

# RPE.1

## Rural Production Environment

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### RPE.1.1 Description and Expectations

The Rural Production Environment (RPE) encompasses a large area of the Whangarei District. The purpose of the (RPE) is to sustainably manage the natural and physical resources of the Rural Area in order to:

- Protect, sustain and promote rural production activities as well as those activities that support rural communities.
- Protect areas of significant ecological and biodiversity values (such as indigenous bush and wetlands).
- Enable the rehabilitation of ecological and biodiversity values.
- Maintain rural amenity and character.

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 RPE are recognised and where appropriate are protected and enhanced. Ecological and landscape values contribute significantly to the rural character and distinctiveness of Whangarei District. Parts of the RPE 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 RPE 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 farming, horticultural, forestry and mineral extraction activities. There is an expectation that rural production activities will be able to continue to operate without onerous or restrictive intervention in the RPE.

Rural production activities are important contributors to the Whangarei and Northland economy. The RPE 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 RPE. Changing demands for existing produce and new markets establishing mean that the provisions for the RPE need to be flexible to accommodate current and future production needs.

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The RPE 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 RPE interfaces with sensitive activities including habitable buildings in other Rural Environments and Living Environments, and with Business Environments. Where the RPE is traversed by existing major infrastructure services, land use conflicts must be managed. Quarrying Resource Areas apply over the RPE and Strategic Rural Industry Environments are surrounded by the RPE. Providing for mineral extraction activities and strategic rural industries to occur and avoidance of conflicting land use activities is important for their on-going operation.

A history of 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 RPE will apply. Areas for future urban growth, land use and subdivision development is spatially managed by the Rural (Urban Expansion) Environment to maintain options for the continued growth of the City. Where a rural number of rural living clusters have reached significant density and lifestyle character they have been identified as the Rural Living Environment to manage the actual and potential reverse sensitivity effects associated with rural living activities occurring in close proximity to rural production activities.

The RPE 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 RPE.

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.

### **RPE.1.2 Objectives**

1. Identify and protect productive rural land resources for a diverse range of rural production activities.
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 RPE to contribute to the District's economy.
3. Recognise, maintain and where appropriate protect the rural character and amenity of the RPE.
4. Avoid adverse effects on productive land resources from residential, rural residential and rural living subdivision and development in the RPE.
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.
6. Provide for rural production activities that are compatible with the Coastal Area.
7. Encourage protection and enhancement of significant ecology, biodiversity, landscapes and historic heritage.

### **RPE.1.3 Policies**

1. To protect the distinctive rural character and amenity of the RPE including but not limited to:

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A dominance of natural features including landforms, watercourses and vegetation.

- a. A predominately working rural production environment, including:
    - i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.
    - ii. ancillary activities and structures (including crop support and crop protection structures) across the landscape.
  - b. Seasonal activities.
  - c. A low intensity of development, involving a combination of domestic and rural production buildings.
  - d. Varying levels of noise associated with seasonal and intermittent rural production activities.
  - e. Relatively open space and low density of development.
  - f. Odours, noise and dust typical of rural activities.
  - g. Generally low levels of vehicle traffic with seasonal fluctuations.
2. 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 RPE 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 or forestry.
  - d. Requiring larger allotments sizes to retain productive rural options.
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.
4. To reduce the potential of exposure to noise, dust and health risks by requiring a minimum separation for residential units from unsealed roads.
5. To maintain rural amenity, and character by ensuring that all new buildings and rural land uses:
- a. Are of a scale and character appropriate to the RPE.
  - b. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight.

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- c. Avoid ribbon development.
6. To avoid inappropriate subdivision and development in areas required for future urban growth by identifying 'setback buffers' between the RPE and living environments (Living 1, 2 and 3 Environments, Urban Transition Environment, Rural Urban Interface Environment, Rural Living Environment and Rural Village Residential Sub-Environment).
7. To 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.
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 does not create a rural residential or rural lifestyle allotment, other than where a Net Environmental Benefit is achieved.
  - 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:
    - i. Is a practical size for rural production activities, other than where a Net Environmental Benefit is achieved.
    - ii. 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 adverse effects on the operation and viability of any adjoining rural production activity or strategic rural industry.
  - 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.
9. To protect and enhance biodiversity, landscapes, historic heritage and significant ecology whilst protecting productive rural land resources, rural character and amenity by providing for subdivision where all of the following are achieved:
  - a. A Net Environmental Benefit is created by the legal protection in perpetuity and on-going management (maintenance and enhancement of the values and attributes, characteristics and qualities) for one or more of the following:
    - i. Appropriate area(s) of indigenous vegetation, or habitat of indigenous fauna, assessed as significant in accordance with policy 4.4.1 and appendix 5 of the Northland Regional Policy Statement 2016; or
    - ii. Appropriate area(s) of Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, High Natural Character; or

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- iii. Heritage Buildings or Sites of Significance to Maori; or
  - iv. Appropriate area(s) of Highly Erodible Land, or land within a riparian margin of a stream, river, estuary or the coast located within Acutely or Chronically threatened land environment associated with Land Environments of New Zealand Level 4, will be retired and rehabilitated.
- b. The effects of the number, size and location of allotments, building platforms and access, are managed by:
- i. Avoiding:
    - a) Adverse effects on the areas(s) protected under clause (a) of this policy.
    - b) Adverse cumulative effects.
    - c) Reverse sensitivity.
    - d) Development on highly versatile soils.
    - e) An urban form, by encouraging small clusters of allotments.
  - ii. Minimising fragmentation of rural land.
  - iii. Protecting the productive potential of the site.
  - iv. Retaining natural character, landscape qualities and characteristics, rural character and amenity.
  - v. Determining whether fewer than the maximum number of allotments should be created.
  - vi. Assessing the proposal against the Coastal Area objectives and policies where the site is located in the Coastal Area.
10. 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.
11. 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. Avoiding development on highly versatile soils.
  - c. Identifying building platforms that respond to site topography and environmental characteristics.
  - d. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.
  - e. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.
  - f. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.

