

**BEFORE THE INDEPENDENT HEARING PANEL FOR
APPOINTED BY KAIPARA DISTRICT COUNCIL**

Under **Resource Management Act 1991**

And

In the matter of **Proposed Plan Change 85 to the Operative Kaipara
Kaipara District Plan**

By **Kaipara District Council**

**STATEMENT OF EVIDENCE OF JANE ELLIOT MACLEOD
(PLANNING)
ON BEHALF OF THE DIRECTOR-GENERAL OF CONSERVATION
Submitter No. 81
Dated 30 January 2026**

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1.0 Executive summary

1. Proposed Private Plan Change 85 (PPC85) affects land next to Mangawhai Estuary, which is recognised as a Significant Bird Area in the Northland Regional Plan and provides important habitat for a wide range of Threatened and At-Risk (TAR) bird species, including the tara iti, which is New Zealand's most threatened bird. The land also contains two areas that are assessed as meeting Significant Natural Area (SNA) criteria. One of these areas is identified as an area of High Natural Character (HNC) in the Northland Regional Policy Statement.
2. The plan change proposes a range of measures that will protect or enhance biodiversity values, including requirements for: a ban on the keeping of cats as pets; protection of existing wetlands and areas of indigenous vegetation; new indigenous planting and protection of that planting; weed and pest control; setbacks of various activities from ecological features; and restrictions on indigenous vegetation clearance.
3. However, I consider that the following changes to the proposal are required by the higher order planning framework, in relation to potential effects on biodiversity and natural character values:
 - ban the keeping of dogs as pets within the plan change area, to avoid increasing the risk of disturbance to TAR bird species from dogs
 - remove proposals for the construction of public walkways in ecologically sensitive areas that would cause disturbance to TAR bird species and would diminish the values of the SNA and HNC areas within the site
 - amend provisions applying within the site's natural inland wetlands, so that they do not conflict with regulations in the National Environmental Statement for Freshwater
 - retain Rural zoning for land protected by a conservation covenant, part of which is within a proposed SNA, rather than rezoning this land to Rural Lifestyle.
4. I also recommend other, more minor, changes to provisions to assist with effectively and efficiently achieving the objectives of the plan change. These include changes to the proposed standards for the upgrade of Insley Street Causeway and for weed and pest management, and other minor changes to biodiversity-related provisions.

2.0 Introduction

5. My name is Jane Elliot Macleod.
6. I hold the qualifications of Master of Science in Environmental Studies from the University of Strathclyde, United Kingdom (2006) and Bachelor of Arts (Hons) in History from the University of Manchester, United Kingdom (2000).
7. I am an associate member of the New Zealand Planning Institute.
8. I have been employed by the Department of Conservation (DOC) as a Senior Resource Management Planner since January 2025.
9. Prior to this I have 17 years of experience working in resource management for the Dunedin City Council, including 14 years as a Policy Planner/Senior Policy Planner and three years as a Team Leader – Planning. I have experience in: District Plan drafting and section 32 reporting; section 42A reporting for District Plan changes and involvement in Council plan change hearings; and involvement in District Plan appeals and Environment Court mediation.
10. My experience at DOC includes providing input on resource consents and Council plans from a national perspective.

2.1 Code of conduct

11. I confirm that I have read the code of conduct for expert witnesses as contained in clause 9 of the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence and will do so when I give verbal evidence before the Independent Commissioners. Although I note this is a Council hearing, I agree to comply with the Code.
12. For the avoidance of doubt, in providing this evidence as an expert witness in accordance with the Code, I acknowledge that I have an overriding duty to impartially assist the Panel on matters within my area of expertise. The views expressed are my own expert views, and I do not speak on the Director-General of Conservation's (DG) behalf.
13. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow. This includes, where relevant:
 - a. why other alternative interpretations of data are not supported;
 - b. any qualification, if my evidence may be incomplete or inaccurate without such qualification;

- c. any knowledge gaps, and the potential implication of the knowledge gap;
 - d. if my opinion is not firm or concluded because of insufficient research or date or for any other reason; and
 - e. an assessment of the level of confidence and the likelihood of any outcomes specified in my conclusion.
14. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2.2 Scope of evidence

15. I have been asked to provide planning evidence in relation to the DG's submission and further submission on PPC85 - Mangawhai East, which is a proposed change to the Operative Kaipara District Plan 2013.
16. My evidence is divided into the following sections:
- a. A summary of the application;
 - b. A summary of the issues raised in the DG's submission and further submission;
 - c. Effects on avifauna in Mangawhai Estuary;
 - d. Effects on flora and ecosystems within the plan change area;
 - e. Effects on the natural character of Mangawhai Estuary;
 - f. The statutory and policy framework;
 - g. Areas where I agree with the recommendations in the section 42A and/or applicant's planning evidence; and
 - h. Issues that I consider to be outstanding.
17. The DG's submission and further submission covered a range of matters. I have focussed my evidence on the matters that remain in contention. This includes:
- Statutory matters that I consider have not been appropriately recognised;
 - Plan change provisions that are relevant to effects on indigenous biodiversity in the coastal environment; and
 - Plan change provisions that are relevant to effects on natural coastal character.

18. Where there are elements of the DG's submission and further submission that I do not address in my evidence, this reflects that I am generally comfortable with the approach taken in the section 42A report. I remain available for any questions on those matters that the Panel may have.
19. Appendix A of my evidence sets out the amendments that I recommend to the proposed plan provisions.

2.3 Material considered

20. In preparing my evidence, I have read and rely on the evidence of Dr Tony Beauchamp for the DG in relation to effects on avifauna, of Ms Ayla Wiles for the DG in relation to DOC's work programme for tara iti, and of Mr Andrew Townsend for the DG in relation to effects on flora and ecosystems within the site.
21. I have read the following documents:
 - a. The plan change application documents, including:
 - i. Private Plan Change Request to Kaipara District Council: Plan Change (Private) - Mangawhai East Development Area, prepared by The Planning Collective, dated July 2025, and appended maps, structure plan and development area provisions;
 - ii. Assessment of Landscape and Visual Effects prepared by LA4 Landscape Architects, dated 26 June 2025;
 - iii. Coastal Processes and Hazard Assessment, prepared by Davis Coastal Consultants, dated June 2025;
 - iv. Integrated Transportation Assessment Report, prepared by Commute Transportation Consultants, dated June 2025.
 - v. Ecological Impact Assessment – Northern Area, prepared by Viridis Environmental Consultants, dated June 2025; and
 - vi. Ecological Impact Assessment – Southern Area, prepared by Rural Design, dated November 2024.
 - b. The section 42A report prepared by Mr Jonathan Cleese, circulated on 1 December 2025, appended amendments to proposed provisions, and relevant evidence from other experts appended to this report, including:
 - i. Evidence of Mr James Blackburn in relation to coastal hazards;

- ii. Evidence of Mr Jason Smith in relation to ecology;
 - iii. Evidence of Mr Lukas van der Westhuizen in relation to transport; and
 - iv. Evidence of Mr Callum Sands in relation to geotechnical engineering.
 - c. Evidence of the applicant's witnesses, including:
 - i. Evidence of Ms Burnette O'Connor in relation to planning, dated 18 December 2025;
 - ii. Evidence of Mr Mark Delaney in relation to ecology, dated 16 December 2025;
 - iii. Evidence of Mr Rob Pryor in relation to landscape, dated 16 December 2025;
 - iv. Evidence of Mr Craig Davis in relation to coastal hazards, dated 16 December 2025; and
 - v. Evidence of Mr Andy Pomfret in relation to geotechnical engineering, dated 18 December 2025.
 - d. Supplementary evidence circulated by the Council on 23 January 2026 in response to the recent national direction changes, including:
 - i. Supplementary evidence of Mr Jonathan Cleese in relation to planning;
 - ii. Supplementary evidence of Mr Carey Senior in relation to flooding; and
 - iii. Supplementary evidence of Mr James Blackburn in relation to coastal hazards.
22. I undertook a site visit on 9 January 2026.
23. I have also attended a pre-hearing meeting with the applicants' representatives on 10 December 2025, to discuss the proposal and potential approaches to mitigate adverse effects. My evidence is informed by this discussion.
24. I note that the applicants also engaged directly with DOC earlier in the process, seeking comments on the plan change proposal in late 2024.
25. I record my appreciation for the proactive approach to consultation with DOC that has been taken by the applicant.

3.0 Application summary

26. Cabra Mangawhai Limited and Pro Land Matters Company Limited (the applicants) have applied for a private plan change to the Operative Kaipara District Plan 2013, to rezone approximately 94 ha of land at Black Swamp Road, Raymond Bull Road and Windsor Way, to the southeast of Mangawhai (the application). The current zoning of the land is rural; the requested zoning is a mixture of rural lifestyle zone, residential zones at varying densities, neighbourhood centre zone and mixed-use zone. The plan change would also apply a coastal hazard overlay over part of the plan change site. A structure plan map and a tailored set of planning provisions for the site would be added to the District Plan.
27. The application identified two SNAs within the site, but it was not clear if these were proposed to be added to the structure plan and the District Plan map. The applicants' evidence has clarified that both SNAs are proposed to be added to the maps in both the structure plan and the District Plan and has also proposed amendments to the tailored provisions, to refer to these areas.
28. The private plan change request is a proposed change to the Operative Kaipara District Plan 2013 and not to the Proposed District Plan 2025. However, the application notes that the rezoning could "be incorporated into the Proposed Kaipara District Plan private plan review if appropriate and timings appropriately align" and the applicants have lodged a submission on the Proposed Plan that provides scope for the rezoning to be considered for inclusion in that plan.¹

4.0 The DG's submission and further submission

29. The DG lodged a submission on the plan change application.² The submission raised concerns in relation to:
 - a. Effects on indigenous fauna, particularly avifauna which are Threatened or At-Risk, and their habitat in Mangawhai Estuary;
 - b. Effects on ecological features within the plan change site, particularly the two areas of salt marsh/natural inland wetland that have been assessed as SNAs; and

¹ [216 Cabra Mangawhai Ltd & Pro Land Matters Company Ltd - Submission on Proposed Kaipara District Plan.pdf](#).

² [Director-General of Conservation - Kaipara District Council Plan Change 85 - submission.](#)

- c. Effects on the natural character of Mangawhai Estuary, particularly the areas of HNC identified in the Northland Regional Policy Statement (Northland RPS), located within and adjacent to the plan change site.
30. The DG's further submission³ fully or partially supported submissions raising the following additional concerns:
- a. Effects on risk from coastal hazards (Northland Regional Council);
 - b. Effects on heritage, cultural and archaeological values (Heritage New Zealand Pouhere Taonga); and
 - c. Inconsistency with the Mangawhai Spatial Plan 2020 (Tern Point Recreation and Conservation Society Inc, and Heather Rogan and Diane Piesse on behalf of the New Zealand Fairy Tern Trust).

5.0 Effects on ecology and natural character

5.1 Avifauna in the harbour

31. The key concern raised in the DG's submission on the plan change is the potential impact on the ecology of the Mangawhai harbour and estuary beyond the plan change site, particularly in relation to indigenous birdlife, which includes threatened and at-risk species. The ecological assessment provided with the plan change application did not adequately assess this effect; however, additional assessment has now been provided by Mr Mark Delaney on behalf of the applicants.⁴ In this section of my evidence I will consider Mr Delaney's assessment, as well as the evidence relevant to this topic provided by Dr Beauchamp and Ms Wiles for the DG, and Mr Smith for Kaipara District Council (KDC), and outline the changes to proposed planning provisions that I consider are supported by this evidence.

32. Mr Delaney acknowledges the importance of the harbour for a range of bird species:

It is the single most important breeding ground for the Nationally Critical fairy tern, which breeds on the sandspit, and individuals forage in the estuary or just offshore for much of the year. The estuary is also important for a number of other threatened or at risk birds, notably northern New Zealand dotterel, Caspian tern, pied shag, reef heron, white-fronted tern and variable oystercatcher, with several migrant species visiting at different times of the

³ [Director-General of Conservation - Kaipara District Council - Private Plan Change 85 Mangawhai East - Further Submission](#).

⁴ Delaney, EIC, paragraphs 75 to 94.

year. The saltmarshes and mangroves support Australasian bittern, banded rail, fernbird and others.

33. Three activities related to the proposed plan change are identified in Mr Delaney's evidence as having the potential to cause adverse ecological effects beyond the plan change site, including on harbour avifauna. These are:
 - a. the potential establishment of a new harbour access point (which is not proposed as part of the plan change but was depicted on the notified Structure Plan map) and associated increased use of the harbour for recreation;
 - b. the Insley Street shared path along the causeway, which would need to be upgraded to provide walking and cycling access between the plan change area and Mangawhai town; and
 - c. a new coastal walkway in the existing esplanade reserve, which is proposed as part of the plan change.
34. Mr Delaney notes that each of these three activities would require resource consents under the Northland Regional Plan and may also require authority from DOC under the Wildlife Act 1953. Landowner approval from KDC would also be required for work within the esplanade reserve.
35. To avoid repetition, I will discuss the coastal walkway in section 5.3 of my evidence, below, rather than in this section. Section 5.3 considers the effects of both the coastal and the estuarine proposed public walkways, in the light of ecological evidence relating to both harbour avifauna and identified SNAs.
36. In terms of the effects of the new harbour access and the upgrade of the Insley Street causeway, Mr Delaney's assessment is that:
 - Creation of a new harbour access would have potential impacts on fauna and flora on the mudflats, coastal edge and middle harbour through vegetation removal, construction, boat activity, vehicle movements and increased disturbance within the harbour and along the shoreline.⁵
 - Creation of the Insley Street shared path could result in disturbance of At Risk lizard habitat, disturbance of At Risk and Threatened coastal bird species, loss of coastal vegetation such as mangroves and pōhutukawa, sedimentation, underwater noise effects on marine

⁵ Delaney, EIC, paragraph 76.

mammals, and toxic material deposition in the Coastal Marine Area (CMA). Operation of the path could disturb At Risk and Threatened coastal bird species via increased recreational use and dog walking. Mitigation measures including fauna management plans, timing of works, routing of the path to minimise vegetation removal and habitat loss, planting, measures to minimise risk of sedimentation and toxic material deposition, signage regarding keeping dogs on the lead and the risks to bird fauna, and a barrier separating the path from the estuary, are proposed. Mr Delaney considers that, with this mitigation, effects would be low in magnitude.⁶

37. Mr Delaney also provides a specific assessment of potential effects on the two Threatened – Nationally Critical bird species that are present in or around the harbour; the tara iti/New Zealand fairy tern, and the Australasian bittern.⁷

38. He assesses the main risks posed to tara iti as follows:

- Increased disturbance to birds foraging in the middle harbour, from increased recreational activity, especially on the tidal flats at low tide from people and off-leash dogs – noting that low tide is the peak time for foraging. This increased disturbance could reduce chick-rearing success. Mr Delaney considers that the plan change will cause an increase in people, and dogs, walking along the foreshore and the mud flats. However, he notes that there is already a high level of activity in the area in the summer, which coincides with the tara iti breeding season. He considers that, if there is appropriate signage and dogs are kept within properties or otherwise leashed, disturbance effects will be low in magnitude.
- Increased turbidity from suspended sediments in the water, and increased accumulation of contaminants in the estuary. These water quality effects could reduce habitat suitability and prey availability or could lead to toxicity effects. However, Mr Delaney considers that, given the plan change proposal includes erosion and sediment control, restrictions on roof materials and treatment of runoff, water quality effects will be low in magnitude.

39. Mr Delaney indicates that the typical habitat of Australasian bittern is within wetlands rather than the harbour, and notes that wetlands are proposed to be

⁶ Delaney, EIC, paragraphs 81 to 87.

⁷ Delaney, EIC, paragraphs 88 to 94.

protected and enhanced via the proposed plan change. His understanding is that the proposed coastal path would be adjacent to, but would not extend within, the large SNA-quality wetlands. However, bittern could be affected by disturbance from humans and dogs, and an increase in the number of mammalian predators. Adverse effects are assessed as low in magnitude, provided that cats are banned within the site, and signage erected regarding keeping dogs on the lead.

40. Mr Smith's evidence for KDC was prepared before the additional assessment provided by Mr Delaney was available. He noted that he was not in a position to support the plan change, due to the "under-investigated potential effects",⁸ including effects occurring outside the plan change site, and effects on tara iti and bittern. To reduce potential adverse effects beyond the site, Mr Smith indicated that he supported a reduction in density of development and human use near the coast and a ban on the keeping of dogs.⁹
41. The evidence provided by Dr Beauchamp and Ms Wyles for the DG highlights the vulnerability of the remaining tara iti population, the importance of Mangawhai Harbour to the species for breeding and foraging, and the risks posed by dogs in the harbour, to both tara iti and other bird species.
42. I consider that the ecological evidence provided by Dr Beauchamp and Ms Wyles points to the following aspects of the plan change that should be improved to reduce potential effects on avifauna:

Dog ban

43. In my view, a ban on the keeping of dogs in the plan change area, which was requested in the DG's submission, is supported by the statutory framework as discussed later in this evidence. A dog ban would be a more effective measure than the proposed approach of using signage on the proposed coastal walkway indicating that dogs must be kept on the lead, and requiring dogs to be kept within private properties or on leads when within the plan change area, because it would provide greater certainty that there would be no additional dogs kept in the area. Dr Beauchamp notes that the current Kaipara District Dog Policy allows dogs to be off-leash on large areas of the sand flats that are exposed at low tide,¹⁰ and Ms Wyles notes that, even where there is a requirement to keep dogs on the lead, in her experience these requirements are often disregarded.¹¹

⁸ Smith, EIC, paragraph 3.9 and 3.10.

⁹ Smith, EIC, p21.

¹⁰ Beauchamp, EIC, figure 3, page 18.

¹¹ Wyles, EIC, paragraph 51.

44. The section 42A report estimates that the proposed plan change would provide for a housing yield of approximately 800 lots.¹² As noted in Mr Clease's supplementary evidence¹³, the National Environmental Standards for Detached Minor Residential Units 2025 now provides for a 'minor unit' of up to 70m² in each residential site, additional to the principal residential unit, so the number of dwellings could well exceed 800 when the plan change area is fully developed. Based on data for Mangawhai in the 2023 household census and the 2022-23 dog figures, Dr Beauchamp estimates a likely rate of dog ownership of 40% of occupied households.¹⁴ The NZ Pet Data Report 2024 produced by Companion Animals New Zealand indicates that 31% of New Zealand households owned at least one dog in 2024.¹⁵ Therefore, without a dog ban, there could ultimately be several hundred dogs living in, and being walked close to, the plan change area. I consider that this would increase the risk of disturbance to tara iti and other species in a way that is inconsistent with the requirement in Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) to "avoid adverse effects" on threatened species in the coastal environment (the NZCPS is discussed further in section 8.2 of my evidence below). Dr Beauchamp notes that although dogs are already present in the site at the Riverside Holiday Park (as highlighted in Mr Delaney's evidence), this presence is seasonal and he considers that the "year-round impact on wildlife" caused by resident dogs would have a greater impact.¹⁶
45. Although I recommend a ban on dogs, I consider that there should still be a requirement for dogs to be kept within private properties or on leads within the plan change area; this would apply to dogs visiting or being walked through the area, and would therefore reduce the risk of disturbance to birds in the harbour.
46. I note that Mr Clease also supports a dog ban,¹⁷ based on Mr Smith's evidence¹⁸ and the concerns raised by the DG, and recommends amendments to provisions to achieve this in Appendix 1 to the section 42A report. I support these amendments. I also recommend that a change is made to the activity status of subdivision where measures to control dogs, cats and mustelids (i.e. a ban on the keeping of these animals as pets, and requirements to keep dogs within sites or on a lead) are not proposed. I consider that non-complying,

¹² Section 42A Report, paragraph 62

¹³ Smith, supplementary evidence, paragraph 10.3.

¹⁴ Beauchamp, EIC, paragraph 34.

¹⁵ [CANZ 2024 Pet Data Report - FINAL for PDF](#), section 3.1

¹⁶ Beauchamp, EIC, paragraph 53.

¹⁷ Section 42A Report, paragraph 177.

¹⁸ Smith, EIC, page 21.

rather than discretionary, activity status is appropriate in this situation, given the importance of not adding to the risk of disturbance of TAR birds. These recommended changes are included in Appendix A of my evidence.

Insley Street causeway upgrade

47. Although the upgrade itself (as assessed in Mr Delaney's evidence discussed above) will result in potential adverse effects on harbour ecology that need to be managed, it is important, from the point of view of ecological effects, that the upgrade of Insley Street Causeway occurs before significant housing development occurs in the plan change area. This is because, before a safe shared path is provided along the road, people seeking to access Mangawhai township and primary school from the plan change area are likely to walk across the estuary at low tide, thereby disturbing birds. Dr Beauchamp's view is that "a considerable lag between substantial development and the proposed triggering and construction of a walk/cycle way on the Insley Causeway" would "lead to waders deserting the nearby estuary".¹⁹ There are also important considerations regarding cyclist and pedestrian safety, as set out in the section 42A report.²⁰
48. The proposal is for the upgrade to be required when a subdivision consent application is lodged that would enable 50 or more residential units to be established in the plan change area. Any subdivision beyond 50 residential units prior to the upgrade occurring would be a non-complying activity. I understand that the 50-unit threshold is based on the amount of development that is currently permitted or consented in the existing environment. There is a consented 20-lot subdivision (separate from the plan change) on the land at 18B Black Swamp Road, and under Operative District Plan rules for the area with its existing zoning, dwellings may establish on existing vacant sites as a permitted activity, and some subdivision and development of land is also provided for.²¹ I consider that the proposed approach, of basing the trigger for the upgrade of the causeway on the level of development that goes beyond what could be established in the absence of the plan change, is logical and fair. I support the non-complying activity status that is proposed to apply to subdivision beyond 50 residential units, if the upgrade has not yet occurred.

¹⁹ Beauchamp, EIC, paragraph 43.

²⁰ Section 42A Report, paragraph 219.

²¹ Raymond Bull & Black Swamp Road Proposed Plan Change Integrated Transportation Assessment Report (June 2025), Commute Transportation Consultants, section 15.

49. However, I believe that the provisions requiring the upgrade need to be further clarified. The wording that is proposed to be added to the relevant subdivision standard is as follows:

Any subdivision consent application that will enable 50 or more residential units, or residential unit equivalents, excluding development on sites existing as at 1 January 2025, within the Development Area shall provide a walkway connection between the Development Area and Mangawhai Village to connect to the existing cycleway connection as shown on the Mangawhai East Structure Plan.

50. As I understand it based on discussion in the section 42A report,²² the walkway connection is not to be provided solely by the applicant for subdivision, but would be likely to be addressed via a development agreement between the applicant and KDC, with “proportionate cost-sharing to reflect the demand on the infrastructure generated by the proposal relative to the demand generated by the existing community”.
51. I consider that it not completely clear from the proposed wording that the standard is referring to the upgrade of the Insley Street Causeway – the “existing cycleway connection” referred to is not clearly shown on the Mangawhai East Structure Plan, which does not distinguish between existing and proposed cycleways. Also, the standard refers only to a “walkway connection” from the plan change area, whereas it appears from discussion in the section 42A report that a shared path for pedestrians and cyclists is anticipated.
52. In addition, it is important that the Insley Street shared path is designed to reduce the potential for disturbance of birds by people and dogs using them. Dr Beauchamp states “Any walkway constructed needs to reduce the visual impact of people and dogs on the waders in the neighbouring estuary and the walkway must not be designed to encourage people and dog access to the estuary”.²³ This could be achieved by establishing a fence along the causeway, similar to that used for the walkway on the Molesworth causeway, and by designing the walkway so there is no direct access from it to the shore.
53. Therefore, I recommend amendments to the wording of this provision as follows to: better reflect the anticipated process for the upgrade of the causeway; to more clearly describe the required upgrade; and to note the need for careful design of the upgrade in relation to effects on avifauna:

²² Section 42A report, paragraphs 220 to 226.

²³ Beauchamp, EIC, paragraph 44.

~~Any subdivision consent application~~ Subdivision that will enable more than 50 or more residential units, or residential unit equivalents, excluding development on sites existing as at 1 January 2025, within the Development Area shall provide not take place until a walkway and cycleway connection has been established between the Development Area and Mangawhai Village to connect to the existing cycleway connection as shown on the Mangawhai East Structure Plan. For the sake of clarity, this connection must include the provision of a shared pathway for pedestrians and cyclists along the Insley Street causeway. This shared pathway must be designed to reduce the potential for disturbance effects on avifauna by people and dogs using the pathway.

54. This change is included in Appendix A.

5.2 Significant Natural Areas and natural inland wetlands in the site

55. The ecological analysis provided with the application and in the evidence of Mr Smith, Mr Delaney and Mr Townsend gives an overview of the ecological values of terrestrial and aquatic vegetation within the plan change site.
56. In the area of the site north of Black Swamp Road, most of the terrestrial vegetation present is grass and pasture, with orchard trees, shelter belts and amenity planting making up most of the trees on the site, and only a relatively small amount of native vegetation present. However, the aquatic vegetation represented by saltmarsh located in the northwest of the plan change site has significant ecological value. Vegetation communities in this area are dominated by native species, and the area provides suitable habitat for several TAR species, including the Australasian bittern, banded rail and fernbird. The ecological impact assessment provided with the application indicates that the saltmarsh area meets the “Criteria for identifying areas that qualify as significant natural areas” set out in Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023, and both Mr Smith and Mr Delaney’s evidence supports this assessment.²⁴ Mr Townsend has assessed the area against the criteria for ecological significance contained in Appendix 5 of the Northland RPS, and considers that it meets these criteria. He notes: “I have used Appendix 5 of the Northland RPS as my reference document because the operative and the proposed Kaipara District plans also reference this document. These criteria are sufficiently similar to the National Policy Statement on Indigenous Biodiversity (NPS-IB) as to be interchangeable for the purposes of

²⁴ Smith, EIC, paragraph 4.7; Delaney, EIC, paragraph 31.

this assessment.”²⁵ I will use the same language as Mr Townsend and refer to this area as the “Saltmarsh SNA” – it is also referred to as the “Northern SNA” in some documents.

