to cover for general instructions regarding completion of this form.

1. LOCATION AND OWNERSHIP

Local Authority: BAY OF ISLANDS COUNTY COUNCIL Date: 16 / 5 / 78
Number on Valuation Roll: PT45/49/11 Receipt No. G3693
Lot: 41 D.P.: 82908 Section: _____ Block: XII, XVI
Site of Building: S.D. KAWAKAWA
Street: NORTH ROAD
Township or Rural District: _____
Riding: KAWAKAWA C.T.

H156908

OFFICE USE ONLY

Received from	<u>NORTHLAND PRE-CUT HOMES</u>	Authorised Officer
for Building Permit Fee, etc.	— — — \$ <u>64-00</u>	<u>R.P. ROEBUCK</u>
Building Research Levy	— — — \$ <u>22-00</u>	<u>16 / 5 / 19 78</u>
the sum of (Total)	— — — \$ <u>86-00</u>	

Owner — Name:	<u>DEPT OF MAORI AFFAIRS, (APPL)</u>	<u>HENRY GILL - EST</u>
Full Address:	<u>PRIVATE BAG, KAIKOHE</u>	<u>RUAPEKAPEKA ROAD, KAWAKAWA</u>
Builder — Name:	<u>NORTHLAND PRE-CUT HOMES LTD</u>	
Full Address:	<u>P.O. BOX 567, WHANGAREI</u>	

2. NATURE OF PERMIT (Tick box)

New building including separate buildings added to existing complex	☐	Repairs, alterations or extensions to an existing building	☒	Conversion	☒	Demolition	☒
---	--------------------------	--	-------------------------------------	------------	-------------------------------------	------------	-------------------------------------

3. VALUE AND AREA OF BUILDING

Est. value of building work	\$ <u>21,660-00</u>	If valued at more than \$20,000 state:		Total floor area (sq ft)
Est. value of plumbing and drainage if not included in permit	\$ _____	Est. commencement date	_____ Mth. 19	
		Est. completion date	_____ Mth. 19	
		Building registration No.	_____	(Sq. metres) <u>111.32</u>

4. DESCRIPTION OF BUILDING OR STRUCTURE AND MAIN PURPOSE FOR WHICH IT WILL BE USED:

NEW DWELLING

Special Conditions:



BCDEC

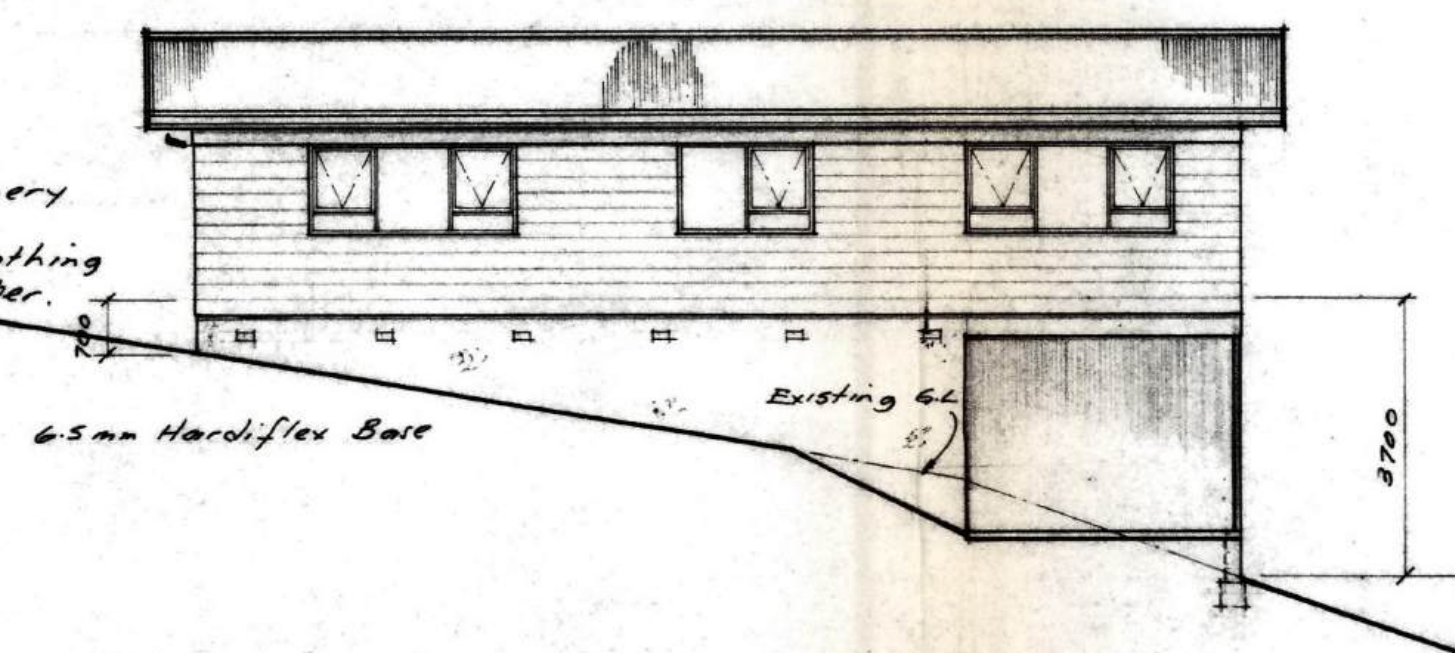
Permission is hereby granted you to carry out the works as proposed in accordance with the drawings and other documents submitted; such work to be subject at any time during progress to inspection, and to be carried out in strict conformity with the requirements of the council bylaws, and subject to the builder taking full responsibility for any damage done to any works such as telephone cables, power cables, water mains, sewers, pipes, footpaths, roads, or other services.

Stats.—B.C./MP/01

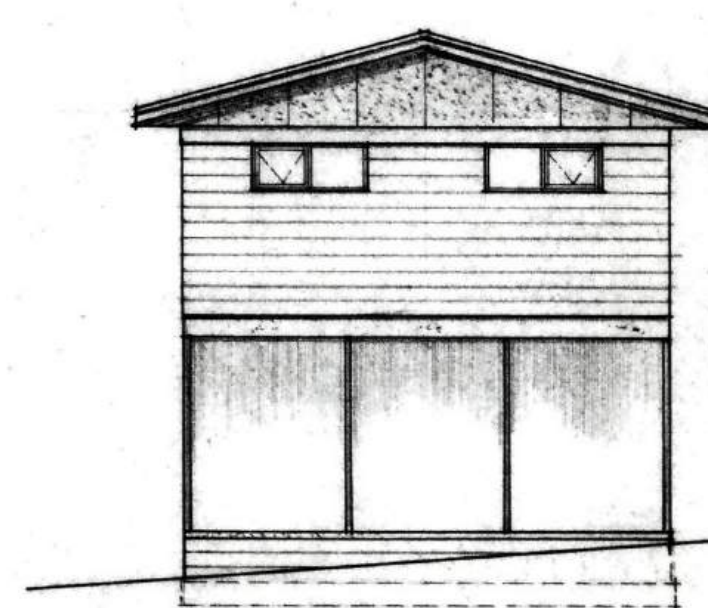
Issuing Officer. 6 / 6 / 78

C.G.I. Roofing at 15° Pitch.
on Building Paper & Netting.

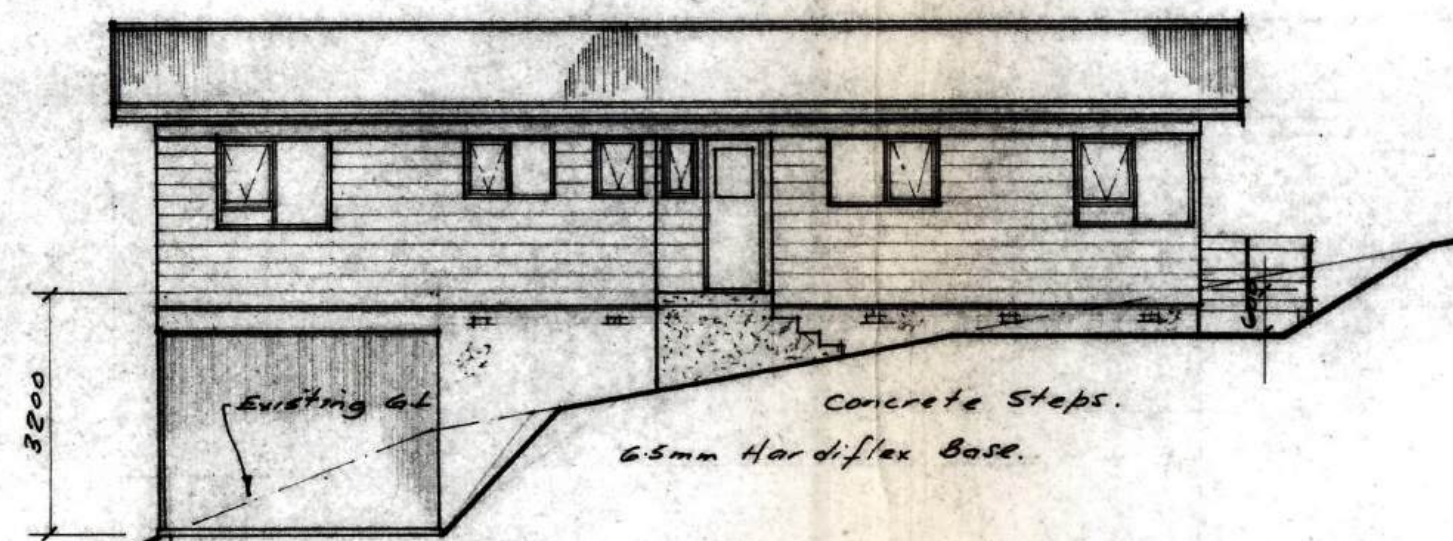
Rolls Alum Joinery
Fibreplank Sheathing
on Building Paper.



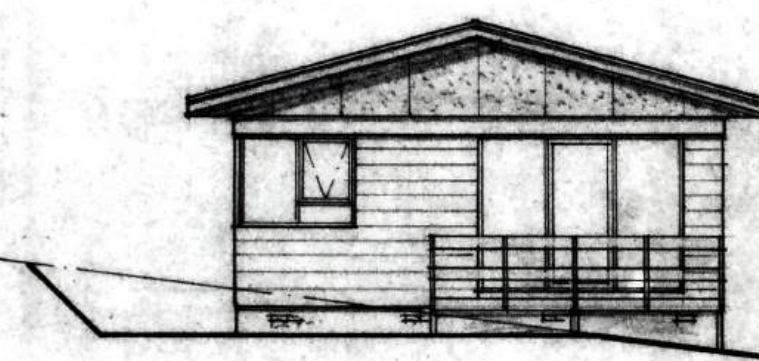
Front Elevation



End Elevation



Rear Elevation



End Elevation

75mm Loose In-fill Insulation.
to give R-Value = 1.9
in Ceiling.

