8 RURAL ENVIRONMENT

Transitional consenting

Changes to the Resource Management Act 1991 regarding transitional resource consenting arrangements took effect from 30 October 2026. As a result, some provisions within this chapter are affected by section 104(1A) of the Resource Management Act 1991. Text highlighted in grey identifies provisions, or parts of provisions, that have been identified as affected. Explanatory notes are shown in highlighted grey and *italics* to provide further guidance on the effect of the legislative changes.

CONTEXT

The majority of the land in the Far North is, and will remain, rural, where rural production is the main activity but there are distinct differences in rural character and amenity across the various rural areas. There is also a greater sense of nature and of open space in the rural environment than in the more densely settled areas.

Much of the rural environment is also coastal. The Act places particular responsibilities on councils to preserve the natural character of the coastal environment and for this reason it is differentiated from that part of the rural environment that does not have a significant coastal character.

Because of the lower density of development in the rural area and generally larger site sizes, there is a perception that the likelihood of adverse effects occurring from activities is less than it may be in more densely settled areas, or at least that adverse effects are more easily "absorbed" within the site.

The consequence is that controls on activities in the rural environment generally enable a wide range of complementary rural activities to occur whilst avoiding, remedying, or mitigating any adverse effects on the environment. The various zone provisions supported by other controls in ***Part 3 of the Plan – District Wide Provisions*** are designed to protect the natural and physical resources of the rural environment.

However, the rural land resource is also sometimes preferred by developers as an alternative location to establish industrial and commercial activities, especially on approach roads, relatively close to existing urban settlements. This can result in cumulative effects and impact on the efficient delivery of infrastructure. Zone provisions are designed to allow for activities that do not detract from the amenity values associated with the rural environment's attributes and character and that further contribute to the efficient use of the District's physical resources such as infrastructure.

The character of the rural environment is constantly changing. These changes are largely in response to economic imperatives. They take the form of changes in farming and forestry practices and the type of productive activities that take place on the land, hence the zone name "Rural Production". They also result in the expansion of rural residential living on relatively small rural lots in some areas. Conflicts between land uses can arise due to these changes. For example, where countryside living occurs, the effects of odour, spraydrift and noise on residents becomes an issue. The Plan is designed to take account of the likely pressures for and consequences of change in the rural environment including settlement patterns for rural villages.

8.1 ISSUES

8.1.1 The subdivision, use and development of rural land can have adverse effects on the environment.

8.1.2 The requirement of the Plan to be effects-based places emphasis on the need to define effects and the minimum standards to be applied to those effects.

8.1.3 The loss of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a result of land use activities in the rural environment.

8.1.4 The effects of activities within the rural environment and between the rural and urban environments are not always compatible. The management of the effects of the change in activities which occur within the rural environment and on the rural-urban fringe as a result of the expansion of urban areas onto rural land is an issue.

8.1.5 The requirement to sustainably manage rural resources has implications both for the use of land and for its subdivision.

8.1.6 The effects of inappropriate subdivision, use and development on outstanding natural features and landscapes.

8.1.7 There is a risk that adverse environmental effects can result from incompatible activities located close together, including cumulative effects in near urban areas.

8.1.8 Inappropriate subdivision, use and development can adversely impact on the amenity values of the rural environment

8.1.9 Activities and services that have a functional relationship with rural production may be more efficient and appropriate to establish within the rural environment rather than more densely settled areas.

8.1.10 Inappropriate use and development along approach roads to town centres and domestic airports can adversely impact on prevailing character and amenity values.

8.1.11 Loss of rural production land due to development pressure from non-rural activities.

8.2 ENVIRONMENTAL OUTCOMES EXPECTED

8.2.1 A rural environment where natural and physical resources are managed sustainably.

8.2.2 A rural environment in which a wide variety of activities is enabled, consistent with safeguarding the life supporting capacity of air, water, soil and ecosystems.

8.2.3 A dynamic rural environment which is constantly changing to meet the social and economic needs of the District's communities through the sustainable management of natural and physical resources.

8.2.4 The maintenance of areas of significant indigenous vegetation and significant habitats of indigenous fauna including aquatic habitats, and an increase in such areas that are formally protected.

8.2.5 Adverse effects arising from potentially incompatible activities are avoided, remedied or mitigated.

8.2.6 The maintenance of values associated with outstanding natural features and landscapes in the rural environment.

8.2.7 A rural environment where change is acknowledged whilst amenity values are maintained and enhanced to a level that is consistent with the productive intent of the zone

8.3 OBJECTIVES

8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.

8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.

8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.

8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

8.3.5 To protect outstanding natural features and landscapes.

8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.

8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.

8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.

8.3.9 To enable rural production activities to be undertaken in the rural environment.

8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.

8.4 POLICIES

8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.

8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.

8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.

8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).

8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.

8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.

8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.

8.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

8.5.1 Policies will be implemented through the pattern of zoning and zone rules and through the rules relating to subdivision (***Chapter 13***).

8.5.2 Integrated development is provided for in the rules to promote innovative land uses, and to enable tangata whenua to utilise ancestral land.

8.5.3 Financial contributions (refer ***Chapter 14***) towards provision of car parking associated with non-residential activities and esplanade areas may be required. The amount of contribution will take account of the need for such services.

8.5.4 Protection and enhancement of indigenous flora and fauna is provided for in ***Section 12.2***.

8.5.5 Protection and enhancement of outstanding natural features and landscapes is provided for in ***Section 12.1***.

OTHER METHODS

8.5.6 Non regulatory methods including education, publicity and incentives that encourage activities that are compatible with the surrounding environment.

8.5.7 Education is an important method. The Council will provide information to landowners and the public generally about sustainable management of the rural environment.

8.5.8 Liaison with the Northland Regional Council concerning education, co-ordination of work programmes, policy development and plan administration.

8.5.9 Incentives will be made available to assist landowners to protect areas of significant indigenous vegetation and habitats of indigenous fauna.

8.5.10 In conjunction with the Northland Regional Council, explore the feasibility of setting up a register of contractors who are specially trained in good environmental practices and licensed to carry out their work in accordance with approved codes of practice. Work undertaken by a licensed contractor that complies with the relevant Code of Practice would not require a property-specific resource consent.

8.5.11 The Council will promote the use of Low Impact Design principles to reduce site impermeability and provide education material to increase awareness.

COMMENTARY

The objectives, policies and methods of the rural environment are intended to give effect to the purpose of the Act. They also take account of the particular nature of the rural environment of the district. Accordingly emphasis is placed on enabling a wide range of activities to take place, limited only by the need to ensure that environmental quality is maintained.

Impermeable surfaces are inevitable as development continues to occur in the Far North District. Impermeable surfaces generate stormwater run-off that can contribute to flooding, erosion and the release of contaminants into waterways. The use of Low Impact Design principles can reduce the run-off volume and velocity, and filter contaminants. People and communities need to be considerate of the benefits of development that uses Low Impact Design principles.

8.6 RURAL PRODUCTION ZONE

CONTEXT

The Rural Production Zone applies over the majority of the rural part of the District other than those areas defined as Coastal, Rural Living or set aside for Recreation, Conservation or Minerals. The zone is predominantly a working productive rural zone, hence its name.

The zone contains environmental and amenity standards which will enable the continuation of the wide range of existing and future activities, compatible with normal farming and forestry activities, and with rural lifestyle and residential uses, while ensuring that the natural and physical resources of the rural area are managed sustainably. Activities that are ancillary to farming or forestry may also have a functional need to be within the rural environment, however, such rural processing and servicing activities may be less compatible in more intensively settled locations. The standards in the Rural Production Zone are also aimed at enabling farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other.

The provisions of the Rural Production Zone are complemented by the subdivision rules and the general rules relating to protection of environmental matters such as landscapes and indigenous flora and fauna, and having regard to amenity values.

The zone contains specific amenity standards designed to protect the special amenity values of the frontage to Kerikeri Road between SH10 and the urban edge of Kerikeri.

8.6.1 ISSUES

These issues supplement those set out in ***Section 8.1***.

