

16 GENERAL RULES

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16

16.1

GENERAL RULES

INTRODUCTION

This chapter sets out rules which apply generally across the District (in addition to any rules applying to activities within specific zones). Specifically it deals with the following:

- 16.2 Existing Uses Contravening Rules
- 16.3 Buildings To Be Accessible from a Formed Road
- 16.4 External Appearance of Buildings
- 16.5 Exterior Lighting and Welding
- 16.6 Odour
- 16.7 Dust or Smoke
- 16.8 Home Occupations
- 16.9 Noise and Vibration
- 16.10 Resited buildings (excluding new, previously unoccupied, pre-built homes, and rural Accessory Buildings).
- 16.11 Buildings Within 23 Metres of an Indicative Road or on an Indicative Reserve
- 16.12 Temporary Activities
- 16.13 Coastal Defence and Flood Mitigation Works
- 16.14 Boat Maintenance and Cleaning, Fitting Out and Repairs
- 16.15 Facilities (On Shore) Associated With Fishing
- 16.16 Signs
- 16.17 Plans and Information Required With Applications

General Obligations (Duty to Comply)

- (a) The Resource Management Act 1991 limits activities on land to the extent that any use which contravenes a rule in a district plan or proposed district plan shall not occur, unless the activity is expressly allowed by a resource consent granted by the territorial authority responsible for the plan, or unless the activity is an existing use allowed by the existing use provisions in the Act.
- (b) No person may use any land subject to a designation or heritage order unless the prior written consent of the requiring authority concerned is obtained.

16.1.2

Other Acts and Bylaws

- (a) There are other statutory documents that may be relevant to matters dealt with in the District Plan. In particular, the following will or may have direct relevance:
 - (i) The Building Act 1991
 - (ii) The Local Government Act 1974
 - (iii) The Regional Policy Statement
 - (iv) The Regional Plan, Coastal Plan and other Regional Plans
 - (v) Council Bylaws
 - (vi) The Hazardous Substances and New Organisms Act 1996



- (vii) The Historic Places Act 1993
- (viii) Te Uri o Hau Claims Settlement Act 2003.
- (ix) Ngati Manuhiri Claims Settlement Act 2012 (refer to Appendix 16B)
- (x) The Government Roothing Powers Act 1989

(b) In general, the provisions of the District Plan are in addition to, complementary to, and not in substitution for the provisions of these other statutory documents and regulations.

16.1.3

Duty To Avoid, Remedy Or Mitigate Adverse Effects

- (a) Under the Act, every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried out by, or on behalf of that person, whether or not the activity is legal.
- (b) Should a person carry on an activity that is noxious, dangerous, offensive or objectionable to such an extent as to have an adverse effect on the environment, enforcement may follow.

16.1.4

Refer to Appendix 16B for regulations required under the Ngati Manuhiri Claims Settlement Act 2013.

16.2

16.2.1

EXISTING USES CONTRAVENING RULES

Existing uses that do not comply with the provisions of the District Plan may continue to the extent provided for under the Act. The existing use shall have been legally established prior to the new rule being introduced in the Plan. It is the responsibility of the person carrying out the activity to prove that it was lawfully established, and that the effects remain the same or similar in character, intensity and scale.

Rule 16.3

Rule 16.3.1

BUILDINGS TO BE ACCESSIBLE FROM A FORMED ROAD

No building (other than storage buildings not required to be serviced by road vehicles) shall be allowed on any site which does not have frontage to an existing formed road maintained by the Council, provided that this Rule shall not apply:

- (a) where physical and legal access is achieved by means of a jointly owned access lot, or right of way for the benefit of the site, or combination of both,
- (b) where such access is constructed in accordance with the Councils' subdivision and servicing standards; or the Council has approved of no vehicular access or access by foot only, where it considers that vehicular access is unnecessary, or because of topographical features, is impracticable; or for habitable islands, where access is possible only from the sea; and
- (c) for any other reason pursuant to section 321 of the Local Government Act 1974, or any Act in substitution therefore.

Note: Refer to *Chapter 23 - Subdivision and Servicing*.

Rule 16.4

Rule 16.4.1

EXTERNAL APPEARANCE OF BUILDINGS

No building or part thereof, shall be left unfinished so that its external appearance is such that it is noticeably unfinished and the Council considers that it diminishes the visual attractiveness of the neighbourhood, or the visual amenity values of adjacent households.

Note: Resited Buildings shall be **Restricted Discretionary Activities** (excluding new previously unoccupied pre-built homes and farm accessory buildings. Refer to Rule 16.10).

Explanation and Reasons

The external appearance of buildings can adversely affect the visual amenity values of a neighbourhood. This Rule protects against adverse effects of additional buildings on visual amenity values on the site, adjoining sites, and the neighbourhood.



Rule 16.5

EXTERIOR LIGHTING AND WELDING

Rule 16.5.1

All exterior lighting facilities shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

(a) Residential Zone – Daytime

A person shall not use on any site between the hours of 7am to 10 pm any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 100 lux, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned residential; and

(b) Residential Zone – Night-time

A person shall not use on any site between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically at any point on or directly above any adjacent boundary of any adjacent land which is zoned residential; and

(c) Other Zones –Daytime

A person shall not use on any site between the hours of 7am to 10pm any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 100 lux, measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit; and

(d) Other Zones – Night-time

A person shall not use on any site between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit ; and

(e) The Council considers that the luminance or glare does not cause a significant level of discomfort or inconvenience to adjacent household units.

Rule 16.5.2

All welding activities shall be screened from adjacent sites and roads.

Rule 16.5.3

Lighting facilities which may cause confusion with lights for navigation and traffic purposes shall not be constructed.

Rule 16.5.4

Lighting shall not be constructed so that direct or indirect luminance or glare causes adverse effects on traffic safety.

Rule 16.5.5

Rule 16.5 shall not apply to street lighting.

Explanation and Reasons

The spill of artificial light into adjacent household units can have an adverse effect on amenity values. It can cause annoyance, discomfort, distraction, and loss of sleep. It can also reduce the ability to see. The rules reflect the need to manage these effects,



particularly at night.

Rule 16.5.6
Discretionary Activity

Discretionary Activity

The following activity is a Discretionary Activity in all zones.

Any activity which does not comply with the Performance Standards in Rule 16.5.

Rule 16.5.6.1
Assessment Criteria

Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications for activities not complying with the performance standards in Rule 16.5, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

Amenity values

(a) Whether the exterior lighting facilities will have an adverse effect on surrounding property owners' and occupiers' use and enjoyment of their properties. This includes light spill and glare as well as consideration of the hours of operation and levels of lighting required by the proposed activity.

Mitigation

(b) Whether the adverse effects of exterior lighting facilities on household units have been avoided or mitigated, for example through screening, landscaping, placement or site specific factors such as topography. Technical design information and alternatives as evidenced by a report from a Professional Illumination Engineer will also be considered.

Effects on transportation networks

(c) Whether the proposal will have an adverse effect on the safety and efficiency of transportation networks, including surrounding roads.

Security and safety

(d) Whether the exterior lighting facility is required for security purposes or to ensure the safety and wellbeing of people and whether alternatives have been considered in this regard.

Rule 16.6

Rule 16.6.1

ODOUR

- (a) No activity shall create an odour which is either objectionable or offensive and which can be detected at any site boundary, for two consecutive days, or which recurs on a regular basis.
- (b) A panel of people selected by the Council shall be chosen to determine the extent of the odour nuisance. This panel shall consist of no less than three people. When assessing an odour nuisance in rural areas it should be taken into consideration that some odours are generated as a part of normal farming activities undertaken in accordance with good farm management practice.

Note:

- (a) The Ministry for the Environment Publication "Odour Management Under the Resource Management Act 1991 (June 1995)" provides guidelines for the assessment of odour by this panel.
- (b) In addition to this rule the Proposed Auckland Regional Plan: Air, Land and Water, has rules relating to the discharge of odour.

Explanation and Reasons

The adoption of an odour control is to recognise that odours can occur, which have an adverse effect on the amenity values of an area, and which are not necessarily managed by air discharge controls.

The measurement of odour by technical means is difficult and complex. The control adopted is to some extent subjective, but it is considered that it will offer an opportunity to address incidents when they occur and arrive at options to deal with the effect.



Rule 16.7

DUST OR SMOKE

Rule 16.7.1

No activity (apart from traffic travelling on formed roads, or activities authorised by resource consent for a discharge of contaminants into air) shall create a dust or smoke nuisance, which is discernible beyond the boundary of the site or sites on which the activity is being undertaken. For the purposes of this rule a dust or smoke nuisance will occur if the Council considers there is visible evidence of noxious, dangerous, offensive or objectionable deposited particulate matter settling on the ground, a building, or structure, which is traceable from a dust or smoke source; or if the Council considers that the level of dust or smoke, beyond the boundary of the site or sites on which the activity is being undertaken, is noxious, dangerous, offensive or objectionable. In making its determination as to whether there is or is not a dust or smoke nuisance, the Council shall take into account the character of the zone in which the dust or smoke is created. Emergency Service Training and Investigation undertaken by the New Zealand Fire Service Commission is exempt from complying with this rule, however reference should be made to the requirements of the relevant Regional Plan.

Note:

- (a) In addition to this rule the Proposed Auckland Regional Plan: Air, Land and Water has rules relating to the discharge of smoke and dust.
- (b) It is the nature of the rural area that rural farming activities are undertaken that will create a level of dust and/or smoke as a part of reasonable farming activities. However, this does not exempt farming activities from meeting Rule 16.7.1.
- (c) In making the above determination Council shall utilise appropriately trained and/or experienced persons where possible.

Explanation and Reasons

Discharges of dust or smoke to the air can affect the health of people and ecosystems, and can impact on the amenity values of adjoining areas.

Rule 16.7.2

Discretionary Activity

The following activity is a Discretionary Activity in all zones.

Any activity which does not comply with the Performance Standards in Rule 16.7.1.

Rule 16.7.2.1

Assessment Criteria

Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications for activities not complying with the performance standards in Rules 16.7.1, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

Amenity values

- (i) Whether the dust or smoke will have an adverse effect on surrounding property owners' and occupiers' use and enjoyment of their properties.

Health and wellbeing

- (ii) Whether the dust or smoke will have an adverse effect on the health and wellbeing of people living or working on the site or on sites in the area.

Mitigation

- (iii) Whether methods to minimise dust or smoke and avoid remedy or mitigate the adverse effects of dust and smoke have been utilised.



Frequency and Duration	(iv) Whether the frequency and / or duration of the dust and smoke will have adverse effects on activities on surrounding sites.
Alternatives	(v) Whether consideration has been given to the need for the fire or activity creating dust and whether consideration has been given to alternatives such as an alternative location for the activity.
Effects on transportation networks	(vi) Whether the proposal will have an adverse effect on the safety and efficiency of transportation networks, including surrounding roads.

Rule 16.8

Rule 16.8.1

HOME OCCUPATIONS

Home occupations shall comply with the following:

- (a) The site shall be used for a residential activity and the home occupation shall be subordinate to the residential activity.
- (b) At least one person who is carrying out the home occupation shall live on the site.
- (c) There shall be no more than one additional person who does not live on the site involved in the activity, except that for home occupations in the General Rural Zone, two additional people shall be permitted.
- (d) There shall be no more than three people in total involved in the activity, except that in the General Rural Zone, there may be up to four people in total.
- (e) The activity shall be undertaken entirely within a building on the site with no external display of associated equipment or materials.
- (f) There shall be no clients, suppliers or other vehicles visiting the site as part of the home occupation outside the hours of 8:00am to 8:00pm.
- (g) There shall be no heavy vehicle movements to and from the site as part of the home occupation activity, except that for the General Rural Zone, there may be no more than two heavy vehicle movements (one entry and one exit) every week.
- (h) The activity shall not result in any electronic interference which affects television or radio reception in surrounding properties.
- (i) The activity shall not include the following:
 - (i) The retail display and sales of goods from the site;
 - (ii) The boarding of dogs, cats or other animals;
 - (iii) Storage or sorting of any bottles, scrap or other waste materials;
 - (iv) Fish, meat or animal by-product processing;
 - (v) Panel beating, vehicle wrecking, vehicle storage, sheet metal work, heavy engineering such as engine re-boring or crankshaft grinding, spray painting, or boat or caravan or motor vehicle building.
 - (vi) Any activity which involves a hazardous substance, as defined in *Chapter 20 - Hazardous Substances*, and which would require resource consent pursuant to this chapter.
 - (vii) Any activity which does not meet the requirements of any other rule in this chapter, *Chapter 16 - General Rules*.

Explanation and Reasons

The rules relating to home occupations are intended to provide an opportunity for people who wish to operate a small business from their home, while ensuring that the amenity values of the surrounding areas are maintained. In rural areas generally, there is an expectation that certain non-residential activities will occur, therefore a home occupation activity would not impact on amenity values to the same extent as in residential zones.



Rule 16.9

NOISE AND VIBRATION

A "Glossary of Terms" used in this section is provided in Appendix 16A to this chapter. The terms are also defined in *Chapter 3 - Definitions*.

Rule 16.9.1

Activity Rules

Rule 16.9.1.1

Activities

Rule 16.9.1.1.1

Any Permitted, Controlled or Restricted Discretionary Activity in any zone which does not comply with the Performance Standards for noise in Rule 16.9.2 is a Restricted Discretionary Activity.

Rule 16.9.2

Performance Standards

Rule 16.9.2.1 sets out the noise standards for particular zones and Rule 16.9.2.2 relates to a set of Special Activities, Construction Noise and Vibration which also apply to zones within the Plan.

Note: See Rule 16.9.2.1.5 (Compliance in Respect of Rules 16.9.2.1.1, 16.9.2.1.2, 16.9.2.1.3, and 16.9.2.1.4.)

Rule 16.9.2.1

Noise Standards for Zones

Rule 16.9.2.1.1 Noise Received in Residential Zones

Noise Received in Residential Zones

- (a) The noise level from any Permitted/Controlled or Restricted Discretionary Activity, except as provided for by Rule 16.9.2.1.1(b) and Rule 16.9.2.2, shall not exceed the levels specified in Table 16.9.2.1.1 when measured within any site zoned Residential.

Table 16.9.2.1.1 : Noise Received in Residential Zones (L_{eq})

	NOISE LIMITS dBA L_{eq}			
	<i>Mon-Sat 7:00am - 7:00pm</i>	<i>Mon-Sat 7:00pm - 10.00 pm</i>	<i>Sundays and Public Holidays 7:00am – 10:00pm</i>	<i>At all other times</i>
Low Background Noise Level ⁽¹⁾	45 dBA	40 dBA	40 dBA	35 dBA 50 dB @ 63 Hz 45 dB @ 125 Hz 70 dBA $L_{(max)}$
High Background Noise Level ⁽²⁾	50 dBA	45 dBA	45 dBA	40 dBA 55 dB @ 63 Hz 50 dB @ 125 Hz 75 dBA $L_{(max)}$

(1) Low background noise level sites include all those not specified as having a high background noise level.

(2) High background noise level sites are those having a common boundary with Retail Service, Mixed Business and Industrial Zones, or where the site is located within 70m of any Strategic Route, Regional Arterial Road, Future Arterial Road or District Arterial Road.

- (b) When measured noise levels are assessed against the limits of Table 16.9.2.1.1, no adjustment shall be made for tonality as referred to in NZS 6802:1999 Appendix A.A6.2.
- (c) Noise generated in Residential Zones, which is intermittent and/or limited in duration and is associated with household activities, shall be exempt from the provisions of Rule 16.9.2.1.1(a) during the hours 7:00am – 6:00pm. For example: lawn mowing and other customary property and house maintenance activities, but not including the playing or amplification of music.

Explanation and Reasons

Noise has been identified in Chapter 8 – Residential, as having adverse effects on the amenity values of residential areas. The L_{eq} measurement is an indicator of the average noise level during the measurement period, and is an indicator of intrusive noise. The L_{max} is the maximum sound level measured during a specific period. It is used to ensure sleep protection. For example, when an activity creates noise exceeding 75dBA at 3:00am, the L_{max} rule in the above rule has been contravened.

**Rule 16.9.2.1.2
Noise Received in Rural
Zones**

Two noise control levels have been adopted for residential areas dependent on background noise levels. The more stringent levels are appropriate in quiet residential areas such as coastal settlements, and residential areas located some distance from noise sources such as major roads and business areas. A slightly lower standard is set for areas with a higher background noise level.

Noise Received in Rural Zones

- (a) The noise level from any Permitted, Controlled or Restricted Discretionary Activity, except as provided for in Rule 16.9.2.1.2(b) and Rule 16.9.2.2, shall not exceed the levels specified in Tables 16.9.2.1.2 when measuring inside the notional boundary⁽¹⁾ for any site used for residential or child care facilities for not more than 10 children in any area zoned Rural except as set out in (c) below.

