

**BEFORE THE HEARING COMMISSIONERS
AT WHANGAREI**

IN THE MATTER of the Resource Management Act 1991
(**"the Act"**)

AND

IN THE MATTER of the hearing of submissions on Proposed
Plan Changes 85 and 85A-85D to the
Whangarei District Plan

**STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON
FOR HORTICULTURE NEW ZEALAND**

28 JUNE 2017

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SUMMARY STATEMENT

1. My name is Vance Hodgson. I am a planning consultant and for the last 6 years have provide resource management policy advice to Horticulture New Zealand ("**HortNZ**"). My involvement with this process has only been recent but I am familiar with the rural environment of Whangarei.
2. HortNZ has asked me to review the Plan Changes relative to my experience with the horticultural sector, rural plan change/subdivision work and the changes sought by HortNZ in submission.
3. While generally supportive of the resource management direction, I consider that the Plan Changes could be improved to better protect and support rural production activities and deliver on the growth management vision for Whangarei.
4. While supporting an approach of defined areas of rural living as opposed to more scatter methods, I consider the plan could be strengthened to avoid rural living activity that would conflict with rural production and constrain food production.
5. The evidence of HortNZ refutes the assumption that smaller blocks in the rural environment of Whangarei are compromised in terms of rural production capacity, being one of the primary criteria used to determine the Rural Living Environments.
6. In the locations of Glenbervie, Apotu Road, Kara/Newton Road, areas of production land and existing horticultural activity have been considered more appropriate for rural living. In my opinion, more could be done to ensure the ongoing viability of existing rural production activities in these areas and avoid conflict with rural living amenity expectations.
7. On the basis of HortNZ evidence concerning high quality soils and other production land, I am of the opinion that greater emphasis should be placed on the value of this resource to the District.

QUALIFICATIONS AND EXPERIENCE

8. My full name is Vance Andrew Hodgson. I am a director of Hodgson Planning Consultants Ltd, a resource management consultancy based in Waiuku. I have been employed in resource management related positions in local government and the private sector since 1994 and have been in private practice for 12 years. I hold a Bachelor of Resource and Environmental Planning (Hons) degree from Massey University.

9. I have worked in the public sector, where I was employed in student, assistant and senior policy planning roles by the Franklin District Council. I provided continuous in-house resource management consultancy services to the Papakura District Council from 2004 to 2010. Since 2010, I have provided contract planning services to the Auckland Council. The scope of work for the public sector has been broad, covering plan change processes, submissions to national standards/regulations/policy statements and regulatory matters.
10. I have worked in geographic information system positions in the United Kingdom and worked for CKL Surveying and Planning Limited in Hamilton focusing on rural subdivisions.
11. In private practice, I regularly advise a range of private clients on statutory planning documents and prepare land use, subdivision, coastal permit, water permit and discharge permit resource consent applications. I have experience in resource consent applications, hearings and appeals on a range of activities, particularly for activities in the rural environment.
12. Living and working in the rural environment of South Auckland / North Waikato, I have had a continuous association with the rural production sector and in particular the horticultural industry. From 2012 I have been providing resource management advice to Horticulture New Zealand on policy matters across New Zealand.
13. I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

INVOLVEMENT IN PLAN CHANGE

14. My involvement with this process has only been in recent weeks but I am familiar with the environment and local growing activity. I was not involved in the preparation of the Submission of Further Submissions of HortNZ. More recently HortNZ has asked me to review the Plan Changes relative to my experience with the horticultural sector, rural plan change/subdivision work and the changes sought by HortNZ in its submission and further submissions.

PLANNING FRAMEWORK

15. The planning framework is well described in both the s32 Report and the s42A Report provided by the WDC. I broadly agree with the

analysis and understand the planning history and growth management direction from the statutory and non-statutory documents that have informed the Plan Changes.

16. Given the general agreement I do not repeat the analysis of the applicability of those planning instruments or the compliance of the Plan Changes with those instruments. Rather this evidence sets out where I depart from the views expressed in the s32 or s42A Reports, or where I consider that an alternative planning provision would better give effect to, be not inconsistent with, or have regard to (as the case may be), the various relevant documents.

HORTNZ SUBMISSION

PLAN CHANGE 85 RURAL AREA (RA)

RA. 1.1 Description and Expectations

17. I support the request by HortNZ that the description of the RA.1.1 be amended to identify the presence of Horticulture. The evidence of HortNZ sets out the value of the sector locally, regionally and nationally and the presence of infrastructure that supports the activity. This is a cornerstone activity in the District's rural environment with growth expectations. Recognising this sector in the description and expectations for the rural area would assist with delivering a planning framework to support ongoing rural production.
18. HortNZ sought a change to the description of the Rural Living Environment (RLE) in RA.1.1. The intent was to reinforce that the rural area is primarily a place of rural production, interspersed with scattered; and in the case of the RLE, defined elements of countryside living.
19. HortNZ has expressed its concerns with the location of the RLE's and potential conflicts within and adjoining these areas with rural production activities. I consider that the concerns are valid and the change is appropriate.
20. I agree with the s42A recommendation that this paragraph is only meant to provide a brief description of the RLE¹ but it is here where the resource management platform for the rural area should be clear. The evidence of HortNZ reiterates the importance of rural production in the wider rural environment in Whangarei within which the RLEs are located.

¹ Para 97 s42A Report Part 5 PC85 Rural Area

21. The description states that the RLE are in locations that have an *existing* rural living density of development. This differs from the description in RLE.1.1 which states that the RLE covers rural areas within the District that are *either* already characterised by rural living activities *or* are desirable areas for rural living type development to occur. I am aware of a number of submitters stating that other areas of the District meets these criteria i.e. already characterised by rural living or are area desirable for rural living. I consider there are significant challenges to containing RLE to the areas and extent identified in the Plan Changes and that extensions are likely to lead to conflict with rural production that relies on the rural resources of the District and defines the rural character and amenity.
22. I suggest that the description of the Rural Living Environment should better align with the intent as I understand it:
- The Rural Living Environment provides for rural lifestyle living as well as small-scale rural production in areas already characterised by rural living activities and where rural production activities will not be compromised.*
23. I consider that more could be done to strengthen the Plan through the objectives, policies and methods discussed below, to protect the rural production system from the adverse effects of rural living.

RA. 1.2 Rural Area Objectives

24. Changes were sought by HortNZ to the Objective RA.1.2.2 to focus on avoiding the potential for reverse sensitivity, with the suggestion the options of remedying or mitigation were deleted. I consider that it is suitable to retain these options but suggest that the reverse sensitivity response as it relates to the RLE could be strengthened in Objective RA.1.2.6.
25. As identified in the submission and evidence of HortNZ, there is some concern with where the RLE are located and the criteria used to identify the areas. As noted above, the RLE.1.1 description states that these areas are either already characterised by rural living activities or desirable areas for rural living type development to occur. There are then continued references in the Plan to the identified areas being compromised for rural production.
26. The statements that these areas are compromised, conflicts with HortNZ's evidence on the distribution of land with high production potential and established activities in some of those areas and adjoining.
27. I consider that framing an objective around the concept of 'comprised for rural production' risky for plan integrity given a range

of arguments could be advanced about compromised situations. An example being the submission of Mojo Trust that seeks to extend the area of RLE along Ngunguru Road in Glenbervie. Sue Culham of Puripak Avocados, across the road from the submitter, has prepared evidence for HortNZ demonstrating the issues identified by Mojo Trust have not been constraints for Puripak on land with the same features.

28. I suggest that Objective RA.1.2.6 would be better framed as follows:

Consolidate rural living subdivision and development in areas of less productive land and where development will not compromise existing rural production activities or the ability of adjacent zones to be effectively and efficiently used for appropriate activities.

RA. 1.3 Rural Area Policies

29. HortNZ had sought that a definition of 'rural character' be added to the Plan. I don't consider this necessary but I do consider it important for the Plan to set out the features of rural character in policy.

30. RA.1.3.2 does this in describing where RPE locations have been defined. i.e.

- a predominantly working rural environment,
- larger land parcels,
- fewer buildings,
- a general absence of or suitability for infrastructure.

31. Features typical of the RPE are then further described in RPE.1.3.7 which I support, while noting that I would expand these to include:

- the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry;
- accessory buildings and structures (including crop support and crop protection structures) across the landscape.

32. HortNZ suggested that RA.1.3.2(b) could be improved to note that the RPE is also characterised by smaller horticultural blocks. On review of the policy and s42A Report, I agree with the reporting officer that the policy is primarily intended to protect the land resource rather than activities and does not need to change.

However, I note the evidence of HortNZ² that the majority of avocado and kiwifruit orchards in Whangarei are in the 1-6ha range supported by the established diverse parcel size structure.

33. HortNZ also suggested that additional criteria could be included in RA.1.3.2(b) to note that RPE locations have been applied to areas with components of water access, high quality soil, suitable climate and contour required to support rural production. Concern is expressed in the s42A Report that many sites do not compromise all of these components and may not therefore meet the RPE zoning criteria. I support adding these components and don't see this as being a checklist whereby all elements need to be present, but important elements that help determine the extent of the RPE.
34. Notably the quality of soils is one of the primary reasons rural production activities are located in the RPE and the Plan is less explicit on their value than the operative District Plan. The only specific reference to versatile soils is in the description of Maungatapere village (RVE.1.1) and in Policy RLE.1.3.8 relative to maintaining rural character in the Rural Living Environment. The previous directness and strength provided by existing District Plan Policy 6.4.10 on Productive Soils is lost and in my opinion the Plan Changes would be improved by better recognition and protection of a key limited resource for the District and New Zealand.
35. Access to water is also a key input for many rural production activities. Important for Whangarei is the established Maungatapere Irrigation Scheme, key rural infrastructure that supplies water to 205 horticultural properties. The RPE captures properties supplied by the scheme and without it the productive capacity of this land would not be fully achieved.
36. Expanding Policy RA.1.3.2(b) to note the other components that have informed the RPE would, in my opinion, be positive changes and help define limits for RLE.
37. HortNZ also sought changes to the Policy RA.1.3.3 that identifies where RLE are located. These changes are to exclude those areas containing the range of components previously stated and to also not contain horticultural activities. The concern for HortNZ (that I share) are:
 - The criteria could be applied elsewhere and Plan integrity difficult to defend.
 - RLE's do not recognise existing rural production activities within or adjoining proposed boundaries.

