

Section 42A Hearing Report

Proposed Private Plan Change 3 – North City Developments

Rezoning Proposal – from Residential to Commercial

Lot 1 DP 341981 Molesworth Drive Mangawhai

March 2017

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Executive Summary

- i. Council received a Private Plan Change request from North City Developments informally on 01 December 2015, with the final version lodged on 10 May 2016. Council granted approval for it to go through the First Schedule Resource Management Act (RMA) process on 28 June 2016.
- ii. The North City Developments Private Plan Change proposes to rezone an area of approximately 7,863m² of land legally described as Lot 1 DP 341981 ('subject site') from Residential (Harbour Overlay) to Commercial (Harbour Overlay). The subject site is located on the corner of Molesworth, Estuary and Norfolk Drives, Mangawhai Heads. This Private Plan Change proposes to limit the height of buildings to eight (8) metres, to a setback of 20m, in an area identified on the site where the boundaries of the site adjoin the Residential Zone. It is also proposed to include a new rule (14.10.30) requiring a restricted discretionary Resource Consent for any development onsite with assessment relating to landscape and design of buildings and to CPTED principles (Crime Prevention Through Environmental Design).
- iii. The Plan Change as lodged seeks to address and resolve the following issues:
 - The Zoning of the subject site does not reflect a granted but unimplemented land use consent granted for a commercial activity. The Resource Consent, RM050271, is considered part of the existing environment for the subject site;
 - Lack of Commercial Zoned land in Mangawhai;
 - Increasing population, (Mangawhai and its surrounds are in a recognised growth area under the District Plan);
 - Potential for recently zoned residential land in Molesworth Peninsula to be further developed, the reviewed District Plan changed zoning from Rural Residential to Residential zoning on this Peninsula.
- iv. The site is currently zoned Residential under the Kaipara District Plan 2013. The District Plan shows that there are no special features on the site apart from the Mangawhai Harbour Overlay. It is also located within the Coastal Environment under the Regional Policy Statement (RPS) dated 09 May 2016, as shown in map sheet 87 of the RPS.
 - All the land located immediately next to the site, and the area on the same side of Molesworth Drive, has been subdivided into residential properties and developed to contain residential buildings on these sites.
 - On the direct opposite side of Molesworth Drive is the Mangawhai Park on which the Mangawhai Museum is located. Larger residential properties are located diagonally opposite the site on the south corner of Molesworth Drive and Thelma Road, South.
 - There is also a land use Resource Consent for a camp for 300 people including four new accommodation blocks, one communal block and associated car parking along Estuary Drive (117 Estuary Drive, on the same side of Molesworth Drive as the subject site).

- v. The Private Plan Change request was publicly notified on 19 August 2016 with the date for receipt of submissions closing 23 September 2016, attracting six submissions. The summary of submissions was notified 18 November 2016 with the period for further submissions closing 02 December 2016. No further or late submissions were lodged.
- vi. Submissions raised concerns around reverse sensitivity issues, geotechnical issues, and stormwater, traffic and pedestrian matters. Council's Engineering Consultants reviewed the information submitted by the applicant with regards to stormwater issues in association with the underlying geology and traffic and pedestrian issues. Further to this the applicant has supplied a copy of the height in relation to boundary diagram. This shows how the proposed changes to Rule 13.10.5 will affect height in relation to boundary issues.
- vii. There are some outstanding issues in relation to stormwater, however Council's Engineering Consultants believe that this can be addressed at the development stage where more detail on an actual activity is proposed. With regards to traffic and pedestrian matters Council's Engineering Consultants also agree that these matters can be addressed at the development stage.
- viii. The Proposed Private Plan Change has been reviewed in terms of background, the statutory framework of the Resource Management Act 1991, policy considerations and submissions received.
- ix. Subject to contrary or additional information being presented at the Hearing it is recommended at this stage that the Plan Change be approved as shown in Attachment 1, with amendments, as suggested in 10.5 (page 55) of this report.

1 Introduction

1.1 This report has been prepared in accordance with s42A(1) of the Resource Management Act 1991 (RMA), which enables a local authority officer to prepare a report on any matter set out in s39(1) of the RMA. In drafting this report, I have taken into account public submissions and comments provided by Council's Infrastructure Group which includes Council's Waters Team and Rooding Team.

