

## 49 Scheduled Activities

### 49.1 Rules

#### **Explanation**

The rules for scheduled activities take precedence over the other rules for the Environment in which the scheduled activity is located. This means that, where there are Environment rules and Scheduled Activity rules relating to the same topic (e.g. height in relation to boundary, etc), it is the rules of this chapter that will apply to Scheduled Activities. Where there is no overlap, the rules of the Environment in which the Scheduled Activity is located will apply. Therefore, it is necessary, in order to determine which rules apply to Scheduled Activities, to look both at the rules of this chapter and also the rules of the Environment in which the Scheduled Activity is located.

**Scheduled Activities must also comply with other relevant rules in the District Plan, such as the resource area rules, financial contributions etc.**

Scheduled Site or Overlay Area No. 1 - DELETED

Scheduled Site or Overlay Area No. 2 - DELETED

#### Scheduled Site or Overlay Area No. 3

**Map N0 26 BE, 26 BR**

#### **Zone (Environment)**

Lots 1, 2 and 3 DP 38983 Living 1 and the remainder Coastal Country Side.

#### **Legal Site Description**

Lots 1, 2 and 3 DP 38983, Section 68 and 69 Block IX and part Section 19 Block IX Opuhawhanga Survey District

#### **Conditions:**

Notwithstanding the setback requirements in Rule 36.4.5, 36.4.6, 36.4.7 and 38.4.5 the setback of any building from any water body will be 5m.

#### Scheduled Site or Overlay Area No. 4

**Map N0 38R, 39R**

#### **Zone (Environment)**

Town Basin Environment (Business 2 Sub-Environment)

#### **Legal Site Description**

Lots 1,2, 3 and 4 DP 40643 and Lot 3 DP 50078

#### **Conditions**

Notwithstanding the conditions as set out in Rule 40.4.3, 43.4.3 the setback from Mean High Water Springs is to be 9.0 metres.

Scheduled Site or Overlay Area No. 5	
<p><b>Map N0 38R, 39R</b></p> <p><b>Zone (Environment)</b> Business 2 Environment</p> <p><b>Legal Site Description</b> Parts Lot 1 DP 75217 Pt Lot 2 DP 75217 Lots 3 and 4 DP 75217 Lot 1 DP 81045 Allotment 232 PSH Whangarei Crown Land SO Plan 54669</p>	<p><b>Conditions</b></p> <p>Notwithstanding the conditions as set out in Rule 40.4.3, the setback from Mean High Water Springs is to be the waterside edge of the footprint of the buildings, as they existed on these sites as at 1 June 2003.</p>

Scheduled Site or Overlay Area No. 6	
<p><b>Map N0 48E</b></p> <p><b>Zone (Environment)</b> Countryside</p> <p><b>Legal Site Description</b> Lots 3 and 4 DP 100551 Allotment 316 – PSH of Owhiwa and Section 1 SO 67402</p>	<p><b>Conditions</b></p> <p>The Rules and Performances Standards of the Countryside Environment (Land Use and Subdivision) are applicable subject to the following exception:</p> <ol style="list-style-type: none"> <li>1. The “Horse Paddock” area of the Headland Farm Park, as identified as an overlay area on the Environment Map 48, shall follow the pattern of the rest of the Farm Park with Lots in the range of 900m<sup>2</sup> to 1500m<sup>2</sup>. The density of such allotments, however, shall not exceed one per ha.</li> </ol>

Scheduled Site or Overlay Area No. 7	
<p><b>Maps N0 16 &amp; 55</b></p> <p><b>Zone (Environment)</b> Business 4 Environment</p> <p><b>Legal Site Description</b> Section 26 SO 322547</p>	<p><b>Conditions</b></p> <p>The rules and performance standards of the Business 4 Environment are applicable subject to the following further condition:</p> <ol style="list-style-type: none"> <li>1. Any commencement of construction of any buildings, or the commencement of an activity on this land which would in either case if undertaken in the Countryside Environment require resource consent, shall necessitate the establishment of a 10 metre landscaping area along the western boundary of this land, so as to provide an effective visual screen of such development from the land zoned Countryside Environment, immediately to the west, with such landscaping, following planting, to be maintained continuously thereafter.</li> </ol>

Scheduled Site or Overlay Area No. 8	
<p><b>Maps 16, 51, 54, 55 and 64</b></p> <p><b>Zone (Environment)</b> Business 4 Environment</p> <p><b>Legal Site Description</b> Sections 32 and 38 Block VII Ruakaka Survey District and part Section 39 Block VII Ruakaka Survey District</p>	<p><b>Conditions</b></p> <p>The rules and performance standards of the Business 4 Environment are applicable, subject to the following further conditions:</p> <ol style="list-style-type: none"> <li>1. Buffer area use: <ol style="list-style-type: none"> <li>a) For the first metres (westernmost part) of the buffer area, identified on Sections 32 and 38 Block VII Ruakaka Survey District, where such area borders land zoned either Countryside Environment, Future Living 1 Environment or Open Space Environment, only 10 metres of landscaping and 15 metres of drainage area and earth bunds are permitted;</li> <li>b) Within the balance 35 metres of the 60 metres</li> </ol> </li> </ol>

Scheduled Site or Overlay Area No. 8	
	<p>buffer area, all Business 4 activities may be undertaken, subject to other provisions of this consent memorandum, provided that any building or structure erected will be limited to a height of no greater than 10 metres.</p> <p>c) Network Utility Operations are permitted;</p> <p>2. The application of this regime is generally to follow the layout as set out in details in the “Indicative Buffer Scheme” notation as endorsed on the attached plan;</p> <p>3. Any activity, other than a permitted activity, will be a discretionary activity within the identified buffer areas unless otherwise non-complying or prohibited under the Business 4 Environment Rules.</p> <p>4. Noise at the scheduled site or overlay area’s western boundary with the land currently zoned Countryside Environment will comply with the standards that would apply if the adjacent land were zoned Living 1 Environment.</p> <p>5. The performance standards for landscaping within the identified buffer area are that such landscaping is to be designed:</p> <p>a) Ultimately, to form an effective visual screen between the Countryside Environment or the land to be rezoned Future Living Environment and the western boundary of land rezoned Business 4;</p> <p>b) To achieve a height of up to 15 metres;</p> <p>c) All landscape planting is to be established within the first planting season following the commencement of construction of any buildings, other than any buildings that can be constructed as a permitted activity under the Countryside Environment rules, and shall be maintained continuously thereafter;</p> <p>d) The species of plants to be planted shall be appropriate to the landscape character of the area and shall be predominantly evergreen, and;</p> <p>e) All proposed landscape design shall be undertaken with consultation with adjoining land owners and shall be approved by the Council’s Parks Manager with such approval not to be unreasonably withheld.</p>

Scheduled Site or Overlay Area No. 9	
<p><b>Map N0 64E, 51E</b></p> <p><b>Zone (Environment)</b> Countryside with Future Living 1 Environment Overlay.</p> <p><b>Legal Site Description</b> Lot 7 DP 42741 and part Allotment 4 Parish of Ruakaka and defined on DP 23910 and being the land contained in Certificate of Title NA630/3 and NA1156/65</p>	<p><b>Conditions</b></p> <p>The Rules and Performance Standards of the Countryside Environment are applicable, subject to the following exceptions:</p> <p>1. Exception will apply to the Activities Generally Rule 38.4 within the Countryside and Coastal Countryside Environment, and will provide for the following exceptions that provide for:</p> <p>a) Temporary non-commercial accommodation in buildings and in tents or caravans; and</p> <p>b) Educational, social, cultural, sporting, recreational and religious pursuits using indoor and outdoor facilities.</p> <p>2. Exception will apply to Appendix 6A, such that car parking will be provided for according according to the standards set for a ‘place of assembly’ and provide, further, that car parking and layout standards are not to apply to such car parks so that they may be</p>

Scheduled Site or Overlay Area No. 9	
	<p>located on grass surfaces without being marked.</p> <ol style="list-style-type: none"> <li>3. Rule 38.3.6 will not apply.</li> <li>4. Exception will apply to Rule 38.3.10(a)(i), such that it will provide for 55dBA L10 between 0700 and 2200 and provided further that noise measurements are to be taken by reference to ground floor levels of residential buildings only.</li> <li>5. Exception will apply to Rule 38.4.1, such that residential units will be permitted, providing for:               <ol style="list-style-type: none"> <li>a) Staff accommodation of 10 residential units; and</li> <li>b) Accommodation of camp attendees in permanent structures, providing for up to 200 beds at any time, provided that none will be occupied for a period of longer than 10 days; and</li> <li>c) Temporary accommodation for tents, caravans, motor homes and such like for 200 beds, at any time, provided that none will be occupied for a period of longer than 10 days.</li> </ol> </li> <li>6. Exception will apply to Rules 38.4.3, 38.4.4, 38.4.5, such that it will provide for:               <ol style="list-style-type: none"> <li>a) One building being used as a gymnasium and such building shall not exceed the following standards:                   <ul style="list-style-type: none"> <li>• a maximum gross floor area(including verandas and mezzanine floors) of 2150 m<sup>2</sup>;</li> <li>• a maximum height of 15m;</li> <li>• a setback of 20m from any external boundary.</li> </ul> </li> <li>b) For all other buildings, a maximum height of 10m shall apply;</li> <li>c) The total building coverage shall not exceed 35% of the net site area.</li> </ol> </li> </ol>

