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Rural Area

Subsequent to the receipt of appeals, a 'marked up' version of the Proposed District Plan was prepared. The provisions of the Proposed Version of the Plan subject to an Environment Court appeal have been highlighted yellow and annotated with an appeal number. For a list of appeals, assigned numbers and any progress please visit the ['District Plan Appeals'](#) page on our website.

Please also note that the following terms which appear throughout the Plan are subject to appeal:

- *“Activities ancillary to farming, forestry or strategic rural industry” [000028]*
- *“Rural production activities” [000018]*
- *“Building” [000022]*
- *“Home occupation” [000022]*
- *“Rural Countryside Environment” [000025]*

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RA.1.1 Description and Expectations

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

The Rural Area has a diverse landmass, including a variety of landforms, significant areas of natural biodiversity, streams and rivers and a number of at risk aquifers. Parts of the Rural Area may be at risk from natural hazards such as flooding, land instability and coastal hazards. Natural hazard areas are identified within Resource Areas. The Rural Area also contains many archaeological sites and Sites of Significance to Maori. It also contains a vast roading network including State Highways and major network utility services.

The Rural Area has a diverse mix of land uses ranging from rural productive activities, activities supporting productive activities and rural communities, strategic rural industries, mineral extraction activities and rural and village living. The majority of land is classified as having moderately productive

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soil types, being generally identified as stable productive hill country. There is also a continuing demand for rural land for rural tourism and recreation use. The transportation of goods throughout the Rural Area, primarily on the State Highways, is not only essential to the economic viability of Whangarei District but also the wider Northland region. Infrastructure is varied within the Rural Area, with some locations having reticulated water and sewer services while others maintain onsite services.

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

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

The priorities for the Rural Area are to:

- Sustain the potential productive use of the land and the rural character and amenity values that are key elements of the District.
- Provide for rural production activities.
- Sustain the biodiversity and productive ecosystems as these are equally important to the health and wellbeing of communities and the economy.
- Strengthen the District's economy by providing for the on-going operation of a range of land use activities in the Rural Area to support rural production activities and rural communities.

Historical uncoordinated subdivision and development patterns in the Rural Area has resulted in adverse cumulative effects on resources such as biodiversity, historic heritage, landscape and productive land. This has led to constraints on the viability of some farming and horticultural operations. To address this, residential and commercial subdivision and development is expected to largely occur where and when it has been planned for, and not to create a scattered and ad hoc pattern of development where this would compromise the priorities for the Rural Area (as set out above).

This approach; the consolidation of development particularly residential and commercial, is consistent with the direction of the Whangarei District Growth Strategy Sustainable Futures 30/50 2009 ("Whangarei District Growth Strategy"). [000022] Careful management of competing land use is required to avoid any reverse sensitivity effects.

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

Rural Countryside Environment (RCE)

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

Rural Living Environment (RLE)

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

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Rural Village Environment (RVE)

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

Rural Village Residential Sub-Environment (RVRE)

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

Rural Village Centre Sub-Environment (RVCE)

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

Rural Village Industry Sub-Environment (RVIE)

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

Rural (Urban Expansion) Environment (RUEE)

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

Strategic Rural Industry Environment (SRIE)

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

RA.1.2 Rural Area Objectives

1. Provide for differing rural character and amenity values by having a range of rural Environments with differing expectations.
2. Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.
3. Provide for the protection of significant ecological and biodiversity values, such as indigenous bush and wetlands.
4. Provide for a range of appropriate land uses in the Rural Area, including rural production activities, residential, rural residential, rural lifestyle, commercial, industrial, and mineral extraction activities in appropriate areas. [000025]
5. Avoid, remedy or mitigate reverse sensitivity impacts, including on established rural production activities, strategic rural industries and network utilities.
6. Avoid [000022] adverse effects on the viability of the productive functions of rural land in the Rural Area resulting from ad hoc or scattered residential, rural residential and rural living subdivision and development.
7. Avoid development in hazard prone areas and consider remediation or mitigation if proposals have production or other recognised benefits.
8. Protect the range of amenity values and characteristics in the Rural Area.
9. Consolidate rural living subdivision and development in areas where rural production activities have already been compromised, or on less productive land without significant adverse effects on the environment. [000025]

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10. Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.
11. Provide for managed growth of rural villages.
12. Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner.

Insert new objective [000018].

Insert new objective [000022].