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12. Recognise that the placement of overburden from an adjacent QRA may be appropriate if:
  - a. It is demonstrated that:
    - i. The placement is necessary for the efficient use and development of that QRA, including if doing so would preserve the long-term access to regionally significant mineral resources.
    - ii. The placement is a final or long term deposition.
    - iii. There is no practicable alternative within the Mining Area of the QRA.
  - b. Progressive rehabilitation occurs so that rural character and amenity values are maintained.
  - c. The placement avoids highly versatile soils.
  - d. The placement is managed to protect existing and consented sensitive activities from unreasonable effects of noise, vibration, dust and illumination.
  - e. Other adverse effects are first avoided, and if not avoided, are remedied or mitigated.
  - f. An effective separation distance from existing and consented sensitive activities is maintained to give effect to d) and e) above.

**Note:** Any placement of overburden outside the Mining Area but inside the QRA is subject to policy QRA.1.3.3.

### RPE.1.4 Guidance Note

1. The following shall form the basis for resource consent application in the RPE:
  - a. The objectives, policies and provisions for the Rural Production Environment.
  - b. The objectives, policies and provisions for the Rural Area in the District Plan.
  - c. The objectives, policies and provisions for Resource Areas in the District Plan.
  - d. The District Wide objectives, policies and provisions in the District Plan.
2. The rules of this chapter apply to any site or portion of a site mapped as RPE.

## Landuse

### RPE.2.1 Eligibility Rules

1. More than one minor household unit per allotment is a non complying activity.
2. Mineral extraction activities within the Mining Area of a Quarry Resource Area are exempt from RPE.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.
4. Any other activity not requiring consent as a discretionary or non-complying activity is a permitted activity.

### RPE.2.2 Notification Rules

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

### RPE.2.3 Discretionary Activities

1. Commercial and industrial activities.
2. Any sensitive activity (excluding non-habitable buildings):
  - a. Within 500m of:
    - i. The Mining Area of a Quarry Resource Area.
    - 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 or forestry on a separate site.
    - iii. Fonterra Kauri Milk Processing Site SRIE – Ancillary Irrigation Farms.
3. More than one dwelling per 20ha, provided that one dwelling and one minor household unit is permitted on an allotment of any size.
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).

## Landuse

5. The clearance of indigenous vegetation:
  - a. Exceeding 500m<sup>2</sup> per site within each 10 year period from 12 December 2018, except where:
    - i. Clearance is directly associated with rural production activities and that clearance is:
      - a) Up to 2,000m<sup>2</sup> in area per site within each 10 year period from 12 December 2018 and the vegetation does not meet the significance criteria in Appendix 5 of the Regional Policy Statement for Northland 2016; or
      - b) Of indigenous vegetation that has grown naturally since 12 December 2018 on land lawfully cleared of indigenous vegetation.
    - b. Within 20m of a water body.
    - c. With the exception of vegetation clearance associated with:
      - i. Routine maintenance within 7.5m of the eaves of existing buildings:
        - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
        - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
      - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
      - iii. Pest plant removal and biosecurity works
      - iv. Vegetation removal for customary rights
      - v. Conservation planting, including planting for ecological restoration purposes.
  6. Any activity ancillary to farming or forestry that operates within 250m of an existing sensitive activity on a separate site.
  7. Any place of assembly
  8. Any building associated with emergency service.
  9. Any frost protection fan:
    - a. That exceeds a maximum height of 20m.
    - b. Within 8m of a site boundary.
  10. Any crop support structure or artificial crop protection structure:
    - a. That exceeds a maximum height of 10m.
    - b. Within 1m of a site boundary.
    - c. Within 27m of mean high water springs (excluding bridges, culverts and fences).
    - d. Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
  11. Any health care facility.
  12. Any retirement village.
  13. Farm quarry if the activity:



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- a. Extracts over 5,000m<sup>3</sup> in any 12 month period on the site.
  - b. Undertaking blasting.
  - c. Establishes within 500m of an existing sensitive activity on an adjacent site.
14. Any activity ancillary to farming or forestry that operates:
- a. Within buildings with a cumulative GFA exceeding 2000m<sup>2</sup> per site.
  - b. From an outdoor area larger than 500m<sup>2</sup>.
15. Any intensive livestock farming activity that operates within buildings with a cumulative GFA exceeding 2000m<sup>2</sup> per site.