57. Similarly, the terrestrial vegetation in the area south of Black Swamp Road, which is dominated by exotic grassland and mixed native/exotic treeland, has relatively low ecological values, but the aquatic vegetation has higher values. In particular, the estuary inlet that reaches into the site to the east of the Black Swamp Road causeway contains mangrove forest and shrubland with a fringe of saltmarsh wetland along the northern edge. The planning map for the Northland Regional Plan indicates that this area is not within the coastal marine area, and it is therefore within KDC’s territory. Like the Saltmarsh SNA, this area also provides habitat for Australasian bittern, banded rail and fernbird.²⁶ The area is assessed in the ecological impact assessment accompanying the plan change application as meeting the NPS-IB’s SNA criteria, and this is supported in the evidence of Mr Smith and Mr Delaney.²⁷ Mr Townsend considers that the area meets the ecological significance criteria in Appendix 5 of the Northland RPS.²⁸ I will follow Mr Townsend and refer to this area as the “Black Swamp SNA” – it is also referred to as the “Southern SNA” in some documents.
58. The ecological evidence indicates that both the Saltmarsh SNA and the Black Swamp SNA meet the National Policy Statement for Freshwater Management 2020 (NPS-FM) definition of a “natural inland wetland”.²⁹ There are also some other much smaller areas of wetland in both the northern and southern halves of the site that are assessed as meeting the “natural inland wetland” definition. These include three areas to the east of the Saltmarsh SNA,³⁰ and one area close to the southern boundary of the plan change site.³¹
59. The DG’s submission sought amendments to the proposed plan change to better protect both identified SNAs. The applicants’ evidence has amended the proposal in a way that incorporates several of these requested amendments, as follows:

²⁵ Townsend, EIC, paragraph 29 including footnote.

²⁶ See Beauchamp, EIC, paragraphs 28 to 30 for details of Dr Beauchamp’s observations of bittern and banded rail in these areas.

²⁷ Delaney, EIC, paragraph 30. Smith, EIC, paragraph 4.19.

²⁸ Townsend, EIC, paragraph 30.

²⁹ Viridis, section 6.2.2; Rural Design, Appendix 3.

³⁰ Viridis, Figure 10, section 6.1 (areas marked A, B and C in Figure 10), discussed in section 6.2.1.

³¹ Rural Design, Figure 5, section 6.2.

- SNAs are proposed to be identified on both the Structure Plan for the plan change area and the Kaipara District Plan map.
- An exemption that would have permitted indigenous vegetation clearance within the SNAs, if clearance was of vegetation that was not part of a continuous area over 3 m in height and over 50 m² in area (clause 1.a of Rule DEV X-G-R2), is no longer proposed in the plan change provisions attached to Ms O'Connor's evidence.
- An exemption that would permit indigenous vegetation clearance rules for clearance associated with fencing (clause 1.c.iii of Rule DEV X-G-R2) has been amended so that it would allow for 1 m wide rather than 3.5 m wide clearance on either side of the fence line.

60. I note that these amendments are supported by the ecological evidence provided by Mr Townsend,³² Mr Smith (in relation to identification of SNAs only)³³ and Mr Delaney.³⁴ However, as discussed in my consideration of the National Environmental Standards for Freshwater 2020 (NESF) below, the NESF does not provide for rules in district plans to be more lenient than the standards themselves. The NESF does not provide for any permitted vegetation clearance within "natural inland wetlands", as defined in the NPS-FM. As set out above, I understand that both SNAs qualify as natural inland wetlands, and that there are other areas of wetland in the site that also meet this definition. Therefore, I consider that further amendments to Rule DEV X-G-R2 are required to ensure consistency with the NESF. I have included proposed amendments to address this in Appendix A.
61. The DG's submission also sought other changes to provisions for SNAs and other vegetation. Some of these have been addressed; the outstanding matters sought are as follows:

Indigenous vegetation clearance rule - walking track exemption

62. The submission sought an amendment to clause 1.c.ii of Rule DEV X-G-R2 to remove the exemption from consent requirement for indigenous vegetation clearance within SNAs, where the clearance is for formation and maintenance of walking tracks up to 2 m wide.
63. This change is supported in Mr Delaney's evidence³⁵ but is not included within the amended plan provisions attached to Ms O'Connor's evidence. I consider

³² Townsend, EIC, paragraphs 31 to 34.

³³ Smith, EIC, page 21.

³⁴ Delaney, EIC, paragraphs 119 and 130.

³⁵ Delaney, EIC, paragraph 131.

that this change is necessary to align with the requirements of the NESF discussed above.

Minimum duration of weed and pest control

64. The submission sought an amendment to the subdivision information requirement at DEV X-SUB-S3, “Esplanade and other reserve enhancement”, to extend the minimum period of weed and pest control required to be undertaken in the esplanade reserve beyond the proposed six months. The submission indicated that that weed and pest control needed to be undertaken in perpetuity or to be directly related to the duration of any development.
65. Mr Smith’s evidence supports this, noting that “eradication [*of plant and animal pests*] would require on-going efforts to ensure there is no re-incursion”³⁶ and Mr Delaney recommends extending the minimum period to 24 months.³⁷ The change to 24 months has been included in the amended plan provisions attached to Ms O’Connor’s evidence.
66. As highlighted in the evidence of Dr Beauchamp and Mr Townsend,³⁸ there are a number of issues to consider when designing appropriate weed and pest control for the esplanade area.
67. Firstly, even though 24 months of control is better than 6 months, weed and pest control needs to be ongoing, particularly because certain weeds such as pampas grass and tall fescue can inhibit regeneration.
68. Secondly, care needs to be taken with the relative timing of weed control and restoration planting. Some weed species such as pampas grass provide important roosting and breeding habitat for birds such as banded rail. Pampas grass also provides protection to the stop-bank, and thus, supports the values of the Saltmarsh SNA. Therefore, control of at least some weed species would need to be coordinated with replacement planting, so that the new planting can provide alternative habitat and stop-bank protection before the weeds are removed. Also, removal of some weed species would need to be timed to avoid nesting periods.
69. I have recommended further amendments to provisions relating to weed and pest control, to ensure the matters set out above are taken into account when designing a plan for weed and pest control. I note that the provisions already include requirements for ecologist input into this plan, and for the plan to be

³⁶ Smith, EIC, paragraph 8.15.

³⁷ Delaney, EIC, paragraph 123.

³⁸ Townsend, EIC, paragraph 46; Beauchamp, EIC, paragraphs 30 and 51.

certified by the Council, which I support. Amendments to relevant provisions are set out in Appendix A.

Other matters

70. The evidence of Mr Townsend for the DG raises two other important issues in relation to the appropriate protection of the Saltmarsh and Black Swamp SNAs and adjacent land.
71. Firstly, it should be noted that the Saltmarsh SNA is “an induced wetland resulting from the failure of the stop-bank at the western end of Raymond Bull Road, allowing saltwater to intrude during high tide”.³⁹ As a result, if the break in the stop-bank were repaired, then the ecological value of the area would be lost over time. It is possible that land development could lead to a repair of this kind, if this were necessary to manage coastal hazard risk in areas zoned for development. I note that any proposed repair of the stop-bank would be a permitted activity under Rule C.1.1.8 of the Partially Operative Northland Regional Plan, provided applicable conditions were met.
72. However, the geotechnical and coastal hazard-related analysis provided in the application, section 42A report and supplementary evidence, and the applicants’ evidence does not indicate that any repairs to the stop-bank are considered necessary, or are proposed, in order to manage hazards. Evidence relating to coastal hazards provided by both Mr Davis for the applicant and Mr Blackburn for KDC indicates that coastal flood risk will be fully addressed by requirements for the placement of fill to achieve appropriate minimum floor levels.⁴⁰ Therefore, I am comfortable that the proposed plan change is not likely to lead to adverse effects on the Saltmarsh SNA via stop-bank repair.
73. Secondly, Mr Townsend notes that the conservation covenant vested with the KDC is larger than the proposed Saltmarsh SNA; it extends further to the southeast.⁴¹ The difference between the boundaries of the KDC covenant and the SNA are shown on Figure 6 (p13) of Mr Townsend’s evidence. The KDC covenant area contains approximately 1.5 ha of additional land, compared with area of the proposed SNA.
74. Mr Townsend does not consider that the additional 1.5 ha in the covenanted area would meet the Northland RPS Appendix 5 criteria for areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial,

³⁹ Townsend, EIC, paragraph 40.

⁴⁰ Davis, EIC, paragraph 41; Blackburn, EIC, paragraph 5.2.

⁴¹ Townsend, EIC, paragraph 35.

freshwater and marine environments.⁴² However, the area does provide a buffer for the proposed SNA, that would, under the terms of the covenant, be restored over time.⁴³ These terms include requirements that the owner manage the area to protect and enlarge its ecological value, provide suitable habitat for bird life, eradicate plant and animal pests, and encourage natural regeneration. KDC's written consent is required for a range of activities in the area, including buildings and structures, grazing animals, excavation, the planting or sowing of any exotic species, and the removal of any vegetation except for invasive or woody weeds.

75. The planning report accompanying the application states "The salt marsh on Lot 8 DP 565865 is protected by legal covenant and this legal protection will remain."⁴⁴ However, the revised Structure Plan map appears to imply that only a proportion of that covenant is proposed to remain. The original Structure Plan map included with the notified plan change showed the full area of the covenant. Mr Townsend's view is that "If the area of protected land were to be reduced to match the proposed SNA area, opportunities for restoration and a loss in ecological buffering would result."⁴⁵
76. It would be unusual for a rule in the District Plan to require that the existing conservation covenant be retained, because these covenants are not provided for under the Resource Management Act 1991 (RMA) and are not part of the District Plan. Anyway, the risk of the covenant being uplifted is minimal; removal of a covenant requires the agreement of all parties involved.
77. However, I do not consider that the proposed rezoning to Rural Lifestyle is the best fit with either the terms of the covenant or the values of the Saltmarsh SNA. I agree with Mr Smith that an open space zone type would be more appropriate for the SNA.⁴⁶ I note Mr Smith's point that the Operative Kaipara District Plan does not currently contain an open space zone, meaning that this zone type is not available for the plan change without introducing an entirely new zone to the Plan, and I agree with him that, if this plan change is later incorporated into the Proposed Kaipara District Plan, the Saltmarsh SNA should be included within the Natural Open Space Zone that is contained in that plan. I

⁴² Townsend, EIC, paragraph 43.

⁴³ Townsend, EIC, paragraph 37.

⁴⁴ Private Plan Change Request to Kaipara District Council: Plan Change (Private) - Mangawhai East Development Area (July 2025), The Planning Collective, p55.

⁴⁵ Townsend, EIC, paragraph 48.

⁴⁶ Smith, EIC, paragraph 4.10.

consider that Natural Open Space would also be a more appropriate zone for the full area of the KDC covenant.

78. However, in the absence of an open space zone I consider that the Saltmarsh SNA and the full area of the covenant should be retained within the Rural Zone rather than being rezoned to Rural Lifestyle. The objectives and policies for the Rural Zone are generally appropriate for these areas; they include Objectives 12.5.2 and 12.5.3 regarding the maintenance of rural character and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and related policies 12.6.4 to 12.6.7. The Plan does not appear to include any policy framework for the Rural Lifestyle Zone. In addition, the proposed Rural Lifestyle Zone includes rules that are inappropriate for the SNAs and the full covenanted area; subdivision and residential development is provided for at a density of 8,000 m² per lot as a restricted discretionary activity, or 5,000 m² per lot as a fully discretionary activity. In contrast, the rules currently applying to the Rural Zone within the plan change area provide for development at a far lower density; subdivision to a minimum site size of 20 ha is a controlled activity, and subdivision with an average minimum site size of 6 ha is a restricted discretionary or discretionary activity (depending on the number of sites proposed).
79. I have included proposed amendments in Appendix A to retain Rural Zoning for the Saltmarsh SNA and the covenanted area.

5.3 Effects from public walkways along the coast and the estuary inlet

80. Potential effects arising from the proposed public walkways along the coast and the estuary inlet are discussed in this separate section, rather than in sections 5.1 or 5.2 above, because these walkways have potential effects both on avifauna in the harbour and the values of identified SNAs within the site.
81. The DG's submission sought:
- a review of the proposed locations of walkways along the coast and the banks of the estuary inlet, to ensure appropriate separation from proposed SNAs;
 - removal of the proposed walkway across the saltmarsh SNA; and
 - the separation of all new walkways from ecological features using planted buffers.
82. Mr Smith's evidence for KDC indicates concern with the proposed walkways. His understanding from the application is that the walkways would cross both

identified SNAs, and he considers that the application has not adequately assessed the risk of disturbance that may arise from this.⁴⁷ He comments that “The wetlands are reported as habitat for threatened avifauna. The creation of the walkways, and the ongoing use, could potentially disturb fauna utilising this area and reduce the habitat quality. This risk and any associated potential effects have not been assessed.”⁴⁸

83. In his evidence for the applicant, Mr Delaney assesses the effects associated with establishment of the proposed public walkways as follows:

- Mr Delaney notes that walkways located in or near wetlands can result in vegetation removal, hydrological disturbance from piling or earthworks, edge effects, and disturbance of wetland birds through increased human and dog presence. He considers that both the coastal and the estuarine walkway “should be able to be constructed largely, if not fully, outside of the SNA areas”, and notes that consent requirements apply to any vegetation removal or earthworks within or within 10 m of the areas, under the NESF provisions for natural inland wetlands. These consent requirements would enable the ecological effects of the works on the wetlands to be assessed, and the effects management framework applied.⁴⁹
- In relation to the coastal walkway specifically, he considers that the creation of this walkway would involve vegetation removal, disturbance of fauna habitat during construction, and potential disturbance during operation to fauna such as the banded rail (At Risk – Declining). Mr Delaney suggests mitigation measures including fauna management plans, routing of the path to minimise vegetation removal and habitat loss, planting, and signage requiring dogs to be on leads. With this mitigation, he considers that effects would be low in magnitude.⁵⁰

84. Dr Beauchamp’s evidence for the DG questions whether it would be feasible to establish the coastal walkway along the proposed route without causing disturbance to the ecologically sensitive environment. A stop-bank of over 2 m in height and around 1.5 m in width runs along the esplanade reserve. It is bounded on the seaward side by marine shoreline and mangroves and on the

⁴⁷ Smith, EIC, paragraphs 5.4 -5.5, and response to submitter 62 on p20.

⁴⁸ Smith, EIC, paragraph 5.6.

⁴⁹ Delaney, EIC, paragraphs 68 to 69.

⁵⁰ Delaney, EIC, paragraphs 77 to 80.

landward side by the salt marsh/wetland that is protected via a conservation covenant and is proposed to be protected as an SNA via the plan change.⁵¹

85. Dr Beauchamp notes that he has observed banded rail (At Risk – Declining) in and around the proposed Saltmarsh SNA and Australasian bittern (Threatened – Nationally Critical) in the mangroves 50 m from the junction of Black Swamp Road and Insley Street Causeway. He notes the sensitivity of both species to disturbance, and that bittern are particularly sensitive to people on foot. In his view, any new walkway would need to be visually buffered to retain bittern in the area, and, therefore, raised structures including the top of the stop-bank should not be used for a shared walkway beside the wetlands.⁵²
86. Mr Townsend considers that the proposed coastal walkway may have “minor negative effects on saltmarsh vegetation” because increased foot traffic will cause increased disturbance to the saltmarsh. He recommends that, if a walkway is provided in this area of the site, it should be placed on the landward side of the SNA, to minimise impacts on vegetation.⁵³ Dr Beauchamp notes that this suggested alternative route would also have less of an impact on wetland birds.⁵⁴
87. However, Dr Beauchamp is concerned that the creation of the coastal walkway along the proposed route, “or one nearby”, would lead to more people accessing Mangawhai Harbour near the end of the Raymond Bull Road, which becomes a paper road as it nears the harbour.⁵⁵ The walkway would end near this point; walkers who wanted to go further may choose to enter the harbour and either continue northeast towards the sandspit or return to the south via the sandflats.
88. Dr Beauchamp notes that coastal area on the margin of the plan change site is known to be used as foraging territory by a breeding pair of tara iti. Over the past five years, three tara iti chicks have been fledged into this pair’s territory. Dr Beauchamp observes that “Breeding pairs are very dependent on specific sites for foraging and if disturbed regularly there is a risk that pairs will desert foraging sites or reduce productivity and lay one egg clutches.” In addition: “Young newly fledged birds are ... vulnerable as they ... use the waters-edge and initially fly very poorly. They fly when approached by a dog, but their flight ability makes them vulnerable to any nearby hawk.” Increased sources of

⁵¹ Beauchamp, EIC, paragraph 51.

⁵² Beauchamp, EIC, paragraphs 28 to 30.

⁵³ Townsend, EIC, paragraph 45.

⁵⁴ Beauchamp, EIC, paragraph 51.

⁵⁵ Beauchamp, EIC, paragraph 55.

disturbance could, therefore, have negative consequences both for the fertility of breeding birds and the survival of fledglings.

89. In relation to the proposed walkway around the Black Swamp SNA, Dr Beauchamp notes that no assessment has been provided of the effects of a walkway on the TAR birds that the SNA provides suitable habitat for (i.e. At Risk – Declining banded rail and fern bird and Threatened – Nationally Critical bittern). He states: “In my view it is unlikely that the secretive banded rails or fernbirds will be retained [*in this SNA*] if the pathway is instigated as the disturbance levels will be too high.”⁵⁶
90. Mr Townsend notes that the Black Swamp SNA is relatively small and would be bounded by roading infrastructure and development. Therefore, from the point of view of effects on flora, walking tracks and fences should be placed outside the SNA boundary to preserve the amount of indigenous vegetation remaining and to provide a buffer between the SNA and new infrastructure.⁵⁷
91. On balance, based on the evidence discussed above, I consider that the proposed public walkways along the coast and the estuary inlet do bring additional risk of adverse effects – both to the identified values of the SNAs, and to the wider harbour environment.
92. The key risk factors for the proposed public walkways are:
 - The disturbance to birds that may be caused by the establishment and operation of a walkway along both the northern and southern sides of the estuary inlet. Given the small size of the Black Swamp SNA, disturbance caused by the walkway may cause some species to stop using this SNA altogether.
 - For the coastal walkway, the risk of delivering walkers to an end point (i.e. the northern end of the walkway) where a natural choice at low tide would be to continue their walk into the harbour/estuary, thereby increasing the possibility of disturbance to threatened and at-risk harbour birds, particularly if accompanied by dogs. Disturbance in the coastal area near the site could undermine the breeding potential of the pair of tara iti that are known to use the area, and could increase risks to the survival of chicks fledged into this area.

⁵⁶ Beauchamp, EIC, paragraph 49.

⁵⁷ Townsend, EIC, paragraph 50.

93. Separate resource consent processes would apply to these walkways if they involve earthworks or vegetation clearance near wetlands/SNAs. However, I consider that this plan change process (rather than later consent processes) should address the question of whether the walkways are appropriate along both routes, given that they are depicted in the Structure Plan map and required in the Development Area provisions. If they are not appropriate, then the proposed walkways should be removed from the plan change.
94. These walkways do not appear to be a necessary part of the plan change from a connectivity point of view; the transport evidence for KDC is that, provided other upgrades occur in the wider network, the “proposed boardwalk around the harbour edge ... is not essential to the functional connectivity of the PC 85 area”.⁵⁸ The walkways are not shown in the map of walking opportunities proposed in the Mangawhai Spatial Plan 2020.⁵⁹
95. Although there is already an esplanade reserve along the route of the proposed coastal walkway, whose purposes include the provision of public access to the coastal and riparian margins,⁶⁰ the existence of this reserve does not require a new walkway to be formed.
96. Given the potential for adverse effects on indigenous biodiversity in the coastal environment, including effects on indigenous taxa that are TAR, effects on significant areas of indigenous vegetation and habitats of indigenous fauna, and effects on areas set aside for protection of indigenous biodiversity under other legislation, I consider that the proposed walkways are not consistent with Policy 11 of the NZCPS or the provisions that give effect to it in the Northland RPS and Partially Operative Northland Regional Plan 2024 (NRP), discussed below, and should be removed from the proposed plan change.
97. The removal of the walkways from the plan change would involve amendments to the Structure Plan and a range of plan provisions. These recommended amendments are included in Appendix A.

5.4 Natural character of the coast

98. The planning map for the Northland RPS identifies one area of HNC directly adjacent to the plan change site, and another within the site. These are:

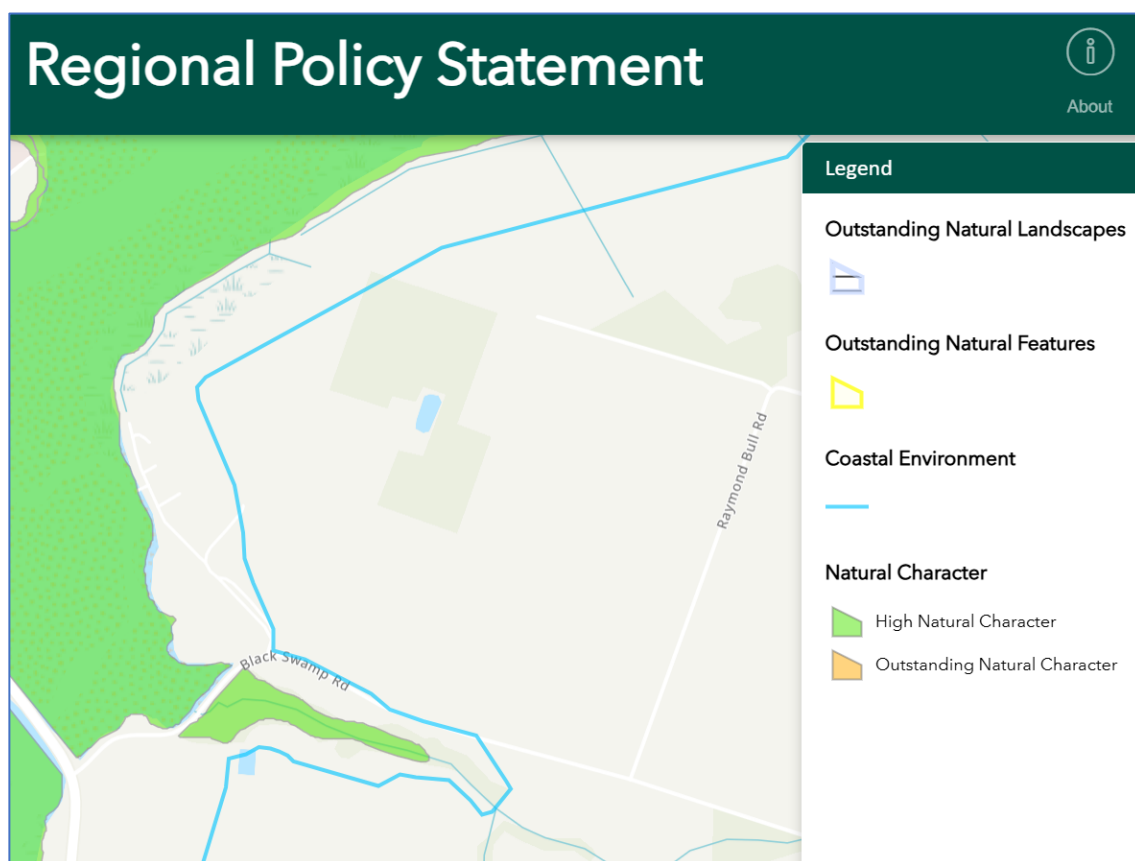
⁵⁸ van der Westhuizen, EIC, paragraph 5.12.

⁵⁹ [Mangawhai Spatial Plan.pdf](#), Figure 3-7-3 “Proposed general pedestrian and cycling initiatives”, p47.

⁶⁰ Section 42A report, paragraph 218.

- The lower and mid reaches of Mangawhai Estuary (ID 36/25), covering the coastal area next to the site.
- The mangrove shrubland upstream of the Black Swamp causeway (ID 36/47), within the site. This is the same area proposed for protection as the Black Swamp SNA.

99. The two areas are shown on the excerpt from the Northland RPS planning map below:



100. Both the Assessment of Landscape and Visual Effects that accompanied the application, and the applicant's landscape evidence provided by Mr Robert Pryor, acknowledge the HNC "around the coastal edge" of the plan change site⁶¹, but they do not specifically mention the Black Swamp HNC within the site. This HNC is not depicted on the proposed Structure Plan map. The proposed Development Area provisions do not refer to the HNC specifically, or to the management of effects on natural character more generally.

⁶¹ Mangawhai East Private Plan Change 85 Black Swamp Road – Mangawhai, Northland Assessment of Landscape and Visual Effects (June 2025), LA4 Architects, paragraph 4.12; Pryor, EIC, paragraph 29.