² Jerome Hardy, AvoGro Ltd 26/06/17

- Land with high production potential is not protected from inappropriate subdivision and land use.
38. I refer to the volume of ‘me too’ submissions seeking extensions to RLE or those seeking new RLE. It is also reasonable to assume that private plan change requests will follow in the future seeking extensions to RLE or new RLE. As already noted, the Plan states in RLE.1.1 Description and Expectations that these areas are *either* already characterised by rural living activities *or* desirable areas for rural living type development to occur. I would assume cases for other areas desirable for rural living type development could be advanced.
39. On the evidence of HortNZ (focusing on Glenbervie, Apotu Rd, Kara/Newton Rd), I note that the RLEs do contain existing rural production activities and adjoin rural production activities. In my opinion, the Plan would be strengthened by elevating rural production values to address challenges to the resource management strategy proposed.
40. Not including criteria within RA.1.3.3 to direct RLEs away from land that produces food, is in my opinion, a risk for the Plan’s integrity. As an alternative to the text proposed by HortNZ, I would suggest criteria as follows:
- Are not areas of highly versatile land, land with high production potential or established rural production activities.*
41. This would provide a useful linkage to Objective RA.1.2.6 as proposed to be amended.
42. RA.1.3.3 uses the term ‘materially’ as the threshold for which effects are acceptable. I take the term materially to mean not in a significant way. That being the case, Policy RA.1.3.3 anticipates that by providing for RLEs there will be a reduction in the potential for rural areas for productive use and an increase in the potential for reverse sensitivity effects, albeit not in a significant way. The Regional Policy Statement for Northland (RPS) uses the same term in Policy 5.1.1 but includes a criterion that a material reduction in the potential for soil-based primary production on land with highly versatile soil can only occur where the net public benefit exceeds the reduced production potential.
43. The RLEs of Glenbervie, Apotu Rd, Kara/Newton Rd include highly versatile land, include existing rural production systems and are in situations where conflict with adjoining rural production systems are likely. It is difficult to see how the net public benefit exceeds the potential reduced production potential in these areas, however my primary concern is the ability to defend the limits to these areas from

expansion or new RLE areas developing in areas that would result in conflict.

RA New Policy

44. I support HortNZ's submission seeking a new policy to recognise highly productive and versatile land and consider this could be more direct.

To protect the districts highly quality soils and productive land for its productive potential and value to the district's economy, from the adverse effects of urban and rural living development.

45. Land with high production potential in Whangarei is not limited to Class I – III land³, which is versatile land; and the policy proposed by HortNZ addresses all land with production potential. That said, it is my understanding and experience that versatile land (Class I – III) is a critical resource in New Zealand's rural production system, from which higher production output and higher earnings can be generated.
46. The s42A Report discusses that Council consider that the economic costs associated with identifying and mapping these soils may generate additional consenting requirements and costs⁴.
47. In my opinion, these costs do not outweigh the need to provide an appropriate planning response for a fundamental resource management issue for the District and New Zealand. Safeguarding the life-supporting capacity of soil is of course a requirement of sustainable management under Part 2 of the RMA. The RPS further establishes the value of highly versatile soils for the region. I consider that site specific information to clarify the productive capacity of a site to be an appropriate and necessary information requirement in planning processes.
48. The s42A Report states that numerous proposed provisions directly or indirectly provide for the protection of productive and versatile soils including RA.1.2.1, 1.2.3, 1.2.6, 1.3.2, 1.3.3 and 1.3.5. In my opinion, these objectives or policies are not direct enough and do not sufficiently address or mention the values of highly productive land or versatile soils. I am concerned that the current framework places significant risks on this resource and rural production systems from inappropriate subdivision and development.

³ Robert Cathcart, AgFirst Northland, Whangarei PC 85, 85A-D

⁴ Para 156 s42A Report Part 5 85 Rural Area

RA. 3 Rural Area Subdivision Performance Standards

49. The submission of HortNZ set out a request for a new subdivision method (Rural Production Lots) as a restricted discretionary activity. Following further review of the Plan and discussion with a range of experts, HortNZ has identified risks to this method and it will not be pursued.
50. I support the non-complying activity status for the subdivision of land into allotments less than 20ha in the RPE and also support the s42A Report recommended changes to Policy 1.3.10 to protect rural production activities from inappropriate subdivision and development. In addition to protecting the rural production system, I also consider Policy 1.3.10 and a non-complying activity pathway an appropriate mechanism to consider any viable rural production lot type scenarios.

RA. 4 Rural Area Matters of Control and Assessment Criteria

51. HortNZ sought additional criteria be included in RA.4.2 in the assessment of discretionary activities to 'avoid' potential reverse sensitivity effects. I agree with the statement in the s42A Report that RA.4.2 is not meant to be an all-inclusive list but that the Plan would be improved by adding criteria to focus the assessment on one of the key issues in the rural area.
52. The recommendation of the s42A Report is for a new criterion as follows:

The potential for reverse sensitivity effects on existing lawfully established activities and any mitigation measures proposed.
53. In my opinion, the criteria is better written as one of considering how an activity might avoid, remedy or mitigate reverse sensitivity effects. I note for example that the boundary of RLEs are in some situations adjacent rural production activities. Here mitigations may be limited and avoiding reverse sensitivity effects should influence subdivision design.
54. This change would provide useful linkage and support to RPE.1.3.12(e) which requires that subdivision *will not* create reverse sensitivity effects with respect to existing lawfully established activities.

PLAN CHANGE 85A RURAL PRODUCTION ENVIRONMENT (RPE)

RPE. 1.1 Description and Expectations

55. I support the approach in RPE.1.1 which sets out the descriptions and expectations for the RPE. I further support the recommended changes in the s42A Report to further outline conflict issues associated with incompatible activities located near existing activities.
56. HortNZ suggested in its submission that this section be amended to identify that rural production activities have helped define the RPE landscape. I agree, but see no need to advance this with changes to RPE.1.1.

RPE. 1.2 Objectives

57. Support for the objective package was expressed by HortNZ and I also consider the objectives to be sound. The s42A Report recommends removing the rural character descriptors in RPE.1.2.2. I support this change and as previously discussed consider the elements of rural character are better addressed in the policy.

RPE. 1.3 Policies

58. HortNZ also expressed support for the RPE policies with suggested changes for clarification. A number of these recommendations have been accepted and I concur that these provide clarification particularly to RPE.1.3.4, RPE.1.3.7 and RPE.1.3.8.
59. A change to RPE.1.3.12 b) to ensure setback requirements were explicit in the policy was also sought by HortNZ.
60. Setbacks are a primary method in the RPE as evident in land use rules RPE.2.3.1, RPE.2.3.4, RPE.2.3.9, RPE.2.3.10, RPE.2.3.14. On review of the policy package I am comfortable that the setback methods used in the RPE are sufficiently supported by the framework – particularly through RPA.1.3.2.

RPE. 2.1 Landuse Eligibility Rules

61. RPE.2.1.5 defines a non-complying activity status to any Activity Ancillary to Farming, or Plantation Forestry or Strategic Rural Industry that operates within a building with a GFA and/or outdoor area larger than 500m². HortNZ have submitted requesting a discretionary activity, a position I support.
62. Activities Ancillary to Farming, Forestry or Strategic Rural Industry are defined as follows:

Means processing and packaging facilities for farming, forestry and any strategic rural industry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to farming, horticulture, or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores, and pack houses, and rural contractor depots and by-product disposal.

63. I understand these activities to be a necessary and integral part of the rural production system. I agree with the s42A that 500m² is a conservative limit⁵. I offer no evidence to support an increase on behalf of HortNZ but I do consider a non-complying activity status overly restrictive in an area where horticultural growth is anticipated and offsite processing and packaging facilities serving multiple growers may be required to serve the surrounding rural production system.
64. A non-complying activity status appears disjointed from Policy RPE.1.3.8 that looks to protect the productive potential of the RPE while providing for a range of rural production activities land uses by:
- b) Permitting farming and activities ancillary to farming, forestry or Strategic Rural Industry.*
65. A discretionary activity is, in my opinion, a more appropriate activity status where those ancillary activities expected in the rural environment exceed the permitted activity threshold. Discretion is available to refuse an activity that conflicts with the resource management strategy. Building scale and onsite/offsite effects of the activity would be a consideration in the consent.
66. I note the officer comment in the s42A Report on HortNZs submission to the definition of Activities Ancillary to Farming, that the packing of goods within a horticultural block is not within a pack house⁶. That is, buildings and structures that are associated with normal rural practices fall within the definition of farming and this could include onsite processing and packing of the product grown by that operation. These buildings and structures are not subject to the 500m² GFA or outdoor area limitation.
67. Addressing the offsite facilities (Activities Ancillary to Farming), I consider that as an alternative to amending the definition of Activities Ancillary to Farming, the Pan would be improved by

⁵ Para 141 s42A Report Part 7 85A Rural Production Environment

⁶ Para 254 s42A Report Part 1 General Report

adding a definition of Pack House (already an Activity Ancillary to Farming) as follows:

Pack house

Building operated by any number of growers and used for the storage, packing, washing, inspecting and grading of eggs, fruit, vegetables, or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes all activities that are an integral aspect of post-harvest operations.

Includes:

- *use of the site for the collection and distribution of horticultural products;*
- *slicing and dicing agricultural products in preparation for distribution to retail outlets, including the disposal of associated waste material from these activities;*
- *preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets;*
- *collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products; and*
- *the on-site servicing and maintenance of vehicles and equipment associated with the activities.*

RPE. 2.3 Discretionary Activities

68. The submission of HortNZ identified some significant operational constraints from the proposed bulk and location Rule RPE.2.3.4 that defines a maximum height, yard and coverage covering all buildings.
69. New definitions proposed by HortNZ have been supported by officers in the s42A Report which would exclude crop support and artificial protection structures from compliance with building rule (RPE.2.3.4). This approach aligns with other district plans around New Zealand in recognition that these structures are necessary and part of the rural production environment.
70. I also support the discretionary activity limits proposed for crop support and protection structures and the rules governing frost fans which I understand are practical and achievable for growers and again generally align with other districts.
71. HortNZ had sought to include a setback in RPE.2.3.7 for places of assembly of 30 metres from existing lawfully established rural

production activities within the RPE. This has not been supported in the s42A recommendations and I concur that this is not necessary. Any place of assembly is a discretionary activity and the applicability and distance of a setback would be a consideration through the consent process.

RPE. 3 Subdivision

72. As previously noted, HortNZ set out a request for a new subdivision method (Rural Production Lots) as a restricted discretionary activity. HortNZ has identified risks to this method and will not be pursuing. I reiterate my support for the s42A Report recommended changes to Policy 1.3.10 to protect rural production activities from inappropriate subdivision and development.

PLAN CHANGE 85B STRATEGIC RURAL INDUSTRY ENVIRONMENT (SRIE)

73. HortNZ had sought a change to SRIE.1.1 Description and Expectations to refer to some industries also being of significance for local or district purposes and critical to the local economy. My review of the SRIE is that the change is not necessary for this activity specific zoning. The SRIE already recognises these activities are significance in terms of providing essential employment and services to the District but extend to being regional or national significance, consistent with the definition.

