

# RCE.1

## Rural Countryside [000025] Environment

*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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### RCE.1.1 Description and Expectations

The Rural Countryside Environment (RCE) encompasses a large area of the Whangarei District. The purpose of the RCE is to sustainably manage the natural and physical resources of the Rural Area in order to sustain, protect and promote rural production activities as well as those activities that support rural communities, and protecting areas of significant ecological and biodiversity values (such as indigenous bush and wetlands). [000027]

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

The interplay of historical land use and values has resulted in the environmental character that exists in the RCE today. This character is made up of the varied natural landforms and natural features, openness as well as an existing subdivision and development pattern. It is mostly characterised by a working/living environment, with the noises, odours and visual effects associated with a wide range of

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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 RCE. [000027]

Rural production activities are important contributors to the Whangarei and Northland economy. The RCE includes most of the productive rural land area 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 activities will continue to operate and new activities will establish in the RCE. Changing demands for existing produce and new markets establishing mean that the provisions for the RCE need to be flexible to accommodate current and future production needs. [000027]

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

Conflicting land use and reverse sensitivity effects must be carefully managed where the RCE interfaces with sensitive activities including habitable buildings in other Rural Environments and Living Environments, and with Business Environments. Where the RCE is traversed by existing major infrastructure services, land use conflicts must be managed. Quarrying Resource Areas apply over the RCE and Strategic Rural Industry Environments are surrounded by the RCE. 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. [000027]

A history of ad hoc rural living subdivision and development has resulted in a scattered and ad hoc pattern of development across the Rural Area. Where the Rural Area abuts Whangarei City RCE 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 a rural number of rural living clusters have reached significant density and lifestyle character they have been identified as the Rural Living Environment to manage the actual and potential reverse sensitivity effects associated with rural living activities occurring in close proximity to rural production activities. [000027]

The RCE will not support an increased level of clustered rural living development. Consistent with a consolidated pattern of development residential, rural residential and rural living activities are directed to identified rural villages, the Rural (Urban Expansion) Environment or the Rural Living Environment to protect the productivity, biodiversity and rural character of the RCE. [000022, 000025, 000027]

Urban and rural residential types of development can erode the viability of rural productivity and can create reverse sensitivity impacts on productive uses through the visual effect of large scale buildings and ancillary structures, increased traffic generation, and loss of amenity including privacy, rural outlook, spaciousness, and quietness, particularly when a new incompatible activity is located near an existing activity, with resulting conflicts. [000027]

### RCE.1.2 Objectives

1. Identify and protect productive rural land resources for a diverse range of rural production activities. [000027]
2. Enable a wide range of rural production activities and provide for commercial and industrial activities that support rural production activities and/or rural communities including recreation and tourist based activities to establish and operate in the RCE to contribute to the District's economy. [000018, 000027]
3. Recognise, maintain and where appropriate protect the rural character and amenity of the RCE. [000027]

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4. Avoid adverse effects on productive rural and land resources from ad hoc residential, subdivision and development in the RCE. [000022, 000025, 000027]
5. Minimise the fragmentation of rural land and promote allotment sizes that facilitate rural production activities other than to protect significant ecological and biodiversity values. [000027]
6. Provide for rural production activities that are compatible with the Coastal Area. [000027]  
 Insert new objective. [000022, 000027, 000032]

### RCE.1.3 Policies

1. To protect rural productive land, rural character and amenity and to encourage consolidation of activities within Whangarei City by:
  - a. Only providing for commercial and industrial activities in the RCE where it is demonstrated that the activity:
    - i. Has a direct connection with the rural resource and supports rural production activities and/or rural communities, including recreation and tourist based activities.
    - ii. Requires a rural location for its operational function.
    - iii. Will minimise the potential for reverse sensitivity effects between incompatible land use activities.
    - iv. Will contain and manage adverse effects on-site.
    - v. Will contribute positively to the economy of the District.
    - vi. Can meet and fund local infrastructure requirements.
  - b. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming.
  - c. Permitting farming and activities ancillary to farming, forestry or Strategic Rural Industry.
  - d. Requiring larger allotments sizes to retain productive rural options. [000018, 000027, 000032]
2. To protect [000027] significant ecological and biodiversity values by enabling subdivision where those values are protected [000027].
3. Avoiding reverse sensitivity effects by preventing sensitive activities within close proximity to Quarrying Resource Areas, Strategic Rural Industries, intensive livestock farming or other rural production activities that are lawfully established. [000018, 000027]
4. To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for residential units from unsealed roads. [000027]
5. To maintain rural amenity, and character [000027] by ensuring that all new buildings [000022] and rural land uses:
  - a. Are of a scale and character appropriate to the RCE.
  - b. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight.
  - c. Avoid ribbon development.
 Insert new clause. [000027]