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

### **RPE.2.4 Discretionary Activity Information Requirement**

1. Any application under rule RPE.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.

# RPE.3

## Subdivision

### RPE.3.1 Eligibility Rule

1. Subdivision of a minor residential unit from a residential unit is a prohibited activity.
2. Subdivision of a site where a minimum 100m<sup>2</sup> building area is located within 500m of a SRIE or a Mining Area of a QRA shall be a non-complying activity.
3. Any subdivision under rule:
  - a. RPE.3.4.3(b)(i) (Category A) shall comply with information requirement rule RPE.3.5.1.
  - b. RPE.3.4.3(b)(iii) (Category C) shall comply with information requirement rules RPE.3.5.2 and RPE.3.5.3.
  - c. RPE.3.4.3 where the site is located within the Coastal Area, shall comply with information requirement rule RPE.3.5.4.
  - d. RPE.3.4.3 resulting in 3 or less additional allotments (excluding one balance lot) shall comply with information requirement rule RPE.3.5.5.
  - e. RPE.3.4.3 resulting in 4 or more additional allotments (excluding one balance lot) shall comply with information requirement rule RPE.3.5.6.
  - f. RPE.3.4.3 shall comply with information requirement rule RPE.3.5.7.
4. Any non-complying subdivision that proposes environmental protection and on-going management of an area or feature shall comply with information requirement rules RPE.3.5.6 and RPE.3.5.7.
5. Any subdivision under rule RPE.3.4.3, where the site is located within the Coastal Area, resulting in 4 or more additional allotments (excluding 1 balance lot) is a non-complying activity.
6. Boundary relocation subdivision that does not comply with any standard in RPE.3.3.2 is a discretionary activity.
7. Any subdivision that does not meet rules RPE.3.3.1 or RPE.3.4 is a non-complying activity.

### RPE.3.2 Notification Rules

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

### RPE.3.3 Controlled Activities

1. Subdivision where every proposed allotment:
  - a. Has a minimum net site area of 20ha.
  - b. Can accommodate a minimum 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.
  - 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 adjacent sites which are existing at 12 December 2018 that results in:
  - a. Either:
    - i. The same number of proposed allotments as parent sites; or

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- ii. Where parent sites are held together under section 80 of the Building Act 2004, that section no longer applying after the boundary relocation.
- b. No additional vehicle accesses.
- c. 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. Management of water supply, stormwater and wastewater within the proposed allotments in accordance with Whangarei District Council's Environmental Engineering Standards 2010.
- e. No additional capacity for residential units permitted on the proposed allotments beyond the overall number of residential units permitted on the parent sites in accordance with rule RPE.2.3.3.
- f. A minimum net site area of 2,000m<sup>2</sup>.

**Note:** For the purposes of this rule adjacent sites means sites that are:

- a. Contiguous; or
- b. Part of a contiguous landholding; or
- c. Separated only by a road, access lot, railway, stream or river.

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

### RPE.3.4 Discretionary Activities

1. 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.
  - c. Providing a balance allotment equal to or greater than 80ha in net site area.
2. 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.
3. Subdivision of a site greater than 20ha that existed on 12 December 2018:
  - a. For categories A and C, that are outside areas of Outstanding Natural Landscape, Outstanding Natural Feature, Outstanding Natural Character or High Natural Character Resource Area and do not contain a Heritage Building or Site of Significance to Maori.
  - b. Where the environmental protection area is:
    - i. For Category A, an existing area of wetland or indigenous vegetation (terrestrial bush, riparian margin or coastal dune) of significant ecological value as determined by Appendix 5 of the Northland Regional Policy Statement 2016.
    - ii. For Category B:
      - a) An area of land identified in the District Plan Resource Area Maps as one or more of the following: Outstanding Natural Feature, Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character; or

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- b) A Heritage Building or Site of Significance to Māori; and
  - c) To include a covenant forming a legally established buffer of 50m around any area of Outstanding Natural Landscape, Outstanding Natural Character or High Natural Character to be protected, preventing future buildings and access.
- iii. For Category C:
- a) An unvegetated area or area in pasture or non-indigenous plants to be retired and rehabilitated identified either as *Highly Erodible Land* or as land within a riparian margin of a stream, river, estuary or the coast located within Acutely or Chronically threatened land environments associated with Land Environments of New Zealand Level 4.
  - b) To be planted to an average density of 1.4 metre centres (5,100 stems per hectare), reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and riparian margins and 0.5 – 1 metre centres in wetland environments.
- iv. Legally unprotected at the time of application.
- v. To be:
- a) Legally protected in perpetuity in its entirety.
  - b) Managed on an on-going basis in accordance with a Management Plan.
  - c) Held within a single site.
- c. Where the environmental protection area shall include the entire area within the site that meets Category A, B or C (excluding any Highly Erodible Land not proposed to be retired and rehabilitated under this rule).
- d. Where every proposed allotment shall be:
- i. Between 2000m<sup>2</sup> and 4000m<sup>2</sup> in net site area:
    - a) Excluding one balance allotment.
    - b) Provided that one allotment may contain the environmental protection area plus 2000m<sup>2</sup>-4000m<sup>2</sup> net site area.
  - ii. In-situ.
  - iii. Able to accommodate a minimum 100m<sup>2</sup> building area:
    - a) On which a residential unit can be built so that there is compliance as a permitted activity with the relevant rules within the district plan.
    - b) Located no closer than 50m from the environmental protection area.
- e. Where the extent of the environmental protection area and the maximum number of additional allotments shall comply with the requirements specified in RPE.3.4.3 Table 1, provided that an area of land must be nominated under only one type of environmental protection area.