PLAN CHANGE 85C RURAL VILLAGE ENVIRONMENT (RVE)

74. HortNZ sought amendments to RVE.1.1 Description and Expectations and Policy RVE.1.3.6 to acknowledge the fact that many rural villages are located adjacent to the RPE resulting in potential reverse sensitivity effects.
75. I support the recommendations in the s42A Report on this issue that proposes a standalone statement in RVE.1.1.
76. The s42A recommendation is not to include a new policy point in RVE.1.3 on the basis the matter is partially addressed by these overarching RA provision⁷. I agree, but see no issue in providing clear policy in the RVE to require new subdivision and development to be cognisant of and provide an appropriate response to, managing reverse sensitivity on a zone interface.

⁷ Para 65 s42A Report Part 9 85C Rural Villages

PLAN CHANGE 85D RURAL LIVING ENVIRONMENT (RLE)

RLE. 1.1 Description and Expectations

77. HortNZ set out concerns with the location and approach to determining Rural Living Environments. I share these concerns. One of the criteria Council have used to determine a location is that rural production activities are considered compromised – primarily because of parcel size.
78. The evidence of HortNZ identifies that:
- RLE areas contain existing rural production activities.
 - RLE areas contain highly versatile land and land with production potential.
79. The s42A Report opinion is that the proposed Plan Changes direct lifestyle development away from high class soils⁸ and that due to historical subdivision and existing residential development these areas are significantly compromised for primary production activities⁹. The assessment I would make is whether if RLE was not proposed in these areas, would rural production activities continue? The evidence of HortNZ's experts suggests yes and that they could expand in some locations given the economic growth potential.
80. I consider that criteria determining an area compromised for rural production because it is less than 4ha is an inappropriate measure¹⁰. The evidence of HortNZ experts is that the majority of avocado orchards in Whangarei are in the 2-6ha range and kiwifruit 1-6ha range. This correlates to the availability of suitable land and the historical parcel structure. I am also aware that horticultural activities often extend over other parcels through lease arrangements so that parcel size is not necessarily a constraint.
81. I support defined areas to contain rural living and the Councils use of an Assessment Criteria process as set out in the s32 Report as a method to assist with identifying Rural Living Areas. But this must only be part of the consideration which also needs a value based assessment. The RPS requires this when considering subdivision and development on highly versatile land. I.e. does the net public benefit outweigh the loss of soil-based primary production. It is not clear to me that in all situations the RLE areas pass all tests.

⁸ Para 97 s42A Report Part 7 85A Rural Production Environment

⁹ Para 158 s42A Report Part 10 85D Rural Living Environment

¹⁰ S32 85D Rural Living Environment, Appendix 3: Assessment Criteria for Rural Living Areas

82. As previously stated I am also concerned with the RLE.1.1 Description and Expectation that RLE areas cover areas within the District that are *either* already characterised by rural living activities *or* are desirable areas for rural living type development to occur. In my experience, land that is highly versatile is also typically desirable for rural living being flat, easy to develop and easy maintenance.

RLE. 1.2 Objectives

83. HortNZ sought a change to RLE.1.2.5 to remove the reference to rural production activities being already compromised in these areas. I support the change as I find it had to rationalise the concept that rural production has been compromised in all of these areas given the evidence.

RLE. 1.3 Policies

84. HortNZ sought changes to the polices in RLE.1.3, with the intent of recognising and protecting existing horticultural operations in the RLE.
85. The s42A Report has outlined that horticultural operations in the RLE are permitted, protected by existing use rights, and considered at a small scale to be an appropriate way to utilise a lifestyle block¹¹. I agree, but have reservations on the ability for an existing operation to continue, with Ms Angela Halliday for HortNZ outlining some of the potential issues. Primarily, the amenity expectations in a RLE where a subdivision pattern of 4000m² to 2ha (Controlled) 2000m² to 1ha (Discretionary) establishes, is likely to conflict with horticultural activity within and adjoining the RLE.
86. RA.1.3.3(b) states that the areas identified are locations that *demonstrate a predominantly rural living character*. I repeat that this differs from the zone description and expectation that states the RLE covers rural areas within the District that are *either* already characterised by rural living activities *or* are desirable areas for rural living type development to occur.
87. Notwithstanding this conflict, Policy RLE.1.3.1 is clear that the intent of the zone is to *preserve* rural character and amenity while *enabling* rural living development. The factors that contribute to rural character in the RLE are then set out a) to i) and importantly for HortNZ include i);

¹¹ ¹¹ Para 92-94 s42A Report Part 10 85D Rural Living Environment

Presence of rural production activities, and associated effects (such as odour, noise from machinery and livestock and buildings such as barns, greenhouses and silos)

88. Maintaining on-going rural production activity in the RLE will be difficult where the amenity expectations are associated more directly with large lot rural residential activity. If these existing activities that positively support the District and produce food are to be retained then I support the method changes sought to RLE 2.3 by HortNZ and consider that a change to RLE.1.3.7 as suggested necessary.

To manage reverse sensitivity effects by avoiding the establishment of a sensitive activities within close proximity to Mineral Extraction Activities and the Rural Production, Business and Strategic Rural Industry Environments and rural production activities within the Rural Living Environment.

RLE. 2.3 Land Use

89. To support existing rural production activities within the RLE, HortNZ sought changes to the land use setback provisions applying to sensitive activities and places of assembly. The s42A Report raises two issues with the submission.
- a) Council does not have information on the location of rural production activities.
 - b) Council questions the efficiency or effectiveness of this method to deal with reverse sensitivity.
90. Addressing the first issue, I don't see this as an impediment as an assessment of the environment as part of a consent application would clarify adjoining activities. Horticultural activities are fairly evident on aerial photography and identified in the HortNZ evidence. Furthermore, I understand that HortNZ has previously expressed to Council a desire to meet and share its information on grower activity and location.
91. Addressing the second point, I note the method is already applied to separate sensitive activities from the RPE and production forestry (RLE.2.3.1(b) & (d)). Setbacks are in my opinion only a tool to consider the arrangement between activities, potential conflicts and ways to avoid, remedy or mitigate those conflicts and it is difficult to identify what the distance should be. However, RLE Policy RLE.1.3.1 as proposed seeks to *preserve* rural character and amenity while *enabling* rural living development and maintaining factors that contribute to rural character including:

RLE.1.3.1(i) Presence of rural production, and associated effects (such as odour, noise from machinery and livestock and buildings such as barns, greenhouses and silos).

92. That being the case I consider it efficient and effective to apply the 30m setback internally to the RLE to separate sensitive activities from established rural production activities until those rural production activities cease operation.
93. A subdivision meeting the minimum 4000m² lots and a 2ha average is a controlled activity that cannot be declined and a subdivision to a minimum 2000m² and a 1ha average is discretionary. In both situations is it difficult to see a place for neighbours' involvement in the process. That being the case, establishing clear separation to assist with avoiding conflict is appropriate.
94. I also understand that several submissions challenge the subdivision averaging rule and I would expect that if this remains, it will be tested by non-complying consent applications. In my experience, maintaining an averaging lot size in a countryside living zone is challenging and I am aware of plan changes in Franklin and Papakura removing the method in previous rural reviews. This is in my opinion, another risk that makes protecting existing rural production activity in these areas all the more important.
95. HortNZ had sought an exclusion from the site coverage provisions for artificial crop protection structures. The proposal was to place a limitation around this to only permit the use of black or green cloth thereby avoiding potential amenity concerns with commonly used white cloth.
96. The s42A recommendation provides a discretionary activity threshold in RLE.2.3.11 for crop support structures and crop protection structures, but in conflict only excludes artificial crop protection and support structure from the definition of Building from within the RPE. That being the case, artificial crop protection structures in the RLE would be considered buildings and subject to the standard yard and coverage limitations of RLE.2.3.4.
97. The need for crop support and crop protection structures to support horticultural activities on small blocks is outlined by other HortNZ experts. A non-complying activity status for crop covers greater than 500m² or within 10m of a road boundary or 3m of any other boundary (including adjoining sites owned by the grower), is prohibitive and further discourages ongoing rural production, including small scale activity the zone character anticipates.
98. If the concern is one of effects on sunlight to adjoining land, I note the same effect could be generated by shelterbelts which are not

controlled in the RLE. If the issue is amenity then HortNZ recommended controls on cloth colour. I also refer back to the HortNZ submission seeking a 30m internal yard for new subdivision and development in the RLE from rural production activities as a means of managing amenity/sunlight concerns.

RECOMMENDED CONSEQUENTIAL AMENDMENTS

Definition - Farming

99. HortNZ sought clarity around the use of terms Farming and Rural Production activities. The s42A recommendation is to include a new definition of rural production activity, a recommendation I support and addresses the HortNZ submission.

Definition – Activities Ancillary to Farming

100. Clarity had been sought by HortNZ and a number of submitters that the packing of goods within a horticultural block (as an onsite activity) was not captured by the definition of ‘Activities Ancillary to Farming’ and thereby the 500m² GFA limitation in RPE.2.1.5.
101. The s42A Report has helpfully clarified that the packing of goods within a horticultural block is not considered a Pack House¹². That is, buildings and structures that are associated with normal rural practices fall within the definition of farming and this could include onsite processing and packing of the product grown by that operation. These buildings and structures are not subject to the 500m² GFA or outdoor area limitation. I have suggest a definition of Pack House to provide further clarity for offsite activities.

Definition – Building

102. I have previously commented on this issue and note that as proposed, the artificial crop protection and crop support structures are deemed buildings in the RLE and this would have an impact on the continuity of existing horticultural activities in the RLE and potential small block operations.

Definition – Reverse Sensitivity

103. Reverse sensitivity effects are a key issue for the horticultural sector. While supporting the inclusion of a definition of reverse sensitivity, HortNZ sought changes to align with the RPS. On

¹² Para 254 s42A Report Part 1 General Report

reflection, I do not consider this necessary with the definition proposed sufficient.

Definitions – Rural Centre Service Activity

104. I understand that the intent of the submission of HortNZ was to seek changes to the definition of rural service centre activities to ensure the Plan provided for those ancillary activities that support rural production activities in the RPE. I agree with the s42A assessment of this request and see the issue HortNZ raises relates to how the Plan provides for ‘activities ancillary to farming’.

Definitions – Rural Character

105. As previously stated, I don’t consider a definition of rural character is necessary but I do consider it important for the Plan to be clear on the features that define rural character in policy.

Definitions – Strategic Rural Issues

106. I have already noted that I consider that the SRIE already recognises these activities as significance in terms of providing essential employment and services to the District but extend to being regional or national significance consistent with the definition.

Definitions – Sensitive Activities

107. The HortNZ submission supports the officer recommendation in regard to the definition of Sensitive Activities which provides a robust definition to support the activity controls.

Noise and Vibration

108. HortNZ have raised a number of submission points related to instating a consistent approach to managing noise across the RLE and RPE.
109. HortNZ have not called expert evidence on the noise limits and the area is outside of my expertise. However, the approach clearly establishes further constraints on rural production activities in the RLE. As stated by Mr Peter Ibbotson of Marshall Day Acoustics¹³, people living in the Rural Living Environment often demand similar levels of amenity to those in residential environments. That being the case, existing use right arguments will not carry weight when

¹³ Para 3, Pg 5 s42A Report Part 1 Attachment 6 Technical Report Marshall Day

noise emitted by a rural production activity then becomes unreasonable because of the encroachment of new development.