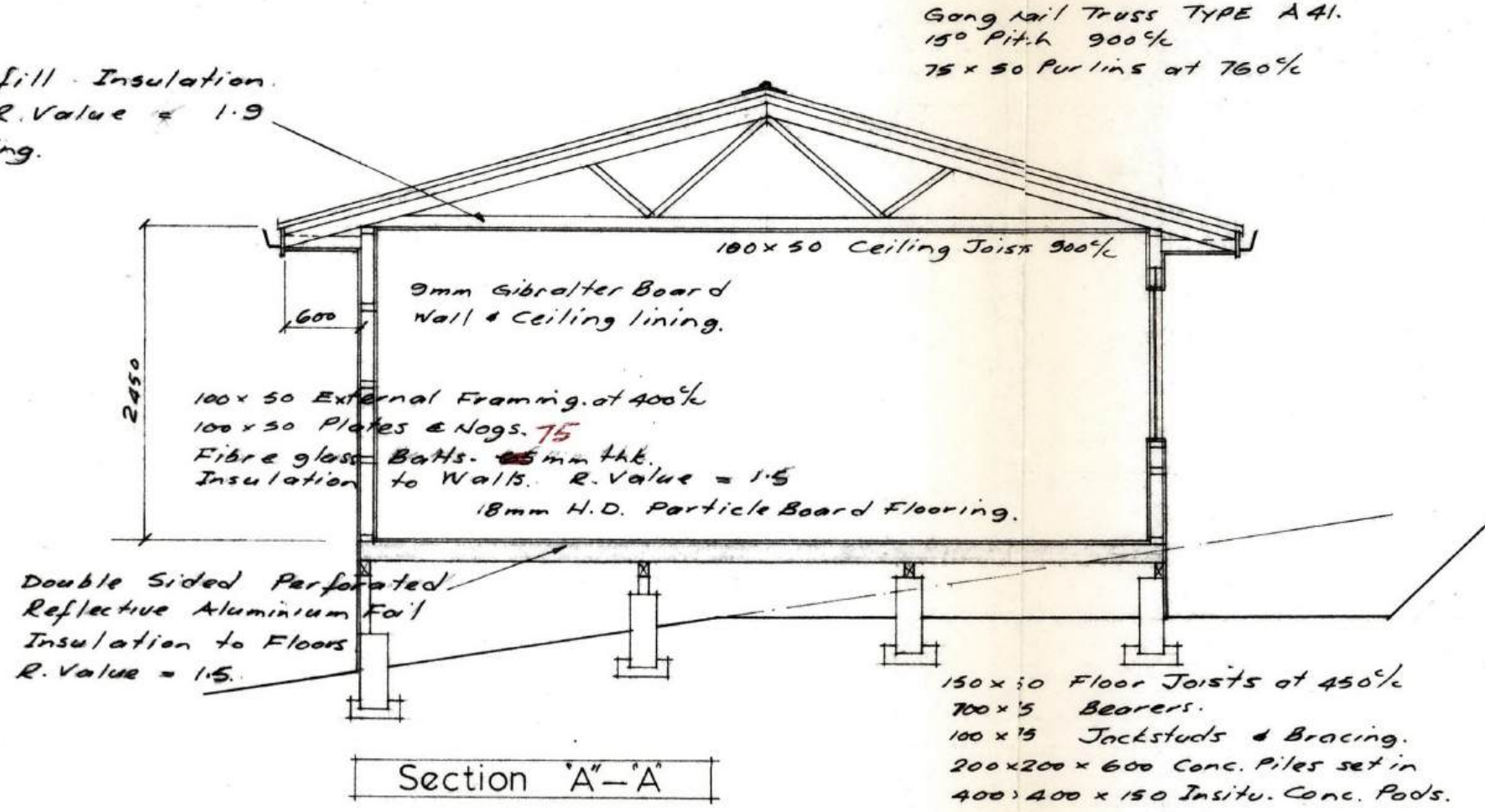
Hardiflex Panels.

Rolls Alum. Joinery.

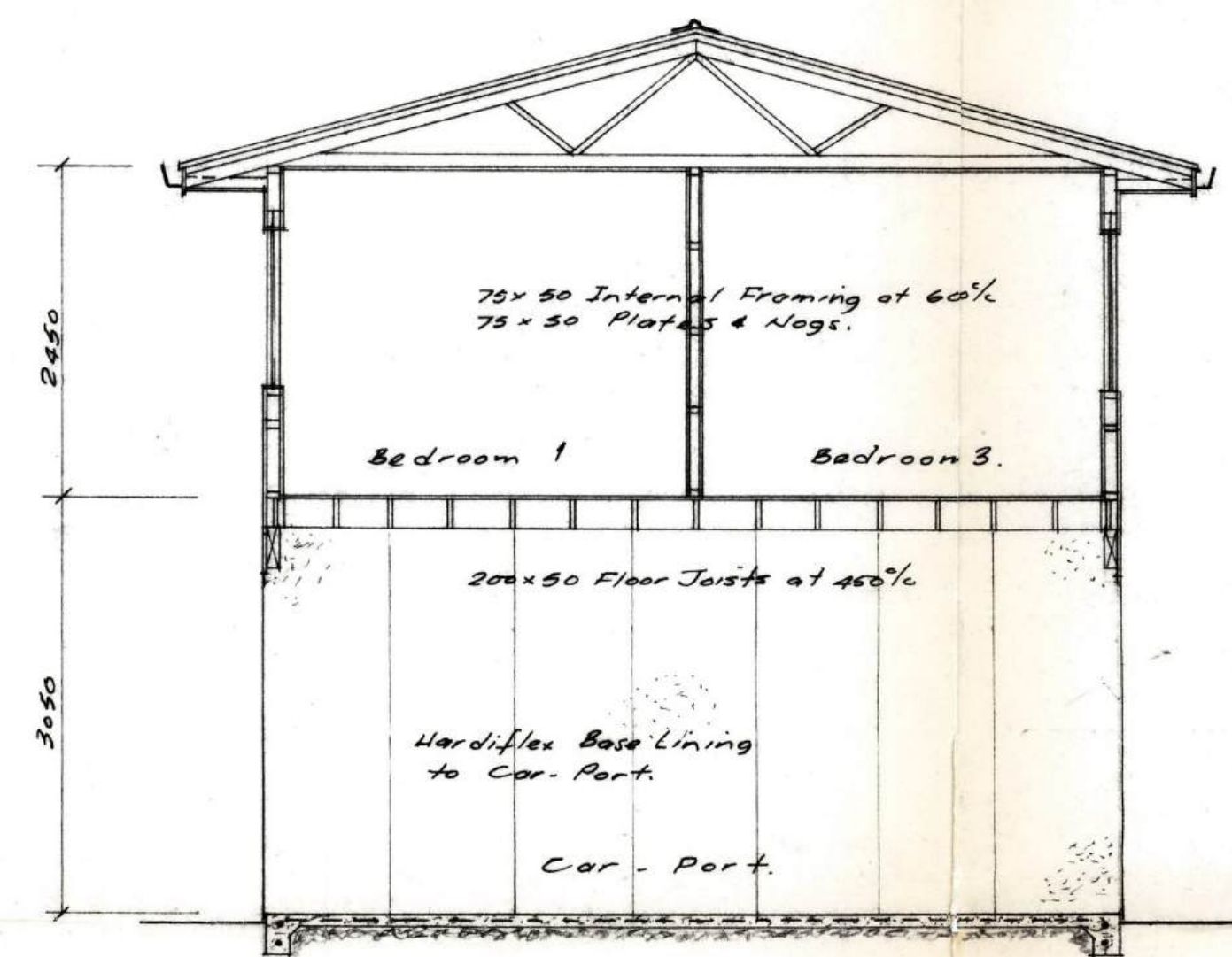
Fibreplank Sheathing
on Building Paper.

Hardiflex.

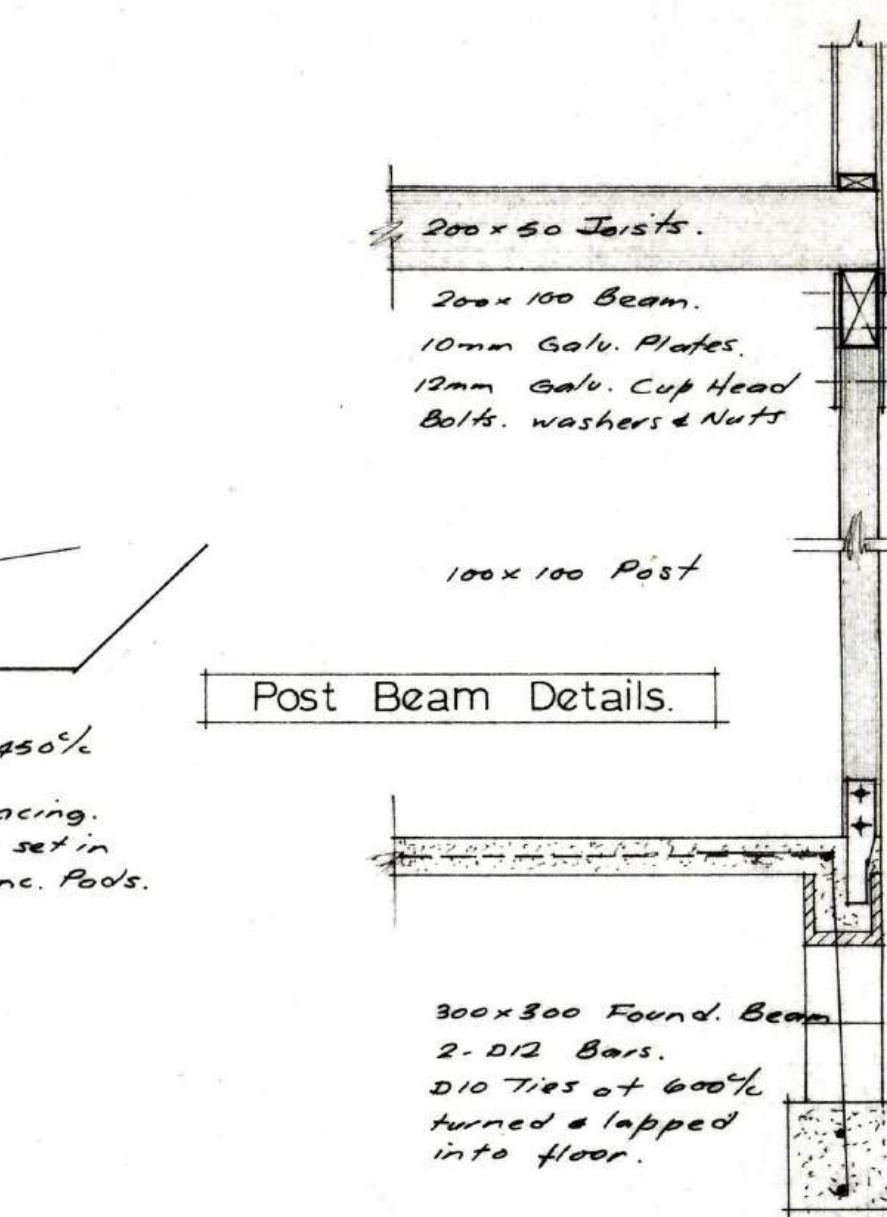
100x100 Posts.