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RPE.3.4.3 Table 1					
Type of environmental protection area(s)	Extent of environmental protection area(s) (increments)	Must be contiguous	Maximum number of additional allotments (per increment) (excluding 1 balance lot)		
			Category A. Indigenous Vegetation	Category B. Resource Areas	Category C. Retirement & Rehabilitation
Wetland or Coastal dunes	5000m <sup>2</sup> – 1.99ha	No	1	Nil	Nil
	2ha – 4ha		+1		
	Every additional 2ha, beyond the first 4ha		+1		
Terrestrial indigenous vegetation (bush)	4ha – 9.99ha <i>*Where at least 4ha must be contiguous</i>	Yes*	1	Nil	Nil
	10ha – 15ha	No	+1		
	Every additional 10ha, beyond the first 15ha	No	+1		
Riparian margins of both banks of a freshwater stream or river in Acutely or Chronically threatened land environments associated with the LENZ Level 4.	At least 2ha*	Yes	1	Nil	1
	Every additional 2ha, beyond the first 2ha* <i>*Where every 2ha has a minimum width of 15m on each side of the water body and a minimum lineal length along the water body of 300m (except for one elevated stock crossing with a maximum width of 20m).</i>	No	+1		+1
Resource Areas identified in the District Plan (High Natural Character, Outstanding Natural Character, Outstanding Natural Feature or Outstanding Natural Landscape)	All mapped Resource Area(s) on the site, where the minimum extent of Resource Area(s) on the site is 1ha.	No	Nil	1	Nil
A Heritage Building or Site of Significance to Maori identified in the District Plan	All present on the site.	No		1	
Highly Erodible Land	At least 4ha	Yes		Nil	1
	Every additional 4ha, beyond the first 4ha	No			+1
Coastal or estuarine margins in Acutely or Chronically threatened land environments associated with LENZ Level 4	At least 2ha*.	Yes	1	Nil	1
	Every additional 2ha, beyond the first 2ha* <i>*Where every 2ha has a minimum width of 50m from the Coastal Marine Area and a minimum lineal length along the water body of 300m</i>	No	+1		+1

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

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### *RPE.3.5 Information Requirement*

1. Any application under rule RPE.3.4.3(b)(i) (Category A) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:
  - a. The ecological significance value of the indigenous vegetation or habitat within the site in terms of the standard ecological criteria - Representativeness, Rarity/Distinctiveness, Diversity and Pattern, and Ecological Context. Further details on the definitions of these criteria, and the matters that should be assessed are contained within:
    - i. Appendix 5 of the Northland Regional Policy Statement 2016.
    - ii. Department of Conservation guidelines for assessing significant ecological values 2016.
  - b. The report shall also include at a minimum the following information:
    - i. Size and extent of the environmental protection area.
    - ii. Any other feature or area that does not meet the criteria in rule 1a that may require protection.
    - iii. Quantitative data confirming the current wildlife habitat values, where relied upon for assigning significance values.
    - iv. The ecological long term viability of the environmental protection area, including but not limited to:
      - a) Ecosystem function.
      - b) Structure.
      - c) Indigenous integrity, i.e. how natural is the environmental protection area? Is it self-sustaining and resilient?
      - d) Health, i.e. the extent to which a more modified ecosystem (e.g. condition varies due to exotics, drainage, fragmentation etc.) is still stable and resilient.
      - e) Restoration potential.
    - v. The underlying physical characteristics of the environmental protection area, including but not limited to:
      - a) Soil type.
      - b) Topography.
      - c) Aspect.
      - d) LENZ classification.
      - e) PNAP classification.
    - vi. The effects of the potential development on the environmental protection area, including but not limited to:
      - a) Location and proximity of proposed allotments and building platforms to the environmental protection area;
      - b) Orientation of light, noise, reflective sources to minimise impact on resident fauna
      - c) Building platforms;

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- d) Access;
  - e) Earthworks;
  - f) Services, including:
    - i. Stormwater to achieve hydrological neutrality;
    - ii. Reticulated sewer or septic tanks, particularly effects on wetland fertility;
    - iii. Reticulated freshwater or water tanks;
    - iv. Telecommunications networks;
    - v. Energy (electricity or gas) networks;
  - g) Pets, farmed animals, weeds, garden escapes and green waste dumping.
2. Any application under rule RPE.3.4.3(b)(iii) (Category C) where the environmental protection area is located on highly erodible land must include a soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of the existing conditions of the site and land to be retired and rehabilitated including the following:
- a. Topography and slope analysis;
  - b. Existing vegetation;
  - c. Hydrology;
  - d. Soil analysis;
  - e. Land use capability;
  - f. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.
3. Any application under rule RPE.3.4.3(b)(iii) (Category C) must include an ecological report prepared by a suitably qualified ecologist which shall address the following matters:
- a. A planting plan for the proposed revegetation planting which considers and identifies:
    - i. The appropriateness and practicability of the proposed replanting:
      - a) To be native vegetation which is sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography;
      - b) To reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession.
    - ii. The ecological district of the site.
    - iii. The characteristics of the soil (i.e. clay, silt, loam etc.).
    - iv. Soil drainage.
    - v. Topography of the area to be planted.
    - vi. Aspect of the area to be planted.
    - vii. Exposure of site to wind, frost, sunlight and salt spray.
    - viii. Presence of plant and animal pests.
    - ix. Any restrictions on planting, such as safety or existing access issues etc.