8.6.1.1 People who are dependant on the use of land in the Rural Production Zone for their livelihood can be adversely affected by controls designed to ensure sustainable management of natural and physical resources.

8.6.1.2 The sustainable management of natural and physical resources in the Rural Production Zone could be under threat in the absence of controls designed to avoid, remedy or mitigate the adverse effects of activities, including cumulative effects.

8.6.1.3 The use of land for rural production activities can be adversely affected by the establishment of incompatible activities.

8.6.1.4 Inappropriate subdivision, land use and development in the Rural Production Zone can lead to adverse cumulative effects, the degradation of amenity values, as well as increase conflict with existing activities (reverse sensitivity).

8.6.1.5 Some activities and services have a functional need to be located in rural environments so as to enable rural productivity and contribute to the well-being of individuals and communities.

8.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 8.2***.

8.6.2.1 A Rural Production Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources and compatible with the productive intent of the zone.

8.6.2.2 A Rural Production Zone which enables the social, economic and cultural well-being of people and communities, and their health and safety, while safeguarding the life supporting capacity of the environment and avoiding, remedying or mitigating adverse effects on it.

8.6.2.3 A Rural Production Zone where the adverse cumulative effects of activities are managed and amenity values are maintained and enhanced.

8.6.2.4 A Rural Production Zone where the adverse effects of incompatible activities are avoided, remedied or mitigated.

8.6.3 OBJECTIVES

These objectives supplement those set out in ***Section 8.3***.

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone..

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

8.6.4 POLICIES

These policies supplement those set out in ***Section 8.4***.

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

COMMENTARY

The objectives and policies of the Rural Production Zone are a subset of those for the rural environment. As such they are aimed at a particular zone within the rural environment and the particular constraints and opportunities inherent in the environment of that zone. They are intended to be as flexible, permissive and enabling as possible in order to ensure that rural productivity is not stifled and that other activities can

establish where their significant adverse effects are avoided remedied or mitigated on rural production or the natural and physical environment, including its people.

There is an emphasis on non-regulatory methods including education, incentives and publicity. This is because regulation has a negative connotation whereas non-regulatory methods are more positive.

The provision for integrated development clearly indicates that thinking "outside the square", and development that is innovative but provides for the protection of the environment, is to be encouraged.

The entrance to the township of Kerikeri along Kerikeri Road from SH10 is an important part of the town's identity for local residents and visitors alike. The road side stalls, tourist orientated enterprises, extensive landscape planting and shelter belts, add to the character of the entrance to Kerikeri, which is one of a mature landscape in which built form is well integrated with the surrounding vegetation. Specific requirements for building setbacks, landscape planting, vehicle parking and vehicle access will ensure that these special amenity values are recognised and protected.

There are roads within the District that have comparatively high levels of vehicle use. These require particular consideration in terms of the management of traffic effects.

8.6.5 ZONE RULES

Activities in the Rural Production Zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan - District Wide Provisions***. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in **Part 3**.

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(b) ***Chapter 13 Subdivision***;

(c) ***Chapter 14 Financial Contributions***;

(d) ***Chapter 15 Transportation***;

(e) ***Chapter 16 Signs and Lighting***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Attention is also drawn to ***Section 18.3 Waimate North Zone*** (and ***Zone Maps***). This special zone replaces the general zone for an area of land centred on Showgrounds Rd, Waimate North.

Particular attention is also drawn to ***Rules 15.2.5.1.1 & 15.2.5.1.2*** in ***Chapter 15.2 Airports*** which may result in an activity that is a permitted activity under ***Rule 8.6.5.1*** below no longer being permitted because of its proximity to the airport protection surfaces and runways of the Kaitaia, Kerikeri and Kaikohe Airports.

8.6.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Rural Production Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 8.6.5.1.1*** to ***8.6.5.1.12*** below; and

(b) unless otherwise specified in the rule it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

8.6.5.1.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 12ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 11.7ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site, or a site created pursuant to ***Rule 13.7.2.1 (Table 13.7.2.1)*** for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

Note: There is a separate residential intensity rule applying to Papakainga Housing (refer to ***Rule 8.6.5.2.2***).

8.6.5.1.2 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***), except where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the

measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

Exemptions: crop protection structures not exceeding 6m in height.

8.6.5.1.3 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.

8.6.5.1.4 SETBACK FROM BOUNDARIES

No building shall be erected within 10m of any site boundary; with the following exceptions;

(a) no accessory building shall be erected within 3m of boundaries other than road boundaries, on sites less than 5000m^2;

(b) no crop protection structures shall be located within 3m of boundaries;

(c) no building shall be erected within 12m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive;

(d) no building for residential purposes shall be erected closer than 100m from any zone boundary with the Minerals Zone;

(e) no building shall be erected within the building line restriction area as marked in ***Appendix 6C***, located immediately north of the Te Waimate Heritage Precinct. Any proposed building to be erected within this building line restriction area shall be deemed a discretionary activity and the Heritage New Zealand Pouhere Taonga will be considered an affected party to any such application made under this rule.

Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in ***Chapter 12.7 – Lakes Rivers Wetlands and the Coastline*** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the* Regional Water and Soil Plan for Northland, as consent may be required.

8.6.5.1.5 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules

8.6.5.1.6 KEEPING OF ANIMALS

(a) Any building, compound or part of a site used for factory farming or a cattery, shall be located no closer than 50m from any site boundary, except for a boundary which adjoins a Residential, Coastal Residential or Russell Township Zone, where the distance shall be a minimum of 600m.

(b) Any building, compound or part of a site used for a boarding kennel shall be located no closer than 300 metres from any site boundary except for a boundary which adjoins a Residential, Coastal Residential or Russell Township Zone, where the distance shall be a minimum of 600m.

8.6.5.1.7 NOISE

(a) All activities except Temporary Military Training Activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at any site in the Residential, Coastal Residential or Russell Township Zones, or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours	65 dBA L_{10}
2200 to 0700 hours	45 dBA L_{10} and
	70 dBA L_{max}

Exemptions: The foregoing noise limits shall not apply to airport operations at Kaitaia, Kerikeri and Kaikohe including aircraft being operated during or immediately before or after flight. For the purposes of this exemption aircraft operations shall include all aircraft activity from start up to shut down of engines. The noise limits shall also not apply to activities periodically required by normal farming and plantation forestry activities and the use of aircraft, provided that the activity shall comply with the requirements of s.16 of the Act.

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound" and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound".

The notional boundary is defined in NZS 6802:1991 "Assessment of Environmental Sound" as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

(b) Noise limits for Temporary Military Training Activities are as follows:

Time	**Limits (dBA)**		
(Any Day)	L_{10}	L_{95}	L_{max}
0630 to 0730	60	45	70
0730 to 1800	75	60	90
1800 to 2000	70	55	85
2000 to 0630	55		

Impulse noise resulting from the use of explosives, explosives simulators or small arms shall not exceed 122 dBC.

Temporary Military Training Activities shall be conducted so as to ensure the following noise limits are not exceeded at any point within the notional boundary of any dwelling, or residential institution, or educational facility within the district.

8.6.5.1.8 BUILDING HEIGHT

The maximum height of any building shall be 12m.

8.6.5.1.9 HELICOPTER LANDING AREA

A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

8.6.5.1.10 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.

8.6.5.1.11 SCALE OF ACTIVITIES

For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed

i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 person per 1 hectare of net site area, whichever is the greater

ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater.

Provided that:

(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; or

(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; or

(c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

Exemptions: the foregoing limits shall not apply to farming and forestry or Temporary Military Training activities. All other activities shall comply with the requirements of s16 of the Act.