Table 16.9.2.1.2(i): Noise Received in Rural Zones (L_{eq})

	NOISE LIMITS dBA L _{eq}		
	<i>Mon-Sat 6:00am - 6:00pm</i>	<i>Sundays and Public Holidays 6:00 am – 6:00 pm</i>	<i>At all other times</i>
Within the notional boundary ⁽¹⁾			
Group A background noise level ⁽²⁾	<i>50</i>	<i>45</i>	<i>40 and 70 dBA L_{max}</i>
Group B background noise level ⁽³⁾	<i>55</i>	<i>50</i>	<i>45 and 75 dBA L_{max}</i>

NOTES:

- (1) For the purposes of this Rule the notional boundary is a line 20 metres from the side of a building used for residential purposes, or used as a childcare facility for not more than 10 children, or the legal boundary where this is closer to the building used for residential purposes or used as a childcare facility for not more than 10 children.
- (2) Group A background noise level sites include all those not specified as Group B.
- (3) Group B background noise level sites are those located adjacent to Retail Service, Mixed Use and Industrial Zones, or where the site is located within 70m of any Strategic Route, Regional Arterial Road, Future Arterial Road or District Arterial Road.

- (b) Rule 16.9.2.1.2(a) shall not apply to the use of mobile agricultural vehicles or machinery, or other mobile or portable agricultural,

horticultural and silvicultural equipment, if the best practicable option is adopted to ensure that the emission of noise from such uses does not exceed a reasonable level. This Rule shall also not apply to noise which originates from animals which are under the control of humans (eg. milking cows).

This exemption does not apply to any fixed or permanently installed plant other than audible bird scaring devices (see Rule 16.9.2.2.3).

- (c) The noise level from any Permitted, Controlled or Restricted Discretionary Activity, except as provided for in Rule 16.9.2.1.2(b) and Rule 16.9.2.2 shall not exceed the levels specified in the Table below when measured inside the notional boundary⁽¹⁾ of any site used for residential purposes or childcare facilities for not more than 10 children, within the Quarry Effects Management Areas for the Wainui and Flat Top quarries shown on Planning Maps 20 and 25.

Table 16.9.2.1.2(ii) Noise Received in the Quarry Effects Management Areas Management Areas of the Wainui and Flat Top Quarries (L_{eq})

Mon-Sat 6.00am -6.00pm	Sundays and Public Holidays 6.00am – 6.00pm	All other times
52	45	42 and 75dBA L _{max}

Explanation and Reasons

Noise has been identified in Chapter 7 – Rural, as having an adverse effect on the amenity values of rural areas. The protection afforded dwellings in the rural area needs to reflect that rural areas are essentially production areas, where significant noise generating activities can be expected to occur. The control level should therefore not be unreasonably stringent, and should recognise the time of day when rural activities take place; that is, they start earlier and finish later than in urban environments. The notional boundary approach is used to protect the dwelling without giving the same degree of protection to land closer to the noise source.

**Rule 16.9.2.1.3
Noise Received in Business
Zones**

**Rule 16.9.2.1.3.1
General**

Noise Received in Business Zones

General

The noise level from any Permitted Controlled or Restricted Discretionary Activity, except as provided for in Rule 16.9.2.1.3.2 and Rule 16.9.2.2 shall not exceed the levels specified in Table 16.9.2.1.3.1, when measured on any site zoned Retail Service, Mixed Business or Industrial and the Knowledge Economy Business Park Policy Area , Knowledge Economy Mixed Use Centre Policy Area, Local Shops Policy Area, Neighbourhood Shops Policy Area, Silverdale North Commercial Policy Area within the Special 19 zone, the Special 25 (Hibiscus Coast Gateway Specialist Retail), Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zones, the Huapai North Local Shops Policy Area within the Special 29 Zone and Mixed Use Policy Area within the Special 31 (Kensington Park) Zone, the Local Shops Policy Area within the special 33

Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area.

[Amendment 127] [Amendment 158] [Amendment 137][Amendment 123]

Table 16.9.2.1.3.1 : Noise Received in Business Zones

	NOISE LIMITS dBA L_{eq}
ZONE	<i>At All Times</i>
Retail Service, Knowledge Economy Business Park Policy Area, Knowledge Economy Mixed Use Centre Policy Area, Local Shops Policy Area, Neighbourhood Shops Policy Area, Silverdale North Commercial Policy Area within the Special 19 Zone, the Special 25 (Hibiscus Coast Gateway Specialist Retail), the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zones, Huapai North Local Shops Policy Area within the Special 29 Zone, and Mixed Use Policy Area within the Special 31 (Kensington Park) zone, the Local Shops Policy Area within the special 33 Zone and Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area. [Amendment 127] [Amendment 158] [Amendment 137] [Amendment 123]	60
Mixed Business, Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area.	65
Industrial and Special 26 (Hibiscus Coast Gateway Recreation and Entertainment Zone).	70

**Rule 16.9.2.1.3.2
Household Units in Business Zones**

Household Units in Business Zones

- (a) New dwellings in Business Zones shall be designed and constructed to ensure that the internal noise level does not exceed a level of 35 dBA (L_{eq}) 24 hours in bedrooms and 40dBA (L_{eq}) 24 hours in other habitable rooms. The limits shall be complied with at the same time as the relevant ventilation requirements of the Building Code are met. Where mechanical ventilation is required a combined noise level from the mechanical ventilation system and from other external activity on other sites shall not exceed the limits of Table 16.9.2.1.3.2.
- (b) Such rooms shall be designed to achieve the required internal noise level, based on the external noise level incident on the façade as set out in Table 16.9.2.1.3.2.

Table 16.9.2.1.3.2 : Sound Pressure Levels

OCTAVE BAND (Hz)	63	125	250	500	1k	2k	4k	dBA L _{eq}
	Sound Pressure Level							
Retail Service	57	65	61	57	53	53	49	60
Mixed Business	62	70	66	62	58	58	54	65
Industrial	67	75	71	67	63	63	59	70

Explanation and Reasons

This explanation and reasons relate to Rules 16.9.2.1.3.1 and 16.9.2.1.3.2.

Noise is identified in Chapter 9 - Business as having an adverse effect on the amenity values, not only of adjoining areas, but also business areas themselves, particularly the people oriented business areas such as town centres. Clearly many activities undertaken in business areas have the potential to generate noise. They should not be unreasonably constrained by noise limits, but nevertheless, noise emission from such activities can interfere with activities on adjoining sites if it occurs at too great a level. Some limit is therefore appropriate, but it needs to be related to the activities which are allowed to occur in a particular zone. Three levels of noise control have been adopted, with that for Retail Service Zones being more stringent than that for Mixed Business and Industrial Zones. This recognises the more people oriented nature of the Retail Service Zone, and the more industrial type activities which can occur in the Mixed Business, and particularly the Industrial Zones.

Some residential living is allowed in the Business Zones. While it is unreasonable to expect as high a level of amenity as would be expected in a Residential Zone, some level of acoustic protection through appropriate design is desirable for residential units in Business Zones. The control for residences in these areas is restricted to the control of noise levels inside buildings used for residential purposes. It is not considered appropriate to apply a residential standard (where outside noise levels are measured) to external noise levels in a Business Zone, as this would unduly restrict business activity. Different noise frequencies (spectra) are attenuated to different degrees by various building materials. For dwellings to have an acceptable indoor acoustic environment, it is necessary to ensure that the building structure will provide sufficient noise attenuation as the sound passes through it.

It is expected that the designer of the building will be able to work to these standards.

For the definition of sound pressure level, see the Glossary of Terms in Appendix One to this section.

Rule 16.9.2.1.4
Noise Received in Open Space Zones

Noise Received in Open Space Zones

- (a) The noise level from any activity on other sites not zoned Open Space except as provided for in Rule 16.9.2.2, shall not exceed 55dBA L_{eq} when measured on any land zoned as Open Space. The exemptions specified in Rule 16.9.2.1(b) apply to this Rule.

Explanation and Reasons

Areas of Open Space by their very nature are generally places where a higher level of amenity value is expected. It is therefore appropriate that noise levels be limited in these areas. The measurement L_{eq} measures the average sound level not to be exceeded over a certain time period.

Rule 16.9.2.1.5
Compliance in Respect of Rules 16.9.2.1.1, 16.9.2.1.2, 16.9.2.1.3 and 16.9.2.1.4

Compliance in Respect of Rules 16.9.2.1.1, 16.9.2.1.2, 16.9.2.1.3 and 16.9.2.1.4

- (a) Noise levels shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6801: 1999 "Measurement of Environmental Sound" and New Zealand Standard NZS 6802: 1999 "Assessment of Environmental Noise" except that averaging of measured L_{eq} noise levels shall be permitted for comparison with the relevant limit as follows:

The averaged L_{eq} value shall not exceed the relevant limit, and in any case the limit shall not be exceeded by more than 5 dBA for any single time interval. L_{eq} values shall be averaged on an energy basis whereby the logarithmic mean is determined. Measured L_{eq} levels shall not be averaged if comparison is to be made with a night-time limit between 10:00pm and 7:00am.

- (b) Where there is doubt whether a particular activity will comply with the noise performance standards under Rule 16.9.2, an acoustic design certificate from a recognised acoustic consultant shall be provided, demonstrating that the noise limits in the table will not be exceeded.
- (c) Where a building is required to comply with an internal noise limit, acoustic certification from a suitably qualified and experienced person shall be provided with any building consent application.
- (d) Notwithstanding the above performance standards, the Council reserves the right to use its power under the Resource Management Act 1991, to control any noise which contravenes the provisions of that legislation.
- (e) The noise limits of Rules 16.9.2.1.1, 16.9.2.1.2 and 16.9.2.1.3 shall not apply to any noise generated from the use of warning devices and sirens utilised for public emergency service activities.
- (f) In the Special 5 (Particle Board) Zone, noise levels shall be measured in accordance with the provisions of New Zealand Standard NZS 6801:1999 "Measurement of Environmental Sound" and assessed in accordance with the provisions of New Zealand Standard NZS 6802:1991 "Assessment of Environmental Sound".



Rule 16.9.2.2

Rule 16.9.2.2.1
Traffic Noise

Rule 16.9.2.2.1.1.
New Activities

Traffic Noise, Special Activities, Construction Noise, and Vibration

Traffic Noise

New Activities

(a) New household units, schools, hospitals and other residential activities and educational facilities in Residentially Zoned areas within 70 metres of any Strategic Route, Regional Arterial Road, Future Arterial Road, District Arterial Route shall comply with the noise performance standards in Table 16.9.2.2.1.1.

Table 16.9.2.2.1.1 : Traffic Noise

ACTIVITY	Indoor Noise Level dBA	Outdoor Noise Level (1) dBA Private Open Space High Intensity Zone Only
New residential activities	L _{eq} 35 (24 hour) bedrooms L _{eq} 40 (24 hour)(2) Other Habitable Rooms	L _{eq} 55 (24 hour)
New hospital activities and teaching areas in new educational facilities	L _{eq} 40 (24 hour)	N/A

Notes:

(1) Outdoor: Private open space area required by Rules for Residential Zones.

(2) The limits shall be complied with at the same time as the relevant ventilation requirements of the Building Code are met. Where mechanical ventilation is required a combined noise level from the mechanical ventilation system and other external activity shall not exceed the limits of Table 16.9.2.2.1.1

Rule 16.9.2.2.1.2
New Roads

New Roads

Any new Strategic Routes, Regional or Future Arterial roads and District Arterial Routes as defined in Appendix 21C which could have new residential lots created within 70 metres of them, including in Future Urban Zones and Residential areas shown in Structure Plan areas set out in this Plan, shall be so designed and constructed that the 10 year predicted traffic noise level when measured 3 metres into any residential land facing the road, or 1 metre from the façade of any existing building does not exceed:

- 55 dBA L_{eq} 24 hours in areas where the existing ambient noise level is less than 43 dBA L_{eq} 24 hours.
- 62 dBA L_{eq} 24 hours in areas where the existing ambient noise level is between 43 and 59 dBA L_{eq} 24 hours.
- The existing ambient level plus 3 dBA in areas where the existing level is between 59 and 67 dBA L_{eq} 24 hours.
- 70 dBA L_{eq} 24 hours where the existing ambient level is more than 67 dBA L_{eq} 24 hours.

Explanation and Reasons

Traffic noise was identified in Chapter 21 - Transportation and Access, as having an adverse effect on the amenity values of adjoining land, particularly residential land. To address this issue two types of control are used. The first requires **new dwellings and other noise sensitive activities to be appropriately insulated from the intrusion of traffic noise.** The second relates to roads themselves.

Where new roads are constructed which are predicted to have and be designed for high traffic volumes and be adjacent to residential land, the road is required to be designed and constructed to mitigate the level of traffic noise received on the residential land. As discussed in Chapter 21 – Transportation and Access, the design of the road, including the type of seal, can have a significant effect on the level of noise generated.

The points at which noise levels are measured and/or assessed are as described in 16.9.2.2.1.2 above, but otherwise measurement will be in accordance with NZS 6801:1991: "Measurement of Sound", and NZS 6802:1991: "Assessment of Environmental Sound".

**Rule 16.9.2.2.2
Outdoor Entertainment
Events**

Outdoor Entertainment Events

- (a) For the purposes of this Rule "Outdoor Entertainment Events" includes temporary activities identified in Rule 16.12.1.1 (c) and Rule 16.12.1.1 (e), outdoor recreation, owner maintenance located outdoors, horse and dog racing, motorsports and events on showgrounds, and "Other Activities" as referred to in Chapter 8 – Residential, occurring outdoors, which use sound amplification systems.
- (b) The noise standards in Rules 16.9.2.1.1, 16.9.2.1.2, 16.9.2.1.3 and 16.9.2.1.4 shall not apply to "outdoor entertainment events" including those using sound amplification system(s) during the hours of 9:00am to 11:00pm.
- (c) Such events (outdoor entertainment events) are subject to Rule 16.9.2.2.2(c).

The noise level (L_{eq} 15min) when measured on any site zoned Residential or General Rural; (within the notional boundary) shall not exceed the levels specified in Table 16.9.2.2.2.

Table 16.9.2.2.2 : Outdoor Entertainment Events

TIME	dBA
9:00am - 6:00pm	80
6:00pm - 11:00pm	75
11:00pm - 9:00am	The noise standard for the relevant zone shall apply

Explanation and Reasons

Outdoor Entertainment Events can be a noise source for which normal noise controls are not suitable, as they would either prevent such activities or provide no control at all. Specific rules are therefore included for this activity, to ensure that adverse effects are not created for sites adjacent to where the activities are occurring.

**Rule 16.9.2.2.3
Audible Bird Scaring Devices**

Audible Bird Scaring Devices

- (a) Audible bird scaring devices (excluding use of firearms for this purpose) may be operated in any rural zoned part of Rodney District:
 - (i) Between sunrise and sunset;
 - (ii) At a frequency of not more than six (6) events per hour. The term "events" in this context is to include clusters of up to three shots, in rapid succession.
- (b) The sound from any bird scaring device or devices shall not exceed 65 dBA SEL when measured within the boundary of any site zoned Residential or inside the notional boundary of any site zoned Rural.
- (c) These conditions may be waived at any defined boundary or notional boundary of a particular residential property, if the owner of that property agrees and notifies the council of such an agreement in writing.

NOTE:

- (i) In an urban context, the actual property boundary will normally apply to dwellings, but in a rural situation the notional boundary will more often be applicable.
- (ii) It is expected and will be encouraged that any person with a complaint about noise will discuss their difficulty with the person responsible for producing the noise, in a neighbourly endeavour to solve the problem. This approach may be instead of, or in addition to a complaint to the Council.

Explanation and Reasons

Audible bird scaring devices are a noise source for which normal noise controls are not suitable, as they would either prevent the activity or provide no control at all. Specific rules are therefore included for this activity, to limit their operation to certain decibel levels, intervals, and daylight hours when they are required.

**Rule 16.9.2.2.4
Construction Noise**

Construction Noise

- (a) Rules 16.9.2.1.1, 16.9.2.1.2, 16.9.2.1.3 and 16.9.2.1.4 shall not apply to construction noise.
- (b) All construction noise shall comply with and be assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise".

Explanation and Reasons

Construction noise requires a different basis for assessment because it is transient in nature. As construction noise is of limited duration, it is reasonable that a higher level of noise be tolerated during construction work. The levels specified in New Zealand Standard NZS 6803:1999 "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work" are higher than those of the rules for continuous noise, but are adjusted for duration. The rule adopts this standard as the appropriate control.