## Subdivision

- x. The purpose of the planting in relation to the surrounding environment (including buffering, corridors, linkages).
  - xi. The location and extent of planting.
  - xii. Site preparation for planting, including stock-proof fencing of planting areas, weed and animal pest control.
  - xiii. Site planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants.
  - xiv. Maintenance plan of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.
  - xv. An assessment of the effects of the potential development on the environmental protection area, including but not limited to RPE.3.5.1(b)(vi – ix).
- b. A plan that specifies the protection measures proposed to ensure the indigenous vegetation remain protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
- i. The establishment of secure stock exclusion.
  - ii. The maintenance of plantings, which must occur until the plantings have reached 80% canopy closure. Forest diversity planting (typically at Year 4 of the project) will have occurred. The survival rate must ensure a minimum 90% of the original density and species.
  - iii. The maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth.
  - iv. The maintenance of indigenous vegetation must ensure animal and plant pest control occurs.
4. Any subdivision under rule RPE.3.4.3, where the site is located within the Coastal Area, shall provide an assessment of environmental effects, which shall contain the following information:
- a. Context analysis, including how development integrates with existing and possible development in adjacent properties and other Environments.
  - b. Future building and access location and design assessment including consideration of building envelopes, exterior materials and colours, factors contributing to low energy sustainable design.
  - c. Timing of development.
  - d. Landscape and visual effects assessment, including natural character and rural character.
  - e. The extent to which the proposed location of any new allotments utilises existing topography and/or vegetation to integrate the development into the landscape and reduce its visibility, including opportunities to locate and design development within areas where impacts on the Coastal Area can be avoided or reduced.
  - f. The location of future building areas and access, and the extent to which the proposal will mitigate adverse visual effects on the Coastal Area, including through methods such as landscaping, screening, building height, design and/or reflectivity.



## Subdivision

5. Any application under rule RPE.3.4.3 resulting in 3 or less additional allotments (excluding one balance lot) must include an assessment of effects from the design and layout of the subdivision including the following:
  - a. The potential for reverse sensitivity effects arising from the location of the proposed allotments in relation to any existing rural production activity or strategic rural industry.
  - b. Adverse effects on the productive potential of the site based on the topography and characteristics of the site, including soil qualities.
  - c. Where the proposed allotments are not arranged in a cluster to share common boundaries:
    - i. Adverse effects in relation to the fragmentation of productive land.
    - ii. Adverse effects on the openness and extent of rural outlook arising from sporadic and/or ribbon development.
    - iii. Adverse effects on natural character elements such as indigenous vegetation, landforms and water bodies.
    - iv. Adverse effects on the transport network where multiple accesses are proposed.
6. Any application under rule RPE.3.4.3 resulting in 4 or more additional allotments (excluding one balance lot), or any non-complying subdivision that proposes environmental protection and on-going management of an area or feature, must include the following:
  - a. An Assessment of Environmental Effects, which shall contain the following information, as is relevant to the proposed development and activities and to a level of detail that is commensurate with the anticipated effects associated with the subdivision and/or development:
    - i. Context analysis, including how development integrates with existing activities and possible development in adjacent properties and other zones/Environments.
    - ii. Traffic effects assessment, within the site and on the local roading and state highway networks.
    - iii. Building design assessment including consideration of exterior materials and colours, and factors contributing to low energy sustainable design.
    - iv. Consideration of Adaptive Management Staging.
    - v. Timing of development.
    - vi. Landscape and visual effects assessment, including natural character and assessment of urban form.
    - vii. Infrastructure effects assessment.
    - viii. Stormwater management effects assessment.
    - ix. Cultural effects assessment by tangata whenua.
    - x. Archaeological effects assessment.
    - xi. Urban design assessment where development results in urban form.
    - xii. Additional management methods, such as Council bylaws, Memoranda of Encumbrance, and Memoranda of Understanding.
  - b. A Subdivision Layout Plan, which shall set out how the allotment area is to be subdivided or developed, responding to, and compatible with, the assessment of environmental

## Subdivision

effects and relevant objectives and policies and must depict, as a minimum, the following (as relevant):

- i. Location and types of proposed activities.
  - ii. Building envelopes (footprints, height, separation/setbacks, coverage).
  - iii. Proposed public road and internal access layout.
  - iv. Pedestrian and cycle facilities.
  - v. Proposed landscaping.
  - vi. Proposed fencing.
  - vii. Areas of cultural significance, including archaeological sites.
  - viii. Subdivision or development design, including number, size and shape of allotments or building sites; infrastructure, servicing, access and engineering details; land tenure (e.g freehold, leasehold, cross lease, company leases, unit titles); and any staging / timing of subdivision or development.
- c. An Ecological Plan, which shall describe the values on site to be protected and demonstrate how the attributes and values of the environmental protection area are to be maintained or restored and protected, including means of managing potential ecological effects identified in the ecological effects assessment. The ecological plan shall:
- i. Be prepared by a suitably qualified ecologist.
  - ii. Provide a description and assessment of the existing ecological values of the site. It should detail the range of existing vegetation, wildlife, habitat values and special values within the application area and the surrounding area.
  - iii. Provide an assessment of ecological effects.
  - iv. Specify the range of management strategies required to avoid, remedy or mitigate adverse effects of development.
  - v. Specify monitoring requirements and performance indicators to identify when successful implementation of management options has been achieved and if desired outcomes have been realised.
- d. An Ecological Effects Assessment, which shall identify and assess actual and potential ecological effects arising from human disturbance and plant and animal pests associated with existing and proposed development within the application area. The Ecological Effects Assessment shall take into account:
- i. The nature of development and level of intensity proposed.
  - ii. Direct effects (resulting from physical development of the application area including land clearance, earthworks, construction, stormwater).
  - iii. Secondary effects (resulting from increased activities and habitat modifications within the application area and the surrounding area, following proposed development).
  - iv. Cumulative effects (resulting from future development that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider area which will also increase in the future).
  - v. Existing threats and risks including:
    - a) Weed and plant pests.