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 protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities. [000025]
3. To identify areas as RCE to provide for, the protection of productive rural land resources to enable a diverse range of rural production activities, activities that support rural production activities and rural communities; and to maintain biodiversity and rural character where:
 - a. There is a prevalence of:
 - i. Existing production land use.
 - ii. Significant ecological and biodiversity values, such as indigenous bush and wetlands.
 - b. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development.
 - c. An area is not:
 - i. Located on the fringe of Whangarei City between the urban and rural environments.
 - ii. Suitable to provide for the future reticulated expansion of the Whangarei City Living Environments.
 - d. The criteria for the RUEE and the RLE are not met.
Insert new sub-clause in Policy. [000018]
4. To identify 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 through road with significant volumes of traffic.
 - f. Are located within close proximity to community facilities. [000022]
 - 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.

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- i. Do not materially reduce the potential for soil-based rural production activities on land with highly versatile soils (Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 – as mapped in the New Zealand Land Resource Inventory). [000025]
5. To identify the SRIE in locations where established Strategic Rural Industries operate and to limit the addition of new locations through the statutory plan change process where it can be demonstrated that activities:
 - a. Are consistent with the District Plan definition of ‘Strategic Rural Industries’.
 - b. Have valid operational reasons to require a SRIE.
 - c. Contribute positively to the economy of the District.
 - d. Provide local employment opportunities.
 - e. Can meet and fund local infrastructure requirements.
 - f. Incorporate appropriate mitigation and management methods designed to ensure environmental effects are acceptable in the area in which the activities are proposed to be located.
6. To identify areas suitable for consolidated residential (RVRE), commercial (RVCE) and industrial (RVIE) development within rural villages in locations that:
 - a. Are contiguous with existing RVE.
 - b. Are predominantly comprised of land uses and character consistent with the RVE.
 - c. Are not identified as hazard prone.
 - d. Do not comprise high Land Use Capability Class soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character or significant indigenous vegetation. [000022]
 - 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 to meet the projected growth requirements over the lifespan of the District Plan.
7. To identify areas as RUEE that:
 - a. Are contiguous with Living Environments on the fringe of Whangarei City.
 - b. Are predominantly comprised of existing rural residential character.
 - c. Legitimise 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. [000022]
 - 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 [000018] increase the potential for reverse sensitivity effects in the Rural Area.

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7. To avoid zoning rural land for more intensive development within identified hazard prone areas.
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 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 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 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 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 development in the Rural Area are managed so that they will not result in any increase in peak discharge rates.

RA.1.4 Guidance Note

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

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

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Rural Area Land Use Performance Standards

RA.2.1 Eligibility Rules

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

RA.2.2 Notification Rules

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

RA.2.3 Discretionary Activities

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

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

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Rural Area Land Use Performance Standards

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

Insert new rule [000032].

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

RA.3

Rural Area Subdivision Performance Standards

RA.3.1 Eligibility Rules

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

RA.3.2 Notification Rules

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

RA.3.3 Discretionary Activities

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

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

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

- j. In the RVRE:
 - i. Any allotment is not provided with a connection, or easements are not provided to secure connection, to a reticulated electrical supply system at the boundary.
 - 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.
- l. In the RCE 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.
- 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.
 - 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. [000022]
 - iv. Occur within an Outstanding Landscape Area in excess of those permitted by Rule LAN.3.1.3.

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

RA.4

Rural Area Matters of Control and Assessment Criteria

RA.4.1 Matters of Control

1. When assessing controlled activity subdivisions, control is reserved over the following matters:
 - a. The design, size, shape, gradient and location of any allotment.
 - b. The location of vehicle crossings, access or rights-of-way and proposed allotment boundaries so as to avoid ribbon development.
 - c. Location of existing buildings, access and manoeuvring, and private open space.
 - d. The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.
 - e. The location of proposed allotment boundaries, building areas and access ways or rights-of-way so as to avoid sites of historic heritage including Sites of Significance to Māori.
 - f. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure.
 - g. In the RUEE, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.
 - h. The provision of reserves, including esplanade reserves and strips.
 - i. Avoidance or mitigation of natural or man-made hazards.
 - j. The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management and measures to control cats and dogs. [000022]

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. [000022]

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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, 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 a subdivision or landuse. [000022]
- o. The necessity for street lights and the spacing and height of the lights.
- p. The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in future.
- q. The water system's ability to ensure an adequate supply of potable water and the ability to meet firefighting requirements, to accommodate anticipated flows, and withstand pressures and loads.
- r. The stormwater system's ability to protect property and the environment from the adverse effects of surface water and its ability to accommodate the anticipated flows and withstand the anticipated loads.
- s. The capacity, availability and accessibility of any Council wastewater system to serve the proposed subdivision and the proposed system's ability to treat sewage and the ability to accommodate anticipated flows and withstand the anticipated loads.
- t. The necessity, extent and location of earthworks, the proposed type of machinery to be used and the hours of operation, potential adverse effects to ecological, historic heritage and landscape values and effects on water bodies including indigenous wetlands.
- u. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
- v. The effects of and functional need of places of assembly and emergency services to locate within the RCE.