

Supplementary Report to Hearings' Commissioner on a Resource Consent Application

This as a supplementary report to the original s42A report on an application lodged by Hewson Planning on behalf of Jerome Luiten and reported on by Council's Consultant Planner, Ian McAlley.

The supplementary report assesses the proposal against the relevant rules and objectives and policies of the 'Rural Plan Changes' decisions, recently released by Whangarei District Council.

The proposal is to subdivide an existing 3.2083 ha property located at 561 State Highway 1, RD1 Kauri (being Lot 2 DP 419817) into three lots being: Lot 1 (1.76 ha); Lot 2 (0.87 ha (0.69 ha net site area)); and Lot 3 (0.61 ha).

This report specifically considers the provisions of PC 85, PC 85A and PC 85B.



Ian McAlley – Consultant Planner

7 February 2018

Date

1.0 The Plan Changes

1.1 PC 85, 85A and 85B

- 1.1.1 The decisions on Plan Change 85 - Rural Area, Plan Change 85A - Rural Countryside Environment (previously Rural Production Environment) and Plan Change 85B - Strategic Rural Industries Environment were released by Whangarei District Council on 17 January 2018. The appeal period is still open, closing on 1 March 2018.
- 1.1.2 Strike through versions of the decisions text for these three plan changes are included in **Attachment A** to this report.

2.0 Subdivision Activity Status

2.1 RCE.1 Rural Countryside Environment

- 2.1.1 The proposed subdivision does not require consent as a controlled or a discretionary activity and therefore is a non-complying activity in accordance with the Eligibility Rule RCE.3.1.

3.0 PC 85

3.1 Chapter RA.1 – Rural Area

- 3.1.1 This chapter provides overarching provisions and objectives and policies that apply to all of the rural area of the Whangarei District, of which the Rural Countryside Environment (RCE) forms part.
- 3.1.2 In section RA.1.1 Description and Expectations the Rural Countryside Environment is detailed to provide *“primarily for; the productive use and development of rural land and resources; the protection of ecological and landscape values; and the significant number of people who live in this Environment due to the existing subdivision and development pattern. Commercial and industrial land use and development is only provided for where it supports rural production activities and rural communities. Furthermore subdivision in the Rural Countryside Environment is limited to enabling rural production activities and the protection of significant ecological and biodiversity values.”*
- 3.1.3 I do not consider the proposed subdivision enables rural production activities or is for the purpose of the protection of significant ecological and/or biodiversity values (Objectives RA.1.2.2 and RA.1.2.3). Whilst the proposal will provide for rural residential/rural lifestyle activities (Objective RA.1.2.4), I note that the outcome of the rural plan changes is that there are now eight different rural environments designed to cater for different types of rural land use. The proposal is assessed to be a non-complying activity and there are other newly formed Environments which better cater for the type of subdivision proposed.
- 3.1.4 The nature and location of the subdivision will make it contrary to Objectives RA.1.2.5 and 1.2.6. The proposal could be considered in part to achieve Objective RA 1.2.9 by consolidating rural living subdivision in an area where rural production activities have been compromised, but it has been concluded that the proposal has the potential to create other adverse effects on the environment.
- 3.1.5 The proposal would not achieve Objective RA.1.2.10 as it will not be providing for rural residential development on the fringe of Whangarei City.

- 3.1.6 With regard to the policies (RA.1.3 Rural Area Policies) the proposed lot sizes are not in keeping with the rural character and amenity values proposed to be established/maintained by the minimum lot size provisions of the Rural Countryside Environment (Policy RA.1.3.1).
- 3.1.7 I consider the proposal will not achieve the stated Expectations for the Rural Countryside Environment as the proposed subdivision lot sizes are significantly smaller than the minimum stated in the rules and does not appear to be for the purpose of enabling rural production activities (RA.1.3.10).
- 3.1.8 The no complaints covenant proposed in the Applicant's evidence with regard to effects from the operation of the Kauri Dairy Factory (a Strategic Rural Industry) would assist in avoiding potential conflicts between incompatible land uses (R.A.1.3.11), but fundamentally, in order to completely avoid such an effect, the sensitive use should not establish in the first place.

4.0 PC 85A

4.1 Chapter RCE.1 Rural Countryside Environment

- 4.1.1 The proposal will not protect productive rural land resources for a diverse range of rural production activities, will not enable a wide range of rural production activities, nor provide for commercial and industrial activities that support rural production activities, is not proposed for recreational or tourist based activities to establish and operate to contribute to the District's economy, nor recognise, maintain and where appropriate protect the rural character and amenity of the Rural Countryside Environment (Objectives RCE.1.2.1, 1.2.2 and 1.2.3).
- 4.1.2 I consider the proposal to be ad hoc subdivision in the Rural Countryside Environment, therefore contrary to Objective RCE.1.2.4. The proposal will not minimise fragmentation of rural land and does not promote allotment sizes that facilitate rural production activities and therefore is contrary to Objective RCE.1.2.5.
- 4.1.3 The proposal does not avoid reverse sensitivity effects by preventing sensitive activities within close proximity to Strategic Rural Industries, notwithstanding the no complaints covenant proposed (Policy RCE.1.3.3).
- 4.1.4 The proposal does not meet Policy RCE.1.3.7 because the subdivision does not create rural allotments of 20 ha or more. The proposal is contrary to Policy RCE.1.3.8 because the proposed subdivision is primarily for the purpose of creating rural residential/rural lifestyle allotments.

5.0 PC 85B

5.1 Chapter SRIE.1 Strategic Rural Industries Environment

- 5.1.1 Notwithstanding the proposal to implement a no complaints covenant, the proposal will not maintain rural amenity and avoid reverse sensitivity effects in the vicinity of a Strategic Rural Industry (Objective SRIE.1.2.4).

6.0 Conclusion

- 6.1.1 For the reasons detailed above, I consider overall the proposal is contrary to the relevant objectives and policies of the recently released decisions on the Rural Plan Changes to the Whangarei District Plan.

Attachment A

Decisions versions of:

- i. Plan Change 85 - Rural Area**
- ii. Plan Change 85A - Rural Countryside Environment**
- iii. Plan Change 85B - Strategic Rural Industries Environment**

RA.1

Rural Area

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RA.1.1 Description and Expectations

The Rural Area, outside of the urban areas of Whangarei City, Ruakaka and Marsden Point Area, ~~includes rural and coastal villages (three of which are identified growth nodes) and rural living clusters. More~~ makes up more than 80% of the land area of the Whangarei District ~~is rural~~. It extends to all of the District boundaries that adjoin Far North and Kaipara Districts and the coast. The Rural Area includes the rural and coastal villages (three of which are identified growth nodes), rural living clusters and ~~The Rural Area extends to all of the District boundaries, adjoining Far North and Kaipara Districts; it also encompasses~~ land areas on the coast, which are in the “coastal environment”. These coastal environments contain similar ~~rural~~ productive uses, but have the added influence (and additional plan provisions) of the “Coastal Area”.