## Subdivision

- b) Increased people pressure.
  - c) Threats/risks to plant communities based on existing and proposed use of site (e.g. fire, vehicle access, grazing, stock access, and plant pests).
  - d) Range of animal pest species.
  - e) Risks to wildlife from known animal pests.
  - f) Disturbance as a result of existing land use and activities.
  - g) Threats/risks to habitats as a whole from existing land use (e.g. stock access, human activities/disturbance, stormwater, wastewater).
  - h) Other threats/risks to special values.
- e. Any proposed conditions of consent, which may include (but shall not be limited to) the following matters:
- i. Visual amenity, car parking, traffic management.
  - ii. Building design implementation.
  - iii. Fencing.
  - iv. Landscaping.
  - v. Adaptive Management Staging/Timing of development (if proposed).
  - vi. Stormwater management, including groundwater quality.
  - vii. Identification, protection, and monitoring of areas of cultural significance, including archaeological sites.
  - viii. Ecological requirements.
  - ix. Subdivision or development design and associated Council Environmental Engineering Standards including financial and monitoring mechanisms such as bonds.
  - x. A means by which conditions are binding such as covenants or consent notices.
  - xi. Compliance with Subdivision Layout Plan.
- f. A soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of any land to be retired and rehabilitated including the existing conditions on the site including:
- i. Topography and slope analysis.
  - ii. Existing vegetation.
  - iii. Hydrology.
  - iv. Soil analysis.
  - v. Freshwater habitat.
  - vi. Land use capability.
  - vii. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.

## Subdivision

7. Any subdivision under rule RPE.3.4.3, or any non-complying subdivision that proposes environmental protection and on-going management of an environmental protection area, must provide a Management Plan setting out (to the extent relevant to the proposal):
  - a. The key protection and enhancement objectives and outcomes to be met, including the qualities and characteristics of the environmental protection area that are to remain protected in perpetuity
  - b. The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to:
    - i. Weed control.
    - ii. Pest animal control.
    - iii. Pest organism control, including kauri dieback disease and myrtle rust.
    - iv. Pet (including cat and dog) control.
    - v. Re-vegetation and restoration opportunities.
    - vi. Fencing plan.
    - vii. Fire risk management.
    - viii. Access limitations.
    - ix. Nutrient and sediment control.
    - x. Building and access location, including accessory buildings.
  - c. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.
  - d. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.

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

### **RPE.4.1 Site Specific Environmental Benefit Rules**

#### **A. 734 PATAUA NORTH ROAD (PART LOT 1 DP 94742)**

##### **Controlled Activity**

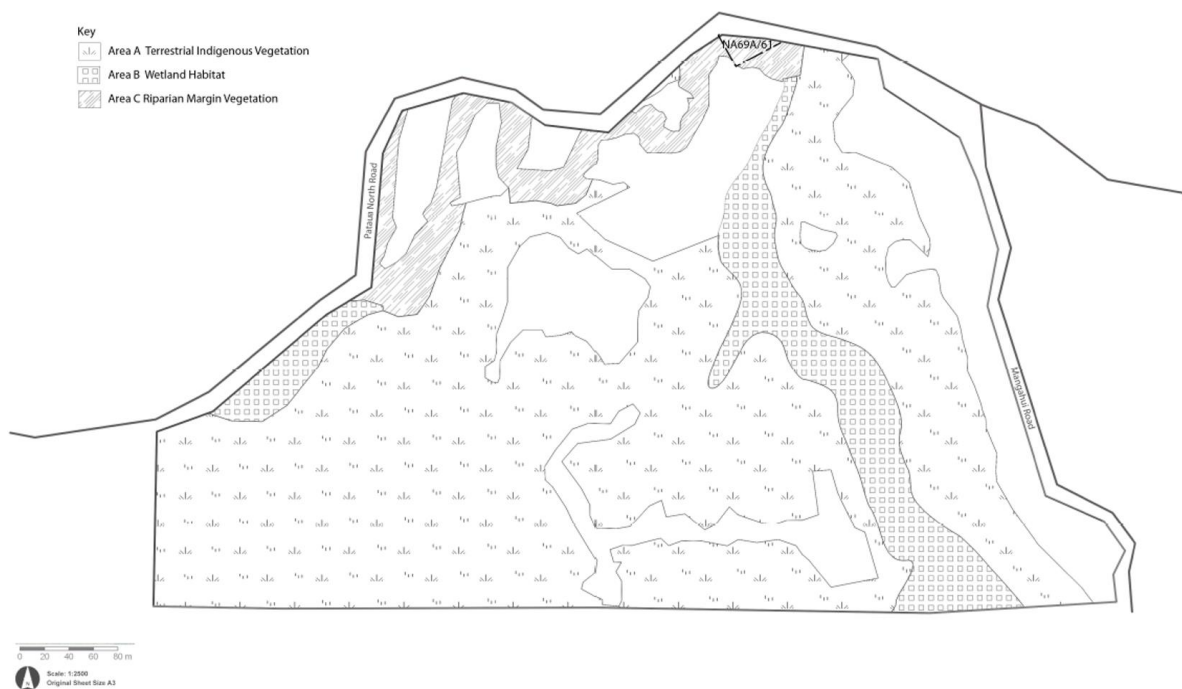
1. Any boundary relocation subdivision between Section 24 Block VII Whangarei SD and Part Lot 1 DP 94742 or subsequent allotment created under Rule RPE.4.1.A.3 is a controlled activity subdivision provided it complies with rule RPE.3.3.2, except that each site is not required to have existed at 12 December 2018.