**Rule 16.9.2.2.5
Vibration**

Vibration

- (a) Vibration from any Permitted, Controlled or Restricted Discretionary activity shall not exceed the average levels set out in Tables 16.9.2.2.5(i) and (ii):

Table 16.9.2.2.5(i): Vibration At or Within the Boundary of any Adjacent Site Zoned Residential or Open Space

TIME	Average Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)
Monday to Saturday 7:00am - 6:00pm	0.045m/s ²	1.0 m/s ²
At all other times	0.015m/s ²	0.05m/s ²

Table 16.9.2.2.5(ii): Vibration At or Within the Boundary of any Adjacent Site Zoned Business

TIME	Average Weighted Vibration Level (Wb or Wd)	Maximum Instantaneous Weighted Vibration Level (Wb or Wd)
At all times	0.06 m/s ²	2.0 m/s ²

- (b) The weighted vibration levels W_b and W_d shall be measured according to British Standard for ground vibration BS6841:1987. The average vibration shall be measured over a time period of not less than 60 seconds and not longer than 30 minutes, at any point where it is likely to affect the comfort or amenity of persons occupying an adjacent site.

Explanation and Reasons

Vibration can cause discomfort, damage and annoyance when it is transmitted to adjoining sites. The controls aim to minimise the adverse effect of vibration. The night-time limit for Residential Zones is set just above the threshold of perception, to provide a high degree of protection against sleep disturbance. The daytime level provides a reasonable balance between protecting residential amenity values and the ability of adjoining activities to operate.

**Rule 16.9.2.2.6
Temporary Military Activities**

Temporary Military Activities

- (a) Temporary Military Activities in Rural Zones shall be conducted such that the following noise levels shall not be exceeded when measured within the notional boundary of any dwelling or the legal boundary where this is closer to the dwelling:

Table 16.9.2.2.6 : Noise Limits for Temporary Military Activities

<i>Time on any day</i>	<i>L_{eq} dBA</i>	<i>L_{max} dBA</i>
7:00am – 6:00pm	75	90
6:00pm – 8:00pm	70	85
8:00pm – 7:00am	55	75

Provided the limits for impulsive noise arising from the use of any explosives, explosive simulators, ammunition, munitions or pyrotechnics at any time, shall not exceed 120 dBC_{peak}.

- (b) Any Temporary Military Activities which exceed the limits of Rule 16.9.2.1.2 Noise Received in Rural Zones.

Rule 16.9.3

Restricted Discretionary Activities: Matters For Discretion And Assessment Criteria

In accordance with sections 76 (3B) and 105 (3A) of the Act, the Council will restrict its discretion to the matters listed, when considering resource consent applications for Restricted Discretionary Activities.

Rule 16.9.3.1
**Activities Not Complying
with the Performance
Standards**

Rule 16.9.3.1.1
Matters for Discretion

16.9.3.1.2
Assessment Criteria

Health and wellbeing

Amenity values

Effects within the zone

Effects on adjoining zones

Duration

Frequency

Timing

Background noise

**Any Permitted, Controlled or Restricted Discretionary Activity in any Zone
which Does Not Comply with the Performance Standards in Rules 16.9.2**

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Relevant noise limits.
- (b) Design of buildings and equipment.
- (c) Location of the noise source on the site.
- (d) Timing and duration of operation of activities.
- (e) Design of roads (to ensure noise protection).
- (f) Location of the source of vibration, and allowable levels of vibration.
- (g) The character of the noise emitted.

Assessment Criteria

When assessing an application the Council will have regard to the following criteria:

- (a) Whether the noise or vibration to be generated will be of such a level as to create a threat to the health or wellbeing of people living or working on the site or on adjacent sites.
- (b) Whether the noise or vibration generated will have adverse effects on the amenity values of adjacent sites, particularly residential or open space sites.
- (c) Whether the noise or vibration level to be generated is compatible with the activities occurring within the zone.
- (d) Whether the noise or vibration level generated is compatible with the activities occurring in adjacent zones and the environmental results expected for those zones.
- (e) Whether the duration of the noise or vibration to be generated which exceed the standards, will have adverse effects on activities on adjacent sites.
- (f) Whether the frequency of events where the noise or vibration to be generated exceeds the standards, will have an adverse effect on activities on adjacent sites.
- (g) Whether the noise or vibration to be generated will occur at times which will create adverse effects on activities on adjoining sites, in particular whether the noise will occur at night time and disturb people's sleep patterns.
- (h) Whether the background noise level (L_{90}) in the vicinity of the subject site is such that an increase in the noise level allowed would not have an adverse



New Zealand Standard NZS 6802:1991 "Assessment of Environmental Sound"

Mitigation

effect on adjacent sites.

- (j) Whether the noise generated will significantly compromise the provisions of the New Zealand Standard NZS 6802:1991 "Acoustics Assessment of Environmental Noise", subject to the provision in Rule 16.9.2.1.5 relating to averaging of measured noise levels.
- (j) Whether noise or vibration mitigation measures are proposed to minimise the adverse effects of the noise to be generated.

Explanation and Reasons

Increasing the noise or vibration levels beyond the allowed level could have an adverse effect on the health and wellbeing of people using the site and adjacent sites, and on the amenity values of adjacent sites, particularly those where differing activities are allowed, eg. residential activities. It is therefore necessary to ensure that, if the allowed noise or vibration levels are to be increased, there are no adverse effects on adjacent land use activities. For example, this could be achieved by: locating the activity away from other noise or vibration sensitive activities; appropriate building or equipment design incorporating acoustic insulation; screening with mounds, fences or walls; or limiting the timing or duration of the activity.

Rule 16.10

RESITED BUILDINGS

Rule 16.10.1 Permitted Activities

Note: The following terms used in Rule 16.10.1 are defined in Chapter 3 – Definitions: accessory building, building, household unit, site

Permitted Activities

Rule 16.10.1.1

The location of resited new pre-built homes, farm accessory buildings, residential accessory buildings and buildings less than or equal to 36m².

Note: For the avoidance of doubt, where buildings require a resource consent under the zone rules, those rules shall prevail.

Rule 16.10.1.2

The location of resited buildings ie. moved to a new 'site' (not repositioned within a site) complying with the following :

- (a) Any resited building intended for use as a household unit must have previously been designed, built and used as a household unit.
- (b) A second hand material inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.
- (c) All reinstatement work required by the second hand material inspection report and the building consent to reinstate the exterior of any relocated building shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- (d) The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.

Note: Buildings may require a resource consent under the zone rules.

Rule 16.10. 2 Restricted Discretionary Activity

Restricted Discretionary Activity: Matters for Discretion and Assessment Criteria

The following activities are Restricted Discretionary Activities:

- (a) Any activity which does not meet the criteria in Rule 16.10.1. Any application made under this rule will generally not be notified or served where the written approval of affected persons has been obtained.

In accordance with sections 76(3B) and 105(3A) of the Act, the Council will restrict its discretion to the matters listed, when considering resource consent applications for this Restricted Discretionary Activity.

Rule 16.10.2.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) External appearance of the building, duration of resiting, and construction.

Rule 16.10.2.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria.

External appearance of buildings

- (a) Whether the building is constructed or finished so that it does not detract from the amenity values of the site or adjoining sites, or the neighbourhood.

- (b) Whether the resited building will be reinstated, upgraded, or renewed, in a competent manner to a standard and finish normally expected with new completed buildings.

Standard of completion of work and payment of a bond

- (c) Whether the exterior of the building can be completed within six months of being resited on its new site.

NOTES: (a) The provisions of the zone in which the building is to be located should be referred to in addition to this Rule.

Explanation and Reasons

The introduction of a resited building to a new site often involves the need to complete structural and finishing work. If this is left uncompleted for any significant length of time, the amenity values and, in some cases, the safety of the surrounding residents, are adversely affected. It is the intention of this rule and accompanying bond as condition of consent, to ensure that such a situation does not occur.



Rule 16.11

BUILDINGS ON, OR WITHIN 23 METRES OF AN INDICATIVE ROAD OR ON AN INDICATIVE RESERVE

Note: The following terms used in Rule 16.11.1 are defined in Chapter 3 – Definitions: accessory building, building, reserve, road, site

**Rule 16.11.1
Restricted Discretionary Activity**

Restricted Discretionary Activity: Matters for Discretion and Assessment Criteria

- (a) The erection of, or addition to, any building located on or within 23 metres of the edge of an Indicative Road shown on the Planning Maps, at any time before that Indicative Road is vested in the Council, shall be a Restricted Discretionary Activity.
- (b) The erection, or addition to, any building located on an Indicative Reserve shown on the Planning Maps shall be a Restricted Discretionary Activity.

In accordance with sections 76(3B) and 105(3A) of the Act, the Council will restrict its discretion to the matters listed, when considering an application for a Restricted Discretionary Activity.

**Rule 16.11.1.1
Matters for Discretion**

Matters for Discretion

The Council will restrict its discretion to the following matter:

- (a) Location of the building.

**Rule 16.11.1.2
Assessment Criteria**

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Roading network

- (a) Whether the location of a proposed building will adversely affect the indicative road network as shown on the Planning Maps. In particular whether:
 - (i) the indicative road network shown in the Planning Maps is taken into account in the siting of the building;
 - (ii) connections, or future connections to the indicative and existing road network as shown in the Planning Maps are maintained, including links with higher level roads in the hierarchy, the alignment of roads on neighbouring sites, and the alignment of intersections.

Reserve network

- (b) Whether, in the case of an indicative reserve:
 - (i) the indicative reserve has been taken in to account in siting the building;
 - (ii) the building will adversely affect the function of the indicative reserve or connections to other parts of the open space network;
 - (iii) there are alternative locations for the building other than on the indicative reserve.

Further information

- (c) Whether more detailed investigation has been carried out as part of the proposal, which demonstrates that a modification to the alignment of the indicative road on the site, or the location of the indicative reserve, is warranted, without compromising the indicative road or indicative reserve network shown in the Planning Maps.

Explanation and Reasons

Buildings have the potential to adversely affect the alignment of indicative roads. For example, the location of a building on a future road alignment could prevent the necessary connections with other parts of the network and other neighbourhoods and community focal points such as business areas.

Buildings locating on an indicative reserve would adversely affect the function of the reserve and possibly connections with other parts of the open space network. It is therefore appropriate to assess this and see if alternative sites are available for the building, particularly if the need to site a building occurs before the land is subdivided and the indicative reserve can be vested as reserve.

It is acknowledged that investigations associated with a resource consent application, which are more detailed than those undertaken to identify an indicative road, may enable specific aspects of the indicative road to be modified. This needs to be taken into account when a resource consent application is assessed.

Rule 16.12

Rule 16.12.1 Activities

Rule 16.12.1.1 Permitted Activities

TEMPORARY ACTIVITIES

Activities

- (a) All Permitted Activities in Rule 16.12.1.1 shall comply with the Performance Standards in Rule 16.12.1.2.

Note: The following terms used in Rule 16.12.1.1 are defined in Chapter 3 – Definitions: boat, building, film making, film set, motor sports, office, road, rural zone, site, temporary activities

Permitted Activities

The following are Permitted Activities in all zones unless otherwise stated elsewhere in this Plan:

- (a) Offices, storage sheds, scaffolding and falsework, storage yards, builders' workshops and buildings or activities of a similar character where such buildings or activities are:
- (i) incidental to a building or construction project; and
 - (ii) limited to the duration of the project or for a period not exceeding 12 months (whichever is the lesser).
- (b) Temporary buildings for the purpose of constructing a boat, a caravan or other artefact associated with private leisure time, or a retirement pursuit which is not intended in any way as a commercial enterprise, where:
- (i) the written consent of the owner of any adjoining land and such other persons as the Council considers may be affected, has been obtained unless, in the opinion of the Council, such consent has been arbitrarily or unreasonably withheld; and
 - (ii) any such consent supplies sufficient information to indicate clearly that the owner consenting is fully informed of the proposal, its size, its method of construction and finish, and its estimated duration;

except that only one temporary building shall be permitted in respect of a particular site and shall not be in place for a duration longer than 2 years.

- (c) Temporary activities, including buildings, for such purposes as carnivals, festivals, fairs, markets, public meetings, exhibitions, concerts and sporting events, including temporary carparking, except motor sport activities and associated carparking, provided that they:
- (i) do not involve the assembly of more than 1,000 persons;
 - (ii) do not operate outside the hours of 7:00am - 10:00pm; and
 - (iii) do not exceed a duration of 4 days in any twelve month period.

except that the temporary activity may, for the duration of the activity, include overnight accommodation for the operators of the temporary activity (this does not include the general public); and military training activities are not required to comply with conditions (ii) and (iii) above.

- (d) Film Making in all zones, involving the use of a site for no more than 5 consecutive days within any two month period, provided:
 - (i) any object which is placed on site and is associated with any film set is removed at the completion of the filming activities, and any changes made to the site are reinstated to the original situation prior to establishment on the site; and
 - (ii) the parking of associated vehicles shall be located off roads.
- (e) Temporary motor sport activities and associated carparking, provided that they:
 - (i) do not involve the assembly of more than 1,000 persons;
 - (ii) do not operate outside the hours of 7:00am – 10:00pm; and
 - (iii) do not exceed a duration of 8 days in any twelve month period.

Rule 16.12.1.2
Performance Standards

Performance Standards

The Temporary Activities in Rule 16.12.1.1 shall comply with the Performance Standards under Rules 16.5 - Exterior Lighting and Welding, 16.6 - Odour, 16.7 - Dust or Smoke and 16.9 - Noise and Vibration.

Rule 16.12.1.3
Restricted Discretionary Activities

Restricted Discretionary Activities

Any Temporary Activity which does not meet the criteria in Rule 16.12.1.1, or comply with the Performance Standards in Rule 16.12.1.2, in relation to Rule 16.9 - Noise and Vibration, is a Restricted Discretionary Activity.

Rule 16.12.2

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

In accordance with sections 76(3B) and 105(3A) of the Act, the Council will restrict its discretion to the matters listed when considering resource consent applications for Restricted Discretionary Activities.

Rule 16.12.2.1
Temporary Activities not meeting the criteria in Rule 16.12.1.1

Temporary Activities Not Meeting the Criteria in Rule 16.12.1.1

Rule 16.12.2.1.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Duration of activity.
- (b) Scale and location of activity.
- (c) Nature of the activity
- (d) The design and location of the vehicle access(es)

Rule 16.12.2.1.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Amenity values

(a) Whether the type, duration and scale of the activity will result in adverse effects on the amenity values of adjacent sites, particularly residential or open space sites, including visual amenity.

Mitigation

(b) Whether sufficient mitigation measures have been adopted to avoid adverse effects of the activity.

Access and safety

(c) Whether the location of temporary structures and buildings, and the number of traffic movements likely to be generated by the activity adversely affects access and safety to any site.

Health and safety

(d) Whether the temporary activity adversely affects the health and safety of adjacent (or additional) property owners.

Natural environment

(e) Whether the activity will adversely affect the natural environment (especially significant or sensitive natural areas), and whether there are any proposed mitigation measures.

Explanation and Reasons

Temporary Activities are essential for some activities (ie. temporary offices for building sites). Other Temporary Activities result in minor effects because of the scale, type, and duration of the activity. It is reasonable that provision should be made in the Plan for activities such as these. However, some temporary activities can result in adverse effects, such as temporary buildings which intrude into access ways, and control is needed to ensure that these adverse effects are avoided.

Rule 16.12.2.2
Temporary Activities Not Complying with the Performance Standards in Rule 16.12.1.2

Temporary Activities Not Complying with the Performance Standards under Rule 16.12.1.2, in relation to Rule 16.9 Noise and Vibration.

Rule 16.12.2.2.1
Matters for Discretion and Assessment Criteria

Matters for Discretion and Assessment Criteria

Refer to the Matters for Discretion and Assessment Criteria in Rule 16.9.3 - Section 16.9 - Noise and Vibration.



Rule 16.13

COASTAL DEFENCE AND FLOOD MITIGATION WORKS IN ALL ZONES

**Rule 16.13.1
Discretionary Activity**

Discretionary Activity

The following is a Discretionary Activity in all zones:

The creation or construction of coastal defence and flood mitigation works, which are hard engineering, including:

- (a) Placing of rocks and concrete;
- (b) Walls;
- (c) Rip rap/gabion baskets;
- (d) Groynes;
- (e) Stop banks;
- (f) Other structural objects inconsistent with a beach and river environment.

**16.13.2
Assessment Criteria**

Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications for coastal defence and flood mitigation works in all zones, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

Practical alternative

(a) Whether the work or structure is the only practical alternative for mitigating the adverse effects of flooding, or inundation or erosion by the sea, and whether the work or structure is necessary, is the type to fulfil the function for which it is being built, and is of an appropriate size and extent and no larger than necessary to meet the purposes for which it is being built.

Existing development and infrastructure

(b) Whether the work or structure is needed to protect existing development, or public infrastructure.

Variety of activities

(c) Whether the work or structure will adversely affect the variety of activities possible in the area, taking into account navigational needs and informal recreational activities.

Amenity values

(d) Whether any significant detraction of the amenity values of land or water is likely to result from the work.