Note: a definition of Activities Ancillary to Farming or Forestry, is contained in Chapter 3 and reads as follows:

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

8.6.5.1.12 TEMPORARY EVENTS

Temporary events are a permitted activity in the zone, provided that:

(a) the activity does not have a duration of more than two days**;**

(b) the activity does not operate outside the hours of 6.30am to 10pm on each day;

(c) the activity does not involve the assembly of more than 500 persons on each day;

(d) the activity complies with excavation and/or filling rules as contained in Chapter 12.3 of Part 3 of the District Plan (and/or any necessary Earthworks Permit has been obtained);

(e) prior to the event, a Traffic Management Plan (including parking) has been approved by the Council's Roading Engineer, or by NZTA representatives where access is off State Highway, or where traffic to and from the event will impact on State Highways in the vicinity. The approved plan is to be lodged with Council's Resource Consents Manager or other duly delegated officer at least 20 days prior to the event taking place ,and be complied with for the duration of the event.

Note 1: A temporary event need not comply with the Zone rules nor the Traffic Parking and Access provisions of Chapter 15.1. A temporary event must otherwise comply with the District Wide rules and those matters specified within the rule itself.

Exemptions: The foregoing limits shall not apply to temporary military training activities and temporary structures associated with the temporary event.

Note: a definition of Temporary Events is contained in Chapter 3 and reads as follows:

A temporary event is an infrequent event held outside a dedicated venue such as a showground or sports field which occurs no more frequently than once in any twelve month period on a particular site . It can encompass entertainment, cultural, educational and sporting events. It includes temporary removable structures associated with the event but does not include permanently licensed premises or Temporary Military Training Activities.

8.6.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Rural Production Zone if:

(a) it complies with all of the standards for permitted activities except for any one of the following ***Rules 8.6.5.1.3 Stormwater Management***; ***8.6.5.1.7(b) Noise Limits for Temporary Military Training*** above and/or ***8.6.5.1.10 Building Coverage*** above; and;

(b) it complies with ***Rules 8.6.5.2.1 Stormwater Management***; ***8.6.5.2.2 Papakainga Housing***; ***8.6.5.2.3 Minor Residential*** *Unit and/or* ***8.6.5.2.4 Noise Limits for Temporary Military Training*** and/or ***8.6.5.2.5 Building Coverage*** below; and

(c) it complies with the relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

8.6.5.2.1 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 20%.

In considering an application under this provision the Council will restrict the exercise of its control to:

(a) the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;

(b) the extent to which Low Impact Design principles have been used to reduce site impermeability;

(c) any cumulative effects on total catchment impermeability;

(c) the extent to which building site coverage and impermeable surfaces will alter the natural contour or drainage of the site or disturb the ground and alter its ability to absorb water;

(e) the physical qualities of the soil type;

(f) the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;

(g) the extent to which paved, impermeable surfaces are necessary for the proposed activity;

(h) the extent to which landscaping and vegetation may reduce adverse effects of run-off;

(i) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.

8.6.5.2.2 PAPAKAINGA HOUSING

Papakainga housing is a controlled activity in the Rural Production Zone provided that:

(a) it complies with all the standards for permitted activities in this zone and in ***Part 3 - District Wide Provisions***, except for the standards for residential intensity; and

(b) each residential unit has at least 3,000m² surrounding the unit for its exclusive use;

provided that the amount of land elsewhere on the site, in addition to the 3,000m² surrounding the unit, is not less than that required for the discretionary activity residential intensity standard (refer to ***Rule 8.6.5.4.1***).

In considering an application under this provision, the Council will restrict the exercise of its control to the following matters:

(i) the number and location of dwellings;

(ii) the location and standard of access;

(iii) screening and planting.

NOTE: *Area of landscaping cannot be considered. For further information refer to interpretation document.*

8.6.5.2.3 MINOR RESIDENTIAL UNIT

Minor residential units are a controlled activity in the zone provided that:

(a) there is no more than one minor residential unit per site;

(b) the site has a minimum net site area of 5000m^2

(c) the minor residential unit shares vehicle access with the principal dwelling;

(d) the separation distance of the minor residential unit is no greater than 30m from the principal dwelling.

In considering an application under this provision, the Council will restrict the exercise of its control to the following matters:

(i) the extent of the separation between the principal dwelling and the minor residential unit;

(ii) the degree to which design is compatible with the principal dwelling;

(iii) the extent that services can be shared;

(iv) the ability to mitigate any adverse effects by way of provision of landscaping and screening;

(v) the location of the unit.

Note: a definition of Minor Residential unit is contained in Chapter 3 and reads as follows**:**

Means a residential unit that:

(i) is not more than 65m^2 GFA, plus an attached garage or carport with GFA not exceeding 18m^2 (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation;

(ii) is subsidiary to the principal dwelling on the site; and,

(iii) is located and retained within the same Certificate of Title as the principal dwelling on the site.

NOTE: *The size is part of the definition which defines the activity classification, it remains in scope. Exceedances of the size will be treated as a dwelling. For further information refer to interpretation document.*

8.6.5.2.4 NOISE LIMITS FOR TEMPORARY MILITARY TRAINING

In considering a controlled activity application resulting from a breach of ***Rule 8.6.5.1.7(b) Noise Limits for Temporary Military Training*** the Council will restrict the exercise of its control to:

(a) the location, duration and frequency of any noise emissions.

8.6.5.2.5 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a controlled activity if the total Building Coverage of a site does not exceed 15% of the gross site area.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the ability to provide adequate landscaping for all activities associated with the site;
NOTE: *Area of landscaping out of scope if a residential activity is proposed. For further information refer to interpretation document.*

(b) the extent to which building(s) are consistent with the character and scale of the existing buildings in the surrounding environment;

(c) the scale and bulk of the building in relation to the site;

(d) the extent to which private open space can be provided for future uses;

NOTE: *The provision of outdoor living spaces, and effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to interpretation document.*

(e) the extent to which the cumulative visual effects of all the buildings impact on landscapes, adjacent sites and the surrounding environment;

NOTE: *Visual effects and visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(f) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;

(g) the extent to which landscaping and other visual mitigation measures may reduce adverse effects;

NOTE: *Area of landscaping out of scope if a residential activity is proposed. For further information refer to interpretation document.*

(h) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.

NOTE: *The provision of outdoor living spaces, and effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to interpretation document.*

8.6.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Rural Production Zone if:

(a) it does not comply with any one of the following ***Rules 8.6.5.1.1 Residential Intensity, 8.6.5.1.2 Sunlight***; ***8.6.5.1.4 Setback from Boundaries***; ***8.6.5.1.5 Transportation***; ***8.6.5.1.7 Noise*** and ***8.6.5.1.8 Building Height;*** *and* ***8.6.5.1.11(i) Scale of Activities,*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 8.6.5.1*** and ***8.6.5.2***; and

(c) it complies with ***Rules 8.6.5.3.1 Transportation***; ***8.6.5.3.2 Building Height***; ***8.6.5.3.3 Sunlight***; ***8.6.5.3.4 Setback from Boundaries, 8.6.5.3.5 Noise*** and ***8.6.5.3.6 Residential Intensity;*** *and* ***8.6.5.3.7 Scale of Activities*** below; and

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

8.6.5.3.1 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules

8.6.5.3.2 BUILDING HEIGHT

The maximum height of any building shall be 15m.

In assessing application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(b) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

8.6.5.3.3 SUNLIGHT

In assessing an application resulting from a breach of ***Rule 8.6.5.1.2 Sunlight*** the matters to which the Council will restrict its discretion are:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;

(c) the ability to mitigate any adverse effects of loss of sunlight.

8.6.5.3.4 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 8.6.5.1.4 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

(a) the extent to which the building(s) reduces outlook and privacy of adjacent properties;

NOTE: *Effects on outlook of adjacent privately owned sites out of scope. For further information refer to interpretation document.*

(b) the extent to which the buildings restrict visibility for access and egress of vehicles;

(c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;

(d) for sites having a frontage with Kerikeri Road (between its intersection with SH10 and Cannon Drive:

  (i) the scale of the buildings;

  (ii) the extent of set back from Kerikeri Road;

  (iii) the visual appearance of the site from the Kerikeri Road frontage;

  (iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts;

(e) for residential buildings located within 100m of Minerals Zone:

  (i) the position of the building platform(s) in relation to the mine or quarry;

  (ii) the likelihood of the mine or quarry causing environmental effects, especially noise and loss of amenity values, that will impact adversely on the occupiers of the proposed residential building;

  (iii) the effectiveness of any mitigation measures proposed;

  Where an application is required under this rule, the owner and/or operator of any mine or quarry within the adjacent Minerals Zone shall be considered an affected party. Where the written approval of the owner and the mine or quarry operator has been obtained, the application will be non-notified.

