

BEFORE THE KAIPARA DISTRICT COUNCIL'S HEARING PANEL

IN THE MATTER OF the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER An application for Private Plan Change 85 (**PC85**)
-MANGAWHAI EAST by Foundry Group Limited
(formerly Cabra Mangawhai Limited) and Pro
Land Matters Company to rezone approximately
94-hectares of land at Black Swamp and
Raymond Bull Roads, Mangawhai

**STATEMENT OF EVIDENCE OF BURNETTE ANNE O'CONNOR ON BEHALF OF THE
APPLICANTS
(Planning)
18 December 2025**

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INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

1. My full name is Burnette Anne O'Connor. I am the managing director of the Planning Collective Limited and have held this position since 2019. Prior to this I was a senior planner at Barker & Associates Limited from 2017 – 2019 and the sole director of OPC (O'Connor Planning Consultants) from 2001 – 2017.
2. Prior to this I was the team leader of resource consents for the Rodney District Council from 1996 – 2000 and a consents planner for Far North District Council and then Rodney District Council from 1994 - 1996.
3. I have the qualifications of a Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have been accredited under the Ministry for the Environment's "Making Good Decisions" programme as a Commissioner and Chair.
4. I have over 30 years' experience as a planner. I have worked extensively in Warkworth, and surrounding areas, as an independent planning consultant for the last 24 years. I have been involved in numerous land use, subdivision, coastal and residential consenting matters. I have also project managed and provided professional planning inputs to numerous private plan requests, assisted clients submitting to private plan change request and other processes for seeking rezoning of land. I provide policy and planning advice to local authorities.
5. I also have considerable experience with plan changes, including private plan changes, and have prepared or assisted in preparing numerous plan change documents. A copy of my Statement of Experience is at **Appendix A**.

EXPERT WITNESS CODE OF CONDUCT

6. Although this is not a hearing before the Environment Court, I record that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

PROJECT INVOLVEMENT

7. I was engaged by Silverdale Asset Management ("**SAM**") in June 2022, to provide initial planning advice with respect to the land north of Black Swamp Road. I provided Due Diligence advice and advice on the development potential of the land with reference to the Mangawhai Spatial Plan and the fact that the council would be needing to undertake a review of the Operative District Plan in the immediately foreseeable future.
8. I prepared feedback, on behalf of SAM, to the Exposure Draft of the Kaipara District Plan review. The feedback document is dated 16 September 2022. The feedback document identified that the subject land was proposed to be Rural Lifestyle zone in the Exposure Draft. The feedback provided addressed why Rural Lifestyle zoning would be a poor and inefficient use of the land resource in such close proximity to Mangawhai Village.

SCOPE OF EVIDENCE

9. My evidence:
 - Details and explains further changes to the zoning, Mangawhai East Structure Plan and the Development Area provisions.
 - Details and discusses the history and background to, and the rationale for, the Plan Change.
 - Details the plan change proposal and changes in the context of s32AA of the Resource Management Act.
 - Addresses the effects of the Proposal on the environment
 - Provides a policy assessment of the plan change including the proposed changes.
 - Addresses the s42A report and the key areas of professional difference set out in the Report and the technical expert briefs that are appended to it.
 - Addresses submissions and provides updates on further engagement that has occurred with submitters.
 - Provides conclusions.

SUMMARY OF EVIDENCE

10. The PC85 area has been identified by Kaipara District Council has an area for urban growth since the Mangawhai Structure Plan 2005. The area was identified as a potential urban growth area in the December 2020 Mangawhai Spatial Plan.
11. Mangawhai is urban environment and therefore the NPS UD is engaged. PC85 is the most appropriate and best option to achieve the outcomes sought by the NPS UD. It will achieve a well-functioning urban environment, deliver housing typology and location choices, and will contribute to housing affordability.
12. PC85 area is a more compact option for urban development than existing recently zoned areas such as The Rise and parts of Mangawhai Hills because it is closer to, and more connected with the existing urban area in terms of walking and cycling connections and access to services within Mangawhai Village.
13. The expert economic evidence of Mr Thompson identifies that there is less capacity in the existing urban area than stated by the council expert. There is a 310-dwelling shortfall in the medium term and factors such as the Warkworth to Te Hana motorway will likely increase demand. More land has to be zoned to provide capacity and the required choice of housing typology and location choices.
14. The fact there is less real-world capacity in the existing urban area means there is available capacity in the wastewater network to service the development. The evidence of Mr Fairgray and Mr White sets out that there are no wastewater servicing limitations to approving PC85 because there is some existing capacity, and even if there is assessed to be no capacity Kaipara Council has to undertake additional upgrades anyway to service the expected demand from the existing urban area without PC85. There are known viable solutions to provide the required wastewater network and capacity upgrades. Consequently, there is no real limitation with respect to wastewater servicing. Development will occur over time, and the required upgrades can be aligned with urban development.
15. There are no known environmental reasons as to why PC85 cannot be zoned. The updated Development Area provisions and Structure Plan will secure appropriate and overall positive environmental outcomes.
16. The amended Proposal gives effects to all relevant National Policy Statement, including the NPS HPL and the required pathways through that NPS are achieved.

17. The amended Proposal gives effect to the Northland Regional Policy Statement and is not inconsistent with the Northland Regional Plan.
18. Approving PC85 is the best way to achieve the Purpose of the Act and the most appropriate and best way to achieve the objectives.

Proposed Further Changes

19. In response to submissions and matters raised in the s42A report and the expert technical assessments that inform that report, the Applicant team has made the following changes to the Plan Change Proposal:
 - Updated the zoning map to reflect the changes sought in the s42A report recommendations; namely to zone Riverside Holiday Park Rural Lifestyle and to zone the area of land at 25 Windsor Way, owned by Black Swamp Limited, that has resource consent for filing to raise the land above the coastal inundation hazard risk extent, to Low Density Residential (750m² minimum site sizes).
 - Updated the proposed Structure Plan to:
 - indicate the location of recorded midden R08/256
 - show the northern and southern extents of SNA and for the extent of the protected salt marsh to align with the SNA.
 - Amended the underlying zoning to reflect the updated zoning plan.
 - Remove the indicative potential future harbour access point. This is public land and if council chooses in the future to enable access to the harbour, at this point, that will be a council decision and does not need to be shown on the Structure Plan. There were no corresponding provisions for such an access to be provided.
 - Accepted the proposed changes to the Development Area provisions as set out in Appendix 1 to the s42A report except for:
 - the proposed changes relating to a ban on dogs. The provisions have been changed to state dogs may be kept if contained on a private property / site and must be kept on a leash in public places.

- The requirement to form a roundabout. This is not accepted on the basis of the Applicant's transport evidence.
- Added urban design provisions to link with updated policy wording to drive the intended urban design outcomes.
- Added Design Guidelines as Appendix 3 to the Development Area provisions to provide guidance on the intended urban design outcomes.
- Added an objective DEV X-011 requiring protection of midden R08/256 to the greatest extent practicable.
- Added Policy DEV X-P6 3. to require *evidence to be provided with resource consent applications for subdivision and / or land use development, that there is sufficient wastewater capacity to service the development.*
- Added to DEVX-LU-R1 f. to include land use with respect to servicing capacity because land use is what generates the demand, not the building per se.
- Added specificity to DEV X-P85. To refer to the Mangawhai East Structure Plan.
- Added standards for coverage and a portion of landscape area requirement for the Business Neighbourhood Centre zone and a requirement for a focal point in that zone. Refer DEV X-LU-S1.
- Deleted reference to DEV1 S18 Stormwater management. This was an error and the stormwater outcomes will be managed by the approved Mangawhai East Stormwater Management Plan.
- Added a standard that states there is to be no front yard fencing in the Business Neighbourhood Centre zone to ensure an open character and positive relationship to roads.
- Added provisions for Exterior finish – DEV X-LU-S11 for exterior finish for the Business Neighbourhood Centre with a cross reference to the Mangawhai East Design Guidelines.
- Added additional provisions as discussed in the evidence of Mr Mark Delaney to provide additional controls relating to biodiversity values.

20. The addition of provisions to drive urban design outcomes, including the addition of Design Guidelines in Appendix 3 to the Development Area provisions will ensure there is now sufficient direction within the provisions to secure the intended outcomes for the Business Neighbourhood Centre and the Business Mixed Use zone. The Design Guidelines are intended to guide outcomes and where appropriate Standards have been added to the Development Area provisions to secure core outcomes such as building vernacular, site coverage, landscape requirements and the requirement to create a focal point for the Neighbourhood Centre.
21. Overall, the proposed changes respond to matters raised in submissions, the s42A report and further consideration of how the provisions will work together to secure the intended and desired outcomes.
22. The revised / updated provisions will achieve a better outcome for the plan change area than the existing or proposed Kaipara Plan review zoning or other potential options available and assessed for the zoning of the land.

History and Background to the Proposal

23. Growth for Mangawhai has been addressed in the assessments undertaken by Mr Thompson and as set out in his expert evidence.
24. Mangawhai has been a high growth area for many years. Kaipara District Council undertook a Structure Plan exercise adopted in 2005. The Structure Plan resulted in an identified Mangawhai Growth Area contained in the current Operative Kaipara District Plan 1 November 2013. The identified Growth Area is shown on a map in an Appendix to the Plan. The land subject to Plan Change 85 ("PC85") is within the identified Growth Area that is within the 2013 Operative District Plan ("ODP"). The Mangawhai Growth Area was extensive and included areas of Outstanding Natural Landscape.
25. The Mangawhai Spatial Plan, adopted by Council in December 2020 updates the Mangawhai Structure Plan 2005. The Spatial Plan identified a range of locations (options) for the urban growth of Mangawhai. These options were shown and assessed in Appendix C of the Spatial Plan. The subject land was shown in Appendix C as 'Area G'. The subject land was also identified in Appendix D as a provisional Rural Residential Area 'Area q', along with the Tern Point development and beyond out to the Wildlife Refuge Reserve land on the sandspit. In terms of rural residential development, the land was identified as *'Lifestyle Lot with opportunity for equestrian activity'*.

26. With respect to the assessment of Area G in terms of its suitability for residential growth the area was assessed to be the most suitable in terms of landform and land fragmentation, protected features, wastewater, geotechnical and flooding considerations. In terms of planning, tsunami risk, coastal flooding, landscape, soils and transport, Area G was assessed to be moderately suitable subject to technical improvement. Interestingly Areas A and D were the preferred areas, and both have subsequently been subject to plan changes, and the land is now live zoned urban. The Cove Road Precinct – Area A is situated at the northern outskirts of the Mangawhai Heads developed area. Area D is the Mangawhai Hills area subject to an approved plan change that is to be mostly, if not all, self-serviced.
27. In summary, the background is that this area of land (subject to PC85) has been identified for urban growth since 2005.
28. This history is relevant to the assessment of this proposal under both the NPS UD and the NPS HPL. The land has been identified for urban growth under different policy and planning frameworks for at least 20 years.
29. The Plan Change proposal is not ad hoc or ‘unplanned’. I accept that the legislative and policy framework has changed over that time period, but nonetheless Mangawhai continues to grow and experience demand for urban growth, and this location has been identified as a suitable growth area for at least the last two decades.
30. As Mr Thompson identifies, growth demand continues and will likely increase, in association with the now confirmed and funded extension of the motorway from Warkworth to Te Hana and other factors such as other developments that are underway in Mangawhai and the increase in accessibility to services such as supermarkets, schools and large box retail. The contract for construction of that section of motorway is expected to be let by July 2026 and then construction will commence.
31. This background is relevant to the extent that the plan change area has long been identified as an area for the urban expansion of Mangawhai. The Adopted Mangawhai Spatial Plan is, however, not a strategic planning document providing for growth over the ten-year period from when it was developed / adopted¹. The Executive Summary to the Spatial Plan states *“The aim of the Spatial Plan is to provide a high-level ‘spatial picture’ of how Mangawhai could grow over the next 20-25 years, addresses the community’s social, economic and environmental needs, and responds to its local context.”* The Spatial Plan therefore does not meet the definition of

¹ National Policy Statement Highly Productive Land, definition of ‘identified for future urban development’.