110. Whether the 30m internal yard proposed by HortNZ would assist with avoiding or mitigating all rural production noise effects I am unable to advise but the method would provide a consent trigger to consider the relationship between the activities and ways to avoid conflict.

Built Form and Development / Anticipated Environmental Results

111. Consequential amendments are proposed to Chapter 6 of the District Plan Built Form and Development and the Anticipated Environmental Results for this Chapter. HortNZ's submission raised concerns with the proposed removal of provisions that guided decisions about future growth relative to production land.
112. The s42A has helpfully clarified that the Plan Change package changes the format of the Plan and correctly identifies that retaining the references in Policy 6.4.1 to productive land fragmentation is not required as the policy is limited to land within urban areas (living and business environments). I also agree that the direction previously provided in 6.4.2(iii) is to be addressed through the rural Chapters.
113. As previously stated, I consider that with deletion of Policy 6.4.10 Productive Soils from Chapter 6, the addition of more direct reference in the new policy framework to high quality soils and production land is required. As stated earlier, the only explicit reference to versatile soils is in the description of Maungatapere Village (RVE.1.1) and in Policy RLE.1.3.8 relative to maintaining rural character in that Rural Living Environment.
114. In terms of Policy RLE.1.3.8, this seeks to ensure all new buildings and rural land uses avoid adverse effects on versatile soils in the RLE. I see value in this policy but note nothing as explicit in the RPE. I consider there is value in strengthening the Plan around this issue given the changes to Chapter 6 remove the overall strategic direction that previously directed urban growth (village and city) away from production land.

Introduction to Environment Rules Chapter 35.

115. The introduction to Environment Rules have been amended to update the description of the rural areas as a consequence of the Rural Plan Changes. HortNZ had sought that the description of the RLE provide recognition of the fact that some rural production activities will exist in those areas.

116. I support the submission and highlight again that the description of the RLE in this Chapter is different from that in RLE.

35.4 “Rural Living Environment (RLE) Rural Living Environment provides for the on-going lifestyle development in locations that have an existing rural living density of lifestyle development.”

RL.1.1 “The Rural Living Environment (RLE) covers rural areas within the District that are either already characterised by rural living activities or are desirable areas for rural living type development to occur.

ATTACHMENT 1: TRACKED CHANGES

117. Tracked changes incorporating s42A and HortNZ recommendations in Green Highlight.

**Vance Hodgson
28 June 2017**

Part 1 – Attachment 2D

RA.1**Rural Area****Index****RA.1 Rural Area**RA.1.1 *Description and Expectations*RA.1.2 *Rural Area Objectives*RA.1.3 *Rural Area Policies*RA.1.4 *Guidance Note***RA.2 Rural Area Land Use Performance Standards**RA.2.1 *Eligibility Rules*RA.2.2 *Notification Rules*RA.2.3 *Discretionary Activities***RA.3 Rural Area Subdivision Performance Standards**RA.3.1 *Eligibility Rules*RA.3.2 *Notification Rules*RA.3.3 *Discretionary Activities***RA.4 Rural Area Matters of Control and Assessment Criteria**RA.4.1 *Matters of Control*RA.4.2 *Assessment of Discretionary Activities***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 than 80% of the land area of the Whangarei District is rural. The Rural Area extends to all of the District boundaries, adjoining Far North and Kaipara Districts; it also encompasses land areas on the coast. These coastal environments contain similar rural-productive uses, but have the added influence of the Coastal Area.

The Rural Area is comprised of a diverse landmass, including a variety of landforms, significant areas of natural biodiversity and a number of at risk aquifers, streams and rivers. 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 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 also contains many archaeological sites and Sites of Significance to Māori.

The Rural Area has a diverse mix of land use ranging from living in villages and rural living areas to productive uses and Strategic Rural Industries such as forestry, horticulture and agricultural activities that support primary production activities. There is 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. **Rural infrastructure, high quality soils and other land suitable for production support a diverse horticultural system with significant growth potential.**

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 with these. Activities within

Rural Area

the Rural Area (outside rural villages and rural living clusters) reflect the productive nature of land and resources; these contribute to 'rural' characteristics. The resulting character defines the expected rural scale of development and level of effects. 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 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~~ for the Rural Area ~~is~~ are to:

- ~~s~~Sustain the ~~productive~~ potential productive use of the land and the rural character and amenity values that are a key element 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~~ 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~~ Strengthen the District's economy by providing for the on-going operation of a range of land use activities in the Rural Area.

Consolidation of development, particularly residential and commercial, is key for the Rural Area, and is consistent with the direction of the Whangarei District Growth Strategy, Sustainable Futures 30/50 (2009) ("Whangarei District Growth Strategy"). Historical uncoordinated subdivision and development patterns have resulted in cumulative effects on resources such as biodiversity, historic heritage, landscape and productive land and have 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, rather than in a scattered pattern of development. Careful management of competing land use is required to avoid 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 Production Environment (RPE)

The Rural Production Environment provides primarily for the productive use and development of rural land and resources. Residential, commercial and industrial land use and development is expected to be secondary to ~~productive uses~~ rural production activities.

Rural Living Environment (RLE)

The Rural Living Environment provides for ~~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 lifestyle living as well as small-scale rural production in areas already characterised by rural living activities and where rural production activities will not be compromised.**

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 Area

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. Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.
2. Avoid, remedy or mitigate reverse sensitivity impacts, ~~particularly especially~~ in relation to established ~~and productive~~ rural production activities.
3. Avoid cumulative impacts in the Rural Area resulting from un-consolidated residential, rural residential and rural living subdivision and development.
4. Avoid development in hazard prone areas and consider remediation or mitigation if proposals have production or other recognised benefits.
5. Protect the range of amenity values and characteristics in the Rural Area.
6. 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.~~ of less productive land and where development will not compromise existing rural production activities or the ability of adjacent zones to be effectively and efficiently used for appropriate activities.
7. Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.
8. Provide for a range of appropriate land uses in the Rural Area, including residential, rural residential, rural lifestyle, commercial, industrial and rural production activities in appropriate areas.
9. Provide for managed growth of rural villages.
10. ~~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.
2. To ensure that productive rural land resources are protected in order to enable a diverse range of ~~productive rural land use activities~~ rural production activities by applying the RPE in locations where:

Rural Area

- a. There is a predominance of existing productive land uses.
 - b. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development.
 - c. There is a scattered presence of built development.
 - d. 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. The criteria for the RUEE and the RLE are not met.
 - f. The range of components such as access to water, high quality soil, suitable climate and contour required for a rural production system, are present.
3. 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.
 - 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 road.
 - 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.
 - i. Are not areas of highly versatile land, land with high production potential or established rural production activities.
4. 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. 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.

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- 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. 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 l~~egitimise the zoning of existing clusters of rural residential development.
 - d. Are not identified as significantly hazard prone.
 - e. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation.
 - f. Have existing lot density of less than 2 hectares.
 - g. 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.
 14. To protect the districts highly quality soils and productive land for its productive potential and value to the district's economy, from the adverse effects of urban and rural living development.

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.

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 compliance with the Environmental Engineering Standards 2010 the following standards shall apply:

District Plan Environment

EES 2010 Definition

SRIE, RVIE and RVCE

Urban (Commercial and Industrial)

RVRE and RUEE allotments less than 2000m²

Urban (Living 1)

RUEE allotments over 2000m²

Urban (Living 3)

RLE and RPE

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 terabequerels 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 Quarrying Resource Areas ~~Mineral Extraction Areas~~).

RA.2

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 any:
 - 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.

Rural Area Subdivision Performance Standards

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 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 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 RPE and RLE, any allotment 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 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.

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. The provision of Reserves, including esplanade reserves and strips.
 - i. Avoidance or mitigation of natural or artificial hazards.
 - j. The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management.

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.

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- 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, and any 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 fire fighting 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, 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 and 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 mitigation measures proposed to avoid, remedy or mitigate those effects.
- v. The effects of and function need of places of assembly and emergency services to locate within the RPE.

2 June 2017



RPE.1

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RPE.1.1 Description and Expectations

The Rural Production Environment (RPE) 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 RPE is to sustainably manage the natural and physical resources of the Rural Area in order to sustain, protect and promote rural production activities. The RPE is mostly characterised by a working 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 RPE.

Rural production activities ~~such as dairy farming, horticulture and forestry~~ are important contributors to the Whangarei and Northland economy. The RPE includes most of the 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~~ ~~live rural land use~~ activities will continue to operate and new activities will establish in the RPE. Changing demands for existing produce and new markets establishing mean that the provisions for the RPE need to be flexible to accommodate current and future production needs.

Conflicting land use and reverse sensitivity effects must be carefully managed where the RPE interfaces with ~~sensitive activities including habitable buildings in other Rural Environments and Living Environments, and with, Business and Industrial Environments~~. Where the RPE 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 RPE and Strategic Rural Industry Environments are surrounded by the RPE. 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 subdivision density and rural living development has resulted in inconsistent allotment size and a scattered pattern of development across the Rural Area. Where the Rural Area abuts Whangarei City RPE will apply, 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 rural living clusters have reached significant density 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.

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

RPE.1.2 Objectives

1. Identify and protect rural land resources for a diverse range of ~~productive rural~~ production land use activities.
2. Recognise, maintain and where appropriate protect the rural character of the RPE, ~~acknowledging that character is formed through a combination of values such as ecology values, openness, topography and heritage.~~
3. Avoid adverse effects from rural living land use and development in the RPE.
4. Support the range of amenity values associated with the RPE.
5. Minimise fragmentation of rural land and promote allotment sizes that facilitate ~~productive rural~~ production activities land use.
6. Enable a wide range of ~~productive rural~~ production land use activities to establish and operate to contribute to the District's economy.
7. Provide for rural production activities that are compatible with the Coastal Area.

RPE.1.3 Policies

1. To protect rural character and amenity and to encourage consolidation of activities within Whangarei City by preventing the operation of ~~commercial and industrial activities~~ in the RPE of:
 - a. Industrial activities.
 - b. Commercial activities unless it is demonstrated that the commercial activity:
 - i. Has a direct connection with the rural resource or amenity of the RPE.
 - ii. Requires a rural location for its operational function.
 - iii. Will not increase 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.
2. To manage reverse sensitivity effects by avoiding the establishment of sensitive activities within close proximity to ~~Mineral Extraction~~ Quarrying Resource Areas, Strategic Rural Industries, ~~intensive farming activities~~ intensive livestock farming or other rural

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production activities that are legally lawfully established ~~where adverse effects are not contained within site boundaries.~~

3. To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for residential units from unsealed roads.
4. 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 RPE.
 - b. Are sited in a location sufficiently set back from site boundaries to enable privacy, the retention of openness and access to sunlight.
 - c. Avoid ribbon development.
5. To preserve openness, rural character and amenity by limiting the density of residential units.
6. To avoid inappropriate subdivision and development in areas required for future urban growth by identifying 'setback buffers' between the RPE 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).
7. To protect the distinctive character and amenity values of the RPE including but not limited to:
 - a. A working rural production environment.
 - b. Some activities are seasonal in nature ~~Seasonal activities.~~
 - c. A low intensity of development, involving a combination of domestic and rural production buildings.
 - d. Varying levels of noise associated with seasonal and intermittent rural production activities.
 - e. ~~A high degree of privacy.~~ Relatively open space and low density of development.
 - ~~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.
 - h. the presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry;
 - i. accessory buildings and structures (including crop support and crop protection structures) across the landscape.
8. To protect the productive ~~function~~ potential of the RPE while providing for a range of ~~productive rural production activities and uses~~ by:
 - a. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming.
 - b. Permitting farming and activities ancillary to farming, forestry or Strategic Rural Industry .
 - c. Discouraging commercial and industrial activities and rural living development.
 - d. Requiring larger allotments sizes to retain ~~productive rural options.~~
9. 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.