101. However, Mr Pryor assesses the effects of the plan change proposals on natural character in his evidence as low,⁶² taking into account the proposed protection of the natural features within the site – which include the HNC area – and the proposals for planting around the coast and wetlands, among other factors.
102. No housing development or roading is proposed within the HNC, although I note as discussed in section 5.3 there is a lack of clarity regarding whether the proposed walkway around the area will involve any vegetation clearance or earthworks within the Black Swamp SNA (and therefore within the HNC).
103. In line with the description of natural character in NZCPS Policy 13, Appendix 1 of the Northland RPS indicates that “natural character” is made up of a range of attributes, many of which include ecological values, e.g. “natural elements, processes and patterns”, “biophysical, ecological and geomorphological aspects”, and “natural landforms such as ... wetlands”. Therefore, I consider that my recommendation above, to remove the proposed walkway around the Black Swamp SNA in order to avoid the potential adverse effects highlighted in ecological evidence, are also relevant to the protection of the natural character of the area. Policy 4.6.1 of the Northland RPS requires that significant adverse effects from subdivision, use and development on natural character within HNC areas are avoided, and that other effects are avoided, remedied or mitigated. This policy gives effect to Policy 13 of the NZCPS.
104. In my view, the abandonment of the SNA/HNC by fernbird and banded rail, which Dr Beauchamp predicts may occur due to disturbance created by the walkway (see paragraph 89), would be a significant adverse effect on the natural character of the area, and therefore should be avoided.
105. The disturbance of birds in the harbour either by dogs from the plan change area or by any additional walkers and dogs entering the harbour at the end of Raymond Bull Road (noting that, as discussed at paragraph 87, this is a possible consequence of the creation of the coastal walkway) could also result in a “significant” adverse effect on the natural character of the Mangawhai Estuary HNC area. It is true that there is already a disturbance effect in place from walkers and dogs living in the area but, as explained in Dr Beauchamp’s evidence⁶³ and discussed at paragraph 88 above, increasing that disturbance could result in a reduction in the tara iti population or in its breeding success.

⁶² Pryor, EIC, paragraph 43.

⁶³ Beauchamp, EIC, paragraphs 23 to 27.

Given the vulnerability of the species, this could in turn contribute to the extinction of tara iti, which would represent a significant adverse effect on the natural character of the Mangawhai Estuary HNC.

106. Even if the effect on the HNC is not considered “significant”/to be “avoided” under Policy 4.6.1, the policy requires effects other than significant effects to be “avoided, remedied or mitigated”. A dog ban from the plan change area is in line with this policy direction.
107. Overall, I consider that, although no specific objectives or policies for management of effects on the HNC area are included in the proposed plan change provisions, the plan change would give effect to relevant policies in the NZCPS and Northland RPS, provided that amendments are made to provisions to:
 - remove the proposed public walkways around the Black Swamp HNC, and along the coast adjacent to the Mangawhai Estuary HNC; and
 - ban dogs within the plan change area.

6.0 Statutory and policy framework

108. Section 74 of the RMA sets out the matters to be considered by territorial authorities when making and changing district plans, and section 75 sets out the required contents of district plans. These sections indicate that the Kaipara District Plan must be prepared and changed in accordance with the council functions under section 31 of the RMA, and in accordance with the purpose and principles in Part 2 of the RMA.
109. Under section 75, the Kaipara District Plan and any changes to the Plan must give effect to national policy statements, the NZCPS, national planning standards, and the Northland RPS, and must not be inconsistent with any operative regional plan in relation to any matter set out in section 30(1), which sets out the functions of regional councils.
110. Under section 74, when preparing or changing the District Plan, KDC shall:
 - have regard to a proposed regional plan “in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4”;
 - have regard to “management plans and strategies prepared under other Acts”, which includes the Mangawhai Spatial Plan 2020 and the Northland Conservation Management Strategy 2014; and

- take into account Te Uri o Hau Kaitiakitanga o te Taiao 2011.
111. In addition, section 32 of the RMA requires that an evaluation report for the plan change is prepared, to examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA, and to examine whether the proposed provisions are the most appropriate way to achieve the proposed objectives.
112. In relation to Northland's regional plans, I note that there are currently three operative regional plans: the Regional Air Quality Plan 2003, the Regional Coastal Plan 2004 and the Regional Water and Soil Plan 2004. There is also a partially operative Northland Regional Plan (NRP), which will replace all three existing regional plans when it becomes fully operative. My understanding is that the NRP is now very close to becoming fully operative; it is beyond appeal, and its coastal provisions have been approved by the Minister for Conservation.
113. There is no general requirement in sections 75 or 76 for district plans and plan changes to give effect to national environmental standards. However, section 43B states that district plan rules may only be more stringent or more lenient than a national environmental standard if the standard "expressly says" that a rule may be more stringent or lenient than it. Therefore, reference should be made to each relevant National Environment Standard to determine if proposed rules in a plan change are consistent with it.
114. The statutory and policy framework for the plan change is identified and discussed by the applicant in the original application documents, by Mr Cleese in the section 42A report, and by Ms O'Connor in her evidence in chief. My assessment of this framework focuses on areas of disagreement with Mr Cleese or Ms O'Connor, and any comments I would add to their assessments.

8.1 RMA Part 2

115. In relation to Part 2 of the RMA, I consider that the following parts of sections 6 and 7 are particularly relevant to the DG's submission on the plan change:

6 – Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their

margins, and the protection of them from inappropriate subdivision, use, and development

...

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

7 – Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

...

(d) intrinsic values of ecosystems

116. The planning report provided with the application assesses whether the plan change objectives are the most appropriate to achieve Part 2.⁶⁴ The report concludes that the objectives are the most appropriate way to do this. In relation to sections 6(c) and 7(d), the report states that “areas of sensitive ecological habitat will be protected and enhanced”.
117. In the section 42A report, Mr Cleese indicates that he broadly agrees with the assessment provided in the application “including the ability to appropriately address matters set out in sections 6 [and] 7”.⁶⁵
118. In her evidence in chief, Ms O'Connor also concludes that the plan change is “the best way to achieve the Purpose of the Act”.⁶⁶
119. I agree with the assessments of Mr Cleese and Ms O'Connor, except that I consider the following amendments are needed to address the relevant matters in section 6 and 7 identified above:
 - Introduce a ban on dogs in the plan change area, to have particular regard to the intrinsic values of ecosystems (7d), to provide for the preservation of the natural character of the coastal environment (6a) and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (6c).
 - Remove the proposed public walkways that would adjoin the Saltmarsh and Black Swamp SNAs, both of which are also recognised as areas of

⁶⁴ Private Plan Change Request to Kaipara District Council: Plan Change (Private) - Mangawhai East Development Area (July 2025), The Planning Collective, section 13.1.

⁶⁵ Section 42A Report, paragraph 444.

⁶⁶ O'Connor, paragraph 145.

HNC, to provide for the preservation of the natural character of the coastal environment (6a) and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (6c).

8.2 New Zealand Coastal Policy Statement 2010 (amended 2025), Northland Regional Policy Statement 2016, and Northland Regional Plan 2024

120. In the NZCPS, policies 11 and 13 concerning indigenous biodiversity and natural coastal character are particularly relevant to the DG's submission on the application. I note that these policies are not affected by the changes made to the NZCPS in December 2025.
121. The policies have been given effect to via the Northland RPS and the NRP, as follows:
- Northland Regional Policy Statement 2016:
 - Objective 3.4 and Policy 4.4.1 on indigenous ecosystems and biodiversity; and
 - Objective 3.14 and Policy 4.6.1 on natural coastal character.
 - Partially Operative Northland Regional Plan 2024:
 - Objective F.1.3 and Policy D.2.18 on indigenous ecosystems and biodiversity; and
 - Objective F.1.12 and Policy D.2.17 on natural coastal character.
122. This part of my statutory assessment therefore considers the extent to which the proposed plan change “gives effect to” the NZCPS and Northland RPS (section 75(3)), and “is not inconsistent with” the NRP (section 75(4)), in relation to indigenous biodiversity and natural character in the coastal environment.
123. Policy 11(a) of the NZCPS requires that, to protect indigenous biological diversity in the coastal environment, adverse effects of activities on certain listed values are to be “avoided”. These listed values include, among others:
- i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System (NZTCS) lists*
 - ...
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation (11(a)(vi)).*
124. Northland RPS Policy 4.4.1(1) gives effect to NZCPS Policy 11(a) by requiring that adverse effects are avoided on the following values:

- a) *Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - b) *Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;*
 - c) *Areas set aside for full or partial protection of indigenous biodiversity under other legislation.*
125. NRP Policy D.2.18.a is worded very similarly to Northland RPS Policy 4.4.1; it requires that adverse effects are avoided on the following values:
- i. *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, and*
 - ii. *the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and*
 - iii. *areas set aside for full or partial protection of indigenous biodiversity under other legislation ...*
126. With respect to the clauses in NZCPS Policy 11, Northland RPS Policy 4.4.1 and NRP Policy D.2.18 that relate to “indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System”, the evidence discussed above indicates that many TAR bird species including New Zealand’s most endangered bird, the tara iti, occupy the Mangawhai Estuary, and also that some TAR species (e.g. Australasian bittern, banded rail, fernbird) are present within the plan change site in the proposed SNA areas. Adverse effects on all these species are to be avoided.
127. I note that the presence of TAR species in Mangawhai Estuary is recognised in planning documents. In the planning map for Partially Operative Northland Regional Plan 2024, the whole of Mangawhai Estuary is a “Significant Bird Area” in the NRP; the assessment for the estuary that is included in the Plan indicates that it provides important habitat for a wide range of TAR bird species.⁶⁷ The NRP planning map also indicates that areas of the estuary immediately adjacent to the plan change site provide “Critical Bird Habitat” for tara iti/New Zealand fairy tern, and for the Australasian bittern (both species are Threatened – nationally critical).

⁶⁷ [Significant Ecological Estuarine Area Assessment Sheet for Wading and Aquatic Birds - Mangawhai Estuary.pdf](#).

128. I note that Northland RPS Policy 4.4.1 and NRP Policy D.2.18 have given effect to a range of clauses in NZCPS Policy 11.a by requiring that adverse effects on significant areas of indigenous vegetation and habitats of indigenous fauna in the coastal environment are to be avoided. This requirement applies to the proposed Saltmarsh SNA and the proposed Black Swamp SNA.
129. In relation to the clauses in NZCPS Policy 11, RPS Policy 4.4.1 and NRP Policy D.2.18 that relate to “areas set aside for full or partial protection of indigenous biodiversity under other legislation”, I note that the full area covered by the KDC conservation covenant in the northwest of the site is protected under the Reserves Act 1977, with covenant terms that include the protection of “ecological value” and encouragement of the “natural regeneration of native vegetation”. Therefore, under these policy provisions, adverse effects on the part of the covenanted area that intersects with the “coastal environment” (as identified on the RPS planning map – see map excerpt at paragraph 99 above) are to be avoided.
130. Policy 13 describes how effects should be managed in order to protect natural character in the coastal environment, as follows:
- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
- (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment*
131. Policy 4.6.1(1) of the Northland RPS includes very similar wording to Policy 13. As discussed in Section 5.4 above, the planning map for the Northland RPS identifies both the coastal area around the site, and the proposed Black Swamp SNA within the site, as areas of HNC.
132. Policy D.2.17 of the NRP gives effect to the NZCPS and Northland RPS by including the following direction on management of adverse effects on natural character:
- Manage the adverse effects of activities on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features by:*
- 1) avoiding adverse effects of activities as outlined in Table 17: Adverse effects to be avoided.*

Table 17: Adverse effects to be avoided

Place / value	Location of the place	Effects to be avoided
Areas of Outstanding Natural Character Outstanding Natural Features Outstanding Natural Landscapes	Coastal marine area and freshwater bodies in the coastal environment.	Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding.
Natural Character (incl. High Natural Character) Other Natural Features and Landscapes	The coastal marine area and freshwater bodies in the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to Natural Character or other natural features and landscapes.
Natural Character Outstanding Natural Features Outstanding Natural Landscapes	Freshwater bodies outside the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to Natural Character or which make the Natural Character or landscape outstanding.

2) recognising that, in relation to Natural Character in water bodies and the coastal environment (where not identified as Outstanding Natural Character), appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and

b) in areas of High Natural Character in the coastal environment, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants) ...

133. Assessments in the planning report provided with the application finds that the plan change “will achieve” the relevant policies of the NZCPS and gives effect to the Northland RPS⁶⁸, but does not state whether the plan change is consistent with the NRP.
134. In the section 42A report, Mr Cleese notes that the plan change has “potential effects on coastal ecological areas and species, and potential effects on the coastal landscape” but concludes that he is satisfied that “the plan change will give effect to the overarching outcomes sought in the NZCPS”.⁶⁹ Similarly, he considers that the plan change provisions give effect to the Northland RPS “in terms of landscape, ecology ... and coastal environment outcomes”.⁷⁰ The section 42A report discusses the NRP but not in relation to biodiversity or natural character provisions.

⁶⁸ Private Plan Change Request to Kaipara District Council: Plan Change (Private) - Mangawhai East Development Area (July 2025), The Planning Collective, section 8.1.1 on NZCPS, section 10.1 on RPS.

⁶⁹ Section 42A Report, paragraphs 358 and 363.

⁷⁰ Section 42A Report, paragraph 419.

135. Ms O'Connor's evidence agrees with Mr Clease's assessment in relation to the NZCPS⁷¹ but does not specifically refer to the biodiversity or natural character provisions in the Northland RPS or NRP.

136. I do not consider that the plan change provisions as currently proposed by the applicants (i.e. as attached to the evidence of Ms O'Connor) give effect to the policies of the NZCPS and Northland RPS described above, and I do not consider they are consistent with the NRP policies described above. Based on the evidence discussed in sections 5.1 and 5.3 above, I consider that the potential presence of several hundred dogs in the plan change area, and the coastal and estuarine public walkways proposed in sensitive ecological areas, risk causing adverse effects within the coastal environment to:

- TAR bird species;
- SNAs; and
- the area of the conservation covenant.

There is a strong directive higher order planning framework in the NZCPS, Northland RPS and NRP provisions for indigenous biodiversity in the coastal environment that effects of this kind are to be avoided.

137. In addition, I do not consider that increased development potential represented by the proposed Rural Lifestyle zoning (discussed at paragraph 78 above) is appropriate for the area covered by the conservation covenant or Saltmarsh SNA, given the requirements in the NZCPS, Northland RPS and NRP to avoid adverse effects on these areas. Instead, the current Rural zoning should be retained for these areas.

138. I also consider that the absence of a dog ban, and the proposed walkways along the coast and the estuary inlet, risk causing significant adverse effects to the values of the identified areas of HNC that are adjacent to and within the site, i.e. the Mangawhai Estuary HNC in the coastal area and the Black Swamp HNC in the estuarine inlet. I have discussed the potential significance of effects on the natural character values of the HNCs at paragraphs 104 to 105 above.

139. Therefore, I recommend amendments to provisions to ban dogs at the site, to remove the proposed walkways from the Structure Plan and from the proposed plan provisions, and to retain Rural zoning for land underlying the covenanted area and the Saltmarsh SNA. With these amendments, I consider that the plan change would appropriately give effect to/be consistent with the NZCPS,

⁷¹ O'Connor, paragraph 105.

Northland RPS and NRP in relation to effects on indigenous biodiversity and coastal character.

8.3 National Policy Statement for Freshwater Management 2020 (amended 2025) and National Environmental Standards for Freshwater 2020 (amended 2025)

140. Policy 6 of the NPS-FM, and Regulation 45C of the NESF, are particularly relevant to the issues raised in the DG's submission. These provisions are not affected by the changes made to the National Policy Statements and National Environmental Standards in December 2025.

141. Policy 6 reads as follows:

There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

142. The NPS-FM is implemented in part via the regulations in the NESF, which apply to a range of activities that could affect wetlands and other freshwater environments. Regulation 45C of the NESF requires that certain activities associated with urban development are set back from the edge of natural inland wetlands. The required setback for vegetation clearance is 10 m. The required setback for earthworks and land disturbance is also 10 m, unless the activity is likely to result in the complete or partial drainage of the wetland, in which case the required setback is 100 m. Within the setback, these activities have restricted discretionary activity status.

143. The planning report provided with the application, supported by two ecological impact assessments covering the northern and southern areas of the site, indicates that the coastal saltmarsh in the northwest of the site and the estuarine inlet located south of Black Swamp Road both qualify as "natural inland wetlands" as defined in the NPS-FM. Both areas also meet SNA criteria. The plan change, incorporating amendments proposed in response to submissions, would identify these areas as SNAs in the District Plan maps, and would protect them via rules restricting indigenous vegetation clearance.

144. The proposed provisions would require the following setbacks from natural inland wetlands:

- Under proposed Rule DEV X-LU-S7 Setbacks from natural features, buildings and structures must be set back 15 m from "the edge of natural wetlands"; and

- Under proposed Rule DEV X-G-R1 Earthworks – Excavation and Fill (incorporating amendments proposed in Ms O’Connor’s evidence in chief), earthworks must be set back 5 m from the “the edge of natural wetlands”.
145. The proposed provisions for indigenous vegetation clearance (Rule DEV X-G-R2) would apply restricted discretionary activity status to clearance within mapped SNAs and “any wetland area”. However, clause c. of this rule sets out exemptions for a number of different types of clearance, including clearance for the removal of trees that are a danger to life or property, the removal of “naturally dead, or wind thrown trees”, the formation of walking tracks, the establishment or maintenance of fences, the operation and maintenance of network utilities, and clearance that is in accordance with the terms of a QEII or other covenant. It is not clear from the current drafting whether these exemptions are intended to apply within wetlands.
146. Regulation 6 of the NESF indicates that district plan rules may be more stringent than the regulations relating to natural inland wetlands, but may not be more lenient than them. Therefore, the 15 m required setback for buildings and structures is consistent with the NESF (which does not require any setback for these activities, except in relation to associated vegetation clearance and earthworks). However, the 5 m setback for earthworks is not consistent with the NES, because it is more lenient than Regulation 45C. Similarly, the exemptions to the consent requirement for vegetation clearance (Rule DEV X-G-R2) are inconsistent with the NES, if these are intended to apply within natural inland wetlands.
147. The assessment provided in the application concludes that the plan change gives effect to the NPS-FM and does not conflict with the NESF.⁷² In the section 42A report, Mr Cleese concludes that the plan change “is capable of giving effect to the policy outcomes sought in the ...NPS-FM”. He also notes that, given the evidence that freshwater features across the site are limited in extent, there is “a plausible consenting pathway” in the NESF “to enable the Structure Plan to be successfully delivered”.⁷³
148. I support the protection of the two largest natural inland wetlands on the site as SNAs; I agree that this will help to give effect to Policy 6. However, in order to fully give effect to this policy, and to ensure that the plan change provisions are

⁷² Private Plan Change Request to Kaipara District Council: Plan Change (Private) - Mangawhai East Development Area (July 2025), The Planning Collective, sections 8.1.5 and 9.1.

⁷³ Section 42A report, paragraphs 202 and 204.

not more lenient than the NESF, I consider that proposed rules should be amended to: align the proposed earthworks setback with the NES; and to clarify that the exemptions to the indigenous vegetation clearance rule do not apply within natural inland wetlands.

8.4 National Policy Statement for Indigenous Biodiversity 2023 (amended 2025)

149. The following NPS-IB provisions are particularly relevant to the DG's submission. These provisions are not affected by the changes⁷⁴ made to this NPS in December 2025:

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

150. As set out in clause 1.3(1), this NPS generally applies only to indigenous biodiversity in the terrestrial environment. "Terrestrial environment" is defined as meaning "land and associated natural and physical resources above mean high-water springs, excluding land covered by water, water bodies and freshwater ecosystems (as those terms are used in the NPS-FM) and the coastal marine area". However, there are some exceptions to this (see clause 1.3(2)); for instance, provisions that promote restoration and increasing indigenous vegetation cover include natural inland wetlands, and natural inland wetlands may be treated as part of SNAs.
151. The planning report provided with the application assesses the proposed plan change against the NPS-IB, and concludes that the plan change gives effect to the NPS-IB, on the basis of the proposed riparian and coastal edge planting, and the proposed mapping of the salt marsh as an SNA.⁷⁵
152. In the section 42A report, Mr Cleese considers, based on ecological evidence, that "Further information is required to reach a final conclusion on ecological matters, particularly regarding the potential for the plan change to generate

⁷⁴ Changes were made to clause 1.6 to add new definitions for "ancillary activities" and "quarrying activities" and to clause 3.11: [amendment 2025 nps indigenous biodiversity](#)

⁷⁵ Private Plan Change Request to Kaipara District Council: Plan Change (Private) - Mangawhai East Development Area (July 2025), The Planning Collective, section 8.1.4.

effects on threatened bird species located beyond the plan change site in the adjacent coastal environment.”.⁷⁶ However, he considers that, if additional assessment of ecological effects is carried out, “PPC85 is capable of giving effect to the policy outcomes sought in the NPS-IB”.⁷⁷ Ms O’Connor’s evidence does not provide further discussion in relation to the NPS-IB.

153. Given that the scope of the NPS-IB is limited to the terrestrial environment, but with some exceptions including in relation to wetlands, I consider that the NPS-IB is relevant to the following aspects of the proposed plan change:

- Provisions that affect the biodiversity values of the identified SNAs, including wetlands; and
- Provisions relevant to the maintenance and restoration of biodiversity values outside the identified SNAs, both in the terrestrial environment and in wetlands.

154. The plan change will have a number of positive effects on biodiversity values both within and outside SNAs.

155. Firstly, the proposed subdivision rules include requirements for indigenous planting, for protection of that planting, and for weed and pest control, as follows:

- Under Rule DEV X-R1.1, subdivision applications must include “native revegetation replanting to a minimum of 10m from the edge of natural inland wetlands, intermittent and permanent streams, and indigenous vegetation identified within the Mangawhai East Structure Plan” and this planting must be “protected in perpetuity” (Rule DEV X-R1.1.c). In addition, subdivision applications must ensure that any “bush or wetland area” or “indigenous vegetation planting” is “physically and legally protected in perpetuity” (Rule DEV X-R1.1.d). If these requirements are not met, the activity status of subdivision changes from restricted to fully discretionary.
- Under Rule DEV X-SUB-S3, subdivision applications that result in more than 50 residential units in the plan change area must include a plan for the upgrade of the esplanade reserve area. This upgrade includes the proposed walkway which, as discussed above, I consider may lead to adverse ecological effects. However, it also includes planting “around the coastal edge to provide an ecological buffer”, with all planting “to be

⁷⁶ Section 42A Report, paragraph 188.

⁷⁷ Section 42A Report, paragraph 204.

undertaken with location appropriate native species". The plan is to be prepared "with input from an ecologist" and it is proposed (in the updated provisions) that the plan must be "certified by the Council Asset manager responsible for the esplanade reserve" in relation to whether it "adequately addresses restoration outcomes". If this requirement is not met, the activity status of subdivision changes from restricted to fully discretionary.

- Under Rule DEV X-SUB-S3, subdivision applications must also provide for weed and pest control to be undertaken for a minimum period (24 months in the updated provisions) to "eradicate" plant and animals pests in the reserve. Weed and pest control proposals are to be verified by "a report from a suitably qualified ecologist". Again, if this requirement is not met, the activity status of subdivision changes from restricted to fully discretionary.
- The plan provisions also include an information requirement (DEVX-REQ4) that relates to the esplanade reserve upgrades required by Rule DEV X-SUB-S3. This includes a requirement for a report and plans to be provided to KDC for any "subdivision and/or development resource consent application involving 50 or more sites and/or dwellings", including plans for planting around the coastal edge, and a plant and animal pest control plan. The updated provisions include a requirement for these plans "to be certified by the Council".

156. Although I consider that improvements should be made to the proposed provisions relating to weed and pest control (see paragraphs 67 to 69, above), I consider the indigenous planting and weed/pest control required in these provisions represent benefits to biodiversity that will result from the plan change. The esplanade reserve area intersects with the Saltmarsh SNA; therefore, these benefits will apply both within and outside SNA areas. I consider that these provisions help to give effect to Policy 13 of the NPS-IB, by providing for the restoration of indigenous biodiversity in the affected areas.
157. Secondly, the plan change application has identified two SNAs within the site which are proposed to be included in the Structure Plan and the Kaipara District Plan map, and are proposed to be protected via a set of plan provisions as follows (the provisions copied below include updates provided in Ms O'Connor's evidence):

Objective DEV X-04

1. *Protect and enhance the ecological and habitat values of the Development Area including land adjacent to estuarine environments and the coastal marine area.*
2. *Provide esplanade reserves or other setbacks to protect riparian margins and facilitate public access connections.*

Policy DEV X-P4 Biodiversity and Ecological Values

1. *Secure ecological and habitat protection and enhancement by:*
 - a. *Requiring a minimum 10-metre depth native planting along the western coastal edge on the existing esplanade reserve in all locations to the extent practicable recognizing existing agreements for access to, and management of the coastal edge.*
 - b. *Form a defined metaled walking / cycling track between the planted buffer and the landward boundary of the esplanade reserve.*
 - c. *Provide council approved signage at either end of the existing western edge esplanade reserve and any other esplanade or riparian reserve land advising that dogs are on leash only.*
 - d. *Provide a council approved sign at the northern end of the western esplanade reserve advising of the tidal limitations of access further around the coast to the Sandspit.*
 - e. *Impose covenants and / or restrictive consent notices, at the time of subdivision on all land within the Development Area banning the keeping of cats and mustelids and requiring dogs to be contained on properties and to be on a leash in public places.*
 - f. *Require and deliver riparian planting, weed and pest control, around existing wetland and freshwater resources in conjunction with the delivery of any public access walking and cycle trail or path requirements. Note: Walking and cycle path connections shall be designed to avoid infringing into wetland and freshwater resources and riparian margins to the greatest extent practicable.*
2. *Ensure direct access to Mangawhai harbour is restricted to ensure adverse effects on avifauna are avoided to the greatest extent practicable.*

DEV X-LU-S7 Setbacks from natural features

1. *Buildings, accessory buildings and structures must be setback a minimum of:*

- a. 15m from the edge of natural wetlands, intermittent and permanent streams; unless the stream has an average width of 3m or greater in which case the setback shall be 20m.
- b. 5m from the edge of riparian planting, wetland planting, and indigenous vegetation.
- c. 30m from the edge of the Coastal Marine Area.