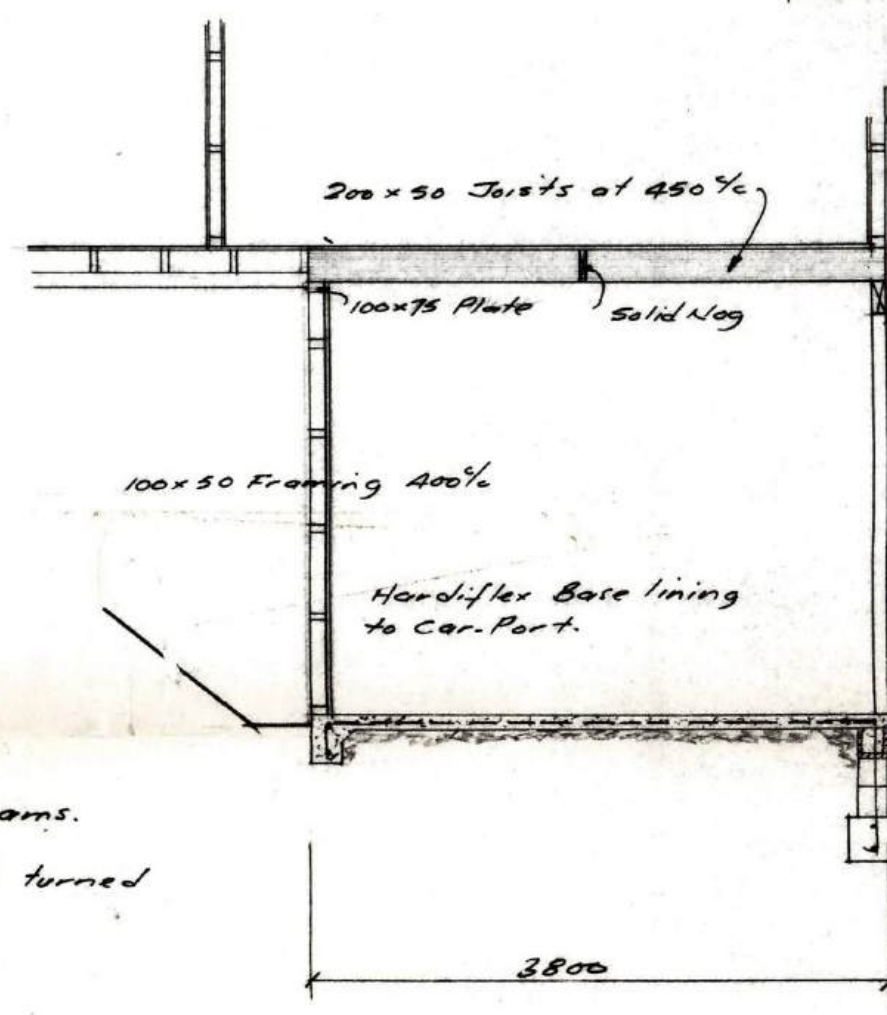
Section 'A'-A



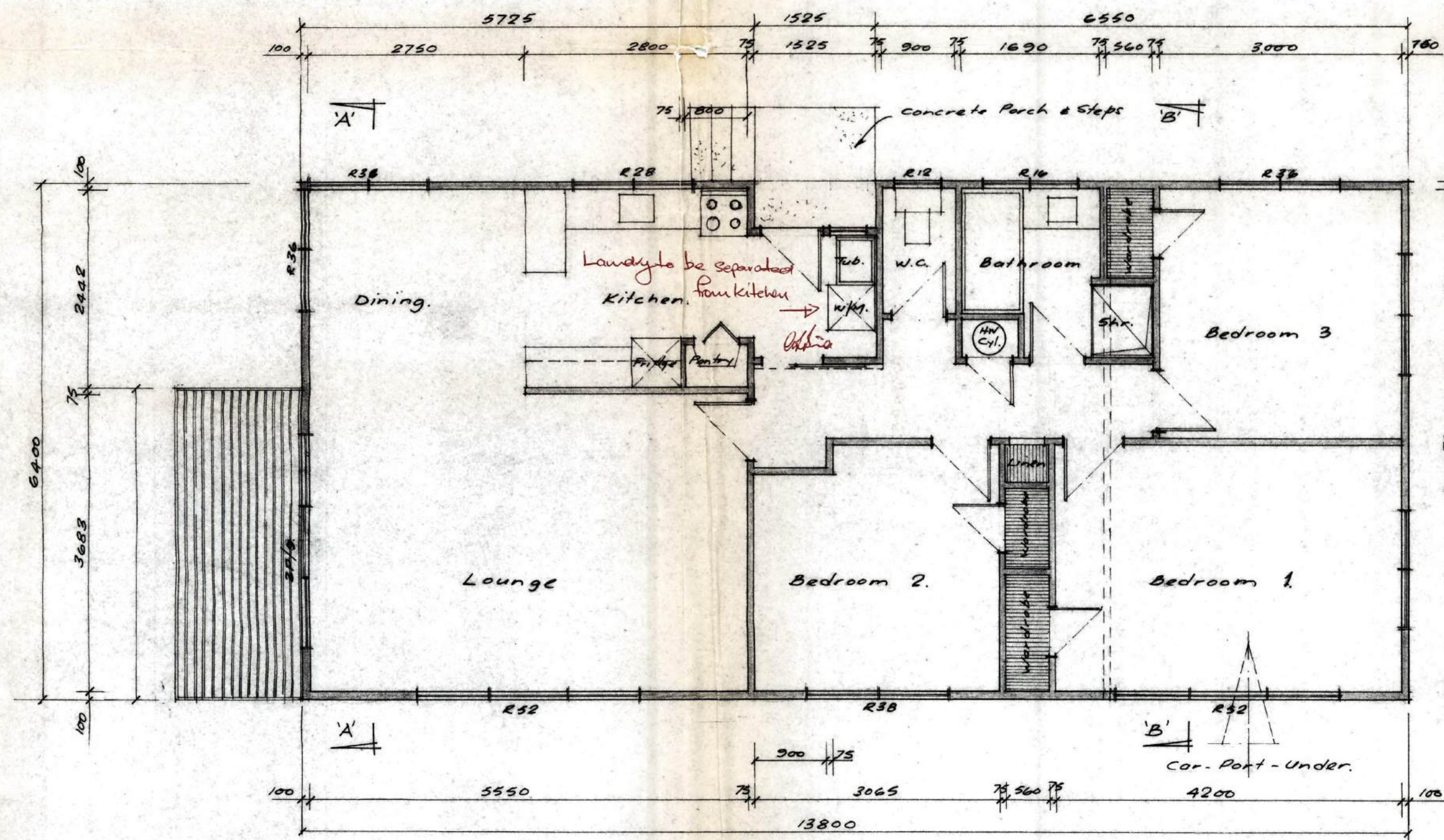
Section 'B'-B



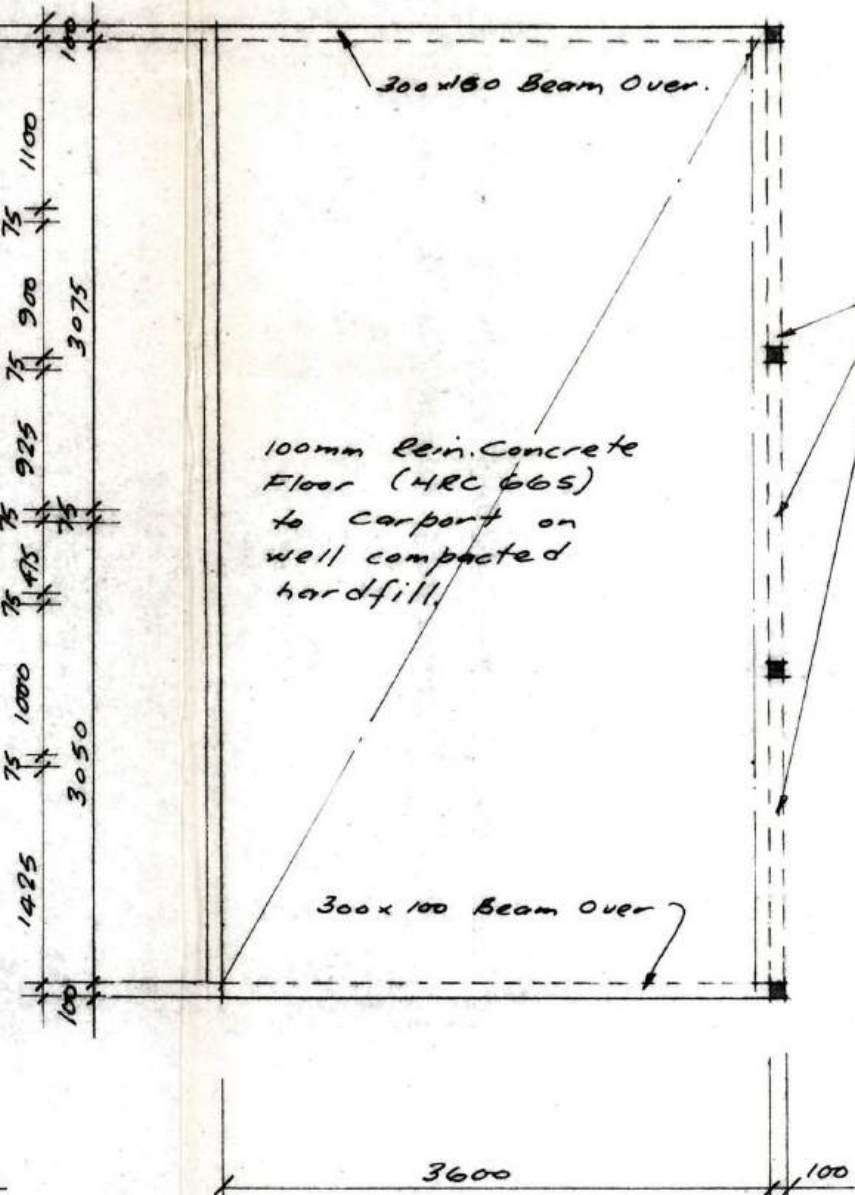
Post Beam Details



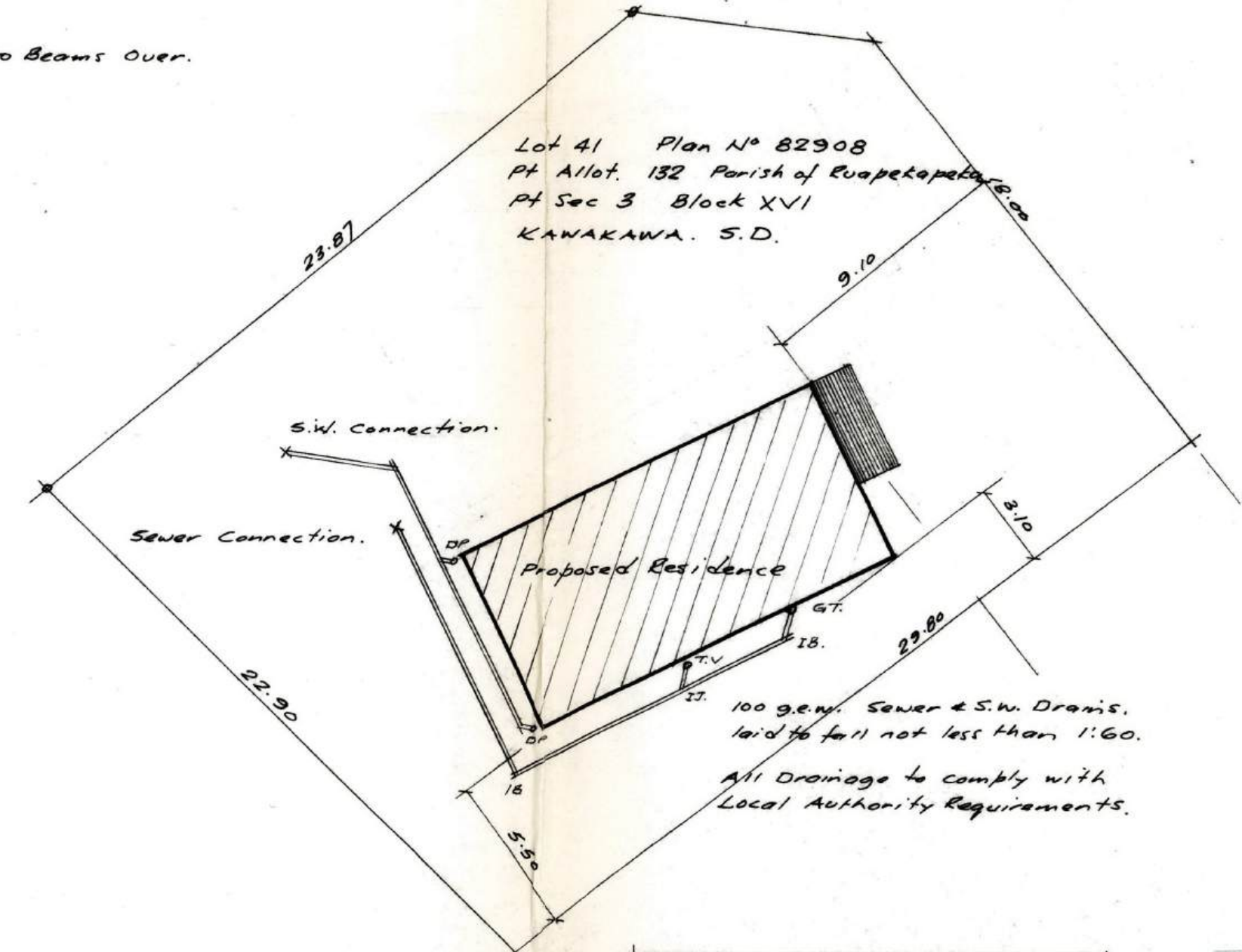
Section 'C'-C



Floor Plan



Basement Plan



Site & Drainage Plan

APPROVED PERMIT NO.
COUNTY ENGINEERS OFFICE
BAY OF ISLANDS C. COUN.

ISSUE	DATE	DRAWN	APPROVED	REVISION
B				
C				
D				
E				
F				
G				
H				

KELVIN MCGARR
Design & Draughting Services.
Palmer's Building - Cameron St.
WHANGAREI. Tel. 87.949/61.264.

PROPOSED RESIDENCE for DEPT. of MAORI AFFAIRS.

by NORTHLAND PRE-CUT HOMES LTD.

PROPOSED RESIDENCE.				SHEET
DRAWN	CHECKED	SCALE	1:50	1
TRACED	DATE Mar. '78	1:100	1:200	SERIES OF 4
				REF. 866

Permit for a Plumber or Drainlayer to carry out Plumbing or Drainage Work

Mr J. LATELLE a Plumber or (Drainlayer)

f. KERIKERI is hereby authorised to carry out the work described herein and as set forth in the plans deposited with me, on the premises owned (or occupied) by

Mr DEPARTMENT OF MAORI AFFAIRS

and situated on GILLS SUBD Road LOT 41 PLAN NO 82908 Section

Blk. KAWAKAWA Survey District.

Main Contractor Address

Val. Assess.

Description of Work GEN PLUMBING & DRAINAGE TO SEWER & S/W

Estimated Cost of Work including Materials \$ 1,660-00

Fee Paid \$ 36-00 Receipt No. 3693G Date 1st June 1978

Such work is to be carried out in strict accordance with the Drainage and Plumbing Regulations,

1959, and shall be completed on or before the 1st day of

DECEMBER 19 78

IMPORTANT: Confirm this subcontract with Main Contractor/Owner and return this form within 14 days if you not get the contract.

Date 16.78 County Health Inspector

I shall be commencing the plumbing detailed on this permit on 19 drainage

NO 4146 Conditions:



BCDEC

PLUMBER/DRAINLAYER

This slip or other written notice must be in the hands of the County Health Inspector, P.O. Box 11, Kawakawa, at least 24 hours before the work is commenced.

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 1ST 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
Web: 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

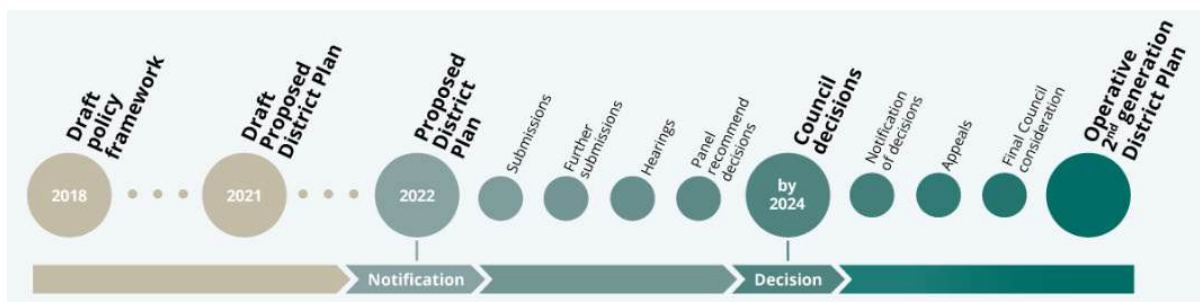
2022

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 27th 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 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 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.

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.

Te Ture Whenua Māori Act 1993 exempts hapū partitions and combined partitions from the subdivision provisions of the Act and these are administrated 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	
SUB-O1	Subdivision results in the efficient use of land, which: - achieves the objectives of each relevant zone, overlays and district wide provisions; - contributes to the local character and sense of place; - avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate; - avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located; - does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and - manages adverse effects on the environment.
SUB-O2	Subdivision provides for the: - Protection of highly productive land; and - 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.
SUB-O3	Infrastructure is planned to service the proposed subdivision and development where: - there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and - where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.
SUB-O4	Subdivision is accessible, connected, and integrated with the surrounding environment and provides for: - public open spaces; - esplanade where land adjoins the coastal marine area; and - esplanade where land adjoins other qualifying waterbodies.

Policies	
SUB-P1	Enable boundary adjustments that: - do not alter: - the degree of non compliance with District Plan rules and standards; - the number and location of any access; and - the number of certificates of title; and - are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.
SUB-P2	Enable subdivision for the purpose of public works, infrastructure, reserves or access.
SUB-P3	Provide for subdivision where it results in allotments that: - are consistent with the purpose, characteristics and qualities of the zone; - comply with the minimum allotment sizes for each zone; - have an adequate size and appropriate shape to contain a building platform; and - have legal and physical access.
SUB-P4	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
SUB-P5	Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by: - minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network; - avoid cul-de-sac development unless the site or the topography prevents future public access and connections; - providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces; - contributing to a well connected transport network that safeguards future roading connections; and - maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.
SUB-P6	Require infrastructure to be provided in an integrated and comprehensive manner by: - demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and - ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.
SUB-P7	Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.
SUB-P8	Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision: - will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and - will not result in the loss of versatile soils for primary production activities.
SUB-P9	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.
SUB-P10	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.
SUB-P11	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: - consistency with the scale, density, design and character of the environment and purpose of the zone; - the location, scale and design of buildings and structures; - 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; - managing natural hazards; - Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and - any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