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- c. Stability of land and its suitability to provide a foundation for the erection of buildings, vehicle access and parking areas.
10. To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following criteria are achieved:
 - a. 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. The size, shape and arrangement of allotments is a practical size for rural production land use activities and does not restrict the range of options for the use of production land.
 - c. The viability of the existing rural production activity ~~existing farm, forestry or horticultural enterprise~~ is not compromised and the existing rural production activity can continue to operate efficiently at the subdivided scale.
 - d. 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. e. 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.
 11. To provide for limited subdivision of rural land creating a new allotment for a surplus residential unit where the area and dimensions of the new allotment can accommodate the existing onsite services and provide for efficient access.
 12. 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.
 13. To design subdivision and development to avoid, remedy or mitigate adverse effects to ensure that subdivision and development is compatible with the Coastal Area.

RPE.1.4 Guidance Note

1. The following shall form the basis for resource consent application in the RPE:
 - a. The objectives, policies and provisions for the Rural Area in the District Plan.

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- 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.

Landuse

RPE.2.1 Eligibility Rules

1. Commercial and industrial activities are non-complying activities.
2. Mineral extraction activities within the Mining Area of a Mineral Extraction Quarry Resource Area are exempt from RPE.2.1.3, RPE.2.3.3 (a) and (b) and will be assessed by applying the Mineral Extraction Quarry Resource Area Chapter.
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. Intensive livestock farming activities that are closer than within 250m to of the boundary of a separate site containing a sensitive activity are a non-complying activity activities.
5. Any activity ancillary to farming, ~~or plantation~~ forestry or Strategic Rural Industry that operates within a building with a GFA and/or from an outdoor area larger than 500m² is a **non-complying discretionary** activity.
6. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

RPE.2.2 Notification Rules

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

RPE.2.3 Discretionary Activities

1. Any sensitive activity (excluding non-habitable buildings):
 - a. Within 500m of:
 - f. The Mining Area of a Mineral Extraction Quarrying Resource Area, ii. A Strategic Rural Industry Environment or a Business Environment.
 - b. Within 100m of an unsealed metal road.
 - c. Within 30m of an existing production 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. 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 is permitted on an allotment of any size.~~
3. Any minor residential unit.
34. Any building:
 - a. That exceeds a maximum height of 10m.
 - b. Within 8m of a site boundary.
 - c. That results in site coverage exceeding 20% of the net site area.

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- 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 an area exceeding 500m² of predominately indigenous vegetation that forms a contiguous area of 1ha or more.
- 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. Any home occupation.
- 14. Farm quarry 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.
- 15. Any activity ancillary to farming, forestry or Strategic Rural Industry that operates within a building with a GFA and/or from an outdoor area larger than 500m².

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

Subdivision

RPE.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 noncomplying activity.

RPE.3.2 Notification Rules

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

RPE.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.~~
 - c. 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.

RPE.3.4 Discretionary Activities

1. Boundary relocation subdivision that does not comply with any standard in RPE.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.

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- c. Providing a balance allotment equal to or greater than 80ha in net site area.
- 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.

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

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RVE.1.1 Description and Expectations

The 'Rural Village Environment' (RVE) manages land use and subdivision within established rural villages throughout the Whangarei District. The RVE is made up of three different Sub-Environments: Rural Village Residential, Rural Village Centre and Rural Village Industry. Suitable locations for residential, commercial and industrial activities are identified within rural villages through these Sub-Environments. The objectives and policies are applied across all rural villages. Any additional matters for consideration that would apply in the Coastal Area relevant to the appropriate rural villages are addressed in the Coastal Area overlay.

The Whangarei District Council Growth Strategy – Sustainable Futures 30/50 2009 ('Whangarei District Growth Strategy') identifies three rural villages (Hikurangi, Waipu and Parua Bay) as growth areas. It is expected that other rural villages will continue to function at a similar scale and nature to how they are today. Structure planning and associated plan changes to provide for growth in Waipu, McLeod Bay/Reotahi and Taurikura/Urquharts Bay have been completed.

The character and amenity of each rural village differs depending upon the location of the rural village, the range of activities it supports and the service function that it fulfils. Many of the rural villages are characterised by traditional quarter acre sections and low density of built development; however, smaller allotment sizes are provided for in the zone provisions to consolidate growth for efficient land use and service provision. Growth is prioritised where connections to Council reticulated services are available.

Many of the villages are situated adjacent to the Rural Production Environment which provides a rural context for the villages. The boundary interface has the potential for reverse sensitivity effects which need to be managed.

The 13 larger rural villages are each described below. It is expected that the individual characteristics of each rural village will be recognised in the preparation and assessment of any resource consent application. There are also 16 smaller rural villages. **Hikurangi**

Hikurangi, located between State Highway 1 and the main trunk railway line, is a service village with a population of approximately 1,500 people. There is grocery shop and other small scale retail activities, a veterinary practice and a museum. The town has a rich history based on mining. From the 1890s coal was mined in the area with the last coal mine closing in 1971. There are also significant limestone resources, with a quarry that supplies limestone to the Golden Bay Cement plant south of Whangarei.

A significant geographical feature is Mount Hikurangi, a volcanic dome that rises 365 metres to the west of the town. In pre-European times the swamp basin was an important resource for Māori and was a

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highly productive area for food and fisheries. Hikurangi is identified as a growth node in the Whangarei District Growth Strategy.

Parua Bay

Parua Bay is a coastal rural village located on the north side of the Whangarei Harbour; with Manganese Point and Reserve Point wrapping around the entry to the Bay. Existing services in Parua Bay village include a primary school, community centre, sports facilities, petrol station, medical centre, a superette, cafe and small scale retail.

The Whangarei District Growth Strategy identifies the potential to develop Parua Bay as a growth node to service the wider Whangarei Heads area. Ad-hoc development in the past has resulted in fragmented patterns of development in Parua Bay village. Moving forward growth must be carefully managed within the village to provide for the wellbeing of the population over the medium term while not compromising the development potential and sustainability of the village over the long term. **Waipu**

Waipu is one of the oldest European settlements in Whangarei District, with its Scottish heritage making a large contribution to the village's identity. The village is rural in nature being located within an area consisting of farmed flats, rolling to steep pasture and pockets of vegetation. Multiple small river catchments converge near the village before flowing into the Waipu River estuary and into Bream Bay, creating high potential for productive uses. Waipu has a strong village centre with a wide range of services, facilities and commercial and industrial activities. Waipu has seen reasonable population growth and is identified as a growth node in the Whangarei District Growth Strategy.

Maungakaramea

Maungakaramea has a distinct historic/rural identity related to the longevity of the village (150 years) and its rural location. Maungakaramea volcanic cone and the Tangihua Range provide a dramatic scenic backdrop to the village. There are some attractive historic buildings including a former hotel, a number of churches and many historic stone walls. Local facilities include a primary school, play centre, church, community hall, sports fields, bowling green, retirement village, a voluntary rural fire force and a garage/general store. The area has experienced rural residential growth; however, the village itself has a relatively stable resident population.

Maungatapere

Maungatapere is surrounded by highly productive farmland with versatile soils suitable for a wide range of farming and horticulture activities. The village features many historic stone walls and the volcanic cones of Maungatapere, Maunu and Whatitiri provide a dramatic backdrop to the village.

Maungatapere has experienced moderate growth in recent years and there is a significant amount of rural residential development in the area. The village is characterised by a variety of facilities including a school, community hall, church, retirement home, and museum; as well as industry support services.

Matapouri

Matapouri Bay, Woolleys Bay and Sandy Bay are recognised as some of the best beaches in New Zealand and are popular holiday destinations. There has been reasonable growth in the area over the last 15 years; however, many of the homes in Matapouri are holiday homes rather than permanent residences. Matapouri has a small general store and a community hall.

McLeod Bay/Reotahi

McLeod Bay and Reotahi are situated on the inner Whangarei Harbour. Part of the Whangarei Harbour Marine Reserve is located around Motukaroro/Passage Island at Reotahi. McLeod Bay/Reotahi village has a higher permanent population than other coastal villages and there has been a moderate level of growth over recent years. There are some community facilities and a local eatery/dairy; however, the

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intention is that Parua Bay village will continue to accommodate the majority of commercial services in this area. Reotahi has an historic connection with the farming industry with a meat processing plant built immediately adjoining the coast. Remains of the processing plant are accessible by a walking track along the coast.

Ngunguru

Ngunguru is a well established coastal village that has an urban character with small lot sizes and shops, a school, a motel and community facilities. The village adjoins the Ngunguru estuary. Ngunguru Sandspit Pi Manu is a significant environmental feature that separates the harbour from Whangaumu Bay to the east. Ngunguru Sandspit has well recognised cultural, historical and ecological values and is thought to be the last undeveloped sandspit of its type on the east coast of Northland. It is an important landscape feature for the Ngunguru community.

Oakura

Oakura is an established coastal village that has experienced minimal growth in recent years, most of which can be attributed to holiday homes. Predominantly residential development is located on the flat adjacent to the coast with further development constrained by the steeper topography to the west and Ohawini Bay to the north, which has limited vehicle access. Oakura is serviced by a small mixed use area of commercial, retail and accommodation activities.

Pataua

Pataua is made up of two distinct parts located on either side of the entrance to the Pataua estuary. Pataua South is located on the estuary plain on the southern side with Pataua North on coastal dune lands on the north side. The two parts of the village are connected by a footbridge but there is no vehicular access between them. At Pataua South there is a camp ground, holiday homes, permanent residents and a small range of service facilities and activities to support the permanent and holiday populations. Pataua North contains mainly holiday homes but is becoming more popular as a commuter village due to improvements to the road to Whangarei.

Taurikura/Urquharts Bay

Taurikura/Urquharts Bay village is located towards the Whangarei Heads. Taurikura is a popular beach and is supported by a range of community facilities including a tennis court, community hall and a general store. Taurikura/Urquharts Bay village has a very small permanent population which has seen minimal population growth over recent years.