2. The setbacks above do not apply to:

Ephemeral streams. ...

DEV X-G-R1 – Earthworks

1. Activity Status: Permitted Where:

- a. The excavation and fill comply with DEVX- G-S1 Earthworks.
- b. There are no earthworks located within the Coastal Hazard Overlay Area or the Coastal Marine Area
- c. There are no earthworks within riparian yards as follows:
 - i. 5m from the edge of natural wetlands, intermittent and permanent streams.
 - ii. 5m from the edge of riparian planting, wetland planting, and indigenous vegetation within the riparian yard.

DEV X-G-R2 – Indigenous Vegetation Clearance

1. Activity Status: Permitted

Where:

- a. The indigenous vegetation is not located within an existing ecological feature identified on the Ecological Features map, Appendix 2; or
- b. Vegetation is not cleared from the mapped SNA shown on the Mangawhai East Structure Plan, or from within any wetland area.
- c. Indigenous vegetation is cleared for the following purposes:
 - i. The removal is of trees that are a danger to human life or existing structures (including network utilities).
 - ii. The removal is for the formation and maintenance of walking tracks less than 2m wide
 - iii. The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude

stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 1m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth.

iv. It is part of the operation and maintenance of network utilities.

v. It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or the removal is limited to naturally dead, or wind thrown trees.

158. Both SNAs qualify as natural inland wetlands, and are therefore already protected via regulations in the NESF which require vegetation clearance and earthworks to be set back a minimum distance from the edge of wetlands. However, it is in keeping with the NPS-IB that areas meeting SNA criteria should be recognised in district plans, and the plan change will ensure that the biodiversity values, as well as the freshwater values, of these SNAs are recognised. The provisions also provide additional protection that is not present in the NESF regulations, by requiring that “buildings, accessory buildings and structures” are setback 15 m from the edge of “natural wetlands”. I consider that this rule is in keeping with the NPS-IB policy direction to protect SNAs, although it could be improved by adding a specific requirement for a 15 m setback from “SNAs”. This will clarify the rule, given that SNAs, but not wetlands, are depicted on the Structure Plan and will be shown in the District Plan map.
159. I also consider that Policy DEV X-P4 should be amended to refer to all methods in the plan change provisions that will manage effects on biodiversity values. Methods that are currently missing from the policy include setbacks from natural features and indigenous vegetation clearance rules.
160. I consider that the proposed public walkways along the coast and both sides of the estuary inlet are inconsistent with Policy 7 of the NPS-IB because of the risk of disturbance to TAR bird species within both SNAs, as discussed in section 5.3.
161. Overall, my view is that the following amendments are required to the plan change, to give effect to the NPS-IB:
- Removal of the proposed public walkways along the coast and estuary inlet from the Structure Plan and removal of related requirements from the plan provisions; and

- A range of less significant amendments to provisions, including improvements to weed and pest control provisions, improvements to the policy managing effects on biodiversity values, and addition of a specific reference to SNAs in the setback rule for buildings and structures.

162. I note that the following policy of the NPS-IB is also relevant to this plan change:

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.

163. The “specified highly mobile fauna species” are identified in Appendix 2 of the NPS-IB and include tara iti, bittern, fernbird and banded rail. Associated clauses 3.20(3) and 3.20(4) relate to the implementation of Policy 15 as follows:

Clause 3.20(3):

“Local authorities must include objectives, policies, or methods in their policy statements and plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.”

Clause 3.20(4):

“Local authorities must provide information to their communities about:

(a) highly mobile fauna and their habitats;

(b) and best practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats in their regions and districts.”

164. Policy 15 and Clause 3.20 were not affected by the changes made to the NPS-IB in December 2025.

165. I consider that the changes that I recommend above to reduce risks to these species in the Mangawhai Estuary⁷⁸ and/or within the proposed SNAs – i.e. the ban on dogs and the removal of the two proposed public walkways – will help to maintain these species in their natural range and give effect to this part of the NPS-IB.

8.5 Northland Conservation Management Strategy 2014

166. The Northland Conservation Management Strategy (CMS) is a management strategy prepared under the Conservation Act 1987. Under section 74(2)(b)(i) of the RMA, the KDC is to have regard to this strategy when changing the

⁷⁸ I note that clause 1.3(2)(b) of the NPS-IB indicates that “specified highly mobile fauna are covered by this National Policy Statement, whether or not they use areas outside the terrestrial environment (such as the coastal marine area or water bodies) for part of their life cycle”.

District Plan. The proposed plan change site is located within the CMS's "Whangaruru–Mangawhai Coast Place".

167. The CMS's outcome statement for this area includes the following:

The specific needs of the wildlife, especially tara iti/New Zealand fairy tern, are given particular consideration by tangata whenua and the community, and are actively managed.

168. In its current form, I do not consider that the plan change has regard to this element of the CMS. Based on the ecological evidence discussed above, I consider that the dog ban within the plan change area, and the removal of requirements for coastal and estuarine public walkways, are necessary in order to appropriately provide for the "specific needs of wildlife".

7.0 Areas of alignment

169. This evidence has focused on matters that remain in contention. However, there are significant areas of alignment between my evidence and the evidence of Mr Cleese and Ms O'Connor in relation to effects on ecology and natural character. In particular, I support the following changes to provisions that are proposed in the Council and applicant's planning evidence:

- Removal of the "Potential future boat access" from structure plan. I note that the DG's submission also queried the faint line that was shown on the notified version of the Structure Plan, running from this boat access to the end of Moir Street. The submission raised the concern that this may mark a proposed route by boat between the two points, but the applicants have since clarified that that is not the case.
- Depiction of SNAs on structure plan and reference to them in development area provisions.
- Amendments to indigenous vegetation clearance rules to take a more protective approach within SNAs.
- Addition of a requirement for any dogs within the plan change area (e.g. dogs brought by visitors) to be contained on properties or on a lead in public places.
- Amendments to the lighting performance standard rule, to add effects on biodiversity as a matter of discretion for the Council when this standard is breached.

- Application of Rural Lifestyle, rather than Low Density Residential, zoning to the land underlying the Riverside Holiday Park. Although this recommendation (made in the section 42A report and supported in Ms O'Connor's evidence) was not based on ecological considerations, I support less intensive zoning on this area of the coastline, as a means of reducing the potential for disturbance of harbour fauna.
170. I also support the elements of the plan change that will have positive effects on biodiversity values both within and outside SNAs, including the requirements for indigenous planting, protection of that planting, and weed and pest control, and the required setbacks of various activities from ecological features.

8.0 Outstanding issues

171. In my view, based on the ecological evidence, the outstanding issues that need to be addressed in order to manage effects on ecology and natural character in a way that gives effect to the relevant higher order planning documents are as follows:
- Apply a ban on the keeping of dogs within the plan change area (I note that this is supported by Mr Cleese in the section 42A report);
 - Remove the proposals for public walkways along the coast and along both sides of the estuary inlet;
 - Retain rural zoning for the land underlying the Saltmarsh SNA and the covenanted area; and
 - Amend provisions that apply to natural inland wetlands to ensure that these align with, and are not more lenient than, the NESF.
172. I also recommend certain more minor changes to provisions, which I consider are necessary to achieve the objectives of the plan change in an effective and efficient way. These changes affect provisions relating to the management of weeds and pests in the esplanade reserve area and the upgrade of the Insley Street Causeway, and the drafting of the policy and rules relating to management of effects on biodiversity values.

9.0 Conclusion

173. The proposed plan change as notified included a range of measures that will protect or enhance biodiversity values at the plan change site, and the

applicant's planner Ms O'Connor has also proposed several amendments in her evidence that will assist in protecting these values.

174. However, based on the ecological evidence and taking into account the higher order planning framework, I consider that additional changes need to be made, as set out in the 'outstanding issues' section above. With these amendments, I consider that the proposed plan change will be consistent with the statutory and policy framework, with respect to effects on biodiversity and natural character values.



Jane Macleod

DATED this 30th day of January 2026

Appendix A: Amendments sought to Private Plan Change 85 provisions

This appendix is based on the version of the proposed plan provisions that were attached to Ms O'Connor's evidence in chief, with additional amendments that I recommend for reasons set out in my evidence. I have used red text for my amendments to make them easier to distinguish from the amendments made by Ms O'Connor and Mr Clease.

DEV X Mangawhai East Development Area

DEV X description

The Mangawhai East Development Area provides a unique opportunity to harness the opportunities for high quality residential and commercial development connected to Mangawhai village by way of existing and proposed new walking and cycling connections.

The location provides the opportunity for ~~access to the eastern side of the Estuary whilst~~ protecting and enhancing ecological values associated with existing harbour and land-based habitat values.

Commented [JM1]: Amendment to remove reference to public walkways along the coast and estuary inlet.

There are established activities such as brewery and garden centre, amongst rural residential development, that provide a strong basis for urban development resulting in an efficient use of the land resource, to provide for required urban growth now and into the future.

A range of residential and commercial typologies suited to the rural and coastal location will be provided in response to topography, landscape, coastal hazards, and ecological values.

The area is intended to deliver a quality urban outcome that will positively respond to the urban / rural edge, ecological values, the harbour setting and the role of the location as the southern entrance to the Kaipara District.

The Mangawhai East Structure Plan (see Appendix 1) has been prepared to illustrate intended spatial outcomes and to reflect the comprehensive design statement analysis for the Mangawhai East Development Area. This informs the spatial pattern of land use and subdivision within the Development Area.

Residential Large Lot Zone:

The Large Lot zone is located to respond to topography and the rural edge to the south of the Development Area. Larger sites in this location will ensure an appropriate development response with residential units set back from the rural edge with landscape treatments to create a transition between the urban and rural environments. The Development Standards will ensure a spacious landscape quality is maintained.

Residential Low Density Zone:

This zone applies to most of the Development Area land and will deliver a residential outcome that is efficient but suitably spacious to respond to the location of the land in proximity to the rural edge and within the coastal environment.

Sites will be designed to ensure that onsite services such as water supply, onsite parking and manoeuvring can be provided in a manner that ensures high residential quality. Each site will provide appropriate private outdoor open space, solar access to residential units and sufficient outlook space between units to maintain privacy.

Residential Medium Density Zone:

The zone is applied to the lower parts of the Development Area in proximity to the Business - Neighbourhood Centre and Business - Mixed Use zoned land. The zone enables a higher density of residential development and a choice of typologies and living options through freehold subdivision or comprehensively designed residential development.

The higher density is appropriate within walking distance to the amenities to be provided within the business zones.

The area proposes a Neighbourhood Centre and Mixed Use business land to enable a range of commercial and service activities to support the new residential community, and recreational land uses in the wider area.

Business Neighbourhood Centre Zone:

The Neighbourhood Centre will provide a focal point for the Development Area community and provides the opportunity to deliver services for the local community and the wider area where tourism and recreational activities are established.

Built form is intended to comprise a series of smaller scale buildings arranged around shared open spaces, greens and pedestrian oriented areas.

The spatial structure departs from the conventional street-based centres and instead places emphasis on landscape integration, informal gathering places and walkability.

Built form will reflect rural vernacular characteristics such as pitched roofs, varied footprints, verandahs and natural materials. Public space will act as the primary organizing element with buildings contributing to a fine grained and visually rich environment.

Business – Mixed Use Zone:

The purpose of this zone is to provide flexibility for a range of appropriate land use outcomes in proximity to the Business – Neighbourhood Centre and transitioning between the residential and business zones.

The zone is applied to land adjacent to Black Swamp Road and the estuarine environment, where it provides the opportunity to deliver a fine-grained, walkable, and landscape-integrated mixed-use fabric. Development in this zone is expected to support the Neighbourhood Centre by enabling small-scale commercial, community, and residential activities, including live-work units, studios, and artisan enterprises, within buildings that reflect the rural-coastal character of Mangawhai.

The spatial structure of the zone will be underpinned by a network of publicly accessible ~~walkways~~, walking and cycle routes and open spaces that reinforce pedestrian connectivity and public realm quality. Where the zone adjoins riparian areas, development is expected to contribute to ecological enhancement and the protection of natural values through appropriate planting within the identified area, building setbacks, and access management.

Commented [JM2]: Amendment recommended to reflect requested removal of walkway requirements; roads and footpaths through and within the plan change area would provide “publicly accessible walking routes”

Commented [BO3]: Wording changed to add stronger policy directives for outcomes in the Business zones.

The zone is applied to land adjacent to Black Swamp Road and the estuarine environment that provides opportunity to open up connected public walkways and deliver ecological enhancement and protection of riparian areas.

Rural Lifestyle Zone:

The Rural Lifestyle zone is applied to land ~~at~~ near the coastal and rural edge where there is existing rural lifestyle development, protected ecological features, and where the land is subject to coastal hazard.

The zone will enable an appropriate level of lifestyle development subject to demonstrating the avoidance of coastal hazards.

Rural Zone

Rural zone is applied to land underlying the identified Significant Natural Area and the area of Saltmarsh covenant, in the northwestern part of the Development Area. This zoning reflects the need for protection of the biodiversity values of this land, and provides for minimal additional development.

Commented [JM4]: Recommended amendments associated with the recommendation to retain rural zoning for ecologically sensitive areas.

Coastal Hazard Overlay:

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A Coastal Hazard Overlay is applied to land identified as being potentially subject to coastal inundation now or in the future.

Development of land within the overlay will need to demonstrate that building sites and access can be provided in a manner that avoids coastal hazard risk and does not adversely affect the amenity values of adjacent land.

DEV X Objectives

DEV X-01	Quality Urban Environment
Provide quality urban outcomes with: <ul style="list-style-type: none"> a connected urban form; a choice of living environments and housing types; supporting business activities; connectivity to the existing urban area and harbour, and supply of urban land to ensure competitive markets for housing and business land at Mangawhai. 	
DEV X-02	Transportation, Connectivity and Access
1. Provide walking and cycling connections to Mangawhai Village <u>via Insley Street as a critical transport link.</u> 2. Provide defined walking connections around the coastal edge and new walking and cycling connections through the development and alongside new reserve areas. 3. Deliver intersection and road upgrades to secure safe, functional transport networks.	
DEV X-03	Community
1. Provide opportunity for community activities and facilities in the Business Mixed Use and Neighbourhood Centre zones to support the local community and harness locational opportunities associated with the coastal / estuarine and existing environment. 2. <u>Deliver small human-scale flexible use buildings integrated with shared greens, informal gathering spaces, and flexible indoor-outdoor venues within the Business Neighbourhood Centre zone.</u>	
DEV X-04	Indigenous Biodiversity and Ecological Values
1. Protect and enhance the ecological and habitat values of the Development Area including adjacent land <u>adjacent to</u> estuarine environments <u>and</u> the coastal marine area. 2. Provide esplanade reserves or other setbacks to protect riparian margins and facilitate public access connections.	
DEV X-05	Freshwater Management
Ensure freshwater resources in the Development Area are protected and enhanced.	
DEV X-06	Coastal and Erosion Hazards Management

Commented [BO5]: Commented [JC1]:
Amendments relating to the shared path are in response to transport evidence regarding the critical nature of this route and to provide clarity that the link is to via Insley St rather than another route such as around the head of the harbour

Commented [JM6]: Amendment to remove reference to required walkways along the coast and estuary inlet.

Commented [BO7]: To address submission points relating to the scale and size of the proposed Business Neighbourhood Centre

Commented [JM8]: I agree with the change to clause 1 of this policy.
I do not consider that clause 2 is necessary, because protection of riparian margins is covered by the general aim to "protect and enhance ... ecological and habitat values" set out in clause 1. Also, because this objective is titled "indigenous biodiversity and ecological values", I don't think the reference to facilitation of public access is relevant.

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Ensure land is developed to avoid increased risk from coastal inundation hazards.	
DEV X-07	Landscape Character and Amenity
Deliver urban development with necessary controls to ensure development appropriately responds to the urban / rural interface and the coastal environment, <u>through the use of softened edges, low-rise built form, use of natural building buildings and low reflectivity colours, greater setbacks and layered landscaping.</u>	
DEV X-08	Commercial and Non-Residential Land Uses
Provide opportunity for a range of supporting commercial and non-residential land uses to support the local community and location-based activities beyond the Development Area, to ensure positive economic and environmental outcomes <u>while reinforcing the Neighbourhood Centre and Business Mixed Use zones role as a walkable, cyclable, community-focused hub of small-scale, locally oriented activity set within a high-quality landscape.</u>	
DEV X-09	Stormwater Management
Manage stormwater from development to ensure positive ecological and freshwater outcomes and that adverse effects associated with natural hazards are avoided.	
DEV X-010	Infrastructure Servicing
Ensure all development, other than in <u>the Rural zone,</u> the Rural Lifestyle zone and the Residential Large Lot zone, is connected to a reticulated wastewater network, stormwater management network and can provide sufficient water supply for potable and fire-fighting water use.	
DEV X-011	Heritage Values
<u>Protect midden R08/256 shown on the Mangawhai East Structure Plan, to the greatest extent practicable.</u>	

Commented [BO9]: Greater relationship to updated provisions.

Commented [BO10]: Greater policy direction to achieve the required outcomes.

Commented [JM11]: Required due to recommendation to retain Rural zoning for certain areas

Commented [BO12]: Added to reflect addition of the recorded site on the Structure Plan

DEV X Policies

DEV X-P1	Quality Urban Environment
<ol style="list-style-type: none"> 1. Deliver a walking and cycling connection between the Development Area and back to Mangawhai Village <u>via Insley Street</u> before more than 50 dwellings are <u>occupied or have Code of Compliance Certificates issued</u> ready for occupation in the Development Area. 2. Create connected walking and cycling networks within the Development Area as shown on the Development Area Structure Plan, <u>with emphasis on pedestrian-oriented public spaces, central greens, and access to community and commercial focal points.</u> 3. Secure and deliver landscape edge enhancement along Raymond Bull Road and Rural Edge enhancement along the southern boundary as shown on the Development Area Structure Plan <u>using layered planting, fencing, and setbacks to establish a softened and contextually appropriate transition to adjacent rural character.</u> 	
DEV X-P2	Land Development and Built Form

Commented [BO13]: **Commented [JC3]:** Link to CCCs is easier to monitor and more certain to determine than when new buildings are occupied.

Commented [BO14]: As above - to provide greater policy direction

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<ol style="list-style-type: none"> Structures and built form are designed to respond to topography of the land and position of the land within the coastal environment. Structures and built form in the Neighbourhood Centre zone and Business Mixed Use zone are designed and constructed to reflect the coastal beach settlement character of Mangawhai and the location of the Development Area to the rural hinterland, <u>through the use of pitched roofs, natural materials, articulated massing, and building forms that reference a rural vernacular.</u> Earthworks are designed to ensure minimal need for retaining; or to facilitate lower stepped retaining and associated landscaping. Earthworks activities will be undertaken in accordance with the erosion and sediment control standards as set out in Auckland Council Guidance Document – GD05. 	
DEV X-P3	Transportation and Connectivity
<ol style="list-style-type: none"> Upgrade Black Swamp Road to an Urban Collector standard in conjunction with urban development. Upgrade the intersection of Black Swamp Road and Insley Street with a <u>roundabout</u> right turn bay before more than 50 dwellings are <u>occupied or have Code of Compliance Certificates issued</u> ready for occupation in the Development Area. Deliver a connected, high quality road network within the Development Area generally as indicated on the Structure Plan, <u>with a clear street hierarchy, low-speed environments, and integration of landscape elements and pedestrian and cycle-priority streets near key public spaces.</u> Ensure Local roads and access lots within the Development Area are <u>shall be</u> connected <u>and designed to deliver a legible street network</u>, minimising the creation of cul de sacs and rear lots. <u>The network should support walkable block sizes, with clear and direct access to central public greens, community facilities, and key commercial and mixed-use areas, while reinforcing a spatial structure that prioritises human scale, permeability, and place function.</u> 	
DEV X-P4	Biodiversity and Ecological Values
<ol style="list-style-type: none"> Secure ecological and habitat protection and enhancement by: <ol style="list-style-type: none"> Requiring a minimum 10-metre depth native planting along the western coastal edge on the existing esplanade reserve in all locations to the extent practicable recognizing existing agreements for access to, and management of the coastal edge. Form a defined metaled walking / cycling track between the planted buffer and the landward boundary of the esplanade reserve. Provide council approved signage at either end of the existing western edge esplanade reserve and any other esplanade or riparian reserve land advising that dogs are on leash only. Provide a council approved sign at the northern end of the western esplanade reserve advising of the tidal limitations of access further around the coast to the Sandspit. Impose covenants and / or restrictive consent notices, <u>at the time of subdivision</u> on all land within the Development Area banning the keeping of cats, <u>and mustelids and dogs, and requiring dogs to be contained on properties and to be on a leash in public places, or dogs</u> other than for existing landowners with existing cats <u>or dogs.</u> Require and deliver riparian planting, <u>weed and pest control</u>, around existing wetland and freshwater resources in conjunction with the delivery of any public access walking and cycle trail or path requirements. Note: Walking and cycle path connections shall be designed to avoid infringing into wetland and freshwater resources and riparian margins to the greatest extent practicable. Ensure direct access to Mangawhai harbour is restricted to ensure adverse effects on avifauna are avoided to the greatest extent practicable. <u>Protect biodiversity and ecological values within the Development Area by:</u> <ol style="list-style-type: none"> <u>Requiring setbacks of buildings, accessory buildings, structures, earthworks and indigenous vegetation clearance from ecological features</u> <u>Managing indigenous vegetation clearance within ecological features.</u> 	
DEV X-P5	Landscape Character and Amenity

Commented [BO15]: Greater policy direction

Commented [BO16]: Commented [JC4]: In response to transport evidence

Commented [BO17]: Retain Right Hand Turn Bay as this is consistent with the Applicants traffic engineering evidence. No sufficient reasoning provided in the council transport evidence to justify a roundabout

Commented [BO18]: Commented [JC5]: Link to CCCs is easier to monitor and more certain to determine than when new buildings are occupied.

Commented [BO19]: More directive policy

Commented [JM20]: I recommend that all provisions requiring walking tracks along the coast and around the estuary inlet are removed from the Plan. In any case, I consider that this clause does not fit well in this policy, because the formation of tracks does not contribute to ecological and habitat protection and enhancement.

Commented [BO21]: Commented [JC6]: In response to Council ecologist and DoC (S81) submission –

Commented [BO22R21]: Wording amended to reflect the Applicants ecological evidence

Commented [JM23]: Recommended addition, so that this policy describes all proposed methods that are relevant to protecting biodiversity and ecological values.

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<ol style="list-style-type: none"> 1. Ensure appropriate yard setbacks to respond to the rural edge areas. 2. Deliver edge planting to provide appropriate landscape responses to the rural / urban edges. 3. Ensure an appropriate relationship to the coastal edge by creating esplanade reserve or riparian yard setbacks; retaining existing covenanted wetland areas and esplanade reserves. 4. Implement appropriate Design Controls at the time of land development for land in the Rural Lifestyle, Residential - Large Lot, Low Density and Medium Density Residential zones to ensure development responds to the rural urban interface and coastal environment. 	
DEV X-P6	Infrastructure Servicing
<ol style="list-style-type: none"> 1. Deliver reticulated water supply for fire-fighting for Medium Density, Business Neighbourhood Centre and Mixed Use Zones. 2. Provide a reticulated wastewater network for all development, other than that in the Rural-Residential and Residential Large Lot zones. 3. Provide evidence with resource consent applications for subdivision and / or land use development, that there is sufficient wastewater capacity to service the development. 4. Design and implement development on sites to ensure that onsite, potable and fire-fighting water supply can be provided by tanks located in visually screened locations or appropriately installed underground. 	
DEV X-P7	Subdivision
<ol style="list-style-type: none"> 1. Subdivision shall be designed to create sites consistent with the zone standards that can connect to, or accommodate onsite, all necessary wastewater, water supply, stormwater management services. 2. Design subdivision to ensure sites are of a suitable size and shape to enable residential units to be constructed in accordance with the Development Area Standards to ensure good solar access and the ability to provide onsite services, private outdoor space, outlook and amenity. 3. Design and deliver subdivision in a manner that ensures stormwater is managed in accordance with the approved Stormwater Management Plan. 4. Design and deliver subdivision within the Coastal Hazard overlay, to avoid increased risk from coastal hazards by ensuring sites of a size and shape to enable building platforms for vulnerable activities to be constructed to the required Finished Floor Level in a manner that does not adversely affect adjacent land. 5. Secure the protection and enhancement of ecological areas as appropriate for the land being developed. 6. Design and deliver subdivision so that sites are connected to roads, or access lots that minimise the creation of cul de sacs or rear lots from a one exit point. 	
DEV X-P8	Commercial and Non-residential Land Uses

Commented [BO24]: Commented [JC7]: To align with the proposed coverage of the reticulated network

Commented [BO25]: Commented [JC8]: FENZ S60 - to improve clarity that water supply is needed for two distinctly separate purposes.