The Rural Area ~~is comprised of~~ has a diverse landmass, including a variety of landforms, significant areas of natural biodiversity, streams and rivers and a number of at risk aquifers, ~~streams and rivers~~. Parts of the Rural Areas may be at risk from natural hazards such as flooding, land instability and coastal hazards. Natural hazard areas are identified within Resource Areas. The Rural Area also contains many archaeological sites and Sites of Significance to Maori. It ~~The area~~ also contains a vast roading network including State Highways and major network utility services. ~~The majority of the land is classified as having moderately productive soil types, being generally identified as stable productive hill country.~~

The Rural Area has a diverse mix of land uses ranging from rural productive activities, activities supporting productive activities and rural communities, strategic rural industries, mineral extraction activities and rural and village living. ~~and rural living areas to productive uses such as forestry, horticulture and agricultural activities that support primary production activities.~~ The majority of land is classified as having moderately productive soil types, being generally identified as stable productive hill country. There is also a continuing demand for rural land for rural tourism and recreation use. The transportation of goods throughout the Rural Area, primarily on the State Highways, is not only essential to the economic viability of Whangarei District but also the wider Northland region. Infrastructure is varied within the Rural Area, with some locations having reticulated water and sewer services while others maintain onsite services.

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~~As a predominantly working environment, the Rural Area has particular amenity and environmental values which are important to rural people.~~ The Rural Area is typified by the close economic, social and physical links between the rural resources and the people who live and work in this area ~~with these~~. It also has particular amenity and environmental values which are important to rural people.

Activities within the Rural Area (outside rural villages and rural living clusters) reflect the productive nature of land and resources; and this ~~these~~ helps contribute to 'rural' characteristics. ~~The resulting~~ This character and amenity assists in defining ~~defines~~ the expected rural scale of development and level of effects; generally including ~~Such features include~~ large allotments with very low site coverage and limited areas of impervious surfaces, buildings that are predominantly a minor element within the environment, with ~~a few~~ some large buildings that are generally industrial and utilitarian in character. Noise and odour associated with animals and farming activities are expected within the Rural Area.

The ~~priority~~ priorities for the Rural Area ~~is~~ are to:

- ~~s~~ Sustain the ~~productive~~ productive potential ~~productive use~~ of the land and the rural character and amenity values that are ~~a~~ key elements of the District.
- Provide for rural production activities ~~Productive usage includes farming, forestry, quarrying, dairy processing, cement manufacturing, recreation and tourism.~~
- ~~It also includes as a priority s~~ Sustaining the biodiversity and productive ecosystems as these are equally important to the health and wellbeing of communities and the economy.
- ~~It is also important to s~~ Strengthen the District's economy by providing for the on-going operation of a range of land use activities in the Rural Area ~~to support rural production activities and rural communities.~~

~~Consolidation of development particularly residential and commercial is key for the Rural Area, consistent with the direction of the Whangarei District Growth Strategy, Sustainable Futures 30/50 (2009).~~ Historical uncoordinated subdivision and development patterns in the Rural Area ~~has~~ ~~ve~~ resulted in ~~adverse~~ cumulative effects on resources such as biodiversity, ~~historic~~ heritage, landscape and productive land. ~~and~~ This ~~has~~ ~~ve~~ led to constraints on the viability of some farming and horticultural operations. To address this, residential and commercial subdivision and development is expected to largely occur where and when it has been planned for, ~~and not to create~~ ~~rather than in~~ a scattered ~~and~~ ~~ad hoc~~ pattern of development ~~where this would compromise the priorities for the Rural Area (as set out above).~~

~~This approach; the consolidation of development particularly residential and commercial, is consistent with the direction of the Whangarei District Growth Strategy Sustainable Futures 30/50 2009 ("Whangarei District Growth Strategy"). Careful management of competing land use is required to avoid any reverse sensitivity effects.~~

~~The Whangarei Urban Growth Strategy 2003 identifies land in close proximity to Whangarei City that is influenced by the urban environment and may be required for future urban growth, consistent with Whangarei District Growth Strategy Sustainable Futures 30/50 and Council adopted Urban Structure Plans.~~

To address the diverse and varied issues and outcomes associated with the Rural Area, five different Environments apply:

Rural ~~Countryside~~ ~~Production~~ Environment (RCPE)

The Rural ~~Countryside~~ ~~Production~~ Environment provides primarily for; the productive use and development of rural land and resources; the protection of ecological and landscape values; and the significant number of people who live in this Environment due to the existing subdivision and development pattern. ~~Residential, e~~ Commercial and industrial land use and development is ~~only provided for where it supports~~ ~~expected to~~ ~~be secondary to productive uses~~ rural production activities and rural communities. Furthermore subdivision

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in the Rural Countryside Environment is limited to enabling rural production activities and the protection of significant ecological and biodiversity values.

Rural Living Environment (RLE)

The Rural Living Environment provides for a variety of rural living opportunities, including small-scale rural land use activities, ~~the on-going rural living development of land and rural living activities~~ in locations that have an existing rural living density of rural living development.

Rural Village Environment (RVE)

The Rural Village Environment provides for the on-going operation and development of rural villages through three Sub-Environments:

Rural Village Residential Sub-Environment (RVRE)

The Rural Village Residential Sub-Environment provides for the residential development and living activities of established rural villages.

Rural Village Centre Sub-Environment (RVCE)

The Rural Village Centre Sub-Environment provides for and protects the commercial centre of larger rural villages.

Rural Village Industry Sub-Environment (RVIE)

The Rural Village Industry Sub-Environment recognises and provides for the on-going operation of established industrial developments within rural villages.

Rural (Urban Expansion) Environment (RUEE)

The Rural (Urban Expansion) Environment provides for rural residential land use and future reticulated urban expansion on the fringes of Whangarei City.

Strategic Rural Industry Environment (SRIE)

The Strategic Rural Industry Environment provides for the on going operation of established larger scale rural industries within the Rural Area.

RA.1.2 Rural Area Objectives

1. Provide for differing rural character and amenity values by having a range of rural Environments with differing expectations.
2. Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.
3. Provide for the protection of significant ecological and biodiversity values, such as indigenous bush and wetlands.
- 4.4. Provide for a range of appropriate land uses in the Rural Area, including rural production activities, residential, rural residential, rural lifestyle, commercial, industrial, and mineral extraction activities in appropriate areas.
- 2.5. Avoid, remedy or mitigate reverse sensitivity impacts, including on especially in relation to established and productive rural production activities, strategic rural industries and network utilities.
- 3.6. Avoid cumulative impacts, adverse effects on the viability of the productive functions of rural land in the Rural Area resulting from un-consolidated ad hoc or scattered residential, rural residential and rural living subdivision and development.

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- ~~4.7.~~ 4.7. Avoid development in hazard prone areas and consider remediation or mitigation if proposals have production or other recognised benefits.
- ~~5.8.~~ 5.8. Protect the range of amenity values and characteristics in the Rural Area.
- ~~6.9.~~ 6.9. Consolidate rural living subdivision and development in areas where ~~productive rural land uses~~ rural production activities have already been compromised, or on less productive land without significant adverse effects on the environment.
- ~~7.10.~~ 7.10. Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.
- ~~8.~~ 8. ~~Provide for a range of appropriate land uses in the Rural Area, including residential, rural residential, rural lifestyle, commercial, industrial and rural production in appropriate areas.~~
- ~~9.11.~~ 9.11. Provide for managed growth of rural villages.
- ~~10.12.~~ 10.12. ~~Achieve the provision of~~ Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner.