(f) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

8.6.5.3.5 NOISE

In assessing an application resulting from a breach of ***Rule 8.6.5.1.7 Noise*** the matters to which the Council will restrict its discretion are:

(a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;

(b) the hours of operation in relation to the surrounding environment;

(c) the effectiveness of any noise mitigation measures proposed.

8.6.5.3.6 RESIDENTIAL INTENSITY

Excluding a Minor Residential Unit, which is covered in **Rule 8.6.5.2.3**, residential development shall be limited to one unit per 4ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m^2 for its exclusive use surrounding the unit plus a minimum of 3.7ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site, or a site created pursuant to ***Rule 13.7.2.1 (Table 13.7.2.1)*** for a single residential unit for a single household, provided that all other standards for permitted, controlled and restricted discretionary activities are complied with.

Note: There is a separate residential intensity rule applying to Papakainga Housing (refer to ***Rule 8.6.5.2.2***).

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

(a) effects on the natural character of the coastal environment for proposed residential units which are in the coastal environment;

(b) for residential units within 500m of land administered by the Department of Conservation, effects upon the ability of the Department to manage and administer its land;

(c) effects on areas of significant indigenous flora and significant habitats of indigenous fauna;

(d) the mitigation of fire hazards for health and safety of residents.

(e) the character and appearance of building(s) and the extent to which the effects they generate can be avoided, remedied or mitigated;

(f) the siting of the building(s), decks and outdoor areas relative to adjacent dwellings and properties (including the road boundary) in order to avoid visual domination and loss of privacy and sunlight to those adjacent dwellings and properties;
NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(g) the size, location and design of open space associated with each residential unit, and the extent to which trees and garden plantings are utilised for mitigating adverse effects;
NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping for a residential activity. For further information refer to interpretation document.*

(h) the ability of the immediate environment to cope with the effects of additional vehicular and pedestrian traffic;

(i) any servicing requirements and/or constraints of the site;

(j) the ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s);
NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping for a residential activity. For further information refer to interpretation document.*

(k) the extent of visual and aural privacy between residential units on the site and their associated outdoor spaces;

(l) The extent to which the location of the building could create reverse sensitivity effects on adjacent rural production activities.

For the purposes of this rule the upstream boundary of the coastal environment in the upper reaches of the harbours is to be established by multiplying the width of the river mouth by five.

8.6.5.3.7 SCALE OF ACTIVITIES

Activities ancillary to farming or forestry that breach ***Rule 8.6.5.1.11(i) Scale of Activities*** are a Restricted Discretionary Activity. The matters to which the Council will restrict its discretion when assessing an application resulting from a breach are:

(a) the effects of the proposed activity on the continued operation, or future expansion, of the existing activities in the surrounding area.

(b) the extent to which the activity has a functional need to be located in the rural environment so as to support rural productivity;

(c) the siting of the building(s), decks and outdoor areas relative to adjacent properties and the road frontage in order to avoid visual domination and loss of privacy and sunlight;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(d) the size, location and design of open space and the extent to which trees and plantings are utilised for mitigating adverse effects

(e) the location and design of vehicular traffic and pedestrian access, on-site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;

(f) the location in respect of the roading hierarchy – the activity should be assessed with regard to an appropriate balance between providing access and the function of the road;

(g) the extent to which hours of operation are appropriate in terms of the surrounding environment;

(h) noise generation and the extent to which reduction measures are used;

(i) any servicing requirement and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;

(j) where a property is adjacent to a public reserve, the potential impacts on the public use and enjoyment of that reserve.

Note: Activities on a site, other than activities ancillary to farming or forestry that do not comply with ***Rule 8.6.5.1.11(ii)*** are a discretionary activity. Refer to ***Rule 8.6.5.4.4.***

8.6.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Rural Production Zone if:

(a) it complies with ***Rules 8.6.5.4.1 Residential Intensity***; ***8.6.5.4.2 Integrated Development***; ***8.6.5.4.3 Helicopter Landing Area*** and/or ***8.6.5.4.4 Scale of Activities*** below; and

(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions*** unless it is an Integrated Development pursuant to ***Rule 8.6.5.4.2*** below; but

(c) it does not comply with one or more of the other standards for permitted, controlled or

restricted discretionary activities in this zone as set out under ***Rules 8.6.5.1***; ***8.6.5.2*** and ***8.6.5.3*** above.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Chapter 11***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity in this zone.

8.6.5.4.1 RESIDENTIAL INTENSITY

Excluding a Minor Residential Unit, which is covered in **Rule 8.6.5.2.3, r**esidential development shall be limited to one unit per 2ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 2,000m² for its exclusive use surrounding the unit plus a minimum of 1.8ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site, or a site created pursuant to ***Rule 13.7.2.1 (Table 13.7.2.1)*** for a single residential unit for a single household, provided that all other standards for discretionary activities are complied with.

8.6.5.4.2 INTEGRATED DEVELOPMENT

Notwithstanding the rules in this zone relating to the management of the effects of activities, an application for integrated development of activities only on Maori freehold land and Maori customary land and Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993) may be made where the proposed development does not comply with one or more of the rules.

This rule applies to Maori customary land, Maori freehold land and Crown land reserved for Maori for activities including papakainga housing and marae and associated buildings.

Integrated development plans will be considered in the context of other whanau and hapu lands in the vicinity, including an acknowledgement of areas of open space, reserve, natural vegetation and other amenities already provided by the land owning groups concerned.

A management plan for integrated development under this rule shall include information on the following where relevant and necessary for a sufficient understanding of the proposal:

(a) a plan showing the location of the property (including property boundaries), topography, adjoining uses, location of the activities proposed in the application, existing vegetation (type and location), drainage patterns, existing and proposed access road/s, location of any outstanding landscapes or natural features, location of any covenanted or otherwise protected areas;

(b) a description of the purpose of the application and the activities which are proposed;

(c) a description of the degree (if any) to which the proposed development will exceed the standards set for permitted, controlled, restricted discretionary and discretionary activities in the zone;

(d) details of the staging (if any) which is proposed;

(e) a description of any heritage resources on the property;

(f) other information which is relevant to any assessment of the effects of the application, is as follows:

  (i) details of provisions made for sewage and stormwater disposal and the proposals for avoiding, remedying or mitigating any adverse effects on receiving environments of stormwater flows;

  (ii) details of any earthworks;

  (iii) details of the geotechnical aspects of the property;

  (iv) details of any natural hazard areas and the measures which will be taken to avoid any adverse effects;

  (v) details of the measures (if any) to protect indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins;

  (vi) the extent to which areas of open space, reserves, natural vegetation and other amenities are already provided by the land owning group on other whanau and hapu lands in the vicinity.

(g) The extent to which the application promotes energy efficiency and renewable energy development and use as provided for in Policy 13.4.15 through incorporating the following initiatives:

  (i) development of energy efficient buildings (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);

  (ii) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;

  (iii) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;

  (iv) access to alternative transport facilities;

(v) domestic scale renewable energy and/or community renewable energy development;

(vi) solar street lighting.

In assessing an application under this rule the Council will have regard to the following matters:

(i) the objectives and policies of the Plan;

(ii) the degree to which the application exceeds the standards for the zone;

(iii) the degree to which the potential effects of the application have been avoided, remedied or mitigated;

(iv) any other matter which it determines to be relevant to the application.

Note: Attention is drawn to ***Rule 13.9.2 Management Plans*** which provides for a once-off opportunity for integrated development which results in superior outcomes to more traditional forms of use and development for land which is not either Maori freehold land, Maori customary land or Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993).