Scheduled Site or Overlay Area No. 10	
<p><b>Maps N0 46</b></p> <p><b>Zone (Environment)</b></p> <p>Living 1- Beach Road East Overlay Area</p> <p>Any activity within Area A of the Beach Road East Overlay Area which does not comply with a condition for a permitted activity is a <b>discretionary</b> activity</p> <p><b>Legal Site Description</b></p> <p>Allot 451 Town of Grahamtown</p>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. Any activity within Area A of the Beach road east Overlay Area is a <b>permitted</b> activity if: <ol style="list-style-type: none"> <li>a) Building coverage on that portion of the site above Mean High Water Springs does not exceed 35% for residential and that an additional 5% coverage (to a total of not more than 40% coverage) may be utilized for deck structure/s; and</li> <li>b) Any building is setback: <ol style="list-style-type: none"> <li>i. With respect to the boundary with Beach Road (the south-western boundary), not less than 3.0m from that boundary; and</li> <li>ii. With respect to the unformed legal road (the northern boundary), for the first 6.0m from Beach Road, not less than 3.0m from that boundary, and for the balance of the site, not less than 2.0m from that boundary, provided that for a maximum boundary length of 10.0m the setback may be nil; and</li> <li>iii. With respect to Mean High Water Springs, for the first 15.0m along MHWS, from Beach Road, not less than 5.0m from MHWS, and for the balance of the site, not less than 2.5m from MHWS, provided that a deck structure/s may be located not less than 1.0m from MHWS; and</li> <li>iv. With respect to Area B shown on the overlay, not less than 5.0m from the landward edge of Area B, provided that for a deck structure/s the setback may be nil.</li> </ol> </li> <li>c) Any building, that does not penetrate the daylight angles defined in Appendix 11, except that with respect to the boundary with the unformed legal road (the northern boundary) the daylight angle is defined using a maximum height of 5.5m for a maximum building length of 10.0m; and</li> <li>d) On those portions of the site with a setback of not less than 3.0m from the Beach Road and unformed legal road frontages: <ol style="list-style-type: none"> <li>i) A mixture of trees and shrubs shall be planted at no less than an average of 2.0m spacing; and</li> <li>ii) Plants shall be capable of achieving a height of no less than 2.0m; and</li> <li>iii) All landscape planting is to be established within the first planting season following the completion of construction of any buildings on the site; and</li> <li>iv) At least 50% of the plants shall be indigenous species.</li> </ol> </li> <li>e) In all other respects, the activity complies with all Living 1 Environment Rules.</li> </ol> </li> <li>2. The construction or alteration of a building within Area B of the Beach Road East Overlay Area is a <b>prohibited</b> activity.</li> </ol>

Scheduled Site or Overlay Area No. 11/1	
<p><b>Maps 13, 32A</b></p> <p><b>Zone (Environment)</b> Living 3</p> <p><b>Legal Site Description</b> Part Lot 1 DP 93517</p>	<p><b>Conditions</b></p> <p>The Rules and Performance Standards of the Living 3 Environment (Land Use and Subdivision) are applicable, subject to the following exceptions:</p> <ol style="list-style-type: none"> <li>1. Notwithstanding Rule 71.3.1, subdivision within Area 1 is a controlled activity if:               <ol style="list-style-type: none"> <li>a) The application is accompanied by a comprehensive site suitability report prepared by a suitably qualified and experienced engineering professional. That report must address the following issues:                   <ol style="list-style-type: none"> <li>i. Stability of natural ground and fill;</li> <li>ii. Earthworks and erosion protection;</li> <li>iii. Suitability and proposals for the treatment and disposal of stormwater and wastewater;</li> <li>iv. Minimum floor levels, and requirements to maintain overland flow paths and protection from seawater inundation;</li> <li>v. Suitability for house sites within lots to be created; and</li> <li>vi. Site access; and</li> </ol> </li> <li>b) The application includes a comprehensive visual and landscape assessment &amp; 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 matters (i) to (viii) over which control is reserved, and any landscape design shall specify locally-common indigenous species and eco-sourced planting material from within the local ecological district wherever practicable; and</li> <li>c) Notwithstanding Rule 71.3.4, the location of future buildings is identified on every allotment and the number of residential sections is limited to twenty eight; and</li> <li>d) No future buildings are identified within Area G; and</li> <li>e) That part of Area G containing predominantly indigenous vegetation is identified as being subject to permanent protection of conservation, scenic and ecological values by means such as a local purpose reserve to vest, a proposed conservation covenant pursuant to the Reserves Act 1974, a proposed Queen Elizabeth II National Trust open space covenant, or a similar private covenant, the terms of which are contained within a report prepared by a suitably qualified and experienced landscape architecture or ecological professional; and</li> <li>f) The boundaries of the reserve or covenant need not be fenced if appropriate measures are proposed to be implemented, and continuously maintained, to ensure that no stock or vehicles can enter the reserve or covenant area; and</li> <li>g) The application is accompanied by a comprehensive Cultural Heritage Assessment</li> </ol> </li> </ol>

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report, prepared or approved by persons suitably qualified or experienced in archaeology and in tangata whenua heritage matters (this may require input from more than one person). The report must address the following issues:

- i. Consultation undertaken with tangata whenua with knowledge of the Pataua area, including, but not limited to, representatives of Ngatiwai;
- ii. Any information obtained, and the sources of that information, with regard to physical archaeological sites (whether previously recorded or not), culturally significant flora and fauna, and any oral evidence relating to significant cultural or historic events or landmarks;
- iii. The locations of any archaeological sites, culturally significant flora and fauna, historic events or landmarks, and any pathways or connections between such sites, relative to the proposed development;
- iv. Any recommendations for the preservation of such sites, flora and fauna, landmarks or connections, or for the avoidance, remediation or mitigation of any effects of the proposed development.

**NOTE:** *The permanent protection of Area 4 for conservation and public access purposes is recognised as both a mitigation measure, with respect to the effects of development on other parts of the site, and as a public benefit.*

*In recognition of the public benefit created by the permanent protection of land within Area 4, no development contribution, with respect to Parks Reserve Land shall be imposed for any development of the site undertaken in accordance with these rules.*

*(Note that this exclusion does not apply to development contributions with respect to Network Infrastructure and Community Infrastructure, which are calculated separately).*

**In addition to the matters listed in Rule 71.3.1, control is also reserved over:**

- i. The location of future buildings and their potential effect on the amenity and landscape values of the locality;
- ii. Effect of buildings on the appearance of skylines and ridgelines;
- iii. Effect of access and buildings on known archaeological sites and tangata whenua cultural and heritage values;
- iv. Location and finished appearance of accesses;
- v. The potential effect of subdivision patterns, future buildings and accesses on the landscape values of the locality;
- vi. Extent of indigenous vegetation clearance required to accommodate accesses and future buildings;
- vii. Extent & nature of landscape planting proposed, and

Scheduled Site or Overlay Area No. 11/1	
	<p>measures proposed to implement and maintain such plantings; and</p> <p>viii. The matters listed at 1(a)(i) to (vi) above.</p> <p>2. Notwithstanding Rule 36.4.1, the construction or alteration of any buildings within Area 1 is a controlled activity if:</p> <ol style="list-style-type: none"> <li>a) The application includes a comprehensive visual and landscape assessment &amp; 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 matters (i) to (viii), over which control is reserved, and any landscape design shall specify locally-common indigenous species and eco-sourced planting material from within the local ecological district wherever practicable; and</li> <li>b) Not more than twenty eight residential units, or one residential unit per allotment, are constructed within Area 1; and</li> <li>c) Buildings are located so as to give effect to any future building locations identified at the time of subdivision; and</li> <li>d) Notwithstanding Rule 36.4.2, the height of buildings is limited such that: <ol style="list-style-type: none"> <li>i. Within 25 metres of the north western or north eastern boundaries of the site, no building exceeds 6.0m in height, measured using the rolling height method as described in Figure 4B; and</li> <li>ii. For the remainder of Area 1, either: <ul style="list-style-type: none"> <li>• Not more than 7.5m in height measured using the rolling height method, as described in Figure 4B; or</li> <li>• Such that no building or part of any building constructed within Area 1, is visible above the dune when viewed from any point taken 1.5m vertically above Mean High Water Springs on Frogtown Beach,</li> </ul> </li> </ol> <p>whichever is the more restrictive standard.</p> <p>Measurements, diagrams and any other relevant information is to be submitted with any application for the construction of a building within Area 1 to demonstrate compliance with this requirement; and</p></li> <li>e) No buildings are constructed within Area G; and</li> <li>f) Notwithstanding Rule 36.3.17, no indigenous vegetation is removed within Area G; and</li> <li>g) The application is accompanied by a comprehensive Cultural Heritage Assessment report prepared or approved by persons suitably qualified or experienced in archaeology and in tangata whenua heritage matters (this may require input from more than one person). The report must address the following issues: <ol style="list-style-type: none"> <li>i. Consultation undertaken with tangata whenua with knowledge of the Pataua</li> </ol> </li> </ol>