##### **Discretionary Activities**

2. Boundary relocation subdivision that does not comply with RPE.4.1.A.1
3. A single application for resource consent, implementation of which may be staged, for subdivision within Pt Lot 1 DP 94742 (734 Pataua North Road) that proposes environmental protection and on-going management of an environmental protection area where:
  - a. The subdivision complies with rule RPE.3.4.3 except:
    - i. That the site does not have to have existed on 12 December 2018.

## Subdivision

- ii. Rule RPE.3.4.3(b)(i), (ii) and (iii).
  - iii. Rule RPE.3.4.3(d)(iii)(b).
  - iv. Rule RPE.3.4.3(e).
- b. The subdivision complies with the following:
- i. The environmental protection area includes the following areas as shown on RPE.4.1.A Map 1:
    - a) The terrestrial indigenous vegetation area marked A; and
    - b) The wetland habitat area marked B; and
    - c) The indigenous riparian margin vegetation area marked C.
  - ii. The maximum number of additional allotments that can be approved is 8.
- c. Any subdivision under rule RPE.4.1.A.3 shall comply with information requirements RPE.3.5.1, RPE.3.5.6 and RPE.3.5.7.



**RPE.4.1.A Map 1: 734 Pataua North Road (Part Lot 1 DP 94742)**

**B. 128 AND 172 AWAROA RIVER ROAD, WHANGAREI (LOT 3 DP 317977 AND LOT 2 DP 87364)**

**Subdivision Controlled Activity**

1. A single application for resource consent (implementation of may be staged) to subdivide 128 And 172 Awaroa River Road, Whangarei (Lot 3 DP 317977 and Lot 2 DP 87364) where:
  - a. A total of 7 addition allotments are created (excluding 2 balance allotments arising from the 2 existing allotments, each containing an existing residential unit).

## Subdivision

- b. All existing indigenous vegetation within Lot 3 DP 317977 and Lot 2 DP 87364 shall be legal protected in perpetuity in its entirety and managed on an on-going basis in accordance with a Management Plan.
- c. Every covenanted area is held within a single allotment.
- d. No new buildings have been erected since 12 December 2018 prior to subdivision approval.
- e. Every proposed allotment shall identify a building envelope no larger than 1,00m<sup>2</sup> and that complies with the setbacks of the Rural Production Environment.
- f. Every proposed allotment shall identify the balance of the allotment beyond the identified building envelope as subject to a No Build covenant.
- g. Buildings within building envelopes in accordance with RPE.4.1.B.1(e) shall:
  - i. Where the building envelope is located above the 80m contour, not exceed 6m in height, and otherwise not exceed 8m in height.
  - ii. Have a roofline below the 90m contour.
  - iii. Not exceed a combined GFA of 750m<sup>2</sup>.
  - iv. Not have exteriors:
    - a) Coloured or painted with a colour with a light reflectance value greater than 35%, provided that 2% of each exterior elevation is exempt.
    - b) Utilising mirror glazing.
    - c) With a roof colour with a light reflectance value greater than 30%.
  - v. Be built into the landform, stepped in structure with irregular roofline.
- h. The application shall identify areas of landscape mitigation planting:
  - i. Within every proposed allotment, to filter vies of the proposed building envelopes from outside of the subdivision and between building envelopes.
  - ii. For building envelopes above the 70m contour, to ensure that there is a permanent vegetated backdrop so that buildings are not seen on the skyline.
- i. Planting of areas identified in RPE.4.1.B.1(h) shall be established in accordance with (h) and shall be:
  - i. Legally protected in perpetuity in its entirety.
  - ii. Managed on an on-going basis in accordance with a Management Plan.
- j. All proposed access, driveways and manoeuvring areas shall be finished with recessive materials (i.e. blue metal, concrete with exposed aggregate or black oxide additive)
- k. The application shall include proposed conditions of consent which are a means by which compliance with rules RPE.4.1.B.1(g), (i) and (j) is ensured.
- l. The application shall include a management plan that specifies the protection measures proposed to ensure that the vegetation remains protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate:
  - i. The establishment of secure stick exclusion.
  - ii. Site preparation and the establishment of plantings.
  - iii. The maintenance of plantings. The survival rate must ensure a minimum 90% of the original density and species.

## Subdivision

- iv. The maintenance of indigenous vegetation must ensure animal and plant pest control occurs.
2. Control is reserved over the following matters:
  - a. The extent of covenant areas and need for on-going management such as pest and weed control, and stock proof fencing.
  - b. The location and suitability of building envelopes to mitigate effects on privacy, rural character, landscape and amenity values.
  - c. The adequacy of landscape mitigation planting to mitigate effects on privacy, rural character, landscape and amenity values.
  - d. The need for additional planting to strengthen any existing native vegetation screening of proposed building envelopes.
  - e. The use of recessive materials on driveways and manoeuvring areas to mitigate landscape effects.
  - f. The visibility of water tanks, including a preference for vegetative screening.
  - g. The type and colour of boundary fencing and gates including:
    - i. A preference for post and wire or post and rail.
    - ii. A preference for timber rail or steel rail gates.
    - iii. A preference for recessive colours.
    - iv. Discouragement of solid close board timber fences and gates.
  - h. Recessive external lighting.
  - i. Exo-sourcing of plant species required for landscape planting.
  - j. Avoiding pest species for landscape planting.
  - k. Appropriateness of conditions to enforce ongoing compliance.