RA.1.3 Rural Area Policies

1. To manage effects on rural character and amenity values, by providing for a range of rural Environments with differing expectations.
- 4.2. To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.
- 2.3. To identify areas as RCE to provide for, the protection of ~~ensure that~~ productive rural land resources ~~are protected in order~~ to enable a diverse range of ~~productive rural land use activities~~ rural production activities, activities that support rural production activities and rural communities; and to maintain biodiversity and rural character ~~by applying the RPE in locations~~ where:
- a. There is a prevalence of: ~~predominance of existing productive land uses.~~
 - i. Existing production land use.
 - ii. Significant ecological and biodiversity values, such as indigenous bush and wetlands.
 - b. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development.
 - ~~e.~~ c. ~~There is a scattered presence of built development.~~
 - ~~d.c.~~ d.c. An area is not:
 - i. Located on the fringe of Whangarei City between the urban and rural environments.
 - ii. Suitable to provide for the future reticulated expansion of the Whangarei City Living Environments.
 - ~~e.d.~~ e.d. The criteria for the RUEE and the RLE are not met.
- 3.4. To identify ~~specific land~~ areas as RLE to provide for a variety of rural living opportunities in the District without materially reducing the potential of the Rural Area for productive use of land by providing for the RLE in locations that:
- a. Have an existing average allotment density between 2 and 4ha.
 - b. Demonstrate a predominantly rural living character.
 - c. Are not identified as hazard prone area.

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- d. Are not identified as an Outstanding Natural Landscape or Feature, Significant Indigenous Vegetation or Habitat, or an Outstanding Natural Character Area.
 - e. Do not gain direct access from an unsealed through road with significant volumes of traffic.
 - f. Are located within close proximity to community facilities.
 - g. Are not located in close proximity to existing reticulated infrastructure.
 - h. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.
 - ~~h.~~i. Do not materially reduce the potential for soil-based rural production activities on land with highly versatile soils (Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 – as mapped in the New Zealand Land Resource Inventory).
- ~~4.5.~~ To identify the SRIE in locations where established Strategic Rural Industries operate and to limit the addition of new locations through the statutory plan change process where it can be demonstrated that activities:
- a. Are consistent with the District Plan definition of ‘Strategic Rural Industries’.
 - b. Have valid operational reasons to require a SRIE.
 - c. Contribute positively to the economy of the District.
 - d. Provide local employment opportunities.
 - e. Can meet and fund local infrastructure requirements.
 - f. Incorporate appropriate mitigation and management methods designed to ensure environmental effects are acceptable in the area in which the activities are proposed to be located.
- ~~5.6.~~ To identify areas suitable for consolidated residential (RVRE), commercial (RVCE) and industrial (RVIE) development within rural villages in locations that:
- a. Are contiguous with existing RVE.
 - b. Are predominantly comprised of land uses and character consistent with the RVE.
 - c. Are not identified as hazard prone.
 - d. Do not comprise high Land Use Capability Class soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character or significant indigenous vegetation.
 - e. Are located in close proximity to existing reticulated infrastructure.
 - f. Do not compromise the long term development potential of the rural village.
 - g. Have an identified demand for residential and/or commercial land ~~available~~ to meet the projected growth requirements over the lifespan of the District Plan.
- ~~6.7.~~ To identify areas as RUEE that ~~are~~:
- a. Are Contiguous with Living Environments on the fringe of Whangarei City.
 - b. Are Predominantly comprised of existing rural residential character.
 - c. ~~To~~ Legitimise the zoning of existing clusters of rural residential development.
 - d. ~~N~~ Are not identified as significantly hazard prone.
 - e. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation.

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- f. Have existing lot density of less than 2 hectares.
 - g. ~~P~~ Are predominately suitable for future reticulated urban expansion of Whangarei City.
 - h. Do not compromise the future expansion of urban growth.
 - i. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.
7. To avoid zoning rural land for more intensive development within identified hazard prone areas, ~~unless there is a functional need.~~
 8. To manage the cumulative effects of onsite wastewater discharge in the RVRE, RLE and RUEE by requiring site specific design and any other evidence and/or mitigation measures necessary to demonstrate that the effects of wastewater disposal can be adequately addressed.
 9. To ensure that the scale and nature of new ~~rural~~ land use activities in the Rural Area is consistent with the existing level of amenity of the relevant Environment.
 10. To consider the extent to which proposed ~~rural~~ land use and subdivision activities in the Rural Area achieve the stated Expectations for the relevant Environment.
 11. To manage the establishment and location of new ~~rural~~ activities in the Rural Area to avoid conflicts between incompatible land uses.
 12. To avoid adverse effects on the sustainable provision of infrastructure by ensuring that all ~~rural~~ subdivision and land use designs and necessary physical works in the Rural Area are undertaken in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
 13. To manage the effects of stormwater runoff by utilising the principles of low impact design and ensuring that additional stormwater flows arising from the proposed ~~rural~~ development in the Rural Area are managed so that they will ~~be hydrologically neutral~~ not result in any increase in peak discharge rates.

RA.1.4 Guidance Note

1. The following shall form the basis for resource consent applications in the RA:
 - a. The objectives, policies and provisions for the Rural Area.
 - b. The objectives policies and provisions for Environments in the District Plan.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.
- e. For the purpose of determining the compliance with the Environmental Engineering Standards 2010 the following standards shall apply:

District Plan Environment	EES 2010 Definition
SRIE, RVIE, RVCE	Urban (Commercial and Industrial)
RVRE and RUEE allotments less than 2000m ²	Urban (Living 1)
RUEE allotments over 2000m ²	Urban (Living 3)
RLE and RCE	Rural (Countryside)

RA.2

Rural Area Land Use Performance Standards

RA.2.1 Eligibility Rules

1. Any land use activity using, storing or disposing of radioactive material with an activity exceeding 1000 terabecquerels is a prohibited activity.
2. Any activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

RA.2.2 Notification Rules

1. All land use activities are subject to the notification test of the RMA.

RA.2.3 Discretionary Activities

1. In every rural Environment (unless otherwise stated):
 - a. The use, storage or on-site movement of hazardous substances that does not comply with the conditions for permitted activities in Appendix 8 of the District Plan.
 - b. The movement of hazardous substances between sites by means of an aboveground pipeline.
 - c. Any sign which is visible from a public place or neighbouring property(s) (except if required under health and safety legislation, or is erected by a road controlling authority for traffic control or public safety) if the sign:
 - i. Is not a property name sign, a sign relating to goods and services on site, or a community sign.
 - ii. Is not the only sign displayed per site (except within the SRIE and the RVCE).
 - iii. Obscures any official signs or traffic signals.
 - iv. Is not static.
 - v. Is flashing.
 - vi. Is illuminated.
 - vii. Is higher than 3m from the ground including its support structure, (except within the SRIE).
 - viii. Is larger than 3m² (except within the SRIE).
 - ix. Does not provide an unrestricted view to motorists for a minimum distance of 250m where the road has a speed limit of 70kph or greater.