Tutukaka

Tutukaka is characterised by the existing marina and water based recreation activities and is the gateway to the world famous Poor Knights Marine Reserve. Facilities include the Oceans Resort development comprising retail services, restaurant and hotel facilities, as well as other restaurants/bars located around the harbour. The land around the harbour is steep and clad in coastal forest providing a backdrop to the coastal marine area. In many areas the land is identified as being at risk of land instability or erosion prone. Residential development is accommodated in a series of small bays on the southern side of the harbour and the open coast around to Whangaumu Bay.

Waipu Cove/Langs Beach

Waipu Cove/Langs Beach village is the southernmost village in the District and therefore is in the closest proximity to Auckland. There is some tourist accommodation, a campground, cafes and a dairy, but other services are limited. The village is characterised by white sandy beaches, dramatic coastal headlands and pohutukawa clad coastlines. There is a high proportion of holiday homes and the area is popular with holiday-makers over the summer holiday period. **Small Villages**

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Smaller rural villages consisting of a cluster of residential development with limited community services such as primary schools and community halls, are located at Portland, Mangapai, Waitira, Ruatangata West, Titoki, Pakotai, Te Horo, Riverview Place, Tamaterau/Waikaraka, Manganese Point, Ocean Beach, Bland Bay, Whananaki, Taiharuru, Helena Bay and Moureeses Bay. These rural villages exist having historically provided important services to rural communities or as isolated coastal holiday destinations. They are zoned for residential land use only (Rural Village Residential Sub-Environment).

Description of the Rural Village Sub-Environments

The Rural Village Centre Sub-Environment provides for the commercial and community centres found in the larger rural villages and is often the focal point for local communities and community facilities. Opportunities are provided for the development of a mix of residential and commercial development within these areas while ensuring the character of the rural village is retained. It is expected that commercial development will be consolidated within the Rural Village Centre Sub-Environment with residential development clustered around it to retain a compact rural village centre.

The areas identified as Rural Village Residential Sub-Environment provide for residential activities within the rural villages. The rural villages are developed to varying densities according to a number of factors including topography, known natural hazard zones and depending on whether they are serviced by Council's wastewater system. This pattern is expected to continue with larger sites being required if on site disposal of wastewater is proposed. New suitable areas for residential development have been zoned where compatible existing residential development has occurred or where a shortage of residential land supply has been identified.

The areas identified as Rural Village Industry Sub-Environments are existing industrial areas located within the larger rural villages. They contribute to the self-sufficiency of rural villages and benefit the wider community through provision of employment and support to local social and recreational activities. Industrial activities also provide supporting services for rural production activities. The Rural Village Industry Sub-Environment is located in close proximity to the Rural Village Residential and Rural Village Centre Sub-Environments. There is potential for reverse sensitivity effects such as noise, odour, lighting glare, vibration and heavy vehicle movements. Consequently, new residential development will be restricted to limit such effects. This Sub-Environment only recognises existing land use activities and does not seek to provide additional zoning.

RVE.1.2 Objectives

1. Provide for the managed growth of rural villages.
2. Protect and enhance the individual amenity and character values of each rural village.
3. Acknowledge the role of community facilities; including halls, sports fields, churches and schools as focal points for rural villages.
4. Consolidate residential activities in rural villages.
5. Enable a mix of residential and commercial activities to occur in rural village centres.
6. Enable a range of business activities that fulfil local service functions in rural villages.

RVE.1.3 Policies

1. To enable a range of land use activities necessary to support the service, residential and community functions of villages.
2. To prioritise growth where reticulated services are available.
3. To protect features and characteristics that contribute to sense of place in rural villages and maintain factors that contribute to rural village character including:

Rural Village Environment

- a. Low to moderate levels of noise and lighting, particularly at night.
 - b. Ample access to daylight.
 - c. Established streetscapes reflecting historical development patterns.
 - d. Semi-formal arrangement and design of roadways and structures.
 - e. Access to public open space and community facilities.
 - f. Opportunity for informal social interaction.
 - g. A range of low density building typology and design.
 - h. A central village focal point containing business and community facilities.
4. To protect residential character and amenity in the Rural Village Residential Sub-Environment by ~~restricting~~ preventing the operation of commercial and industrial activities and providing for limited home occupation activities.
 5. To protect the character and amenity of rural villages and to avoid adverse and cumulative effects to the road network by limiting the number of traffic movements generated by non residential activities.
 6. To protect and enhance the established character and amenity of rural villages by ensuring that subdivision and development are designed, constructed and operated so that they are consistent with:
 - a. The existing scale and style of built development.
 - b. The service function of the village.
 - c. The anticipated development character as indicated by any Council adopted Structure Plan.
 - d. **The surrounding environment and the interface between zones to ensure reverse sensitivity is appropriately managed.**
 7. To maintain amenity in the Rural Village Centre Sub-Environment by ensuring that all new buildings are:
 - a. Of a scale and character appropriate to the Sub-Environment.
 - b. Sufficiently set back from the road boundary to allow safe pedestrian and vehicle movement and access.
 - c. Designed to enable ancillary activities such as accessory buildings, parking, manoeuvring and landscaping to be accommodated on the site.
 8. To ensure that residential units in the Rural Village Centre Sub-Environment have sufficient outdoor living space.
 9. To avoid reverse sensitivity effects and to ensure that amenity is maintained in the Rural Village Residential Sub-Environment by ensuring that all new buildings are:
 - a. Of a scale and character appropriate to the Sub-Environment.
 - b. Sited in a location sufficiently set back from site boundaries to enable privacy, the retention of open space, ~~and~~ access to sunlight and separation from Rural Production Environment boundaries.
 - c. Designed to enable ancillary activities such as accessory buildings, parking, manoeuvring, landscaping and private open space to be accommodated on the site.

Rural Village Environment

10. To provide for private open space and landscaping in the Rural Village Residential SubEnvironment by ensuring that new built development is comprehensively designed so that at least 35% of the net site area is free of impervious areas.
11. To maintain rural village character in the Rural Village Industry Sub-Environment by ensuring that all new buildings are:
 - a. Of a scale and character appropriate to the Sub-Environment and compatible with the surrounding village.
 - b. Sited in a location sufficiently set back from site boundaries to enable privacy, the retention of open space and access to sunlight.
 - c. Designed to enable ancillary activities such as accessory buildings, parking, manoeuvring and landscaping to be accommodated on the site.
12. To locate and design subdivision and associated land development in the Rural Village Environment to complement the existing form of the rural village and maintain or enhance rural village character and amenity values by:
 - a. Locating access ways, services, utilities and building areas where:
 - i. These can be provided without the need for significant earthworks, retaining, benching or site contouring.
 - ii. The location is sensitive to, and responds to, environmental features of the site so that vegetation removal or adverse effects on water quality, wetlands, riparian margins, historic heritage sites or Sites of Significance to Māori sites of significance to tangata whenua are avoided.
 - b. Ensuring that the scale of the subdivision and the resulting land use activity will not adversely impact on the character of the village by significantly altering the mix of land use activities that characterise the village.
 - c. Identifying building areas that respond to site topography and the village character.
 - d. Designing subdivisions to respond to the topography and characteristics of the land being developed.
 - e. Ensuring proposed allotments meet minimum allotment size requirements.
13. To manage the scale and nature of activities within the Rural Village Centre Sub-Environment by ensuring that activities:
 - a. Avoid significant adverse effects on surrounding residential areas.
 - b. Do not compromise the retention, and potential establishment, of a mix of activities within the Rural Village Centre Sub-Environment.
 - c. Maintain the vibrancy and vitality of the surrounding Rural Village Centre SubEnvironment.
 - d. Can meet and fund local infrastructure requirements.

RVE.1.4 Guidance Note

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

Rural Village Environment

- d. The District Wide objectives, policies and provisions in the District Plan.

RVE.2.1 Eligibility Rules

1. Any commercial activity, excluding home occupations, is a non-complying activity within the Rural Village Residential Sub-Environment.
2. Any home occupation that exceeds 3 or more of the discretionary criteria in RVE.2.3.2(g)(i – vii) is a non-complying activity within the Rural Village Residential Sub-Environment.
3. Any industrial activity, ~~excluding rural centre service activities~~, is a prohibited activity within the ~~Rural Village Centre~~ and Rural Village Residential Sub-Environments.
4. Any industrial activity, excluding rural centre service activities, is a non-complying activity within the Rural Village Centre Sub-Environment.
45. Any sensitive activity is a prohibited activity within the Rural Village Industry Sub-Environment.
56. Any minor residential unit that is not able to connect to a public reticulated wastewater system is a prohibited activity within the Rural Village Residential Sub-Environment.
67. ~~Mineral extraction and intensive livestock farming are~~ is a prohibited activity within the Rural Village Environment.
78. Any activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

RVE.2.2 Notification Rules

1. Within the Rural Village Centre Sub-Environment any activity generating more than 200 traffic movements per site, per day must be publicly notified.
2. Within the Rural Village Residential Sub-Environment any commercial activity, excluding home occupations, must be publicly notified.
3. Within the Rural Village Industry Sub-Environment the following activities must be publicly notified:
 - a. Any building that exceeds a maximum height of 20m.
 - b. Any activity generating more than 200 traffic movements per site, per day.
4. All other land use activities will be subject to the notification test of the RMA.

RVE.2.3 Discretionary Activities

1. Within the Rural Village Centre Sub-Environment:
 - a. Any residential unit:
 - i. Resulting in more than 1 residential unit on a site.
 - ii. That does not provide an outdoor living court of at least 20m² and at least 4m depth.
 - iii. Within 2m of a railway line designation boundary.
 - b. Any commercial or rural centre service activity that:
 - i. Exceeds 300m² gross floor area.
 - ii. Provides for 3 or more individual commercial or rural centre service activities on a site.
 - c. Any activity generating more than 200 traffic movements per site, per day.
 - d. Any sign resulting in more than three signs being displayed per site.