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	<p>area, including, but not limited to, representatives of Ngatiwai;</p> <p>ii. Any information obtained, and the sources of that information, with regard to physical archaeological sites (whether previously recorded or not), culturally significant flora and fauna, and any oral evidence relating to significant cultural or historic events or landmarks;</p> <p>iii. The locations of any archaeological sites, culturally significant flora and fauna, historic events or landmarks, and any pathways or connections between such sites, relative to the proposed development;</p> <p>iv. Any recommendations for the preservation of such sites, flora and fauna, landmarks or connections, or for the avoidance, remediation or mitigation of any effects of the proposed development.</p> <p><i>NOTE: The permanent protection of Area 4, for conservation and public access purposes, is recognised as both a mitigation measure, with respect to the effects of development on other parts of the site, and as a public benefit.</i></p> <p><i>In recognition of the public benefit created by the permanent protection of land within Area 4, no development contribution, with respect to Parks Reserve Land, shall be imposed for any development of the site undertaken in accordance with these rules.</i></p> <p>(Note that this exclusion does not apply to development contributions with respect to Network Infrastructure and Community Infrastructure, which are calculated and payable separately).</p> <p><b>Control is reserved over :</b></p> <p>i. Extent of visual intrusion from the building;</p> <p>ii. Design and appearance;</p> <p>iii. Reflectivity of colours, materials and windows;</p> <p>iv. Effects on landscape &amp; amenity values;</p> <p>v. Alternative building locations;</p> <p>vi. Effects on the character of the coastal environment;</p> <p>vii. Visibility of accesses and buildings from roads and public places;</p> <p>viii. Effect of buildings on the appearance of skylines and ridgelines;</p> <p>ix. Effect of access and buildings on known archaeological sites and tangata whenua cultural and heritage values;</p> <p>x. Extent of indigenous vegetation clearance required to accommodate accesses and buildings;</p> <p>xi. Location and finished appearance of accesses;</p> <p>xii. Extent &amp; nature of landscape planting proposed, and measures proposed to implement and maintain such plantings.</p> <p>3. Any activity which does not meet the standard for a controlled activity is a non-complying activity.</p>

Scheduled Site or Overlay Area No. 11/2	
<p><b>Maps N0 13, 32A</b></p> <p><b>Zone (Environment)</b> Underlying Environment – Coastal Countryside</p> <p><b>Legal Description</b> Overlying (Future)</p> <p><b>Environment – Living 3</b> Part Lot 1 DP 93517</p>	<p><b>Conditions</b></p> <p>In addition to the requirements of Rules 48.5 and 76.7, any Comprehensive Development Plan submitted with respect to Area 2 must also include:</p> <ol style="list-style-type: none"> <li>1. A report prepared by a suitably qualified and experienced engineering professional addressing the following issues: <ol style="list-style-type: none"> <li>a) Stability of natural ground and fill;</li> <li>b) Earthworks and erosion protection;</li> <li>c) Suitability and proposals for the treatment and disposal of stormwater and wastewater;</li> <li>d) Minimum floor levels, and requirements to maintain overland flowpaths and protection from seawater inundation;</li> <li>e) Suitability for house sites within lots to be created; and</li> <li>f) Site access; and</li> </ol> </li> <li>2. A comprehensive Cultural Heritage Assessment report prepared or approved by persons suitably qualified or experienced in archaeology and in tangata whenua heritage matters (this may require input from more than one person). The report must address the following issues: <ol style="list-style-type: none"> <li>a) Consultation undertaken with tangata whenua with knowledge of the Pataua area, including, but not limited to representatives of Ngatiwai;</li> <li>b) Any information obtained, and the sources of that information, with regard to physical archaeological sites (whether previously recorded or not), culturally significant flora and fauna, and any oral evidence relating to significant cultural or historic events or landmarks;</li> <li>c) The locations of any archaeological sites, culturally significant flora and fauna, historic events or landmarks, and any pathways or connections between such sites, relative to the proposed development;</li> <li>d) Any recommendations for the preservation of such sites, flora and fauna, landmarks or connections, or for the avoidance, remediation or mitigation of any effects of the proposed development.</li> </ol> </li> </ol> <p><b>NOTE:</b> <i>The permanent protection of Area 4, for conservation and public access purposes, is recognised as both a mitigation measure, with respect to the effects of development on other parts of the site, and as a public benefit.</i></p> <p><i>In recognition of the public benefit created by the permanent protection of land within Area 4, no development contribution, with respect to Parks Reserve Land, shall be imposed for any development of the site undertaken in accordance with these rules.</i></p> <p><i>(Note that this exclusion does not apply to development contributions with respect to Network Infrastructure and Community Infrastructure, which are calculated and payable separately).</i></p>

Schedule Site or Overlay Area N0 11/3, 11/4	
<p><b>Maps N0 13, 32A</b></p> <p><b>Zone (Environment)</b></p> <p>Coastal Countryside</p> <p><b>Legal Description</b></p> <p>Coastal Countryside Part Lot 1 DP 93517</p>	<p>The Rules and Performance Standards of the Coastal Countryside Environment (Land Use and Subdivision) are applicable, subject to the following exceptions:</p> <ol style="list-style-type: none"> <li>1. Subdivision within Area 3 is a controlled activity if: <ol style="list-style-type: none"> <li>a) The application includes a comprehensive visual and landscape assessment &amp; 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 matters (i) to (viii), over which control is reserved, and any landscape design shall specify locally-common indigenous species and eco-sourced planting material from within the local ecological district wherever practicable; and</li> <li>b) Notwithstanding Rule 73.3, there is no minimum allotment area within Area 3 provided that not more than: <ol style="list-style-type: none"> <li>i. One allotment is created to accommodate a single residential unit within Area A;</li> <li>ii. One allotment is created to accommodate a single residential unit within Area B;</li> <li>iii. Three allotments are created to each accommodate a single residential unit within Area C;</li> <li>iv. Two allotments are created to each accommodate a single residential unit within Area D;</li> <li>v. Four allotments are created to each accommodate a single residential unit within Area E; and</li> <li>vi. Twenty five allotments are created to each accommodate a single residential unit within Area F, provided that, in addition, any of the four allotments from Area E may be transferred into Area F; and</li> </ol> </li> <li>c) No additional allotments are created within Area 3, with the exception of a balance lot (further subdivision of which shall be a non-complying activity), and access or utility allotments; and</li> <li>d) With the exception of providing for the route of vehicular access to Areas A and B, no allotments are located within Area 4 provided that access to Area A will be in accordance with the route identified on the overlay plan; and</li> <li>e) Notwithstanding Rule 73.4, the location of future buildings is identified on every allotment; and</li> <li>f) The identified future building locations within Areas A, B, C and D give effect to the future building locations shown on the Overlay; and</li> <li>g) The identified future building locations within Areas E and F are located entirely within Areas E and F, as shown on the Overlay; and</li> <li>h) No future building locations are identified within Area 4; and</li> <li>i) Notwithstanding Rule 73.16, sewage from each allotment can be adequately disposed of within, Area 3, or a connection is provided to a community wastewater treatment and disposal facility; and</li> </ol> </li> </ol>

**Schedule Site or Overlay Area N0 11/3, 11/4**

- j) No sewage disposal fields will be located within or extend into, Area 4; and
- k) With the exception of vehicular access to Areas A and B, no vehicular access shall be located within or extend into Area 4; and
- l) With the exception of the route of vehicular access to Areas A and B, the entire of Area 4 is identified as being subject to permanent protection of conservation, scenic and ecological values by means such as a local purpose reserve to vest, a proposed conservation covenant pursuant to the Reserves Act 1974, a proposed Queen Elizabeth II National Trust open space covenant, or a similar private covenant, the terms of which are contained within a report prepared by a suitably qualified and experienced landscape architecture or ecological professional; and
- m) The reserve or covenant proposed for Area 4 shall make provision for public access around the margins of the Taiharuru Estuary; and
- n) The boundaries of the reserve or covenant proposed for Area 4 need not be fenced if appropriate measures are proposed to be implemented and continuously maintained to ensure that no stock or vehicles can enter the reserve or covenant area.
- o) The application is accompanied by a comprehensive Cultural Heritage Assessment report prepared or approved by persons suitably qualified or experienced in archaeology and in tangata whenua heritage matters (this may require input from more than one person). The report must address the following issues:
  - i. Consultation undertaken with tangata whenua with knowledge of the Pataua area, including but not limited to representatives of Ngatiwai;
  - ii. Any information obtained, and the sources of that information, with regard to physical archaeological sites (whether previously recorded or not), culturally significant flora and fauna, and any oral evidence relating to significant cultural or historic events or landmarks;
  - iii. The locations of any archaeological sites, culturally significant flora and fauna, historic events or landmarks, and any pathways or connections between such sites, relative to the proposed development;
  - iv. Any recommendations for the preservation of such sites, flora and fauna, landmarks or connections, or for the avoidance, remediation or mitigation of any effects of the proposed development.