1.2 Structure of Report and Hearing Agenda

Part 1 of this report addresses:

- The Plan Change request/application;
- Background to the Plan Change;
- Description of the site and locality;
- Statutory framework for Plan Changes.

Part 2 RMA matters

- Policy framework;
- Section 32 Evaluation – Consideration of Alternatives, Benefits and Costs;
- Assessment of submissions;
- Conclusions and recommendations.

1.3 Part 2 of this Report contains attachments to the Hearing report:

Attachment 1 Proposed Plan Change 3 Rules and Map of Zone Change area

Attachment 2 Additional stormwater information from the applicant

Attachment 3 Stormwater peer review report

Attachment 4 Traffic assessment peer review report

Attachment 5 Height in relation to boundary compliance

Attachment 6 Commercial Zone rules compared with Residential Zone rules

1.4 All parts of this Hearing agenda and the full copy of the Operative District Plan are accessible from Council's website: www.kaipara.govt.nz.

2 The Plan Change Request

2.1 Council received a Private Plan Change request from North City Developments informally on 01 December 2015. Since receiving the initial application, Council had meetings with the Applicant's consultant, requested further information and reviewed the further information that was provided. Council formally received the final version of the Plan Change application on 10 May 2016 and it was approved by the Council to go through the First Schedule of the Resource Management Act 1991 (RMA) process on 28 June 2016.

2.2 The North City Developments Private Plan Change proposes to rezone an area of approximately 7,863m² of land legally described as Lot 1 DP 341981 ('subject site') from Residential (Harbour Overlay) to Commercial (Harbour Overlay). The subject site is located on the corner of Molesworth, Estuary and Norfolk Drives, Mangawhai Heads. This Private Plan Change proposes to limit the height of buildings to eight (8) metres, to a setback of 20m, in an area identified on the site where the boundaries of the site adjoin the Residential Zone. It is also proposed to include a new rule (14.10.30) requiring a restricted discretionary Resource Consent for any development onsite with assessment relating to landscape and design of buildings and to CPTED principles (Crime Prevention Through Environmental Design). Other than the height of buildings, all other rules for the Business Commercial Zone are to apply as currently written in Chapter 14 of the Kaipara District Plan.

2.3 The Plan Change proposal does not seek to change any of the Objectives and Policies that apply to the Commercial Zone for land use and subdivision. The Plan Change does not seek to change the Harbour Overlay provisions. In other words the existing Objectives and Policies which set performance standards for land use activities and those that apply to subdivision would be applied within the area of the site that is subject to the rezoning proposal as contained within the Operative District Plan, should the Plan Change be approved.

The proposal is to provide all services for stormwater and wastewater offsite. This includes connection to the reticulated wastewater system.

2.4 The application is supported by the following technical reports:

- Economic Impact Assessment Report - ME Consultants;
- Geotechnical Report - Cook Costello undertaken for the subject site;
- Service Plan and Molesworth Drive Roding Upgrade Plans/wastewater;
- Stormwater Report - Morphum Consultants;
- Traffic Impact Assessment – Engineering Outcomes Limited;
- Landscape and Visual Assessment - Threshold Associates;
- Acoustic Report - Marshall Day;
- NES Assessment (Contaminants in Soils to Protect Human Health) - ENGEO Consultants.

2.5 On 28 June 2016 Council resolved to accept the Private Plan Change in accordance with clause 25(2) of the First Schedule to the Resource Management Act 1991. Council, in accordance with clause 25(2)(ii), was then required to publicly notify the proposal within four months of the proposal having been accepted.