8.6.5.4.3 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

8.6.5.4.4 SCALE OF ACTIVITIES

When the total number of people engaged at one period of time in activities on a site, other than activities ancillary to farming or forestry, including employees and persons making use of facilities, but excluding people who normally reside on a site or are members of the household, does not comply with ***Rule 8.6.5.1.11(ii),*** it is a discretionary activity.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitor accommodation, the number of seats in a restaurant or a theatre), the number of staff need to cater for the maximum number of guests, and the number and the nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

8.7 RURAL LIVING ZONE

CONTEXT

The Rural Living Zone is an area of transition between town and country. The transition is expressed in terms mainly of residential intensity and lot sizes. The potential for the adverse effects of farming to be of concern for residential zones and vice versa, is reduced by the presence of the Rural Living Zone, where both rural and residential activities co-exist and form an area with a distinctive and separate character.

As an area of transition, parts of the Rural Living Zone may from time to time be proposed for rezoning to urban purposes. An intermediate step towards urban zoning can be taken through the preparation of a structure plan, such as that proposed for Kerikeri. The structure plan would need to be formalised by way of a Plan Change before an urban zoning could be applied.

While Council will be alert to the need for, and may initiate, a structure plan, developers and landowners may also prepare and submit structure plans.

The zone contains specific amenity standards designed to protect the special amenity values of the frontage to Kerikeri Road between SH10 and the urban edge of Kerikeri.

8.7.1 ISSUES

These issues supplement those set out in ***Section 8.1***.

8.7.1.1 Residential development on relatively small rural lots is popular in some areas of the District, but can have adverse effects for rural activities where these adjoin rural residential areas.

8.7.1.2 The greater population density of the Rural Living Zone, as compared to the Rural Production Zone, has the potential to cause both physical and cultural effects on the environment that could be adverse.

8.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 8.2***.

8.7.2.1 A Rural Living Zone where residential living on small rural lots is compatible with those other rural activities that have an emphasis on production rather than lifestyle.

8.7.2.2 A Rural Living Zone where the controls on the activities ensure a high standard of privacy and amenity for residential activities.

8.7.2.3 A Rural Living Zone where activities are self sufficient in terms of water supply, sewerage and drainage, while not causing adverse effects on the environment.

8.7.3 OBJECTIVES

These objectives supplement those set out in ***Section 8.3***.

8.7.3.1 To achieve a style of development on the urban periphery where the effects of the different types of development are compatible.

8.7.3.2 To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment.

8.7.3.3 To protect the special amenity values of the frontage to Kerikeri Road between SH10 and the urban edge of Kerikeri.

8.7.4 POLICIES

These policies supplement those set out in ***Section 8.4***.

8.7.4.1 That a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.

8.7.4.2 That the Rural Living Zone be applied to areas where existing subdivision patterns have led to a semi-urban character but where more intensive subdivision would result in adverse effects on the rural and natural environment.

8.7.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated seweragdonee system is not provided, sufficient land for on-site effluent disposal.

8.7.4.4 That no limits be placed on the types of housing and forms of accommodation in the Rural Living Zone, in recognition of the diverse needs of the community.

8.7.4.5 That non-residential activities can be established within the Rural Living Zone subject to compatibility with the existing character of the environment.

8.7.4.6 That home-based employment opportunities be allowed in the Rural Living Zone.

8.7.4.7 That provision be made for ensuring that sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.

8.7.4.8 That the scale and intensity of activities other than a single residential unit be commensurate with that which could be expected of a single residential unit.

8.7.4.9 That activities with effects on amenity values greater than a single residential unit could be expected to have, be controlled so as to avoid, remedy or mitigate those adverse effects on adjacent activities.

8.7.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on adjoining sites.

8.7.4.11 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

8.7.4.12 That the Council maintains discretion over new connections to a sewerage system to ensure treatment plant discharge quality standards are not compromised (refer to ***Rule 13.7.3.5***).

COMMENTARY

The Rural Living Zone is necessary and desirable because it focuses attention on the issues that arise when small lot, and often intensive, agriculture faces the incremental development of rural residential development. There is potential for conflicting aspirations and demands, both at the boundary of the zone and within the zone. The objectives and policies are designed, as far as possible, to reduce the likelihood of conflict between various activities, and to maintain the state of the physical environment.

The rules also provide for the same integrated development rule as is included in the Rural Production Zone in order to promote innovation and a comprehensive approach to development and environment protection.

The entrance to the township of Kerikeri along Kerikeri Road from SH10 is an important part of the town's identity for local residents and visitors alike. The road side stalls, tourist orientated enterprises, extensive landscape planting and shelter belts, add to the character of the entrance to Kerikeri, which is one of a mature landscape in which built form is well integrated with the surrounding vegetation. Specific requirements for building setbacks, landscape planting, vehicle parking and vehicle access will ensure that these special amenity values are recognised and protected.

There are roads within the District that have comparatively high levels of vehicle use. These require particular consideration in terms of the management of traffic effects.

8.7.5 ZONE RULES

Activities in the Rural Living Zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan - District Wide Provisions***. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the Rules in ***Part 3***.

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(b) ***Chapter 13 Subdivision***;

(c) ***Chapter 14 Financial Contributions***;

(d) ***Section 15.1 Traffic, Parking and Access***;

(e) ***Chapter 16 Signs and Lighting***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Particular attention is also drawn to ***Rules 15.2.5.1.1 & 15.2.5.1.2*** in ***Chapter 15.2 Airports*** which may result in an activity that is a permitted activity under ***Rule 8.7.5.1*** below no longer being permitted because of its proximity to the airport protection surfaces and runways of the Kaitaia, Kerikeri and Kaikohe Airports

8.7.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Rural Living Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 8.7.5.1.1*** to ***8.7.5.1.13*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

8.7.5.1.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 4,000m² of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 1,000m² elsewhere on the property.

Except that this rule shall not limit the use of an existing site or a site created pursuant to ***Rule 13.7.2.1 (Table 13.7.2.1)***, for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

Note: There is a separate residential activity rule applying to Papakainga Housing (refer to ***Rule 8.7.5.2.1***).

8.7.5.1.2 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed 1 person per 1,000m² of net site area.

Provided that:

(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and

(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site;

(c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

Exemptions: the foregoing limits shall not apply to activities of limited duration required by farming and plantation forestry activities provided that the activity shall comply with the requirements of s16 of the Act.

8.7.5.1.3 BUILDING HEIGHT

The maximum height of any building shall be 9m.

8.7.5.1.4 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***). except where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

8.7.5.1.5 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 12.5% or 3,000m², whichever is the lesser.

Note: It is recommended that the Low Impact Design principles are used where appropriate to promote the on-site percolation of stormwater to reduce runoff volumes and to protect receiving environments from the adverse effects of stormwater discharges.

8.7.5.1.6 SETBACK FROM BOUNDARIES

(a) the minimum building setback from the boundary of any Rural Production Zone shall be 10m and from any boundary with the Minerals Zone the setback shall be 20m;

(b) the minimum building setback from boundaries, apart from a boundary with any Rural Production and Minerals Zones, shall be 3m, and

(c) a continuous shelter belt is to be established comprising species capable of growing to a height of 6m on any boundary which adjoins a Rural Production and Minerals Zone, provided that a break in this shelter belt is permitted where it is necessary in order to provide access to the site;

NOTE: *In the context of establishing a residential activity the requirement for a shelter belt is within scope but the required height is out of scope. For further information refer to interpretation document.*

(d) except that no building shall be erected within 12m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive.

Attention is also drawn to the setback from ***Lakes, Rivers, Wetlands and the Coastline*** provisions in ***Chapter 12.7***.

Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in ***Chapter 12.7 – Lakes Rivers Wetlands and the Coastline*** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the* Regional Water and Soil Plan for Northland, as consent may be required.