**NOTE:** *The permanent protection of Area 4, for conservation and public access purposes, is recognised as both a mitigation measure with respect to the effects of development on other parts of the site, and as a public benefit.*

*In recognition of the public benefit created by the permanent*

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*protection of land within Area 4, no development contribution, with respect to Parks Reserve Land, shall be imposed for any development of the site undertaken in accordance with these rules. (Note that this exclusion does not apply to development contributions with respect to Network Infrastructure and Community Infrastructure, which are calculated and payable separately).*

In addition to the matters listed in Rule 73.3, **control is also reserved over:**

- i. The location of future buildings and their potential effect on the amenity and landscape values of the locality;
  - ii. Effect of buildings on the appearance of skylines and ridgelines;
  - iii. Effect of access and buildings on known archaeological sites and tangata whenua cultural and heritage values;
  - iv. Location and finished appearance of accesses;
  - v. The potential effect of subdivision patterns, future buildings and accesses on the landscape values of the locality;
  - vi. Extent of indigenous vegetation clearance required to accommodate accesses and future buildings;
  - vii. Extent & nature of landscape planting proposed, and measures proposed to implement and maintain such plantings; and
  - viii. Treatment and disposal of wastewater and stormwater.
2. Notwithstanding Rule 38.4.1, the construction or alteration of any buildings within Area 3 is a controlled activity if:
- a) The application includes a comprehensive visual and landscape assessment & 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 matters (i) to (xiii), over which control is reserved, and any landscape design shall specify locally, common indigenous species and eco-sourced planting material from within the local ecological district wherever practicable; and
  - b) Not more than:
    - i. One residential unit is constructed within Area A;
    - ii. One residential unit is constructed within Area B;
    - iii. Three residential units are constructed within Area C;
    - iv. Two residential units are constructed within Area D;
    - v. Four residential units are constructed within Area E;
    - vi. Twenty five residential units are constructed within Area F, provided that, in addition, any of the four residential units from Area E may be transferred into Area F; and
  - c) Notwithstanding Rule 38.4.3, no building exceeds 6.0m in height, measured using the rolling height

Schedule Site or Overlay Area N0 11/3, 11/4	
	<p>method as described in Figure 4B; and</p> <p>d) Buildings within Areas A, B, C and D are located so as to give effect to the future building locations identified on the Overlay and any future building locations identified at the time of subdivision; and</p> <p>e) Buildings within Areas E and F are located so as to be entirely within Areas E and F, as shown on the Overlay, and to give effect to any future building locations identified at the time of subdivision; and</p> <p>f) Sewage from each residential unit will be adequately disposed of within Area 3 on the Overlay, or a connection is provided to a community wastewater treatment and disposal facility; and</p> <p>g) If not already achieved by subdivision of Area 3, prior to the issue of consent for any building within Area 3, the entire of Area 4 (with the exception of the route of vehicular access to Areas A and B) is permanently protected by means such as a local purpose reserve to vest, a proposed conservation covenant pursuant to the Reserves Act 1974, a proposed Queen Elizabeth II National Trust open space covenant, or a similar private covenant the terms of which are contained within a report prepared by a suitably qualified and experienced landscape architecture or ecological professional; and</p> <p>h) The reserve or covenant for Area 4 shall make provision for public access around the margins of the Taiharuru Estuary; and</p> <p>i) The boundaries of the reserve or covenant for Area 4 need not be fenced if appropriate measures are proposed to be implemented and continuously maintained to ensure that no stock or vehicles can enter the reserve or covenant area; and</p> <p>j) The application is accompanied by a comprehensive Cultural Heritage Assessment report prepared or approved by persons suitably qualified or experienced in archaeology and in tangata whenua heritage matters (this may require input from more than one person). The report must address the following issues:</p> <ol style="list-style-type: none"> <li>i. Consultation undertaken with tangata whenua with knowledge of the Pataua area, including but not limited to representatives of Ngatiwai;</li> <li>ii. Any information obtained, and the sources of that information, with regard to physical archaeological sites (whether previously recorded or not), culturally significant flora and fauna, and any oral evidence relating to significant cultural or historic events or landmarks;</li> <li>iii. The locations of any archaeological sites, culturally significant flora and fauna, historic events or landmarks, and any pathways or connections between such sites, relative to the proposed development;</li> <li>iv. Any recommendations for the preservation of such sites, flora and fauna, landmarks or connections, or for the avoidance, remediation or mitigation of any effects of the proposed development.</li> </ol>

## Schedule Site or Overlay Area N0 11/3, 11/4

**NOTE:** The permanent protection of Area 4, for conservation and public access purposes is recognised as both a mitigation measure, with respect to the effects of development on other parts of the site, and as a public benefit. In recognition of the public benefit created by the permanent protection of land within Area 4, no development contribution, with respect to Parks Reserve Land shall be imposed for any development of the site undertaken in accordance with these rules.

(Note that this exclusion does not apply to development contributions with respect to Network Infrastructure and Community Infrastructure, which are calculated and payable separately).

**Control is reserved over:**

- i. Extent of visual intrusion from the building;
  - ii. Design and appearance;
  - iii. Reflectivity of colours, materials and windows;
  - iv. Effects on landscape & amenity values;
  - v. Alternative building locations;
  - vi. Effects on the character of the coastal environment;
  - vii. Visibility of accesses and buildings from roads and public places;
  - viii. Effect of buildings on the appearance of skylines and ridgelines;
  - ix. Effect of access and buildings on known archaeological sites and tangata whenua cultural and heritage values;
  - x. Extent of indigenous vegetation clearance required to accommodate accesses and buildings;
  - xi. Location and finished appearance of accesses;
  - xii. Extent & nature of landscape planting proposed, and measures proposed to implement and maintain such plantings.
3. Notwithstanding the Rules of the Coastal Countryside Environment and Notable Landscape Area, the clearance of indigenous vegetation within Area 4 on the Overlay is a permitted activity if it complies with one of the following standards, and written notice is given to the Monitoring Division of the Whangarei District Council at least 7 days prior to the works commencing:
- a) The removal of trees or limbs which, as a result of old age or a natural event such as a storm or erosion, are a danger to human life or existing structures; or
  - b) Clearance for a new fence, where the purpose of the fence is to exclude stock and/or pests from the area; or
  - c) The removal of a tree or trees, or the gathering of plant matter in accordance with Maori custom and values; or

Schedule Site or Overlay Area N0 11/3, 11/4	
	<p>d) Clearance for the formation or maintenance of accesses or walkways less than 1.2m wide, using manual methods, which do not require the removal of any tree over 300mm in girth.</p> <p>4. Any activity which does not meet the standard for a permitted or controlled activity is a non-complying activity.</p> <p>5. Notwithstanding the Rules of the Coastal Countryside Environment, the following activities within Area 4 on the Overlay are a non-complying activity:</p> <ul style="list-style-type: none"> <li>a) The construction of buildings, with the exception of structures associated with the construction of a pedestrian walkway; and</li> <li>b) The disposal of sewage; and</li> <li>c) The construction of vehicular access, with the exception of vehicular access to Areas A and B.</li> </ul>

Scheduled Site or Overlay Area No. 13	
<p><b>Map No. 54E</b></p> <p><b>Zone (Environment)</b> Business 4 – Oil Refinery Overlay Area</p> <p><b>Legal Site Description</b> Sec 3, Sec 9 and Pt Section 10 Blk Viii</p> <p>Sd Ruakaka</p>	<p>The rules and performance standards of the Business 4 are applicable subject to the following exceptions:</p> <p><b>Activities Generally</b></p> <p>Any activity is a permitted activity provided that it takes place in the Oil Refinery Overlay Area that is related to the primary function of the oil refinery site. For the purpose of this rule the primary function is defined as a function that contributes to the safe, efficient and economic running of the Oil Refinery, and includes the operation of storage and fuel tanks, process plants, cogeneration plants and associated transmission lines, offices, support and community activities, visitor centres, canteens/cafes and residential dwellings associated with the refinery, and facilities catering to the needs of staff and visitors.</p> <p><b>Aerials and Aerial Support Structures</b></p> <p>The diameter of an aerial or aerial support structure is unlimited as a <b>permitted</b> activity in the Oil Refinery Overlay Area.</p>



<b>Scheduled Site or Overlay Area No. 14</b>	
<p><b>Map Nos. 15E, 50E</b></p> <p><b>Zones (Environments)</b></p> <p>Business 4, Countryside Coastal Countryside Open Space Portland Cement Works Overlay Area</p> <p><b>Legal Site Description</b></p> <p>Lots 1-6 DP 207345 Lot 1 DP 211213 Secs 1 2 4-7 9 10 50 SO 68334 Lots 1-12 DP 208339 Lots 1-8 DP 207346 Lot 2 DP 205572 Lots 1-3 DP 159195 Lots 1 2 DP 175517 Lot 1 DP 181891 Secs 1-3 SO 61923 Secs 122 125 Allots SW20 21-23 NE24 110-119 159-161 212 248- 251 Maungatapere Psh Blk I Ruakaka Sd Blk Iv Tangihua Sd</p>	<p>The rules and performance standards of the Business 4, Countryside Coastal Countryside and Open Space Environments are applicable to the activities within those respective Environments, subject to the following exceptions.</p> <p><b>Building Height</b></p> <p>Construction or alteration of a building is a permitted activity if it is within the Portland Cement Works Overlay Area and is part of the rock crusher or utilised for the production of cement, in which case the maximum height is 66m; or the building is part of the conveyor in which case the maximum height is 20m.</p> <p><b>Building Setbacks</b></p> <p>The maintenance and upgrading of the conveyor structure within the Portland Cement Works Overlay Area be exempt from building setbacks from road and other boundaries specified in Business 4 Environment Rule 42.4.2 and Countryside Environment Rule 38.4.5</p> <p><b>Traffic Movements</b></p> <p>The traffic movements associated with any activity are permitted if the activity is located within the Portland Cement Works Overlay Area.</p>
<b>Scheduled Site or Overlay Area No. 15</b>	
<p><b>Map No. 7E</b></p> <p><b>Zone (Environment)</b></p> <p>Business 4 – Kauri Dairy Factory Overlay Area</p> <p><b>Legal Site Description</b></p> <p>Parts Lots 1 and 2 DP 58220 Part Allotment 35 PSH OF Whangarei</p>	<p>The rules and performance standards of the Business 4 are applicable subject to the following exception:</p> <p><b>Building Height</b></p> <p>Construction or alteration of a building is a <b>permitted</b> activity if it is within the Kauri Dairy Factory Overlay Area and it is a spray drying or evaporation plant, where the maximum height is 55.0m.</p>