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)	Activity status: Controlled Where: CON-1 1. The boundary adjustment complies with standards: - 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; - 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; CON-2 1. the boundary adjustment does not alter: i. the ability of existing activities to continue to be permitted under the rules and standards in this District Plan; ii. the degree of non compliance with zone or district wide standards; iii. the number and location of any access; and iv. the number of certificates of title. CON-3 1. The boundary adjustment complies with standard: SUB -S8 Esplanades. Matters of control are limited to: 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,	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control. Activity status where compliance not achieved with CON-2 and CON-3: Discretionary

	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. NOTE: 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.	
Natural Open Space zone Open Space zone Sport and Active Recreation zone Motorua Island zone Airport zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SUB-R2	Subdivision of land solely to create an allotment that is for the purpose of public works, infrastructure, reserves or access	
All zones	Activity status: Controlled Matters of control are limited to: a. the size, design and layout of lots for the purpose of public works, infrastructure, reserves or access; 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. the effects on cultural values; e. preservation of the natural character of the coastal environment and the margins of lakes, rivers and wetlands; 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; g. natural hazards or geotechnical constraints; h. where relevant compliance with Far North District Council Engineering Standards April 2022; i. effects on notable trees within or adjoining the site; and	

	j. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray. NOTE: 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.	
SUB-R3	Subdivision of land to create a new allotment	
Rural Production Rural Lifestyle Rural Residential General Residential zone Kororāreka Russell Township zone Settlement zone Mixed Use zone Light Industrial zone Heavy Industrial zone Horticulture zone Horticulture Processing zone Hospital zone	Activity status: Controlled Where: CON-1 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. CON-2 1. The subdivision complies with standards: SUB-S1 Minimum allotment sizes; and SUB-S8 Esplanades. Matters of control are limited to: 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. NOTE: 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.	Activity status where compliance not achieved with CON- 1: Restricted Discretionary Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control. Activity status where compliance not achieved with CON-2: Discretionary Where: DIS-1 1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved Activity status where compliance not achieved with DIS-1: Non-complying
Orongo Bay zone	Activity status: Controlled Where:	Activity status where compliance not achieved with CON-1: Restricted Discretionary

	CON-1: 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. CON-2 1. The subdivision complies with standard: SUB-S8 Esplanades. CON- 3 1. The subdivision complies with the following table: <table><tr><td>Orongo Bay zone</td><td> 1. the minimum lot sizes are: • 3,000m₂ (onsite sewerage disposal); • 1,000m₂ (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven. </td></tr></table> Matters of control are limited to: a. Matters on control in SUB-R3.	Orongo Bay zone	1. the minimum lot sizes are: • 3,000m₂ (onsite sewerage disposal); • 1,000m₂ (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.	Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3. Activity status where compliance not achieved with CON-2: Discretionary Activity status where compliance not achieved with CON-3: Non-complying
Orongo Bay zone	1. the minimum lot sizes are: • 3,000m₂ (onsite sewerage disposal); • 1,000m₂ (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.			
Carrington Estate zone	Activity status: Controlled Where: CON-1: 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. CON-2 1. The subdivision complies with standard: SUB-S8 Esplanades. CON-3: 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. Matters of control are limited to: a. Matters on control in SUB-R3	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3. Activity status where compliance not achieved with CON-2: Discretionary Activity status where compliance not achieved with CON-3: Non-complying		
Kauri Cliffs zone	Activity status: Restricted Discretionary Where: RDIS-1:	Activity status where compliance not achieved with RDIS-1: Discretionary Activity status where compliance not		

	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. RDIS-2: 1. Subdivision of up to 60 new lots for residential (golf living) purposes, provided that: - no lot is less than 4,000m² in area; - on-site treatment and disposal of wastewater is provided for; and - the building footprints are specified on an approved plan of subdivision. Matters of discretion are restricted to: - matters of control in SUB-R3; - the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone; - the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; and - the effect on adjoining activities. NOTE: 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.	achieved with RDIS-2: Discretionary
Māori Purpose zone Ngawha Innovation and Enterprise Park	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
Open space zones Motorua Island zone Quail Ridge zone Airport zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SUB-R4	Subdivision that creates a private accessway	
All zones	Activity status: Controlled Where: CON -1 1. A private accessway serves a maximum of 8 sites. CON-2	Activity status where compliance not achieved with CON-1 and CON-2: Discretionary