1. Impose Development Area Standards for commercial and non-residential land uses to ensure they are of a scale and character that complements the coastal location, the location adjacent to rural areas, ecological features and the proposed residential environments.
2. Enable commercial and non-residential land uses that support the local and wider community.
3. Design built form in the Business - Neighbourhood Centre zone to create a strong **and cohesive** relationship to Black Swamp Road and **the adjoining Business - Mixed Use zone.;** **Development should create a clear sense of arrival and place at the rural edge through the integration of low-rise, small footprint, versatile buildings with a rural vernacular, with public open spaces, community open space areas,** and
4. **Built form should create a sense of place appropriate for rural / coastal location and reflecting the coastal and village characteristics of Mangawhai,** the location adjacent to the rural edge; and a community focal point with open space areas.
5. Design built form development to relate to the road and estuarine environments and to deliver riparian protection **in conjunction with** where appropriate and connected public walkway access **as shown on the Mangawhai East Structure Plan.**

Commented [B026]: Additional policy to create better direction

Commented [JM27]: Amendment to remove reference to required walkways along the coast and estuary inlet.

Mangawhai East Land Use Rules

Notes –

- The Land Use Rules are subject to “Standards” which are to be complied with.
- Where Standards are not met resource consent is required.
- Where a land use consent is required, it may trigger the “Information Requirements” provisions. These are set out below.

R X01 - Residential Zones and Rural Lifestyle Zone

DEV X-LU-R1	Buildings, accessory buildings and structures	
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>The construction, alteration, addition to, or demolition of any building, accessory building, or structure that complies with:</p> <ul style="list-style-type: none"> a. DEVX -LU-S1 Site coverage b. DEVX-LU-S2 Height c. DEVX-LU-S3 Height in relation to boundary d. DEVX-LU-S4 Setbacks from internal boundaries e. DEVX-LU-S5 Setback from road boundaries f. DEVX-LU-S6 Fencing and Landscaping g. DEVX-LU-S7 Setback from natural features h. DEVX-LU-S8 Residential unit separation distance i. DEVX-LU-S9 First floor window and balcony setbacks j. DEVX – LU-S11 Exterior finish k. DEVX-G-S1 Earthworks l. DEVX-G-S2 Building platform(s) 		<p>2. Activity status when compliance not achieved with DEV1-R1.1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the matters of discretion of any infringed standard or rule.
DEV X-LU-R2	Residential unit	

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<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The residential unit(s) provide a minimum net site area per residential unit consistent with the minimum site size specified for the zone in which the residential unit is located.</p> <p>b. It complies with:</p> <ul style="list-style-type: none"> i. DEVX -LU-S1 Site coverage ii. DEVX-LU-S2 Height iii. DEVX-LU-S3 Height in relation to boundary iv. DEVX-LU-S4 Setbacks from internal boundaries v. DEVX-LU-S5 Setback from road boundaries vi. DEVX-LU-S6 Fencing and Landscaping vii. DEVX-LU-S7 Setback from natural features viii. DEVX-LU-S8 Residential unit separation distance ix. DEVX-LU-S9 First floor window and balcony setbacks x. DEVX-LU-S10 Outdoor living space xi. DEVX – LU-S11 Exterior finish xii. DEVX-G-S1 Earthworks xiii. DEVX-G-S2 Building platforms xiv. DEVX-G-S3 Vehicle Crossings xv. DEV1-G-S4 Traffic intensity xvi. DEVX-SUB-S6 Roads, accessways, pedestrian walkways and cycleways xvii. DEVX-SUB-S7 Water Supply xviii. DEVX-SUB-S8 Stormwater Disposal xix. DEVX-SUB-S9 Wastewater xx. DEVX-SUB- S10 Minimum Floor Level 	<p>2. Activity status when compliance not achieved with DEV1-R2.1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Residential character and amenity. b. Sufficient sunlight access and direct access to outdoor living spaces. c. Building mass, orientation and passive surveillance of the road/street. d. Bulk and scale effects. e. Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation. f. The extent to which the activity is consistent with the outcomes sought in the Mangawhai East development Area and associated Structure Plan. g. The ability for necessary onsite services such as water supply, parking, manoeuvring, waste collection and landscaping to be provided, as anticipated by the Standards, without generating adverse effects on the site or surrounding area.
DEV X-LU-R3	Minor Residential unit

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<p>1. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. No more than one minor residential unit is established on the site. b. The net site area is a minimum of 600m². c. The minor residential unit shall be a maximum of 90m² Gross Floor Area excluding garaging. d. An outdoor living space is provided for the exclusive use of the occupants of the minor residential unit and has a minimum area of 20m² and a minimum dimension of 4m. e. It complies with the standards listed in DEV X-LU R2 1. b. 	<p>2. Activity status when compliance not achieved with DEV1-R2.1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The matters set out for DEV X-R2 2.
DEV X-LU-R4	Home business
<p>1. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The home business occupies a maximum of 40m² gross floor area of the residential unit or related accessory building. b. Care of no more than 4 children who are not permanent residents on the site, with childcare under (b) exempt from (a). c. No more than two persons who are not permanent residents of the site are employed on the site at any one time. d. The home business takes place entirely within a building and no goods, materials, or equipment are stored outside a building. e. Unloading or loading of vehicles or the receiving of customers or deliveries only occurs between 0730 and 1900 on any day. f. It complies with: <ul style="list-style-type: none"> i. DEVX-G-S3 Vehicle Crossings ii. DEVX-G-S4 Traffic intensity 	<p>2. Activity status when compliance not achieved with DEV1-R3.1.a: Discretionary</p> <p>3. Activity status when compliance is not achieved with DEV1-R3.1.b, c, d, or e: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Residential character and amenity. b. Design and layout. c. Effects on the role and function of Commercial Zones. d. Transport safety and efficiency. e. Scale of activity and hours of operation. f. Infrastructure servicing.
DEV X-LU-R5	Homestay accommodation
<p>1. Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. It is accommodated within an existing residential unit. b. It provides for no more than 6 guests. 	<p>2. Activity status when compliance not achieved with DEV1-R2.1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Residential character and amenity. b. Design and layout

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c. It complies with: <ul style="list-style-type: none">i. DEVX-G-S3 Vehicle Crossingsii. DEVX-G-S4 Traffic intensityiii. DEVX-SUB-S7 Water Supplyiv. DEVX-SUB-S8 Stormwater Disposalv. DEVX-SUB-S9 Wastewater		c. Onsite access, parking and manoeuvring.
		d. Infrastructures servicing including water supply.
DEV X-LU-R6	Comprehensively Designed Residential Development	
1. Activity Status: Restricted Discretionary Where: <ul style="list-style-type: none">a. It is located in the Residential Medium Density Residential or the Business – Mixed Use zone.b. the density of residential units does not exceed one unit per 350m² of net site area.c. Units comply with the standards listed in DEV X-LU R2 1. b.		2. Activity status when compliance not achieved with DEV1-R8: Discretionary
DEV X-LU-R7	Buildings for vulnerable activities in the Coastal Hazard overlay	
1. Activity Status: Restricted Discretionary Where: <ul style="list-style-type: none">a. It is demonstrated that the building can be designed and constructed to avoid coastal hazards in accordance with Coastal Hazards Standard DEV X-G-S2. Matters of discretion are restricted to: <ul style="list-style-type: none">a. The extent to which the design and site works avoid coastal hazards for the site and neighbouring sites.b. The extent to which the design and any mitigation measures to avoid coastal hazards impact on the amenity of the site or neighbouring sites.c. Landscaping and the extent it can be used to mitigate any adverse effects.d. The design and location of earthworks.		2. Activity status when compliance not achieved with DEV1-R9: Discretionary
DEV X-LU-R8	Any activity not otherwise provided for	
Activity Status: Discretionary		

RX 02 - Business Neighbourhood Centre and Business Mixed Use Zones

DEV X-LU-R1	Buildings and accessory buildings
<p>1. Activity Status: Restricted discretionary</p> <p>Where:</p> <p>The construction of any building, accessory building, or structure that complies with DEV X-LU-R1:</p> <p>a. <u>DEVX-LU-S1 Site coverage</u></p> <p>b. <u>DEVX-LU-S2 Height</u></p> <p>c. <u>DEVX-LU-S3 Height in relation to boundary</u></p> <p>d. <u>DEVX-LU-S4 Setbacks from internal boundaries</u></p> <p>e. <u>DEVX-LU-S5 Setback from road boundaries</u></p> <p>f. <u>DEVX-LU-S6 Fencing and Landscaping</u></p> <p>g. <u>DEVX-LU-S7 Setback from natural features</u></p> <p>h. <u>DEVX-LU-S9 First floor window and balcony setbacks</u></p> <p>i. <u>DEVX-LU-S10 Outdoor living space</u></p> <p>j. <u>DEVX-LU-S11 Exterior finish</u></p> <p>k. <u>DEVX-G-S2 Building platform(s)</u></p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard or rule.</p> <p>b. The extent to which the design of the building is suitable for its intended use and the location adjacent to the existing and enabled land uses.</p> <p>c. The extent to which the architectural style and finish of the buildings is complementary to and contributes to a strong and cohesive character for the Neighbourhood Centre and / or the Business Mixed Use land.</p> <p>d. <u>The extent to which development supports the creation of a pedestrian-focused environment, including appropriate interface to public spaces, passive surveillance and visual permeability.</u></p> <p>e. <u>The integration of landscape and open space elements into the site design, particularly for focal public spaces, interface zones, and carparking areas.</u></p> <p>f. <u>The extent to which the building and associated land use activity can be serviced for wastewater, potable, and fire-fighting water supply.</u></p>	<p>2. Activity status when compliance not achieved with DEV1 X R1.1: Discretionary</p>

Commented [BO28]: Commented [JC9]: Have added in the required standards. Otherwise there is nothing to comply with, and the first matters of discretion (a) is never engaged as the standards cannot be infringed as the rule is not subject to standards

Commented [BO29]: Greater direction and to align with additions to the objectives and policies.

Commented [BO30]: Commented [JC10]: FENS S60 - additional matter of discretion to ensure the building is able to be appropriately serviced, noting that land use rules are separate from subdivision controls and that the water demand of future building occupants may not be known at time of subdivision. Some but not all of the below activity rules R3-R6 include reference to servicing, however the wording is somewhat variable.

Commented [BO31R30]: Added reference to activity as well as buildings - different activities will have different demand

DEV X-LU-R2	Additions and / or Alterations to Existing Buildings in keeping with resource consent conditions and demolition	
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>The additions or alterations to any building, or structure that complies with:</p> <ul style="list-style-type: none"> a. DEVX-LU-S1 Site coverage b. DEVX-LU-S2 Height c. DEVX-LU-S3 Height in relation to boundary d. DEVX-LU-S4 Setbacks from internal boundaries e. DEVX-LU-S5 Setback from road boundaries f. DEVX-LU-S6 Fencing and Landscaping g. DEVX-LU-S7 Setback from natural features h. DEVX-LU-S9 First floor window and balcony setbacks i. DEVX-LU-S10 Outdoor living space j. DEVX-LU-S11 Exterior finish k. DEVX-G-S2 Building platform(s) 		<p>2. Activity status when compliance not achieved with DEV1-R1.1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The matters of discretion of any infringed standard or rule. b. The extent to which the design of the building is suitable for its intended use and the location adjacent to the existing and enabled land uses. c. The extent to which the architectural style and finish of the buildings is complementary to and contributes to a strong and cohesive character for the Neighbourhood Centre and / or the Business Mixed Use land.
DEV X -LU-R3	Visitor Accommodation	
<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity does not provide for more than 50 guests. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The ability for the activity to be serviced with water, wastewater and firefighting water supply. b. The provision on onsite car parking and access. c. Amenity effects. d. Reverse sensitivity effects. e. Noise and lighting effects. f. Signage. g. Traffic effects. 		<p>2. Activity status when compliance not achieved with DEV1-R3 – Discretionary.</p>
DEV X-LU-R4	Commercial Activities, Educational Facilities, Care Centres and Community Facilities	

<div><div>1. Activity Status: Restricted Discretionary</div><div>Where:</div><div>Educational and Care Centres:</div><div>a. Provide for no more than 50 students.</div><div>Community Facilities:</div><div>a. Are designed and planned to accommodate no more than 50 persons.</div><div>Commercial activities:</div><div>a. Have a gross floor area not greater than 200m²</div><div>Matters of discretion are restricted to:</div><div>a. The ability for the activity to be serviced with water, wastewater and firefighting water supply.</div><div>b. The provision on onsite car parking and access.</div><div>c. Amenity effects.</div><div>d. Reverse sensitivity effects.</div><div>e. Noise and lighting effects.</div><div>f. Signage.</div><div>g. Traffic effects.</div><div>f. Open space and landscaping.</div><div>g. Walking and cycling connectivity.</div></div>		<div>2.. Activity status when compliance not achieved with DEV1-R4: Discretionary</div>	
DEV X-LU-R5		Residential units including comprehensive designed residential development in the Business Mixed Use zone only	

<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. The residential unit is located above ground floor; or b. The residential unit is part of comprehensive residential development. <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Reverse sensitivity effects. b. Urban design outcomes. c. Noise and lighting. d. Traffic and parking. e. Open space and landscaping. f. Onsite car parking, access and manoeuvring. g. Amenity effects. h. Walking and cycling connectivity. 	<p>2. Activity status when compliance not achieved with DEV1-R5: Discretionary</p>
DEV X-LU-R6	Markets, food and beverage, retail, garden centres, cinemas, supermarkets
<p>a. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>Food and Beverage, Retail, and Supermarkets:</p> <ul style="list-style-type: none"> a. Have a gross floor area not greater than 200m² <p>Cinemas:</p> <ul style="list-style-type: none"> a. Are designed to accommodate not more than 100 persons. <p>Markets: and Garden Centres</p> <ul style="list-style-type: none"> a. The activity does not cover a site area greater than 5,000m². <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Reverse sensitivity effects. b. Urban design outcomes. c. Noise and lighting. d. Traffic and parking. e. Open space and landscaping. f. Onsite car parking, access and manoeuvring. g. Amenity effects. h. Walking and cycling connectivity. 	<p>2.. Activity status when compliance not achieved with DEV1-R7: Discretionary</p>

i. Signage.	
j. Servicing.	
k. Stormwater management.	
DEV X-LU-R7	Any activity not otherwise provided for
Activity Status: Discretionary	

Land Use Standards

DEV X-LU-S1	Site coverage
<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum building coverage in the Residential zones is 45% of the net site area The maximum building coverage is 15% of the net site area in the Rural Lifestyle zone; and The maximum building coverage is 40 60% in the Business Neighbourhood Centre and 50 Business Mixed Use zones. <u>In the Business Neighbourhood Centre zone a minimum of 30% of the net site area shall be provided as landscaped permeable open space which may include:</u> <ul style="list-style-type: none"> <u>Planted areas with trees, shrubs and ground cover</u> <u>Lawns, rain gardens and vegetated swales</u> <u>Communal green or civic spaces designed as focal points.</u> <u>At least one landscaped focal point shall be provided in the Business Neighbourhood Centre zone with a minimum contiguous area of 800m², which may include:</u> <ul style="list-style-type: none"> <u>A Village green</u> <u>Play space, market area or courtyard</u> <u>Hard and soft landscape integration with seating, shelter and shade.</u> <u>Landscaped areas shall be publicly accessible at all times and integrated with the pedestrian and cycling network and riparian areas, where possible.</u> <u>No more than 70% of the net site area in the Business Neighbourhood Centre zone or Business Mixed Use zone shall be covered in impervious surfaces, including buildings, pavements, driveways and parking areas.</u> The maximum percentage of the net site area covered by impervious surfaces in the Residential zones shall be 60%. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Amenity and character of the surrounding area. The bulk and scale of the buildings, structures, and impervious surfaces. Water sensitive design and outfalls that mitigate concentrated flows. Provision of stormwater quality treatment to protect the environment from contaminants generated from the activity including appropriate stormwater quality monitoring associated with the design and construction stages as well as the consent holders maintenance obligations.

Commented [B032]: Standards to achieve policy additions

i. The maximum percentage of the net site area covered by impervious surfaces in the Business Neighbourhood Centre zone is 85% and in the Business Mixed Use zone is 75%.	
j. All stormwater management for the site shall comply with any stormwater management plan approved under DEV1-REQ1. and performance standard DEV1-S18 Stormwater Management.	
DEV X-LU-S2	Height
<p>1. In the Rural Lifestyle zones, the maximum height of buildings, accessory buildings, and structures is 8m measured from the existing ground level immediately below that part of the building, accessory building or structure.</p> <p>2. In the Residential – Large Lot zone within a 5m setback from any land directly adjoining a Rural zone boundary the:</p> <p>a. The highest point of any buildings, accessory buildings, and structures shall be a maximum height of 6m measured from the existing ground level immediately below that part of the building, accessory building or structure</p> <p>This standard does not apply to:</p> <p>i. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</p> <p>ii. Architectural features (e.g., finials, spires) that do not exceed 1m in height.</p>	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Amenity and character of the surrounding area.</p> <p>b. Any adverse shading, privacy, or visual dominance effects on adjacent sites.</p> <p>c. Visual intrusion of the building from beyond the site and the effect on skylines and ridgelines;</p>

Commented [B033]: Revised Standard above

Commented [B034]: Not required as relies on the approved SMP

<p>iii. Solar and water heating and satellite dish components provided these do not exceed the height by more than 0.5m.</p> <p>b. Further than 5 metres from the boundary with a Rural zone the maximum height is 8m measured from the existing ground level immediately below that part of the structure.</p> <p>c. any water tank within the yard shall be buried or not more than 1.5metres out of the ground and screened.</p> <p>d. Clotheslines shall not be located in the western yard.</p> <p>e. The height of vegetation on the western or the southern yards of Lot 2 DP 29903 or subsequent legal description, shall be chosen for plants that do not exceed a height of 5 metres above ground level and any planting shall be maintained on an ongoing basis to not exceed this height.</p> <p>3. In the Residential Low Density and Medium Density zone: the maximum height is 8m measured from the existing ground level immediately below that part of the building, accessory building or structure.</p> <p>This standard does not apply to:</p> <p>i. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</p> <p>ii. Architectural features (e.g., finials, spires) that do not exceed 1m in height.</p> <p>iii. Solar and water heating components provided these do not exceed the height by more than 0.5m.</p> <p>4. In the Neighbourhood Centre and Mixed-Use zones the maximum height is 10m measured from the existing ground level immediately below that part of the building, accessory building or structure.</p> <p>This standard does not apply to:</p> <p>i. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</p> <p>ii. Architectural features (e.g., finials, spires) that do not exceed 1m in height.</p> <p>iii. Solar and water heating components provided these do not exceed the height by more than 0.5m.</p>	
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DEV X-LU-S3	Height in relation to boundary
<p>1. Buildings, accessory buildings, and structures adjoining another site shall be contained within a building envelope defined by a 45 degree recession plane measured from 3.0m above existing ground level at the internal boundaries of the site, except:</p> <p>a. The following intrusions are permitted:</p> <p>i. Gutters and eaves by up to 600mm measured vertically;</p> <p>ii. Solar panels; and</p> <p>iii. Chimneys, poles, masts, and roof plant where each of these structures does not exceed 1m in length parallel to the boundary.</p> <p>b. Where the boundary adjoins a vehicle accessway to a rear site that is less than 6m in width or is secured via a legal mechanism and shared between more than one site, the recession plane shall be taken from the far side of the accessway.</p> <p>c. In the Business – Neighbourhood Centre and the Business – Mixed Use zones this Standard only applies to buildings adjoining land in a Residential <u>or a Rural Zone</u>.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Amenity and character of the surrounding area.</p> <p>b. Any adverse shading, privacy, or visual dominance effects on adjacent sites.</p> <p>c. Design and layout.</p>
DEV X-LU-S4	Setbacks from internal boundaries
<p>1. In the Rural Lifestyle zone all buildings, accessory buildings and structures shall be setbacks at least 10m from site boundaries.</p> <p>2. In the Residential Large Lot zone buildings, accessory buildings and structures shall be setback a minimum of 3m from any internal site boundary; except:</p> <p>a. Where the building adjoins a Rural zone the setback shall be 5m minimum and the exceptions below do not apply.</p> <p>b. Where a building or structure adjoins Lot 2 DP 392239, or subsequent legal description, then the setback shall be 8m minimum and the exceptions below do not apply.</p> <p>c. No setback is required where the building or structure shares a common wall along an internal boundary;</p>	<p>5. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Amenity and character of the surrounding area.</p> <p>b. Screening, planting and landscaping of the site.</p> <p>c. Privacy and visual dominance of adjacent sites.</p>

Commented [BO35]: Commented [JC11]: To ensure setbacks are provided to rural properties such as the lifestyle blocks directly adjacent to the southeastern edge of the site.

Commented [BO36R35]: Slightly reworded for clarity

	<div>d. No setback is required for accessory buildings and garages where the cumulative wall length adjacent to any internal boundary is no greater than 7m.</div> <div>e. No setback is required for internal boundary fences not exceeding 1.8m in height.</div> <div>f. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</div> <div>3. In the Residential Medium Density and Residential Low Density zones buildings, accessory buildings, and structures shall be setback a minimum of 1.5m from any internal boundary, except:<div>a. No setback is required where the building or structure shares a common wall along an internal boundary.</div><div>b. No setback is required for accessory buildings and garages where the cumulative wall length adjacent to any internal boundary is no greater than 7m.</div><div>c. No setback is required for internal boundary fences with a height not greater than 1.8 m.</div><div>d. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</div></div> <div>4. In the Business Neighbourhood Centre and Business – Mixed Use zones buildings, accessory buildings or structures shall be setback a minimum of 5m from a boundary with a Residential, Rural or Open Space zone.</div>
DEV X-LU-S5	Setback from road boundaries

Commented [BO37]: **Commented [JC12]:** The Operative Plan does not have an Open Space Zone and neither does PPC85. The business zones do however directly adjoin rural zoned lifestyle blocks to the southeast.

It is anticipated that if any setbacks are needed to the coastal finger/ restoration area that these will be implemented via a consent notice on the title or similar tool during subdivision.

Commented [BO38R37]: Consider changing Open Space zone to protected Open Space area

<p>1. In the Residential - Large Lot zone buildings, accessory buildings, and structures shall be setback a minimum of 5m from road boundaries, except where:</p> <ul style="list-style-type: none"> a. A garage door faces the road boundary, the minimum setback shall be 5.5m. b. Fences or walls no more than 1.2m in height. c. Swimming pools and uncovered decks less than 1m in height above ground level. d. Letterboxes, and outdoor furniture. e. Water tanks less than 1m in height above ground level and screened. <p>2. In the Residential Low Density and Residential Medium Density zones buildings, accessory buildings, and structures shall be setback a minimum of 3m from road boundaries, except where:</p> <ul style="list-style-type: none"> a. A garage door faces the road boundary, the minimum setback shall be 5.5m. b. Fences or walls no more than 1.2m in height. c. Swimming pools and uncovered decks less than 1m in height above ground level. d. Letterboxes, and outdoor furniture. e. Water tanks less than 1m in height above ground level and screened. <p>3. In the Business – Neighbourhood Centre and Business – Mixed Use zone buildings shall be setback a minimum of 3m from a road boundary except;</p> <ul style="list-style-type: none"> a. Eaves and verandahs may extend to the site boundary to provide pedestrian shelter. b. Footpaths or structures for pedestrian access whether attached to a building or not. 	<p>4. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Amenity and character of the surrounding area. b. The safety and efficiency of the land transport network and private access-ways. c. Screening, planting and landscaping of the site.
DEV X-LU-S6	Fencing and Landscaping

<div>1. For all zones except the Business Neighbourhood Centre and Business Mixed Use zone the maximum height of any fence in any front yard shall be no more than 1.2m in height with 50% visual permeability.</div> <div>2. <u>There shall be no front yard fencing in the Business Neighbourhood Centre zone.</u></div> <div>3. The maximum height of fences in other yards is 1.8 metres; except any fence screening a service area in a rear yard in a Business zone which may be up to 2m in height.</div> <div>4. Water tanks in front yards shall be screened with soft landscaping.</div> <div>5. Each residential unit, other than a residential unit above ground floor level in a Business zone; or a residential unit in a comprehensive development, must have a landscaped area of a minimum of 35% of the site that is planted in plants, shrubs, grass/es or trees, and can include the canopy of trees regardless of the ground treatment below them.</div>	<div>5. Activity status when compliance not achieved: Restricted Discretionary</div> <div>Matters of discretion are restricted to:</div> <div>b. Amenity and character of the surrounding area.</div> <div>c. Screening, planting and landscaping of the site.</div> <div>d. The extent to which the fencing and landscaping visually connects the private front yards to the street.</div> <div>e. The extent to which privacy is provided for residential units, while enabling opportunities for passive surveillance of public places.</div> <div>f. The extent to which shading and visual dominance effects to immediate neighbours and the street are minimised.</div> <div>g. Health and safety effects.</div>
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Commented [BO39]: Standard added to ensure that the open park like outcome is achieved.