Scheduled Site or Overlay Area No. 16	
<p><b>Map No. 7E</b>  <b>Zone (Environment)</b>                      Business 4 – Croft Timber Company Limited Overlay Area</p> <p><b>Legal Site Description</b>                      Lot 1 DP 141921                      Lot 1 DP 196398                      Lot 1 DP 41787                      Lot 1 DP 197943                      Lot 1 DP 97420</p> <p><b>Pts Allotment 34 Parish Of Whangarei</b></p>	<p>The rules and performance standards of the Business 4 are applicable subject to the following exception:</p> <p><b>Building Height</b></p> <p>Construction or alteration of a building is a permitted activity if it is within the croft Timber Company Limited Overlay Area where no part of the building shall exceed 15.0m in height.</p>

Scheduled Site or Overlay Area No. 17	
<p><b>Map Nos. 12E, 33E</b>  <b>Zone (Environment)</b>                      Living 3</p> <p><b>Legal Site Description</b>                      Lot 3 DP 195780                      Part Kopenui Block</p>	<p><b>Living 3 Subdivision Rules</b></p> <p>The rules and performance standards of the Living 3 Environment are applicable subject to the following exception:</p> <ul style="list-style-type: none"> <li>a) There shall be no controlled subdivision activities on Lot 3 DP 195780 and part Kopenui Block.</li> <li>b) Subdivision located on Lot 3 DP 195780 and Part Kopenui Block is a restricted discretionary activity.</li> </ul> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>1. The matters over which control is reserved;</li> <li>2. The development of an appropriate landscape plan, with particular regard to be had to the landscape values of the steep and natural bush and stream areas on the properties.</li> </ul>

Scheduled Site or Overlay Area No. 18	
<p><b>Map Nos. 16E, 55E</b>  <b>Zone (Environment)</b>                      Business 2</p> <p><b>Legal Site Description</b>                      Lot 3 DP 152653</p>	<p>The rules and performance standards of the Business 2 are applicable subject to the following exceptions:</p> <p><b>Activities Generally</b></p> <p>That part of the property being Lot 3 DP 152653 shown highlighted as a “Transportation corridor” on Map 16E and 55E within the Business 2 Environment is a Transportation corridor within which a Power Station Service Corridor will be permitted.</p> <p><b>Noise</b></p> <p>The noise standards in the corridor of that part of property being Lot 3 DP 152653 shown highlighted as “Transportation Corridor” will be those which apply in the Business 4 Environment.</p>

Scheduled Site or Overlay Area No. 19	
<p><b>Map No. 35</b></p> <p><b>Zone (Environment)</b></p> <p>Living 1</p> <p><b>Legal Site Description</b></p> <p>Certificates of Title 528/15 and 527/3 being part Lot 15 Deeds Plan 532 and part Allotment 2 Parish of Whangarei.</p>	<p>The rules and performance standards of the Living 1 Environment are applicable subject to the following exception:</p> <p><b>Traffic Movements</b></p> <p>Traffic movements are a permitted activity when associated with the primary school activities (St Francis Xavier School, Percy Street, Whangarei) on properties contained in Certificates of Title 528/15 and 527/3 being part Lot 15 Deeds Plan 532 and part Allotment 2 Parish of Whangarei.</p>

Scheduled Site or Overlay Area No. 20	
<p><b>Map Nos. 41 and 42</b></p> <p><b>Zone (Environment)</b></p> <p>Countryside</p> <p><b>Legal Site Description</b></p> <p>Certificates of Title 131B/321 Lot 1 DP 80724.</p>	<p>The rules and performance standards of the Countryside Environment are applicable subject to the following exception:</p> <p><b>Traffic Movements</b></p> <p>Traffic movements are a permitted activity when associated with intermediate or secondary school activities (Pompallier College, State Highway 14, Whangarei) on the property contained in Certificate of Title Lot 1 DP 80724.</p>

Scheduled Site or Overlay Area No. 21	
<p><b>Map No. 43E</b></p> <p><b>Zone (Environment)</b></p> <p>Business 2 Environment</p> <p><b>Legal Description</b></p> <p>Lot 1 DP 96485</p> <p>Pt Lot 3 DP 100672</p>	<p>The rules and performance standards of the Business 2 Environment are applicable, subject to the following exceptions:</p> <p><b><u>Land use conditions</u></b></p> <ol style="list-style-type: none"> <li>1. Any development comprising retail, industrial or office accommodation activities within the Scheduled Site 21 is a <b>controlled activity</b> provided that: <ol style="list-style-type: none"> <li>a) The gross floor area of all development within the Scheduled Site 21 does not exceed 2,500 m<sup>2</sup>; and;</li> <li>b) any land that is used for retail, or industrial activity that is external to the buildings on any site is assessed as gross floor area for the purposes of this rule.</li> </ol> <p><b>Control is limited to:</b></p> <ol style="list-style-type: none"> <li>a) Access</li> <li>b) The extent to which any development will adversely affect the roading network and connections to State Highway 1.</li> <li>c) The imposition of financial contributions to avoid, remedy or mitigate adverse effects on the state highway system.</li> </ol> </li> <li>2. Any development comprising retail, industrial or office accommodation activities within the Scheduled Site 21 is a <b>restricted discretionary activity</b> where: <ol style="list-style-type: none"> <li>a) The gross floor area of all development within the Scheduled Site 21 area will exceed 2,500 m<sup>2</sup> but not exceed 40,000 m<sup>2</sup>; and</li> </ol> </li> </ol>

Scheduled Site or Overlay Area No. 21	
	<p>b) any land that is used for retail, or industrial activity that is external to the buildings on any site is assessed as gross floor area for the purposes of this rule;</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Access</li> <li>ii. The extent to which any development will adversely effect the roading network and connections to State Highway 1 and in particular the intersection of South End Avenue and State Highway 1.</li> <li>iii. The imposition of financial contributions to avoid, remedy or mitigate adverse effects on the state highway system.</li> </ul> <p>3. Any development retail, industrial or office accommodation activities within the Scheduled Site 21 area is a <b>restricted discretionary activity</b> where:</p> <ul style="list-style-type: none"> <li>a) The gross floor area of all development within the Scheduled Site 21 area will exceed 40,000 m<sup>2</sup> but not exceed 140, 000 m<sup>2</sup>; and</li> <li>b) any land that is used for retail, or industrial activity that is external to the buildings on any site is assessed as gross floor area for the purposes of this rule.</li> </ul> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Access</li> <li>ii. The extent to which any development will adversely effect the roading network and connections to State Highway 1 and in particular the intersection of South End Avenue, Rewa Rewa Road and State Highway 1.</li> <li>iii. The imposition of financial contributions to avoid, remedy or mitigate adverse effects on the state highway system.</li> </ul> <p>4. Any development retail, industrial or office accommodation activities within the Scheduled Site 21 area is a <b>discretionary activity</b> where</p> <ul style="list-style-type: none"> <li>a) The gross floor area of all development within the Scheduled Site 21 area will exceed 140,000 m<sup>2</sup> ; and;</li> <li>b) any land that is used for retail or industrial activity that is external to the buildings on any site is assessed as gross floor area for the purposes of this rule.</li> </ul> <p><b>Assessment Criterion</b></p> <p>Any activity for a <b>restricted discretionary</b> or <b>discretionary</b> activity in terms of rules 2., 3. or 4. above must include a Traffic Impact Assessment prepared by a qualified and experienced traffic engineer which includes the following:</p> <ul style="list-style-type: none"> <li>a) An assessment of vehicle trip generation and distribution, including the assumptions upon which such assessment is made</li> <li>b) An analysis of impacts on traffic operations on</li> </ul>

## Scheduled Site or Overlay Area No. 21

roads and intersections and in particular the intersections of roads with State Highway 1.

- c) Options (and the assessments) to address any identified traffic operation problems on loads and at intersections.

**Financial Contributions**

The following rules shall apply to applications for **restricted discretionary or discretionary activities** in the Scheduled Site 21 area in addition to those in Chapter 80:

5. The Council shall impose on every consent to a **restricted discretionary activity** granted in terms of 2. above a condition that a financial contribution be paid in money to the Council on behalf of the New Zealand Transport Agency to be for the purpose of carrying out works to limit the South End Avenue/SH1 intersection to a left in/left out configuration.