Ecology and wildlife

(e) Whether the work or structure is designed, located, constructed and maintained in such a manner and at such times as to avoid any adverse effect, or minor adverse effect on the ecology and wildlife of an area in particular, where relevant:

<i>Adverse effects</i>	<ul style="list-style-type: none"> (i) the natural values identified in Appendix 11A (Inland Waters); (ii) the nesting, spawning, feeding, roosting sites or times, or migratory patterns, of birds and fresh or salt water biota; (iii) biological and physical processes; (iv) connections between ecosystems; (v) continuity of areas or stretches of indigenous vegetation; (vi) the habitat of threatened or protected species. <p>(f) Whether the work or structure is designed, located, constructed and maintained in such a manner and at such times as may result in any adverse effect, or minor adverse effects on:</p> <ul style="list-style-type: none"> (i) The natural character, landscape qualities and visual amenity values of the area, including the natural riparian edge, riparian vegetation, and vegetation within estuarine areas, rivers, or lakes, and panoramic and other views of and from the water as appreciated from locations to which the public has access; (ii) Any areas or sites of historic or cultural importance; (iii) Public access to, on and around the water area.
<i>Stability or erosion</i>	<p>(g) Whether the work or structure is likely to have an adverse effect on the stability or erosion of the foreshore or adjacent land, and where relevant, whether allowance has been made for any forecast rise in average sea levels.</p>
<i>Flooding</i>	<p>(h) Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding.</p>
<i>Landscape amenity</i>	<p>(i) Whether the structure results in adverse effects on the natural landscape and consists of materials and colours that will adversely affect its environment, and also whether the structure will detract from the amenity values of an area in relation to the natural landscape.</p>
<i>Safety</i>	<p>(j) Whether the work or structure has any potential adverse effect on the safety of people.</p>
<i>Maori values</i>	<p>(k) Whether the work or structure is likely to have an adverse effect on Maori spiritual values or traditional Maori access to the water area concerned, including:</p> <ul style="list-style-type: none"> (i) Waahi tapu – sacred areas where general public access is forbidden (ii) Tauranga Waka – landing place of a waka; (iii) Mahinga Maataitai – gathering areas of kai moana; (iv) Taonga Raranga - areas of vegetation containing fibres that are used for weaving.
<i>Existing Structures</i>	<p>(l) Whether the work or structure is needed to maintain, replace or extend an existing coastal defence or flood mitigation structure or is required for public safety.</p>

Explanation and Reasons

The New Zealand Coastal Policy Statement (NZCPS) contains policies to protect our coastal environment and the values of tangata whenua, as matters of national importance. Section 6(a) of the Resource Management Act 1991 states that the preservation of the natural character of the coastal environment, and the protection of this from inappropriate subdivision, use, and development is a matter of national

importance. Section 6(e) of the Act states that the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga, shall be protected as a matter of national importance.

Coastal defence and flood mitigation works which are inappropriate or badly designed can result in adverse effects on aspects such as access, natural character, tangata whenua values, and amenity values. The assessment criteria above serve to ensure that any works proposed will need to be of such a standard that the provisions in the NZCPS and the Resource Management Act 1991 will not be compromised.

Rule 16.14

BOAT MAINTENANCE, CLEANING, FITTING OUT AND REPAIRS

Note: The following terms used in Rule 16.14.1 are defined in Chapter 3 – Definitions: boat, building, coastal marine area, foreshore, habitat, lake, river, vegetation removal, water

**Rule 16.14.1
Discretionary Activity**

Discretionary Activity

The following activity is a Discretionary Activity in all Zones.

The maintenance, cleaning, fitting out or repair of any boat on land adjacent to any stream, lake (artificial or natural), river, or the Coastal Marine Area, except for owner maintenance work which is work carried out on a boat by its owner.

**Rule 16.14.2
Assessment Criteria**

Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications for boat maintenance, cleaning, fitting out and repairs on land adjacent to any stream, lake (artificial or natural), river, or the coastal marine area, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

Modification of the foreshore

(a) Whether the activity will cause extensive modification of the foreshore, or removal of extensive areas of vegetation for the storage of boats.

Adverse effects from washing down and scraping down

(b) Whether the activity can be carried out in a manner that avoids or mitigates any adverse effects on the environment, especially adjacent water quality, from the washing down and scraping down of boats and parts of boats.

Adverse effects on wildlife and habitat values

(c) Whether adverse effects on wildlife and habitat values are avoided, and where avoidance is not possible, whether appropriate measures are proposed to mitigate adverse effects.

Rule 16.15

Rule 16.15.1 Discretionary Activity

Rule 16.15.2 Assessment Criteria

Natural landscape

Water quality

Wildlife and habitat values

Vehicle access

Storage

Waste products

Odours

FACILITIES (ON SHORE) ASSOCIATED WITH FISHING

Discretionary Activity

The following activity is a Discretionary Activity in all zones.

All facilities on shore which are associated with commercial fishing activities including storage of fish, fishing gear and associated buildings.

Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications for facilities on shore associated with fishing in all zones, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

- (a) Whether the facilities associated with fishing are designed to complement the natural landscape and be of materials and colours that will blend with or enhance the natural landscape character, especially in rural areas.
- (b) Whether the facilities require to be located near the coast or rivers, and whether they are designed, located and constructed in a manner that will minimise the adverse effect on the natural character, landscape qualities and amenity values of coastal harbour or inland water areas, especially in rural areas.
- (c) Whether the activities on the site will adversely affect water quality.
- (d) Whether the facilities are designed in a manner which minimises the adverse effects on wildlife and habitat values.
- (e) Whether the provision of vehicle access to the site is necessary and if so, whether this access will adversely affect the natural character of the margin of the waterbody or coastal area, or the safety and operation of existing roads.
- (f) Whether the storage of product, plant and equipment on site is designed to retain intact the visual environment around the coast/harbour.
- (g) Whether the method of treatment and disposal of waste products produced avoids adverse effects.
- (h) Whether there are offensive odours generated by the storage of decomposing shellfish, seaweed or fish bodies or offal, which could generate adverse effects on amenity values or be a nuisance.

Note: Activities occurring within the Coastal Marine Area (below mean high water springs) fall within the jurisdiction of the Auckland Regional Council. Activities carried out within the Coastal Marine Area are subject to the New Zealand Coastal Policy Statement, the Auckland Regional Council's Regional Coastal Plan, and sections of the Act as administered by the Auckland Regional Council. Occasionally, activities occur both above and below mean high water mark, and joint consideration by the Auckland Regional Council and the Rodney District Council is necessary.



Rule 16.16

SIGNS

This rule shall apply only to signs and their supporting frames and structures which are permanently fixed to the ground or a building. This rule shall not apply to any temporary sign which, if legally established and in compliance with Chapter 30 – Temporary Signs of the Rodney district General Bylaw 1998, shall be a Permitted Activity.

Note: The following terms used in Rule 16.16 are defined in Chapter 3 – Definitions: erected, forestry, height, open space zone, places of assembly, residential zone, road, rural zone, sign, site, state highway, utilities, visitor accommodation, yard

Rule 16.16.1

Activity Rules

Rule 16.16.1.1

Activities

- (a) All signs in any zone shall comply with the Performance Standards in Rule 16.16.2.1.
- (b) All signs in Rural Zones shall comply with the Performance Standards in Rule 16.16.2.2.
- (c) All signs in Residential Zones shall comply with the Performance Standards in Rule 16.16.2.3.
- (d) All signs in Business Zones, (except the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area, shall comply with the Performance Standards in Rule 16.16.2.4.
- (e) All signs in Open Space Zones shall comply with the Performance Standards in Rule 16.16.2.5.
- (f) All signs within Business Zones in the Matakana Village Overlay shall comply with the Performance Standards in Rule 16.16.2.6.
- (g) Any sign in any zone which does not comply with the Performance Standards for signs in Rule 16.16.2 is a Restricted Discretionary Activity.
- (h) All Restricted Discretionary Activities shall be assessed against those matters over which classification is retained, set out in Rule 16.16.3.
- (i) For any sign proposed on an item included within Appendix 17B or in the area where proposed structures and additions to structures require resource consent identified within Appendix 17B, this signage shall require resource consent as a Restricted Discretionary Activity and be assessed against the assessment criteria at Rule 17.12.1.1 of the Plan. [Amendment 26]
- (j) Any sign erected by, or on behalf of The New Zealand Transport Agency (NZTA), for the purpose of ensuring the safe and efficient operation of the State highway network and located within the boundaries of any State highway designation, is exempt from all controls within Rule 16.16 of the Plan.
- (k) Signs approved by, and located on land administered by, the Department of Conservation in all Open Space Zones, and the Islands General Zone shall be permitted, where this signage is displayed in fulfilment of the Departments functions under the Conservation Act 1987.
- (l) All signs in the Special 26 Recreation and Entertainment Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area shall comply with the performance standards in Rule 16.16.2.7.1



Rule 16.16.2

Rule 16.16.2.1

**Rule 16.16.2.1.1
Signs in Public Places or
Roads**

**Rule 16.16.2.1.2
Signs Shall be Structurally
Safe and Comply with the
Building Act 1991**

**Rule 16.16.2.1.3
Traffic Safety**

Rule 16.16.2.1.3.1

Rule 16.16.2.1.3.2

**Rule 16.16.2.1.4
Warning Signs**

Performance Standards

Signs in All Zones

This rule shall not apply to any temporary sign which, if legally established and in compliance with Chapter 30 – Temporary Signs of the Rodney District General Bylaw 1998, shall be a Permitted Activity.

Signs in Public Places or on Roads Controlled by the Council

No signs are permitted in any public place unless the written approval of the Council to occupy public land is obtained, except for signs under a verandah, on the fascia of a verandah, or above a verandah pursuant to Rule 16.16.2.4.2.

Signs Construction and Appearance

- (a) All signs shall be structurally safe and comply with the requirements of the Building Act 1991 and any relevant provisions in the District Plan.
- (b) All signs shall be finished to a high standard. In particular signs shall not be roughly painted or poorly made.
- (c) All signs shall be maintained in a safe condition, in good order and free of graffiti.

Traffic Safety

No sign shall detrimentally affect traffic safety or traffic control. A sign shall not:

- (a) unreasonably obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
- (b) unreasonably obstruct, confuse, impair, or distract from the view of any road control signs and traffic signals;
- (c) produce glare, or dazzle road users;
- (d) display any flashing or revolving lights which would distract a road users' attention;
- (e) invite drivers to turn so close to the turning point that there is no time to signal and turn safely; or
- (f) result in a cumulative effect of compromising any of (a), (b), (c) and (d) above.

Signs shall not be positioned alongside any road or state highway where the result is a cumulative effect of dominating the visual characteristics of an area.

Warning Signs

Signs attached to or on the site occupied by a utility structure, necessary for operational, and health and safety warning purposes shall be permitted in all zones provided that:

- (a) any individual sign shall not exceed an area of 0.24m² in area; and

Rule 16.16.2.1.5
Signs For Visitors' Accommodation

- (b) any sign shall be attached to an existing structure, and with the exception of the sign thickness, be located entirely within the profile of that structure.

Signs For Visitors' Accommodation and Places of Public Resort

- (a) For small establishments offering accommodation for up to 5 guests in any Rural Zone, there may be one sign of up to 3m² in total area which is mounted on a building on the site. There may also be one double sided sign on a single free standing structure in the front yard of the premises with a combined area on the faces of 2m², which shall not exceed 3.5 metres in height.
- (b) For large establishments offering accommodation for more than 5 guests in any urban area or more than 10 guests in any Rural Zone, there may be one sign of up to 3m² in total area which is mounted on a building on the site. There may also be one double sided sign, on a single free standing structure in the front yard of the premises with a combined area on the faces of 14m², and which shall not exceed 7 metres in height.
- (c) This Rule is applicable only to signs visible from a road or public place.
- (d) Any sign included in this Rule may be illuminated but shall not contain:
 - (i) any flashing light; or
 - (ii) any lighting device (such as a spotlight) that directs a beam of light away from the sign toward surrounding properties or roads.

Rule 16.16.2.1.6
Flags

Flags

Up to three free standing flags on the site, each not exceeding 6 metres in height, with no part of the flag lower than 2.75 metres from the ground and with no flag being suspended between poles or between any pole and a building.

Rule 16.16.2.2
Signs in Rural and Future Urban Zones

Signs in Rural and Future Urban Zones

This rule shall not apply to any temporary sign which, if legally established and in compliance with Chapter 30 – Temporary Signs of the Rodney District General Bylaw 1998, shall be a Permitted Activity.

Rule 16.16.2.2.1
General Provisions

General Provisions

- (a) Signs shall comply with Rule 16.16.2.1.
- (b) Signs must relate to a lawful activity undertaken on, or service provided from, that site.
- (c) One sign only per site (excluding a sign for property identification under Rule 16.16.2.2.2) not exceeding 3m² in total area, unless it relates to a lawfully established retail or wholesale business activity where that activity is the predominant use of the site, in which case there shall be one sign only, not exceeding 7m² in total area.

- (d) A free standing sign is not to exceed an overall height of 3.5 metres above ground level.
- (e) Signs must be within the facade or profile of a building or fence if positioned on such a structure.
- (f) Signs shall not be illuminated, and shall not include flashing or revolving lights, or reflective or luminous material.
- (g) Signage associated with a site used for forestry purposes, shall be permitted, provided that:
 - (i) the signage is not visible from any state highway or road controlled by the Council; or
 - (ii) the signage is necessary for health and safety warning purposes and each sign does not exceed 3 m² in area.

Rule 16.16.2.2.2
Property Identification Signs

Property Identification Signs

- (a) A sign, for the purpose of identifying the entrance to a property, and which may be of reflective material, may be erected on the property or on any road adjacent to the property, provided that any such sign shall:
 - (i) not exceed 1 square metre in area; or
 - (ii) not exceed 7 m² in area where such a sign is necessary for health and safety warning purposes, and is located on a site used predominantly for forestry purposes;
 - (iii) be positioned immediately adjacent to the property entrance;
 - (iv) if located in a road or public place, be no closer than 3 metres from any roadway adjacent to the property boundary with the road or public place;
 - (v) be in accordance with the safety provisions in Rule 16.16.2.1.3;
 - (vi) be removed or relocated by the owner, if required by the Council, an authorised officer or the Council's contractors, at any time for the purposes of road maintenance or construction or any other public work and the Council shall be indemnified from any claims arising from such removal or relocation; and
 - (vii) shall if located on a state highway require the consent of The New Zealand Transport Agency (NZTA).

Rule 16.16.2.3
Signs in Residential Zones

Signs in Residential Zones

This rule shall not apply to any temporary sign which, if legally established and in compliance with Chapter 30 – Temporary Signs of the Rodney District General Bylaw 1998, shall be a Permitted Activity.

Rule 16.16.2.3.1
General Provisions

General Provisions

- (a) Signs shall comply with Rule 16.16.2.1.

- (b) Signs must relate to a lawful activity undertaken on, or service provided from, that site.
- (c) There shall be no more than one sign per site.
- (d) Signs shall be located on the road boundary, not on the road.
- (e) A sign shall not exceed 0.24m² in total area.
- (e) A free standing sign is not to exceed a height of 1.8 metres above ground level.
- (f) A sign shall be oriented parallel to the road or if it is a corner site, parallel to one of the roads to which the site has frontage.
- (g) A sign shall be within the profile of a building or fence if positioned on such a structure.
- (i) A sign shall not be illuminated, and shall not include flashing or revolving lights, or reflective or luminous material.

Rule 16.16.2.3.2
Signs for Business Activities in Residential Areas

Signs for Business Activities in Residential Zones

Notwithstanding the above Rules for signs in Residential Zones, signs associated with lawfully established business activities, where that activity is the predominant use of the site, shall comply with the Business Rules 16.16.2.4.1 to 16.16.2.4.5 for signs in Business Zones unless otherwise specified in a resource consent establishing the activity.

Rule 16.16.2.3.3
Signs In Residential Areas for Non-Residential Activities.

Signs in Residential Zones for Non-Residential Activities.

Where a non-residential activity has been legally established, but the use remains predominantly residential, or a Place of Assembly has been legally established, a sign shall not exceed 1m² for every 16 metres of road frontage; with a maximum area of 3m². (Road frontage shall be calculated as that frontage on which the sign will appear).

Rule 16.16.2.4
Business Zones

Business Zones (except those within the Matakana Village Overlay Area – refer to Rule 16.16.2.6) and Special 20 (Mahurangi East Seaside Village Centre) Zone

This rule shall not apply to any temporary sign which, if legally established and in compliance with Chapter 30 – Temporary Signs of the Rodney District General Bylaw 1998, shall be a Permitted Activity.