DEV X-LU-S7	Setbacks from natural features
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<p>1. Buildings, accessory buildings and structures must be setback a minimum of:</p> <p>a. 15m from the edge of <u>Significant Natural Areas</u>, natural wetlands, intermittent and permanent streams; unless the stream has an average width of 3m or greater in which case the setback shall be 20m.</p> <p>b. 5m from the edge of riparian planting, wetland planting, and indigenous vegetation.</p> <p>c. <u>30m from the edge of the Coastal Marine Area.</u></p> <p>2. The setbacks above do not apply to:</p> <p>a. Ephemeral streams.</p> <p>b. Where there is a legally formed and maintained road between the site boundary and the coastal water, wetland or river.</p> <p>c. Fences.</p> <p>d. Infrastructure provided by a network utility operator.</p> <p>e. Structures associated with vehicle, pedestrian or cycle network access.</p>	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. The design and siting of the building or structure with respect to effects on the natural character and amenity of the waterbody.</p> <p>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the waterbody margins.</p> <p>c. Screening, planting and landscaping on the site.</p> <p>d. Natural hazard mitigation and site constraints.</p>
<div>DEV X-LU-S8</div> <div>Residential Unit Separation Distance</div>	
<p>1. Residential units, other than units forming part of a comprehensively designed residential development, must be separated:</p> <p>a. At least 3m from any other detached residential unit within the same site; or</p> <p>b. At least 6m from any other detached residential units where there is a private open space area located between two residential units.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. The privacy, outlook and amenity of adjacent and adjoining sites.</p> <p>b. Sufficient sunlight access to the outdoor living space.</p> <p>c. Building mass, orientation and passive surveillance of the road/street.</p> <p>d. Bulk and scale effects.</p> <p>e. Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation.</p> <p>f. The extent to which the activity is consistent with the Mangawhai East Development Area Structure Plan.</p> <p>g. The ability to accommodate access, parking, manoeuvring, waste collection and landscaping.</p>

Commented [JM40]: Recommended addition to clarify rule - see reasoning at paragraph 157 of my evidence

Commented [BO41]: **Commented [JC13]:** Include a setback requirement from the CMA to manage landscape and ecological outcomes (DoC, S81)

Commented [BO42R41]: Do not consider this is necessary because: a. CMA is not a natural feature per se and secondly there is already DEV X LU-S4 which achieves the same outcome as it requires a 10m setback in the Rural Lifestyle zone. Overall no issue with retaining this Standard

Commented [JM43R41]: I support this change

DEV X-LU-S9	First floor window and balcony setbacks
<p>1. Balconies or living area windows at first floor level or above shall be setback a minimum of 4m from internal boundaries, except</p> <ul style="list-style-type: none"> a. No setback is required where the adjoining site has an Open Space zoning. b. This rule shall not apply to bedroom, study, bathroom, or hallway/ stairwell windows. c. This rule shall not apply to windows at more than 90 degrees to the boundary. d. This rule shall not apply to windows that are either frosted glass or where the sill height is more than 1.6m above internal floor level. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. Any adverse privacy, overlooking, or visual dominance effects on adjacent and adjoining sites. b. Privacy amenity of occupants. c. Site orientation and screening. d. Extent to which landscaping can mitigate any adverse effects.
DEV X-LU-S10	Outdoor Living Space
<p>1. For residential units forming part of a comprehensively designed residential development or for residential units at ground floor level in the Residential Medium Density or Business – Mixed Use zone each residential unit shall have an outdoor living space:</p> <ul style="list-style-type: none"> a. with a minimum area of 20m² b. with a minimum dimension of 4m c. that is directly accessible from the principle internal living space. d. the area must not be occupied by vehicle parking or access; but e. can be occupied by decks and / or outdoor swimming pools. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The extent to which onsite amenity is affected. b. Effects associated with loss of open space. c. Residential density and character effects.
DEV X-LU-S11	Exterior Finish

<p>1. In the Residential Large <u>Lot and Rural Lifestyle Zones</u> all building, accessory building or structure exteriors shall:</p> <p>a. Not utilize mirror glazing within their exteriors; and</p> <p>b. Include at least 70% of the total painted or galvanised external surface of buildings (excluding windows) with a colour reflectance value of no greater than 35% and with a roof colour with a reflectance value no greater than 20%.</p> <p>2. <u>In the Business Neighbourhood Centre and Business Mixed Use zones buildings shall incorporate exterior materials, finishes, and detailing that reflect and reinforce the following design principles:</u></p> <p><u>a. Use of natural and recessive materials such as timber, painted weatherboard, low-reflective metal, brick, stone or textured finishes that complement the coastal and rural character.</u></p> <p><u>b. Facades that emphasise human scale through modulation, window rhythm and vertical articulation.</u></p> <p><u>c. Roof forms that are sympathetic to traditional pitched or hipped profiles and avoid large unbroken expanses of flat roof.</u></p> <p><u>d. Use of colour palettes that draw from the surrounding natural and built context.</u></p> <p><u>e. Avoidance of high-gloss, highly reflective, or visually dominant materials unless used selectively as accents.</u></p> <p><u>Note: The Mangawhai East Design Guidelines provide greater direction on the design outcomes to be achieved.</u></p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Amenity and character of the surrounding area</p> <p>b. Effects on landscape character and landscape values.</p>
<p>DEV X-LU-S12 Service Connections</p>	
<p>1. All occupied buildings shall be connected to the reticulated wastewater system unless the activity is on a site with an area of at least 2,000m².</p> <p>2. All occupied buildings shall be connected to a self-serviced water supply with sufficient storage. <u>The water storage for residential units shall be accordance with</u> as per Table 1.2.</p>	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Appropriateness of the proposed wastewater and water supply servicing for the intended use.</p> <p>b. Effects of the proposed servicing on the environment, including neighbouring sites.</p> <p>c. Effects on water quality.</p>
<p>DEV X-LU-S13 Transport Upgrades – Business zones – Restrict Discretionary Activity</p>	

Commented [BO44]: Commented [JC14]: Extend coverage of the reflectivity rule to also take in the proposed RLZ area adjacent to the coastline to assist with managing landscape transition and interface with this sensitive area.

Commented [BO45]: Non statutory design Guidelines are to be provided. They can be incorporated into the Development Area, as an appendices, if desired.

Commented [BO46]: Commented [JC15]: To make clear that table 1.2 only applies to residential units - commercial/ business activities are not subject to the table and instead are simply required to demonstrate adequacy to meet the proposed business demands.

<p>1. The Gateway round-a-bout <u>roundabout</u> shown on the Structure Plan shall be constructed in conjunction with the final and / or full development of the Business - Neighbourhood Centre zone.</p> <p>2. The round-a-bout <u>roundabout</u> shall be designed to Austroad standards.</p> <p>3. The gateway round-a-bout <u>roundabout</u> shall include landscaping and design features to achieve a quality gateway / entry point.</p> <p>4. A pedestrian footpath along the frontage of Black Swamp Road adjacent to the Business zones shall be constructed to the engineering standards in conjunction with the development of the development within those zones.</p> <p>Note:</p> <p>Any resource consent for development within the Business Neighbourhood Centre and / or the Business Mixed Use zone shall include plans for the round a bout and / or footpath, as relevant and these requirements will be secured as resource consent conditions.</p>	<p>5. Activity status when compliance not achieved with DEV X-LU-S13 4:</p> <p>Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. Appropriateness of the footpath design to achieve safe and connected pedestrian access within the Development Area.</p> <p>b. Appropriateness of the footpath extent in relation to the proposed built form development within the Business zone.</p> <p>6. Activity status when compliance not achieved with DEV X-LU-S13 1, 2 and 3:</p> <p>Discretionary</p>
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Commented [JM47]: Proof-reading suggestion

RX 03 - General Rules

DEV X-G-R1	Earthworks - Excavation and Fill
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The excavation and fill comply with DEVX- G-S1 Earthworks.</p> <p>b. There are no earthworks located within the Coastal Hazard Overlay Area <u>or the Coastal Marine Area</u></p> <p>OR</p> <p>c. <u>There are no earthworks within riparian yards as follows:</u></p> <p>i. <u>5m from the edge of natural wetlands, intermittent and permanent streams.</u></p> <p>ii. <u>5m from the edge of riparian planting, wetland planting, and indigenous vegetation within the riparian yard.</u></p> <p><i>Advice note: Earthworks must be set back from natural inland wetlands as required in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</i></p> <p>d. The excavation and fill are associated with:</p> <p>i. The repair and maintenance of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, or farm and forestry tracks.</p> <p>ii. Garden amenities, gardening or the planting of any vegetation.</p> <p>iii. The formation and maintenance of walking or cycling tracks less than 2m wide.</p> <p>e. <u>There are no earthworks in the riparian yards as follows:</u></p> <p>i. <u>5m from the edge of natural wetlands, intermittent and permanent streams.</u></p> <p>ii. <u>5m from the edge of riparian planting, wetland planting, and indigenous vegetation within the riparian yard.</u></p> <p>iii. <u>0m from the edge of the Coastal Marine Area.</u></p>	<p>2. Activity status where compliance not achieved: Restricted Discretionary</p> <p>Matters over which discretion is restricted:</p> <p>a. Volume, extent and depth of earthworks.</p> <p>b. Effects on amenity and character and landscape values.</p> <p>c. Dust, erosion and sediment control, land instability.</p> <p>d. Effects on the margins of water bodies.</p> <p>e. Effects on the land transport network, particularly heavy vehicles and traffic generated as a result of the earthworks activity.</p> <p>f. Changes to the natural water flows and existing drainage paths are mitigated.</p> <p>g. Adjoining properties and public services are protected.</p> <p>h. Effects on the overall form, integrity and extent of the Landscape Protection Area from land modification.</p> <p>i. <u>Effects on biodiversity values.</u></p>

Commented [JM48]: I recommend this amendment to ensure that the rules are consistent with (and not more lenient than) the relevant regulations in NESF. Prefer to keep the advice note here if possible, rather than group it with the others below, so that it is more obvious to plan users.

Commented [BO49]: Commented [JC16]: DoC-S81 - To clarify the scope of the rule given that 'Riparian yards' are not defined.

Dimensions are based on DEV-LU-S7 for building setbacks. It may be that a reduced extent is appropriate for earthworks, so the dimensions recommended here are a place holder pending any evidence provided by the applicant or submitters on this matter.

<p>Advice Note 1: <i>An archaeological Authority will be required from Heritage New Zealand Pouhere Taonga prior to undertaking earthworks.</i></p> <p>Advice Note 2: <i>Earthworks are also subject to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.</i></p> <p>Advice Note 3: <i>Earthworks should be undertaken in accordance with the Erosion and Sediment Control Guide for land Disturbing Activities in the Auckland region.</i></p> <p>Advice Note 4: <i>Stormwater Management associated with earthworks shall follow good management practice equivalent to those set out in the Guideline Document, Stormwater Management Devices in the Auckland Region (GD01).</i></p> <p>Advice Note 5: <i>Additional consents may be required under the National Environmental Standards for Freshwater</i></p>	
DEV X-G-R2	Indigenous Vegetation Clearance
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The indigenous vegetation is not located within an a natural inland wetland, a mapped SNA shown on the Mangawhai East Structure Plan map, or any other existing ecological feature identified on the Ecological Features map, Appendix 2; or</p> <p>b. The indigenous vegetation is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m² in area; or</p> <p>b. <u>Vegetation is not cleared from the mapped SNA shown on the Mangawhai East Structure Plan, or from within any wetland area.</u></p> <p>c. Indigenous vegetation not located within a natural inland wetland and is cleared for the following purposes:</p> <p>i. The removal is of trees that are a danger to human life or existing structures (including network utilities).</p> <p>ii. The removal is for the formation and maintenance of walking tracks less than 2</p>	<p>2. Activity status where compliance not achieved: Restricted Discretionary</p> <p>Matters over which discretion is restricted:</p> <p>a. Effects on the locality, particularly the character and amenity values of adjoining sites/land uses.</p> <p>b. Effects on ecological values.</p> <p>c. Effects on landscape and heritage values.</p> <p>d. Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation.</p> <p>e. The extent to which the activity is consistent with the purpose, character and amenity values of the Mangawhai Hills Development Area.</p> <p>f. The extent to which the activity is consistent</p>

Commented [BO50]: Have moved this requirement above as it is clearer. Same for Riparian Yards.

Commented [BO51]: Does not make sense review and check against the ecological evidence

Commented [BO52]: Commented [JC18]: Change form 'may' to 'will' to reflect the applicant's archaeological recommendations that the site is known to contain pre-1900 archaeology and therefore an AA will be required, rather than relaying on an accidental discovery protocol

Commented [BO53]: Commented [JC17]: Shift the advice notes on earthworks from the rule on vegetation clearance into the earthworks rule.

Commented [BO54]: Commented [JC19]: DoC, S81 - The 'or' framing of clauses (1) and (2) enable clearance within the SNAs/ areas identified in Map 2 provided the vegetation is less than 3m in height. Given that the SNAs have large areas of saltmarsh and low-level coastal wetland species, potentially large parts of the SNAs could be removed as a permitted activity.

Given that the ecologist reviews have not identified any large areas of indigenous vegetation outside of the SNAs, this second clause is not considered to be necessary.

Commented [BO55]: To reflect the ecological evidence

Commented [JM56]: I agree with the intent of the proposed replacement of clause b, but I consider that it duplicates clause a. Therefore I recommend omitting clause b, and instead amending clause a as shown.

Commented [JM57]: I consider this change is necessary to ensure that the rule is consistent with, and not more lenient than, relevant regulations in the NESF.

	metres wide.		with the Ecological Features map and the Mangawhai East Structure Plan.
iii.	The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m, 1m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth.		
iv.	It is part of the operation and maintenance of network utilities.		
v.	It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or the removal is limited to naturally dead, or wind thrown trees.		
	<u>Advice note: Vegetation clearance must be set back from natural inland wetlands as required in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</u>		
DEV X-G-R3	Noise		

Commented [BO58]: **Commented [JC20]:** DoC S81 - the dimension is unnecessarily wide given the generally flat topography of the site. The wording is similar to that used in PPC85 which required fencing to traverse through and around the edge of native bush areas and on steeply sloping sites where benching of fencelines was required.

Commented [JM59R58]: I support this change

Commented [JM60]: Recommended, to highlight to plan users that indigenous vegetation clearance could comply with this rule but still need consent under the NESF.

<p>1. General:</p> <p>Activity Status: Permitted</p> <p>Where:</p> <p>The noise generated by any activity on a site complies with:</p> <ol style="list-style-type: none"> DEVX-G–S5 Noise Maximum noise levels. Normal residential activities and maintenance undertaken by the homeowner or occupier (that is not covered by Noise R2–Construction noise. <p>2. Construction noise:</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The noise from construction activities undertaken on a site complies with DEV X-G-S5 2. <p>3. Noise from temporary events:</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The noise generated complies with DEV X-G-S5 3. Temporary events. <p>4. Noise sensitive activities in the Business Neighbourhood Centre or Business Mixed Use zone:</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The Noise Sensitive Activity complies with DEV X-G-S5 4. Noise sensitive activities. 	<p>5. Activity status when compliance not achieved: Discretionary</p>
DEV X-G-R4	Vibration
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>Business zones:</p> <ol style="list-style-type: none"> Any activity complies with rule 14.10.17 Vibration permitted activity standard of the Operative District Plan <p>Residential and Rural Residential zones:</p> <p>Within a dwelling on any adjacent Rural</p>	<p>2. Activity status when compliance not achieved:</p> <p>Restricted Discretionary</p> <ol style="list-style-type: none"> Maximum level of vibration likely to be generated; The effects on sensitive receptors or adjacent land uses; Effect on adjoining or adjacent residential dwellings; Length of time for which the specified

Residential or residential zoned land:

Time	Maximum 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
All other times	0.015 m/s ²	0.05 m/s ²

vibration standard will be exceeded;

- v) Likely adverse effects beyond the site;
- vi) Effects on character and amenity beyond the site;
- vii) Alternative methods to avoid vibration generation; and
- viii) Mitigation measures to reduce vibration generation

Within a building on any adjacent Business zoned site:

Time	Maximum 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

Note 1: Vibration levels shall be measured and assessed according to British Standard BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.

DEV X-G-R5

Hazardous Substances

1. Activity Status: Permitted

Where:

- a. All hazardous facilities unless they are significant hazardous facilities, which means that:
- b. The aggregate quantity of any [hazardous substance](#) of any hazard classification on a [site](#) is more than the quantity specified for the applicable zone in the Activity Status Table in Table 1.3.
- a.

2. Activity status when compliance not achieved: Discretionary

DEV X-G-R6

Radioactive material

1. Activity Status: Permitted

Where:

The storage or use of radioactive material is:

- i. An approved equipment for medical and

2. Activity status when compliance not achieved: Discretionary

diagnostic purposes; or	
ii. Specified as an exempt activity or article in the Radiation Safety Act and Regulations 2016.	
DEV X-G-R7	Lighting
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. Lighting must be measured and assessed in accordance with AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting; and</p> <p>b. For externally illuminated surfaces such as artificially lit building facades, lighting shall be measured in accordance with CIE 150:2017 Guide on the limitation of the effects of obtrusive light from outdoor lighting installations, Second Edition; and</p> <p>c. Must not exceed 10 lux (both horizontal and vertical illuminance) between the hours of 22:00 and 07:00 measured at the following points:</p> <p>i. on the boundary of any Medium Density Residential, Low Density Residential or Large Lot Residential zoned site or;</p> <p>ii. at the boundary of any receiving site, or;</p> <p>iii. at the window of any habitable room within a General Rural Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone or Māori Purpose Zone site, where any part of the affected building is located within 2m of the boundary of the site where the light spill is being generated.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters over which discretion is restricted:</p> <p>a. operational or functional purpose of the artificial outdoor light;</p> <p>b. effect of light spill on the amenity and character values of the surrounding locality;</p> <p>c. adverse effects on the health, safety and wellbeing of people and communities;</p> <p>d. effects on the land transport network;</p> <p>e. cumulative effect of lighting and glare in the locality.</p> <p>f. <u>Effects on indigenous biodiversity values, especially the Ecological Features shown in Appendix 2 and the mapped SNA on the Mangawhai East Structure Plan.</u></p>
DEV X-G-R8	Signs
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. Real Estate and Land Development Signs:</p> <p>i. the sign must be located on the site which the real estate listing or land development is taking place;</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters over which discretion is restricted:</p> <p>a. Safety</p> <p>b. Visual amenity</p> <p>c. Cumulative effects.</p> <p>d. Effects on character.</p>

Commented [BO61]: Commented [JC21]: D0C S81 - Lighting can also affect wildlife, especially if the lighting is in close proximity to the SNAs

Commented [JM62R61]: I support this change

<p>ii. the sign must comply with the height in relation to boundary, height, and setback standards for the Zone, except for the road boundary setback;</p> <p>iii. the sign must not be erected prior to the commencement of the activity and must be removed after completion of the sale of the site or completion of works on the site;</p> <p>b. Temporary signs:</p> <p>i. the sign is associated with a permitted temporary event;</p> <p>ii. the sign must be erected no more than four weeks before the first day of the event;</p> <p>iii. the sign must be removed within one week of the event ending;</p> <p>iv. the sign complies with the height in relation to boundary, height and setback standards for the relevant Zone, except for the road boundary setback</p> <p>c. Signs attached to a building, structure, window, fence or wall:</p> <p>i. the sign does not protrude above the highest point of the building or structure;</p> <p>ii. the sign is not for third party advertising</p> <p>d. Verandah signs:</p> <p>i. the sign is under the verandah, or within the verandah fascia</p> <p>ii. the sign is not for third party advertising.</p> <p>e. Freestanding, double-sided and V-shaped signs:</p> <p>i. the sign complies with the height in relation to boundary, height and setback standards for the relevant Zone, except for the road boundary setback;</p> <p>ii. the sign is not for third party advertising;</p> <p>Where the activity complies with the following standards: DEV X G S7 SIGNS</p>	
DEV X-G-R9	Vehicle Crossing

<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The vehicle crossing complies with DEVX-G-S3 Vehicle Crossing.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
DEV X-G-R10	Roads, Vehicle Access, Pedestrian Walkways and Cycleways
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. All roads, vehicle access, pedestrian walkways and cycleways comply with DEVX-SUB-S6 Public Roads, Pedestrian and Cycle Networks.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
DEV X-G-R11	Network Utilities
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. Any activity complies with the permitted activity standards in Chapter 10.11 and 10.12 of the Operative Kaipara District Plan.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
DEV X-G-R12	Temporary activities
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The activity occurs no more than 3 times within a consecutive 12 month period; and</p> <p>b. The duration of each temporary activity is less than 72 hours; and</p> <p>c. The temporary activity hours or operation are between 7.30am and 9pm Monday to Sunday; and</p> <p>d. Temporary structures are:</p> <ol style="list-style-type: none"> erected no more than 2 days before the temporary event occurs; removed no more than 3 days after the end of the event; and <p>e. The site is returned to its previous condition no more than 3 days following the end of the temporary activity; and</p> <p>f. No direct site access is provided from a State Highway or regional arterial road; and</p> <p>g. The temporary activity complies with the noise standards of the relevant zone where the activity is being undertaken.</p> <p>h. The temporary activity complies with TEMP-S1.</p>	<p>2. Activity status when compliance not achieved: Discretionary</p>

DEV X-G-R13	Primary Production Activities	
1. Permitted		2. Activity status when compliance not achieved:
Where: a. The activity is in the Rural Lifestyle zone and is undertaken outside any area of native vegetation, salt marsh, natural inland wetland or watercourse. b. Does not require buildings to house animals, unless the building exists; or is for domestic animals not associated with production activities.		Discretionary

General Standards

DEV X-G-S1	Earthworks
<ol style="list-style-type: none"> 1. The total volume of excavation or fill shall not exceed 500m³ within a site in any 12-month period; and 2. The maximum height or depth of any cut or fill face shall not exceed 1.5m over a continuous distance of less more than 50m within a site. 	<ol style="list-style-type: none"> 3. Activity status when compliance not achieved: Restricted Discretionary <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> a. Effects on character and amenity of the surrounding locality upon completion of earthworks. b. Land stability upon completion. c. Landscaping as necessary. d. Measures to manage dust, erosion and sediment control, and land instability.
DEV X G-S2	Building platform(s)
<ol style="list-style-type: none"> 1. Subdivision, other than an access or utility allotment, must provide a building platform on every proposed allotment that complies with the following: <ol style="list-style-type: none"> a. Each allotment has a shape factor, being: <ol style="list-style-type: none"> i. A circle with a diameter of at least 20m, exclusive of boundary setbacks; and ii. Contains a building site with dimensions of at least 15m x 8m clear of boundary setbacks. b. Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform. c. Each building platform has vehicular access in accordance with DEV1-S13 Vehicle Crossings. d. Is not subject to inundation in a 2% AEP storm or flood event. e. If located within the Coastal Inundation Hazard Overlay a suitable building site location and design that avoids coastal inundation hazard and does not increase hazard or other hazard risk for adjacent land. 2. A residential unit could be built on as a permitted activity in accordance with Rule DEV- R2. 	<ol style="list-style-type: none"> 3. Activity status: Restricted discretionary <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> a. Extent of earthworks and fill material required for building platforms and access. b. Geotechnical suitability for building. c. The relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated. d. Avoidance of natural hazards. e. Effects on landscape and amenity. <ol style="list-style-type: none"> 4. Measures to avoid storm or flood events.