'identified for future urban development' set out in the National Policy Statement for Highly Productive Land ("NPS HPL") because the Plan is looking at growth over the longer time period beyond the 10-years referred to in the definition. The Spatial Plan does however identify the boundaries of the sites investigated with sufficient detail to be identifiable in practice.

The Proposal and s32AA Assessment

32. A s32 assessment, including options and alternatives was provided in Section 13 of the Planning Assessment notified as part of the Plan Change documentation. The assessment below assesses the amended proposal i.e. the Proposal that incorporates the changes set out at paragraph 12. of this evidence.

33. The changes to the Proposal continue to achieve the purpose / objectives of the Plan Change as set out in section 2.1 of the Planning Report submitted with the Application and set out below:

The purpose / objectives of the Proposed Plan Change ("PPC") are:

- *to provide additional urban zoned land as a natural extension of Mangawhai Village, for residential and supporting business activities,*
- *to support the growth of Mangawhai and ensure that there is sufficient land supply to provide choices and maintain affordability.*
- *To provide a coordinated and efficient use of the land resource for the Mangawhai East area where there are urban activities and extensive rural residential living activities establishing in an ad hoc manner.*

34. The following assessment:

- *Examines the extent to which the objectives of the Proposal are the most appropriate way to achieve the purpose of the Act;*
- *Examines whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practical options for achieving the objectives*
- *Assessing the efficient and effectiveness of the provisions in achieving the objectives*
- *Summarises the reasons for deciding on the provisions.*

35. The level of detail provided corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from implementing the Proposal and the assessment identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects. In my opinion there is sufficient information and detail and therefore an assessment of the risks of acting or not acting is not necessary, but I provide comment on that aspect for completeness.
36. The changes to the Proposal respond to matters raised in submissions and the s42A report. All changes are within scope of the Proposal and seek to provide greater clarity and will result in overall positive outcomes from implementation of the Proposal.

Effects on the Environment

37. The full range of actual and potential effects of the Proposal on the environment have been assessed in the technical reports prepared in support of the Application and the expert evidence provided on behalf of the Applicant. The following assessment provides a summary and focusses on the effects assessments where there are differences of opinion between the Applicants and the Council expert witnesses.
38. For ease I have followed the structure of effects assessment as set out in the s42A report. That structure is clear and logical. I have added an additional assessment addressing economic effects, as set out in the assessments and the evidence of Mr Thompson.

Land Suitability (Geotech, Coastal Hazards and Land Contamination)

Geotech

39. The s42A report raises some issues with respect to the level of geotechnical testing undertaken for the southern site. The expert evidence of Mr Pomfret addresses his review of the Wiley Geotechnical reporting and his knowledge of the Site and surrounding area, as well as his experience as a geotechnical engineer.
40. I rely on the evidence of Mr Pomfret and also my various visits to the subject Site in concluding that it is unlikely that there will be any geotechnical limitation with respect to the appropriateness of the proposed zoning, or the ability to be able to develop the land in accordance with the proposed zones.
41. Mr Pomfret recommends, in response to the s42A report, that deeper geotechnical investigations be undertaken. I understand that this work has been instructed. He then

concludes that “...if some deeper geotechnical hazards are identified in the southern area, these can be engineered out during the detailed design that will occur as part of the subsequent resource consent stage/s for land development”.

42. In my opinion it is highly unlikely that there would be any geotechnical reason for not applying the zoning as sought and I agree with Mr Pomfret that most geotechnical issues / hazards, can be engineered out at the detailed design, consenting and construction phases of land development.

Coastal Hazards

43. Coastal hazards are appropriately managed through the proposed Coastal Hazard Overlay that identifies the areas potentially subject to coastal inundation hazard and where a greater level of fill would be required to provide building sites and access ways above that potential inundation level. Areas subject to inundation where a low level of filling would be required are not subject to the Overlay because the level of filling is minor and not anticipated to generate effects on the environment that need managing beyond the standard controls.
44. Any potential coastal erosion effects will be managed by way of the Development Area provisions, including accepting the additional yard setback proposed by Department of Conservation for a 30-metre setback from the Coastal Marine Area (“**CMA**”) or Mean High Water Springs (“**MHWS**”) as being the defined boundary of the CMA. For areas upstream of the Black Swamp causeway it is expected that esplanade reserves will be provided adjacent to the estuarine environment and this in conjunction with the required yard setbacks will ensure sufficient setbacks are provided.

Land Contamination

45. I concur with the opinion of the reporting planner, that any effects associated with soil contamination can be effectively and appropriately managed and any necessary consents under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“**NES SC**”) will be obtained at land development stage. These processes will ensure that there will be no adverse effects to human health arising from contaminants in soil.

Infrastructure Servicing (Water, Stormwater, Wastewater)

Water

46. Water supply, including fire-fighting water supply is addressed in the evidence of Messers Fairgray and White.
47. The Site has access to a ground water supply via a bore that can be used for fire-fighting supply and could potentially provide a private reticulated supply for more intensive development in the Medium Density Residential zone, if desired. As noted in the s42A report a private reticulated water supply would need to comply with the requirements of the Water Services Act 2021.
48. Larger sites can be serviced by tank supply, and the Development Area provisions contain objectives, policies, rules and standards that require suitable and reliable water supply to be provided for all activities within the PC85 area.
49. In my opinion the proposed Development Area provisions are appropriate for the proposed zoning and the provision of tank supply is consistent with water supply elsewhere in the Mangawhai urban area. The Development Area provisions will ensure secure and reliable water supplies are provided for all development within PC85. I agree with the reporting planner that the water servicing solutions are plausible and common throughout the District.

Stormwater

50. The Stormwater Management Plan (“**SMP**”) appropriately provides for the management of stormwater within the PC85 area.
51. The evidence of Mr Peter’s sets out that attenuation is not required in this location because the location of the Site is next to the harbour meaning there is no flood risk to properties lower in the catchment, but that if staged development occurs some on-site attenuation may be required, but that this is best addressed at the detailed design / consenting phase. I agree with this outcome, and I am not aware of any factors that would mean additional provisions need to be incorporated into the Development Area provisions to manage stormwater effects, other than what is set out in the SMP, which is referenced in the Development Area provisions.

Wastewater

52. The ability to service the PC85 site with reticulated wastewater is a reason the plan change is recommended to be refused.

53. Mr Thompson has undertaken some further detailed analysis of the actual capacity provided by newly zoned land areas i.e. PC83 – The Rise – Cove Road Development Area, PC84 Mangawhai Hills and Mangawhai Central. Based on Mr Thompson’s evidence and responses from developers in these zoned locations, I understand that the realisable development capacity is substantially less than cited in the evidence of council experts, and the s42A report.
54. Because the actual residential capacity being delivered through the subsequent developments is less, there is correspondingly greater capacity in the existing and planned wastewater network. In addition, I understand that all of the Mangawhai Hills Development Area is intended to be self-serviced. This means that the demand for the existing and planned capacity in the wastewater network is not at, or above capacity as determined by the council experts and s42A reporting planner. Even if the council figures are correct, this means that the council has to implement upgrades anyway, because there is not currently sufficient capacity in the wastewater network to service the existing planned growth for Mangawhai.
55. I agree with Mr Thompson that PC85 can be considered to *be ‘infrastructure ready’*. There is existing capacity in the wastewater network now and there is no legal requirement to preserve capacity for future development i.e. capacity cannot be reserved in case something happens. There is provision in the Long-Term Plan 2024 – 2027 for treatment plant and pumpstation capacity upgrades, Mangawhai treated effluent disposal and a reticulation extensions upgrade; and there are no fundamental constraints to providing additional long term wastewater infrastructure capacity.
56. I note that the definition of *infrastructure ready* is set out in the clause 3.4(3) of the NPS UD and states:

Development capacity is infrastructure-ready if:

- (a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land*
- (b) in relation to the medium term, either paragraph (a) applies, or funding for adequate development infrastructure to support development of the land is identified in a long-term plan*
- (c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority’s infrastructure strategy (as required as part of its long-term plan).*

57. There is wastewater network capacity now and there is funding in the LTP for upgrades, and there are no limitations to providing further capacity, beyond that which is currently planned, because there is land available to expand at the treatment plant site at Thelma Road, and sufficient time for council to purchase or organise additional land disposal areas. Connecting pipe work and pump stations can likewise be funded by the Mangawhai specific wastewater development contribution.
58. The LTP sets out population growth as a significant negative effect. This is at odds with the legislative requirements to properly plan and provide for growth and also the fact that planned population growth results in the collection of development contributions. Mr Fairgray sets out that development contributions will enable funding of the required wastewater infrastructure, and these contributions are specific to Mangawhai thus ensuring the funds are not diverted to managing growth in other locations.
59. On the basis of the evidence I consider that there is some capacity in the wastewater network now and that there are no plausible limitations to extending capacity and disposal, or the related network, to ensure that future development in the existing urban area, and PC85, can be adequately provided in the required timeframe to service future development.
60. Given there is some capacity in the network now then PC85 can be considered to be infrastructure ready. I do not think that the definition means there has to be capacity to service all of a development on Day 1. This would not make sense economically or from a civil servicing perspective given larger scale development can take many years from rezoning to full build out, especially when you consider the preparation and processing of the resource consents for initial land development alone will likely take two or more years.
61. I note the s42A report addresses the servicing plan associated with the Mangawhai Structure Plan. In my opinion that strategy holds very little weight because of the age of the Mangawhai Structure Plan (2005) and the associated servicing strategy and the fact that assessments of the appropriateness, or not, of urban growth need to be considered in relation to the provisions of the NPS UD and other central Government legislative and policy changes that have occurred since 2005 and also since 2013 when the current Kaipara District Plan became operative.
62. The Spatial Plan 2022 is more up to date and relevant, however, even that document requires review given the rapid and ongoing nature of change in the resource management sphere. The Spatial Plan identified the Plan Change area as a potential urban growth area and assessed it

positively with respect to wastewater. The location 'G'; was stated to be 'most favourable' in terms of wastewater.

63. Given that there are no fundamental constraints to providing the required capacity and the council will collect significant funds through development contributions, specifically for wastewater in Mangawhai, I do not consider that there is a wastewater treatment or disposal limitation to the zoning sought.

Ecological Effects and the NPSA-FM, NES-F and NPS-IB

64. The ecological effects of the proposal are addressed in the evidence of Mr Delaney. His evidence addresses both the northern and southern portions of the PC85 Site and the effects of the Proposal on areas outside the Site.
65. Specifically, his evidence confirms that the ecological values associated with the coastal environment adjacent to the Site were considered in the ecological reporting that informed the Proposal and his evidence addresses the ecological values of the Site and the adjacent coastal environment.
66. Mr Delaney concludes that overall, there will be an increase in the quantity and quality of indigenous vegetation and terrestrial fauna habitat on site over time.
67. With respect to ecological values outside the Site he concludes, at paragraphs 75 – 94, that there are already existing activities in the area that potentially impact on avifauna and the coastal edge. Generally, the effects on the Proposal on ecological values beyond the Site are assessed to be low, with the exception of potential effects on Tara Iti (NZ Fairy Tern) associated with increased population in the area, which are assessed, at paragraphs 88 – 91 to be low to moderate adverse effects before mitigation is considered. The mitigation such as dogs being contained on sites and otherwise being required to be on a leash, will help to mitigate any increase in the effects of increased population. Mr Delaney also recommends that education signage about avifauna species in the harbour could further assist in mitigating adverse effects. On the basis of the mitigation secured through plan provisions the adverse effects on Tara Iti are overall considered to be low. If education signage is deemed to be of value, then this signage requirement can be added to the Development Area provisions.
68. Given the NES Freshwater will apply to the Site, effects on freshwater values will be appropriately protected and managed. His evidence also addresses wetlands, and I concur with his findings that the NES-F provides a suitably robust framework to manage any future effects on wetlands.