Note: Specific Rules apply to the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area, see Rule 16.16.1.2(k) and Rule 16.16.2.7

Rule 16.16.2.4.1
General Provisions

General Provisions

(Note additional rules apply in the Special 19 Zone)

- (a) Signs shall comply with Rule 16.16.2.1.
- (b) A sign shall relate to a lawful activity undertaken on, or service provided



from that site.

- (c) Signs attached to buildings within Business Zones and Special 20 (Mahurangi East Seaside Village Centre) Zone shall:
- (i) be within the profile of the building unless clause (iii) below applies; and
 - (ii) be perpendicular or parallel to the building; and
 - (iii) be contained in one sign for each business premises with a maximum area of 2.16m² and a maximum width of 200 millimetres if perpendicular to the building; and if parallel then Rule 16.16.2.4.1 (d) shall apply; and
 - (iv) be at least 2.75 metres above ground level if a sign protrudes more than 50 millimetres over a public place.
- (d) Signs on a building facade within a Business Zone and Special 20 (Mahurangi East Seaside Village Centre) Zone shall be such that no more than 50% of the area of a building facade shall be occupied by lettering, logos, or other graphic symbols (the area is defined by an imaginary best-fit box enclosing the lettering, logos or other graphic symbols).
- (e) Free-standing front yard signs shall:
- (i) have a maximum height of 3.5 metres; and
 - (ii) have a maximum area of 7m²; and
 - (iii) be limited to one sign per site frontage.
- (f) Restricted Discretionary Activity
- (i) One free standing front yard sign with a maximum height of 9 metres and a maximum area of 12m² and the activity is a:
 - service station, or
 - drive-through food outlet, or
 - retail activity, occupying a building with at least 2,000m² gross floor area and is located on a site which has a minimum street frontage of 50 metres.
 - (ii) Applications for Restricted Discretionary Activities under this rule need not be notified and the written approval of affected parties will not be required.
 - (iii) For Matters for Discretion and Assessment Criteria see Rule 16.16.3.

Rule 16.16.2.4.2
Signs on Verandahs

Signs on Verandahs

- (a) Signs positioned under a verandah shall:
- (i) be perpendicular to the facade; and
 - (ii) be contained within the depth of the verandah; and
 - (iii) be not less than 2.75 metres above the footpath below; and
 - (iv) be spaced at least 1.5 metres apart.
- (b) Signs on the fascia of a verandah shall:



- (i) be contained within the profile of the building; and
 - (ii) be contained within the profile of the fascia to a maximum height of 600 millimetres except that subject to (a) above, up to 20% of the length of any verandah fascia sign may extend above the fascia by up to 600 millimetres to facilitate sign design and detailing; and
 - (iii) not protrude more than 200 millimetres from the fascia.
- (c) Signs positioned above and attached to the verandah shall:
- (i) be contained within the profile of the building;
 - (ii) be positioned perpendicular to the building facade;
 - (iii) not exceed a maximum height of 1.2 metres above the verandah;
 - (vi) be positioned not more than 0.3 metres from the facade;
 - (v) be set back at least 0.3 metres from the verandah fascia;
 - (vi) be limited to one such sign per shop frontage; and
 - (vii) not be positioned in front of a window.
- (d) Pursuant to Rule 16.16.2.1.1, where verandah signs comply with the above Performance Standards and fall within a public place, they shall not require the approval of the Council to occupy public land.

Rule 16.16.2.4.3
Flags

Flags

- (a) Up to three free standing flag poles may be erected on a site.
- (i) each not exceeding 6 metres in height; and
 - (ii) with flags mounted so that no part of any flag rests at a point lower than 2.75 metres above ground level; and
 - (iii) with no flag being suspended between two flag poles or between a flag pole and a building.

Rule 16.16.2.4.4
Illuminated Signs

Illuminated Signs

- (a) Signs related to a business activity may be illuminated but illuminated signs shall not contain:
- (i) any flashing light; or
 - (ii) any lighting device (such as a spotlight) that directs a beam of light away from the sign toward surrounding properties and roads.

Rule 16.16.2.4.5
Service Station Signs

Service Station Signs

The following additional signs associated with service stations within the Business Zones are permitted:

- (a) An instruction board for a carwash, having maximum dimensions of 2.3 metres high, and 1.2 metres wide.



**Rule 16.16.2.5
Signs in Open Space Zones**

- (b) Traffic directional signage, such as entry/exit signs up to a maximum of 0.8m high and 0.6m wide.
- (c) Discreet on-site signs identifying petrol pumps, air and water facilities and carwashes.

Signs in Open Space Zones

This rule shall not apply to any temporary sign which, if legally established and in compliance with Chapter 30 – Temporary Signs of the Rodney District General Bylaw 1998, shall be a Permitted Activity.

- (a) Signs shall comply with Rule 16.16.2.1.
- (b) Signs in Open Space Zones are not to be illuminated, unless there is a sporting event held at night, in which case lighting shall not be directed towards habitable buildings or traffic.
- (c) There should be no more than one sign per club, business, service or event, and it should only be affixed to an existing building or structure, and shall not exceed a combined area of 2m².
- (d) All signs attached to a building or structure shall be contained within the profile of that structure.
- (e) Signs are to relate to a lawful activity undertaken on, or service provided from that site, except that up to 50% of the area of any allowable sign may contain content, including commercial sponsor advertising material, not directly related to the activity on the site.

**Rule 16.16.2.6
Signs in Business Zones in the Matakana Village Overlay Area**

Signs in Business Zones in the Matakana Village Overlay Area

**Rule 16.16.2.6.1
General Provisions**

General Provisions

- (a) Signs shall comply with Rule 16.16.2.1.
- (b) A sign shall relate to a lawful activity undertaken on, or service provided from that site.
- (c) Up to three free standing flag poles may be erected on a site.
 - (i) Each not exceeding 6 metres in height; and
 - (ii) With flags mounted so that no part of any flag rests at a point lower than 2.75 metres above ground level.
 - (iii) With no flag being suspended between two flag poles or between a flag pole and a building.

(d) Signs relating to an activity in the Special 26 Recreation and Entertainment Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area may be illuminated but illuminated signs shall not contain:

(i) Any flashing light;

(ii) Any lighting device (such as a spotlight) that directs a beam of light away from the sign toward surrounding properties and roads.

(e) Rule 16.16.2.4.5 Service Station Signs shall apply to the zone.

Except for signs located within 50m of State Highway 1 or the Hibiscus Coast Highway which are Restricted Discretionary Activities

Explanation and Reasons

This rule provides for an appropriate range of signs within the Special 26 Recreation and Entertainment Zone and Special 35 Gateway Business Policy Area. The rule provides for signs to be restricted discretionary activity where they are located close to the Hibiscus Coast Highway and State Highway 1 to ensure the gateway is not adversely affected by inappropriate signs.

Rule 16.16.2.6.2 Freestanding Signs

Freestanding Signs

(a) Each site may have a single free standing sign which shall relate to all premises on the site. There may only be one freestanding sign at the front property boundary adjacent to the road frontage.

(b) The freestanding sign shall:

- (i) Have a maximum height of 3.5m; and
- (ii) Have a maximum area of 7m².

(c) Other than the freestanding sign permitted in (a) above, no other freestanding signs shall be permitted in the Business Zones within the Matakana Village Overlay Area.

Rule 16.16.2.6.3 Signs on Building Facade

Signs of Building Facade

(a) Signs on a building facade shall be such that no more than 25% of the area of the building facade shall be occupied by lettering, logos, or other graphic symbols (the area is defined by an imaginary best-fit box enclosing the lettering, logos or other graphic symbols).

Explanation and Reasons

Signs are useful tools for providing information, and for advertising a service or goods. They can also have adverse effects on public access, safety, amenity values, and the character of the District. These rules acknowledge the need for signs, but place controls to avoid, remedy or mitigate the actual and potential effects of such



Rule 16.16.2.7

Rule 16.16.2.7.1
General Provisions

Rule 16.16.2.7.2
Signs Attached to Buildings

signs in the Matakana Village.

Special 26 Zone - Recreation and Entertainment Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area

General Provisions

Signs that comply with the following standards are permitted activities.

- (a) Signs shall comply with Rule 16.16.2.1
- (b) Signs shall relate to a lawful activity undertaken on the site.
- (c) Up to three free standing flag poles may be erected on a site.
 - (i) Each not exceeding 6 metres in height; and
 - (ii) With flags mounted so that no part of any flag rests at a point lower than 2.75 metres above ground level.
 - (iii) With no flag being suspended between two flag poles or between a flag pole and a building.
- (d) Signs relating to an activity in the Special 26 Recreation and Entertainment Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area may be illuminated but illuminated signs shall not contain:
 - (i) Any flashing light;
 - (ii) Any lighting device (such as a spotlight) that directs a beam of light away from the sign toward surrounding properties and roads.
- (e) Rule 16.16.2.4.5 Service Station Signs shall apply to the zone.

Except for signs located within 50m of State Highway 1 or the Hibiscus Coast Highway which are Restricted Discretionary Activities

Signs attached to buildings within the Special 26 Recreation and Entertainment Zone and the Special 35 Gateway Business Policy Area shall:

- (i) Be within the profile of the building and attached parallel to the façade of the building; and
- (ii) Be such that no more than 30% of the area of the building façade shall be occupied by lettering or other parts of the sign (the area is defined by an imaginary best-fit box enclosing the sign).

Rule 16.16.2.7.3
Free-standing front yard signs

Free-standing front yard signs shall:

- (i) Have a maximum height of 1.5 metres.
- (ii) Have a maximum area of 7m².
- (iii) Be limited to one sign per site.

Rule 16.16.2.7.4
Ancillary direction signs

Ancillary direction signs within sites for the purpose of directing traffic and pedestrians and to facilitate the operation of the site not exceeding 2m².

Rule 16.16.2.7.5
Signs in State Highway 1 Landscape Buffer

In the Special 26 Zone, signs shall not be located within the State Highway 1 Landscape Buffer Area and in the Special 35 Business Policy Area in the front yard of sites subject to the Gateway Frontage Control on Appendix 21 – Figure 1.

Explanation and Reasons

Due to the potentially large scale buildings in the Special 26 Recreation and Entertainment Zone the percentage area of signs is less than in some other parts of the District. The height of front yard signs is limited so that signs do not dominate the front yard and site landscaping.

Rule 16.16.3

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

In accordance with sections 76(3B) and 105(3A) of the Act, the Council will restrict its discretion to the matters listed when considering resource consent applications for Restricted Discretionary Activities.

Rule 16.16.3.1
Signs Not Complying with Rules in Rule 16.16.2

Signs Not Complying with the Rules in Rule 16.16.2

Rule 16.16.3.1.1
Matters For Discretion

Matters For Discretion

The Council will restrict its discretion to the following matters:

- (a) Size, height and location of the sign.
- (b) Aesthetic appearance of the sign.
- (c) Safety.
- (d) Clarity of information.
- (e) Benefit to the community.
- (f) Cumulative effects.

**Rule 16.16.3.1.2
Assessment Criteria**

Visual dominance

Visual amenity

Adverse effects on safety

Avoids confusion

Assists the community

Additional signs

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the sign will be visually dominant in its surroundings for reason of size or location.
- (b) Whether the sign would adversely affect the visual amenity values of a particular locality.
- (c) Whether the design and location of the sign would introduce an element of danger to a locality, including roads.
- (d) Whether the sign would help to avoid confusions.
- (e) Whether the sign improves the level of information to the community in which it is located, and also whether the sign would result in any other form of benefit to the community.
- (f) Whether the sign is a necessary addition to existing signs in a location, and whether the sign would cumulatively introduce adverse effects into a location, including adverse visual effects, and adverse effects on vehicle and pedestrian safety.

Explanation and Reasons

Signs are useful tools for providing information, and for advertising a service or goods. They can also have adverse effects on public access, safety, amenity values, and the character of the District. These rules acknowledge the need for signs, but place controls to avoid, remedy or mitigate the actual and potential effects of such signs in the District.

**Rule 16.16.3.2
Signs in the Recreation and Entertainment Zone and Gateway Business Policy Area.**

Signs complying with Rule 16.16.2.7 located within 50m of State Highway 1 or the Hibiscus Coast Highway.

**Rule 16.16.3.2.1
Matters for Discretion**

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Scale, bulk, location, form, construction, landscaping, cumulative effects and landmarks.
- (b) Traffic safety.
- (c) In order to exercise discretion over these matters the Council may require applicants to provide;

**Rule 16.16.3.2.2
Assessment Criteria**

- (i) Accurate elevations and plans of the building and a site layout plan showing in detail all proposed and existing signs;
- (ii) A perspective of the building and any proposed free-standing signs from the site frontage showing all proposed and existing signs;
- (iii) A photomontage or perspective sketch showing the proposed sign when viewed from the Hibiscus Coast Highway or State Highway 1. The viewpoints for the photomontage shall be agreed with the Manager, Resource Consents, Rodney District Council.

Assessment Criteria

When assessing an application for this activity the Council will have regard to the following assessment criteria.

(a) Traffic safety

Whether the proposed sign will detrimentally affect traffic safety and control by:

- (i) Obstructing drivers' vision;
- (ii) Causing safety issues due to confusion or distraction to drivers; or
- (iii) Creating a situation hazardous to the safe movement or direction of traffic. Particular regard will be given to the siting of the sign with respect to sight lines, traffic signals, intersections and the movement patterns of pedestrians in the area. Signs with erratic moving components for example, balloons, bunting and streamers will be regarded as having potential to adversely affect traffic management safety.

(Pursuant to S94B of the Act the relevant road controlling authority may be considered an adversely affected person in respect of any application under this rule.)

(b) Visual Amenity Values

Whether the proposed sign will have an adverse effect on visual amenity values by:

Its obtrusiveness on surrounding areas (for example, whether the proposed display would be obtrusively visible beyond the site).

Whether in respect to free-standing signs they form part of a landscape plan for the area or are designed to screen unsightly sites, activities or buildings.

- (i) Being out of scale with activities on the site.
- (ii) Creating an effect of clutter in the landscape because of the amount of signage and/or poor relationship to other signs or elements;



Whether the proposal results in a cumulative visual effect of additional signage visible from State Highway 1 or Hibiscus Coast Highway.

Whether signage on individual sites is replaced by a combined sign for a number of different activities.

- (i) Being insensitive (in terms of scale, form and harmony) to the building on which or place where it is to be erected or displayed, to the Hibiscus Coast Gateway concept or to the places from which it can be seen;
- (ii) The likely visual prominence of the proposed display, by reference to its scale, colour, content, construction or illumination, in relation to the building or site on which it is to be displayed, adjoining buildings or sites and the visual amenities of the zone generally.
- (iii) Obscuring or detracting from important visual aspects of the area such as the natural landscape or required landscaping.
- (iv) Whether the sign obscures or detracts from landscape elements in the front yard of a site from public view.
- (v) Being of such construction that its method of support or fixing is obtrusively visible in relation to the architectural features of the building to which it is attached.



Rule 16.17

PLANS AND INFORMATION REQUIRED WITH APPLICATIONS

All applications for resource consent shall provide the following information where it is relevant to the application.

Rule 16.17.1 General

General

- (a) Plans shall generally be provided on international plan sizes A1, A2 or A3, and be prepared on a scale which will clearly and legibly show the details of the proposed work. Preferred scales are 1:20, 50, 100, 200, 500, 1,000, 2,000 or 2,500. The scale used shall be stated on any plan.
- (b) Plans shall indicate the name of the owner, applicant (if different from the owner), legal description, street address and location of the site.
- (c) Applications (where applicable) shall include a site plan, elevations and floor plans, although these may be combined in a lesser number of documents.
- (d) Council requires a copy of all relevant current certificates of title prior to considering any resource consent application.
- (e) Information about the activity applied for shall be provided in detail, including the type/types of resource consent applied for. If no standard form is used, it should be stated that it is an application for resource consent pursuant to section 88 and the Fourth Schedule of the Resource Management Act 1991, or a subdivision consent.
- (h) The applicant should provide contact details, and sign and date the application.

Rule 16.17.2 Site Plans

Site Plans

Site plans shall be provided, which indicate as far as may be applicable to any particular application:

- (a) The boundaries, dimensions and area of the site, and the location of fences relative to the boundaries, and the location of any Council services on the site.
- (b) Contours and relative ground levels, in sufficient detail to enable assessment of compliance with building height, height to boundary and vehicular access gradient requirements.
- (c) Any part of the site known to be potentially subject to erosion, land slip, subsidence, or inundation, or which may be otherwise unsuited for building.
- (d) The location of existing landscape features, watercourses, trees, bush and items of special interest, and how these will be affected by the proposal. Trees equal to or exceeding 3 metres are to be identified on any site plan.
- (e) The location, dimensions and use of existing buildings (clearly marked as



such) and proposed buildings, additions, alterations, etc, and of any existing or proposed private open space which may be provided in conjunction with buildings.