- de. Any building:
- i. That exceeds a maximum height of 8m.
 - ii. Within 2m of a road boundary. iii. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).
 - iv. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
 - v. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any Rural Village Residential Sub-Environment boundary.
- f. Any farm quarry.
2. Within the Rural Village Residential Sub-Environment:
- a. Any residential unit:
 - i. Excluding minor residential units, where there is less than 500m² net site area per residential unit.
 - ii. That is unable to connect to Council's reticulated wastewater system or that does not provide for onsite disposal of wastewater in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
 - iii. Within 4.5m of a railway line designation boundary.
 - b. Any minor residential unit:
 - i. Resulting in more than 1 minor residential unit on a site.
 - ii. Where the net site area of the allotment is less than 750m².
 - c. Any place of assembly that:
 - i. Occupies more than 35% of the net site area.
 - ii. Operates outside the hours of 0800 – 2200.
 - d. Any building:
 - i. That exceeds a maximum height of 8m.
 - ii. Within 4.5m of a road boundary. iii. Not set back at least 3m from non-road boundaries, with one setback of 1.5m. iv. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).
 - v. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). vi. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any site boundary.
 - e. Fencing exceeding 2m in height.
 - f. Impervious areas exceeding 65% of the site area.
 - g. Any home occupation that:
 - i. Generates more than 20 traffic movements per site, per day.
 - ii. Does not provide the following required car parking spaces:
 - a) 1 in addition to that of the residential unit,

- b) Plus 1 per employee,
 - c) Plus 1 in circumstances where clients visit the site.
 - iii. Has car parking between the residential unit and the road.
 - iv. In addition to the principal operator, has more than two other persons engaged in the activity.
 - v. Occupies more than 15% of the total GFA of all buildings on site.
 - vi. Has a total area of signage greater than 0.25m² per site.
 - vii. Has illuminated or moving signage.
 - h. Any emergency service.
 - i. Any farm quarry.
3. Within the Rural Village Industry Sub-Environment:
- a. Any building:
 - i. That exceeds a maximum height of 20m.
 - ii. Within 4.5m of a road boundary. iii. Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).
 - iv. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
 - v. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any non-Rural Village Industry Sub-Environment boundary.
 - b. Impervious areas resulting in an increase of stormwater flows leaving the site that does not comply with Whangarei District Council's Environmental Engineering Standards 2010. c. Any activity that:
 - i. Generates more than 200 traffic movements per site, per day.
 - ii. Operates outside the hours of 0600 – 2200.
 - d. Any farm quarry.

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

RVE.3

Subdivision

RVE.3.1 Eligibility Rules

1. Any form of subdivision not requiring consent as a discretionary activity is a controlled activity.
2. Subdivision of a minor residential unit from a residential unit that is not serviced by a public reticulated wastewater system is a prohibited activity.

RVE.3.2 Notification Rule

1. All subdivision applications are subject to the notification test of the RMA.

RVE.3.3 Discretionary Activities

1. Subdivision within the Rural Village Centre Sub-Environment creating any allotment:
 - a. Connected to a public reticulated wastewater system with a net site area less than 100m².
 - b. Not connected to a public reticulated wastewater system with a net site area less than 2000m².
2. Subdivision within the Rural Village Residential Sub-Environment creating any allotment:
 - a. Connected to a public reticulated wastewater system with a net site area less than 500m².
 - b. Not connected to a public reticulated wastewater system with a net site area less than 2000m².
 - c. That is unable to accommodate a minimum 100m² building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
3. Subdivision within the Rural Village Industry Sub-Environment creating any allotment:
 - a. With a net site area less than 1000m².
 - b. That is not provided with connections to Council maintained services (water, wastewater, stormwater, roading) within the net site area.

RVE.3.4 Information Requirement

1. Any application for subdivision within Pt Lot 1 DP 93517 shall include a comprehensive visual and landscape assessment and design, prepared by a suitably qualified and experienced landscape architecture professional which shall be referred to Council's Parks and Landscape Officer for review. The assessment shall provide detail regarding the following matters over which control is reserved (in addition to those contained within RA.4):
 - a. The location, height and appearance of future buildings and their potential effect on the amenity and landscape values of the locality.
 - b. The visibility of future buildings from the marine environment.
 - c. Effect of buildings on the appearance of skylines and ridgelines.
 - d. Effect of access and buildings on known ~~archaeological~~ archaeological, historic heritage sites and tangata whenua cultural and heritage values.

- e. Location and finished appearance of accesses.
- f. The potential effect of subdivision patterns on the landscape values of the locality.

RVE.3

Subdivision

- g. Extent and nature of landscape planting proposed, and measures proposed to implement and maintain such plantings.

Note: Refer to RA.4 for Matters of Control and Assessment Criteria.

RLE.1

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RLE.3.3 Controlled Activities

RLE.1.1 Description and Expectations

The Rural Living Environment (RLE) covers rural areas within the District that are either already characterised by rural living activities or are desirable areas for rural living type development to occur. The Whangarei Rural Development Strategy 2013 acknowledges that people choose to live in the Rural Area for different reasons. The range of rural living activities occurring in the District are varied, with people choosing to live on bush blocks, hobby farms, or properties with sweeping coastal and rural views. Many people are now choosing to work from home or commute to work to allow a rural lifestyle that is closely aligned with the urban environment for work, education and services.

Historic subdivision patterns have resulted in a more fragmented land tenure pattern than is expected in the Rural Production Environment in certain areas. Smaller site sizes mean that the RLE is characterised more by rural living activities and small scale hobby farming. In order to achieve the best environmental outcomes it is considered necessary to reflect the existing rural living character and amenity of the rural living clusters through zoning that acknowledges the existing development pattern and provides for future development where appropriate. Enabling rural living opportunities to occur on an ad-hoc basis throughout the Rural Area will not achieve the sustainable management of natural and physical resources because of effects such as reverse sensitivity, cumulative effects, fragmented land and scattered development compromising the efficient use of the rural land resource. The locations of RLEs (rural living clusters) will generally be limited to contain potential adverse effects on rural amenity and productivity, particularly those that are cumulative due to increased population being surrounded by the Rural Production Environment and key infrastructure corridors. Impacts on the local roading network have been considered in the selection of suitable areas for the RLE, and unsealed roads have been avoided due to dust nuisance and the impacts on future road maintenance and seal extensions. The RLE aims to support rural communities and identification of RLEs (rural living clusters) has specifically considered distance to social infrastructure such as schools and Rural Villages. Due to the locations of RLEs (rural living clusters) and the potential sizes of allotments it is considered unsustainable and uneconomic to provide the reticulation of services within the RLE. Onsite servicing of rural living development is common throughout the District.

In the RLE it is expected that rural character will be retained through the careful siting of buildings and the provision of landscaping to maintain a sense of spaciousness, and the continuation of some rural productive land use activities (albeit at a smaller scale than activities such as dairy farming and forestry). A variety of land uses is provided for including productive rural land uses, some non rural activities, and rural living related activities. The ability to undertake non rural land use activities will

Rural Living Environment

be determined by the scale, nature and location of the activity. The effects from ~~productive rural land uses~~ production activities will generally be limited in scale because of smaller site sizes and the requirement to comply with the environmental standards set out in the District wide provisions. Subdivision is limited to development that is in keeping with the average lot size of the RLE existing environment. Rural living subdivision in the RLE will be required to be consistent with the specified policies to ensure that the effects on the environment are acceptable.

RLE.1.2 Objectives

1. Provide for a variety of rural living opportunities whilst preserving rural character and amenity values.
2. Ensure that a variety of site sizes are provided to enable rural land use activities to occur in combination with rural living development options.
3. Enable the establishment of non rural activities that are of a scale, nature and character appropriate to, and compatible with the characteristics of RLEs.
4. Rural living options are provided which promote opportunities to pursue space-intensive hobbies, self-sufficiency, hobby farming, or home occupations, compatible with rural production activities and the sustainable function of ecosystems.
5. Consolidate rural living development in appropriate locations where ~~rural production activities are already compromised, and~~ adverse effects, (including reverse sensitivity effects) ~~on rural production activities~~ can be avoided.
6. Growth within the RLE is managed to protect the viability of Rural Villages.

RLE.1.3 Policies

1. To preserve rural character and amenity while enabling rural living development in the RLE and to maintain factors that contribute to rural character including:
 - a. Low levels of noise and lighting, particularly at night.
 - b. A high degree of privacy.
 - c. Ample access to daylight and sunlight.
 - d. Generally low levels of traffic, other than that associated with ~~seasonal-rural production~~ activities.
 - e. A range of landscapes and a sense of spaciousness, with visual connections to the wider environment.
 - f. Informal arrangement and design of roadways and structures, subservient to natural landform patterns.
 - g. A clustering of built development.
 - h. Dominance of natural features including landforms, watercourses and indigenous vegetation.
 - i. Presence of rural production activities ~~(such as farming, forestry and horticulture), and~~ associated effects (such as odour, noise from machinery and livestock and buildings such as barns, greenhouses and silos).
2. To ensure buildings are designed, constructed and located to minimise the need for significant earthworks, the loss of native vegetation and / or natural habitats.

Rural Living Environment

3. To ensure that the scale and nature of new land use activities are consistent with the level of the amenity of the surrounding environment.
4. To preserve rural character and amenity by considering the extent to which proposed land use and subdivision activities relate to the stated Expectations for the Rural Living Environment.
5. To protect rural character and amenity by avoiding the operation of commercial and industrial activities.
6. To maintain and enhance rural character and amenity values by limiting the establishment of activities that generate high levels of traffic movements or traffic movements that are of a nature that is incompatible with the character of the Rural Living Environment.
7. To manage reverse sensitivity effects by avoiding the establishment of a sensitive activities ~~habitable buildings~~ within close proximity to Mineral Extraction Activities and the Rural Production, Business and Strategic Rural Industry Environments **and rural production activities within the Rural Living Environment.**
8. To maintain rural amenity, privacy, open space and rural character by ensuring that all new buildings and rural land uses:
 - a. Are of a scale and character appropriate to the Rural Living Environment; and
 - b. Are sited in a location sufficiently set back from site boundaries to enable privacy, the retention of open space and access to sunlight;
 - c. Avoid adverse effects on ecological values, water quality, versatile soils, open space character, historic heritage values or landform.
9. To manage the effects of stormwater runoff by utilising the principles of low impact design and ensuring that additional stormwater flows arising from proposed subdivision and development are managed so that they will ~~be hydrologically neutral~~ not result in any increase in peak discharge rates.
10. To manage the effects of wastewater discharge by requiring site specific design and any other evidence or mitigation measures necessary to demonstrate that the effects of wastewater disposal can be adequately addressed.
11. To design subdivision and locate associated development to avoid urban form and character; and to maintain and enhance 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. Requiring subdivisions to meet a minimum and average allotment size so that development results in non-uniform development patterns that respond to the features of the environment in which they are located.
 - c. Identifying building platforms that respond to site topography and environmental characteristics.
 - d. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.
 - e. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.
12. To avoid a uniform pattern of development at the minimum lot size and maintain at least an average lot size of 2 ha across the Rural Living Environment by providing a single opportunity to subdivide titles created before **[operative date]**.

Rural Living Environment

RLE.1.4 Guidance

1. The following shall form the basis for any resource consent application in the Rural Living Environment:
 - a. The objectives, policies and provisions for the Rural Area in the District Plan.
 - b. The objectives, policies and provisions for the Rural Living Environment.
 - 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.