69. In my opinion the Development Area provisions, the zone layout and associated Structure Plan will ensure that any adverse effects of the Proposal on ecological values either on the Site or in the adjacent areas, including the CMA, will be low and therefore acceptable. There will also be a range of positive ecological effects associated with the protection and planting of riparian areas, esplanade reserves and other related setbacks and the proposed defined coastal walkway around the harbour edge and associated planting.
70. With respect to the Insley Street causeway walking and cycling connection I understand that there are council planned projects for this area that construction of the connection could tie in with, and otherwise the consenting process will adequately and appropriately assess any ecological effects associated with the provision of that proposed connection. Given the existing causeway I consider that an appropriately designed structure would obtain the necessary resource consents.

Effects relating to Transportation

71. Mr Hills responds to transportation matters in his evidence. The key matter in contention is whether or not a roundabout is required at the intersection of Black Swamp / Insley Street /Tomarata Roads. Mr Van der Westhuizen prefers a roundabout over the proposed upgrade to provide a right hand turn bay seemingly for safety reasons. I concur with the evidence of Mr Hills that a roundabout is not required.
72. The proposed Development Area provisions and the Structure Plan will ensure the required road upgrades, road, pedestrian and cycle connections are delivered in a timely way to coincide with the demand associated with the Plan Change. The provisions acknowledge the level of existing development and what could likely occur under the existing zoning. In my opinion this is the most appropriate approach because the provisions are then solely dealing with and addressing the effects of the Plan Change.
73. Overall, I concur with Mr Cleese that there are no transport planning or transport engineering reasons to preclude approval of PC85.

Urban Design, Urban Form and Landscape Values

Urban Design

74. The s42A report focuses on urban design in the context of well-functioning urban environment as that term is defined and expressed in the NPS-UD. The assessment is set out at paragraphs 284 through to 303 of the s42A report. The council and applicant experts are aligned that the

Proposal will positively provide for a wide range of housing typologies. The s42A report states that housing diversity is a strong positive feature of the application².

75. The Proposal will also support a competitive land market. I note, with reference to Mr Thompson's evidence that growth leads to more growth and that there is no 'policy cap' in terms of providing more than sufficient land. The policy directions state that at least sufficient capacity must be provided. If too much land is zoned then there are choices and if land remains zoned and undeveloped over long periods of time then it can always be down zoned, should market or other circumstances change sufficiently to warrant that outcome.
76. Climate change and greenhouse gas emissions are addressed by the proximity of the Site to the existing urban area and the facilitation of walking and cycling connections. Business land is provided and the updated provisions and Design Guidelines provide additional direction for development of the Neighbourhood Centre that will result in a high level of amenity and community spaces being provided. These outcomes also control the scale of the Neighbourhood Centre both in terms of size and the scale of buildings.
77. No cultural issues have been raised.
78. Overall, the Proposal will achieve a well-functioning urban environment.

Urban Form

79. The s42A report concludes, at paragraph 297, with respect to internal urban form, that *"Overall, I consider that the Structure Plan is thoughtfully resolved and will provide a good level of internal amenity for residents"*. In my opinion the proposed updates to the Development Area provisions and the addition of the Design Guidelines further strengthen this outcome and also the quality of the relationship of the PC85 area with adjacent land areas.
80. With respect to township urban form the s42A report states that PC85 will effectively deliver a fourth node. In my opinion the appropriateness of PC85 to the overall urban form of Mangawhai needs to consider the existing nature of development in this location and also the demand drivers for residential land at Mangawhai. A broader spatial assessment needs to occur with a realistic long-term view of what the land at the urban periphery and close to the regional and district boundary with Auckland will realistically be used for now and in the foreseeable future.

² S42A report, paragraph 287

There is already ad hoc urban activity in the area and a lot of rural residential development, including Tern Point and other sites. Other activities such as the golf courses and access to east coast beaches mean that there will be continued and ongoing pressure for development in this location.

81. In any event, Mangawhai is characterised by its relationship to the harbour and development has already extended out to this location. I disagree with Mr Cleese in respect of his approach to compact urban form as applied to this location. The principles that underpin a compact urban form are connectivity in terms of transport, the efficient use, development and extension of infrastructure, the ability to provide for intensification and compatible mixed-use development. PC85 is in closer proximity to other areas that might directly adjoin the urban area. In my opinion PC83 is less compact than the subject site. That land is a significant distance from footpaths, walking and cycling or other urban amenities. PC85 on the other hand will be within a 15-minute walk or cycle to the Mangawhai Village shops, cafes and schools. It will be connected to existing walking and cycling networks. In addition, PC85 will provide for a range of housing densities and for neighbourhood shops.
82. In my opinion, PC85 is more compact than other zoned areas or other areas that could be zoned for urban growth that are directly connected to the existing urban edge but would be further from schools, urban amenities and less connected for walking and cycling. Compact means more than just physically adjoining.
83. Mr Cleese concludes that overall, it is a timing issue in terms of compact urban form, because he considers that the existing urban areas should be built out first, before a 'fourth node' is opened up. In my opinion, this approach is at odds with the provisions in the NPS UD to provide at least sufficient development capacity, a range of living environments and choices for housing typologies. This is also at odds with providing for competitive land markets because, it is, in effect constraining choices and the market. It is also the case that if this area is not rezoned as proposed, then it is likely it effectively will be lost as an option to develop comprehensively because it will be developed for rural residential uses.
84. At paragraph 302 Mr Cleese states *"I acknowledge that the southeastern side of the Harbour, with its north-facing sea views and easy access to a golf course and beach to the east, is likely to be an attractive place to live. I consider that ultimately a coherent urban form could be delivered that sees the township one day wrapping right around the harbour. In this sense it is more a question of timing, staging, and servicing, than the ultimate end outcome being inherently good or bad in terms of urban form"*.

85. Given the character of Mangawhai and the reasons people seek to live there, and the ad hoc nature of infill, I do not think relying on infill to provide capacity will properly achieve the required outcomes. Whilst providing the opportunity for infill is sound, the way in which that capacity is delivered, and the timing of it, cannot be controlled.
86. Given that the development enabled by PC85 can be aligned / integrated with delivery of the required infrastructure I do not consider that there is any policy or other reason to constrain development and not provide a choice of living environments. Zoning PC85 now will better achieve the outcomes of the NPS UD and will better achieve a compact urban form.
87. I do not agree that PC85 should not be approved because there is no reasoning from a competitive land market perspective. Choice is fundamental to enabling a competitive market and part of that choice has to be providing a product that people want.
88. Overall, approving PC85 provides better quality urban outcomes now and into the future in terms of well-functioning urban environment and compact urban form. It is more compact and connected and provides better choice than other recently zoned areas or other options for providing additional urban growth on the outskirts of the existing urban area.

Landscape Values

89. The landscape values of the Site, surrounding area are addressed in the landscape assessment submitted with the Application and in the expert evidence of Mr Pryor.
90. I agree with Mr Pryor's description of the Site, surrounding area and landscape values and note his conclusion at paragraph 8 in his Summary, that the *"...semi- rural character of the Site is lessened by existing land uses including residential dwellings, holiday park accommodation units, the brewery and garden centre...."* Mr Pryor states that *"...the Site is well suited to the type of urban development proposed to be enabled by PPC85"*.
91. I concur with Mr Cleese that PC85 will deliver acceptable landscape outcomes.

Effects on Highly Productive Land

92. Mr Hunt details the NPS HPL pathways and Mr Cleese rightly highlights the Government's signalled intention to amend provisions applying to LUC 3 in the context of Highly Productive Land.

93. The only differences in opinion relate to whether the Proposal satisfies the Clause 3.6 pathway to enable urban zoning of land that is identified as Highly Productive.
94. The relevant assessment criteria is Clause 3.6 (4) and (5).
95. Clause 3.6 (5) states that the territorial authorities must take measures to ensure that the spatial extent of any **urban** zone covering highly productive land is the minimum necessary to provide the required capacity while achieving a well-functioning urban environment. Not all of PC85 seeks urban zoning. The proposed Rural Lifestyle zone is a rural, not an urban zone and the experts agree that this zoning meets the pathway for zoning provided by Clause 3.10 of the NPS HPL.
96. Well-functioning urban environment has **as a minimum:** (note I have only set out the matters that are key as this definition has been addressed in earlier sections of this evidence)
- A variety of homes that meet the needs, in terms of price, and location of different households. Not providing any additional land for harbourside living, which is a key demand driver for Mangawhai, is not assisting to achieve a well-functioning urban environment.
 - Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - Support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets. Not providing the choice or the capacity where the demand is will constrain the land and development markets and will likely lead to an increase in ad hoc and poorly planned outcomes. For example, not zoning additional land where demand is, such as this location, will likely result in ad hoc rural residential development, that has been occurring anyway. This outcome locks up the land and effectively removes the availability of the land as a choice for an urban growth option.
97. The above factors go hand in hand with the assessment of environmental, social and economic costs and benefits. In terms of cultural costs and benefits the CIA did not highlight any 'costs'.
98. The economic costs and benefits have been assessed by Mr Thompson and the economic benefits of zoning the land, as proposed, outweigh the costs of not zoning. Not providing sufficient capacity for the type of residential product, for which there is demand in the location, will have adverse effects (costs) on the residential housing market and long term on the ability

for Mangawhai to grow in a cohesive and efficient manner. These adverse effects also lead to social costs in terms of a lack of housing choice and housing affordability.

99. The environmental effects of the proposal have been assessed above and overall, there will be positive environmental effects arising from the zoning and any adverse effects is able to be suitably addressed, including servicing.
100. At paragraph 31 of his evidence Mr Hunt concludes that the proposal meets Clause 3.6 (4) (b) and (c) of the NPS HPL. I agree with and rely on his assessment, including with respect to the brewery site that is now proposed to be zoned low density residential.

Economic Effects

101. In addition to economic factors discussed above, there are other economic effects that also need to be addressed. Mr Thompson highlights in his evidence that growth in small rural lifestyle towns is exponential, rather than linear; and that greenfield developments are additive rather than distributive. This additive effect has already occurred with the preceding greenfield developments and with the motorway connection extending north from Warkworth to Te Hana it is likely that demand for urban land will continue to increase.
102. Mr Thompson states that there is a medium-term shortfall of 310 dwellings. Based on my knowledge of other consented developments and what is intended to be delivered I rely on the evidence of Mr Thompson.
103. On this basis the land needs to be zoned to ensure a well-functioning urban environment, housing choice and housing affordability.

Other Effects

104. With respect to the other effects, I understand the witnesses are in alignment with respect to the assessments provided. In terms of archaeology and any associated cultural effects; the provisions have been updated to clarify the requirements of the Heritage New Zealand Pouhere Toanga Act. The recorded midden R08/256 has been identified on the updated Structure Plan – December 2025 and an objective has been added to state the midden should be protected to the greatest extent practicable. That wording has been used because the detailed design process for the development of the land has yet to occur and there may need to be some minor works in the vicinity of the midden for walking and cycling paths, or similar. Any such works would require an Authority from Heritage New Zealand and the effects on the midden would be appropriately assessed as part of that process.

Statutory Assessment

105. I concur with paragraphs 343 to 363 of the s42A report and will not repeat that detail. The following statutory assessment focusses on the NPS UD, the NPS HPL, the Northland Regional Policy Statement (“**NRPS**”), the Northland Regional Plan and the s32AA assessment.