Reasons for Plan Change

- 2.6 The Plan Change as submitted seeks to address and resolve the following issues:
- Zoning of subject site does not reflect a granted but unimplemented land use consent approved for a commercial activity on the subject. The Resource Consent, RM050271, is considered part of the existing environment for the subject site.
 - Lack of Commercial zoned land in Mangawhai;
 - Increasing population, (Mangawhai and its surrounds are in a recognised growth area under the District Plan);
 - Potential for recently zoned residential land in Molesworth Peninsula to be further developed, the reviewed District Plan changed zoning from Rural-Residential to Residential Zoning on this Peninsula.
- 2.7 The site currently has an unimplemented Resource Consent that can be given effect to. This could be considered the existing environment for the site. The consent authorises commercial activities that are similar in nature to those which could be undertaken within the Commercial Zone rules. Rezoning the site will provide a consistency with what is consented and will also provide long term commercial certainty to the site.
- 2.8 Mangawhai is a growing coastal settlement that is in close proximity to Auckland. Traditionally it has been a holiday settlement and a retirement location. More people are now relocating to Mangawhai and with the recent proposed extension to the Auckland Motorway it will become more accessible and potentially more appealing to those that find Auckland unaffordable. The applicant believes that the site proposed to be rezoned to Commercial could cater for additional growth on the Molesworth Peninsula, which has the capacity to create another perceived 1,000-2,000 additional dwellings. Essentially they have based this on the lot sizes within the Molesworth Peninsula that could be subdivided down to the minimum residential lot size for the area, and then the potential lot yield for each site has been added up to get this figure. Appendix 7 Molesworth Peninsula Development Capacity Assessment and Appendix 9 Mangawhai Catchment Settlement Analysis / Site Analysis of the application show how this has been calculated.
- 2.9 Lack of Commercial Zoning in Mangawhai: The Kaipara District Plan review (which resulted in the new District Plan that was made operative 01 November 2013), essentially rolled over the zoning within the Mangawhai area, except for a 'Rural-Residential' Zone which became Residential Zone. At the time, no future or additional Commercial Zoning was provided for in Mangawhai despite Mangawhai being highlighted as a growth area. Mangawhai currently has two main Commercial areas being the Mangawhai Village and the Wood Street shops. Due to the lack of commercially zoned land in Mangawhai a number of businesses have either obtained Resource Consent to undertake commercial activities or have established a home occupation business. The current Residential Zone rules allow for some commercial activities to occur providing they meet the requirements of all of the other applicable rules. A lack of Commercial Zoning could potentially increase the number of small-scale businesses popping up throughout the residential areas of Mangawhai on an adhoc, unco-ordinated fashion.

- 2.10 Location: The location of the site on Molesworth Drive is directly opposite the Mangawhai Museum which is located on part of the Mangawhai Community Park. An Historic Village is also being established adjacent the Museum. The Museum was originally granted a Resource Consent under the Kaipara District Plan 1997 (RM 080152). The Museum contains a gift shop and a café, so could be considered to have a commercial component complementary to the Museum activity. The rezoning of the subject site could be considered in effect to be adding to an existing commercial cluster rather than creating a completely new isolated commercial area. The site is also situated between the two established commercial areas of Mangawhai which service the different parts of Mangawhai.
- 2.11 The only other commercially zoned area is contained within Estuary Estates. Estuary Estates (Chapter 16 of the District Plan) provides a number of different zones including 'Commercial'. Estuary Estates is also a comprehensive and prescriptive chapter in that it outlines how the development is to progress in stages and what those stages are. It is also owned by one developer meaning that until it is developed it is possible that any businesses will not have the ability to access the commercial use of this zoning. Potentially trade competition could be an issue here. Discounting PPC3 from becoming commercial based on possible commercial zoning available within Estuary Estates, is in effect potentially deciding on where trade may or may not occur on the subject site.

Features of the Proposed Plan Change

- 2.12 The Proposed Plan Change seeks to rezone an area of approximately 7,863m² of land legally described as Lot 1 DP 341981 from Residential (Harbour Overlay) to Commercial (Harbour Overlay). The Plan Change proposes the following features:
- A 2.5m planted buffer along the adjoining residential boundaries, to mitigate reverse sensitivity issues.
 - A limit to the height of buildings to eight (8) metres to be applied within 20m of any boundary where the site adjoining the Residential Zone.
 - A proposed new provision requiring Resource Consent for any Commercial development be undertaken on site including assessment criteria relating to landscape and design of buildings in line with the Mangawhai Design Guidelines in Appendix 25A of the District Plan and CPTED principles (Crime Prevention Through Environmental Design). All other rules for the Business Commercial Zone are to apply as currently written in the Kaipara District Plan.
 - The Plan Change proposal does not seek to change any of the Objectives and Policies that apply to the Commercial Zone for either land use or subdivision. The Plan Change does not seek to change the Harbour Overlay provisions. In other words, the existing Objectives and Policies which set performance standards for land use activities and those that apply to subdivision would be applied within the area of the site, to be rezoned by the proposal, should the Plan Change be approved.