Note: Council Bylaws regulate signs within the legal road boundary, road verges and road reserves, election signs, real estate signs, temporary signs, signs on vehicles and signs located in public places.
 - d. Outdoor areas of storage or stockpiles that:
 - i. Exceed the building height, setbacks and height in relation to boundary rules for the Environment they are located in (except within ~~Mineral Extraction~~ Quarrying Resource Areas).

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Rural Area Land Use Performance Standards

- ii. Are within the RVRE and are open areas of storage or stockpiles of materials which are not screened from view from public places and surrounding sites, except where such materials or equipment:
 - (a) Are accessory to agricultural, horticultural or forestry activities; or
 - (b) Include functioning machinery, stockpiles of mineral resources or construction materials.
- e. Any artificial lighting (except if required under health and safety legislation, street lighting, a navigation light or a traffic signal) that does not comply with the following standards:
 - i. The added illuminance onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary, or 15 lux at any road reserve boundary.
 - ii. The artificial light is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture.
Note: The lower edge of the shield is to be at or below the centreline of the light source. See Appendix 15 for illustration.
 - iii. The light is static, and is not flashing (except lighting on vehicles associated with mineral extraction and related activities, or flashing beacons in accordance with the Land Transport Road Use Rule 2004).
 - iv. The artificial lighting complies with AS/NZS 1158/1996.
Note: If the object or device that contains artificial lighting is a sign, then the sign provisions in RA.2.3.1(c) solely apply.
- f. Any activity where exposures do not comply with NZS 2772.1: 1999 Radiofrequency fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.

Note: Refer to RA.4.2 for Assessment of Discretionary Activities.

RA.3

Rural Area Subdivision Performance Standards

RA.3.1 Eligibility Rules

1. Any subdivision not requiring consent as a discretionary activity is a controlled activity.

RA.3.2 Notification Rules

1. All subdivision is subject to the notification tests of the RMA.

RA.3.3 Discretionary Activities

1. In every rural Environment (unless otherwise stated):
 - a. The land contains
 - i. Site of Significance to Māori, or
 - ~~ii.~~ Area of historic heritage, or
 - ~~iii.~~ Outstanding Natural Feature identified on the District Plan Resource Area Maps,
where the boundaries of the allotments do not ensure that the whole Site or Feature is entirely within one of the allotments produced by the subdivision.
 - b. Existing buildings where the boundaries of the allotments do not result in compliance with the building setback, building coverage, impervious surface and height in relation to boundary requirements for the Environment within which they are located.
 - c. Any allotment is not capable of having vehicular access to a road.
 - d. Access to any allotment does not comply with the relevant standards of the Whangarei District Council's Environment Engineering Standards 2010.
 - e. More than 8 allotments or more than 8 residential units are served by a shared access.
 - f. Any new road and/or cycleway is not
 - i. Laid out or formed in a subdivision in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
 - ii. Formed in general alignment with any indicative road or cycleway shown on the District Plan Maps.
 - g. The subdivision design and layout does not provide for the efficient future extension of reticulated services and roads to any adjoining land.
 - h. Any street lighting is not provided on all new roads created by the subdivision in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
 - i. Any allotment is not provided with the following within its net site area in accordance with Whangarei District Council's Environmental Engineering Standards 2010:
 - i. Connection to a Council maintained water supply; or where no council system is available a safe potable water supply.
 - ii. Connection to a Council maintained sewerage system, or where no council system is available, all allotments are capable of being provided with a safe and effective means for the disposal of wastewater within the net site area.

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- iii. Means for the disposal of collected stormwater from the roofs of all potential or existing buildings, and from all impervious surfaces; by way of: a connection to a council-maintained stormwater system, or where no council system is available are capable of being provided with an appropriate on-site stormwater disposal system utilising low impact methods.

Note: To demonstrate compliance with the above the applicant shall provide a site suitability report prepared by a suitably qualified and experienced professional to the approval of Council.

- j. In the RVRE:
 - i. Any allotment(s) ~~are~~ is not provided with a connection, or easements are not provided to secure connection, to a reticulated electrical supply system at the boundary ~~of the net site area~~.
 - ii. The electrical supply is not underground.
- k. In the RUEE any allotment(s) ~~are~~ is not provided with a connection, or easements are not provided to secure connection, to a reticulated electrical supply system at the boundary of the net site area.
- l. In the RPCE and RLE, any allotment(s) ~~are~~ is not provided with the ability to connect, or easements are not provided to secure the ability to connect, to an electrical supply system at the boundary ~~of the net site area~~.
- m. The most efficient route for electrical supply to any allotment(s) is across other allotments or other land owned by the subdivider, and easements are not provided to secure the route.
- n. In the SRIE, RVCE and RVIE:
 - i. Any allotment(s) ~~are~~ is not provided with a connection to a reticulated electrical supply system at the boundary ~~of the net site area~~.
 - ii. The electrical supply is not underground where new roads are to be formed within the subdivision or the existing electrical supply is underground.
- o. An above ground electrical supply system is provided and the subdivision is within an Outstanding Landscape Area or Outstanding Natural Character Area.
- p. Earthworks:
 - i. Do not comply with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010.
 - ii. Cause changes to the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland.
 - iii. Occur within a Site of Significance to Māori or within 10m of any archaeological site.
 - iv. Occur within an Outstanding Landscape Area in excess of those permitted by Rule LAN.3.1.3.

Note: Refer to RA.4.2 for Assessment of Discretionary Activities.

RA.4

Rural Area Matters of Control and Assessment Criteria

RA.4.1 Matters of Control

1. When assessing controlled activity subdivisions, control is reserved over the following matters:
 - a. The design, size, shape, gradient and location of any allotment.
 - b. The location of vehicle crossings, access or rights-of-way and proposed allotment boundaries so as to avoid ribbon development.
 - c. Location of existing buildings, access and manoeuvring, and private open space.
 - d. The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.
 - e. The location of proposed allotment boundaries, building areas and access ways or rights-of-way so as to avoid sites of historic heritage including Sites of Significance to Māori.
 - f. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure.
 - g. In the RUEE, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.
 - h. ~~R~~ The provision of reserves, including esplanade reserves and strips.
 - i. Avoidance or mitigation of natural or man-made hazards.
 - j. The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management and measures to control cats and dogs.

RA.4.2 Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):
 - a. The nature and location of the activity, the type and frequency of use and hours of operation.
 - b. Effects on amenity values, existing residences, visual amenity, outlook and privacy, availability of daylight, and shading.
 - c. Effects of dust, odour and other nuisance.
 - d. Effects on natural character, landscape and historic heritage values, skylines and ridges, land stability and the natural functioning of ecosystems.
 - e. Visibility from the road, road frontage domination, location of buildings, scale and bulk in relation to the site, built characteristic of the locality, colour and design of buildings and landscaping.
 - f. The cumulative effects of signs and the orientation, strength, intensity, colour and frequency of flashing of signs.
 - g. The effects of land use and subdivision on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.