8.7.5.1.7 SCREENING FOR NEIGHBOURS – NON-RESIDENTIAL ACTIVITIES

Except along boundaries adjoining a Commercial or Industrial zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m

8.7.5.1.8 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules

8.7.5.1.9 HOURS OF OPERATION - NON-RESIDENTIAL ACTIVITIES

(a) The maximum number of hours the activity shall be open to visitors, clients or deliveries shall be 50 hours per week; and

(b) Hours of operation shall be limited to between the hours:

0700 - 2000 Monday to Friday

0800 - 2000 Saturday, Sunday and Public Holidays

Provided that this rule does not apply:

(i) where the entire activity is located within a building; and

(ii) where each person engaged in the activity outside the above hours resides permanently on the site; and

(iii) where there are no visitors, clients or deliveries to or from the site outside the above hours.

Exemptions: This rule does not apply to activities that have a predominantly residential function such as lodges, motels and homestays.

8.7.5.1.10 KEEPING OF ANIMALS

(a) Any building, compound, or part of a site used for factory farming or a cattery, shall be located no closer than 50m from any site boundary, except for a boundary which adjoins the Residential, Coastal Residential or Russell Township Zones where the distance shall be a minimum of 600m.

(b) except that any building, compound or part of a site used for a boarding kennel shall be located no closer than 300 metres from any site boundary.

8.7.5.1.11 NOISE

All activities shall be conducted so as to ensure that noise from the site shall not exceed the

following noise limits as measured at or within the boundary of any other site in this zone or any

site in the Coastal Residential, Residential or Russell Township Zones or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours: 55 dBA L_{10}

2200 to 0700 hours 45 dBA L_{10} and

70 dBA L_{max}

Exemptions: The foregoing limits shall not apply to activities of a limited duration required by farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

8.7.5.1.12 HELICOPTER LANDING AREA

A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

8.7.5.1.13 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 10% or 2400m^2, whichever is the lesser, of the gross site area.

8.7.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Rural Living Zone if:

(a) it complies with all of the standards for permitted activities; except ***Rule 8.7.5.1.5 Stormwater Management***; and

(b) it complies with ***Rules 8.7.5.2.1 Papakainga Housing*** and/or ***8.7.5.2.2 Stormwater Management*** below; and

(c) it complies with the relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

8.7.5.2.1 PAPAKAINGA HOUSING

Papakainga housing is a controlled activity in the Rural Living Zone provided that:

(a) it complies with all the standards for permitted activities in this zone and in ***Part 3 - District Wide Provisions***, except for the standards for the residential intensity; and

(b) each residential unit has at least 3,000m² surrounding the unit for its exclusive use.

In considering an application under this provision, the Council will restrict the exercise of its control to the following matters:

(i) the number and location of dwellings;

(ii) the location and standard of access;

(iii) screening and planting.

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

8.7.5.2.2 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other Impermeable Surfaces shall be 20% or 3300m², whichever is the lesser.

In order for an activity to be regarded as a controlled activity a report must be prepared to demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off to no more than the levels that would result from the permitted threshold of buildings and other impermeable surface coverage in ***Rule 8.7.5.1.5***. Any report required by this rule shall be

prepared by a Chartered Professional Engineer or other suitably qualified person and must be provided to Council with an application for resource consent.

Note: The Verification Method E1/VM1 in the New Zealand Building Code (1992), Clause E1 Surface Water, can be utilised to demonstrate compliance with this rule.

Note: If no report is provided with the application, or if the report cannot demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off, then the activity becomes a discretionary activity.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which building site coverage and Impermeable Surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;

(b) the extent to which Low Impact Design principles have been used to reduce site impermeability;

(c) any cumulative effects on total catchment impermeability;

(d) the extent to which building site coverage and Impermeable Surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water;

(e) the physical qualities of the soil type;

(f) the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;

(g) the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;

(h) the extent to which landscaping and vegetation may reduce adverse effects of run-off;

(i) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.

8.7.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Rural Living Zone if:

(a) it does not comply with any one of the following ***Rules 8.7.5.1.2 Scale of Activities***; ***8.7.5.1.3 Building Height***; ***8.7.5.1.4 Sunlight***; ***8.7.5.1.6 Setback from Boundaries***; ***8.7.5.1.8 Transportation***; ***8.7.5.1.11 Noise*** and/or ***8.7.5.1.13 Building Coverage*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 8.7.5.1*** and ***8.7.5.2***; and

(c) it complies with ***Rules 8.7.5.3.1 Building Height***; ***8.7.5.3.2 Sunlight***; ***8.7.5.3.3 Transportation***; ***8.7.5.3.4 Building Coverage***; ***8.7.5.3.5 Scale of Activities***; ***8.7.5.3.6 Setback from Boundaries*** and ***8.7.5.3.7 Noise*** below; and

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

8.7.5.3.1 BUILDING HEIGHT

The maximum height of any building shall be 10m.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(b) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

8.7.5.3.2 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***) for a length not exceeding 25% of the relevant boundary.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;

(c) the ability to mitigate any adverse effects of loss of sunlight.

8.7.5.3.3 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

8.7.5.3.4 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a restricted discretionary activity if the total Building Coverage of a site does not exceed 15% or 4000m^2, whichever is the lesser, of the gross site area.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the ability to provide adequate landscaping for all activities associated with the site;

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping for a residential activity. For further information refer to interpretation document.*

(b) the extent to which building(s) are consistent with the character and scale of the existing buildings in the surrounding environment;

(c) the scale and bulk of the building in relation to the site;

(d) the extent to which private open space can be provided for future uses;

(e) the extent to which the cumulative visual effects of all the buildings impact on landscapes, adjacent sites and the surrounding environment;

NOTE: *Visual effects and visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(f) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;

NOTE: *Visual effects and visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(g) the extent to which landscaping and other visual mitigation measures may reduce adverse effects;

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping for a residential activity. For further information refer to interpretation document.*

(h) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.

8.7.5.3.5 SCALE OF ACTIVITIES

In assessing an application resulting from a breach of ***Rule 8.7.5.1.2 Scale of Activities*** the matters to which the Council will restrict its discretion are:

(a) the siting of the building(s), decks and outdoor areas relative to adjacent properties and road frontage in order to avoid visual domination and loss of privacy and sunlight;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(b) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;

(c) the extent to which hours of operation are appropriate in terms of the surrounding environment;

(d) noise generation and the extent to which reduction measures are used;

(e) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;

(f) where a property is adjacent to a public reserve, the potential impacts on the public use and enjoyment of that reserve.

8.7.5.3.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 8.7.5.1.6 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

(a) the extent to which the building(s) reduces outlook and privacy of adjacent properties;

NOTE: *Effects on outlook of adjacent privately owned sites out of scope. For further information refer to interpretation document.*

(b) the extent to which the buildings restrict visibility for access and egress of vehicles;

(c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;

(d) for sites having a frontage with Kerikeri Road between its intersection and SH10 and Cannon Drive:
  (i) the scale of the buildings;
  (ii) the extent of set back from Kerikeri Road;
  (iii) the visual appearance of the site from the Kerikeri Road frontage;
  (iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts.

(e) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

8.7.5.3.7 NOISE

In assessing an application resulting from a breach of ***Rule 8.7.5.1.11 Noise*** the matters to which the Council will restrict its discretion are:

(a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;

(b) the hours of operation in relation to the surrounding environment;

(c) the effectiveness of any noise mitigation measures proposed.

8.7.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Rural Living Zone if:

(a) it complies with ***Rules 8.7.5.4.1 Residential Intensity***; ***8.7.5.4.2 Integrated Development*** and/or ***8.7.5.4.3 Helicopter Landing Area*** below; and

(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***; but

(c) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under ***Rules 8.7.5.1***; ***8.7.5.2*** and ***8.7.5.3*** above.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Chapter 11***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity in this zone.

8.7.5.4.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 3,000m² of land. In all cases the land shall be developed in such a way that each unit shall have at least 2,000m² for its exclusive use surrounding the unit plus a minimum of 1,000m² elsewhere on the property.