Attachment 1 contains the proposed rule provisions and a map of the site.

Required Changes to District Plan

2.13 The proposal would result in the following changes to the District Plan to give effect to the Proposed Plan Change request:

- Alterations to Map 55 showing the area that is to be Commercially Zoned, the 20m setback for the 8m height restriction and the 2.5m planted buffer area.
- Changes to Rule 14.10.5 to provide for the 8m height restriction within the 20m setback.
- Introducing a new rule 14.10.30 requiring a Resource Consent for a Restricted Discretionary activity including assessment criteria that includes the integration of Appendix 25A of the District Plan – Mangawhai Design Guidelines for the site including the use of Crime Prevention Through Environmental Design (CPTED) principles into the Commercial Zone rules.
- Other consequential changes as required to integrate the Plan Change into the District Plan.

3 Background to Plan Change

Original planning approval

- 3.1 The site has a granted, but unimplemented land use Resource Consent, RM 050271. This was granted in May 2007 under the Kaipara District Plan 1997 and by an Environment Court Order, dated 06 May 2008. The consent covered commercial activities over two lots, being Lot 1 DP 341981 and adjoining Lot 80 DP 35077. The Environment Court Order on the Resource Consent stated *'That in accordance with section 125 of the Resource Management Act the consent for Stages 1 and 2 [Service Station, Retail and Professional Offices and Motel] of the development shall be given effect to within five years and the consent for Stage 3 [future Services Businesses and Vehicle and Boat washing and grooming] shall be given effect to within ten years.'* The adjacent site has now been developed for residential activity rather than giving effect to the Resource Consent. The consent plan is in Appendix 2 of the application and the Environmental Court Decision on the Resource Consent application is provided in Appendix 3 of the application. The application refers to the consent for Stage 3 as being still active, with a lapse date being in May 2018.
- 3.2 The Resource Consent provides for a consented baseline level of effects anticipated including traffic generation, noise, amenity, building coverage, lighting, signage, stormwater and wastewater discharges. Since the Resource Consent was granted a new District Plan became operative on 01 November 2013. The now operative Kaipara District Plan has specific rules to address most of these effects, both in the Commercial and Residential Zones.
- 3.3 The existing environment includes permitted activities that can be established as of right, any existing lawfully established activities and any granted but unimplemented Resource Consent.
- 3.4 It is agreed that the Resource Consent has not lapsed and therefore it is considered relevant in terms of a permitted baseline. However upon investigation, the Resource Consent covers two sites. One of these sites is no longer the focus of the Resource Consent and as such it is believed that a variation to the consent will be required to fulfil the conditions of the original Resource Consent. This however does not mean that the consent has currently lapsed rather that in order to fulfil the conditions of the original consent these will need to be varied through section 127 of the RMA.

Operative Kaipara District Plan 2013

- 3.5 In the absence of a Resource Consent the Residential Zone rules would currently apply to the site. Rule 13.10.4 indicates that a commercial activity can establish on the site. The scale and intensity of a commercial activity that could establish as a permitted activity on the site would be largely controlled by traffic movements, height of buildings and impermeable surfaces thresholds contained in other rules within Chapter 13 – the Residential Chapter, of the District Plan. Consideration of the District Plan Objectives and Outcomes can be found in Section 7 of this report.

Mangawhai Structure Plan

3.6 In 2005 the Mangawhai Structure Plan was adopted by Council, in recognition of the prospect of significant development occurring in the area. The Structure Plan has no status in terms of the documents required to be considered under the RMA, however it can be considered as another matter. It should also be noted that through the last District Plan review elements of the Structure Plan were incorporated into the Kaipara Operative District Plan. This includes Chapter 3A and the non-compulsory Mangawhai Design Guidelines in Appendix 25A of the District Plan. The Plan Change seeks to make Appendix 25A an assessment consideration through the introduction of Rule 14.10.30.