Rural Area Matters of Control and Assessment Criteria

- h. The number, need, availability, location, design and suitability of parking spaces, on-site manoeuvring, queuing spaces, loading areas and access.
- i. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the efficiency and safety of roads.
- j. The convenience and safety of disabled persons and consideration of alternative provision for disabled persons access to the site.
- k. The design, standard, lengths, distance between, number and construction of and alternative location of vehicle crossings, internal access and private access ways.
- l. Effects on the amenity of the locality, increase in exposure to noise, dust and stormwater runoff as a result of parking, access or road design.
- m. The need for forming or upgrading roads and traffic control measures in the vicinity due to increased traffic from the proposed landuse or subdivision.
- n. The need for footpaths/cycleways and, kerb and channel on roads, in the vicinity of ~~the~~ a subdivision or landuse.
- o. The necessity for street lights and the spacing and height of the lights.
- p. The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in future.
- q. The water system's ability to ensure an adequate supply of potable water and the ability to meet firefighting requirements, to accommodate anticipated flows, and withstand pressures and loads.
- r. The stormwater system's ability to protect property and the environment from the adverse effects of surface water and its ability to accommodate the anticipated flows and withstand the anticipated loads.
- s. The capacity, availability and accessibility of any Council wastewater system to serve the proposed subdivision and the proposed system's ability to treat sewage and the ability to accommodate anticipated flows and withstand the anticipated loads.
- t. The necessity, extent and location of earthworks, the proposed type of machinery to be used and the hours of operation, potential adverse effects to ecological, historic heritage and landscape values and effects on water bodies including indigenous wetlands.
- u. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
- v. The effects of and functional need of places of assembly and emergency services to locate within the RCE.

RPCE.1

Rural ~~Production~~ Countryside Environment

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RPCE.1.1 Description and Expectations

The Rural ~~Production~~ Countryside Environment (RPCE) encompasses a large area of the Whangarei District. ~~The Environment hosts a wide range of rural land use activities and a varied array of landforms.~~ The purpose of the RPCE is to sustainably manage the natural and physical resources of the Rural Area in order to sustain, protect and promote rural production activities as well as those activities that support rural communities, and protecting areas of significant ecological and biodiversity values (such as indigenous bush and wetlands).

The Environment comprises a varied array of topography, landforms, landscapes, soil types, biodiversity and catchments. It is important that the ecological and landscape values of the RCE are recognised and where possible protected. These values contribute significantly to the rural character and distinctiveness of Whangarei District. Parts of the RCE are located within the coastal environment. The values of the coastal environment are managed by the District Plan's Coastal Area provisions as well as the provisions in this section.

The interplay of historical land use and values has resulted in the environmental character that exists in the RCE today. This character is made up of the varied natural landforms and natural features, openness as well as an existing subdivision and development pattern. It ~~The RPE~~ is mostly characterised by a working/living environment, with the noises, odours and visual effects associated with a wide range of farming, horticultural, forestry and mineral extraction activities. There is an expectation that rural production activities will be able to continue to operate without onerous or restrictive intervention in the RPCE.

Rural production activities ~~such as dairy farming, horticulture and forestry~~ are important contributors to the Whangarei and Northland economy. The RPCE includes most of the productive rural land areas of the District. It is important that these areas are not compromised for rural production. It is expected that a diverse range of rural production ~~ve rural land use~~ activities will continue to operate and new activities will establish in the RPCE. Changing demands for existing produce and new markets establishing mean that the provisions for the RPCE need to be flexible to accommodate current and future production needs.

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The RCE provides for commercial and industrial activities that have a functional need to service rural production activities and/or rural communities or provide location based recreation or tourist activity.

Conflicting land use and reverse sensitivity effects must be carefully managed where the RPCE interfaces with sensitive activities including habitable buildings in other Rural Environments and Living Environments, and with Business and Industrial Environments. Where the RPCE is traversed by existing major infrastructure services, land use conflicts must be managed. ~~Parts of the RPE are located within the coastal environment. The values of these areas will be managed by way of the Coastal Area in the District Plan. Mineral Extraction Quarrying Resource Areas~~ apply over the RPCE and Strategic Rural Industry Environments are surrounded by the RPCE. Providing for mineral extraction activities and strategic rural industries to occur and avoidance of conflicting land use activities is important for their on-going operation.

A history of ~~varied ad hoc rural living subdivision density and rural living~~ and development has resulted in ~~inconsistent allotment size and~~ a scattered and ad hoc pattern of development across the Rural Area. Where the Rural Area abuts Whangarei City RPCE will apply, ~~areas~~ Areas for future urban growth, land use and subdivision development is spatially managed by the Rural (Urban Expansion) Environment to maintain options for the continued growth of the City. Where a rural number of rural living clusters have reached significant density and lifestyle character they have been identified as the Rural Living Environment to manage the actual and potential reverse sensitivity effects associated with rural living activities occurring in close proximity to rural production activities.

The RPCE will not support an increased level of clustered rural living development. Consistent with a consolidated pattern of development residential, rural residential and rural living activities are directed to ~~should be contained in~~ identified rural villages, the Rural (Urban Expansion) Environment or the Rural Living Environment to protect the productivity, biodiversity and rural character of the RPCE.

Urban and rural residential types of development can erode the viability of rural productivity and can create reverse sensitivity impacts on productive uses through the visual effect of large scale buildings and ancillary structures, increased traffic generation, and loss of amenity including privacy, rural outlook, spaciousness, and quietness, particularly when a new incompatible activity is located near an existing activity, with resulting conflicts.

~~The interplay of historical land use and values has resulted in the environmental character that exists in the RPE today. It is important that the ecological and landscape values of the RPE are recognised and where possible protected. These values contribute significantly to the rural character and distinctiveness of Whangarei District.~~

R CE.1.2 Objectives

1. Identify and protect productive rural land resources for a diverse range of ~~productive~~ rural production ~~land use~~ activities.
- 1.2. Enable a wide range of ~~productive rural production land use~~ activities and provide for the functional commercial and industrial activities that support rural production activities and/or rural communities including recreation and tourist based activities to establish and operate in the RCE to contribute to the District's economy.
- 2.3. Recognise, maintain and where appropriate protect the rural character and amenity of the RPCE, ~~acknowledging that character is formed through a combination of values such as ecology values, openness, topography and heritage.~~

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- ~~3.4.~~ Avoid adverse effects on productive rural and land resources from rural living land use ad hoc residential, subdivision and development in the RPCE.
- ~~4.~~ Support the range of amenity values associated with the RPE.
- 5. Minimise the fragmentation of rural land and promote allotment sizes that facilitate productive rural production activities land use other than to protect significant ecological and biodiversity values.
- ~~6.~~ Enable a wide range of productive rural land use activities to establish and operate to contribute to the District's economy.
- ~~7.6.~~ Provide for rural production activities that are compatible with the Coastal Area.

