

RODNEY DISTRICT REVIEWED DISTRICT PLAN

As signified by the affixing of the Council's seal hereto and the signature of the Mayor, and subject to the exclusions defined in the following schedule, the Second Review of the Rodney District Plan became operative on 15 March 1993 and became part of the Transitional Rodney District Plan pursuant to Section 378(1) of the Resource Management Act 1991.

SCHEDULE

The provisions of the Plan excluded from approval are:

- (a) Section 9 of the Plan concerned with Water Zones.
- (b) Rule 8.7.7 Sites for Rural-Residential dwellings in the Rural 1 Zone.
- (c) Any provision for subdivision of rural-residential sites in the Rural Conservation 3 Zone.
- (d) Rule 11.9 relating to the Special 9 (Waiwera Tourist and Entertainment) Zone.
- (e) Items 207 and 211 on Appendix 16A relating to motorway designations between Hatfields Beach and Silverdale and Silverdale and Redvale respectively; and references to the designations on planning maps 020, 020/3, 020/4, P19, P20/1, P20/2, P20/3, Q19, R19, S20 and S21.

THE COMMON SEAL OF THE RODNEY DISTRICT)
COUNCIL WAS HERETO AFFIXED PURSUANT)
TO A RESOLUTION PASSED AT A MEETING OF)
THE SAID RODNEY DISTRICT COUNCIL HELD ON)
25 FEBRUARY 1993.)

_____ MAYOR

_____ GENERAL MANAGER

EDITORIAL NOTE

This District Plan was prepared under the Town and Country Planning Act 1977 but made operative under the Resource Management Act 1991.

Clause 16 of the First Schedule of the Resource Management Act authorises Councils to update District Plans when they are made operative, and the Council has taken advantage of this provision by changing some terms to correspond with those used in the Resource Management Act, and updating some references and statistical data.

The changes made to terminology are as follows:

- (a) "District plan" for "district scheme", and "plan" for "scheme".
- (b) "Rule" or "district rule" for "ordinance".
- (c) "Activity(ies)" for "use(s)".
- (d) "Permitted activity(ies)" for "predominant use(s)".
- (e) "Controlled activity(ies)" for "controlled use(s)".
- (f) "Permitted, controlled or approved discretionary activity" for "permitted use". [The District Plan as publicly notified contained a definition of "Permitted Use" as meaning "every predominant and controlled use whether or not a permit has been obtained and every conditional use consented to by the Council in accordance with the District Scheme and the Act". This definition is omitted from this Operative District Plan.]
- (g) "Application for land use consent" for "planning application".
- (h) "Allowed" and "allowing" for "permitted" and "permitting" (when "permit" was used in the non-legal sense e.g. "uses permitted").

Where whole sections or subsections relate to procedures under the Town and Country Planning Act 1977 they have been left unaltered and must simply be accepted as superseded. This comment applies particularly to Section 1 and the parts of Section 19 dealing with non-conforming buildings and planning applications.

No changes have been made to references to Section 36(7) of the Town and Country Planning Act 1977 or to any sections of the Local Government Act 1974.

HOW TO USE THIS PLAN

The District Plan consists of a set of planning maps and this document. The document is made up of 20 sections, most of which consist of two subsections. The first subsection contains statements of the particular objectives, purposes and policies in relation to the sections' contents. These "plan statements" outline the philosophy and intentions of the Council and the basis for the more specific controls contained in the rules. The second subsection contains the district rules which are the detailed controls which specify the activities allowed and the form of development allowed.

Some smaller sections contain policy statements only, while others contain rules only.

To find out how a particular property is affected by this District Plan refer to the Planning Maps and this document in the following sequence.

PLANNING MAPS

Identify the property and the zone over the property from the tonings and letters on the map. Take note of any designations or other numbered notations.

PLAN STATEMENT AND DISTRICT RULES

Find the appropriate section of the District Plan using the zone type as shown on the map legend as a guide. The white pages are the Plan Statement. The Zone Statement at the front of the District Rules (coloured pages) will summarise the purpose and intent of the zone.