	1. Where a subdivision serves 9 or more sites, access shall be by public road.	
SUB-R5	Subdivision around an approved multi-unit development	
General Residential zone	Activity status: Controlled Where: CON-1 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. CON-2 1. Subdivision complies with standards SUB-S1 Minimum allotment sizes - Controlled activity; and SUB-S8 Esplanades CON-3 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. Matters of control are limited to: - the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; - the provision of easements or registration of an instrument for the purpose of public access and reserves; - the effects of development phase works on the surrounding area; - extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; - 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; - natural hazards or geotechnical constraints; - where relevant compliance with Far North District Council Engineering Standards 2022; and - adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray. NOTE: 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.	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: - matters of any infringed standard; and - any relevant matters of control in SUB-R4. Activity status where compliance not achieved with CON-2: Discretionary Activity status where compliance not achieved with CON-3: Non-complying
SUB-R6	Environmental benefit subdivision	

Rural Production zone	Activity status: Restricted Discretionary	Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5 is not achieved: Discretionary Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying								
	Where:									
	RDIS -1 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; 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.									
	<table><tr><td>Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title</td><td>Maximum Number of additional lots that can be created on an individual Record of Title</td></tr><tr><td>Greater than 4ha — less than 10ha</td><td>1</td></tr><tr><td>Greater than 10ha — less than 20ha</td><td>2</td></tr><tr><td>Greater than 20ha</td><td>3</td></tr></table>		Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title	Greater than 4ha — less than 10ha	1	Greater than 10ha — less than 20ha	2	Greater than 20ha	3
	Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title		Maximum Number of additional lots that can be created on an individual Record of Title							
	Greater than 4ha — less than 10ha		1							
	Greater than 10ha — less than 20ha		2							
	Greater than 20ha		3							
Table 2.										
<table><tr><td>Total area of natural wetland to be legally protected on an individual Record of Title</td><td>Maximum Number of additional lots that can be created on an individual Record of Title</td></tr><tr><td>Greater than 0.5ha (5,000m²) — less than 1ha</td><td>1</td></tr><tr><td>Greater than 1ha — less than 2ha</td><td>2</td></tr><tr><td>Greater than 2ha</td><td>3</td></tr></table>	Total area of natural wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title	Greater than 0.5ha (5,000m ²) — less than 1ha	1	Greater than 1ha — less than 2ha	2	Greater than 2ha	3		
Total area of natural wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title									
Greater than 0.5ha (5,000m ²) — 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

RDIS-6

All proposed new environmental allotments are to be a minimum size of 2ha in area and the balance lot must be greater than 40ha.

RDIS-7

This rule has not been used previously to gain an additional subdivision entitlement.

RDIS-8

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.

Matters of discretion are restricted to:

- a. subdivision design and layout and proximity to the significant indigenous vegetation, significant indigenous habitat or natural wetland being protected;
- b. the ecological benefits that will result from the subdivision and level of protection and enhancement proposed;
- c. matters contained in the ecological management plan for the covenant area;
- d. effects of the subdivision on rural character and amenity values;
- e. the extent of earthworks including earthworks for the location of building platforms and access ways;
- f. effects on rural productivity and the availability and productivity capacity of versatile soils;
- g. potential for reverse sensitivity effects;
- h. how the subdivision layout and design may impact on the operation, maintenance, upgrading and development of existing infrastructure assets; and
- i. any relevant matters of control in SUB -R3.

NOTE:

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.

SUB-R7	Management plan subdivision	
Rural Production zone	Activity status: Discretionary Where:	Activity status where compliance not achieved with DIS-1: Non-complying

Rural Lifestyle zone	DIS-1 1. 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 5,000m² in the Rural Lifestyle zone; 2. This is the only management plan subdivision for the specified portion of a site; 3. 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 4. The application contains the information listed in APP3- Subdivision management plan criteria.	
-----------------------------	---	--

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	Activity status: Controlled Where: CON-1 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. Matters of control are limited to: a. the location of lots, building platforms, access and services; b. the management of the land instability hazard to enable the intended use of the land and protect other property; and c. 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.	Activity status where compliance not achieved with CON-1: Discretionary
SUB-R9	Subdivision of a site within the National Grid Corridor	
All zones	Activity status: Restricted Discretionary Where: RDIS- 1 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). Matters of discretion are restricted to: a. 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; b. the location of any future building platform as it relates to the National Grid Yard; c. the extent to which the subdivision design allows for any future sensitive activity and associated	Activity status where compliance not achieved with RDIS-1: Non-complying

	d. buildings to be setback from the National Grid; d. the nature and location of any vegetation to be planted in the vicinity of the National Grid; e. the ability of future development to comply with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; f. the risk of electrical hazards affecting public or individual safety, and the risk of public and private property damage; and g. the outcome of any consultation with the owner and operator of the National Grid.	
SUB-R10	Subdivision of site within 32m of the centre line of a Critical Electricity Line	
All zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: a. the safe and efficient operation and maintenance of the electricity supply network; b. the location of any future building platform and access as it relates to the critical electricity line; c. effects on access to critical electricity lines and associated infrastructure for inspections, maintenance and upgrading purposes; d. the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the critical electricity line; e. the mature size, growth rate, location, and fall zone of any associated tree planting; f. including landscape planting and shelterbelts; g. compliance with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; h. effects on public health and safety; and i. the outcome of any consultation with the owner and operator of the potentially affected infrastructure.	Activity status where compliance not achieved: Not applicable
SUB-R11	Subdivision of a site within flood hazard areas	
All zones	Activity status: Restricted Discretionary Where: RDIS -1 1. Building platforms are located wholly outside the spatial extent of the 1 in 100 year floodplain; 2. 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 3. 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. Matters of discretion are restricted to: a. location of suitable and stable building platforms, access and servicing, including on-site wastewater/ stormwater disposal where applicable; b. 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; c. the degree to which there may be material	Activity status where compliance not achieved with RDIS-1: Non-complying

	damage, through inundation or erosion, in a 1 in 100 year flood event; d. 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; e. effects on the functions of floodplains and overland flow paths; f. the effects of potential changes in flood depth, velocity and frequency on other properties, including upstream and downstream from the site; and g. the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard.	
SUB-R12	Subdivision of a site within coastal hazard areas	
All zones	Activity status: Restricted Discretionary Where: RDIS-1 All building platforms and associated access for each allotment are located wholly outside the spatial extent of the Coastal Hazard Area. Matters of discretion are restricted to: - location and structural integrity of the building platforms, access and services where they may be affected by inundation or erosion from coastal hazards; - 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; - the effects of any proposed hazard mitigation works including any earthworks on public access, landscape and other environmental values; and - the proposed use of, necessity for and design of hard protection structures to mitigate hazards.	Activity status where compliance not achieved with RDIS-1: Non-complying
SUB-R13	Subdivision of a site within a heritage area overlay	
All zones All Heritage Area overlays	Activity status: Restricted Discretionary Matters of discretion are restricted to: - the heritage values of the Heritage Area Overlay; - 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; - 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; - any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and - provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it.	Activity status where compliance not achieved: Not applicable

SUB-R14	Subdivision of a site that contains a scheduled heritage resource	
All zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: a. the particular heritage values associated with the scheduled Heritage Resource; b. whether sufficient land is provided around the scheduled Heritage Resource to protect its heritage values; c. 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; d. 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; e. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and f. provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it.	Activity status where compliance not achieved: Not applicable
SUB- R15	Subdivision of a site containing a scheduled site and area of significance to Māori	
All zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: a. 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; b. 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; c. 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; d. 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 e. 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.	Activity status where compliance not achieved: Not applicable
SUB-R16	Subdivision of a site containing a mineral extraction overlay	
All zones	Activity status: Discretionary Where: DIS-1 A building platform for each allotment can be setback 100m or more from the Mineral extraction overlay.	Activity status where compliance not achieved with DIS-1: Non-complying

SUB-R17	Subdivision of a site containing a scheduled SNA	
All zones	Activity status: Discretionary Where: DIS-1 The site is located outside the coastal environment. DIS-2 The subdivision does not divide an SNA.	Activity status where compliance not achieved with DIS-1 and DIS-2: Non-complying
SUB-R18	Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R19	Subdivision of a site within wetland, lake and river margins	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R20	Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R21	Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Standards		
SUB-S1	Minimum allotment sizes	
Zone	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	4ha	2ha
General Residential	600m ²	300m ²
Mixed Use	2,000m ² onsite wastewater disposal 250m ² reticulated wastewater disposal	no minimum lot size
Light Industrial	2,000m ² onsite wastewater disposal 500m ² reticulated wastewater disposal	no minimum lot size
Heavy Industrial	2ha	5,000m ²
Horticulture Processing Facility	2ha	5,000m ²
Horticulture	10ha	4ha
Settlement	3,000m ²	1,500m ²
Kororāreka Russell Township	1,000m ²	800m ²
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	Allotments created must be able to accommodate a	Matters of discretion are restricted to:

Residential zone	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.		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.
Kororāreka Russell Township zone			
Settlement zone	Zone	Minimum dimensions	
	General Residential, Kororāreka Russell Township, Settlement	14m x 14m	
Rural Production zone	Rural Production, Horticulture, Rural Lifestyle, Rural Residential	30m x 30m	
Horticulture zone			
Rural Lifestyle zone			
Rural Residential zone			
SUB-S3			
Water supply			
All zones	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; 2. Where a connection to Council's reticulated water supply systems is available, all allotments must connect; 3. Where a connection to Council's reticulated water systems is not available all allotments must provide a water supply system; and 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. Note: 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.	Matters of discretion are restricted to: a. adequacy of the supply of water to every allotment, and its suitability for the likely land use; b. adequacy of water supplies, and access for fire fighting purposes; and c. the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.	
SUB-S4			
Stormwater management			
All zones	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 2. All stormwater management shall be in accordance with Far North District Council Engineering Standards April 2022.	Matters of discretion are restricted to: a. control of water-borne contaminants, litter and sediments; 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); c. the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles; d. the location, scale and construction of stormwater infrastructure; and e. measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area.	

SUB-S5	Wastewater disposal	
All zones	- Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect; - 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 - All wastewater disposal shall be in accordance with Far North District Council Engineering Standards April 2022. Note: 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.	Matters of discretion are restricted to: - the method and adequacy of wastewater disposal where a Council owned reticulated system is not available; - the capacity of, and impacts on, the existing reticulated wastewater disposal system; and - the location, capacity and environmental effects of the proposed wastewater disposal system.
SUB-S6	Telecommunications and power supply	
General Residential zone Kororāreka Russell Township zone Mixed Use zone Light Industrial zone Heavy Industrial zone Settlement zone Rural Residential zone Horticulture Processing Facility zone	Connections shall be provided at the boundary of the site area of the allotment for: - telecommunications - Fibre where it is available; or - Copper where fibre is not available; and - Electricity supply through the local electricity distribution network. Note: This standard does not apply to allotments for a utility, road, reserve or for access purposes.	Matters of discretion are restricted to : alternative provision of telecommunication and electricity supply.
SUB-S7	Easements for any purpose	
All zones	Easements shall be provided where necessary for: - public works and utility services; - easements in gross where a service or access is required by the Council; - easements in favour of nominated allotments or adjoining Certificates of Title; - 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 - The need for easements for any of the following purposes: - accessways, whether shared or not; - stormwater, wastewater disposal, water supply, utilities;	Matters of discretion are restricted to: whether the easement is located appropriately for its purpose and users.

	iii. party walls and floor/ceilings; and iv. other utilities.	
SUB-S8	Esplanades	
All zones	Any subdivision involving the creation of one or more allotments less than 4ha which adjoins: 1. The line of MHWS; 2. The bank of a river whose bed has an average width of 3m or more; or 3. A lake that is larger than 8 ha in size. An esplanade reserve must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.	Activity status when compliance is not achieved: Discretionary

This section has rules that have legal effect.