The level of any financial contribution for this purpose shall be determined according to the calculated level of traffic movements generated by the proposal.

Such contribution shall be determined by:

- a) Calculating the total cost of the works (including design and land acquisition) described above as at the time an application is made.
- b) Calculating the number of peak traffic movements per hour generated by the proposal.
- c) The dollar amount of such contribution shall a proportion of the total cost of the works. This amount shall equate to the total calculated in ii above as proportion of 440 vehicle movements per hour.
6. The Council may only consider an application to reduce or waive such contribution where the works described in 5. above, or works having an equivalent traffic management function, are complete at the time an application is made and where the New Zealand Transport Agency advises Council that all or part of the contribution is not required.
7. The Council shall impose on every consent to a **restricted discretionary or discretionary activity** granted in terms of 3. or 4. above a condition that a financial contribution be paid in money to the Council on behalf of the New Zealand Transport Agency for the purpose of:
- a) carrying out works to limit the South End Avenue/SH1 intersection to a left in/left out configuration;
- b) Upgrading the Rewa Rewa Road/SH1 intersection to include the following:
- i. Double right turn lane from Rewa Rewa Road to SH1
  - ii. Continuous left turn lane from Rewa Rewa to SH1

Scheduled Site or Overlay Area No. 21	
	<p>iii. Double right turn lane from SH1 to Rewa Rewa</p> <p>iv. Two through lanes in each direction on SH1 (all fully signalised)</p> <p>v. Left turn slip lane from SH1 to Rewa Rewa Rd, and</p> <p>c) Any other works identified in the Traffic Impact Assessment required in 3. or 4. above.</p> <p>The level of any financial contribution for these purposes shall be determined according to the calculated level of traffic movements generated by the proposal.</p> <p>Such contribution shall be determined by:</p> <p>i. Calculating the total cost of the works (including design and land acquisition) described in i, ii and iii above as at the time the application is made.</p> <p>ii. Calculating the number of peak traffic movements per hour generated by the proposal.</p> <p>iii. The dollar amount of contribution shall a proportion of the total cost of the works. This amount shall equate to the total calculated in ii above as a proportion of 1,550 vehicle movements per hour.</p> <p><b>8.</b> The Council may only consider an application to reduce or waive such contribution where some or all of the works described in 7. above, or works having an equivalent traffic management function, are complete at the time an application is made and where the New Zealand Transport Agency advises Council that all or part of the contribution is not required.</p> <p><b>Notification</b></p> <p>The New Zealand Transport Agency will be considered an affected person in terms of sections 93 and 94 of the Act where an application for resource consent is made in terms of the above provisions.</p> <p><b>Explanatory Note:</b></p> <p>The following notes outline the traffic engineering rationale for the floor area and traffic generation limits.</p> <p><b>Clause 1:</b></p> <p>The gfa limit of 2,500 m<sup>2</sup> is determined by the level of traffic generated by a “Business Park” type of development having a mix of industrial, retail and commercial uses. This level of traffic is the equivalent of that which may be generated by a level of residential development which could practicably take place on the land as previously zoned.</p> <p><b>Clause 2:</b></p> <p>The upper limit of 40,000 m<sup>2</sup> gfa is assessed as that which would generate the maximum sustainable volume of traffic movements through the South End Avenue SH 1 intersection with a “left in left out” restriction. It also assumes that a proportion of traffic generated by the development will use other local roads.</p>

## Scheduled Site or Overlay Area No. 21

**Clause 3.**

The upper limit of 140,000 m<sup>2</sup> is assessed as that which would generate the maximum sustainable volume of traffic movements through the South End Avenue and Rewa Rewa Rd intersections with the improvements in place that are detailed in clause 7.

**Clauses 4 and 6.**

The levels of contribution are tied to the proportion of the total traffic movements which will trigger for need for the relevant intersection upgrades. For example, if a development comprises 20,000 m<sup>2</sup> gfa it is assumed it will generate half of the traffic movements that will necessitate the works to create a left-in-left out configuration to the South End Avenue– SH1 intersection. The engineering analysis has shown this to be necessary where total traffic movements from development on the land reaches 440 per hour.

A similar rationale applies to the contribution calculation in clause 5 but with the two intersection upgrades sustaining up to 1,550 movements per hour.

**Noise Conditions**

1. The following noise levels shall apply for classification as a **permitted activity**:
  - a) Noise generated by the activity, measured at or within the boundary or within the boundary of any other site in the Environment, does not exceed:
    - i. 65dBA L10 at any time; or
  - b) Noise generated by the activity, measured at or within the boundary of the nearest site in a Living 1 Environment does not exceed:
    - i. 50dBA L10 between the hours of 0700 and 2200; and
    - ii. 40dBA L10 and 65dBA Lmax between the hours of 2200 and 0700, except for emergency services and the operation of emergency service call-out sirens; and
  - c) Noise generated by the activity, measured at or within the boundary of the nearest site in any Living Environment other than Living 1, or at the notional boundary of any dwelling in the Countryside Environment, does not exceed:
    - i. 50dBA L10 between the hours of 0700 and 2200; and
    - ii. 45dBA L10 and 70dBA Lmax between the hours of 2200 and 0700, except for emergency services and the operation of emergency service call-out sirens; and
  - d) Except where expressly provided elsewhere in this Plan, sound levels shall be measured in accordance with NZS6801:1991 Measurement of Sound and assessed in accordance with NZS6802:1991 Assessment of Environmental Sound; and
  - e) Air blast overpressure does not exceed 120dBC (peak) measured within the notional boundary of any residential unit.

Scheduled Site or Overlay Area No. 21	
	<p>2. Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Maximum level of noise likely to be generated;</li> <li>ii. The nature and frequency of the noise, including any special audible characteristics</li> <li>iii. Effect on any nearby residential units;</li> <li>iv. Compatibility with the Environment;</li> <li>v. Compatibility with surrounding Environments;</li> <li>vi. Length of time for which specified noise level is exceeded, especially at night;</li> <li>vii. Likely adverse effects on-site and beyond the site;</li> <li>viii. Mitigation measures to reduce noise generation.</li> </ul> <p><b>Landscaping conditions</b></p> <p>1. Any activity outside of the buffer area as shown on the landscape mitigation plan shall be a <b>restricted discretionary activity</b> in relation to buffer area landscaping. A landscape planting and management plan for the buffer area is to be prepared by a suitably qualified and experienced landscape architect and submitted for the consideration and approval of the Whangarei District Council consents manager. The plan shall be based on the Mitigation Concept Plan and contain the following key characteristics:</p> <ul style="list-style-type: none"> <li>a) A graduated scale of vegetation with smaller species nearest the residential</li> <li>b) properties increasing to larger trees that will achieve a height in excess of 15 metres away from adjacent residential boundaries to minimise potential shading and domination of those properties.</li> <li>c) A phased planting regime which includes fast growing short-term evergreen species, such as eucalyptus and acacia, intermingled with longer term predominantly native tree species to offer the ultimate buffering framework.</li> <li>d) Provision to ensure that all buffer areas receive a generous thickness of topsoil and that fill areas are constructed so as to provide healthy vegetation growing conditions.</li> <li>e) The creation of public walkway corridors around the perimeter of the site and with connections to the riparian margins of Limeburners Creek and proposed methods to achieve the legal right of the public to use the walkways.</li> <li>f) Provision of detailed planting plans, specification schedules and other documentation necessary to ensure that all mitigation and framework vegetation is planned and implemented to the higher</li> </ul>



## Scheduled Site or Overlay Area No. 21

standards.

- g) Provision for extensive mulching to aid establishment and minimise maintenance.
- h) A vegetation management plan for the buffer covering the programmed removal of initial sacrificial evergreen plantings as the long term vegetation develops and matures.
- i) A mechanism for common ownership to manage and maintain the buffer area.

***Discretion is restricted to:***

- i. The effectiveness of the proposed landscaping of screening the activity from nearby residential areas; and
- ii. The maintenance of amenity of nearby residential areas.

2. Any activity (except landscaping and walkways) within the buffer area shall be a **non-complying activity**.

**Subdivision Conditions**

1. Subdivision is a **restricted discretionary activity**. In addition to the matters over which control is reserved under Chapter 74.3.

***Discretion is restricted to:***

- i. Access
- ii. The extent to which any development will adversely affect the roading network and connections to State Highway 1.
- iii. The imposition of financial contributions to avoid, remedy or mitigate adverse effects on the state highway system. Where such contributions are required they shall be paid in money to the Council on behalf of the New Zealand Transport Agency.