DISTRICT RULES

Turn to the listing of activities directly after the Zone Statements (on the same coloured pages). The activities are listed on the left side of the page. Where the zone number appears against an activity, it is authorised in that zone as a particular category of activity. Take note of whether it is a permitted, controlled or discretionary activity.

DISTRICT RULES

Turn to the development controls in the same section, where the controls applying to those activities are set out. Where an activity requires an application for controlled or discretionary land use consent, assessment criteria are set out immediately after the activity listing.

DISTRICT RULES

To determine controls relating to vehicle parking, loading and access, subdivision and development, general provisions and applications for land use consents (planning applications) turn to the appropriate separate section of the code.

PLANNING MAPS: DISTRICT RULES: APPENDICES

To check whether a property is affected by a Designation, or is especially Identified, Scheduled or Restricted, check the Planning Maps and the relevant appendices to these District Rules.

CONTENTS

<u>SECTION</u>		<u>PAGE</u>
1	INTRODUCTION	3
2	PLANNING STRATEGY	7
3	URBAN RESIDENTIAL ZONES	17
	- Refer to Plan Change 26 Document, Operative 11 July 2005	
4	RURAL SETTLEMENT ZONES	87
	- Plan Statement	89
	- District Rules (Buff Pages)	101
5	COMMERCIAL ZONES	129
	- Plan Statement	131
	- District Rules (Pink Pages)	145
6	INDUSTRIAL ZONES	169
	- Plan Statement	171
	- District Rules (Blue Pages)	185
7	RECREATION ZONES	231
	- Plan Statement	233
	- District Rules (Grey Pages)	243
8	RURAL ZONES	257
	- Plan Statement	259
	- District Rules (Green Pages)	271
9	WATER ZONES	305
10	RURAL CONSERVATION ZONES	333
	- Plan Statement	335
	- District Rules (Green Pages)	347
11	SPECIAL ZONES	381
	- Plan Statement	383
	- District Rules (Grey Pages)	393
12	IDENTIFIED USES AND SCHEDULED AND RESTRICTED ACTIVITIES	433
	- Plan Statement	435
	- District Rules (Buff Pages)	439
13	VEHICLES PARKING, LOADING AND ACCESS	475
	- Plan Statement	477
	- District Rules (Yellow Pages)	481
14	SUBDIVISION AND DEVELOPMENT	505
	- Plan Statement	507
	- District Rules (Pink Pages)	515
15	CONSERVATION AND ENVIRONMENT	519
	- Plan Statement	521
	- District Rules (Green Pages)	525
16	DESIGNATED LAND	533
	- Plan Statement	535
	- District Rules (Blue Pages)	537
17	NATURAL HAZARDS	573
	- Plan Statement	575
18	COMMUNITY DEVELOPMENT	577
	- Plan Statement	579
19	GENERAL PROVISIONS RELATING TO ALL ZONES	581
	- District Rules (Buff Pages)	583
20	DEFINITIONS	593
	- District Rules (Yellow Pages)	595

INTRODUCTION

SECTION 1 - INTRODUCTIONNote for Information (not part of District Plan)

This Introduction was prepared under and relates to the situation under the Town and Country Planning Act 1977. That Act was replaced by the Resource Management Act in October 1991. The information in this section has been largely superseded.

CONTENTSPAGEPART 1 - PLAN STATEMENT

1A	OBLIGATION TO PROVIDE A DISTRICT SCHEME AND PURPOSE OF PLANNING	5
1B	REVIEW OF THE DISTRICT SCHEME	5
1C	MATTERS TO BE DEALT WITH IN THE DISTRICT SCHEME	5
1D	THE PLANNING DISTRICT	6

INTRODUCTION

1A OBLIGATION TO PROVIDE A DISTRICT SCHEME AND PURPOSE OF PLANNING

The Council is obliged under Section 38 of the Town and Country Planning Act 1977 to provide and maintain an Operative District Scheme for its district. This District Scheme has been prepared to meet that requirement.