Commented [BO63]: Commented [JC23]: To provide consistent title of the Coastal Hazard Overlay (DoC, S81)

DEV X-G-S3	Vehicle Crossings
<p>1. New vehicle crossings on to roads shall be designed, constructed and located in accordance with the Kaipara District Council Engineering Standards 2011 or any relevant update, and shall comply with the following:</p> <ul style="list-style-type: none"> a. No vehicle crossing shall be situated within 10m of any road intersection (as measured from the meeting point of the main kerb alignments) unless onsite manoeuvring is provided. b. The minimum spacing between vehicle crossings on the same side of any road shall be 2m. c. No more than one vehicle crossing is provided to each lot, except where a vehicle crossing is a double width crossing and serves more than one site, in which case the vehicle crossing width shall be a maximum of 7m. d. Formed with a sealed all-weather surface. e. For an accessway or driveway servicing up to 6 residential units the minimum width shall be 3.0m. f. For an accessway or driveway servicing up to 10 residential units the minimum legal width shall be 8.0m. g. Shall serve no more than four parking spaces, should vehicles be required to reverse from a site. 	<p>2. Activity status: Restricted discretionary</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Adverse effects on the safe, efficient and effective operation of the land transport network. b. The ability to provide emergency vehicle access. c. The extent and effect of any non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule(s) or standard(s). d. Traffic generation by the activities to be served by the access. e. Location, design, construction and materials of the vehicle access. f. Safety for all users of the access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians. g. Mitigation to address safety and/or efficiency, including access clearance requirements for emergency services. h. The extent to which the safety and efficiency of road operations will be adversely affected. i. The outcome of any consultation with the road controlling authority. j. Any characteristics of the proposed use or site that will make compliance unnecessary.
DEV X-G-S4	Traffic Intensity
<p>1. The total traffic generated from each site in a Residential or the Rural Lifestyle zone shall not exceed 20 daily one-way movements, where the traffic generated by a single residential unit, and construction traffic are excluded.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The trip characteristics associated with the proposed activity. b. The design of features intended to ensure safety for all users of the access site, and/or intersecting roads including but not limited to vehicle occupants, vehicle riders and pedestrians. c. Land transport network safety and efficiency,

		particularly at peak traffic times (of both the activity and road network).	
		d. Mitigation to address adverse effects, such as:	
		i. Travel/trip planning and timing.	
		ii. Providing alternatives to private vehicle trips.	
		iii. Contributing to improvements to the road network, where appropriate.	
		iv. The effect of traffic on the amenity and character of the surrounding area.	
DEV X-G-S5	Noise		
1. Noise generated by activities on any site shall not exceed the following noise limits when measured at any point within any other site:		5. Activity status: Restricted discretionary	
a. 7.00am to 10.00pm – 50dB LAeq (15 min)		Matters over which discretion are restricted:	
b. 10.00pm to 7.00am – 45dB LAeq (15 min)		a. The extent and effect of non-compliance with the noise standard.	
c. 10.00pm to 7.00am – 70dB LAFmax			
2. Construction noise:			
a. Noise from construction work shall comply with the following noise limits when measured and assessed at 1m from the façade of any building containing an activity sensitive to noise that is occupied during the works:			
Time of Week	Time Period	Noise Level, (dBA)	
		Leq	Lmax
Weekdays	0630 – 0730	55	75
	0730 – 1800	70	85
	1800 – 2000	60	80
	2000 – 0630	45	75
Saturdays	0630 – 0730	45	75
	0730 – 1800	70	85
	1800 – 2000	45	75
	2000 – 0630	45	75

<i>Sundays & Public Holidays</i>	0630 – 0730	45	75
	0730 – 1800	55	85
	1800 – 2000	45	75
	2000 – 0630	45	75

- b. Noise from construction work shall comply with the following noise limits when measured and assessed at 1m from the façade of any other building that is occupied during the works:

<i>Time of Week</i>	<i>Time Period</i>	<i>Noise Level, Leq (dBA)</i>
<i>all days except Sundays and Public Holidays</i>	0700 – 1800	70
	1800	75

- c. For a project involving a total duration of construction work that is less than 15 calendar days, the permitted standard shall be the [noise](#) limits in (1) above increased by 5dB in all cases.
- d. For a project involving a total duration of construction work that is more than 20 weeks the permitted standard shall be the [noise](#) limits in (2) above decreased by 5dB in all cases.
3. The [noise](#) generated from any temporary events, excluding temporary military training activities, shall not exceed the following limits at any point:
- Within the [boundary](#) of any Medium Density Residential, Low Density Residential and Large Lot Residential Zone; and
 - Within the [notional boundary](#) in any Rural Production, General Rural, Settlement, Rural Lifestyle and [Māori](#) Purpose zones, the following maximum [noise](#) limits shall apply:
 - any pre-event rehearsal does not individually exceed six hours duration or the following maximum [noise](#) levels:
 - 70 dB LAeq (1hour); or

- ii. the [temporary activity](#) does not exceed 8 hours per day over a maximum duration of three consecutive days:
 - A. 60 dB LAeq (1 hour)
- c. The above [noise](#) levels can increase by 10 dB (LAeq) i.e. 80 dB LAeq (1 hour) or 70 dB LAeq (1 hour) respectively, where the receiving [site](#) is within the Commercial, Light Industrial, Heavy Industrial, Open Space, Sport and Active Recreation zones.
- 4. Noise Sensitive Activities:
 - a. [Noise](#) sensitive spaces must be designed, constructed and maintained to ensure that internal [noise](#) levels do not exceed the following limits:

Room	Noise level
Bedrooms and rooms specifically designed for sleeping	35dB L _{Aeq}
Other habitable rooms in dwellings and other noise sensitive spaces	40dB L _{Aeq}

- b. not The [noise](#) levels in the table above must be met based on the maximum level of [noise](#) permitted by the zone or precinct standards or any adjacent zone or precinct standards.
- c. Where windows and / or doors are required to be closed to meet the requirements of (a) and (b), the following requirements shall also be met:
 - a. For residential dwellings be mechanically ventilated and/or cooled to achieve either:
 - i. an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; or

Note: Mechanical cooling must be provided for all habitable rooms (excluding bedrooms) provided that at least one mechanical cooling system must service every level of a dwelling that contains a [habitable room](#) (including bedrooms).

- ii. a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:

<p>A. six air changes per hour (ACH) for rooms with less than 30 per cent of the façade area glazed; or</p> <p>B. 15 air changes per hour (ACH) for rooms with greater than 30 per cent of the façade area glazed; or</p> <p>C. three air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.</p> <p>d. for all other noise sensitive spaces provide mechanical cooling to achieve an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; and (d) provide relief for equivalent volumes of spill air; and be individually controllable across the range of airflows and temperatures by the building occupants in the case of each system; and</p> <p>e. have a mechanical ventilation and/or a cooling system that generates a noise level no greater than LAeq 35 dB when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows above.</p>	
DEV X-G-S6	Financial Contributions
<p>1. Financial contributions shall be payable for land use and subdivision resource consents as set out in Chapter 22 of the Kaipara District plan.</p>	<p>2. Activity status when compliance not achieved: Discretionary</p>
DEV X-G-S7	Signs
<p>1. Traffic:</p> <p>i. All signs visible from a road not subject to SIGN-S1.1 must not:</p> <ul style="list-style-type: none"> a. resemble, or be likely to be mistaken for a traffic sign b. obstruct, obscure, or impair the line of sight of any corner, bend, intersection, vehicle or pedestrian crossing or view of any traffic sign c. obstruct or hinder the movement of persons or vehicles using the roadway d. unreasonably obstruct or hinder the safety or movement of persons using the footpath or any other part of the road e. use reflective materials that may interfere with a road user's vision 	<p>6. Activity status when compliance not achieved: Discretionary</p>

<p>f. be placed at an angle that unduly distracts a driver of a vehicle.</p> <p>2. Sign size:</p> <p>Business zones:</p> <p>The maximum total sign area, excluding official and information signs on any site for each road frontage:</p> <p>i. Less than 24m width: 6m²</p> <p>ii. Greater than 24m width: 0.25m² for every 1m of road frontage, up to a maximum area of 12m².</p> <p>Residential and Rural Residential zones:</p> <p>The maximum total of sign area, excluding official and information signs, on any site must not exceed Where a sign is double-sided, the maximum sign area is calculated as the area of one side of the sign.</p> <p>3. Sign height:</p> <p>Business zones:</p> <p>i. 4m measured from ground level.</p> <p>Residential and Rural Residential zones:</p> <p>i. 3m measured from ground level.</p> <p>4. Number of signs:</p> <p>i. There must be no more than 2 temporary signs, or real estate or land development signs per site.</p> <p>ii. A maximum of one under-verandah and one verandah fascia sign per premises, except where a premises has more than one road frontage, in which case signs are limited to a maximum of two under-verandah and two verandah fascia signs.</p> <p>iii. This standard does not apply to portable signs, including but not limited to, sandwich boards, teardrop flags or banners; signs fixed to vehicles or trailers and signs on street furniture, located on a road or public place within the Kaipara District are subject to the provisions of Kaipara District Council's bylaws.</p> <p>Business zones:</p>	
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<p>a. There must be no more than 4 signs per site, excluding official or information signs.</p> <p>Residential and Rural Residential zones:</p> <p>a. There must be no more than 2 signs per site, excluding official or information signs.</p> <p>5. Sign design:</p> <p>A sign must not:</p> <p>a. use reflective materials or be animated or illuminated through intermittent or flashing light sources</p> <p>b. display any explicit or lewd words or images.</p> <p>A sign must be constructed and maintained in a manner that is consistent with any building standard requirements and is maintained to those standards for public safety purposes.</p>	
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DEV1 Subdivision Rules

DEV X-R1	Subdivision
<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Proposed allotments have a minimum net site area (excluding access) as stated in DEV X SUB-S1, except where the proposed allotment is an access allotment, utility allotment or road to vest in Council.</p> <p>b. Roads are established in general accordance with the indicative roads shown on the Mangawhai East Structure Plan;</p> <p>c. Native revegetation planting to a minimum of 10m from the edge of natural <u>inland</u> wetlands, intermittent and permanent streams, and indigenous vegetation identified within the Mangawhai East <u>Structure Plan Ecological Features Map</u> is established and protected in perpetuity.</p> <p>Note: This rule shall not apply to road or track crossings over streams or wetlands.</p> <p>d. Any amenity landscape feature, bush or wetland area, indigenous vegetation planting is physically and legally protected in perpetuity.</p> <p>e. Any area of archaeological, cultural or spiritual significance is identified and physically and legally protected unless and Authority is obtained from Heritage New Zealand.</p> <p>f. A connection, or easement/s to secure connection, to a reticulated electrical supply system at the boundary of the net site area of the allotment is provided.</p> <p>g. Each allotment is provided with a connection, or the ability to connect to a wireless, above ground, or underground telecommunications system.</p> <p>h. Each allotment is connected to the reticulated wastewater network unless the allotment is at least 2,000m² net site area.</p> <p>i. A covenant in favour of Kaipara District Council and Department of Conservation is registered on all sites stating that there shall be no keeping of cats, <u>dogs</u> or mustelids and <u>that dogs shall be contained on sites and shall be kept</u></p>	<p>2.</p> <p><u>Activity status where compliance not achieved with DEV1-R19.1 a-i: Discretionary</u></p> <p><u>Activity status where compliance not achieved with DEV1-R19.1 i: Non-complying</u></p> <p><u>Activity status where compliance not achieved with DEV1-R19.1 a-h or j-l: Discretionary</u></p>

Commented [JM69]: This clause refers to "DEV1-R19.1 a-i" but I presume this is a typo, because it does not state an activity status for non-compliance with clauses j, k and l. I have redrafted this on the assumption that the intention was for non-compliance with these standards to also lead to Discretionary activity status

Commented [JM70]: Given the importance of not adding to disturbance of threatened and at-risk birds, particularly tara iti, I consider that non-complying activity status is appropriate, if the performance standard relating to cats, dogs and mustelids is not met.

Commented [JM64]: Minor suggested change, to align with NESF language, and because the Ecological Features Map shows "natural inland wetlands"

Commented [JM65]: The reference to the Structure Plan here appears to be an error, because these features are identified on the Ecological Features map but not on the Structure Plan

Commented [JM66]: I recommend that a ban on dogs is applied, but that controls regarding containment on sites and the keeping of dogs on leads are also retained, to apply to any dogs brought to the area.

Commented [BO67]: **Commented [JC24]:** In response to ecological advice to extend control to also exclude dogs from the plan change area

<u>on a lead at all times in public places.</u>	
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Commented [B068]: Ban on dogs is not agreed given the Applicants ecological evidence and the existing Rural zoning of the land.

<p>j. Esplanade reserves required by statute are vested.</p> <p>k. Walkways and pedestrian / cycle improvements as shown on the Mangawhai East Structure Plan are delivered.</p> <p>l. Landscape and Rural edge enhancement is delivered in the locations shown on the Mangawhai East Structure Plan.</p> <p>m. The activity complies with the following:</p> <p>i. DEV1-S10 Earthworks</p> <p>ii. DEV1-S12 Building Platforms</p> <p>iii. DEV1-S13 Vehicle Crossings</p> <p>iv. DEV1-S14 Roads, Vehicle Access, Pedestrian Walkways and Cycleways.</p> <p>v. DEV1-S15 Water Supply.</p> <p>vi. DEV1-S16 Stormwater Management</p> <p>vii. DEV1-S17 Wastewater Management.</p> <p>Council's discretion is restricted to the following matters:</p> <p>a. The matters of discretion of any infringed standard.</p> <p>b. Subdivision layout, design, shape and range of allotment sizes, including the layout of roads and the number of rear allotments proposed.</p> <p>c. Streetscape and landscaping proposed.</p> <p>d. The extent to which the proposal is generally in accordance with the Mangawhai East Structure Plan.</p> <p>e. Measures and mechanisms for ownership and maintenance to protect, restore and enhance all indigenous terrestrial and freshwater biodiversity values.</p> <p>f. Within the Landscape Protection Area, integration with the identified characteristics and qualities of the area.</p> <p>g. Staged subdivision establishes and coordinates with necessary infrastructure upgrades.</p>	
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Commented [B071]: Cross check and update the Standards numbers

Standards

DEV X- SUB-S1	Density / Minimum Site Size												
<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>Subdivision site size and residential unit density comply with the following:</p> <table border="1" data-bbox="95 734 563 1339"> <tr> <td data-bbox="95 734 255 813">Rural Lifestyle zone</td><td data-bbox="255 734 563 813">8,000m²</td></tr> <tr> <td data-bbox="95 813 255 958">Large Lot Residential zone</td><td data-bbox="255 813 563 958"> a. 1,000m² when connected to the reticulated wastewater network. b. 2,000m² where a connection to the reticulated wastewater network is not available. </td></tr> <tr> <td data-bbox="95 958 255 1037">Low Density Residential zone</td><td data-bbox="255 958 563 1037">750m²</td></tr> <tr> <td data-bbox="95 1037 255 1160">Medium Density Residential zone</td><td data-bbox="255 1037 563 1160">600m² or 350m² for comprehensive development of dwellings with, or without subdivision.</td></tr> <tr> <td data-bbox="95 1160 255 1261">Business Neighbourhood Centre zone</td><td data-bbox="255 1160 563 1261">200m²</td></tr> <tr> <td data-bbox="95 1261 255 1339">Business Mixed Use zone</td><td data-bbox="255 1261 563 1339">200m²</td></tr> </table> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Design and shape of sites; Subdivision layout, including the layout of roads and the number of rear sites proposed. Access to sites and accessibility for service and emergency vehicles. The location and size of sites to respond to topography. Consistency of the subdivision and roading layout with the Mangawhai East Structure Plan. Design of the subdivision with respect to the provision of public open space, walkways, 	Rural Lifestyle zone	8,000m ²	Large Lot Residential zone	a. 1,000m ² when connected to the reticulated wastewater network. b. 2,000m ² where a connection to the reticulated wastewater network is not available.	Low Density Residential zone	750m ²	Medium Density Residential zone	600m ² or 350m ² for comprehensive development of dwellings with, or without subdivision.	Business Neighbourhood Centre zone	200m ²	Business Mixed Use zone	200m ²	<p>4. Activity status when compliance not achieved with DEV X S1 1.: Discretionary</p> <p>5. Activity status when compliance not achieved with DEV X S1 2 or DEV X S 3.: Non-complying</p>
Rural Lifestyle zone	8,000m ²												
Large Lot Residential zone	a. 1,000m ² when connected to the reticulated wastewater network. b. 2,000m ² where a connection to the reticulated wastewater network is not available.												
Low Density Residential zone	750m ²												
Medium Density Residential zone	600m ² or 350m ² for comprehensive development of dwellings with, or without subdivision.												
Business Neighbourhood Centre zone	200m ²												
Business Mixed Use zone	200m ²												

<p>pedestrian and cycle connections and the provision of esplanade reserves where required.</p> <p>g. Design of the subdivision to deliver ecological protection as identified on the Mangawhai East Structure Plan.</p> <p>h. Suitability of the site to accommodate a building platform, including geotechnical stability and hazards.</p> <p>i. Design of the subdivision to minimise the need to retaining walls.</p> <p>j. Potential location of future building platforms and their suitability in terms of enabling compliance with the zone Standards.</p> <p>k. Design of subdivision to avoid coastal and flood hazards; or the appropriateness of mitigation measures to ensure hazard effects are avoided.</p> <p>l. Streetscape and landscaping proposed.</p> <p>m. Servicing including the provision of new infrastructure and the operation, maintenance, upgrade and development of existing infrastructure.</p> <p>n. Design of subdivision to maximise solar access for future dwellings.</p> <p>o. Design of the subdivision to achieve quality urban design outcomes.</p> <p>p. Amenity values of the surrounding neighbourhood and environment.</p> <p>2. Subdivision in the Rural Lifestyle zone creating sites less than 8,000m² but not less than 5000m² is a Discretionary activity.</p> <p>3. Subdivision within the Coastal Hazard Overlay is a Discretionary activity.</p>	
DEV X-SUB-S2	Solar Access
<p>1. Activity status Restricted Discretionary</p> <p>Where:</p> <p>i. Sites must, unless constrained by topography, or other site conditions, be designed so at least 70% of the site has appropriate solar access. Sites must achieve appropriate solar access by ensuring that:</p> <p>i. the long axis of sites are within the range north 200 west to north 300 east, or east</p>	<p>2. Activity status when compliance not achieved: Discretionary</p>

<p>200 north to east 300 south;</p> <p>ii. dimensions of sites are adequate to protect solar access to the site, taking into account likely dwelling size and relationship of the site to the street.</p>	
DEV X-SUB-S3	Esplanade and other reserve enhancement
<p>1. Prior to the construction of more than 50 residential units the esplanade reserve area adjacent to Mangawhai harbour shall be upgraded <u>enhanced</u>. The nature and extent of upgrade enhancements shall be in accordance with the design agreed with Council. The agreed design shall be determined by provision of a report and accompanying plans informed by a topographical survey and management plan prepared with input from an a suitably qualified ecologist and civil engineer that addresses:</p> <p>a. The location and extent of construction of a pathway to facilitate public walking access.</p> <p>b. The construction detail of the pathway e.g. metal / boardwalk and width.</p> <p>c. The location, width and nature of any planting required around the coastal edge to provide an ecological buffer. Any planting shall be undertaken with location appropriate native species.</p> <p>d. Detail of consultation and engagement with adjacent landowners and parties who have agreements for use of the reserve.</p> <p>e. Details of methods proposed to achieve, to the greatest extent possible, the eradication of plant and animal pests from the esplanade reserve area, on an ongoing basis. This plan should recognise the beneficial ecological functions currently provided by certain weed species (e.g. pampas grass), including the provision of roosting and breeding habitat for birds, and of protection to the stop-bank which supports the values of the SNA in the northwest of the development area. Weed control must therefore be coordinated with replacement planting, so that new planting can take on these functions before the weeds are eradicated. Weed removal must also be timed to avoid nesting periods as appropriate.</p> <p>2. <u>The report management plan required under (1) is to be certified by the Council Asset manager</u></p>	<p>5. Activity status when compliance not achieved: Discretionary</p>

Commented [JM72]: No longer considered necessary, given requirement at clause 2 for Council certification

Commented [JM73]: Change proposed to reflect recommended deletion of requirements for the construction public walkways. This standard would require only planting and weed/pest control (therefore I consider that "enhance" is a better description than "upgrade").

Commented [JM74]: Amendments recommended to:

1. Clarify that the requirement for weed and pest control in the esplanade reserve has the same trigger as the requirement for planting in that area - i.e. before more than 50 residential units are constructed.
2. Reflect the discussion at paragraphs 67 to 69 of my evidence.

Commented [B077]: Check format consistent with eworks advice notes

<p>1. Subdivision, other than an access or utility allotment, must provide a building platform on every proposed allotment that complies with the following:</p> <ul style="list-style-type: none"> e. Each allotment has a shape factor, being: <ul style="list-style-type: none"> i. A circle with a diameter of at least 20m, exclusive of boundary setbacks; and ii. Contains a building site with dimensions of at least 15m x 8m clear of boundary setbacks. f. Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform. g. Each building platform has vehicular access in accordance with DEV1-S13 Vehicle Crossings. h. Is not subject to inundation in a 2% AEP storm or flood event. i. If located within the Coastal Inundation Hazard Overlay a suitable building site location and design that avoids coastal inundation hazard and does not increase hazard or other hazard risk for adjacent land. j. A residential unit could be built on as a permitted activity in accordance with Rule DEV- R2. 	<p>2. Activity status: Restricted discretionary</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Extent of earthworks and fill material required for building platforms and access. b. Geotechnical suitability for building. c. The relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated. d. Avoidance of natural hazards. e. Effects on landscape and amenity. f. Measures to avoid storm or flood events.
DEV X-SUB-S5	Vehicle Crossings

<p>1. New vehicle crossings on to roads shall be designed, constructed and located in accordance with the Kaipara District Council Engineering Standards 2011 or any relevant update, and shall comply with the following:</p> <ul style="list-style-type: none"> a. No vehicle crossing shall be situated within 10m of any road intersection (as measured from the meeting point of the main kerb alignments) unless onsite manoeuvring is provided. b. The minimum spacing between vehicle crossings on the same side of any road shall be 2m. c. No more than one vehicle crossing is provided to each lot, except where a vehicle crossing is a double width crossing and serves more than one site, in which case the vehicle crossing width shall be a maximum of 7m. d. Formed with a sealed all-weather surface. e. For an accessway or driveway servicing up to 6 residential units the minimum width shall be 3.0m. f. For an accessway or driveway servicing up to 10 residential units the minimum legal width shall be 8.0m. g. Shall serve no more than four parking spaces, should vehicles be required to reverse from a site. 	<p>2. Activity status: Restricted discretionary</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Adverse effects on the safe, efficient and effective operation of the land transport network. b. The ability to provide for emergency vehicle access. c. The extent and effect of any non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule(s) or standard(s). d. Traffic generation by the activities to be served by the access. e. Location, design, construction and materials of the vehicle access. f. Safety for all users of the access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians. g. Mitigation to address safety and/or efficiency, including access clearance requirements for emergency services. h. The extent to which the safety and efficiency of road operations will be adversely affected. i. The outcome of any consultation with the road controlling authority. j. Any characteristics of the proposed use or site that will make compliance unnecessary.
DEV X-SUB-S6	Roads, Vehicle Access, Pedestrian Walkways and Cycleways

<p>1. Roads shall be located <u>generally</u> in accordance with the indicative roads shown on the Mangawhai East Structure Plan.</p> <p>2. Any subdivision consent application that will enable 50 or more residential units, or residential unit equivalents, excluding development on sites existing as at 1 January 2025, within the Development Area shall provide a walkway connection between the Development Area and Mangawhai Village to connect to the existing cycleway connection as shown on the Mangawhai East Structure Plan.</p> <p><u>Subdivision that will enable more than 50 residential units, or residential unit equivalents, excluding development on sites existing as at 1 January 2025, within the Development Area shall not take place until a walkway and cycleway connection has been established between the Development Area and Mangawhai Village. For the sake of clarity, this connection must include the provision of a shared pathway for pedestrians and cyclists along the Insley Street causeway. This shared pathway must be designed to reduce the potential for disturbance effects on avifauna by people and dogs using the pathway.</u></p>	<p>3. Activity status: Restricted discretionary</p> <p><u>where DEV X-SUB-S6(1) and (3) is not met.</u></p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> Effect on sight distances or road safety. Design and carrying capacity. Adverse effects arising from construction, including amenity, vibration and noise. Traffic management while the works are being undertaken. Adverse operational effects, particularly on sensitive activities, including effects of vibration, noise, glare and vehicle emissions. Severance and changes to drainage patterns. The benefits provided by the activity, including safety and efficiency of the transport network. Whether the works will involve reductions in the capacity of storm water systems present within the road or road reserve.
<p>3. Roads, Pedestrian and Cycle Networks shall be designed and constructed in accordance with the Kaipara District Council Engineering Standards 2011 or any relevant update, except as they relate to the following:</p> <ol style="list-style-type: none"> The legal and construction widths shall meet Table DEV1-1. On-street parking shall be provided at a minimum rate of 1 per 4 residential units. <p><i>Note: Where private accesses are created, on-street carparking may be substituted for parking areas along the private access, provided that the access width is sufficient to accommodate a parked vehicle and general vehicle movement.</i></p>	<ol style="list-style-type: none"> Whether the works comply with all other provisions relating to activities within the Kaipara District Council Engineering Standards 2011. Management of sediment and dust, including the staging of works. The volume, extent and depth of the earthworks activities. The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site. Provision of a highly connected multi-modal transport network. The predominance of walking and cycling over vehicle access, and roading function. <u>Mitigation to address safety and/or efficiency including access clearance requirements for emergency services.</u> <p>4. <u>Activity status: Non-complying where DEV X-SUB-S6(1) is not met.</u></p>

Commented [B078]: Added word because the road locations are indicative until detailed design stage.

Commented [B079]: Check location extent of that

Commented [LK80]: so is this to be upgraded to a dual use/shared path - walking and cycling? - I don't know if a walkway would be lesser than a dual use/shared path and I'd expect residents would do both. May not be an issue but way is worded suggests there is a difference.

Commented [LK81R80]: Looking at para 152, providing the design of the pathway is consistent with the structure plan and KDP map so may be useful to provide that linkage/cross reference too to support the amendment

Commented [JM82]: I recommend this alternative wording for clause 2 of this standard, for the reasons explained at paragraphs 49 to 53 of my evidence

Commented [B083]: Commented [JC30]: FENZ, S60 - to enable consideration of FENZ vehicle access where standards are not met.

DEV X-SUB- S7	Water Supply
<p>1. Where a Council water supply is available and utilised:</p> <p>a. All allotments are provided, within their net site area, with a connection to the Council water supply.</p> <p>b. All water pipelines vested with Council and not located in a legal road or other public land, shall be protected by an Easement in favour of Council.</p> <p>2. Where a public supply is not available or utilised, water supplies to all residential developments shall meet the requirements in Table DEV1-2.</p> <p>3. <u>Any allotment or residential unit shall be supplied with water for the purpose of firefighting, at least 10,000 litres of water from sources that are:</u></p> <p><u>a. Within 90 metres of an identified building platform on each lot or the residential unit; and</u></p> <p><u>b. Existing or likely to be available at a time of development of the lot; and</u></p> <p><u>c. Accessible and available all year round.</u></p> <p><u>Note: Sources may be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</u></p>	<p>4. Activity status: Restricted discretionary Matters over which discretion is restricted:</p> <p>a. Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision.</p> <p>b. Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or any relevant update or has been confirmed as appropriate by Council's Engineer.</p> <p>c. Sufficient firefighting water supply is available.</p> <p><i>Note: For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</i></p> <p>• Within 90 metres of an identified building platform on each lot; and</p> <p>• Existing or likely to be available at a time of development of the lot; and</p> <p>• Accessible and available all year round; and</p> <p>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</p>
DEV X-SUB-S8	Stormwater Disposal

Commented [BO85]: Commented [JC31]: In response to the FENZ submission (S60) to ensure that the need to meet firefighting supply forms part of the standard itself. This way, if an adequate supply is not provided then the standard is breached and the matter of discretion is able to be brought into play.