**Assessment Criterion**

Any activity for a **restricted discretionary activity** in terms of rule 1 above must include a Traffic Impact Assessment prepared by a qualified and experienced traffic engineer which includes the following:

- a) An assessment of vehicle trip generation and distribution, including the assumptions upon which such assessment is made
  - b) An analysis of impacts on traffic operations on local roads and intersections and in particular the intersections of local roads with State Highway 1.
  - c) Options (and the assessments) to address any identified traffic operation problems on local roads and at intersections.
2. Subdivision is a **restricted discretionary activity** (in addition to the matters over which control is reserved under Chapter 74.3), subject to any subdivision application including a landscape planting and management plan for the buffer area prepared by a suitably qualified and experienced landscape architect and submitted for the consideration and approval of the Whangarei District Council consents manager. The plan shall

Scheduled Site or Overlay Area No. 21	
	<p>be based on the Mitigation Concept Plan and contain the following key characteristics:</p> <ul style="list-style-type: none"> <li>a) A graduated scale of vegetation with smaller species nearest the residential properties increasing to larger trees that will achieve a height in excess of 15 metres away from adjacent residential boundaries to minimise potential shading and domination of those properties.</li> <li>b) A phased planting regime which includes fast growing short-term evergreen species, such as eucalyptus and acacia, intermingled with longer term predominantly native tree species to offer the ultimate buffering framework.</li> <li>c) Provision to ensure that all buffer areas receive a generous thickness of topsoil and that fill areas are constructed so as to provide healthy vegetation growing conditions.</li> <li>d) The creation of public walkway corridors around the perimeter of the site and with connections to the riparian margins of Limeburners Creek and proposed methods to achieve the legal right of the public to use the walkways.</li> <li>e) Provision of detailed planting plans, specification schedules and other documentation necessary to ensure that all mitigation and framework vegetation is planned and implemented to the higher standards.</li> <li>f) Provision for extensive mulching to aid establishment and minimise maintenance.</li> <li>g) A vegetation management plan for the buffer covering the programmed removal of initial sacrificial evergreen plantings as the long term vegetation develops and matures.</li> <li>h) A mechanism for common ownership to manage and maintain the buffer area.</li> </ul> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The effectiveness of the proposed landscaping of screening the activity from nearby residential areas; and</li> <li>ii. The maintenance of amenity of nearby residential areas.</li> </ul> <p>3. Subdivision that does not comply with the standards specified in points 1 &amp; 2 above is a <b>non-complying activity</b>.</p>

Scheduled Site or Overlay Area No. 22	
<p><b>Map No. 51E</b></p> <p><b>Zone (Environment)</b> Business 3 Environment</p> <p><b>Legal Description</b> Lots 1 and 2 DP 324551;</p>	<p><b>Land Use Conditions</b></p> <p>All the Rules and Performance standards of the Business 3 Environment are applicable, subject to the following exceptions:</p> <ul style="list-style-type: none"> <li>a) One Tree Point Business 3</li> <li>b) Environment – Comprehensive</li> <li>c) Centre Development Plan</li> </ul>

Scheduled Site or Overlay Area No. 22	
<p>Lots 1 and 2 DP 343669; and  Lot 1 DP 371106.</p>	<p>i. All subdivision applications lodged after 31 March 2009 or development, within that part of the Business 3 Environment identified on Schedule 22 / Overlay Map S22, is a <b>non-complying activity</b> until a Comprehensive Centre Development Plan for the entire One Tree Point Business 3 zone has been approved by Council's Resource Consent Manager;</p> <p>ii. A Comprehensive Centre Development Plan is a built and spatial framework plan showing, parking area locations, access points, landscaping areas and building profile and height as viewed from all existing and proposed street frontages.</p> <p>For the purpose of this requirement "building profile" means two dimensional and three dimensional building block elevations and building cross sections showing overall building form and height (as opposed to detailed design) and areas at ground level adjoining street frontages intended to be available for active uses.</p> <p>iii. Approval or amendment of a Comprehensive Centre Development plan is a <b>restricted discretionary activity</b>.</p> <p><b>Discretion is restricted to:</b></p> <p>a) Building profile and height (as opposed to detailed building design) to establish an legible and appropriate built form and spatial framework for a neighbourhood centre;</p> <p>b) The location of building footprints in relation to existing and proposed street boundaries, including those areas intended to be available for active uses. In applying this criterion it is not anticipated that buildings will be oriented to front One Tree Point Road or O'Farrell Drive.</p> <p>c) Any sequencing of development including any fencing or grassing of areas to be left vacant;</p> <p>d) The location of all key access points and parking areas (as opposed to detailed parking design) to ensure safe and efficient vehicle access and manoeuvring;</p> <p>e) The location of key landscaping areas (as opposed to detailed landscaping design) and the location of any screening areas to enhance the amenity of the neighbourhood centre.</p> <p>f) The provision and capacity of infrastructure, including wastewater and stormwater, to service anticipated demand;</p> <p>g) Gross Floor Areas for all commercial / retail activities, including any potential effect on the vitality and amenity of the Ruakaka centre in circumstances where it is proposed to exceed 3,000m<sup>2</sup> (gross) for a supermarket or 400m<sup>2</sup> (gross) per tenancy for any other retail /</p>

Scheduled Site or Overlay Area No. 22	
	<p>commercial activity.</p> <p>iv. Once a Comprehensive Centre Development Plan has been approved, all development in accordance with the CCDP within that part of the Business 3 Environment identified on Schedule 22 / Overlay Map S22 is a permitted activity, subject to compliance with the Business 3 Environment rules (Part 41).</p> <p>v. In accordance with section 94D(2) of the Act an application for approval of a Comprehensive Centre Development Plan need not be publicly notified as otherwise required by section 93(1)(b) the Act.</p> <p>vi. In accordance with section 94D(3) of the Act notice of an application for approval of a Comprehensive Centre Development Plan does not need to be served on any person or party, other than any freehold landowner within the application area who has not provided written approval, as required by section 94(2) the Act.</p>

**Scheduled Site or Overlay Area No. 23 - DELETED**

Scheduled Site or Overlay Area No. 24	
<p><b>Map No. 16, 52BE &amp; 53E</b></p> <p><b>Zone (Environment)</b></p> <p>Living 1, Living 3 and Open Space – Taurikura/Urquharts Bay</p> <p><b>Legal Site Description</b></p> <p>Part Lot 2 DP 211836</p> <p>LOT 2 DP 337999</p> <p>LOT 1 DP 204532</p> <p>LOT 2 DP 204532</p> <p>LOT 1 DP 317893</p> <p>LOT 2 DP 317893</p> <p>LOT 3 DP 317893</p> <p>LOT 1 DP 178080 Part Allotment 15 PSH of Manaia</p> <p>LOT 1 DP 187063 (split zoning, southern area of allotment only).</p>	<p><b>Conditions</b></p> <p>The rules and Performance Standards of the Living 1, Living 3 and Open Space Environments (Land Use and Subdivision) are applicable, subject to the following exceptions:</p> <p>a) No cats and/or dogs shall be kept on any allotment within the overlay area, except those existing on an allotment on <b>22 September 2009</b>. Such animal(s) will be allowed to remain for the duration of their natural lives.</p> <p>b) The conditions of Resource Consent SD0740629 (granted 17 April 2009) shall apply to Part Lot 1 DP 187063 when that resource consent is given effect to.</p> <p>c) And further in regard to the Living 3 Environment:</p> <p>i. Every allotment connected to a reticulated sewerage system has a net site area of at least 1000 m<sup>2</sup>. and;</p> <p>ii. Construction or alteration of a building is a permitted activity if building coverage does not exceed 30%.</p>

Scheduled Site or Overlay Area No. 25	
<p><b>Map No. 52AE &amp; 53</b></p> <p><b>Zone (Environment)</b> Living 3 and Open Space Living 3</p> <p><b>Legal Description</b> Pt Lot 4 Deeds W34 Pt Allotment 15 PSH of Manaia</p> <p>Lot 1 DP 58765 Lot 2 DP 58765 Lot 2 DP 184601 Lot 1 DP 4324 Lot 2 DP 96888 Lot 1 DP 190248 Lot 2 DP 358675 Lot 1 DP 210191 Lot 1 DP 164796.</p> <p><b>Open Space Legal Description</b> Lot 1 DP 70474</p>	<p><b>Conditions</b></p> <p>The rules and performance standards of the Living 3 and Open Space Environments are applicable with the following further condition:</p> <p>a) No cats and/or dogs shall be kept on any of the proposed allotments, except those existing on an allotment on 21 April 2009. Such animal(s) will be allowed to remain for the duration of their natural lives.</p>

**Proposed Scheduled Activity S26**

Scheduled Site or Overlay Area No 27	
<p><b>Map No 55E</b></p> <p><b>Zone: Business 4 Environment</b></p> <p><b>Legal Site Description:</b> Part Lot 5 DP 55607 Part Lot 6 DP 55607 Lot 4 DP 55607 Lot 3 DP 350513 Lot 3 DP 55607 Lot 7 DP 55607</p>	<p><b>Recommended Modifications</b></p> <p>The Rules and Performance Standards of the Business 2 and 4 Environment (Land Use and Subdivision) are applicable subject to the following exceptions to the Business 4 Environment Rules and Performance standards:</p> <p>A. The rules for building setbacks from water bodies in the Business 4 Environment 42.4.3(b)-(d) be replaced by the following:</p> <p>Construction or alteration of a building is a <b>permitted activity</b> if the building is set back at least:</p> <p>From the top of the bank of the artificial lake/s contained within the site:</p> <ol style="list-style-type: none"> <li>i. 10m, where there is a finished bank slope of not more than 1 (vertical) and 5 (horizontal) and planted in accordance with the Council approved landscape plan for the edge around the artificial lake; or</li> <li>ii. 10m in all other areas.</li> </ol> <p>Construction of wharves, jetties, boardwalks, over-height fences and signs shall not be subject to any setbacks from the man-made lake(s) and shall be a <b>controlled activity</b>.</p> <p>Matters over which Council reserves control are:</p> <ol style="list-style-type: none"> <li>i. Design and Appearance.</li> <li>ii. Scale of Proposed Structure.</li> </ol>