- (f) The existing and proposed location and finish of parking and loading spaces, vehicular and pedestrian access, and manoeuvring areas, and proposed traffic circulation within the site.
- (g) The extent of cross leased site.
- (h) Details of existing and proposed landscaping and screening on the site including materials, location and height.
- (i) The extent and the depth of any earthworks.

**Rule 16.17.3
Specific Requirements for
Subdivision in Addition to
the Requirements of
16.17.1 and 16.17.2**

**Specific Requirements for Subdivision in Addition to the
Requirements of 16.17.1 and 16.17.2**

Applications for subdivision shall include as far as applicable to any particular application:

- (a) All the information required under Rules 16.17.1 and 16.17.2.
- (b) Where appropriate, technical reports addressing the suitability of, and/or constraints on, the sites to be created in terms of geotechnical, hydrological or other hazards. Such reports shall be prepared by suitably qualified registered engineers and should follow the general format prescribed in Part 2 of the "Standards for Engineering Design and Construction".
- (c) Where defined areas for buildings are required by the District Plan or proposed for technical reasons under (b) above, they shall be detailed on the plans and shall be staked on the ground prior to submission of the application.
- (d) Any specialist reports, such as Forest Quality Assessments, Hydrological neutrality, and on-site sewage treatment and disposal required by the District Plan.
- (e) All information specified in section 219 of the Act.
- (f) Details of all existing and proposed covenants, bonds, amalgamation conditions, easements and building line restrictions affecting the land.

**Rule 16.17.4
Elevations**

Elevations

Elevations of all existing and proposed buildings shall be provided, which shall show, as far as may be applicable to any particular application:

- (a) The external appearance, including the location and size of windows and other openings, and the materials used in the cladding and roofing of the building.



- (b) The height in relation to ground level around the external foundations of the building.
- (c) The existing ground level at the site boundaries adjacent to the building.
- (d) Where the Council considers that a proposed development approaches the maximum height, or height in relation to boundary permitted, it may require information certified by a registered surveyor, to establish that the development will comply with these requirements.
 - (i) A suitable permanent datum point shall be established as a reference mark for all levels, and the location of this datum shall be shown on a plan submitted by the surveyor.
 - (ii) The plans must show the levels of all floors and the level of the highest point of the roof in terms of the surveyor's datum.
 - (iii) The plans relating the highest point of the roof, or other relevant point(s), to the relevant height control, must be endorsed by the surveyor to certify compliance or otherwise.
- (e) All the above shall be carried out prior to the application being considered.

Note: During construction further information from a registered surveyor may be required, to certify that the building is constructed in accordance with the resource consent.

**Rule 16.17.5
Floor Plans**

Floor Plans

Floor plans shall be provided which indicate as far as may be applicable to any particular application, the layout of each floor of every building, whether existing or proposed, and the present and proposed future use to which each or any part of these buildings is to be put.

**Rule 16.17.6
Report: Assessment of Effects**

Report: Assessment of Effects

- (a) In addition to the requirements above, applications must include an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated (section 88 (4) of the Act).
- (b) An environmental effect is any change to the environment created by an activity. This includes effects on ecosystems, natural resources, physical resources and people.
- (c) The Assessment of Effects report shall be of a scope and detail that is in proportion to the scale and significance of the potential effects of the activity for which consent is sought.
- (d) In the case of a Controlled Activity or Restricted Discretionary Activity, the assessment need relate only to the matters over which the Council has reserved its discretion, as stated in the relevant rules.
- (e) Where the plans and information provided are basic, lacking necessary

information, or where an inadequate assessment of effects is provided, the Council may request further information before considering the application.

- (f) It is not adequate in an assessment of environmental effects to simply state that there are environmental effects.

**Rule 16.17.7
Matters to be Addressed**

Matters to be Addressed

The matters that should be included in an assessment of effects are set out in section 88(4) and the Fourth Schedule to the Act. Consideration should be given to any positive, as well as adverse effects. As well as the matters set out in the Fourth Schedule, assessments should include, where appropriate, an assessment of effects on:

- (a) Adjacent activities in terms of effects of noise, traffic generation, odour, shading, vibration, dust or glare;
- (b) Existing and proposed infrastructure including roads, stormwater, water supply and sewerage utilities, reserves;
- (c) Collection, storage and disposal as may be relevant, of stormwater, sewage, solid waste and hazardous materials;
- (d) Sites, buildings or objects of significant heritage, cultural, ecological, or landscape value identified in the Plan;
- (e) Amenity values of the locality or area;
- (f) Natural hazards such as flooding, instability, erosion or inundation;
- (g) The character of the use, such as hours of operation, traffic generation, machinery or processes to be used on site, noise levels, number of employees, number of persons living on the site;
- (h) The suitability of the land for the proposed use, building or development and the techniques which are proposed to make the land suitable, if required.



GLOSSARY OF TERMS

Sound Pressure (dBA)

A measurement of sound pressure level that has frequency characteristics modified by a filter, to more closely approximate the frequency bias of the human ear. A dBA measurement will better represent the loudness of a sound as perceived by human hearing than a dB measurement. dBA is, therefore, different from dB, which is a measure of sound rather than of apparent loudness.

L_{max}

The maximum sound pressure level measured during the sampling period.

L_{eq}

The time averaged noise level (on a log/energy basis).

L_{dn}

The L_{dn} noise level is the time average sound level in decibels over a 24 hour period, with the addition of 10 dB to night time levels during the period from midnight to 0700 hours and from 2200 hours to midnight, to take account of the increased annoyance caused by noise at night.

Notional Boundary

Means the line 20 metres from any side of a dwelling, a childcare facility, educational facilities, or homes for the aged and daycare facilities for the elderly and disabled, or the legal boundary where this is closer to the dwelling, childcare facility, educational facilities, or homes for the aged and daycare facilities for the elderly and disabled.

Noise

A sound that is unwanted by, or distracting to, the receiver.

Octave Band

Octave bands are a measure of the frequency distribution of noise and are a range of frequencies, where the highest frequency included is twice the lowest frequency. Octave bands are referred to by their centre frequencies being 31.5Hz, 63Hz, 125Hz, 250Hz, 500Hz, 1kHz, 2kHz, 4kHz, 8kHz, and 16kHz for the audible range of sound.

NZS 6802:1999

New Zealand Standard NZS 6802:1999 "Acoustics - Assessment of Environmental Sound"

NZS 6801:1999

New Zealand Standard NZS 6801:1999 "Acoustics - Measurement of Environmental Noise"

NZS 6803:1999

New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise"

APPENDIX 16B

STATUTORY ACKNOWLEDGEMENT AND STATUTORY AREAS – NGATI MANUHIRI CLAIMS SETTLEMENT ACT 2012

Ngati Manuhiri settled its Treaty of Waitangi claim with the Crown in 2012. The settlement, which was formalised by the Ngati Manuhiri Claims Settlement Act 2012 (Settlement Act), includes a formal Statutory Acknowledgement by the Crown that Ngati Manuhiri has a particular cultural, spiritual, historical and traditional association with following 13 Statutory Areas that are controlled by the Crown:

- Mount Tamahunga (as shown on OTS-125-11)
- Motu Hawere, comprising the remainder of Leigh Recreation Reserve after excluding the Leigh Recreation site and Goat Island and Goat Island Scientific Reserve (as shown on OTS-125-12)
- Ngaroto Lakes, comprising Slipper Lake, Spectacle Lake and Tomarata Lake (as shown on OTS-125-19)
- Tohitohi o Reipae (as shown on OTS-125-20)
- Pohuehue Scenic Reserve (as shown on OTS-125-22)
- Kawau Island Historic Reserve (as shown on OTS-125-23)
- Coastal statutory acknowledgement area (as shown on OTS-125-06)
- Hoteo River (as shown on OTS-125-15)
- Puhoi River (as shown on OTS-125-14)
- Pakiri River (as shown on OTS-125-16)
- Poutawa Stream (as shown on OTS-125-17)
- Matakana River (as shown on OTS-125-18)
- Waiwerawera (as shown on OTS-125-21)

The purpose of the Statutory Acknowledgement is set out in section 28 of the Settlement Act, which requires Council to:

- have regard to the statutory acknowledgement when making a decision on affected persons under section 95E of the Resource Management Act, as provided for in sections 29 to 31 of the Settlement Act;
- require consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in section 33 of the Settlement Act; and
- enable the trustees and members of Ngati Manuhiri to cite the statutory acknowledgement as evidence of the association of Ngati Manuhiri with a statutory acknowledgement area, as provided for in section 34 of the Settlement Act.

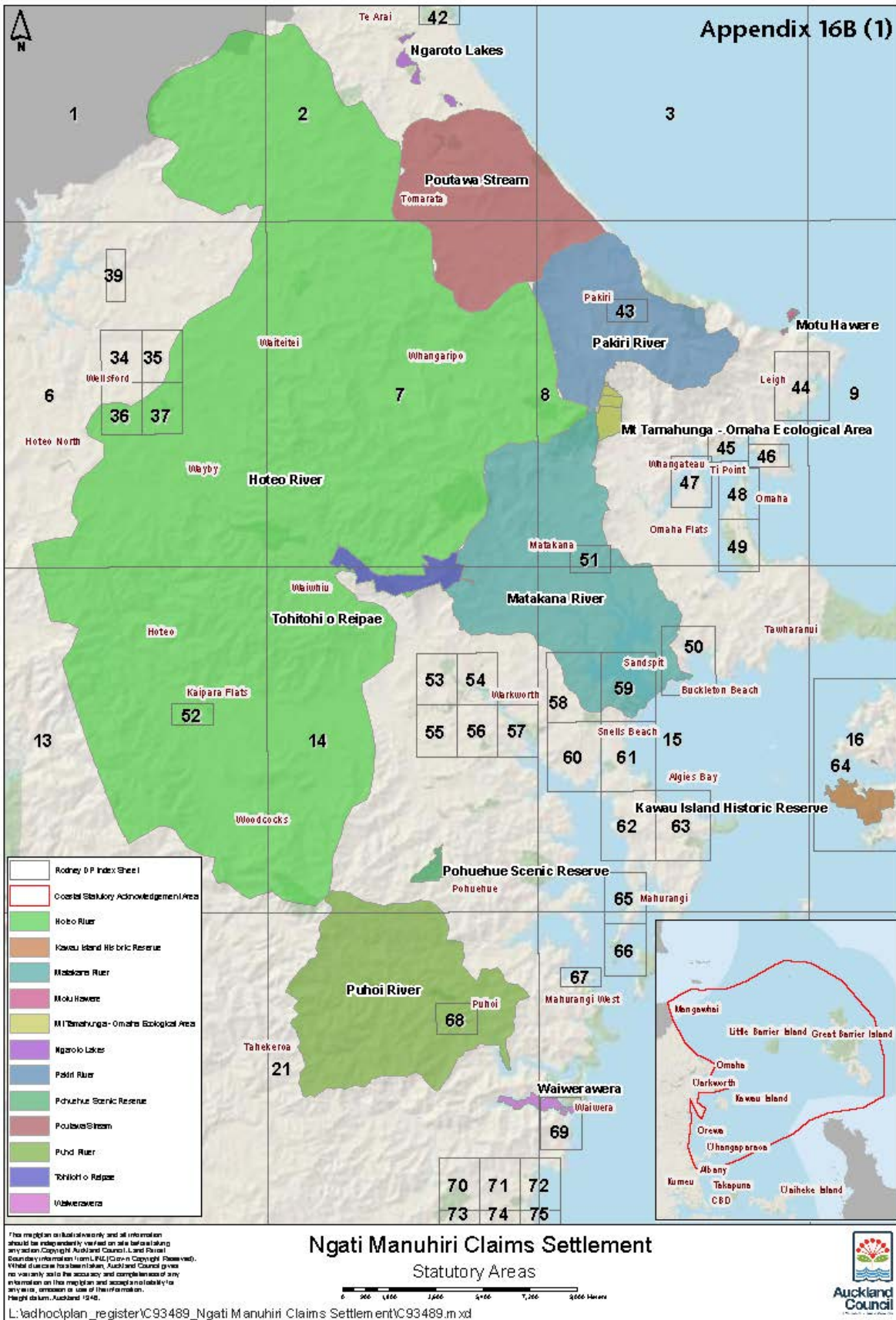
The Statutory Areas are indicated on Appendix 16B(1) and affect the following Planning Maps: 1, 2, 3, 6, 7, 8, 9, 13, 14, 15, 16, 21, 22, 26, 27, 28, 35, 36, 37, 50, 51, 52, 58, 59, 64 and 68 (refer section 32(2)(b) of the Settlement Act). Appendix 16B(2) sets out in full the provisions of section 26-31 and 33-36 of the Settlement Act (refer section 32(2)(a) of the Settlement Act).

Appendix 16B(3) contains the statements of association for the statutory areas (refer section 32(2)(c) of the Settlement Act).

Further information may be obtained on the deed of settlement including maps of the statutory areas by referring to the Ngati Manuhiri Claims Settlement Act 2012 found on the Office of Treaty Settlement website (www.ots.govt.nz).

(Note: This section is not part of the District Plan. It has been inserted for information in accordance with the requirements of Section 32 of the Ngati Manuhiri Claims Settlement Act 2012.)

Appendix 16B (1)



APPENDIX 16B(2)

26 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statements of association means the statements—

(a) made by Ngāti Manuhiri of their particular cultural, spiritual, historical, and traditional association with the statutory areas; and

(b) that are in the form set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 27 in respect of each statutory area, on the terms set out in this subpart

statutory area means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

27 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

28 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in sections 29 to 31; and

(b) to require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in section 33; and

(c) to enable the trustees and members of Ngāti Manuhiri to cite the statutory acknowledgement as evidence of the association of Ngāti Manuhiri with a statutory area, as provided for in section 34.

29 Relevant consent authorities to have regard to statutory acknowledgement

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under [section 95E](#) of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

(2) Subsection (1) does not limit the obligations of a relevant consent authority under the [Resource Management Act 1991](#).

30 Environment Court to have regard to statutory acknowledgement

(1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under [section 274](#) of the Resource Management Act 1991, whether the trustees are persons who have an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

(2) Subsection (1) does not limit the obligations of the Environment Court under the [Resource Management Act 1991](#)

31 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

(1) This section applies if, on or after the effective date, an application is made under [section 11](#) or [12](#) of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area.

(2) The Historic Places Trust must have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under [section 14](#) of the Historic Places Act 1993 in relation to the application, including in determining whether the trustees are directly affected by an extension of time.

(3) The Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under [section 20](#) of the Historic Places Act 1993 an appeal against a decision of the Historic Places

Trust in relation to the application, including in determining whether the trustees are directly affected by the decision.

- (4) In this section, **archaeological site** has the meaning given by [section 2](#) of the Historic Places Act 1993.

32 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, a relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
- (a) the provisions of sections 26 to 31 and 33 to 36 in full; and
 - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) any statements of association for the statutory areas.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
- (a) part of the statutory plan; or
 - (b) subject to the provisions of [Schedule 1](#) of the Resource Management Act 1991.

33 Provision of summaries or notices of certain applications to trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
- (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under [section 145\(10\)](#) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under [section 95B](#) of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.
- (3) A summary of an application must be provided under subsection (1)(a)—
- (a) as soon as is reasonably practicable after the consent authority receives the application; but
 - (b) before the consent authority decides under [section 95](#) of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
- (a) under [section 95](#) of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under [section 95E](#) of that Act, to decide whether the trustees are affected persons in relation to an activity.

34 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Manuhiri may, as evidence of the association of Ngāti Manuhiri with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under [Part 6AA](#) of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) relevant consent authorities;
 - (b) the Environmental Protection Authority or a board of inquiry under [Part 6AA](#) of the Resource Management Act 1991;
 - (c) the Environment Court;
 - (d) the Historic Places Trust;
 - (e) parties to proceedings before those bodies:

- (f) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Ngāti Manuhiri are precluded from stating that Ngāti Manuhiri has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

APPENDIX 16B(3)

MOUNT TAMAHUNGA

Statutory Area

The area to which the Statutory Acknowledgement applies is Mount Tamahunga, as shown on deed plan OTS-125-11.