Commented [BO84]: Advice note check format consistency

<p>1. All allotments shall be provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surface in accordance with the approved Stormwater Management Plan;</p> <p>a. Retention (volume reduction) and detention (temporary storage) shall be provided in accordance with the approved Stormwater Management Plan.</p> <p>b. c. Conveyance and discharge of primary and secondary stormwater flow shall be in accordance with the approved Stormwater Management Plan.</p>	<p>2. Activity status: Restricted discretionary</p> <p>Matters over which discretion is restricted:</p> <p>a. Whether there is sufficient control of water-borne contaminants, litter and sediment.</p> <p>b. Whether there is sufficient land available for disposal of stormwater.</p> <p>c. Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotments.</p> <p>d. Whether and the extent to which measures are necessary in order to give effect to any drainage. Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including water sensitive design principles are effective.</p> <p>e. . Whether and the extent to which the stormwater infrastructure within the subdivision, is able to link with existing disposal systems outside the subdivision.</p> <p>f. Whether and the extent to which the development meets the relevant performance standards or the Kaipara District Council Engineering Standards 2011 or the Mangawhai East Hills Development Area Stormwater Management Plan.</p> <p>g. The extent to which run-off from a developed catchment is discharged back into its natural catchment.</p> <p>h. The applicability of retention to be provided within a 72-hour period.</p> <p>i. The extent to which inert building materials are to be utilised (e.g., inert roof material).</p>
DEV X-SUB-S9	Wastewater Disposal

Commented [B086]: Commented [JC32]: To reference the SMP for this site

<p>1. For all sites with an area less than 2,000m² Council reticulated wastewater system is available and utilised:</p> <ul style="list-style-type: none"> a. The Council wastewater system can be extended to serve the subdivision; and b. All allotments are provided, within their net site area, with a connection to the Council reticulated wastewater system; and c. The reticulated wastewater system is designed and constructed in accordance with the specific requirements of the Council wastewater system; and d. All wastewater pipelines vested with Council and not located in a legal road or other public land, shall be protected by an Easement in favour of Council. <p>2. For sites of 2,000m² or greater where no Council system is available or utilised, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards".</p>	<p>3. Activity status: Restricted discretionary</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Whether the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed development. b. Availability of land for wastewater disposal on site. c. Compliance with the provisions of the relevant Kaipara District Council Engineering Standards. d. Capacity of existing wastewater treatment and disposal system, to which the outfall will be connected. e. Provision of a reticulated system with a gravity outfall is provided, or where not practical, provision of alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. f. Where a reticulated system is not available, or a connection is impracticable, provision of a suitable onsite wastewater treatment or other disposal systems.
DEV X-SUB-S10	Minimum Floor Level
<p>1. Where a Habitable Building is proposed: Habitable buildings shall have a minimum floor level of 4.2m above New Zealand Vertical Datum 2016.</p> <ul style="list-style-type: none"> a. Habitable buildings shall have a minimum freeboard level of 500mm above 100-year minimum water level (climate change adjusted). <p>2. Where a building contains a commercial activity or a non-habitable building it shall have a minimum:</p> <ul style="list-style-type: none"> a. Floor level of 4m above New Zealand Vertical Datum 2016. b. Freeboard level of 300mm above 100-year design minimum water level (climate change adjusted) as below: <p>3. The design minimum water level is comprised of the 1% AEP storm tide, SSP-8.5H+ SLR to 2130 and p83 VLM, with freeboard allowance as above</p>	<p>4. Activity status: Restricted discretionary</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Whether the size, location and design of the proposed building has sufficient height clearance to avoid the risk of being affected by inundation and has the structural integrity to withstand inundation. b. Whether the building will perform safely under hazard conditions for the life of the structure. c. The effects on adjacent land associated with any measures proposed to avoid hazard risk.

Information Requirements

DEVX-REQ1	Stormwater Management
The first subdivision consent application on any land to facilitate urban development; or the first development consent on any portion of land to facilitate urban development shall be supported by a stormwater assessment demonstrating how stormwater will be managed in accordance the Mangawhai East approved Stormwater Management Plan.	
DEVX-REQ2	Subdivision or Development that will enable 50 or more residential units or residential unit equivalents in the Development Area
<p>1. Any subdivision or development resource consent application that will enable 50 or more residential units, or residential unit equivalents, excluding development on sites existing as at 1 January 2025, within the Development Area shall provide a transport assessment and civil engineering design to address the delivery of:</p> <p>a. A roundabout right-hand turn bay on Insley Street into Black Swamp Road</p> <p>b. A walkway connection between the Development Area and Mangawhai Village to connect to the existing cycleway connection as shown on the Mangawhai East Structure Plan. A walkway and cycleway connection between the Development Area and Mangawhai Village, in accordance with the requirements of DEV X-S6.2 above.</p> <p>And shall provide, in accordance with the requirements of DEV X-SUB-S3 above:</p> <p>c. A detailed planting and implementation plan, prepared by a suitably qualified ecologist, for certification by Council, for including any ecological planting required along the coastal esplanade reserve and identifying weed and animal pests in the coastal esplanade reserve area and measures to control and remove plant and animal pests.</p> <p>d. Plans, to be certified by Council, for construction of a defined walkway along the coastal esplanade reserve in accordance with the report required under DEV X-S3.</p> <p>e. Plans showing the size, location and content of signage required to be erected at either end of the reserve requiring dogs to be on a lead and the sign to the east advising of tidal restriction associated with access to the sandpit.</p> <p>f. A plan prepared by a suitably qualified ecologist, to be certified by Council, identifying weed and animal pests in the coastal esplanade reserve area and measures to control and remove plant and animal pests.</p> <p>g. Detail of consultation and engagement with adjacent landowners and parties who have agreements for use of the reserve.</p>	
DEVX-REQ3	Rural Interface – Landscape Edge Enhancement and Rural Edge Enhancement

Commented [B087]: As above the Applicant does not consider there is any practical justification provided for a roundabout.

Commented [JM88]: Recommended rewording to align with my recommended changes to DEV X-S6.2.

Commented [JM89]: Recommended to highlight the link to the associated performance standard.

Commented [B090]: Clarity and to respond to the ecological evidence

Commented [JM91]: I suggest that clauses c and f are merged, as they are related and can be covered by one management plan (as per DEV X-SUB-S3, with my proposed amendments)

Commented [JM92]: For clarity, I recommend that this clause is added to DEVX-REQ2, and that DEVX-REQ4 below is deleted. Except for this clause, DEVX-REQ4 does not appear to add anything to DEVX-REQ2. It also repeats the content of DEV X-SUB-S3.

1. A landscape assessment and accompanying planting, maintenance plan, to be certified by Council , shall be submitted with the first subdivision and land use consent for the development of land adjoining Raymond Bull Road subject to Landscape Edge Enhancement, or the land to the south of the Development Area subject to Rural Edge Enhancement as shown on the Mangawhai East Structure Plan.	
a.	Document how the proposed landscape planting will achieve a planted outcome that will assist in transitioning from the urban environment to the rural environment beyond.
b.	The planting and maintenance plan shall provide for the planting and maintenance, including replacement plantings on an ongoing basis.
DEVX-REQ4	Ecological Enhancement—Coastal Esplanade and Riparian areas
1. A report and plans, to be certified by Council , detailing the nature and extent of upgrade of the coastal esplanade reserve shall be	

Commented [JM93]: I do not consider that this information requirement is necessary - it repeats both DEV X-SUB-S3 and DEVX-REQ2

submitted with the subdivision and / or development resource consent application involving 50 or more sites and / or dwellings. The report and plans shall be informed by a topographical survey and shall be prepared with expert input from an ecologist and civil engineer and shall detail:	
a. The location and extent of construction of a pathway to facilitate public walking access.	
k. The construction detail of the pathway e.g. metal / boardwalk and width.	
l. The location, width and nature of any planting required around the coastal edge to provide an ecological buffer. Any planting shall be undertaken with location appropriate native species.	
m. Detail of consultation and engagement with adjacent landowners and parties who have agreements for use of the reserve.	
2. A plant and animal pest control plan, to be certified by Council , shall be provided in conjunction with the report and plans required by DEVX-REQ4. The plan shall detail the measures and methods for plant and animal pest control on the coastal esplanade reserve to achieve the requirements of DEVX-SUB-S3.	

Table DEV X Table 1.1 Mangawhai East Development Area Road, Private Way, Cycle Way and Property Access Legal and Construction Widths

Road Hierarchy	Minimum Legal Width	Minimum Formation Width	Minimum Cycleway / Footpath Width	Surface	Maximum Design Speed	Minimum Radius (m)	Minimum SSD (m)	Maximum Grade
Private access serving up to 6 units/lots and less than 50m in length <u>and where located in an area with a fully reticulated water supply system (including hydrants) available.</u>	3.6m	3m	0.5m (one side only where footpath is not provided separately)	seal	30km/h	6m subject to vehicle tracking for anticipated design vehicle		20% <i>Note: transition between two gradients shall not exceed 12.5% if they do, separate transition gradient must be provided</i>

Commented [BO94]: **Commented [JC33]:** FENZ S60, to reflect the provision (or not) of a reticulated firefighting supply

								over a length no less than 2m.
Private Accessway serving 7- 30 units/lots (not vested) or serving up to 6 that is over 50m in length <u>and where</u> <u>located in an area</u> <u>with a fully</u> <u>reticulated water</u> <u>supply system</u> <u>(including</u> <u>hydrants) available</u> .	9.5m	5.5m (no on street parking)	1.5m (one side only where footpath is not provided separately)	seal	30km/h	6m subject to vehicle tracking for anticipated design vehicle	30m*	12.5%
Local / Secondary Roads except eastern boundary upgrade of Raymond Bull Road	16m	6.0m + indented parking bays	1.8m (both sides)	Seal	40km/h	10m	40m	12.5%
Eastern boundary upgrade of Raymond Bull Road	NA	6m with swale and grassed berm	NA					
Collector Road – Black Swamp Road through the Development Area	20m	6.0m + indented parking bays (7.0m if public transport route)	3m shared path on both sides	Seal	50km/h	10m	55m	12.5%
Gravel pathways			Minimum 1.5m formation maximum 3m formation					
Nature trails			minimum 1m maximum 2m					

Shared Paths			Minimum 3m					
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Table Notes:

- (1). The legal width shall be sufficient for the carriageway (including widening on curves), cul-de-sacs, footpaths and cycleways (where appropriate), parking (where appropriate), public utilities, drainage facilities, grassed Berms, Swale Drains, amenity planting, sight benching and street furniture. Roads to vest shall have sufficient legal width for planned future development. Refer to Kaipara District Council Engineering Standards 2011, clause 5.2.4.
- (2). Carriageway width is exclusive of Berms, kerb concrete and parking. Carriageway widths should be increased by up to 1.0m where there is a high proportion of heavy traffic. Additional widening is required on curves in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.5. Passing bays are required on single lane carriageways in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.5.
- (3). Carriageway surface shall be sealed in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.6.
- (4). Design speeds are based on rolling terrain typical in Kaipara District. Higher design speeds should be considered in flatter terrain.
- (5). Safe stopping sight distances marked * have been increased to provide for two vehicles approaching each other on a single lane carriageway to stop before colliding. If a two lane carriageway is proposed for access ways serving 1 to 6 lots, sight distances may be reduced accordingly. K value is the length of vertical curve (m) divided by the algebraic difference in gradients (%).
- (6). Where there is potential for further development under the Development Area rules, the horizontal and vertical geometry and legal width shall provide for the Ultimate Development.

Table DEV X Table 1.2 Required Tank Volumes for On-site Residential Water Supply

Roof Catchment (m ²)	Bedrooms				
	1	2	3	4	5
100	20m ³	50m ³			
120	15m ³	35m ³			
140	10m ³	30m ³	75m ³		
160		20m ³	60m ³		
180			50m ³	75m ³	
200			45m ³	65m ³	
220			35m ³	55m ³	90m ³
240			30m ³	50m ³	80m ³
260			30m ³	45m ³	70m ³
280				40m ³	65m ³
300				35m ³	60m ³

Table DEV X Table 1.3 Hazardous Substances

GHS 7 category and sub-category (previous HSNO classification)	Zone	Zone	Zone
	Commercial Light Industrial Heavy Industrial Specific Purpose – Airfield (TBC) Specific Purpose - Hospital (TBC)	General Rural Rural Production Māori Purpose (TBC)	All residential Rural Lifestyle Settlement Specific Purpose – Estuary Estates
Explosive Class 1 maximum quantity (measured in tonnes, unless stated)			
Unstable explosive Class 1.1 (Sub-class 1.1)	0.05	0.02	0
Unstable explosive Class 1.2 (Sub-class 1.2)	0.5	0.2	0
Unstable explosive Class 1.3 (Sub-class 1.3)	1.5	0.5	0
Unstable explosive Classes 1.2 and 1.3 (1.2 and 1.3) when stored with unstable explosive Class 1.1 (1.1)	0.05	0.02	0
Flammable gas/aerosol Class 2 maximum quantity (measured in tonnes, unless stated)			
Flammable gas Categories 1A, 1B and 2 and Aerosols Categories 1,2 and 3 (Sub-class 2.1, all)	1 (2,000m ²)	0.5 (1,000m ³)	0.2 (40m ³)

Flammable gas Categories 1A, 1B and 2 and Aerosols Categories 1,2 and 3 (2.1) within 50m of a sensitive zone	0.2 (400m3)	0.1 (200m3)	n/a
LPG	3	1.5	0.1
LPG within 50m of a more sensitive zone	1	0.5	n/a
Non-hazardous gases maximum quantity (measured in tonnes, unless stated)			
All non-hazardous gases, compressed or liquefied	5 (10,000m3)	2 (4,000m3)	0.1 (200m3)
Flammable liquids Class 3 maximum quantity (measured in tonnes, unless stated)			
Flammable liquids Categories 1 and 2 (Sub- class 3.1A and 3.1B)	6	2	0.1
Flammable liquids Categories 1 and 2 (3.1A and 3.1B) within 50m of a more sensitive zone	2	0.6	n/a
Flammable liquids Category 3 (3.1C)	20	6	0.3
Flammable liquids Category 4 (3.1D)	60	20	1
Desensitised explosive (liquid) Categories 1, 2 and 3 (Sub-class 3.2, all)	3	1	0.05
Flammable solids Class 4 maximum quantity (measured in tonnes, unless stated)			
Flammable solids Categories 1 and 2; self- reactive substances and mixtures Types A, B, C, D, E, F and G; desensitised explosive (solid) Categories 1, 2 and 3 (Sub-class 4.1, all)	3	1	0.05
Pyrophoric liquids and solids Category 1; self- heating substances and mixtures Category 1 and 2 (Sub-class 4.2, all)	1	0.4	0.02
Substances and mixtures which, in contact with water, emit flammable gases Categories 1, 2 and 3 (Sub-class 4.3, all)	1	0.4	0.02
Oxidising capacity Class 5 maximum quantity (measured in tonnes, unless stated)			

Oxidising liquids Categories 1,2 and 3, or oxidising solids Categories 1, 2 and 3 (Sub-class 5.1.1, all)	3	1	0.05
Oxidising gases Category 1 (Sub-class 5.1.2 Gases)	1,000m3	400m3	40m3
Organic peroxide Types A, B, C,D, E, F and G (Sub-class 5.2)	1	0.5	0.02
Toxic Class 6 maximum quantity (measured in tonnes, unless stated)			
Gases with acute oral/dermal /inhalation toxicity Categories 1, 2 and 3 (Sub-class 6.1 Gases)	300m3	100m3	0
Acute oral/dermal /inhalation toxicity Category 1 (Sub-class 6.1A)	0.5	0.2	0
Acute oral/dermal /inhalation toxicity Category 1 (6.1A) within 50m of a more sensitive zone	0.2	0.1	n/a
Acute oral/dermal /inhalation toxicity Category 2 (Subclass 6.1B)	6	2	0.05
Acute oral/dermal /inhalation toxicity Category 2 (6.1B) within 50m of a more sensitive zone	2	1	n/a
Acute oral/dermal /inhalation toxicity Category 3 (Sub-class 6.1C), germ cell mutagenicity Categories 1 and 2 (Sub-class 6.6), carcinogenicity Categories 1 and 2 (6.7), reproductive toxicity Categories 1 and 2 or effects on or via lactation (6.8) or specific target organ toxicity –single or repeat exposure Categories 1 and 2 or single exposure Category 3 narcotic effects (6.9)	20	6	0.3
Acute oral/dermal /inhalation toxicity	6	2	n/a

Category 3 (6.1C), germ cell mutagenicity Categories 1 and 2 (Sub-class 6.6), carcinogenicity Categories 1 and 2 (6.7), reproductive toxicity Categories 1 and 2 or effects on or via lactation (6.8) or specific target organ toxicity –single or repeat exposure Categories 1 and 2 or single exposure Category 3 narcotic effects (6.9) within 50m of a more sensitive zone			
Corrosive Class 8 maximum quantity (measured in tonnes, unless stated)			
Corrosive to metals Category 1, skin corrosion Category 1A, serious eye damage Category 1 (Sub-class 8.1, 8.2A and 8.3A)	6	2	0.05
Skin corrosion Category 1B and 1C (8.2B and 8.2C)	20	10	0.3
Eco-toxic Class 9 maximum quantity (measured in tonnes, unless stated)			
Hazardous to the aquatic environment (acute/chronic) Category 1 (Sub-class 9.1A)	0.5	0.5	0.5
Hazardous to the aquatic environment (acute/chronic) Category 1 (9.1A) < 30m of a watercourse	0.1	0.1	0.1
Hazardous to the aquatic environment (chronic) Category 2 (Sub-class 9.1B)	10	10	10
Hazardous to the aquatic environment (chronic) Category 2 (9.1B) < 30m of a watercourse	3	3	3
Hazardous to the aquatic environment (chronic) Category 3 (Sub-class 9.1C), hazardous to soil organisms (9.2) or hazardous to terrestrial invertebrates(9.4)	30	30	30

Hazardous to the aquatic environment (chronic) Category 3 (9.1C), hazardous to soil organisms (9.2) or hazardous to terrestrial invertebrates(9.4) < 30m of a watercourse	10	10	10
High Biological Oxygen Demand (BOD ₅) (>10,000mg/l) > 30m of a watercourse	100	40	20
High Biological Oxygen Demand (BOD ₅) (>10,000mg/l) < 30m of a watercourse	40	20	20

Notes when using the above table:

1. A hazardous substance shall have the classification given by the Environmental Protection Authority when approving the importation and manufacture of that substance under the Hazardous Substances and New Organisms Act 1996 in reference to Globally Harmonised System (GHS7).
2. Quantities are given in t (tonnes), except all permanent or compressed gases, which are measured in m³ (cubic metres) at standard temperature and pressure (20°C and 101.3 kPa).
3. The table specifies the total quantities of hazardous substances for each hazard classification (aggregates). That is 0.5 tonnes of one Class 5.1 substance + 0.25 tonnes of another Class 5.1 substance = 0.75 tonnes of Class 5.1 This 0.75 tonnes is the amount to use to assess whether consent is required.
4. Many substances have more than one hazardous property. The activity status must be determined for each hazard classification and the most onerous activity status shall apply. For example, petrol is classified as a flammable liquid Category 1 (3.1A), carcinogenicity Category 2 (6.7B) and hazardous to the aquatic environment Category 2 (9.1B). The flammability determines the activity status in this case.
5. 'n/a' means: not applicable; 'all' means all categories in each hazard class.
6. 'More sensitive zone' means a zone listed in a column in the Table to the right of the zone considered.

Definitions

The standard definitions of the National Planning Standards shall apply to the Mangawhai East Development Area Provisions.

Comprehensively Design Residential Development

A residential development on sites greater than 2,000m² which includes supporting communal facilities such as recreation and leisure facilities, supported residential care, welfare and medical facilities (inclusive of hospital care), and other non-residential activities accessory to the primary residential use. For the avoidance of doubt this would include a retirement village.

Activities Sensitive to Noise

- Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.

Vulnerable Activities:

- means residential activities, care facilities (including day care centres), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities.

Temporary Event

- means activities and their ancillary buildings and structures that are intended to have a limited duration and incidence, and are not part of a permanent activity that occurs on the site.

They include but are not limited:

- fairs;
- festivals and special events;
- commercial filming or video production activities;
- public firework displays;
- site offices for construction projects;
- temporary farmers or crafts markets.

Commented [B095]: Add definition of riparian area if deemed necessary

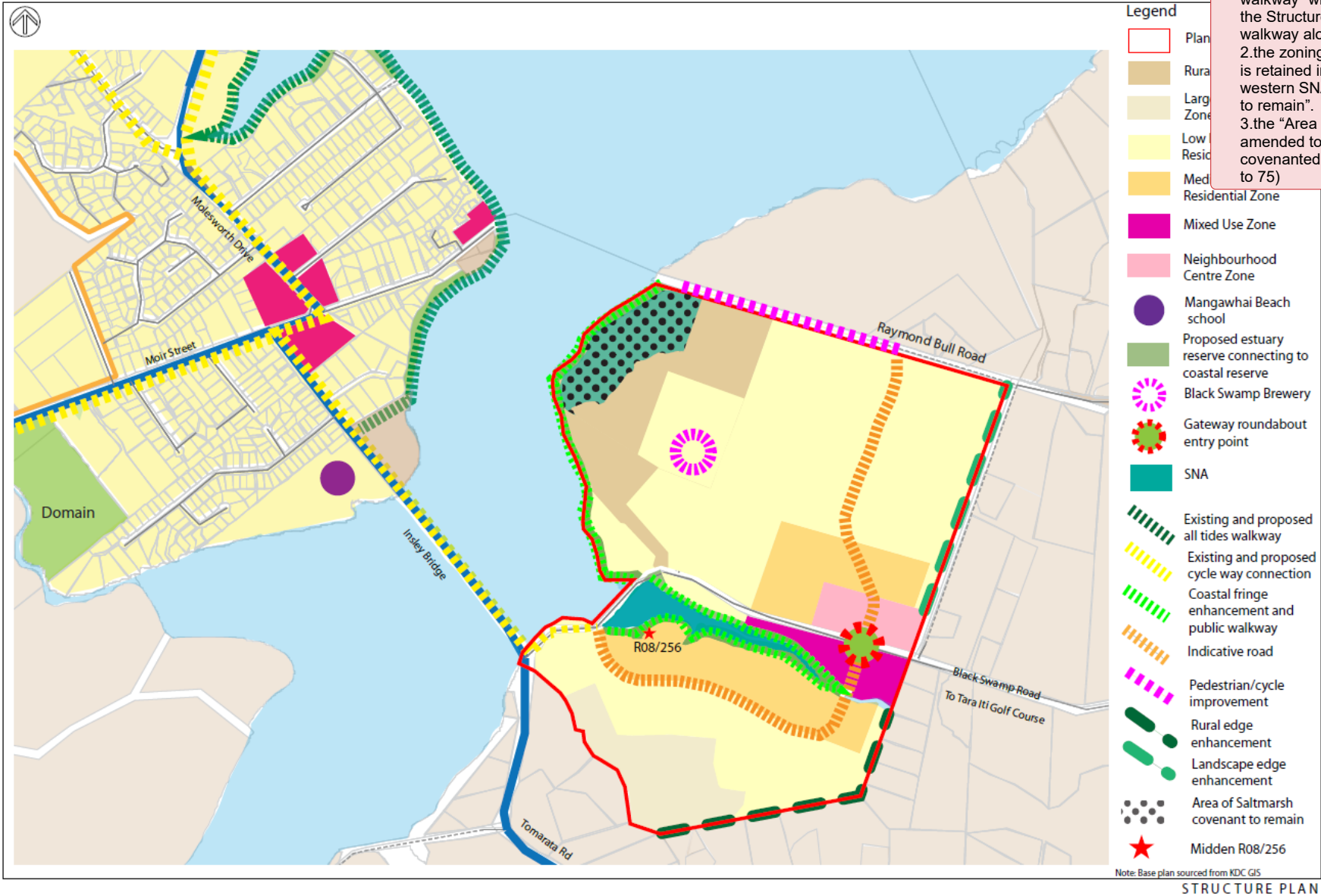
Appendix 1 – Mangawhai East Structure Plan

Commented [JM96]: I recommend the following amendments to the Structure Plan:

1.the legend of this Structure Plan is amended to replace "Coastal fringe enhancement and public walkway" with "Coastal fringe enhancement" - i.e. the Structure Plan should not include a public walkway along the coast or the estuarine inlet.

2.the zoning pattern is amended, so that Rural Zone is retained in the area of land underlying the north-western SNA and the "Area of Saltmarsh covenant to remain".

3.the "Area of Saltmarsh covenant to remain" is amended to better reflect the boundaries of the covenanted area (see discussion at paragraphs 73 to 75)



STRUCTURE PLAN

Appendix 2 – Mangawhai East Ecological Features Map