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	
EW-01	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.
EW-02	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.
EW-03	Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.

Policies	
EW-P1	Enable earthworks necessary to provide for the district's social, economic and cultural well-being, and their health and safety where they provide for: - urban land uses and development within urban zones; - rural land uses and development including, farm tracks, land drainage, and other farming activities within the Rural zones; - conservation and recreation activities; - land drainage and flood control works; and - installation, upgrade and maintenance of infrastructure.
EW-P2	Ensure earthworks are managed, when it has the potential to: - create new or exacerbate existing natural hazards, including but not limited to flooding, instability, and coastal hazards; - 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 - adversely affect waterbodies and the coastal marine area due to inadequate setbacks.
EW-P3	Ensure earthworks are located and designed appropriately to manage the effects of the activity by: - controlling maximum depth and height and maximum area or volume of earthworks; - requiring appropriate setbacks to be maintained from adjoining property boundaries, waterbodies and the coastal environment; - managing the location and design of infrastructure; - managing impacts on natural drainage patterns and overland flow paths; and - controlling the movement of dust and sediment beyond the area of development to avoid: - nuisance effects and/or amenity effects on surrounding sites, or - silt and sediment entering stormwater systems or waterbodies and the coastal marine area.
EW-P4	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: - existing site constraints, opportunities and specific engineering requirements; - the impact on existing natural landforms, features, historic heritage and indigenous biodiversity;

	c. compatibility with the visual amenity and character values of the area; d. changes in the natural landform that will lead to instability, erosion and scarring; e. impacts on natural drainage patterns and overland flow paths; f. using materials for retaining structures that are compatible with the visual amenity and the characteristics and qualities of the surrounding area; 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 h. loss of flood storage within flood hazard areas.
EW-P5	Manage effects on historic heritage and cultural values that may be discovered when undertaking earthworks by: a. requiring a protocol for the accidental discovery of archaeology, kōiwi and artefacts of Māori origin; and b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.
EW-P6	Require that all earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings or structures.
EW-P7	Ensure all earthworks associated with land development are designed and assessed in a coordinated and integrated manner at the time of subdivision, by: 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 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.
EW-P8	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: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. visual amenity, natural character and landscape values, l. historic heritage values, and whether any assessment or advice from a suitably qualified and experienced heritage expert is required; m. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; n. the life-supporting capacity of soils; o. the extent of indigenous biodiversity clearance and its effect on biodiversity values; p. outstanding natural character, outstanding natural landscapes and outstanding natural features; q. riparian margins; r. the location, operational and functional needs and use of infrastructure; s. temporary or permanent nature of any adverse effect; and t. traffic and noise effects.

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.

EW-R1	Earthworks for buildings or structures, and extensions to existing buildings or structures	
All zones	Activity status: Permitted Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R2	Earthworks for creating fence lines, poles, piles and service connections	
All zones	Activity status: Permitted Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R3	Earthworks for rural industry activity	
All zones	Activity status: Permitted Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R4	Earthworks for a farming activity where sites are 8 hectares or greater	

Rural Production zone Māori Purpose zone - Rural Horticulture zone Ngawha Innovation and Technology Park zone	Activity status: Permitted Where: PER-1 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.	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R5	Earthworks for farming a activity on sites less than 8ha and for sites in zones not listed in Rule EW-R4	
All zones	Activity status: Permitted Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R6	Earthworks for the formation of unformed roads and the formation or upgrade of private roads and private accessways	
All zones	Activity status: Permitted Where: PER-1 The earthworks for formation of an unformed road is located within the legal road corridor. PER-2 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones NOTE: 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.	Activity status where compliance not achieved with PER-2: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1: Discretionary
EW-R7	Earthworks for new infrastructure or repair and upgrades	
All zones	Activity status: Permitted	Activity status where compliance not

	Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R8	Earthworks for new infrastructure or repair and upgrades of existing infrastructure owned by network utility providers or requiring authority	
All zones	Activity status: Permitted Where: PER-1 The activity is undertaken by the network utility operator or requiring authority. PER-2 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-2: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1: Discretionary
EW-R9	Earthworks for sport and recreation activity	
All zones	Activity status: Permitted Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R10	Earthworks for the construction, or upgrade of walkways, cycle tracks and leisure activity	
All zones	Activity status: Permitted Where: PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope;	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.

	EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards. EW-S1 does not apply to Motoura Island or Orongo Bay zones	
EW-R11	Earthworks for conservation activity	
All zones	Activity status: Permitted Where: PER-1 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. EW-S1 does not apply to Motoura Island or Orongo Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R12	Earthworks and the discovery of suspected sensitive material	
All zones	Activity status: Permitted Where: PER-1 The earthworks complies with standard EW-S3 - Accidental Discovery Protocol.	Activity status where compliance not achieved: Discretionary
EW-R13	Earthworks and erosion and sediment control	
All zones	Activity status: Permitted Where: PER-1 The earthworks complies with standard EW-S5 Erosion and sediment control.	Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
EW-R14	Activities not otherwise listed in this chapter	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
EW-R15	110kV Transmission lines and National Grid Yard	
All zones	Activity status: Non-complying Where: PER-1 Earthworks around Top Energy or Transpower 110kV or greater electricity transmission line poles must: 1. be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; or 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	Activity status where compliance not achieved: Not applicable

	diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from Standards EW-REQ10(a) and EW-REQ10(b) above. PER-2 Earthworks around Top Energy or Transpower 110kV or greater electricity transmission line towers must: 1. be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; or 2. be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure. PER-3 Earthworks within 12m of a Top Energy or Transpower 110kV or greater electricity transmission line pole or tower must not: 1. create an unstable batter that will affect a transmission support structure; or 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. This rule does not apply to the network utility operator.	
--	---	--

Standards				
EW-S1	Maximum earthworks thresholds			
All zones, except Moturoa Island, Orongo Bay	The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year:		Where the standard is not met, matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life-supporting capacity of soils; m. the extent of indigenous vegetation clearance and its effect on biodiversity; n. impact on any outstanding natural character, outstanding natural landscapes and outstanding natural features; o. riparian margins; p. the location and use of infrastructure; q. temporary or permanent nature of any adverse effect; r. traffic and noise effects; s. time of year earthworks will be carried out and duration of the activity; and t. impact on visual and amenity values.	
	Zone	Volume (m³)		Area (m²)
	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			

All zones	The maximum depth of any cut or height of any fill shall not exceed: 1. 1.5m, i.e. maximum permitted cut and fill height may be 3m; or 2. 3m subject to it being retained by a engineered retaining wall, which has had a building consent issued.	Where the standard is not met, matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the extent of exposed surfaces or stockpiling of fill; d. the risks of natural hazards, particularly flood events; e. stormwater controls; f. flood storage, overland flow paths and drainage patterns; g. impacts on natural coastal processes; h. the stability of land, buildings and infrastructure; i. natural character, landscape, historic heritage, spiritual and cultural values; j. the life-supporting capacity of soils; k. the extent of indigenous vegetation clearance and its effect on biodiversity; l. impact on any outstanding natural character, outstanding natural landscapes and outstanding natural features; m. riparian margins; n. the location and use of infrastructure; o. temporary or permanent nature of any adverse effect; p. traffic and noise effects; q. time of year earthworks will be carried out and duration of the activity; and r. impact on visual and amenity values.
------------------	--	--

EW-S3**Accidental discovery protocol**

All zones	On discovery of any suspected sensitive material, the person must take the following steps: 1. Cease all works within 20m of any part of the discovery immediately and secure the area, including: a. shutting down all earth disturbing machinery and stopping all earth moving activities; and b. establish a sufficient buffer area to ensure that all material remains undisturbed. 2. Within 24 hours of the discovery the owner of the site, tenant or the contractor must: a. inform the following parties of the discovery: i. The New Zealand Police if the discovery is of human remains or kōiwi; ii. The Council in all cases; iii. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and iv. Tangata Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi. 3. No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: 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	Where the standard is not met, matters of discretion are restricted to: Not applicable
------------------	--	--

	remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or 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. 4. Recommencement of work: a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required; b. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and 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.	
EW-S4	Site reinstatement	
All zones	As soon as practicable, but no later than six months from the commencement of works: - the earthworks area shall be established, filled and/or recontoured in a manner consistent with the surrounding land; and - 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.	Where the standard is not met, matters of discretion are restricted to: - the location, scale and volume; - depth and height of cut and fill; - the nature of filling material and whether it is compacted; - the extent of exposed surfaces or stockpiling of fill; - erosion, dust and sediment controls; - the risks of natural hazards, particularly flood events; - stormwater controls; - flood storage, overland flow paths and drainage patterns; - impacts on natural coastal processes; - the stability of land, buildings and infrastructure; - natural character, landscape, historic heritage, spiritual and cultural values; - the life-supporting capacity of soils; - the extent of indigenous vegetation clearance and its effect on biodiversity; - outstanding natural character, outstanding natural landscapes and outstanding natural features; - riparian margins; - the location and use of infrastructure; - temporary or permanent nature of any adverse effect; - traffic and noise effects; - time of year earthworks will be carried out and duration of the activity; and - impact on visual and amenity values
EW-S5	Erosion and sediment control	
All zones	Earthworks	Where the standard is not met, matters of

	1. 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 2. shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.	discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life-supporting capacity of soils; m. the extent of indigenous vegetation clearance and its effect on biodiversity; n. outstanding natural character, outstanding natural landscapes and outstanding natural features; o. riparian margins; p. the location and use of infrastructure; q. temporary or permanent nature of any adverse effect; r. traffic and noise effects; s. time of year earthworks will be carried out and duration of the activity; and t. impact on visual and amenity values.
EW-S6	Setback	
All zones	Earthworks must be setback by the following minimum distances: 1. earthworks that are: a. supported by engineered retaining walls - 1.5m from a site boundary; or b. not supported by engineered retaining walls - 3m from a site boundary; and 2. earthworks must be setback by a minimum distance of 10m from coastal marine area. Note: setbacks from waterbodies is managed by the Natural Character chapter.	Where the standard is not met, matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. stormwater controls; g. the stability of land, buildings and infrastructure; h. the life-supporting capacity of soils; i. temporary or permanent nature of any adverse effect; j. traffic and noise effects k. time of year earthworks will be carried out and duration of the activity; l. natural character, landscape, historic heritage, spiritual and cultural values; and m. impact on visual and amenity values.
EW-S7	Land stability	
All zones	Earthworks must not result in any instability of land at or beyond the boundary of the property where the earthworks occurs.	Where the standard is not met, matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted;

		d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. where the land instability adversely affects any buildings, structures or infrastructure; k. the life-supporting capacity of soils; l. the extent of vegetation clearance; m. proximity to any waterbody or coastal marine area; n. the location and use of infrastructure; o. temporary or permanent nature of any adverse effect; p. traffic and noise effects; and q. time of year earthworks will be carried out and duration of the activity.
EW-S8	Nature of filling material	
All zones	The fill material shall not: 1. contain putrescible, pollutant, inflammable or hazardous components; or 2. consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; or 3. comprise more than 5% vegetation (by volume) of any load.	Where the standard is not met, matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life-supporting capacity of soils; m. outstanding natural character, outstanding natural landscapes and outstanding natural features; n. riparian margins; o. the location and use of infrastructure; p. temporary or permanent nature of any adverse effect; and q. traffic and noise effects; r. time of year earthworks will be carried out and duration of the activity; and s. impact on visual and amenity values.
EW-S9	Flood and coastal hazards	
All zones	Earthworks must not: 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 2. result in the loss of any flood storage volume within a flood hazard area, unless equivalent flood storage is provided.	Where the standard is not met, matters of discretion are restricted to: a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill;

		e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. the life-supporting capacity of soils; l. temporary or permanent nature of any adverse effect; and m. time of year earthworks will be carried out and duration of the activity.
--	--	--

This section has rules that have legal effect.