**Note:** Refer to RA4.3.1 for Assessment of Controlled Activities

### Non-Complying Activity

3. Any Subdivision application that does not comply with RPE.4.1.B.1.

## C. 2487 WHANGAREI HEADS ROAD. PART ALLOTMENT 17 PSH OF MANAIA

### Subdivision Discretionary Activities

1. A subdivision application for resource consent (implementation of which may be staged) to subdivide 2487 Whangarei Heads Road, Part Allotment 17 Psh Of Manaia where:
  - a. A maximum of three additional allotments are created (excluding the balance allotment); and
  - b. All land identified as Outstanding Natural Landscape in the Resource Area Map 52B shall be:
    - i. Legally protected in perpetuity in its entirety.
    - ii. Managed on an on-going basis in accordance with a Management Plan.
    - iii. Held within a single site.

### Subdivision Non-Complying Activities

1. Any Subdivision application that does not comply with RPE.4.1.

## Subdivision

### D. 1007 COVE ROAD, WAIPU (LOT DP 67636)

#### Discretionary Activity

1. A Single application for resource consent (implementation of which may be staged) that achieves a net environmental benefit to subdivide 1007 Cove Road, Waipu, Lot 3 DP 67636 where:
  - a. Up to a maximum of 3 additional allotments are created (excluding 1 balance allotment).
  - b. Every Allotment has a net site area of at least 2,000m<sup>2</sup>.
  - c. Designation DW119 insofar as it crosses the site or its successor Designation has been given effect to, with no compensation payable by:
    - i. Incorporating the land within the site that is subject to the designation into an esplanade reserve pursuant to section 231 of Resource Management Act 1991, which is to be vested in the Council; or
    - ii. Incorporating the land within the site that is subject to the designation into an esplanade strip pursuant to section 232 of the Resource Management Act 1991, which is to be created by an instrument registered against the relevant title(s); or
    - iii. Registering on the relevant title(s) an easement in gross or other legal instrument that ensures public access in perpetuity across the land within the site that is subject to designation
  - d. Any Subdivision under rule RPE.4.1.D.1 shall comply with the following information requirements where relevant
    - i. RPE.3.5.1 – RPE.3.5.3
    - ii. RPE.3.5.4
    - iii. RPE.3.5.5

**Note:** *There is no requirement for an esplanade strip or reserve in addition to RPE.4.1.D.1(c)*

#### Non-Complying Activity

2. Any Subdivision application to subdivide 1007 Cove Road, Waipu, Lot 3 DP 67636 that does not comply with RPE.4.1.D.1
3. Any subdivision under rule RPE.4.1.D.2 shall comply with information requirement RPE.3.5.7.

### E. 995 COVE ROAD, WAIPU (PART LOT 1 DP 69511)

#### Discretionary Activity

1. A Single application for resource consent (implementation of which may be staged) that achieves a net environmental benefit to subdivide 995 Cove Road, Waipu, Part Lot 1 DP 69511 where:
  - a. Up to a maximum of 4 additional allotments are created (excluding 1 balance allotment).
  - b. Every allotment had a net site area of at least 2,000m<sup>2</sup>.
  - c. Designation DW 119 insofar as it crosses the site or its successor designation has been given effect to, with no compensation payable by:



## Subdivision

- i. Incorporating the land within the site that is subject to the designation into an esplanade reserve pursuant to section 231 of Resource Management Act 1991, which is to be vested in the Council; or
  - ii. Incorporating the land within the site that is subject to the designation into an esplanade strip pursuant to section 232 of the Resource Management Act 1991, which is to be created by an instrument registered against the relevant title(s); or
  - iii. Registering on the relevant title(s) an easement in gross or other legal instrument that ensures public access in perpetuity across the land within the site that is subject to designation
- a. Any Subdivision under rule RPE.4.1.E.1 shall comply with the following information requirements where relevant
    - i. RPE.3.5.1 – RPE.3.5.3
    - ii. RPE.3.5.4
    - iii. RPE.3.5.5 (where the application creates 3 or less additional allotments, excluding one balance lot).

**Note:** *There is no requirement for an esplanade strip or reserve in addition to RPE.4.1.E.1(c)*

### Non-Complying Activity

2. Any Subdivision application to subdivide 995 cove Road, Waipu, Part Lot 1 DP 69511 that does not comply with RPE.4.1.E.1
3. Any subdivision under rule RPE.4.1.E.2 shall comply with information requirement RPE.3.5.7.

# Rural Production Environment

## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
21 February 2019	AM	New Chapter	Plan Change 85A	Operative Date 6 March 2019	MM
11 June 2019	EE	Index, RPE.3.3, RPE.3.4	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-190</a>	11 June 2019	MM
18 June 2019	EE	RPE.2.3	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-195</a>	18 June 2019	MM
5 August 2019	EE	RPE.3.3	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-223</a>	5 August 2016	MM

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