Except that this rule shall not limit the use of an existing site, or a site created pursuant to ***Rule 13.7.2.1 (Table 13.7.2.1)*** for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

Note: There is a separate residential activity rule applying to Papakainga Housing (refer to ***Rule 8.7.5.2.1***).

8.7.5.4.2 INTEGRATED DEVELOPMENT

Notwithstanding the rules in this zone relating to the management of the effects of activities, an application for integrated development of activities only on Maori freehold land and Maori customary land and Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993) may be made where the proposed development does not comply with one or more of the rules.

This rule applies to Maori customary land, Maori freehold land and Crown land reserved for Maori for activities including papakainga housing and marae and associated buildings.

Integrated development plans will be considered in the context of other whanau and hapu lands in the vicinity, including an acknowledgement of areas of open space, reserve, natural vegetation and other amenities already provided by the land owning groups concerned.

A management plan for integrated development under this rule shall include information on the following where relevant and necessary for a sufficient understanding of the proposal:

(a) a plan showing the location of the property (including property boundaries), topography, adjoining uses, location of the activities proposed in the application, existing vegetation (type and location), drainage patterns, existing and proposed access road/s, location of any

outstanding landscapes or natural features, location of any covenanted or otherwise protected areas;

(b) a description of the purpose of the application and the activities which are proposed;

(c) a description of the degree (if any) to which the proposed development will exceed the standards set for permitted, controlled, restricted discretionary and discretionary activities in the zone;

(d) details of the staging (if any) which is proposed;

(e) a description of any heritage resources on the property;

(f) other information which is relevant to any assessment of the effects of the application, is as follows:

(i) details of provisions made for sewage and stormwater disposal and the proposals for avoiding, remedying or mitigating any adverse effects on receiving environments of stormwater flows;

(ii) details of any earthworks;

(iii) details of the geotechnical aspects of the property;

(iv) details of any natural hazard areas and the measures which will be taken to avoid any adverse effects;

(v) details of the measures (if any) to protect indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins;

(vi) the extent to which areas of open space, reserves, natural vegetation and other amenities are already provided by the land owning group on other whanau and hapu lands in the vicinity.

(g) The extent to which the application promotes energy efficiency and renewable energy development and use as provided for in Policy 13.4.15 through incorporating the following initiatives:

(i) development of energy efficient buildings (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);

(ii) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;

(iii) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;

(iv) access to alternative transport facilities;

(v) domestic scale renewable energy and/or community renewable energy development;

(vi) solar street lighting.

In assessing an application under this rule the Council will have regard to the following matters:

(i) the objectives and policies of the Plan;

(ii) the degree to which the application exceeds the standards for the zone;

(iii) the degree to which the potential effects of the application have been avoided, remedied or mitigated;

(iv) any other matter which it determines to be relevant to the application.

Note: Attention is drawn to ***Rule 13.9.2 Management Plans*** which provides for a once-off opportunity for integrated development which results in superior outcomes to more traditional forms of use and development for land which is not either Maori freehold land, Maori customary land or Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993).

8.7.5.4.3 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

8.8 MINERALS ZONE

CONTEXT

The Minerals Zone provides for mineral extraction activities in areas which are generally considered appropriate for such use. Initially the zone has been applied to existing commercial mines and quarries so as to enable them to continue their operations. These mines and quarries are generally (but not always) registered with the Ministry of Economic Development. The provisions of the zone ensure that any adverse environmental effects of mining or quarrying are internalised, as far as practicable, within the zone. The zone acknowledges the need to provide for mineral extraction while avoiding, remedying or mitigating any potential effects of mineral extraction on the wider environment, and to ensure that other activities do not adversely affect the mineral extraction operation.

Mineral deposits are not restricted, however, to the sites of existing mines and quarries. Therefore prospecting and exploration may occur throughout the District. These activities are not catered for in the Minerals Zone, but may be permitted in terms of ***Part 2 of the Plan - Environment Provisions*** and ***Part 3 of the Plan - District Wide Provisions***.

Farm and forestry quarries used to obtain material for internal roads on the production unit in which they are located, as contained in the definition of 'normal rural practices', are not subject to the provisions of the Minerals Zone.

New mines and quarries, and extensions of established mines and quarries beyond the boundary of the Minerals Zone, are provided for in two ways. The applicant can either seek to have the areas zoned Minerals Zone by means of a Plan Change or seek consent as a discretionary activity under the rules in ***Chapter 12.3 Soils and Minerals***. In both cases, proposals should be accompanied by a Development Plan prepared in accordance with ***Rule 8.8.5.3.3***.

8.8.1 ISSUES

These issues supplement those set out in ***Section 8.1***.

8.8.1.1 Efficient mineral extraction and processing is necessary for the well being of people and communities, but has the potential to cause adverse effects on the environment.

8.8.1.2 Minerals occur only in specific locations. They can only be exploited (if they are exploited at all) where they are found. This may have implications for adjoining land uses, both in respect of the effects generated by the extraction activity and the restrictions neighbours may seek to impose upon the operation.

8.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 8.2***.

8.8.2.1 A rural area in which the effects of mineral extraction are acceptable in the context of sustainable management of natural and physical resources.

8.8.2.2 Potential reverse sensitivity effects related to lawfully established mineral extraction operations are managed.

8.8.3 OBJECTIVES

These objectives supplement those set out in ***Section 8.3***.

8.8.3.1 To enable the efficient extraction and processing of mineral resources with due regard to effects on adjoining activities and land use incompatibility (including reverse sensitivity).

8.8.3.2 To avoid, remedy or mitigate the adverse effects of mineral extraction on the environment of the District.

8.8.4 POLICIES

These policies supplement those set out in ***Section 8.4***.

8.8.4.1 That the Minerals zone generally apply to those areas of the District where large scale mining or quarrying activities are conducted, or will be conducted.

8.8.4.2 That the establishment of new Minerals Zones or extension of the Minerals Zone be through the Plan Change process, allowing for a thorough assessment of the likely effects on the environment and evaluation of methods for avoiding, remedying or mitigating such effects. A Development Plan will be required as part of any Plan Change (refer ***Rule 8.8.5.3.3***).

8.8.4.3 When considering a Plan Change, that sufficient land be included in the Minerals Zone to accommodate the activities shown on the Development Plan, to mitigate any adverse effects of mining and quarrying on the environment and to reduce the likelihood of reverse sensitivity effects.

8.8.4.4 That performance standards be provided to avoid, remedy or mitigate adverse environmental effects on adjacent zones.

8.8.4.5 That Development Plans be required to address, with amendments over time as appropriate, rehabilitation of areas no longer capable of being actively mined or quarried, and to provide justification for any areas where such rehabilitation is impracticable or unnecessary.

8.8.4.6 That conflicts between mineral extraction and other activities be avoided by ensuring that incompatible activities do not establish within, or near, the Minerals Zone.

8.8.4.7 That applications for discretionary consent involving mining and quarrying activities be accompanied by a Development Plan prepared in accordance with ***Rule 8.8.5.3.3***.

8.8.4.8 That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.

COMMENTARY

The objectives and policies of the Minerals Zone are specifically designed to cater for established mineral extraction activities in specific areas of the District and those which have been included through a Plan Change or Variation process. They are necessary because mineral extraction is a particular form of rural activity that can have adverse effects on the environment because of the need to extract the materials where they are found. This locational constraint also makes the activity particularly susceptible to reverse sensitivity effects. The application of the zone provides certainty, both for the minerals industry and for the community.

Each development plan shall address specific site characteristics including visual and landscape impacts, and distance from public viewing. This information will clarify the extent of rehabilitation appropriate for each individual site.

There are roads within the District that have comparatively high levels of vehicle use (over 1,000 vehicle movements per day). These require particular consideration in terms of management of traffic effects.

8.8.5 ZONE RULES

Activities in the Minerals Zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan - District Wide Provisions***. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in ***Part 3***.