Scheduled Site or Overlay Area No 27	
	<p>iii. Location of Proposed Structure.</p> <p>iv. Construction Materials and Colour Scheme.</p> <p>v. Landscaping and Signage.</p> <p>Construction or alteration of a building that does not comply with a permitted activity is a <b>Restricted Discretionary Activity</b>.</p> <p>B. The rules for building setbacks in the Business 4 Environment 42.4.2(b), (c) and (d) shall be replaced by the following: The building setback for any building on Business 4 Environment zoned land shall be 10m from the Open Space Environment (the accessway)</p> <p>C. Outdoor areas of storage, stockpiles of materials and equipment on Business 4 zoned land shall be located no closer than 5 metres from the Open Space Environment (the accessway):</p> <p>Provided that: for (B) and (C) above</p> <p>i. a Landscape Impact Assessment shall be provided and accepted by Council;</p> <p>ii. a landscaping plan shall be approved by Council and showing planting details in the setback areas as follows:</p> <p>(a) at least 5m adjoining the eastern boundary (the accessway) of the 10m setback of building from Open Space Environment shall be densely planted;</p> <p>(b) all of the 5m setback of any outdoor areas of storage, stockpiles of materials and equipment from the Open Space Environment shall be densely planted.</p> <p>The landscaping shall be completed prior to the use of the building and any outdoor areas of storage, stockpiles of material and equipment.</p> <p>D. The area for ancillary retail activity on Business 4 land shall not exceed 100m<sup>2</sup> gross floor area. For clarity, within the Scheduled Area, the storage and administration areas supporting up to 100m<sup>2</sup> of ancillary retail activity shall be excluded from the total area for ancillary retail activities provided that a general right of public access is not available to these areas. The floor area of storage and administration area ancillary to the Business 4 activity on the site shall not be limited.</p>

Scheduled Site or overlay No 28	
<p><b>Map number - 43E</b></p> <p>Environment - Business 3</p> <p><b>Legal site description:</b></p> <p>Lot 2 DP8872</p> <p>Lot 3 DP8872</p> <p><b>Note:</b> The properties are subject to a Building Line Restriction of 2.0 metres along Maunu Road and are</p>	<p><b>Conditions</b></p> <p>The rules and performance standards of the Business 3 Environment are applicable subject to the following further conditions:</p> <p>i. When Business 3 re-development takes place no vehicular access will be allowed from Maunu Road;</p> <p>ii. Vehicular access for both properties will be obtained from Kauika Road;</p>

Scheduled Site or overlay No 28	
noted to be flood susceptible.	iii. Access to be reserved as a Right of Way of 4 metres wide over Lot 2 DP8872 in favour of Lot 3 DP 8872 to ensure access to Kauika Road for these two properties.

Scheduled site or overlay area No 29	
<p><b>Map No 33 Zoning (Environment)</b> Business 2</p> <p><b>Legal description</b></p> <p>Part Puriritahi ML 49            Lot 1 DP 79657            Lot 30 DP 46482            Lot 31 DP 46482            Lot 1 DP 211845            Lot 3 DP 211845            Lot 32 DP 46482            Lot 2 DP 79657            Lot 2 DP 211845            Lot 1 DP 52257            Part Allotment 50 Parish of Whangarei            Part Allotment 50B Parish of Whangarei            Lot 1 DP 100612            Part Onoke ML 3548</p> <p>Within the Business 2 zone any activity is a permitted activity if:</p> <p>a) It is permitted by the provisions of the Business 2 Environment (Rule 40.3.1)</p> <p>b) It does not involve any of the following retail and commercial activities as defined in the Australia and New Zealand Standard Industrial Classification 1993 edition:</p> <ol style="list-style-type: none"> <li>1. supermarkets and grocery stores – Group 511</li> <li>2. specialist food retailing – Group 512</li> <li>3. department stores – Group 521</li> <li>4. clothing and soft goods retailing – Group 522</li> <li>5. furniture, house ware and appliance retailing Group 523 except floor covering retailing -5232</li> <li>6. recreational good retailing Group 524 except – sport and camping equipment retailing – 5241, marine equipment retailing – 5245</li> <li>7. other personal and household goods retailing – Group – Group 525 except garden supplies retailing -5253</li> <li>8. cafes and restaurants- Group 573</li> </ol> <p>and</p> <p>c) Any retail activities regardless of size except those in b) are a permitted activity.</p> <p>Within the Business 2 Environment any activity</p>	<p><b>Condition</b></p> <p>The rules and the performance standards of the Business 2 Zone are applicable , subject to the following exception:</p> <p>1.            On the boundary of any land zoned Urban Transition or Living Environment except where it abuts the North Auckland Railway Line a 20 metre landscaped setback is required. Any subdivision or construction of any building on this land shall necessitate the establishment of this setback. It shall require the establishment of this landscaping area so as to provide an effective visual screen of any development within this Business 2 Zone from the Urban Transition and Living Environments beyond within the Business 2 the landscaping following planting is to be maintained continuously thereafter. No structures , outdoor storage or signage is allowed in the setback area</p>

<b>Scheduled site or overlay area No 29</b>	
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which does not comply with a condition of a permitted activity is a discretionary activity.	
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## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
4 October 2007	FP	New Schedules 13, 15-17	Parts of Plan Change 53. Transfer of rules to Scheduled Activities.	ES 20 September 2007- and Operative 9 October 2007	PW
5 November 2007	FP	Proposed New Schedules	Insertion of hyperlinks to Plan Change 53 re new schedules.		PW
19 February 2008	FP	New Schedules 14/19/20	Part of Plan change 53. Transfer of rules to Schedules 14, 19 and 20.	ES 13 February 2008	PW
27 March 2008	FP	New Schedule 18	Plan Change 53 insertion of schedule 18 "Transportation Corridor rules	ES 12 March 2008	PW
10 July 2008	FP	Schedule 17	Correction re lot 3 Dp 195780	Clause 20A 9 July 2008	PW
14 April 2009	FP	Proposed Schedule 12	PC 53 withdrawn - re insertion of S12 (cancelled) Commercial Centre Southdale Business 3	ES 8 April 2009 Operative 21 April 2009	NW
15 April 2009	FP	Schedule 25	Insertion of Scheduled Site or Overlay Area No. 25 PC 70 McLeod Bay Rezoning	ES 8 April 2009 Operative 21 April 2009	NW
15 April 2009	FP	Schedule 6	Condition i: to read the "Horse Paddock "area....		NW
14 May 2009	FP	New Schedule 21	Private Plan Change 43 SS Developments	Council Decision on 13 May 2009 Operative on 26 May 2009	NW
14 July 2009	FP	New Schedule 22	Private Plan Change 62 WFH Properties Limited - Addition of Schedule 22 as per Environment Court Decision	Consent Memo 09/59676 Operative 2 July 2009	NW
11 September 2009	FP	New Schedule 24	Council Plan Change 74 Taurikura Urquharts Bay as per council decision 9 September 2009	Operative on 22 September 2009	NW
11 September 2009	FP	New Schedule 27	Private Plan Change 81 Lakeside Business Park as per council decision 9 September 2009	Operative on 22 September 2009	NW
11 September 2009	FP	New Schedule 28	Private Plan Change 75 McNally Valuation addition of S28 as per council decision 9 September 2009	Operative on 22 September 2009	NW
23 September 2009	FP	Schedule 28	Legal description error of parcel of land Lot 5 DP 5507 one to read Lot 4 DP 5507.	Clause 20A ref 08/78944 21 September 2009	NW
4 February 2010	FP	New Schedule 23	Private Plan Change 60 – Mulligan- addition of S23 as per Consent Memorandum	Operative 26 January 2010 (Appendix to Consent order - Diagram C see Trim Doc 10/7939	NW
14 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer	Record 10/96471	NW

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
			exist.		
6 January 2011	FP	Schedule 24	Map 52B showing S25 have been moved to a single page Map 52BE; update of legal description for Lot 1 Dp 178080.		NW
6 January 2011	FP	Schedule 25	Map 52 showing S25 has been moved to a single page 52A.		NW
6 January 2011	FP	Schedule 3	Maps 26E and 26R have been moved to a single page, Map 26 BE and Map 26 BR.		NW
9 February 2011	FP	New Schedule 29	Approval of Plan Change 104 Bus.2 Open Space. Addition of Schedule/Overlay 29 and update of Map 33E.	Operative Date 22 February 2011	NW
10 June 2015	TB	Deletion of Schedules 1 and 2	Plan Change 120 – removed sites within the KWE.	Operative Date 23 June 2015 TRIM: 15/52461	MM
11 December 2015	TB	Deletion of Schedule 23	Plan Change 112 – Consequential amendment.	Operative Date 18 December 2015 TRIM: 15/123555	MM
2 March 2016	TB	Schedule 13	Clause 20A minor amendment to Schedule 13, to correct a drafting error.	2 March 2016 TRIM: 16/22402	MM

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