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	
HS-O1	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.
HS-O2	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	
HS-P1	Manage the effects of hazardous substances by: - 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; - 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 - 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.
HS-P2	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.
HS-P3	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: - separation distances and other methods to avoid and mitigate risks and adverse effects of significant hazardous facilities on sensitive activities and sensitive environments; - separation distances and other methods to avoid or mitigate reverse sensitivity effects between significant hazardous facilities and sensitive activities; - the extent to which adverse effects and risks are adequately managed through other legislation and organisations; - the type, scale, intensity, duration and frequency of the risks and effects on people, property and the environment; - site design and layout of the activity and the ability to internalise effects within the site; - any historical, spiritual or cultural association held by tangata whenua, with regards to the matters set out in Policy TW-P6; - avoidance or management of risks associated with natural hazards; and - any potential adverse cumulative effects.

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	Activity status: Permitted Where: PER-1 The volume of hazardous substances used by the significant hazardous facility does not increase; PER-2 The location of hazardous substances on the site will not be located closer to any sensitive activities. PER-3 The type of hazardous substances on the site remains the same; PER-4 Alterations to the significant hazardous facility do not increase any residual risks.	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	Activity status: Permitted Where: PER-1 The new significant hazardous facility is not located within a sensitive environment; PER-2 The new significant hazardous facility is setback at least 250m from a sensitive activity. Note: • <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>	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
Light Industrial zone	Activity status: Discretionary Where:	Activity status where compliance not achieved with DIS-1, DIS-2, or DIS-3: Non-complying
Rural	DIS-1	

Production zone	The new significant hazardous facility is not located within a sensitive environment;	
Ngawha Innovation and Enterprise Park zone	DIS-2 The new significant hazardous facility is setback at least 250m from a sensitive activity; DIS-3 A new significant hazardous facility does not create any residual risk. Note: <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>	
All other zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R3	Significant hazardous facility within the coastal environment	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R4	Significant hazardous facility within an outstanding natural feature or landscape	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R5	Significant hazardous facility within a scheduled site and area of significance to Māori	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R6	Significant hazardous facility within a significant natural area	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R7	Significant hazardous facility within a flood hazard area	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R8	Significant hazardous facility within a coastal hazard area	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R9	Significant hazardous facility within a scheduled heritage resource	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R10	Significant hazardous facility within 100 metres of the edge of a surface water body	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
HS-R11	New sensitive activity	
All zones	Activity status: Non-complying Where: NC-1 The new sensitive activity is located within 250m of a Significant Hazardous Facility.	Activity status where compliance not achieved: Not applicable

This section has rules that have legal effect.

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	
IB-O1	Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.
IB-O2	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.
IB-O3	The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.
IB-O4	The role of tangata whenua as kaitiaki and landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity is provided for.
IB-O5	Restoration and enhancement of indigenous biodiversity is promoted and enabled.

Policies	
IB-P1	Identify Significant Natural Areas by: a. using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity; 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; c. encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development; d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB R2-R4.
IB-P2	Within the coastal environment: a. avoid adverse effects of land use and subdivision on Significant Natural Areas; and 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.
IB-P3	Outside the coastal environment: 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 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.

IB-P4	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: - biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and - environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.
IB-P5	Ensure that the management of land use and subdivision to protect Significant Natural Areas and maintain indigenous biodiversity is done in a way that: - does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils; - recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within Significant Natural Areas in some circumstances; - allows for maintenance, use and operation of existing structures, including infrastructure; and - 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.
IB-P6	Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through non-regulatory methods including consideration of: - assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area; - reducing or waiving resource consent application fees; - providing, or assisting in obtaining funding from other agencies and trusts; - sharing and helping to improve information on indigenous biodiversity; and - working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.
IB-P7	Encourage and support active management of pest plants and pest animals.
IB-P8	Promote the protection of species that are endemic to Northland by eco-sourcing plants from within the ecological district.
IB-P9	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.
IB-P10	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: - the temporary or permanent nature of any adverse effects; - cumulative effects of activities that may result in loss or degradation of habitats, species populations and ecosystems; - the extent of any vegetation removal and associated land disturbance; - the effects of fragmentation; - linkages between indigenous ecosystems and habitats of indigenous species; - the potential for increased threats from pest plants and animals; - any downstream adverse effects on waterbodies and the coastal marine area; - where the area has been mapped or assessed as a Significant Natural Areas: - the extent to which the proposal will adversely affect the ecological significance, values and function of that area; - whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects; - the location, scale and design of any proposed development; - the extent of indigenous vegetation cover on the site and whether it is practicable to avoid or reduce the extent of indigenous vegetation clearance; - the functional or operational needs of regionally significant infrastructure; - any positive contribution any proposed biodiversity offsets or environmental biodiversity compensation will have on indigenous biodiversity; and - any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

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	Activity status: Permitted Where: PER-1 It is for any of the following: 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal; 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; 4. Clearance for biosecurity reasons; 5. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine); 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; 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 1,000m²; 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; 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; 10. The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old; 11. Creation and maintenance of firebreaks to manage fire risk; 12. The harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered	Activity status where compliance not achieved with PER-1: Discretionary

	sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries; or 13. It is for the operation, repair and maintenance of the following activities where they have been lawfully established: - fences; - infrastructure; - buildings; - driveways and access; - walking tracks; - cycling tracks; or - farming tracks.	
IB-R2	Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga	
Māori Purpose zone, Treaty Settlement Land overlay, Rural Production zone	Activity status: Permitted Where: PER-1 It does not exceed: 1,500m² for a marae complex, including associated infrastructure and access; and 500m² per residential unit. <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>	Activity status where compliance not achieved with PER-1: Discretionary
IB-R3	Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area	
All zones	Activity status: Permitted Where: PER-1 It does not exceed 100m² per site in any calendar year.	Activity status where compliance not achieved with PER-1: Discretionary
IB-R4	Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area	
All zones	Activity status: Permitted Where: PER-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 - It does not exceed the following amounts per site over a 5-year period: - Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest; or - All other zones — 500m². PER-2 - A report has not been obtained from a suitably	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary <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>

	qualified and experienced ecologist confirming that 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 100m² per site in any calendar year.	
IB-R5	Plantation forestry and plantation forestry activities within a Significant Natural Area	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

This section has rules that have legal effect.

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	
ASW-O1	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	
ASW-P1	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.
ASW-P2	Provide for activities on the surface of water where: - there is a functional need to locate on the surface of the waterbody; - the land use is consistent with the characteristics and qualities of the waterbody and adjacent zone or overlay; - it will not result in adverse effects on the habitat of breeding birds or fish spawning areas; - it will not result in adverse effects on any other indigenous flora and fauna within the riparian margins of the waterbody; - it will not result in adverse effects on cultural and spiritual values associated with the waterbody; - public access is not adversely affected or it is provided or enhanced; - it will not result in adverse effects on other recreational activities; and - it will not result in cumulative adverse effects with other structures or activities on the surface of the waterbody.
ASW-P3	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.
ASW-P4	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: - whether there is a functional need for the activity or structure to be located on the waterbody; - any adverse effects on indigenous biodiversity and riparian margins; - any adverse effects on associated wetlands; - any adverse effects on cultural and spiritual values; - any adverse effects on recreation activity; - any adverse effects on public access; - any enhancement or provision of public access, including any consideration for launching, retrieval and damage to margins; - whether the activity is within a water catchment that serves a public water supply; - any cumulative adverse effects; - the scale and location of any structure on the waterbody and adjacent land; - whether the activity may exacerbate or be adversely affected by a natural hazard, including bank/channel erosion due to activity;

- 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:

1. 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.
2. 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	Activity status: Permitted Where: PER-1 The use is a non-commercial recreation activity or a customary activity. PER-2 The craft is not used for residential activity. PER-3 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.	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	Activity status: Permitted Where: PER-1 The use is a non-commercial recreation activity. PER-2 The craft is not used for residential activity. PER-3 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. PER-4 With the exception of activities provided for in PER-3, the activity does not occur on any of the following water bodies: a. Lake Ngatu;	Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary

	b. Lake Owhariti; c. Lake Heather; d. Lake Rotorua; e. Far North Dune Lakes; f. Waitangi River (above Haruru Falls); g. Waingaro Reservoir; or h. Manuwai Reservoir.	
ASW-R3	Structures	
Surface of all rivers and lakes in all zones	Activity status: Permitted Where: PER-1 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.	Activity status where compliance not achieved with PER-1: Discretionary
ASW-R4	Activities not otherwise listed in this chapter	
Surface of all rivers and lakes in all zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