NPS-UD

106. I agree with Mr Cleese, that the NPS-UD is engaged because Mangawhai is an urban environment.
107. Based on the Applicant’s expert evidence I consider the main differences in opinion are in the actual amount of residential capacity currently provided. Feedback from developers indicates that there will not be as much capacity delivered as has been calculated by Mr Foy. I therefore agree with Mr Thompson’s assessment that in the medium term there is in fact a 310 dwelling shortfall and consequently additional land needs to be zoned to resolve this shortfall.
108. I have addressed this shortfall and the factors that contribute to well-functioning urban environment above. In short, choice has to be provided and in locations where there is demand. Providing zoned land where the demand does not really exist, will not address the shortfall it will only constrain housing and land markets and lead to the negative economic and social costs I have set out above. Zoning land will not in and of itself address demand. Unless there are clear environmental reasons, such as high natural hazard risk, that cannot be addressed thereby forcing less desirable locations to be rezoned, zoning land in areas that are in demand is more appropriate. The alternative, zoning in areas of lesser demand, will not effectively or efficiently solve dwelling shortfall. No unsolvable environmental reasons apply to PC85.
109. The evidence for the Applicant confirms that the required infrastructure is either available or can be funded and planned in the timeframe that development in PC85 will be delivered meaning that development will be integrated with delivery of the required infrastructure.
110. The fact greenfield development is additive rather than distributive means that it is more likely than not that additional land will need to be zoned to fulfill the medium-term demand. Additional factors such as the Warkworth to Te Hana motorway and the locational demands mean that there are greater social and economic benefits to be gained by approving PC85, than not.
111. I have addressed well-functioning urban environment above and respond to the s42A report at paragraph 320. As stated, the required infrastructure can be provided to align with the urban

development with PC85 and the location of PC85 is not a 'fourth node'. It is in fact more compact and better delivers a well-functioning urban environment than other zoned locations, and also other identified locations for potential urban expansion of Mangawhai.

- 112. There are no reasons to consider that the shared pathway linkage to Insley Street and the existing pathways cannot be achieved.
- 113. For the above reasons PC85 achieves the outcomes sought by the NPS UD and better achieves housing choice and housing affordability for Mangawhai now and into the future.
- 114. In my opinion PC85 achieves the outcomes of the relevant objectives and policies of the NPS UD including objectives 1, 2, 4, 6 and 8 and policies 1, 2, 6 and 8. Specifically, policy 2 in that PC85 will provide the required development capacity over the medium and long term which will better achieve objectives 2 and 6, and policies 1, 2, 6 and 8 i.e PC85 will improve housing affordability, is strategic over the medium and long term, is responsive to the locational demand for harbour side living, and addresses climate change effects.
- 115. Overall PC85 better achieves the NPS UD.

NPS-HPL

- 116. I have addressed the NPS HPL above and agree with Mr Hunt that both the proposed Rural Lifestyle zone and the urban zones achieve the pathways in Clauses 3.6 and 3.10 of the NPS to be able to be zoned.
- 117. On the basis of Mr Thompson's evidence, that there is a 310-dwelling shortfall in the medium term, along with the need to provide capacity to ensure competitive land and development markets, and that the environmental, social, economic and cultural benefits of the Proposal outweigh the costs associated with the loss of HPL and that PC85 better achieves a well-functioning urban environment than other zoned, or potential urban locations, means that PC85 achieves the requirements of the NPS HPL. There are pathways through Clause 3.6 (4) and Clause 3.10. When all factors and relevant NPS are weighed the plan change should be approved.
- 118. Mr Hunts evidence confirms that PC85 meets the tests for Clause 3.6 (4) and (5). I agree and consider that when all National Policy Statement directives are considered the best outcomes will be achieved by approving PC85.

Northland Regional Policy Statement ("NRPS")

119. I agree with Mr Cleese assessment at paragraphs 402 to 406 and the description of the relevant provisions of the NRPS pertaining to urban growth management. For the reasons I have discussed above, I consider that PC85 achieves the outcomes sought by the NRPS with respect to urban growth and disagree with Mr Cleese that *'Where the plan change faces challenge is with the Appendix 2 (b) and (d) directions that new urban developments "demonstrate presence or capacity or feasibility for effective wastewater treatment and if of an urban or residential nature provide, where possible, opportunities to access a range of transport modes"*.
120. PC85 does demonstrate that there is capacity and feasible future capacity for wastewater treatment. In addition, PC85 delivers all available transport modes that exist at Mangawhai i.e. road networks and walking and cycling connections both within the development and externally to connect to existing linkages.
121. PC85 is planned and will be coordinated and integrated with delivery of the required infrastructure. The attachments to Mr Fairgray's evidence demonstrate the Applicant is willing to work with Council to fund the required infrastructure.
122. PC85 is efficient in terms of infrastructure provision, and this also aligns with what is set out in the Spatial Plan assessment of the potential future residential growth areas. Above, I have explained my opinion that PC85 better achieves a compact urban form than other zoned areas e.g The Rise and the parts of Mangawhai Hills that is on the further side of the ridge. The Mangawhai Hills development is not easily connected to the existing village or existing walking and cycling connections.
123. The amended Development Area provisions will provide for adaptable, flexible and affordable social and community infrastructure. These amended provisions and the Design Guidelines will better achieve the NRPS Appendix 2 regional urban design guidelines.
124. PC85 provides a choice of housing typologies and living location. I have discussed above the fact that zoning land elsewhere will not redirect or remove the reality of demand for coastal and harbourside living opportunities in the Mangawhai area. I do not consider that the location amounts to *'sporadic development'* nor is it a *'new growth area'*. The location has been identified by Kaipara District Council for at least 20-years as a potential growth area. The location is in fact highly connected and more compact than other recently zoned areas, as I have explained above. It is clear that this location is sought after for development. There is a high degree of rural residential living and urban activities already exist in this location.

125. A better, more coordinated / integrated, quality outcome will be achieved by approving PC85 than doing nothing and then attempting to deal with the adverse effects of cumulative ad hoc development down the track.
126. In my opinion PC85 responds positively to the NRPS urban growth and form provisions and the Proposal is entirely in keeping with the NRPS. PC85 gives effect to the Regional Policy Statement.

Northland Regional Plan

127. I agree with the assessment set out in the s42A report and Mr Cleese's conclusion at paragraph 423, that PC85 is not inconsistent with the Northland Regional Plan.

S32AA Assessment

128. The Proposal, including the amendments set out in this evidence gives effect to all relevant National Policy Statements, including the New Zealand Coastal Policy Statement. When the directives of all the relevant National Policy Statements are considered PC85 delivers the best outcome because there is demand for residential living opportunities in this location, the costs associated with the loss of HPL are significantly outweighed by the environmental, social, economic and cultural benefits of the development which would be enabled, and the development enabled by PC85 can and will be coordinated / integrated with delivery of the required infrastructure.
129. PC85 gives effect to the NRPS and is not inconsistent with the Northland Regional Plan.
130. The further evaluation required under s32AA is set out in this evidence. The evaluation demonstrates that the benefits of approving PC85 far outweigh the costs. Approving PC85 will better achieve a well-functioning urban environment and better contribute to housing typology and living environment choice. It responds to current and medium-term demand for residential living at Mangawhai and will achieve better economic outcomes in terms of housing affordability.
131. Other reasonably practicable options for urban growth have been examined. PC85 is more connected, more compact and better responds to medium term demand than other locational options.

132. PC85 is the most appropriate way to achieve the Purpose of the Act and to achieve the objectives - which for completeness are set out below:

- *to provide additional urban zoned land as a natural extension of Mangawhai Village, for residential and supporting business activities,*
- *to support the growth of Mangawhai and ensure that there is sufficient land supply to provide choices and maintain affordability.*
- *To provide a coordinated and efficient use of the land resource for the Mangawhai East area where there are urban activities and extensive rural residential living activities establishing in an ad hoc manner.*

S42A Report

133. The main areas of difference in professional opinion have been set out above. These differences primarily relate to the ability for the urban development that would be enabled by PC85 to be integrated with the delivery of the required infrastructure, and the extent of zoned land in relation to the requirements of the NPS HPL to only zone the minimum required to provide the required development capacity while achieving a well-functioning urban environment.

134. My evidence sets out that there is a medium-term shortfall and that because of other factors such as locational desirability and the Warkworth to Te Hana motorway, that more land needs to be zoned to ensure that housing choice, housing affordability and well-functioning urban environment outcomes for Mangawhai can be properly realised.

135. Other areas of clarification in specific expert topics are addressed in the expert evidence for the Applicant, and I do not repeat that here.

136. The Development Area provisions and zoning map have been updated to reflect the changes sought in the s42A report. The Structure Plan has been updated to show the proposed SNA areas; the recorded archaeological site and Design Guidelines have been included to support the updated Development Area provisions in terms of the outcomes to be achieved for the Business Neighbourhood Centre and the Business Mixed Use zoned areas.

137. Overall, I consider that the reasons for recommending PC85 be declined are narrow and limited to the matters addressed above. The evidence for the Applicant demonstrates that the reasons

set out in the s42A report for recommending that the plan change be declined are fully addressed, and on balance when all relevant factors are considered that it is better and more appropriate to approve the plan change, than decline it.

Submissions and Further Engagement with Submitters

138. The s42A report addresses the submissions. The recommendations with respect to the Black Swamp Limited submission(S48), and Riverside Holiday Park (S32) have been accepted, and the changes are shown on the amended Planning Maps – **Attachment B**.
139. The Heritage New Zealand submission (S85) is responded to and recorded archaeological site R08/256 is now shown on the Structure Plan – **Attachment C**, and an objective and related provisions have been added to the updated Development Area provisions – **Attachment D**.
140. A meeting was held with Department of Conservation (“**DoC**”) representatives on 10 December 2025 to discuss the DoC submission (S81). One aspect of the DoC submission related to access to the harbour. The Structure Plan has been amended to delete the indicative potential future harbour access. That potential exists in any event, and there were no provisions in the Development Area provisions relating to provision of a harbour access so there is no need for the notation of the Structure Plan.
141. DoC is also concerned about access to the harbour by walkers and the design of the coastal walkway and associated planting will need careful consideration to ensure a defined access and that coastal views can be maintained to prevent people seeking to access through the planted areas. In my opinion the required outcomes can be achieved through the Development Area provisions and the detailed design of the coastal walkway.
142. The areas that meet the significance criteria have been mapped as Significant Natural Area and shown on the Structure Plan. Other wetland areas and freshwater resources will be protected at development stage via the Development Area provisions and the NES-F.
143. The wastewater connection via the causeway to Insley Street will obtain any required resource consents and can likely be connected to the existing causeway and / or the road.
144. Further discussions will occur with DoC post evidence exchange to endeavour to narrow issues. In my opinion, the concerns raised by DoC have been addressed in the technical assessments and the updated Structure Plan and Development Area provisions. Further amendments can be discussed, if required.

CONCLUSION

145. Based on the above approving PC85 is the best way to achieve the Purpose of the Act and the most appropriate way to achieve the objectives. It provides an efficient compact option for urban development that will achieve a well-functioning urban environment.

Burnette O'Connor

18 December 2025

Attachments:

- A. Burnette O'Connor Statement of Experience
- B. Updated Planning Maps – December 2025
- C. Updated Structure Plan
- D. Updated Development Area Provisions

Attachment A – Burnette O’Conor Statement of Experience

Burnette O'Connor

Planner / Director

The Planning Collective Limited



THE PLANNING
COLLECTIVE



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Bachelor of Resource and Environmental Planning (BREP) (hons), Massey University
Member of NZPI (Full) and RMLA

Burnette has over 30 years' experience in resource management including resource consenting, plan change requests, policy advice and being an expert witness at council and Environment Court hearings. Burnette excels at project delivery. She has a pragmatic, positive and proactive approach focussed on achieving positive outcomes for clients, the community and the environment. Burnette has extensive experience in project management of all types and scale of resource management projects. Having worked as a Team Leader and Consent Planner for Far North District Council and the former Rodney District Council, Burnette possesses distinct comprehension of the council process and rural, coastal, and urban environments. Burnette has provided advice to various local authorities over the years on policy matters, including undertaking two reviews of planning functions within Kaipara District Council.