RPCE.1.3 Policies

- 1. To protect rural productive land, rural character and amenity and to encourage consolidation of activities within Whangarei City by
 - a. ~~preventing~~ Only providing for the operation of commercial and industrial activities in the RPCE, where it is demonstrated that the activity:
 - i. Has a direct connection with the rural resource and supports rural production activities and/or rural communities, including recreation and tourist based activities.
 - ii. Requires a rural location for its operational function.
 - iii. ~~ll not increase~~ minimise the potential for reverse sensitivity effects between incompatible land use activities.
 - iv. Will contain and manage adverse effects on-site.
 - v. Will contribute positively to the economy of the District.
 - vi. Can meet and fund local infrastructure requirements.
 - b. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming.
 - c. Permitting farming and activities ancillary to farming, forestry or Strategic Rural Industry.
 - d. Requiring larger allotments sizes to retain productive rural options.
- 2. To protect significant ecological and biodiversity values by enabling subdivision where those values are protected.
- ~~1.3.~~ To manage reverse sensitivity effects by a Avoiding reverse sensitivity effects by preventing the establishment of sensitive activities within close proximity to ~~Mineral Extraction~~ Quarrying Resource Areas, sStrategic fRural iIndustries, intensive farming activities intensive livestock farming or other rural production activities that are legally lawfully established where adverse effects are not contained within site boundaries.
- ~~2.4.~~ To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for residential units from unsealed roads.

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- ~~3-5.~~ To maintain rural amenity, ~~privacy, openness~~ and ~~rural~~ character by ensuring that all new buildings and rural land uses:
- a. Are of a scale and character appropriate to the RPCE.
 - b. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight.
 - c. Avoid ribbon development.
 - ~~d. Avoid a clustering of built development at a scale and character of the Rural Living Environment.~~
- ~~4.~~ To preserve openness, rural character and amenity by limiting the density of residential units.
- ~~5-6.~~ To avoid inappropriate subdivision and development in areas required for future urban growth by identifying 'setback buffers' between the RPCE and living environments (Living 1, 2 and 3 Environments, Urban Transition Environment, Rural Urban Interface Environment, Rural Living Environment and Rural Village Residential Sub-Environment).
- ~~6.~~ To protect the distinctive character and amenity values of the RPE including but not limited to:
- ~~a. A working rural environment.~~
 - ~~b. Seasonal activities.~~
 - ~~c. A low intensity of development, involving a combination of domestic and rural buildings.~~
 - ~~d. Varying levels of noise associated with seasonal and intermittent rural production activities.~~
 - ~~e. A high degree of privacy.~~
 - ~~f. Sufficient access to daylight and sunlight.~~
 - ~~g. Odours, noise and dust typical of rural activities.~~
 - ~~h. Generally low levels of vehicle traffic with seasonal fluctuations.~~
- ~~7.~~ To protect the productive function of the RPE while providing for a range of productive land uses by:
- ~~a. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive farming.~~
 - ~~b. Permitting farming and activities ancillary to farming.~~
 - ~~c. Discouraging commercial and industrial activities and rural living development.~~
 - ~~d.a. Requiring larger allotments sizes to retain productive rural options.~~
- ~~8-7.~~ To enable the subdivision of rural land into allotments of 20ha or more, where the following has been provided for:
- a. Efficient and effective on-site servicing.
 - b. Avoidance of erosion, subsidence, slippage, flooding or inundation from any source.
 - c. Stability of land and its suitability to provide a foundation for the erection of buildings, vehicle access and parking areas.

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~~9-8.~~ To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following ~~criteria~~ are achieved:

- a. It is not for the primary purpose of creating a rural residential or rural lifestyle allotment.
- ~~a.b.~~ The subdivision of rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities. ~~is for the purpose of supporting an existing farm, forestry or horticultural enterprise associated with rural production.~~
- ~~b.c.~~ The size, shape and arrangement of allotments is a practical size for rural productive land use activities and does not restrict the range of options for the use of production land.
- ~~e.d.~~ The viability of the existing rural production activity is not compromised and the existing rural production activity ~~farm, forestry or horticultural enterprise~~ can continue to operate efficiently at the subdivided scale.
- ~~d.e.~~ The subdivision and subsequent development will not result in significant adverse effects on the operation and viability of any adjoining ~~farm, forestry or horticultural~~ rural production activity.
- ~~e.~~ ~~The land and buildings have greater potential for the production of primary products, forestry or crops as a result of the subdivision.~~
- f. The subdivision and subsequent development will not require connection to the District's reticulated sewer or an extension or upgrading of any service or road, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District's infrastructure network.

~~10-9.~~ To provide for limited subdivision of rural land creating a new allotment for a surplus existing residential existing residential unit where the balance area of the farm is large and dimensions of the new allotment can accommodate the existing onsite services and provide for efficient access.

~~11-10.~~ To locate and design subdivision and associated land development to avoid urban form and character, maintain rural character and amenity values and protect and enhance environmental features by:

- a. Designing subdivisions to respond to the topography and characteristics of the land being developed.
- b. Identifying building platforms that respond to site topography and environmental characteristics.
- c. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.
- d. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.
- e. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.

11. To design subdivision and development to avoid, remedy or mitigate adverse effects to ensure that subdivision and development is compatible with the Coastal Area.

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12. To provide for environmental benefit lot subdivisions by considering sites with significant indigenous vegetation or significant indigenous habitat where the features:
 - a. Are assessed to be an acceptable quality by a qualified and experienced ecologist;
 - b. Are predominantly indigenous vegetation;
 - c. Are a threatened or rare habitat type or contain indigenous or endemic taxa that are threatened or are rare in Northland;
 - d. Contribute to ecological connectivity within the District; and
 - e. Are either
 - i. Indigenous vegetation with a minimum size of 1ha and minimum width of 50m; or
 - ii. Located in a LENZ Acutely or Chronically Threatened Environment; or
 - iii. An intact and functioning indigenous wetland.
13. To design environmental benefit lot subdivision in a manner that ensures:
 - a. All of the significant indigenous vegetation or significant indigenous habitat on the site are protected in perpetuity as part of the subdivision.
 - b. Subdivision boundaries are laid out in such a way that policy RCE 1.3.10 is clearly met.

RPCE.1.4 Guidance Note

1. The following shall form the basis for resource consent application in the RPCE:
 - a. The objectives, policies and provisions for the Rural Area in the District Plan.
 - b. The objectives, policies and provisions for Resource Areas in the District Plan.
 - c. The District Wide objectives, policies and provisions in the District Plan.