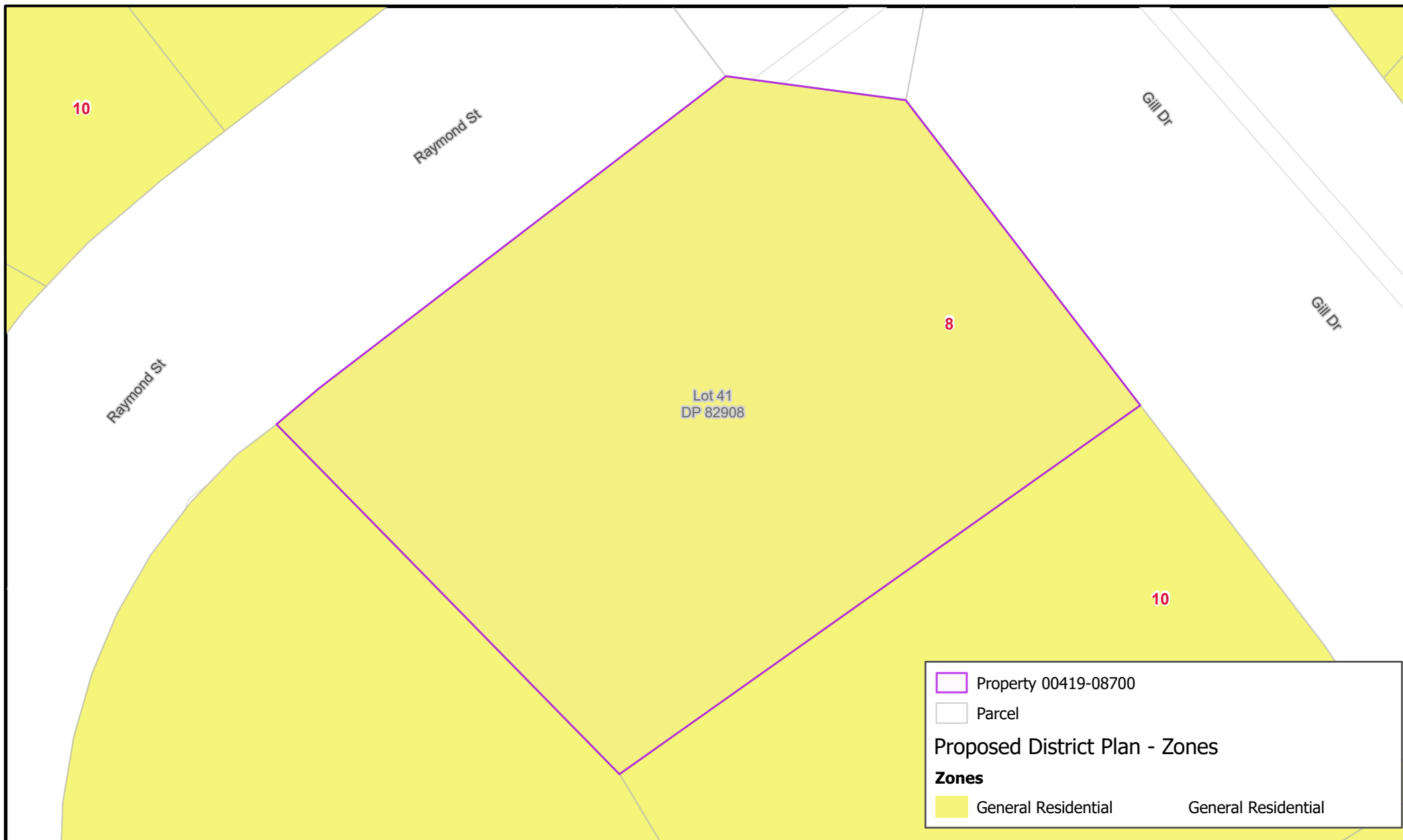
Far North

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	
GRZ-O1	The General Residential zone provides a variety of densities, housing types and lot sizes that respond to: - housing needs and demand; - the adequacy and capacity of available or programmed development infrastructure; - the amenity and character of the receiving residential environment; and - historic heritage.
GRZ-O2	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.
GRZ-O3	Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone.
GRZ-O4	Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.
GRZ-O5	Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments.
GRZ-O6	Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.

Policies	
GRZ-P1	Enable land use and subdivision in the General Residential zone where: - there is adequacy and capacity of available or programmed development infrastructure to support it; and - it is consistent with the scale, character and amenity anticipated in the residential environment.
GRZ-P2	Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot: - telecommunications: - fibre where it is available; or - copper where fibre is not available; - local electricity distribution network; and - wastewater, potable water and stormwater where they are available.
GRZ-P3	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.
GRZ-P4	Enable non-residential activities that: - do not detract from the vitality and viability of the Mixed Use zone; - support the social and economic well-being of the community; - are of a residential scale; and - are consistent with the scale, character and amenity of the General Residential zone.

GRZ-P5	Provide for retirement villages where they: - compliment the character and amenity values of the surrounding area; - contribute to the diverse needs of the community; - do not adversely affect road safety or the efficiency of the transport network; and - can be serviced by adequate development infrastructure.
GRZ-P6	Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.
GRZ-P7	Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.
GRZ-P8	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: - consistency with the scale, design, amenity and character of the residential environment; - the location, scale and design of buildings or structures, potential for shadowing and visual dominance; - for residential activities: - provision for outdoor living space; - privacy for adjoining sites; - access to sunlight; - for non-residential activities: - scale and compatibility with residential activities - hours of operation - at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts; - the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including: - opportunities for low impact design principles - ability of the site to address stormwater and soakage; - managing natural hazards; and - any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

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.

GRZ-R1	New buildings or structures, or extensions or alterations to an existing buildings or structures	
General Residential zone	Activity status: Permitted	Activity status where compliance not achieved with PER-2: Restricted discretionary
	Where: PER-1 The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted or controlled activity. PER-2 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;	Matters of discretion are restricted to: a. the matters of discretion of any infringed standard Activity status where compliance not achieved with PER-1: Discretionary

	GRZ-S5 Façade length; GRZ-S6 Outdoor living space; and GRZ-S7 Outdoor storage.	
GRZ-R2	Impermeable surface coverage	
General Residential zone	Activity status: Permitted Where: PER-1 The impermeable surface coverage of any site is no more than 50%. Note: 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.	Activity status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: - the extent to which landscaping or vegetation may reduce adverse effects of run-off; - the effectiveness of the proposed method for controlling stormwater on site; - 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 - whether low impact design methods and use of green spaces can be used; - any cumulative effects on total catchment impermeability; - natural hazard mitigation and site constraints; and - extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.
GRZ-R3	Residential activity (standalone residential units)	
General Residential zone	Activity status: Permitted Where: PER-1 - The number of standalone residential units on a site does not exceed one; and - The site does not contain a multi-unit development.	Activity status where compliance not achieved with PER-1: Discretionary
GRZ-R4	Visitor accommodation	
General Residential zone	Activity status: Permitted Where: PER-1 The visitor accommodation is within a residential unit or accessory building. PER-2 The occupancy does not exceed six guests per night. PER-3 The site does not share access with another site.	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary
GRZ-R5	Home business	
General Residential zone	Activity status: Permitted Where: PER-1 The home business is undertaken within:	Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Restricted Discretionary Matters of discretion are restricted to:

	1. a residential unit; or 2. an accessory building that does not exceed GFA of 40m². PER-2 There is no more than one full-time equivalent person engaged in the home business who resides off-site. PER-3 All manufacturing, altering, repairing, dismantling or processing of any materials or articles associated with an activity is carried out within a building. PER-4 Hours of operation are between: 1. 7am - 8pm Monday to Friday. 2. 8am - 8pm Weekends and public holidays.	a. scale, intensity and character of the business; b. traffic generation, safety and access; c. provision of parking; d. noise, odour and dust; e. disturbance and loss of privacy for surrounding sites; and f. hours of operation.
		Activity status where compliance not achieved with PER-1: Discretionary
GRZ-R6	Educational facility	
General Residential zone	Activity status: Permitted Where: PER-1 The educational facility is within a residential unit or accessory building. PER-2 The number of students attending at one time does not exceed four, excluding those who reside onsite.	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
GRZ-R7	Supported residential care	
General Residential zone	Activity status: Permitted Where: PER-1 The supported residential care is within a residential unit or accessory building. PER-2 The number of occupants does not exceed six.	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
GRZ-R8	Conservation activity	
General Residential zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
GRZ-R9	Residential activity (multi-unit development)	
General Residential zone	Activity status: Controlled Where: CON-1 1. The site area per multi-unit development is at least 600m²; 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. CON-2 The minimum net internal floor area, excluding outdoor living space, of a residential unit within a multi-unit	Activity status where compliance not achieved: Discretionary

	development shall be: 1. 1 bedroom = 45m² 2. 2 bedroom = 62m² 3. 3 bedroom = 82m² Matters of discretion are restricted to: a. the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following. i. building intensity, scale, location, form and appearance; ii. location and design of parking and access; and iii. location of outdoor living space in relation to neighbouring sites.	
GRZ-R10	Retirement village	
General Residential zone	Activity status: Restricted discretionary Where RDIS-1 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. Matters of discretion are restricted to: a. safe integration of vehicle and pedestrian access with the adjoining road network. b. provision of landscaping and bunding, on-site amenity for residents, recreational facilities and stormwater systems. c. design and layout of pedestrian circulation. d. residential amenity for surrounding sites in respect of outlook and privacy. 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. f. the benefits associated with provision of accommodation to meet the needs of the elderly.	Activity status where compliance not achieved with RDIS-1: Discretionary
GRZ-R11	Minor residential unit	
General Residential zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
GRZ-R12	Community facility	
General Residential zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
GRZ-R13	Place of assembly	
General Residential zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

GRZ-R14	Emergency services facility	
General Residential zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
GRZ-R15	Activities not otherwise listed in this chapter	
General Residential zone	Activity status: Discretionary	Activity status where compliance not 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	The maximum height of a building or structure, or	Where the standard is not met, matters of

Residential zone	extension or alteration to an existing building or structure is 8m above ground level. This standard does not apply to: i. Solar and water heating components not exceeding 0.5m in height on any elevation; or ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or iii. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or iv. Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation.	discretion are restricted to: a. the character and amenity of the surrounding built environment; b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites; e. landscaping; and f. natural hazard mitigation and site constraints.
GRZ-S2	Height in relation to boundary	
General Residential zone	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: 1. 55 degrees at 2m above ground level at the northern boundary of the site; 2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site. 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. This standard does not apply to: i. Solar and water heating components not exceeding 0.5m in height on any elevation; or ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or iii. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or iv. Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or 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.	Where the standard is not met, matters of discretion are restricted to: a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and c. natural hazard mitigation and site constraints.
GRZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
General Residential zone	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. This standard does not apply to: i. Fences or walls no more than 2m in height above ground level; or ii. uncovered decks no more than 0.5m above ground level.	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to privacy and shading; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; f. the safety and efficiency of the current or future roading network; and g. the impacts on existing and planned public walkways, reserves and esplanades.

GRZ-S4	Setback from MHWS	
General Residential zone	The new building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS.	Where the standard is not met, matters of discretion are restricted to: a. the natural character of the coastal environment; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to dominance on adjoining public space; d. natural hazard mitigation and site 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.
GRZ-S5	Façade length	
General Residential zone	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. The recess must: 1. be at least 1m in depth for a length of at least 2m; 2. be for the full height of the wall; and 3. include a break in the eave line and roofline of the façade. This standard does not apply to: i. Fences or walls no more than 2m in height; or ii. Uncovered decks	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity of the surrounding area; b. screening, planting and landscaping on the site; and c. the design and siting of the building or structure;
GRZ-S6	Outdoor living space	
General Residential zone	1. Each residential unit must have an exclusive outdoor living space: i. of at least 50m² at ground level with a minimum dimension of 5m; or ii. at least 8m² (with a minimum dimension of 2m) where the residential unit is not on the ground floor. 2. The outdoor living space must: i. be directly accessibly from a habitable room in the residential unit; ii. be free of buildings, storage, parking spaces and manoeuvring areas; and iii. be oriented to the north, east or west side (or a combination) of the residential unit.	Where the standard is not met, matters of discretion are restricted to: a. the provision of sufficient outdoor living space; b. the residential amenity for the occupants of the residential unit; c. accessibility and convenience for residents; d. alternative provision of outdoor living space, such as proximity to accessible public open space; e. the provision of adequate access to sunlight on the outdoor living space throughout the year; and f. topographical or other site constraints making compliance with the standard impractical.
GRZ-S7	Outdoor storage	
General Residential zone	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.	Where the standard is not met, matters of discretion are restricted to: a. the streetscape and amenity of the surrounding area; b. the amenity of adjoining properties; c. screening, planting and landscaping; and d. topographical or other site constraints making compliance with the standard impractical.