Key Skills

- Preparation and Processing of Plan Changes and Notices of Requirement
- Project Management of larger scale projects and multidisciplinary project teams
- Resource consents, environmental planning, due diligence assessment and risk analysis
- Presentation of expert evidence for Council and Environment Court Hearings
- District Plan Appeals
- Environment Court mediation and Alternative Dispute Resolution
- Rural Character and Landscape studies
- Rural planning and policy advice
- Land development.
- Mana whenua and stakeholder consultation and engagement
- Mentoring of Graduate and Intermediate Planners.

Career Experience / Background

- Aug 2019 – Present Planner/Director at The Planning Collective Ltd

- Sept 2017 – Aug 2019 Senior Associate – Barker & Associates
- Oct 2001 – Sept 2017 Planner/Director at OPC Ltd
- April 1998 – Sept 2000 Team Leader Resource Consents – Rodney District Council
- Sept 1996 – April 1998 Resource Consents Planner – Rodney District Council
- Nov 1994 – Aug 1996 Resource Consents Planner – Far North District Council

Plan Changes

Burnette has been involved in both preparing and assessing Plan Changes including the preparation of s32 analyses. Notably Burnette was the project lead and expert planner for Plan Change 25 Warkworth North and has also obtained zone changes for land at Kaukapakapa (PC70 to the Auckland Unitary Plan (AUP)), land at Snells Beach and the Karaka Growth Nodes in South Auckland. She is currently project managing several larger scale rezoning projects including a plan change for Arvida in Warkworth for a 140-hectare land area; Plan Change 85 to the Kaipara District Plan, and a 197-hectare rezoning at Kerikeri.

The Planning Collective is also the lead for a plan change at Wellsford, another at Long Bay and has provided professional planning inputs to a proposal at Karaka.

In addition, Burnette has provided advice, drafted submissions and presented expert evidence for clients whose land was affected by plan change proposals, notably the land at Silverdale now contained in the Silverdale 3 Precinct; Goatley Holdings Limited and Skywork Helicopters Limited for Plan Change 40 to the AUP; landowners adjacent to Plan Change 93 to the AUP, landowners adjacent to Plan Change 72 to the AUP.

Resource Consents and Designations

Burnette has prepared and obtained many landuse, subdivision and coastal resource consents for clients who include district and regional council's as well as individuals and companies. Notices of Requirement have also been prepared and processed including for Requiring Authorities such as Ministry of Education and New Zealand Transport Agency. This work has also included lodging submissions, preparing expert evidence, and attendance at Council hearings and the Environment Court. Additionally, Burnette has experience with the COVID-19 Recovery (Fast-track Consenting Act) 2020.

District Plan Process

Burnette was closely involved in the writing hearing and decision reports for rural and coastal matters for the Rodney District Plan 2000. She also undertook a capacity analysis and drafted provisions for the Countryside Living zone, including transferable title right subdivision options for the draft Auckland Unitary Plan and was responsible for the identification of the Rural – Mixed Rural zone in the north of the Auckland region.

Rural Character and Landscape Studies

- Rural character studies of the Rodney District and the Hauraki District for the Council's District Plan reviews.
- A landscape study of the Waikato Region as part of the Environment Waikato RPS review.

Environment Court Appeals/Mediation

Extensive expert evidence to the Environment Court relating to urban, rural and coastal planning matters. Expert evidence has also been provided in respect of a road stopping matter.

Burnette has successfully represented the Crown in the Land Valuation Tribunal providing expert planning evidence for the Middle Hill and Edwards cases pertaining to land takes for the Puhoi to Warkworth motorway extension.

Burnette has been involved in the settlement of many appeals through the mediation process both on behalf of private and public sector clients.

Commissioner Work

Burnette is a qualified Independent Hearings Commissioner and Chair. She has been appointed as a Commissioner for Kaipara and Whangarei District Councils. Burnette has acted as a Commissioner on private plan changes, subdivision and landuse hearings and resource consent hearings.

Mentoring

Burnette has acted as a mentor for First Foundation assisting scholars to achieve goals through work experience and tertiary education. She has also been a mentor for the New Zealand Planning Institute programme to mentor graduate planners and has offered planning work experience to students considering undertaking a planning degree or requiring work experience.

Summary

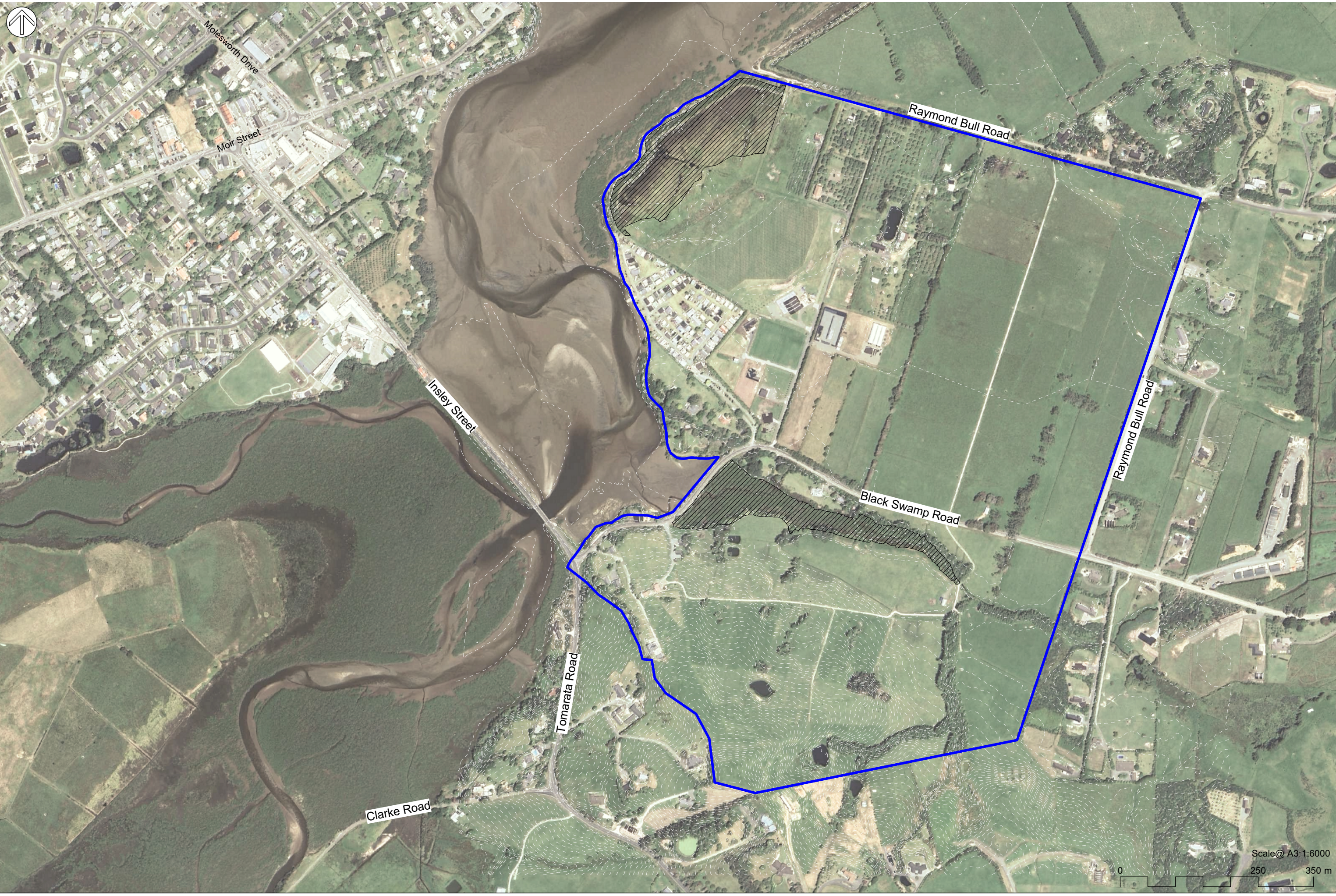
Burnette is highly experienced in all aspects of planning. She is very familiar with planning environments; Councils; rural and urban communities particularly in Auckland and Northland.