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(b) ***Chapter 13 Subdivision***;

(c) ***Chapter 14 Financial Contributions***;

(d) ***Section 15.1 Traffic, Parking and Access***;

(e) ***Chapter 16 Signs and Lighting***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

8.8.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Minerals Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 8.8.5.1.1*** to ***8.8.5.1.9*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

8.8.5.1.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 4ha of available land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit, plus a minimum of 3.7ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

8.8.5.1.2 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities not related to mining or quarrying on a site, including employees and persons making use of any facilities, but excluding people who normally reside permanently on the site or are members of the household, shall not exceed 8 persons per 4ha of net site area, whichever is the greater.

Provided that:

(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and

(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site;

(c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

Exemptions: The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

8.8.5.1.3 STORMWATER MANAGEMENT

For the purposes of activities not related to mining or quarrying the maximum proportion of gross site area covered by buildings and other impermeable surfaces shall be 15%.

8.8.5.1.4 SETBACK FROM BOUNDARIES

No building shall be erected within 10m of the boundary of the Minerals Zone. No mining or quarrying shall be carried out within 20m of the boundary of the Minerals Zone.

This rule does not prevent landscaping and/or the installation of bunds or other measures for the purpose of environmental mitigation from taking place right up to the boundary.

Attention is also drawn to the setback from ***Lakes, Rivers, Wetlands and the Coastline*** provisions in ***Chapter 12.7***.

Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in ***Chapter 12.7 – Lakes Rivers Wetlands and the Coastline*** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the* Regional Water and Soil Plan for Northland, as consent may be required.

8.8.5.1.5 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules

8.8.5.1.6 KEEPING OF ANIMALS

Any building, compound or part of a site used for factory farming, boarding kennels or a cattery shall be located no closer than 50m from any site boundary, except for a boundary which adjoins the Residential, Coastal Residential or the Russell Township Zones, where the distance shall be a minimum of 600m.

8.8.5.1.7 NOISE

All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any site in the Coastal Residential, Residential or Russell Township Zones or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours 55 dBA L_{10}

2200 to 0700 hours 45 dBA L_{10} and

70 dBA L_{max}

Exemptions: The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of section 16 of the Act.

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound*" and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound*".

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

Non-compliance with ***Rule 8.8.5.1.7*** results in full discretionary status.

8.8.5.1.8 BLASTING AND VIBRATION

Ground vibration shall be contained so the maximum component peak particle velocity is 95% compliance to 2mm/s and 100% compliance to 10mm/s at the notional boundary of any dwelling other than a dwelling within the zone. Compliance shall be taken over a period of 12 months. Vibration from each blast shall be measured in accordance with *AS 2187.2-1993 "Explosives-Storage, Transport and Use; Part 2 Use of Explosives"*.

Air overpressure from blasting shall not exceed 120 dBC (Peak) at any point within the notional boundary of any potentially affected dwelling.

Non-compliance with ***Rule 8.8.5.1.8*** results in full discretionary status.

Exemptions: The foregoing limits shall not apply to plantation forestry activities.

8.8.5.1.9 HELICOPTER LANDING AREA

A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

8.8.5.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Minerals Zone if:

(a) it does not comply with ***Rules 8.8.5.1.4 Setback from the Boundaries*** and/or ***8.8.5.1.8 Blasting and Vibration*** as set out above; but

(b) it complies with all of the other rules for permitted activities under ***Rule 8.8.5.1***; and

(c) it complies with ***Rules 8.8.5.2.1 Setback from the Boundaries*** and ***8.8.5.2.2 Blasting and Vibration*** below; and

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

8.8.5.2.1 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 8.8.5.1.4 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

(a) the siting of mineral extraction activities, buildings, machinery and stockpiles relative to adjacent properties in order to avoid visual domination, loss of privacy and sunlight to those properties and nuisance due to traffic, dust, noise and vibration;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(b) the extent to which the activity restricts visibility for access and egress of vehicles;

(c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;

(d) whether there are activities in the vicinity which could be sensitive to noise and vibration effects from blasting;

(e) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

8.8.5.2.2 BLASTING AND VIBRATION

In assessing an application resulting from a breach of ***Rule 8.8.5.1.8 Blasting and Vibration*** the matters to which the Council will restrict its discretion are:

(a) the degree of compliance with the peak particle velocity standards listed in ***Rule 8.8.5.1.8*** achieved by any activity as measured at the notional boundary of any dwelling outside the zone;

(b) the frequency of blasting;

(c) duration, time and type of blasting;

(d) whether there are activities in the vicinity which could be sensitive to noise and vibration effects from blasting;

(e) effects on amenity values;

(f) the effectiveness of any mitigation measures proposed.

8.8.5.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Minerals Zone if:

(a) it complies with the relevant standards for permitted, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions***; and

(b) it complies with all of the standards for permitted activities except ***Rule 8.8.5.1.3 Stormwater Management*** and it complies with ***Rule 8.8.5.3.1 Stormwater Management*** below; *or*

(c) it complies with ***Rule 8.8.5.3.2 Amendment of Approved Development Plans*** below; *or*

(d) it does not comply with one or more of the other standards for permitted or restricted discretionary activities in this zone as set out under ***Rules 8.8.5.1*** and ***8.8.5.2*** above, and further provided that for mining and quarrying activities the application includes a Development Plan prepared in accordance with ***Rule 8.8.5.3.3***.

Note: Where a Development Plan has been approved as part of a Resource Consent under ***Rule 8.8.5.3.3*** or ***Rule 12.3.6.3.1***, an amendment may be sought as a Change or Cancellation of a Condition of Consent under s127 of the Resource Management Act 1991.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the relevant assessment criteria set out under ***Chapter 11***.

If an activity does not comply with the standards for a discretionary activity it will be a non-complying activity in this zone.

8.8.5.3.1 STORMWATER MANAGEMENT

For the purposes of activities not related to mining or quarrying, the maximum proportion of gross site area covered by buildings and other impermeable surfaces shall be 20%.

8.8.5.3.2 AMENDMENT OF APPROVED DEVELOPMENT PLANS

Amendment of an approved Development Plan for mining or quarrying activities is a discretionary activity unless a Change or Cancellation to a Condition of Consent is sought under s127 of the Resource Management Act 1991.

8.8.5.3.3 DEVELOPMENT PLANS

All activities associated with mining and/or quarrying other than quarries covered by the definition of normal rural practices shall be conducted in accordance with a Development Plan, which shall be prepared when consent for an existing quarry is required under this rule or when application of the Minerals Zone by means of a Plan Change/Variation is sought. This rule also applies to an activity for which consent is sought under ***Rule 12.3.6.3.1 Mining and Quarrying Activities outside the Minerals Zone***.

For the purposes of this rule a Development Plan shall include:

(i) a scale map showing the area to be mined or quarried and including surface contours, hydrologic features, the location of buildings and other structures and spoil disposal or top soil stockpiling, areas and/or buildings to be used for retailing, roading, parking, vehicle

wash-down, surface drainage patterns and sedimentation or other detention ponds or berms, the location of any scheduled items from this Plan and the landscape sensitivity of the site;

(ii) the anticipated volume of material to be removed from or brought to the mine or quarry on a monthly and annual basis (to the extent that it is known) and the number of truck movements to and from the site;

(iii) the number of people, including employees, on site;

(iv) the number of parking spaces provided on site, and total number of vehicle movements to and from the site on an average daily basis;

(v) the methods for controlling erosion and sedimentation on site;

(vi) the staging of the mine or quarry to the extent known;

(vii) the methods and staging for rehabilitating the site as mining or quarrying is completed including the species of vegetation to be used and a landscaping plan, and identification of any structures or buildings to be removed or to remain permanently on the site and the resulting contour and drainage pattern of the rehabilitated land, distance from public viewing;

(viii) the methods to be employed to control the effects of dust and debris on site;

(ix) the methods to be employed to control the effects of noise and vibration on site;

(x) a statement giving details of consultation, including consultation with tangata whenua, which was carried out and the results of that consultation, including any written approval to the Development Plan by neighbouring landowners;

(xi) method of containing tailings.

Except that this rule does not apply to a quarry or mine defined by “normal rural practice” (refer ***Chapter 3 Definitions***).

8.8.5.3.4 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.