RPCE.2

Landuse

RPCE.2.1 Eligibility Rules

- ~~1. Commercial and industrial activities are non-complying activities.~~
1. More than one minor household unit per allotment is a non complying activity.
 2. Mineral extraction activities within the Mining Area of a Mineral Extraction Quarry Resource Area are exempt from ~~RPE.2.1.3, RPCE.2.3.43~~ (a) and (b) and will be assessed by applying the Mineral Extraction Quarry Resource Area Chapter provisions.
 3. ~~Mineral extraction activities is a non-complying activity if the activity:~~
 - a. ~~Extracts over 5,000m³ in any 12 month period on the site.~~
 - b. ~~Undertakes blasting.~~
 - c. ~~Establishes within 500m of an existing sensitive activity on an adjacent site.~~
 - 4.3. Intensive livestock farming activities that are closer than within 250m to of the boundary of a separate site containing a sensitive activity are is a non-complying activity activities.
 5. ~~Any activity ancillary to farming or plantation forestry that operates within a building with a GFA and/or from an outdoor area larger than 500m² is a non-complying activity.~~
 - 6.4. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

RPCE.2.2 Notification Rules

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

RPCE.2.3 Discretionary Activities

1. Commercial and Industrial activities.
- 4.2. Any sensitive activity (excluding non-habitable buildings):
 - a. Within 500m of:
 - i. The Mining Area of a Mineral Extraction Quarry Resource Area,
 - ii. A Strategic Rural Industry Environment or a Business Environment.
 - b. Within ~~400m~~ 30m of an unsealed metal road.
 - c. Within 30m of an existing plantation forestry on a separate site.
 - d. Within 250m of:
 - i. ~~An e~~ Existing intensive livestock farming activity on a separate site.
 - ii. An existing activity ancillary to farming, ~~or plantation~~ forestry or Strategic Rural Industry on a separate site.
- 2.3. Any residential unit resulting in more than 1 residential unit per 20ha of net site area. More than one dwelling per 20ha, provided that one dwelling and one minor household unit is permitted on an allotment of any size.
~~Any minor household unit.~~
- 3.4. Any building:
 - a. That exceeds a maximum height of 10m.

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- b. Within 8m of a site boundary.
- c. That results in site coverage exceeding 20% of the net site area.
- d. Within 27m of mean high water springs (excluding bridges, culverts and fences).
- e. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

~~4. The destruction of any indigenous wetland.~~

~~5. The destruction or clearance of indigenous vegetation that forms a contiguous area of 1ha or more where the maximum area of destroyed or cleared indigenous vegetation per site exceeds 500m² in any 24 month period, with the exception of vegetation clearance associated with: an area exceeding 500m² of predominately indigenous vegetation that forms a contiguous area of 1ha or more.~~

- a. Routine maintenance within 3m of existing buildings, or
- b. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities, or
- c. Pest plant removal and biosecurity works, or
- d. Vegetation removal for customary rights, or
- e. Conservation planting, including planting for ecological restoration purposes.

~~6. Any activity ancillary to farming, or plantation forestry or Strategic Rural Industry that operates within 250m of an existing sensitive activity on a separate site.~~

~~7. Any place of assembly~~

~~8. Any building associated with emergency service.~~

~~9. Any frost protection fan:~~

- a. That exceeds a maximum height of 20m.
- b. Within 8m of a site boundary.

~~10. Any crop support structure or artificial crop protection structure:~~

- a. That exceeds a maximum height of 10m.
- b. Within 1m of a site boundary.
- c. Within 27m of mean high water springs (excluding bridges, culverts and fences).
- d. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

~~11. Any health care facility.~~

~~12. Any retirement village.~~

~~13. Farm quarry if the activity:~~

- a. Extracts over 5,000m³ in any 12 month period on the site.
- b. Undertaking blasting.
- c. Establishes within 500m of an existing sensitive activity on an adjacent site.

~~14. Any activity ancillary to farming, or plantation forestry or Strategic Rural Industry that operates:~~

- a. Within buildings with a cumulative GFA exceeding 2000m² per site.
- b. From an outdoor area (excluding water storage and/or treatment ponds and irrigators) larger than 500m².

~~15. Any intensive livestock farming activity that operates within buildings with a cumulative GFA exceeding 2000m² per site.~~

Landuse

~~Any commercial or industrial activity that:~~

- ~~a. Exceeds 50m² GFA.~~
- ~~b. Is not ancillary to a lawfully established rural production activity.~~

~~Any emergency service.~~

Note: Refer to RA.4.2 for Assessment of Discretionary Activities.

RCE.2.4 Discretionary Activity Information Requirement

1. Any application under rule RCE.2.3.2 must include a transport assessment statement which:
 - a) Establishes the current and predicted transport environments/traffic volumes along the road from which the sensitive activity will be setback.
 - b) Establishes the likelihood of changes to the nature, scale and intensity of land uses and their traffic generating potential within the catchment served by the road.

RPCE.3

Subdivision

RPCE.3.1 Eligibility Rule

1. Subdivision of a minor residential unit from a ~~principal~~ residential unit is a prohibited activity.
2. Any ~~activity~~ subdivision not requiring consent as a controlled or discretionary activity is a non-complying activity.

RPCE.3.2 Notification Rules

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

RPCE.3.3 Controlled Activities

1. Subdivision where every proposed allotment:
 - a. Has a minimum net site area of 20ha.
 - b. Can accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.
 - c. Demonstrates that management of water supply, stormwater and wastewater can be achieved within the proposed allotments in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
2. Boundary relocation subdivision of sites which are existing at **[Operative Date]** that:
 - a. Results in the same number of ~~allotments~~ sites, except sites held together under section 80 of the Building Act 2004.
 - ~~b. — Creates no new allotment/s with a new site area less than 4ha.~~
 - ~~e.b.~~ Results in no additional vehicle accesses.
 - ~~d.c.~~ Results in every proposed allotment being able to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in the District Plan.
 - ~~e.d.~~ Demonstrate that management of water supply, stormwater and wastewater can be achieved within the proposed allotments in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
 - ~~f.e.~~ Results in the ability to construct or locate residential units not exceeding a density of 1 residential unit per net site area of 20ha.

Note: Refer to RA.4.1 for Matters of Control.

RPCE.3.4 Discretionary Activities

1. Boundary relocation subdivision that does not comply with any standard in RPCE.3.3.2.
2. Subdivision of existing lawfully established residential units:
 - a. With a minimum net site area of 2,000m² or less that are able to accommodate onsite servicing of wastewater disposal in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
 - b. Resulting in no more than one additional title from the parent title within any 10 year period.
 - c. Providing a balance allotment equal to or greater than 80ha in net site area.

Subdivision

3. Subdivision where any proposed allotment is unable to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
4. Subdivision where an environment benefit lot is proposed in-situ and where:
 - a) Additional allotments do not exceed the following:
 - i. 1 allotment for and up to 10ha of protected indigenous vegetation or up to 500m² of protected indigenous wetland.
 - ii. 2 allotments for 10-20ha of protected indigenous vegetation or over 500m² of protected indigenous wetland.
 - iii. 3 allotments over 20ha of protected indigenous vegetation.
 - b) All of the following are shown to be met or how they are to met.
 - i. An existing feature (or features) of high ecological value is present.
 - ii. The feature(s) are protected at the time of application.
 - iii. Protection is to be provided in perpetuity on the relevant certificate of title.
 - iv. The full extent of all features located within the site are to be legally protected.
 - v. That secure and permanent stock exclusion is or will be provided.
 - vi. That invasive plant pests are or will be eradicated.
 - vii. The animal pests are or will be controlled.
 - viii. Whether domestic pets need to be excluded or controlled.