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6. To avoid inappropriate subdivision and development in areas required for future urban growth by identifying 'setback buffers' between the RCE 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). [000027]
7. To enable the subdivision of rural land into allotments of 20ha or more, where the following has been provided for:
  - a. Efficient and effective on-site servicing.
  - b. Avoidance of erosion, subsidence, slippage, flooding or inundation from any source.
  - c. Stability of land and its suitability to provide a foundation for the erection of buildings, vehicle access and parking areas. [000027]
8. To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following are achieved:
  - a. It is not for the primary purpose of creating a rural residential or rural lifestyle allotment.
  - b. The subdivision of rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities.
  - c. The size, shape and arrangement of allotments is a practical size for rural productive activities and does not restrict the range of options for the use of production land.
  - d. The viability of the existing rural production activity is not compromised and the existing rural production activity can continue to operate efficiently at the subdivided scale.
  - e. The subdivision and subsequent development will not result in significant adverse effects on the operation and viability of any adjoining rural production activity.
  - f. The subdivision and subsequent development will not require connection to the District's reticulated sewer or an extension or upgrading of any service or road, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District's infrastructure network. [000022, 000027]
9. To provide for limited subdivision of rural land creating a new allotment for a surplus existing residential unit where the balance area of the farm is large and dimensions of the new allotment can accommodate the existing onsite services and provide for efficient access. [000027]
10. To locate and design subdivision and associated land development to avoid urban form and character, maintain rural character and amenity values and protect and enhance environmental features by:
  - a. Designing subdivisions to respond to the topography and characteristics of the land being developed.
  - b. Identifying building platforms that respond to site topography and environmental characteristics.
  - c. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring. [000027]
  - d. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.

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- e. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.
11. To design subdivision and development to avoid, remedy or mitigate adverse effects to ensure that subdivision and development is compatible with the Coastal Area. [000027]
12. To provide for environmental benefit lot subdivisions by considering sites with significant indigenous vegetation or significant indigenous habitat where the features:
- a. Are assessed to be an acceptable quality by a qualified and experienced ecologist;
  - b. Are predominantly indigenous vegetation;
  - c. Are a threatened or rare habitat type or contain indigenous or endemic taxa that are threatened or are rare in Northland;
  - d. Contribute to ecological connectivity within the District; and
  - e. Are either
    - i. Indigenous vegetation with a minimum size of 1ha and minimum width of 50m; or
    - ii. Located in a LENZ Acutely or Chronically Threatened Environment; or
    - iii. An intact and functioning indigenous wetland. [000022, 000027, 000033]
13. To design environmental benefit lot subdivision in a manner that ensures:
- a. All of the significant indigenous vegetation or significant indigenous habitat on the site are protected in perpetuity as part of the subdivision.
  - b. Subdivision boundaries are laid out in such a way that policy RCE.1.3.10 is clearly met. [000022, 000027, 000030]

Insert new policy [000025, 000027, 000032].

### RCE.1.4 Guidance Note

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

Insert new note [000027].

## Landuse

### RCE.2.1 Eligibility Rules

1. More than one minor household unit per allotment is a **non complying activity**. [000022, 000027]
2. Mineral extraction activities within the Mining Area of a Quarry Resource Area are exempt from RCE.2.3.4 (a) and (b) and will be assessed by applying the Quarry Resource Area Chapter provisions.
3. Intensive livestock farming within 250m of the boundary of a separate site containing a sensitive activity is a **non-complying activity**. [000022]
4. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

**Insert new rule.** [000027]

### RCE.2.2 Notification Rules

1. All land use activities are subject to the notification tests of the RMA. [000027]

### RCE.2.3 Discretionary [000027] Activities

1. Commercial and industrial activities. [000028]
2. Any sensitive activity (excluding non-habitable buildings):
  - a. Within 500m of:
    - i. The Mining Area of a Quarry Resource Area. [000018]
    - ii. A Strategic Rural Industry Environment or a Business Environment.
  - b. Within 30m of an unsealed metal road.
  - c. Within 30m of an existing plantation forestry on a separate site.
  - d. Within 250m of:
    - i. Existing intensive livestock farming on a separate site.
    - ii. An existing activity ancillary to farming, forestry or strategic rural industry on a separate site. [000028]
3. More than one dwelling per 20ha, provided that one dwelling and one minor household unit is permitted on an allotment of any size. [000022, 000027]
4. 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.
  - 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).
5. The destruction or clearance of indigenous vegetation that forms a contiguous area of 1ha or more where the maximum area of destroyed or cleared indigenous vegetation per site exceeds 500m<sup>2</sup> in any 24 month period, with the exception of vegetation clearance associated with:

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- a. Routine maintenance within 3m of existing buildings; or
  - b. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities, or
  - c. Pest plant removal and biosecurity works, or
  - d. Vegetation removal for customary rights, or
  - e. Conservation planting, including planting for ecological restoration purposes. [000022, 000027, 000032]
6. Any activity ancillary to farming, forestry or Strategic Rural Industry that operates within 250m [000022] 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). [000027]
  11. Any health care facility.
  12. Any retirement village.
  13. Farm quarry if the activity:
    - a. Extracts over 5,000m<sup>3</sup> [000022] in any 12 month period on the site.
    - b. Undertaking blasting.
    - c. Establishes within 500m [000022] of an existing sensitive activity on an adjacent site.
  14. Any activity ancillary to farming, or plantation forestry or Strategic Rural Industry that operates:
    - a. Within buildings with a cumulative GFA exceeding 2000m<sup>2</sup> per site.
    - b. From an outdoor area (excluding water storage and/or treatment ponds and irrigators) larger than 500m<sup>2</sup>. [000022, 000027]
  15. Any intensive livestock farming activity that operates within buildings with a cumulative GFA exceeding 2000m<sup>2</sup> [000022] per site.  
Insert rules. [000027, 000032]

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

### RCE.2.4 Discretionary Activity Information Requirement

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



# RCE.3

## Subdivision

### RCE.3.1 Eligibility Rule

1. Subdivision of a minor residential unit from a residential unit is a prohibited activity. [000022, 000027]
2. Any subdivision not requiring consent as a controlled or discretionary activity [000018, 000027] is a non-complying activity.

### RCE.3.2 Notification Rules

1. All land use activities are subject to the notification tests of the RMA. [000027]

### RCE.3.3 Controlled Activities

1. Subdivision where every proposed allotment:
  - a. Has a minimum net site area of 20ha [000022].
  - b. Can accommodate a minimum 100m<sup>2</sup> [000022] 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 sites, except sites held together under section 80 of the Building Act 2004.
  - b. Results in no additional vehicle accesses.
  - c. Results in every proposed allotment being able to accommodate a minimum 100m<sup>2</sup> 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.
  - 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.
  - 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. [000014, 000027]  
Insert clause. [000027]

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

### RCE.3.4 Discretionary [000027] Activities

1. Boundary relocation subdivision that does not comply with any standard in RCE.3.3.2.
2. Subdivision of existing lawfully established residential units:
  - a. With a minimum net site area of 2,000m<sup>2</sup> 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. [000022, 000027]
3. Subdivision where any proposed allotment is unable to accommodate a minimum 100m<sup>2</sup> building area on which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules in this Plan.
4. Subdivision where an environment benefit lot is proposed in-situ and where:
  - a) Additional allotments do not exceed the following:
    - i. 1 allotment for and up to 10ha of protected indigenous vegetation or up to 500m<sup>2</sup> of protected indigenous wetland.
    - ii. 2 allotments for 10-20ha of protected indigenous vegetation or over 500m<sup>2</sup> of protected indigenous wetland.
    - iii. 3 allotments over 20ha of protected indigenous vegetation.
  - b) All of the following are shown to be met or how they are to met.
    - i. An existing feature (or features) of high ecological value is present.
    - ii. The feature(s) are protected at the time of application.
    - iii. Protection is to be provided in perpetuity on the relevant certificate of title.
    - iv. The full extent of all features located within the site are to be legally protected.
    - v. That secure and permanent stock exclusion is or will be provided.
    - vi. That invasive plant pests are or will be eradicated.
    - vii. The animal pests are or will be controlled.
    - viii. Whether domestic pets need to be excluded or controlled. [000027]

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

### **RCE.3.5 Discretionary Activity Information Requirement**

1. Any application for environment benefit subdivision shall be accompanied by a report from a qualified ecologist which addresses (as a minimum):
  - a. Size and extent of the features
  - b. The ecological quality of the feature(s), including but not limited to:
    - i. Function;
    - ii. Structure;
    - iii. Integrity;
    - iv. Long term viability;
  - c. The underlying physical characteristics of the features(s), including but not limited to:
    - i. Soil type;
    - ii. Topography;
    - iii. Aspect;

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- iv. LENZ classification;
- v. PNAP classification;
- d. The effects of the potential development of the feature(s), including but not limited to:
  - i. Building platforms;
  - ii. Access;
  - iii. Earthworks;
  - iv. Services:
    - 1. Storm-water;
    - 2. Reticulated sewer or septic tanks;
    - 3. Reticulated freshwater or water tanks;
    - 4. Telecommunications networks;
    - 5. Energy (electricity or gas) networks;
- e. The potential effects of pets on the feature(s).
- f. The potential effects of farmed animals on the feature(s).
- g. An on-going management plan for the feature(s) including but not limited to:
  - i. Weed control;
  - ii. Pest animal control;
  - iii. Pest organism control;
  - iv. Pet (including cat and dog) control;
  - v. Re-vegetation and restoration opportunities;
  - vi. Fencing plan. [000027]