RLE.2

Landuse

RLE 2.1 Eligibility Rules

1. Industrial activities ~~and mineral extraction~~ are prohibited activities in the RLE.
2. Commercial activities and intensive livestock farming are non-complying activities in the RLE.
3. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

RLE.2.2 Notification Rules

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

RLE 2.3 Discretionary Activities

1. Any sensitive activity (excluding non-habitable buildings) within:
 - a. 500m of:
 - i. The Mining Area of a Quarrying Resource ~~Mineral Extraction~~-Area, ii. ~~a~~ Strategic Rural Industry Environment or a Business Environment.
 - b. 30m of the Rural Production Environment.
 - c. 100m of an unsealed road.
 - d. 30m of production forestry.
 - e. 250m of:
 - i. Existing intensive livestock on a separate site.
 - ii. An existing activity ancillary to farming, plantation forestry or strategic rural industry on a separate site
 - f. 30m of an existing lawfully established rural production activity within the Rural Living Environment
2. Construction of more than one residential unit per site.
3. Any place of assembly.
4. Any building:
 - a. That exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary.
 - b. That exceeds a maximum height of 8m.
 - c. Within 10 metres of any road boundary or within 3m of any other boundary.
 - d. That results in site coverage exceeding 500m².
 - e. Within 27m of Mean High Water Springs, (excluding bridges, culverts and fences).
 - f. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

5. Impervious areas greater than 15% of the net site area.
6. Construction of minor residential units:
 - a. Resulting in more than one minor residential unit per site.
 - b. That has a separate access/driveway from the principal residential unit.

RLE.2

Landuse

7. Home occupations that:
 - a. Generate more than 20 traffic movements per day, per site.
 - b. Do not provide the following required parking spaces:
 - i. 1 in addition to that of the residential unit, ii. Plus 1 per employee, iii. Plus 1 in circumstances where clients visit the site.
 - c. In addition to the principal operator, have more than two other persons engaged in the activity.
 - d. Use more than 15% of the total GFA of all buildings on site.
 - e. Have a total signage area greater than 0.25m².
 - f. Have illuminated or moving signage.
8. Any health care facility.
9. Any retirement village.
10. The destruction or clearance of an area exceeding 500m² of predominately indigenous vegetation that forms a contiguous area of 1ha or more.
11. Any crop support structure or artificial crop protection:
 - 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).
12. Any farm quarry.

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

RLE.3 Subdivision

RLE 3.1 Eligibility

1. Subdivision of a minor residential unit from a residential unit is a prohibited activity.
2. Subdivision that is not a controlled, non-complying or prohibited activity is a discretionary activity.

RLE.3.2 Notification Rules

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

RLE.3.3 Controlled Activities

1. Subdivision where:
 - a. The proposed allotments are created from an allotment that existed on [operative date].
 - b. ~~The average size of proposed allotments is~~ have an average size of not less than 2ha and a minimum size of 4000m².
 - c. ~~The minimum size of the proposed allotments is not less than 4000m².~~
 - d. ~~Each allotment:~~
 - i. ~~Is provided with a connection to an electrical supply system at the boundary of the site.~~ ii. ~~Does not result in more than 8 allotments having shared access to the road.~~
 - ii. ~~Every proposed allotment can~~ accommodate a minimum 100m² building area on which a residential unit sensitive activity can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
 - iii. Can accommodate management of stormwater and wastewater in accordance with Whangarei District Council's Environmental Engineering Standards 2010.

Note: Refer RA.4.1 for Matters Control is Reserved Over.

RLE.3.4 Non-Complying Activities

1. Subdivision where the average lot size is less than 1 ha or any lot is less than 2000m².

Attachment 3 - Recommended Consequential Amendments to WDP

Part C – Policies

Recommended Consequential Amendments to the Operative District Plan Text

The following pages contain the relevant sections of the Operative District Plan that require consequential amendments as a result of Plan Changes 85 A – D, 86A & B, 87, 102 and 114.

Consequential amendments are proposed to the following Parts of the Operative District Plan:

- Part B – Introduction
- Part C – Policies
- Part D – Environment Rules
- Part E – Resource Area Rules
- Part F – Subdivisions
- Part H – Designations
- Part I – Appendices

The consequential amendments have been distinguished to indicate which plan change the amendment is a result of – see key below:

	General Amendments
	Rural Production (RPE)
	Strategic Rural Industry Environment (SRIE)
	Rural Village Environment (RVE)
	Rural Living Environment (RLE)
	Rural Urban Expansion Environment (RUEE)
	Coastal Area (CA)
	Landscapes (LAN)
	Minerals (MIN)

Any amendments as a result of the s42A recommendations have been identified with a **highlight**.

3 Referenced Documents

REF.1.2 Schedule of Documents Incorporated by Reference

[j. outstanding natural landscape](#)

[WDC. 2016. Guidelines for managing change in Outstanding Natural Landscapes.](#)

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

4. Meaning of the Words Definitions

Activities Ancillary to Farming, Or Forestry or Strategic Rural Industry

means processing and packaging facilities for farming, forestry and any strategic rural industry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to farming, horticulture, or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores, and pack houses, and rural contractor depots and by-product disposal.

Artificial crop protection structures means open structures that are used to protect crops from damage: a. Including:

- i. Bird netting; and ii.
- Wind-break netting.

b. Excluding:

- i. Greenhouses.

Building

means any temporary or permanent, movable or immovable structure, including any place, vehicle or construction used as a place of residence or business or for assembly or storage purposes; but does not include:

- a) A network system owned or operated by a network utility operator whose purpose is to provide reticulation from a network system to and from individual properties and structures, including all structures and equipments owned or used by a network utility operator, provided that a system including any structure or equipment does not exceed 1.5m in height and has 3m² or less ground coverage; or
- b) Any aerial or aerial support structure, clothesline or similar device; or
- c) Scaffolding or support work used in the course of the construction process; or
- d) A fence or wall, or combination of either, 2m or less in height and where such structures are constructed adjacent to each other a minimum separation distance of 1m shall apply; or
- e) Any tank or pool not exceeding 35,000 litres; or
- f) Any tent or marquee erected on a temporary basis; or
- g) Any temporary stack of goods or materials; or
- h) Any sign not attached to a building; or
- i) Any structure 300mm or less in height; or
- j) Any structure which is 2.2m or less in height and which has 9m² or less ground coverage.
,or
- k) Any artificial crop protection or crop support structure in the RPE or RLE.

Building Area

“means an area of land on which a building could be accommodated. The building area does not include areas associated with accessory buildings, parking, manoeuvring, landscaping, effluent treatment and disposal or private open space.”

Buffer Area means that part of the Mineral-Extraction Quarrying Resource Area which is outside of the Mining Area.

Crop support structure

means open pervious, structures with the primary purpose to provide support for horticultural crops. Crop support structures are stand-alone unattached to any building.

Farming

“means any agricultural or horticultural activity having as its primary purpose the commercial production of any livestock or vegetative matter for human or animal consumption. The production of livestock or vegetative matter utilises the in situ production capacity of the soil, water and air as a medium for production.

Farming includes:

- (a) all types of livestock breeding, cropping, grazing, aquaculture
- (b) horticulture, including covered cropping as in greenhouses
- (c) apiaries
- (d) normal rural practices including associated buildings and structures
- (e) crop support structures and artificial crop protection (f) airstrips.

But excludes:

- (a) Plantation forestry and intensive livestock farming.”

Farm quarry(ies) means the extraction of minerals for uses accessory to farming, horticulture, or forestry, where:

- the quarried material is used only on the property of extraction;
 - no extracted material, including any aggregate is removed from the property of origin;
 - and
 - there are no retail or other sales of quarried material.
- This definition is considered as a rural production activity.

Home Occupation

means an occupation, or craft, or profession that is ancillary to the residential use of the site and where the principal operator of the home occupation is a permanent resident on the site. It does not include panel beating or car wrecking and the activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. The storage of materials associated with a non-residential activity shall not be visible from a public road or neighbouring residential property. The generated effects from the scale, hours of operation and the type of home occupation activity shall not be any different from those of other permitted activities in the Environment, except in the KMP, ~~and~~ KLP, RLE, RUEE and RVE where specific provisions apply.

Land Preparation

Means the disturbance of the soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing and ripping, but does not include sod sowing, ripping with mounding or direct drilling.

Mineral Extraction- Quarrying Resource **Mining Area** means that part of the Mineral Extraction- Quarrying Resource Area which is owned by or under the control of the quarry operator at the time the MEA is established or extended. It is where the full range of mineral extraction activities may occur.

Mineral Extraction means the excavation of minerals from the ground including:

- The removal of overlying earth and soil,
- The stacking, crushing, storing, depositing, treatment, transportation and sale of excavated materials,
- The placement of overburden,
- The removal of unwanted material and the rehabilitation of the site,
- The works, machinery and plant used to undertake the activities above.

Mineral Extraction Quarrying Resource **Overburden Area** means that part of the Mineral Extraction Quarrying Resource Area where mineral extraction activities are limited to the placement of overburden.

Overburden means clay, soil, vegetation and rock associated with mineral extraction activities.

Pack house

means buildings operated by any number of growers and used for the storage, packing, washing, inspecting and grading of eggs, fruit, vegetables, or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes all activities that are an integral aspect of post-harvest operations.

Includes:

- use of the site for the collection and distribution of horticultural products;
- slicing and dicing agricultural products in preparation for distribution to retail outlets, including the disposal of associated waste material from these activities;
- preparation and shrink wrapping horticultural products in preparation for distribution to retail outlets;
- collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products; and
- the on-site servicing and maintenance of vehicles and equipment associated with the activities.

Plantation Forestry means the ongoing management of trees or stands of trees, for the production of timber or timber related products, and includes planting, pruning, felling, and removal of trees from the site but does not involve the processing of timber. ~~A production forest is considered to be forestry or plantation forestry.~~

Reverse Sensitivity

“means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity.”

Rural Centre Service Activity

“means the use of land and buildings within the Rural Village Centre SubEnvironment for commercial and service activities including the sale or hire of goods, equipment or services, automotive service and repair, post boxes, service stations, shops, markets and takeaways.”

Rural Environments

“means the Rural Production, Strategic Rural Industries, Rural Village, Rural Living and Rural (Urban Expansion) Environments.”

Rural Production Activity

means the use of land and buildings for farming, intensive livestock, farm quarrying, seasonal activities and plantation forestry

Sensitive Activities

means, ~~within a National Grid Corridor~~, childcare and education facilities, Residential Activity, hospitals, Health Care Facilities and Retirement Villages.

Strategic Rural Industries

means industrial activities that require a rural location because of factors such as access to resources or the large area of land required for the operation of the activity. ~~They are~~ strategic because the are of significance at a regional or national scale rather than solely at a district level due to the area they supply; the investment in infrastructure required for the establishment of the activity or their contribution of the economy. Within the District Plan the term is applied specifically to the Strategic Rural Industries Environment and does not include strategic industries located within urban areas with specialized business or industrial functions such as Port Marsden or the Marsden Point Oil Refinery.

Temporary Military Training Activity

means a temporary military training activity including any associated building established onsite for a maximum period of 60 days undertaken for defence purposes. Defence purposes are described in section 5 of the Defence Act 1990

Urban Area

“refers to areas that are considered ‘urban’ in the context this chapter (and the wider District Plan), refers to both Living and Business Environments, ~~including excluding~~ areas zoned as ~~Living and Business Environments~~ RVE in coastal and rural settlements.