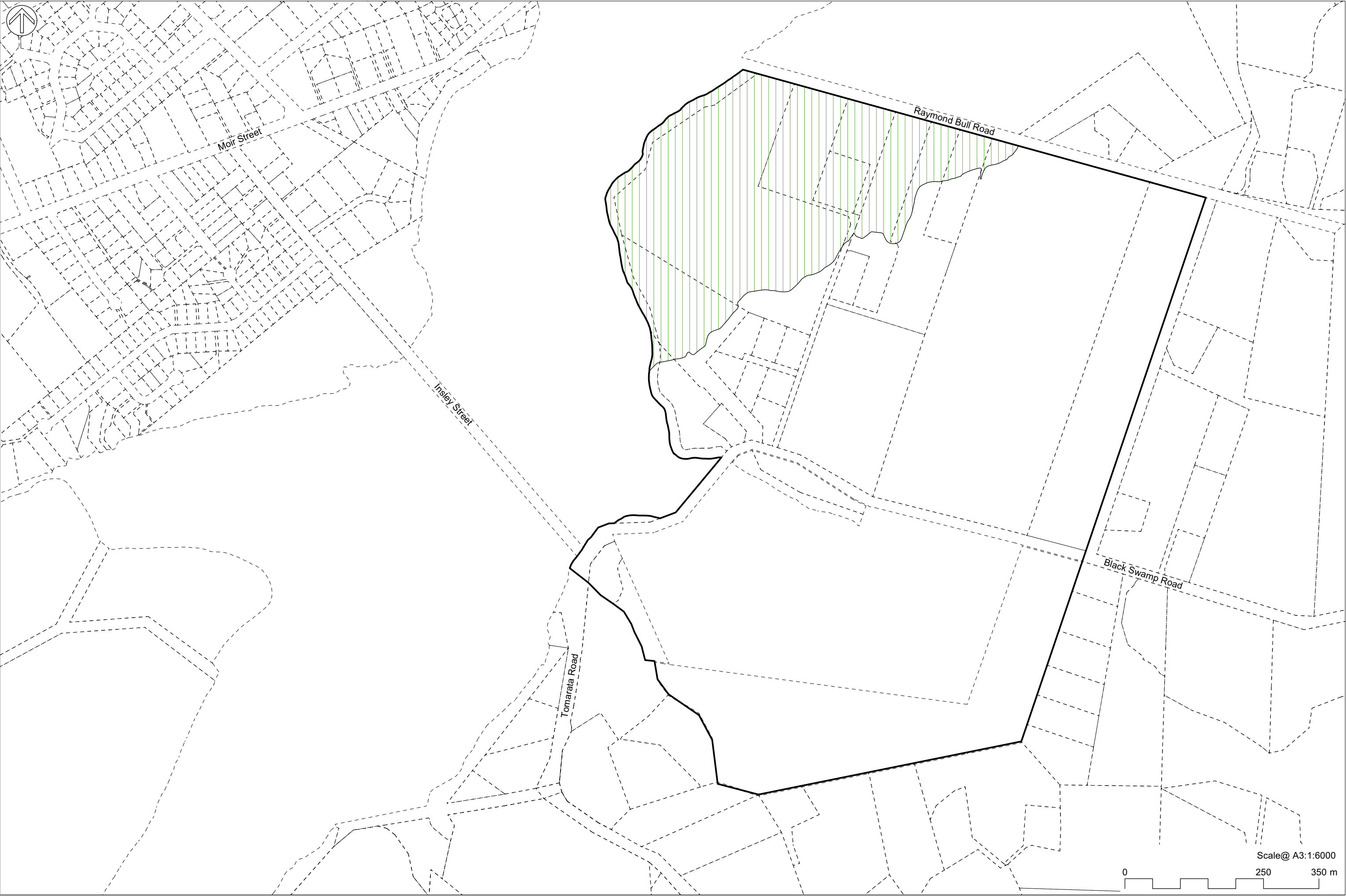
Relevant Experience / Key Projects

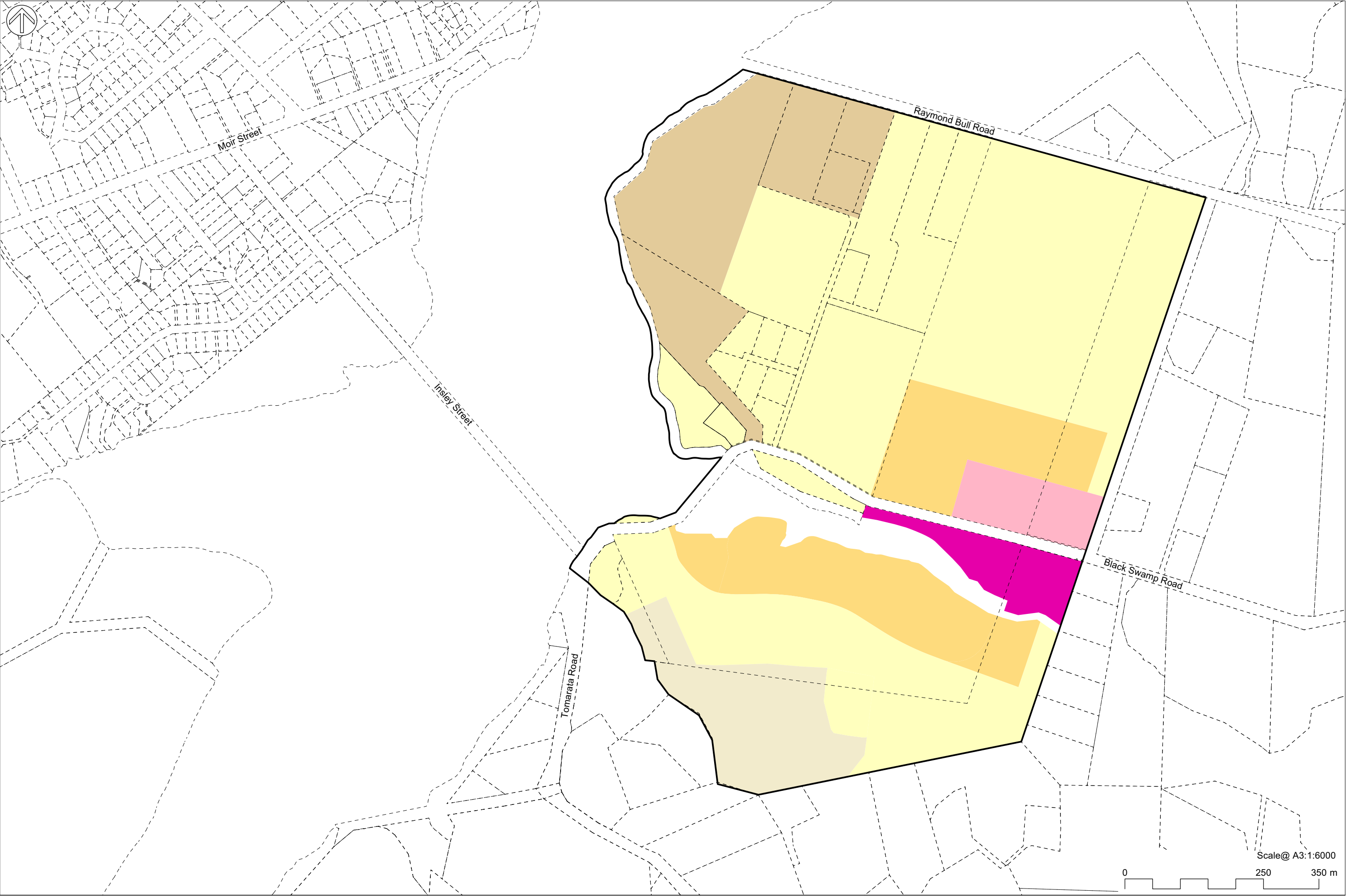
- Obtaining consent for a Retirement Village in Riverhead, Auckland through the COVID-19 Recovery (Fast-Track Consenting) Act pathway (2023) – (subsequently appealed)
- Expert witness at the Dome Valley Landfill Hearing (2023) and other Environment Court cases
- Warkworth North Private Plan Change (Plan Change 25) – application to rezone approximately 100 hectares of land from Future Urban to a range of urban land uses.
- Policy advice to Council for rural Plan Changes to Whangarei District Plan
- Proposed Auckland Unitary Plan (PAUP) – policy advice to Auckland Council on rural land use and subdivision including transferable title rights; private client work, rezoning, air quality and related matters
- Review and advice on the Rural Chapter and Coastal Chapter of the Rodney District Plan review (2000) and undertake Section 32 analysis of Rural Character and Landscape to inform the District Plan review (2008)
- Environment Waikato Landscape Study – Section 32 Landscape analysis for Outstanding Natural Landscapes for the Environment Waikato RPS review (2009)
- Planner – Carrington Farms vs Far North District Council and Te Runanga a Iwi o Ngāti Kahu regarding issues with subdivision near urupā
- Alteration to Designation – Te Kura Kaupapa o Whangaroa
- Karaka North Village Growth Node rezoning rural to urban
- Warkworth Community Centre

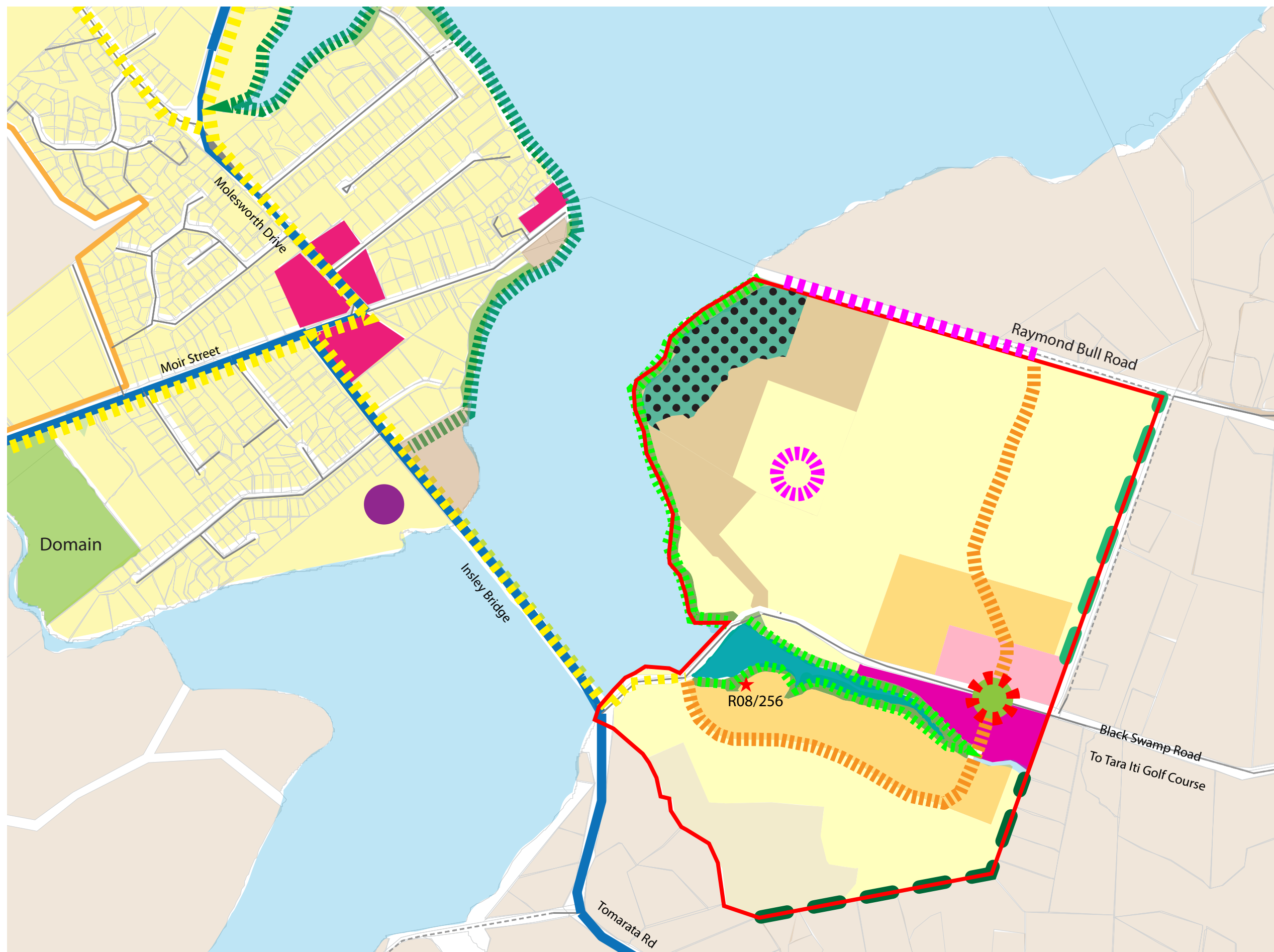
- Redevelopment of heritage buildings in Devonport, Parnell and Warkworth including the Town Hall, BNZ Bank building, Anglican Church, and the former Rodney Motors building
- Two private plan changes in Snells Beach rezoning land from Residential – Large Lot to Residential – Single House
- Rezoning and development of land at Silverdale, Auckland from rural to urban. The development included a Retirement Village
- Kerikeri / Waipapa Gateways
- Expert witness for a range of Far North and Whangarei District Environment Court appeals
- Shakespeare Regional Park Predator Fence to create a mainland island
- Rural and Highly Valued Natural Resources Chapters of Rodney District Plan 2000 – hearings reports, decision reports and appeals
- Obtained subdivision consent in Lytton West, Gisborne to create 155 residential sites and associated JOAL's and roads to vest (2021)
- Obtained subdivision consent in Warkworth, Auckland (Rockford Point) to create 41 residential lots and associated roads, esplanade reserve to vest, etc (2021)

Attachment B – Updated Planning Maps – December 2025









Legend

- Plan Change area
- Rural Lifestyle Zone
- Large Lot Residential Zone
- Low Density Residential Zone
- Medium Density Residential Zone
- Mixed Use Zone
- Neighbourhood Centre Zone
- Mangawhai Beach school
- Proposed estuary reserve connecting to coastal reserve
- Black Swamp Brewery
- Gateway roundabout entry point
- SNA
- Existing and proposed all tides walkway
- Existing and proposed cycle way connection
- Coastal fringe enhancement and public walkway
- Indicative road
- Pedestrian/cycle improvement
- Rural edge enhancement
- Landscape edge enhancement
- Area of Saltmarsh covenant to remain
- Midden R08/256

Note: Base plan sourced from KDC GIS

STRUCTURE PLAN

Attachment D – Updated Development Area Provisions

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.

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, 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.

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 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.