Ngāti Manuhiri Statement of Association

Maunga Tamahunga (also known in part as the Omaha Ecological Area) is a maunga tapu, or sacred peak of iconic importance to Ngāti Manuhiri. As the highest peak within the mainland area of the Ngāti Manuhiri rohe, the mountain is of particular spiritual, cultural and historical importance. Maunga Tamahunga is also boundary marker. It is central to the identity of Ngāti Manuhiri and is greeted in oratory on the marae:

Kō Tamahunga te maunga
Kō Te Hauturu-o-Toi te motu whakahirahira
Kō Te Moana nui ō Toi te moana
Kō Manuhiri te tupuna Kō
Ōmaha te marae Kō Te Kiri te
wharenuī
Kō Ngāti Manuhiri te iwi

Maunga Tamahunga is literally the —ancestral head|| of Ngāti Manuhiri. While the upper part of the mountain was imbued with tapu, its forested slopes traditionally provided a vast resource of food, building materials and rongoa for Ngāti Manuhiri. The mountain contains wāhi tapu of significance to Ngāti Manuhiri. Its forests provided a refuge for Ngāti Manuhiri in times of trouble, from early times to 1825 following the battle of Te Ika ā Ranganui. In 1864 Maunga Tamahunga became the temporary home of several hundred Māori prisoners of war who had been captured during the Crown’s invasion of the Waikato and interned on Kawau Island, but who escaped from Kawau Island with Ngāti Manuhiri assistance. At this time a fortified pā was constructed on the summit of the mountain. Today Maunga Tamahunga is also valued as an important ecological area within the Ngāti Manuhiri rohe as it contains areas of unmodified forest and is the home of significant bird species like the kākā, kākāriki and miromiro, and the pēpeke or Hochstetter’s frog.

MOTU HĀWERE (COMPRISING THE REMAINDER OF THE LEIGH RECREATION RESERVE FOLLOWING VESTING OF THE LEIGH RECREATION RESERVE SITE AND GOAT ISLAND SCIENTIFIC RESERVE)

Statutory Area

The area to which this Statutory Acknowledgement relates is Motu Hāwere, as shown on deed plan OTS-125-12.

Motu Hāwere Statement of Association

Motu Hāwere (Goat Island) is of central importance to the identity of Ngāti Manuhiri. The area is an iconic reminder of the early origins of Ngāti Manuhiri and their links with the earlier iwi of the area, including Ngāi Tāhuhu.

Motu Hāwere which shelters Wakatūwhenua, has the longer traditional name of Te Hāwere ā Maki, ‘the ear pendant belonging to Maki’. This sacred name is associated with Maki who led the conquest of the area in the late seventeenth century. Maki was the father of Manuhiri, the eponymous ancestor of Ngāti Manuhiri. The mana and mauri of this name and landmark, and the waters that surround it, is thus of immense significance to the iwi. The island was occupied as a fortified pā by the Ngāti Manuhiri warrior ancestor

Maeaea, who was a grandson of Manuhiri. It was on the basis of descent from Maeaea that Ngāti Manuhiri received title to Motu Hāwere in 1901.

The adjoining land was maintained as a kāinga and cultivation by Ngāti Manuhiri for many generations until after early European settlement. The land, known as the Wakatūwhenua Block, part of which forms the Leigh Recreation Reserve, was specifically reserved from sale to the Crown at the request of the Ngāti Manuhiri rangatira Te Kiri Kaiparaoa in 1861.

The alienation of Wakatūwhenua and Motu Hāwere are symbolic of the fragmentation and loss suffered by Ngāti Manuhiri in the colonial period. Ngāti Manuhiri nevertheless recognise the significant ecological, scientific, educational and recreational values of Motu Hāwere and Wakatūwhenua, and are committed to jointly conserving these values as well as the area's spiritual, cultural and historical values, into the future.

NGĀROTO/LAKE SPECTACLE, SLIPPER LAKE AND LAKE TOMARATA

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Ngāroto, also known as Lake Spectacle, Slipper Lake and Lake Tomarata, as shown on deed plan OTS-125-19.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Ngāroto (Lake Spectacle and Slipper Lake) and Roto Tomarata (Lake Tomarata)

These three fresh water lakes are the largest sand dune impounded lakes of their type on the eastern coastline of the Auckland region. The two northern lakes lie inland and to the south of Te Ārai ō Tāhuhu (Te Ārai Point) and are known jointly as Ngāroto, literally 'the lakes'. The southern most lake is Roto Tomarata named after a sacred rata tree, Te Toma rata tapu, that was an important burial place. All three lakes are located on the Wai kerī ā Wera Block which was purchased from Ngāti Manuhiri by the Crown in 1859. These fresh water lakes and their wetland margins provided a valued source of fresh water, food and weaving materials, and were focal points for settlement. Roto Tomarata is particularly significant to Ngāti Manuhiri as it was one of the dwelling places of the ancestor Kahikatearoa, the son of Manuhiri, and its environs were the resting place of many illustrious ancestors.

TOHITOHI Ō REIPAE/THE DOME

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Tohitohi ō Reipae/The Dome, as shown on deed plan OTS-125-20.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Tohitohi ō Reipae, also known as The Dome.

Tohitohi ō Reipae is a prominent land mark lying to the north west of Puhinui (Warkworth). This mountain was an important traditional boundary marker and is a significant historical reminder of the early ancestral origins of Ngāti Manuhiri. The mountain takes its name from the ancient and famous Tainui ancestress Reipae, who is said to have travelled north from the Waikato in the company of her sister, Reitu, who was seeking the hand of a leading northern chief Ueoneone. Unusually Reipae and Reitū travelled on the back of a large pouākai or eagle. On their journey they alighted at Taurere ō Reipae at Pākiri and then at Tohitohi ō Reipae, before finally arriving at Whānga ā Reipae (Whāngarei). Here Reipae married the leading Ng āi Tāhuhu rangatira Tāhuhupōtiki. Ngāti Manuhiri are descendants of this union. The mountain continues to be significant landmark to Ngāti Manuhiri and is valued for its ecology including the Waiwhiu kauri grove.

PŌHUEHUE SCENIC RESERVE

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Pōhuehue Scenic Reserve, as shown on deed plan OTS-125-22.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Pōhuehue Scenic Reserve

This prominent scenic reserve located beside State Highway 1 is particularly valued by Ngāti Manuhiri as a visible and accessible remnant of the lush native forest that once covered the district. It takes its name from a native climber, the pōhuehue, that was valued for its tenacity. The name of the reserve is also valued as a reminder of the Ngāti Manuhiri ancestor Pōhuehue who was the father of the twentieth century Ngāti Manuhiri leader Tenetahi Te Riringa.

KAWAU ISLAND HISTORIC RESERVE

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known Te Kawau Tūmārō ō Toi, also known as Kawau Island Historic Reserve, as shown on deed plan OTS-125-23.

Cultural, Spiritual, Historical and Traditional Association of Ngāti Manuhiri with Te Kawau Tūmārō ō Toi, also known as Kawau Island

Te Kawau Tūmārō ō Toi – the sentinel cormorant of Toi – is of major cultural, spiritual, and historical significance to Ngāti Manuhiri. The island is one of several iconic landmarks in the Ngāti Manuhiri rohe, including Te Hauturu-o-Toi / Little arrier Island, that were named after the illustrious ancestor Toi Te Huatahi. Together, they form Ngā Poitō ō Te Kupenga ō Toi Te Huatahi – the floats of the fishing net of Toi – or the islands that stand in Te Moana Nui ō Toi – the great sea of Toi (the northern Hauraki Gulf).

Through ancient whakapapa, Ngāti Manuhiri are direct descendants of Toi Te Huatahi. The relationship of Ngāti Manuhiri with the island extends back through descent from Manaia, not only to Toi Te Huatahi but also to the ancestor and atua, Maui. Ngāti Manuhiri came to occupy the island in the late seventeenth century after they and their Te Kawerau relatives defeated the local people at the battle of Huruhuruwaea on the adjoining mainland. Ngāti Manuhiri occupied Kawau Island mainly for the purpose of fishing, as its soils were infertile and there was a shortage of fresh water in summer. Occupation by Ngāti Manuhiri continued until the disruption of Te Pakanga ā Te Pū - the musket wars of the 1820s and 1830s. After the alienation of the island without the participation of Ngāti Manuhiri in the 1840s, the iwi continued to maintain kāinga on the mainland immediately adjoining Kawau Island at Mangatāwhiri (Jones Bay), Tāwharanui, and Waikauri, which was occupied until 1912. Ngāti Manuhiri sailing vessels, operated by rangatira such as Tenetahi Te Riringa, provided a trading service for the copper mine on the island until the 1850s, and later for Sir George Grey who purchased Kawau Island in 1862. This shipping service was maintained by Tenetahi's sons Wi Taiawa Paraone and Kiri Paraone until the early twentieth century. The Ngāti Manuhiri rangatira Te Kiri Kaiparaoa visited Grey regularly on the island during the 1860s and, according to Ngāti Manuhiri tradition, was presented with a sword at Mansion House at around 1864. Since the 1980s Ngāti Manuhiri has assisted the Hauraki Gulf Marine Park Board, and its successor the Department of Conservation, in planning for the management of the historic reserve.

COASTAL STATUTORY ACKNOWLEDGEMENT AREA

Statutory Area

The area to which this Statutory Acknowledgement applies is the Ngāti Manuhiri Coastal Acknowledgement Area, as shown on deed plan OTS-125-06. This statutory acknowledgment should be considered alongside the Ngāti Manuhiri statutory acknowledgments for the adjoining coastal environment, rivers and the offshore islands.

Statement of Association for the Ngāti Manuhiri Coastal Statutory Acknowledgement Area

The coastal marine area and the coastal environment adjoining are central to the origins, mana and identity of Ngāti Manuhiri as an iwi, and as part of the ocean-focused tribal grouping Ngāti Waiki te Moana.

Ngāti Manuhiri have an important ancestral relationship with the coastal marine area extending from Mangawhai (the Mangawhai Harbour) to Matakanakana (the Matakana Estuary). Broader and shared ancestral interests are also maintained within a coastal area covering the seaway known as Te Moana Nui ō Toi – the great sea of Toi (the central and northern Hauraki Gulf). In the north, Ngāti Manuhiri share ancestral relationships and interests from Paepae ō Tū (Bream Tail) on the eastern coastline, out to the islands of Tūturu (Sail Rock) and Pokohinu (the Motuhinau Island group).

The Ngāti Manuhiri coastal statutory acknowledgement area encompasses the islands of Hauturu-o-Toi / Little Barrier Island, and Aotea (Great Barrier Island), where Ngāti Manuhiri have shared ancestral interests, including on Rangiahua (Flat Island), Motu Mahuki, Motu Taiko, and their marine environs. Ngāti Manuhiri accept that their relatives Ngāti Rehua act as primary kaitiaki of these interests at Aotea.

The southern boundary of the Ngāti Manuhiri coastal statutory acknowledgement area extends from the south western extremity of Aotea Great Barrier Island) through the seas known traditionally as Taitūmata and Te Awanui ō Hei, to Takapou (Channel Island). It then runs westward through the seaway known as Moana Te Rapu, to the south of the Whāngaparāoa Peninsula, to reach the eastern coastline of the Auckland region at Ōkura. There are places of spiritual, historical, cultural and economic importance to Ngāti Manuhiri along the entire coastline between Ōkura and Paepae ō Tū (Bream Tail). Seaways of particular significance to Ngāti Manuhiri include Waimiha (Ōmaha Bay) which was associated with the annual whale migrations described below, Moanauriuri (Kawau Bay), and Waihi (the North Channel of Kawau Bay). This latter area is a place of particular mana associated with the landmarks and ritually important areas of Karangatuoro, Matatūahu, Tangaroa and Tokatū.

Te Moana Nui ō Toi Te Huatahi – The Great Sea of Toi Te Huatahi

Ngāti Manuhiri trace descent from the famous early Māori ancestor and voyager Toi Te Huatahi, after whom Te Moana Nui ō Toi (the central and northern Hauraki Gulf) is named. This ocean area, and its mauri or spiritual essence, kaitiaki or spiritual guardians, biodiversity, seaways, islands, and traditions, lie at the heart of the identity of Ngāti Manuhiri. Te Moana Nui ō Toi, and its islands and coastal margins are also associated with the earliest ancestral origins of Ngāti Manuhiri, through descent from the ancestors Maui Pae, Manaia, and Tahuhuniorangi. This seaway was also associated with the arrival of the Tainui and Aotea waka in the region, and the renowned ancestors Rakataura and Turi from whom the eponymous ancestor Manuhiri descends.

The importance of the coastal area to Ngāti Manuhiri over many generations is reflected by ancient whakataukī and waiata, traditions associated with the ocean, the sailing and navigational skills of the tribe, and the adornment of Ōmaha Marae as the present day focal point of the iwi today. Tradition tells us that Te Moana Nui ō Toi was a place of arrival for famous ancestral voyaging canoes, a place intimately associated with the early ancestors of Ngāti Manuhiri, a place that is watched over by kaitiaki or spiritual guardians, and a vast economic resource that was jealously guarded and coveted over many generations.

Ngā Pōito ō Te Kupenga ō Toi Te Huatahi – The Floats of the Fishing Net of Toi Te Huatahi

The motu (islands), motu nohinohi (islets) and kōhatu (rocks) that lie within the coastal area of significance to Ngāti Manuhiri are known collectively as Ngā Pōito ō Te Kupenga ō Toi Te Huatahi – –the floats of the fishing net of Toi Te Huatahi. Several of them are particularly significant as they carry the name of the ancestor Toi, with examples being Ngā Taratara ō Toi (the Needles at the northern tip of Aotea), Te Kawau Tūmārō ō Toi (Kawau Island), and Te Hauturu-o-Toi / Little Barrier Island. The following waiata oriori (lullaby) illustrates the collective spiritual unity of these islands, and their importance to Ngāti Manuhiri, who occupied Hauturu-o-Toi / Little Barrier Island until 1896.

Me piki taua ki te tihi
ō Hauturu muia ao.
Ka matakītaki taua
ki ngā pōito ō te kupenga
ō Toi Te Huatahi.
E tama tangi kine, ē!

Let us climb to the summit
of Hauturu wreathed in cloud. Here
we can view
the floats of the fishing net of Toi Te Huatahi. Oh
child crying distressfully, e!

The larger islands were occupied permanently, provided a wide range of food and were protected by fortified pā. Of particular importance were the manu oi (mutton bird species) that were harvested in early summer and preserved in their own fat. This delicacy was traditionally offered to distinguished guests and was central to the identity of Ngāti Manuhiri. The widespread introduction of pests such as the ship rat, and the alienation of the islands in the nineteenth century, made it difficult for Ngāti Manuhiri and others to obtain manu oi. Ngāti Manuhiri continued to accompany their relatives to harvest tītī from Pokohinu (the Mokohinau Island Group) until wartime restrictions were introduced around 1940.

Ngā Tohorā Kaitiaki ā Manaia – the Guardian Whales of Manaia

Several of the islands located within Te Moana nui ō Toi hold significance to Ngāti Manuhiri as descendants of the renowned northern ancestor Manaia I. Ngāti Manuhiri tradition explains that the ancestor Manaia I communed with the vast numbers of whales that migrated though the seas off the eastern coast of the region. A retinue of whales always accompanied him on his voyages and became his mōkaikai (pets). Prior to his death, Manaia I turned several of these whales into stone and placed them throughout his ancestral domain as markers of the area over which he held mana, and as kaitiaki (guardians) for his descendants. The kaitiaki that are associated with Ngāti Manuhiri and their close relatives include: Te Tohorā ā Manaia (an islet of the south western end of Aotea), and Te Mau Tohorā ā Manaia (Motuora Island) located to the north of the Mahurangi Harbour entrance.

The annual whale migrations through Te Moana nui ō Toi were of major significance to Ngāti Manuhiri, and remain so. They symbolise ancestral associations, the changing of the seasons, and the rich marine biodiversity contained within this vast ocean area. The coastal seaways between Whāngaparāoa, the bay of the sperm whales', and Tokatū Point, provided a resting place for migrating whales and their calves. The seaway lying to the north of Tāwharanui, and extending towards Hauturu-o-Toi / Little Barrier Island, was known traditionally as Waimiha or Te Aumiha. This name has layers of meaning relating to the whale calves that rested in the coastal waters, the ambergris cast ashore by the whales, and the heavy seas that arise in this area. Whales often stranded on this part of the coast, in particular on the northern side of the Tokatū Peninsula, bringing a rich bounty for Ngāti Manuhiri. On occasions whales were also caught by the young men of the tribe, both as a symbol of manhood and as a resource. The name of the nineteenth century Ngāti Manuhiri leader Te Kiri Kaiparaoa symbolises this activity and the exercise of rangatiratanga:

He reirei ngā niho parāoa, he parāoa ngā kauae.

If you wear a necklace of sperm whale teeth, you need the jaws of a sperm whale to carry them||.

Te Ao ō Tangaroa - The Realm of Tangaroa

The seas of Te Moana Nui ō Toi provided a vast source of food for Ngāti Manuhiri over the generations, including sea mammals, a great variety of fish, shellfish, seaweed and sea birds. Knowledge relating to the location and resources of individually named tauranga ika (fishing grounds) was handed down over the generations until this practice was disrupted by the introduction of modern sonar devices. Of particular

importance to Ngāti Manuhiri were tauranga ika associated with whāpuku (groper), tarakihi, tawatawa (mackerel), tāmure (snapper), kahawai, and haku (kingfish). The tauranga mango (shark fishing grounds) of Kawau Bay were used by Ngāti Manuhiri and others to catch the school shark species known locally as muri. This important winter food source was coveted by iwi and became the cause of significant conflict in the eighteenth century. Ngāti Manuhiri continued to harvest muri from this area regularly until the establishment of a shark oil processing factory at Sandspit in the late nineteenth century, and periodically until the 1920s.