Section 4 of the Act states that the general purpose of the District Scheme shall be:

"... the wise use and management of the resources, and the direction and control of the development of a ..., district ... in such a way as will most effectively promote and safeguard the health, safety, convenience, and the economic, cultural, social and general welfare of the people and the amenities, of every part of the district or area ..."

This District Scheme is intended to provide a framework for the co-ordination of land uses and development and conservation activities in Rodney District which will enable the abovementioned purpose to be achieved.

1B REVIEW OF THE DISTRICT SCHEME

Under Section 59 of the Act a District Scheme must be reviewed after it has been operative for five years. The review process provides an opportunity for the reassessment of all aspects of district scheme planning to ensure that the District Scheme remains relevant given the changes that have occurred since the last review.

The Council's boundaries were re-organised in 1974 and 1977 and for a time three district schemes operated: Rodney County, Waitemata County and Warkworth. The first review of the Rodney County District Scheme therefore involved the integration of these three schemes and became operative in June 1980. Since then the Council has had a policy of requiring rolling revision of the District Scheme and a number of significant scheme changes have resulted, covering Residential, Industrial, Commercial and Rural Zones respectively. This District Scheme is therefore a review of the 1980 scheme and all the subsequent changes made since then.

1C MATTERS TO BE DEALT WITH IN THE DISTRICT SCHEME

The matters to be dealt with in a District Scheme are prescribed by statute. Section 36(1) of the Act states that:

"Every district scheme shall, subject to Section 3 of this Act (Matters of National Importance) and having regard to the present and future requirements of the district and its relationship to any neighbouring area, make provision for such matters referred to in the Second Schedule of this Act as are appropriate to the circumstances or as are necessary to promote the purposes and objectives of district planning set out in Section 4 of this Act."

Section 3 requires the Council to recognise and provide for the following matters of national importance in the preparation, implementation and administration of the District Scheme.

- "(a) The conservation, protection and enhancement of the physical, cultural, and social environment;
- (b) The wise use and management of New Zealand's resources;
- (c) The preservation of the natural character of the coastal environment and the margins of lakes and rivers and the protection of them from unnecessary subdivision and development;
- (d) The avoidance of encroachment of urban development on, and the protection of, land having a high actual or potential value for the production of food;

INTRODUCTION

- (e) The prevention of sporadic subdivision and urban development in rural areas;
- (f) The avoidance of unnecessary expansion of urban areas into rural areas in or adjoining cities;
- (g) The relationship of the Maori people and their culture and traditions with their ancestral land."

Section 37 of the Act requires that in formulating the policy and particular objectives and purposes of the District Scheme, the Council shall give effect to the provisions of the Regional Planning Scheme.

It is considered that the policy and objectives contained in this scheme are consistent with the philosophy and policy contained in the Auckland Regional Scheme.

1D THE PLANNING DISTRICT

This District Scheme applies to:

- All areas within the gazetted district of Rodney District; and includes -
- Any area whether above or below mean high water mark, and if below mean high water mark, on or in which, or on any proposed reclamation of which, any structure, excavation or work is situated or proposed to be situated; and
- Any reclaimed land or land for the time being authorised pursuant to the Harbours Act 1950 or any other Act to be reclaimed - being an area or land which is adjacent to the district and which is not included in the district of any other Council or within an area administered by a Maritime Planning Authority.

The gazetted district stretches from the Topuni and Mangawhai Rivers in the north to the Waitemata Harbour in the south, and from the Tasman Sea in the west to the Pacific Ocean in the east. It adjoins Kaipara District to the north and the Cities of North Shore, and Waitakere in the south. On the eastern coast the boundary crosses the mouths of all the harbours and inlets from the northern extremity southward to the Okura Estuary. Included in the district therefore are significant water bodies of the Whangateau Harbour, Matakana River and estuary and the Mahurangi River and Harbour amongst others. The western boundary of the district crosses the mouths of the Kaipara and Makarau Rivers which are therefore also within the district.

In total the gazetted area covers 2,474 square kilometres.