Coastal Hazard Overlay:

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
<ol style="list-style-type: none"> Provide walking and cycling connections to Mangawhai Village via Insley Street as a critical transport link. Provide defined walking connections around the coastal edge and new walking and cycling connections through the development and alongside new reserve areas. Deliver intersection and road upgrades to secure safe, functional transport networks. 	
DEV X-03	Community
<ol style="list-style-type: none"> 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. 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. 	
DEV X-04	Indigenous Biodiversity and Ecological Values
<ol style="list-style-type: none"> Protect and enhance the ecological and habitat values of the Development Area including adjacent land adjacent to estuarine environments and the coastal marine area. 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
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, through the use of softened edges, low-rise built form, use of natural building buildings and low reflectivity colours, greater setbacks and layered	

Commented [BO2]: 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 [BO3]: To address submission points relating to the scale and size of the proposed Business Neighbourhood Centre

landscaping.

DEV X-O8

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 **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.**

DEV X-O9

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- O10

Infrastructure Servicing

Ensure all development, other than in 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- O11**Heritage Values**

Protect midden R08/256 shown on the Mangawhai East Structure Plan, to the greatest extent practicable.

Commented [B04]: Greater relationship to updated provisions.

Commented [B05]: Greater policy direction to achieve the required outcomes.

Commented [B06]: Added to reflect addition of the recorded site on the Structure Plan

DEV X Policies

DEV X-P1

Quality Urban Environment

1. Deliver a walking and cycling connection between the Development Area and back to Mangawhai Village **via Insley Street** before more than 50 dwellings are **occupied or have Code of Compliance Certificates issued** 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, **with emphasis on pedestrian-oriented public spaces, central greens, and access to community and commercial focal points.**
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 **using layered planting, fencing, and setbacks to establish a softened and contextually appropriate transition to adjacent rural character.**

DEV X-P2

Land Development and Built Form

Commented [B07]: **Commented [JC3]:** Link to CCCs is easier to monitor and more certain to determine than when new buildings are occupied.

Commented [B08]: As above - to provide greater policy direction

	<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 right turn bay</u> 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 metalled 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 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. <u>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.</u> Ensure direct access to Mangawhai harbour is restricted to ensure adverse effects on avifauna are avoided to the greatest extent practicable.
DEV X-P5	Landscape Character and Amenity

Commented [BO9]: Greater policy direction

Commented [BO10]: Commented [JC4]: In response to transport evidence

Commented [BO11]: 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 [BO12]: Commented [JC5]: Link to CCCs is easier to monitor and more certain to determine than when new buildings are occupied.

Commented [BO13]: More directive policy

Commented [BO14]: Commented [JC6]: In response to Council ecologist and DoC (S81) submission –

Commented [BO14R2]: Wording amended to reflect the Applicants ecological evidence

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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
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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.

Commented [BO15]: Commented [JC7]: To align with the proposed coverage of the reticulated network

Commented [BO16]: Commented [JC8]: FENZ S60 - to improve clarity that water supply is needed for two distinctly separate purposes.

DEV X-P7	Subdivision
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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
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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 [BO17]: Additional policy to create better direction

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

<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: i. DEVX-G-S3 Vehicle Crossings ii. DEVX-G-S4 Traffic intensity iii. DEVX-SUB-S7 Water Supply iv. DEVX-SUB-S8 Stormwater Disposal v. 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: 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 350m ² 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: 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: 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> <ol style="list-style-type: none"> DEVX-LU-S1 Site coverage DEVX-LU-S2 Height DEVX-LU-S3 Height in relation to boundary DEVX-LU-S4 Setbacks from internal boundaries DEVX-LU-S5 Setback from road boundaries DEVX-LU-S6 Fencing and Landscaping DEVX-LU-S7 Setback from natural features DEVX-LU-S9 First floor window and balcony setbacks DEVX-LU-S10 Outdoor living space DEVX-LU-S11 Exterior finish DEVX-G-S2 Building platform(s) <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the matters of discretion of any infringed standard or rule. 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. 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. The extent to which development supports the creation of a pedestrian-focused environment, including appropriate interface to public spaces, passive surveillance and visual permeability. The integration of landscape and open space elements into the site design, particularly for focal public spaces, interface zones, and carparking areas. The extent to which the building and associated land use activity can be serviced for wastewater, potable, and fire-fighting water supply. 	<p>2. Activity status when compliance not achieved with DEV1 X R1.1: Discretionary</p>

Commented [BO18]: 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 [BO19]: Greater direction and to align with additions to the objectives and policies.

Commented [BO20]: 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 [BO20R2]: 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	

<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>Educational and Care Centres:</p> <p>a. Provide for no more than 50 students.</p> <p>Community Facilities:</p> <p>a. Are designed and planned to accommodate no more than 50 persons.</p> <p>Commercial activities:</p> <p>a. Have a gross floor area not greater than 200m²</p> <p>Matters of discretion are restricted to:</p> <p>a. The ability for the activity to be serviced with water, wastewater and firefighting water supply.</p> <p>b. The provision on onsite car parking and access.</p> <p>c. Amenity effects.</p> <p>d. Reverse sensitivity effects.</p> <p>e. Noise and lighting effects.</p> <p>f. Signage.</p> <p>g. Traffic effects.</p> <p>f. Open space and landscaping.</p> <p>g. Walking and cycling connectivity.</p>	<p>2.. Activity status when compliance not achieved with DEV1-R4: Discretionary</p>
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 [BO21]: Standards to achieve policy additions

<p>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%.</p> <p>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.</p>	
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 [BO22]: Revised Standard above

Commented [BO23]: 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> <ol style="list-style-type: none"> Gutters and eaves by up to 600mm measured vertically; Solar panels; and Chimneys, poles, masts, and roof plant where each of these structures does not exceed 1m in length parallel to the boundary. <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> <ol style="list-style-type: none"> Amenity and character of the surrounding area. Any adverse shading, privacy, or visual dominance effects on adjacent sites. Design and layout.
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> <ol style="list-style-type: none"> Where the building adjoins a Rural zone the setback shall be 5m minimum and the exceptions below do not apply. 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. No setback is required where the building or structure shares a common wall along an internal boundary; 	<p>5. 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. Screening, planting and landscaping of the site. Privacy and visual dominance of adjacent sites.

Commented [BO24]: 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 [BO24R2]: Slightly reworded for clarity

<p>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.</p> <p>e. No setback is required for internal boundary fences not exceeding 1.8m in height.</p> <p>f. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</p> <p>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:</p> <p>a. No setback is required where the building or structure shares a common wall along an internal boundary.</p> <p>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.</p> <p>c. No setback is required for internal boundary fences with a height not greater than 1.8 m.</p> <p>d. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</p> <p>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.</p>	
DEV X-LU-S5	Setback from road boundaries

Commented [B025]: 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 [B025R2]: 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

<p>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.</p> <p>2. <u>There shall be no front yard fencing in the Business Neighbourhood Centre zone.</u></p> <p>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.</p> <p>4. Water tanks in front yards shall be screened with soft landscaping.</p> <p>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.</p>	<p>5. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>b. Amenity and character of the surrounding area.</p> <p>c. Screening, planting and landscaping of the site.</p> <p>d. The extent to which the fencing and landscaping visually connects the private front yards to the street.</p> <p>e. The extent to which privacy is provided for residential units, while enabling opportunities for passive surveillance of public places.</p> <p>f. The extent to which shading and visual dominance effects to immediate neighbours and the street are minimised.</p> <p>g. Health and safety effects.</p>
DEV X-LU-S7	Setbacks from natural features

Commented [BO26]: Standard added to ensure that the open park like outcome is achieved.

<p>1. Buildings, accessory buildings and structures must be setback a minimum of:</p> <ul style="list-style-type: none"> 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. <p>2. The setbacks above do not apply to:</p> <ul style="list-style-type: none"> a. Ephemeral streams. b. Where there is a legally formed and maintained road between the site boundary and the coastal water, wetland or river. c. Fences. d. Infrastructure provided by a network utility operator. e. Structures associated with vehicle, pedestrian or cycle network access. 	<p>3. 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 design and siting of the building or structure with respect to effects on the natural character and amenity of the waterbody. b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the waterbody margins. c. Screening, planting and landscaping on the site. d. Natural hazard mitigation and site constraints.
DEV X-LU-S8 Residential Unit Separation Distance	
<p>1. Residential units, other than units forming part of a comprehensively designed residential development, must be separated:</p> <ul style="list-style-type: none"> a. At least 3m from any other detached residential unit within the same site; or b. At least 6m from any other detached residential units where there is a private open space area located between two residential units. 	<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 privacy, outlook and amenity of adjacent and adjoining sites. b. Sufficient sunlight access to the outdoor living space. 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 Mangawhai East Development Area Structure Plan. g. The ability to accommodate access, parking, manoeuvring, waste collection and landscaping.

Commented [BO27]: Commented [JC13]: Include a setback requirement from the CMA to manage landscape and ecological outcomes (DoC, S81)

Commented [BO27R2]: 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

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> <ol style="list-style-type: none"> Not utilize mirror glazing within their exteriors; and 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>2. In the <u>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> <ol style="list-style-type: none"> <u>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> <u>Facades that emphasise human scale through modulation, window rhythm and vertical articulation.</u> <u>Roof forms that are sympathetic to traditional pitched or hipped profiles and avoid large unbroken expanses of flat roof.</u> <u>Use of colour palettes that draw from the surrounding natural and built context.</u> <u>Avoidance of high-gloss, highly reflective, or visually dominant materials unless used selectively as accents.</u> <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> <ol style="list-style-type: none"> Amenity and character of the surrounding area Effects on landscape character and landscape values.
<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> <ol style="list-style-type: none"> Appropriateness of the proposed wastewater and water supply servicing for the intended use. Effects of the proposed servicing on the environment, including neighbouring sites. Effects on water quality.
<p>DEV X-LU-S13 Transport Upgrades – Business zones – Restrict Discretionary Activity</p>	

Commented [BO28]: 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 [BO29]: Non statutory design Guidelines are to be provided. They can be incorporated into the Development Area, as an appendices, if desired.

Commented [BO30]: 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 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 shall be designed to Austroad standards.</p> <p>3. The gateway round a bout 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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RX 0 3 - 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>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>Advice Note 1: An archaeological Authority <u>will be required from Heritage New Zealand Pouhere Taonga prior to undertaking earthworks.</u></p> <p>Advice Note 2: Earthworks are also subject to the Resource Management (National Environmental</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 [BO31]: 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.

Commented [BO32]: Have moved this requirement above as it is clearer. Same for Riparian Yards.

Commented [BO33]: Does not make sense review and check against the ecological evidence

Commented [BO34]: 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 [BO35]: Commented [JC17]: Shift the advice notes on earthworks from the rule on vegetation clearance into the earthworks rule.

<p><i>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 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 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 [BO36]: 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 [BO37]: To reflect the ecological evidence

	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.	
DEV X-G-R3	Noise	

Commented [B038]: 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.

<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> <ul style="list-style-type: none"> a. DEVX-G–S5 Noise Maximum noise levels. b. 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> <ul style="list-style-type: none"> a. 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> <ul style="list-style-type: none"> a. 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> <ul style="list-style-type: none"> a. 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> <ul style="list-style-type: none"> a. 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> <ul style="list-style-type: none"> i) Maximum level of vibration likely to be generated; ii) The effects on sensitive receptors or adjacent land uses; iii) Effect on adjoining or adjacent residential dwellings; iv) 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

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.