Te Takutaimoana – the Coastline

The coastline extending between the Whāngaparāoa Peninsula and Paepae ō Tū (Bream Tail) includes a wide range of rocky, sandy and estuarine marine habitats, once rich in a variety of inshore fish species, koura and shellfish. Ngāti Manuhiri were traditionally reliant on this kaimoana resource, which was harvested seasonally according to strict customary practices until the alienation of most of the Ngāti Manuhiri tribal domain by the late nineteenth century. In spite of this, the Ngāti Manuhiri rangatira Te Kiri Kaiparaoa continued to assert rights over the resources of the coastline between Tokatū and Pākiri until his death in 1873. Prior to the introduction of animal pest species, deforestation and land clearance in the mid nineteenth century, the coastal environment also contained seal colonies, for example Te Pūrei Kekenō at Hāwera (Tī Point). There were also large seabird breeding colonies on most of the larger coastal headlands from which birds and eggs were harvested. Settlement was focused around sheltered bays, harbours and river mouths, with fortified pā protecting the resources of each of these communities.

Places of special significance to Ngāti Manuhiri on this coastline include: Tiritiri Mātangi Island, named after the Waikato birthplace of the eponymous ancestor Manuhiri, Whangaparāoa, the bay of the sperm whales, Motu Mahurangi (Mahurangi Island), Awa Waiwerawera (the Waiwera River), Te Awa Pūhoi (the Pūhoi River), Te Muri ō Tarariki, Waihē (the Mahurangi River), Te Korotangi (a fortified pā), Ōpahi, Motu Kororā (Saddle Island), Matakanakana (a fortified pā), Awa Matakanakana (Matakana Harbour and River), Purahurawai (Scandrett's Bay/Mullet Point), and the islands of Te Mau Tohorā ā Manaia (Motuora), Moturekareka, Motumanu, Motuketekete, Taungamārō, Takangaroa, Ruakoura, Tangaroa, and Te Kawau Tūmārō ō Toi (Kawau Island).

The coastline extending from Matakanakana northward around the Tokatū Peninsula to Whāngateau contains numerous areas of significance to Ngāti Manuhiri. These include traditional inshore fishing grounds, netting and kaimoana gathering areas, pā, kāinga, wāhi tapu, tū ahu, and navigational and historical landmarks. Examples are provided by: Waimarumarū, Wai ihe, Pākaraka, Karangatuoro, Te Ngaere, Waikauri, Matatūahu, Ōponui (a fortified pā), Mangatāwhiri, Pāhī (a fortified pā), Tokatū, Waikōkōwai, Pukeruhiruhi (a fortified pā), Waimarū, Waitapu, Te Kieke, Te Wairenga and Te Taumutu (Ōmaha Spit), Whāngateau, Waikōkopu, Uruhau, Pātito (a fortified pā), Koekoea (a fortified pā), Hāwera, Te Pūrei Kekenō, Piupiu (a fortified pā), Kohuroa (Matheson Bay), Whānga ō maha (Leigh Harbour), Panetiki, Motururu, Wakatūwhenua, Motu Hāwera, Ōkākari (a fortified pā), Pitokuku, Taumata (a fortified pā), Ngā One Haea (Pākiri Beach), Te Ārai ō Tāhuhu (a fortified pā), Mangawhai, and Paepae ō Tū (Bream Tail). Several of these coastal sites, including the main harbours and the region's longest east coast beach, are of particular significance to Ngāti Manuhiri as outlined below.

Mangawhai Harbour

Mangawhai - the estuary of the whai (stingray) – is of major historical, cultural and spiritual importance to Ngāti Manuhiri. Mangawhai was one of the homes of Kahikatearoa, the son of Manuhiri. The estuary provided shelter for those travelling by canoe from Mahurangi to Whāngarei. An overland pathway also linked the head of the harbour at Ōawatea with the Ōruāwharo area on the Kaipara Harbour. A variety of fish were netted from the harbour, although this did not include the whai which is a kaitiaki to Ngāti Manuhiri. Following the battle of Ika ā Ranganui fought against a combined northern force near Kaiwaka in 1825, heavy losses were sustained by Ngāti Manuhiri at Mangawhai and Te Ārai. As a result the area became tapu and was not permanently occupied at the time of early European settlement.

Ngā One Haea – Pākiri Beach

The coastline adjoining Ngā One Haea (Pākiri Beach) has long been renowned for its high quality glistening white sand', which is the origin of its traditional name. The beach provided an important coastal pathway until the mid nineteenth century and remains emblematic to the identity of Ngāti Manuhiri. Settlements were located right along the beach, with a focus on the stream mouths and the dune impounded freshwater lakes. These settlements were protected by fortified pā, including: Ōkakari, Pākiri and Taurere o Rei in the south, Whetūmākurukuru, Ōpuāwanga and Putukākā in the central area, and Te Ārai ō Tāhuhu in the north.

Kaimoana taken from the seas adjoining Ngā One Haea sustained Ngāti Manuhiri over the generations, and continues to enable the provision of hospitality at Ōmaha Marae. A particular feature were tuatua harvested from the beach, as well as paua and kūtai (mussels) taken from Pitokuku, Wakatūwhenua and Motururu. Pākiri was famed for the snapper run that took place in September, with thousands of fish being dried and smoked. Kanae (mullet) were netted in large numbers along the beach and in the Pākiri River, and kahawai were caught around the river and stream mouths. Makawhiti (herrings) and inanga (whitebait) were also prolific in the Pākiri River.

The coastline adjoining the southern end of Ngā One Haea is associated with the largest remaining Ngāti Manuhiri community at Pākiri, and is of symbolic importance as the last piece of coastal land on the east coast remaining in Māori ownership between Auckland and Whāngarei. The Ngāti Manuhiri relationship with Pākiri-Mangawhai coastal sand resource was recognised by the Planning Tribunal in 1993.

Whānga ō Maha – Leigh Harbour

Whānga ō Maha is the traditional name for Leigh Harbour. This name refers to the importance of the harbour and the wide variety of natural resources that it offered. It gives its name to Ōmaha Marae and the Ōmaha Block located on the northern side of the harbour. This name of major significance to Ngāti Manuhiri became mislocated to the Whāngateau area in the late nineteenth century. The harbour offered a wide variety of kaimoana resources. It provided a sheltered anchorage and hauling out place for waka, and later for sailing vessels and fishing launches operated by Ngāti Manuhiri. The islet of Panetiki at the harbour entrance remains in the ownership of Ngāti Manuhiri, as does a coastal landing place providing access to Ōmaha Marae and Urupā.

Whāngateau Harbour

Whāngateau, the harbour of the strong tidal current', is a place of considerable historical and cultural significance. The traditional importance of this large harbour is illustrated by the fact that its resources were protected by six fortified pā. The sandbanks of the lower harbour and the Waikōkopu Inlet provided the most important source of pipi and tuangi (cockle) shellfish within the Ngāti Manuhiri rohe. A wide variety of fish could be caught around the harbour entrance and koura (crayfish) were taken from the rocky coastline surrounding Hāwera (Tī Point). A special delicacy traditionally associated with Whāngateau was the kūaka (godwit) that was harvested in summer. The coastal land surrounding Whāngateau was part of the controversial Dacre's Claim'. Ngāti Manuhiri occupied Whāngateau until the late nineteenth century, and continue to harvest resources there today.

Waihē – Mahurangi Harbour

Ngāti Manuhiri have a shared ancestral interest in Waihē (the Mahurangi Harbour) as descendants of Maki and his wife Rotu who occupied Te Korotangi Pā at the southern harbour entrance. Places of particular significance to Ngāti Manuhiri include: the island pā of Maunganui (Casnell Island), Motu Kauri (Grant's Island), Puhinui (the waterfalls at Warkworth), and Pukapuka Cemetery which remains in use at the head of the harbour. The traditional name for the harbour originates from the fact that its resources were jealously guarded and fought over down the generations.

Kō te iti ō Waihē, he puta kino nui – Even though Waihē (the disputed harbour) is not large, it has been the cause of great trouble.

Ongoing Association with the Coastal Area

Following the alienation of most of their coastal land in the nineteenth century, Ngāti Manuhiri continued to utilise the resources of the coastal marine area. The Ngāti Manuhiri rangatira Te Kiri Kaiparaoa operated the

coastal trading vessel industry from 1858. His son in law Tenetahi Te Riringa was a renowned sailing captain, operating such vessels as the Rangatira, and his sons Wi Taiawa and Kiri Paraone ran a trading service and commercial fishing operation out of Whānga ō Maha (Leigh Harbour) for many years. Ngāti Manuhiri were involved in commercial fishing operations in the area until recently, and continue to hold significant commercial fishing interests through the Ngāti Wai Trust Board. Ngāti Manuhiri were associated with the establishment and operation of the Hauraki Gulf Maritime Park in 1967, and have more recently played an active role on the Hauraki Gulf Forum established under the provisions of the Hauraki Gulf Marine Park Act 2000.

In their role as kaitiaki, Ngāti Manuhiri continue to play an active role in coastal planning, monitoring and management processes administered by the Auckland Council and the Department of Conservation. Ngāti Manuhiri has also played an active partnership role with the Auckland Council in the establishment and management of the Tāwharanui Open Sanctuary ecological restoration project, and its associated Marine Protection Area. As the iwi develops further capacity it looks forward to being fully engaged in exercising kaitiakitanga in partnership with other iwi, the Crown and the wider community, within its coastal acknowledgement area.

HŌTEO RIVER

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Te Awa Hōteō or the Hōteō River, as shown on deed plan OTS-125-15.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with the Hōteō River.

Kō Hōteō te awa
Kō Mangatū te pā
Kō Manuhiri te tangata
Kō Ngāti Manuhiri te iwi

Te Awa Hōteō (the Hōteō River) was an important traditional resource of Ngāti Manuhiri, and it remains a water body of major cultural, spiritual and historic significance to the iwi. The river has particular importance as the home of the eponymous ancestor Manuhiri who occupied pā at Tūtā, Umukuri and Mangatū where he lived until his death. The lower reaches of the river were also an important boundary marker between Ngāti Manuhiri and other groups. Until the late 1860s the lower river was the focal point of settlement for Uri ō Katea, a hapū of Ngāti Manuhiri who descended from Tūwhakaeketa, the second son of Manuhiri. Of special importance are Taihāmau and Iriwata, the sons of Tūwhakaeketa, who stand as stones in the river. They are located just above the Tarakihi rapids which marked the navigable upper reaches of the river.

From the time Ngāti Manuhiri settled the area in the late seventeenth century, kāinga and cultivations were maintained beside many parts of the river including at Hōteō, Te Awa pū, Mangakura, Mangatū, Awa Matangao and Kawakawa. The Hōteō River provided a wide range of fish, eels, kākahi and water fowl. Kāinga on the lower part of the river were renowned for their karaka groves from which ripe kernels were harvested in autumn. As the river extended many kilometres inland to Tomarata and Whāngaripo it provided a traditionally important east–west transport route.

PŪHOI RIVER

Statutory Area

The area to which this Statutory Acknowledgement applies is that section of the Pūhoi River located above the river mouth boundary with the coastal marine area, as shown on deed plan OTS-125-14.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Te Awa Pūhoi, also known as the Pūhoi River

Te Awa Pūhoi, also known as the Pūhoi River, and its tributaries Manga Hikauae and Manga Mhirau are of significance to Ngāti Manuhiri. Manuhiri, the eponymous ancestor of Ngāti Manuhiri, and his brothers Ngāwhetū and Maeaeariki lived beside the river in the late seventeenth century. The river provided an important inland route and food source. The river and its environs are also associated with several events of considerable importance in the traditions of Ngāti Manuhiri. At Mhirau on the upper reaches of Te Awa Pūhoi a major peacemaking meeting was convened by Ngāti Manuhiri and their Te Kawerau relatives with another iwi. The grand-daughter of Manuhiri, Te Kupe, was betrothed to a chief of this other iwi. The union was not successful and further conflict took place. When the land around the upper reaches of the river was sold to the Crown in 1862, the Ngāti Manuhiri rangatira Te Kiri Kaiparaoa sought the protection of a major wāhi tapu at Pūhoi because of its association with his ancestors.

PĀKIRI RIVER

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as the Pākiri River, as shown on deed plan OTS-125-16.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with the Pākiri River

Te Awa Pākiri (the Pākiri River) has been an important resource and landmark for Ngāti Manuhiri from the earliest period of settlement until the present. The river takes its name from Pākiri, the headland pā which has guarded its mouth from the time of Kahikatearoa, son of Manuhiri. The river was navigable for several kilometres and provided a sheltered anchorage for both river and ocean going canoes. It also provided an important source of food which included tuna (eels), kanae (mullet), and waterfowl. Weaving and building materials were gathered from the lower reaches of the river at Raupōroa. The river also marked the southern boundary of the Pākiri Block which was the largest area of land retained by Ngāti Manuhiri after Crown purchases of the mid nineteenth century. The river remains central to the identity of Ngāti Manuhiri today.

POUTAWA STREAM

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as the Poutawa Stream, as shown on deed plan OTS-125-17.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with the Poutawa Stream

Wai Poutawa, also known as the Poutawa Stream, and its associated wetland was a focal point for Ngāti Manuhiri settlement on the coastline between Pākiri and Te Ārai ō Tāhuhu (Te Ārai Point) until the mid nineteenth century. Wai Poutawa formed part of an old sub-tribal boundary, and marked the northern edge of the Pākiri Block which Ngāti Manuhiri retained after the first round of Crown land purchases were completed in the 1850s and 1860s. The outlet to the Poutawa Stream provided a permanent source of fresh water on an otherwise dry stretch of coastline. Its wetlands provided an important source of food such as eels, inanga (whitebait), kākahi (fresh water mussels), koura (fresh water crayfish) and water fowl, as well as weaving materials. Taro was cultivated on the stream and wetland margins.

The lower reaches of the stream have major historical significance as they were redirected through a drain dug by the Ngāti Manuhiri ancestor Wera in the mid eighteenth century. This feature, known as Te Waikeri ā Wera, was the source of the name for the wider surrounding area. The area around the stream is also of particular significance as it was occupied by Kahikatearoa, the son of Manuhiri, and his descendants until the 1870s. The stream marked the eastern end of an overland pathway extending west to the head of the Hōteu River catchment. Because of its strategic importance, Wai Poutawa and its environs were protected by two fortified pā named Ōpuawhango and Ngā Whetū Mākurukuru.

MATAKANA RIVER

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as the Matakana River, and specifically that section of the river located above the river mouth boundary with the coastal marine area, as shown on deed plan OTS-125-18.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Te Awa Matakanakana - the Matakana River

Te Awa Matakanakana (also known as the Matakana River) is of major significance to Ngāti Manuhiri as a sub-regional boundary marker. In 1853 the Crown identified the area north of the river as 'Parihoro's Claim', with Parihoro then being the oldest Ngāti Manuhiri rangatira in occupation of the district. The river provided an important inland route to kāinga and cultivations located on the fertile country located at the navigable head of the river. It also provided a wide range of food taken from both the fresh and salt water sections of the river. Beyond the river mouth was one of the most valued tauranga mango (shark fishing grounds) in the region. Here over many generations, down to the late nineteenth century, Ngāti Manuhiri and their relatives gathered large quantities of school sharks known locally as muri. The upper reaches of the Matakana River were protected by several pā, including Pukematekeo, while the lower reaches and the adjoining harbour were protected by the headland pā known as Matakanakana – 'the glowering eyes'. This pā, which is of considerable significance to Ngāti Manuhiri, gives its name to the river and the surrounding district.

WAIWERAWERA

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as the Waiwerawera River, as shown on deed plan OTS-125-21.

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Awa Waiwerawera

Awa Waiwerawera (the Waiwera River) is a water body of cultural, spiritual and historical significance to Ngāti Manuhiri. This ancestral relationship with the river and its environs, including Waiwerawera (the Waiwera Hot Springs), is shared with other iwi. Motu Mahurangi, the island at the mouth of the river is important in Ngāti Manuhiri tradition. The river mouth area is also important as it was here that Ngāti Manuhiri fought with Ngāti Manaia. In a subsequent peace making agreement, Tukituki of Ngāti Manuhiri was betrothed to the Ngāti Manaia rangatira Rangihokaia. A place of particular importance at the head of the river is the island wāhi tapu known as Motutere (Te Kōroto). The river and its margins are also of significance to Ngāti Manuhiri because of their high ecological values in a coastal environment that has been the subject of ongoing development pressure.