Note: Refer to RA.4.2 for Assessment of Discretionary Activities.

RCE.3.5 Discretionary Activity Information Requirement

1. Any application for environment benefit subdivision shall be accompanied by a report from a qualified ecologist which addresses (as a minimum):
 - a. Size and extent of the features
 - b. The ecological quality of the feature(s), including but not limited to:
 - i. Function
 - ii. Structure
 - iii. Integrity
 - iv. Long term viability
 - c. The underlying physical characteristics of the features(s), including but not limited to:
 - i. Soil type
 - ii. Topography
 - iii. Aspect
 - iv. LENZ classification
 - v. PNAP classification
 - d. The effects of the potential development of the feature(s), including but not limited to:
 - i. Building platforms
 - ii. Access
 - iii. Earthworks
 - iv. Services:
 1. Storm-water

Subdivision

- 2. Reticulated sewer or septic tanks
- 3. Reticulated freshwater or water tanks
- 4. Telecommunications networks
- 5. Energy (electricity or gas) networks
- e. The potential effects of pets on the feature(s).
- f. The potential effects of farmed animals on the feature(s).
- g. An on-going management plan for the feature(s) including but not limited to:
 - i. Weed control
 - ii. Pest animal control
 - iii. Pest organism control
 - iv. Pet (including cat and dog) control
 - v. Re-vegetation and restoration opportunities
 - vi. Fencing plan

SRIE.1

Strategic Rural Industries Environment

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SRIE.3 Subdivision

SRIE.3.1	Discretionary Activity
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SRIE.1.1 Description and Expectations

The Strategic Rural Industries Environment recognises and provides for the retention and managed expansion of several established industries of strategic significance located in the Rural Areas of the District, being:

- Fonterra Dairy Factory at Kauri Milk Processing site
- Croft Timber Mill at Kauri
- Golden Bay Cement Works at Portland

Strategic Rural Industries are industrial activities that require a rural location due to specific operational requirements including infrastructure demands and proximity to resources (such as minerals and transport links) and the availability of suitable land. They are strategic because, in addition to their significance in terms of providing essential employment and services to the District, they may also be of regional or national importance due to their functions, the area served, the investment in infrastructure required for the establishment or on-going development of the activity, or their contribution to the economy.

Due to their strategic ~~nature~~ importance it is important that Strategic Rural Industries are encouraged to continue to operate and develop, while acknowledging the potential for such industries to impact on surrounding rural activities due to the scale of their operations and nature of effects.

The term 'Strategic Rural Industries' is applied specifically in the District Plan to the Strategic Rural Industries Environment and does not include strategic industries located within the urban areas of the District and/or within other Environments with existing specialised industrial functions (e.g. Port Marsden and the Marsden Point Oil Refinery).

It is anticipated that the Strategic Rural Industries Environment could be extended over time to other rural locations elsewhere in the District by way of plan changes to accommodate additional Strategic Rural Industries.

Note: Commercial quarries and mineral extraction activities will in future be assessed as Mineral Extraction Areas.

SRIE.1

Strategic Rural Industries Environment

SRIE.1.2 Objectives

1. Recognise the contribution ~~of~~ established Strategic Rural Industries make to the vitality and economic viability of the District.
2. Provide for the establishment and operation of Strategic Rural Industries in appropriate locations within the Rural Area.
3. Promote ~~the adoption of~~ a flexible and targeted management framework for existing and/or prospective Strategic Rural Industries.
4. Maintain rural amenity and avoid reverse sensitivity effects ~~associated with~~ in the vicinity of Strategic Rural Industries.

SRIE.1.3 Policies

1. To provide for and manage the effects of Strategic Rural Industries by identifying them as within the Strategic Rural Industries Environment.
2. To provide for the ongoing operation and expansion of Strategic Rural Industries where adverse effects can be avoided, remedied or mitigated.
3. To avoid fragmentation of Strategic Rural Industry sites and ~~to safeguard adjoining landowners from~~ potential reverse sensitivity effects associated with further subdivision.
4. To manage land use conflicts by ensuring that activities that are incompatible with the effects of Mineral Extraction Activities are not established within the Portland Strategic Rural Industry Environment.

SRIE.1.4 Guidance Note

1. The following shall form the basis for resource consent application in the SRIE:
 - a. The objectives, policies and provisions for the Rural Area in the District Plan.
 - b. The objectives policies and provisions for the SRIE.
 - c. The objectives, policies and provisions for Resource Areas in the District Plan.
 - d. The District Wide objectives, policies and provisions in the District Plan.

SRIE.2

Landuse

SRIE.2.1 Eligibility Rules

1. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.
2. Sensitive activities are non-complying activities.

SRIE.2.2 Notification Rules

- ~~1. Land use activities that are non-complying activities must be publicly notified.~~
- ~~2. Any resource consent application for a building exceeding 20m in height within 20m of the Rural Production or Open Space Environments must be publicly notified.~~
- ~~3-1.~~ All ~~other~~ land use activities are subject to the notification test of the RMA.

SRIE.2.3 Restricted Discretionary Activities – All SRIE sites

1. Any activity or activities which cumulatively generate more than 200 additional traffic movements per SRIE site per day (24 hour period).

Existing traffic movements shall be calculated from the operative date [insert operative date] of the SRIE chapter.

Where a resource consent has already been granted for an additional 200 or more traffic movements pursuant to this rule, existing traffic movements shall then be calculated from the amount of traffic movements authorised in the granted resource consent.

- a. Discretion is restricted to:
 - i. Effects on the transport network.
 - ii. design and location of access.

~~SRIE.2.43~~ Discretionary Activities - Fonterra Kauri Dairy ~~Factory~~ Milk Processing site SRIE

1. Any building:
 - a. That exceeds a height of 20m, or is a boiler, silo, drier ~~spray drying~~ or evaporation plant that exceeds a maximum height of 65m, including any associated stacks.
 - b. Within 4.5m of a road boundary.
 - c. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
 - d. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary.
2. Any building exceeding 20m in height within 20m of the Rural ~~Production~~ Countryside or Open Space Environments.

SRIE.2.54 Discretionary Activities - Portland Cement SRIE

1. Any building:
 - a. That exceeds a maximum height of 20m, or is part of the rock crusher or utilised for the production of cement and exceeds a maximum height of 66m.

Landuse

- b. Within 20m of any other Environment boundary, except the maintenance and upgrading of the cement works' conveyor structure.
- c. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
- d. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary with any Living, Rural Production or Open Space Environment.

SRIE.2.65 General Discretionary Activities – Other SRIE

- 1. Any building:
 - a. That exceeds a maximum height of 20m.
 - b. Within 4.5m of road boundary.
 - c. Within 27m of the top of the bank of any river that has a width exceeding 3m, excluding bridges, culverts and fences.
 - d. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary.

Note: Refer to RA.4.2 for Assessment of Discretionary Activities.

SRIE.3

Subdivision

SRIE.3.1 Discretionary Activity

1. Any subdivision in the SRIE is a discretionary activity.