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

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 [BO39]: Commented [JC21]: D0C S81 - Lighting can also affect wildlife, especially if the lighting is in close proximity to the SNAs

<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:</p> <p>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
<p>1. Permitted</p> <p>Where:</p> <p>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.</p> <p>b. Does not require buildings to house animals, unless the building exists; or is for domestic animals not associated with production activities.</p>	<p>2. Activity status when compliance not achieved:</p> <p>Discretionary</p>

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 [BO40]: 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,

		<p>particularly at peak traffic times (of both the activity and road network).</p> <p>d. Mitigation to address adverse effects, such as:</p> <ul style="list-style-type: none"> 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		
<p>1. Noise generated by activities on any site shall not exceed the following noise limits when measured at any point within any other site:</p> <ul style="list-style-type: none"> a. 7.00am to 10.00pm – 50dB LAeq (15 min) b. 10.00pm to 7.00am – 45dB LAeq (15 min) c. 10.00pm to 7.00am – 70dB LAFmax <p>2. Construction noise:</p> <ul style="list-style-type: none"> 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: 		<p>5. Activity status: Restricted discretionary</p> <p>Matters over which discretion are restricted:</p> <ul style="list-style-type: none"> a. The extent and effect of non-compliance with the noise standard. 	
<i>Time of Week</i>	<i>Time Period</i>	Noise Level, (dBA)	
		<i>Leq</i>	<i>Lmax</i>
<i>Weekdays</i>	<i>0630 – 0730</i>	<i>55</i>	<i>75</i>
	<i>0730 – 1800</i>	<i>70</i>	<i>85</i>
	<i>1800 – 2000</i>	<i>60</i>	<i>80</i>
	<i>2000 – 0630</i>	<i>45</i>	<i>75</i>
<i>Saturdays</i>	<i>0630 – 0730</i>	<i>45</i>	<i>75</i>
	<i>0730 – 1800</i>	<i>70</i>	<i>85</i>
	<i>1800 – 2000</i>	<i>45</i>	<i>75</i>
	<i>2000 – 0630</i>	<i>45</i>	<i>75</i>

Sundays & Public Holidays	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:

Time of Week	Time Period	Noise Level, Leq (dBA)
all days except Sundays and Public Holidays	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 LAeq
Other habitable rooms in dwellings and other noise sensitive spaces	40dB LAeq

- 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> <p>a. resemble, or be likely to be mistaken for a traffic sign</p> <p>b. obstruct, obscure, or impair the line of sight of any corner, bend, intersection, vehicle or pedestrian crossing or view of any traffic sign</p> <p>c. obstruct or hinder the movement of persons or vehicles using the roadway</p> <p>d. unreasonably obstruct or hinder the safety or movement of persons using the footpath or any other part of the road</p> <p>e. use reflective materials that may interfere with a road user's vision</p>	<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> <ul style="list-style-type: none">a. use reflective materials or be animated or illuminated through intermittent or flashing light sourcesb. display any explicit or lewd words or images. <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> <ul style="list-style-type: none"> 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. b. Roads are established in general accordance with the indicative roads shown on the Mangawhai East Structure Plan; c. Native revegetation planting to a minimum of 10m from the edge of natural wetlands, intermittent and permanent streams, and indigenous vegetation identified within the Mangawhai East Structure Plan is established and protected in perpetuity. <p>Note: This rule shall not apply to road or track crossings over streams or wetlands.</p> <ul style="list-style-type: none"> d. Any amenity landscape feature, bush or wetland area, indigenous vegetation planting is physically and legally protected in perpetuity. 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. 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. g. Each allotment is provided with a connection, or the ability to connect to a wireless, above ground, or underground telecommunications system. h. Each allotment is connected to the reticulated wastewater network unless the allotment is at least 2,000m² net site area. 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 or mustelids and <u>that dogs shall be contained on sites and shall be kept on a lead at all times in public places.</u> 	<p>2.</p> <p>Activity status where compliance not achieved with DEV1-R19.1 a- i: Discretionary</p>

Commented [BO41]: Commented [JC24]: In response to ecological advice to extend control to also exclude dogs from the plan change area

Commented [BO42]: 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 [BO43]: 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> <tr> <td>Rural Lifestyle zone</td><td>8,000m²</td></tr> <tr> <td>Large Lot Residential zone</td><td>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>Low Density Residential zone</td><td>750m²</td></tr> <tr> <td>Medium Density Residential zone</td><td>600m² or 350m² for comprehensive development of dwellings with, or without subdivision.</td></tr> <tr> <td>Business Neighbourhood Centre zone</td><td>200m²</td></tr> <tr> <td>Business Mixed Use zone</td><td>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. The nature and extent of upgrade 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 prepared with input from an ecologist and civil engineer that addresses:</p> <ul style="list-style-type: none"> a. The location and extent of construction of a pathway to facilitate public walking access. b. The construction detail of the pathway e.g. metal / boardwalk and width. 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. d. Detail of consultation and engagement with adjacent landowners and parties who have agreements for use of the reserve. <p>2. <u>The report required under (1) is to be certified by the Council Asset manager responsible for the esplanade reserve that the report adequately addresses restoration outcomes.</u></p> <p>3. Weed and pest control shall be undertaken for a minimum period of 6 24 months to eradicate the esplanade reserve from plant and animal pests to the greatest extent possible. This shall be verified by a report from a suitably qualified ecologist identifying the weed and pest animals and plants prior to the weed and pest control programme commencing and then reporting post completion of the programme.</p> <p>4. Signage shall be erected at either end of the coastal esplanade reserve walkway access stating that dogs must be kept on a lead at all times.</p> <p>5. Reserve setbacks with walking and cycling connections shall be formed along both sides of the southern estuary / stream as shown on the Mangawhai East Structure Plan in conjunction with</p>	<p>5. Activity status when compliance not achieved:</p> <p>Discretionary</p>

Commented [BO44]: Commented [JC26]: In response to Council ecologist advice regarding the need for the report to be certified as being effective.

Commented [BO45]: Commented [JC27]: Increased to ensure weed control occurs across two full seasons to better enable seed stock and the risk of reinfestation to be reduced.

<p>the first subdivision / land development resource consent application on land adjoining the estuary / stream.</p> <p><u>Advice Note: Activities may affect native species including birds and lizards are also subject to the requirements of the Wildlife Act.</u></p>	
DEV X-SUB-S4	Building platform(s)

Commented [BO46]: 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. <u>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.</u></p> <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> <p>a. The legal and construction widths shall meet Table DEV1-1.</p> <p>b. On-street parking shall be provided at a minimum rate of 1 per 4 residential units.</p> <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>	<p>3. Activity status: Restricted discretionary <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. 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>	<p>Commented [BO47]: Added word because the road locations are indicative until detailed design stage.</p> <p>Commented [BO48]: Check location extent of that</p> <p>Commented [BO49]: Commented [JC30]: FENZ, S60 - to enable consideration of FENZ vehicle access where standards are not met.</p>
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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> <ul style="list-style-type: none"> • <i>Within 90 metres of an identified building platform on each lot; and</i> • <i>Existing or likely to be available at a time of development of the lot; and</i> • <i>Accessible and available all year round; and</i> • <i>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</i>
DEV X-SUB-S8	Stormwater Disposal

Commented [B051]: 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 [B050]: 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

<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.</p> <p>And shall provide:</p> <p>c. A detailed planting and implementation plan, for certification by Council, for any ecological planting required along the coastal esplanade reserve.</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>	
DEVX-REQ3	Rural Interface – Landscape Edge Enhancement and Rural Edge Enhancement
<p>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.</p> <p>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.</p> <p>b. The planting and maintenance plan shall provide for the planting and maintenance, including replacement plantings on an ongoing basis.</p>	
DEVX-REQ4	Ecological Enhancement – Coastal Esplanade and Riparian areas

Commented [B053]: As above the Applicant does not consider there is any practical justification provided for a roundabout.

Commented [B054]: Clarity and to respond to the ecological evidence

1. A report and plans, **to be certified by Council**, detailing the nature and extent of upgrade of the coastal esplanade reserve shall be

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 over a length no less than 2m.</i>

Commented [B055]: Commented [JC33]: FENZ S60, to reflect the provision (or not) of a reticulated firefighting supply

Private Accessway serving 7-30 units/lots (not vested) or serving up to 6 that is over 50m in length <u>and where located in an area with a fully reticulated water supply system (including 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					

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.

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- (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

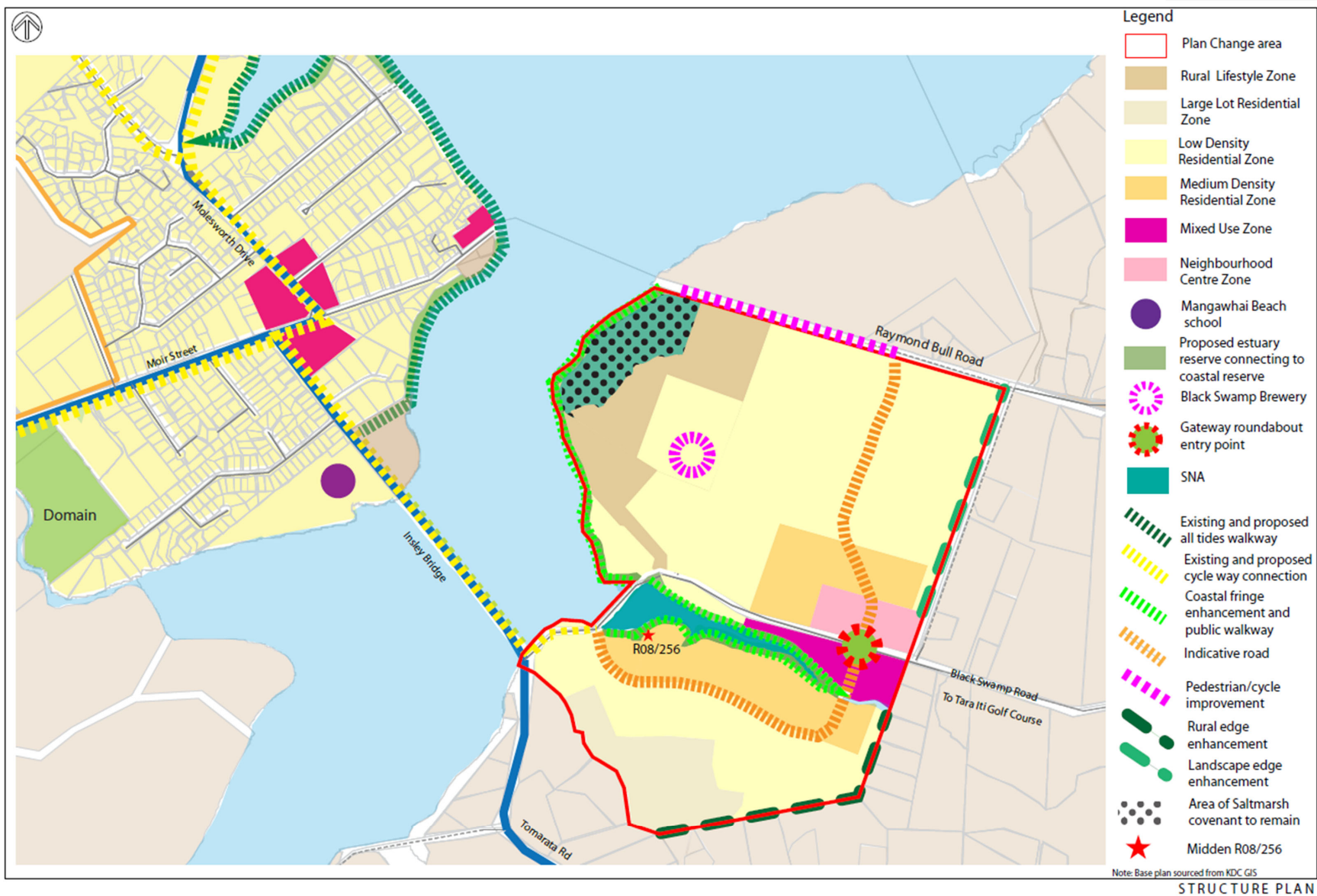
- means activities and their ancillary buildings and structures that are intended to have a limited duration and incidence, and are not part of a permanent activity that occurs on the site.

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 [B056]: Add definition of riparian area if deemed necessary

Appendix 1 – Mangawhai East Structure Plan



Appendix 2 – Mangawhai East Ecological Features Map