3.7 The District Plan states 'Section 4.1.1 Mangawhai Harbour States 'The Mangawhai Structure Plan was adopted by the Council in 2005. It identified in general terms natural features and values that warrant specific protection, these include:

- *Coastal dune systems and coastal edge;*
- *Estuarine wetland and saltmarsh systems;*
- *Terrestrial wetland systems and associated riparian corridors;*
- *Significant areas of contiguous bush remnants and regenerating bush shrubland areas;*
- *Visually prominent ridgelines;*
- *Significant wildlife habitats and corridors; and*
- *The Brynderwyn Range.*

3.8 *While growth and further subdivision, including rural-residential development, is expected in the Mangawhai Harbour Overlay Council is also seeking that as an outcome of this growth, these natural values are mapped and appropriately protected and/or enhanced.*

Since adoption of the Structure Plan a number of rural-residential subdivisions and other developments have been approved, several of which have resulted in significant protection and enhancement of 'valued natural environments'. The Council supports such initiatives.'

Mangawhai Town Plan

3.9 Due to growth within the Mangawhai catchment Council decided to look at how Mangawhai was developing and how growth could be better managed. The Mangawhai Town Plan is a Council project that is currently being undertaken. At this time there are no documents completed that have any status when considering this Proposed Plan Change.

4 Description of the Subject Site and Immediate Environment

Introduction

4.1 The subject site is located on the corner of Molesworth, Estuary and Norfolk Drives in Mangawhai. The site is directly opposite the Mangawhai Museum within the Mangawhai Community Park. In terms of site address, the site location has been referred to as number 68 Molesworth Drive which according to Council records is not the correct address, therefore, for the purposes of this report, all reference to 'the site' locality will mean the legal description, being Lot 1 DP 341981.

Physical features of site and locality

- 4.2 The site is situated between two other developed commercial areas. These two areas are known as the Mangawhai Village and Wood Street commercial areas.
- 4.3 The site is approximately 7,863m² and is predominately in pasture (grass) with some stockpiles of soil onsite. There is some minor vegetation located around the boundary of the site adjoining Molesworth Drive.
- 4.4 The site has a disused wastewater treatment tank (septic tank) which has been cleaned and decommissioned. The wastewater disposal field that was on site has had its dripper lines removed.
- 4.5 The subject site could be considered to be generally rectangular in shape with one of the longer sides facing Molesworth Drive and is on a gently sloping hill going down towards the Mangawhai Harbour/Estuary. No formal access has been created for the site although it could be gained off either Molesworth Drive or Estuary Drive.

Zoning, subdivisions and land uses in immediate locality

- 4.6 The site is currently zoned Residential under the Kaipara District Plan 2013. The District Plan shows that there are no special features on the site apart from the Mangawhai Harbour Overlay. The site is also located within the Coastal Environment under the Regional Policy Statement (RPS) dated 09 May 2016, as shown in map sheet 87 of the RPS.
- All the land located immediately next to the site, and the area on the same side of Molesworth Drive, has been subdivided into residential properties and developed to contain residential buildings on these sites.
 - On the direct opposite side of Molesworth Drive, as mentioned above, is the Mangawhai Park on which the Mangawhai Museum is located. Larger residential properties are located diagonally opposite the site on the south corner of Molesworth Drive and Thelma Road South.
 - There is also a land use Resource Consent for a camp for 300 people including four new accommodation blocks, one communal block and associated car parking along Estuary Drive (117 Estuary Drive).

5 Statutory Framework for Plan Changes

Procedural issues

5.1 The Resource Management Act 1991 (RMA) is the legislation governing procedures and statutory considerations associated with the lodgement, assessment and determination of Private Plan Change requests. On 28 June 2016 Council formally resolved to 'accept' North City Developments Plan Change request and not adopt it as a Council-initiated Plan Change. This enabled the Plan Change to proceed to notification as a 'Private Plan Change'.

5.2 In terms of clause 29 of First Schedule of the RMA it was determined that the Private Plan Change would be progressed in accordance with the process and timeframes set out in the First Schedule of the RMA. The First Schedule process under the RMA relates to public notification of the Plan Change application, submissions, undertaking a summary of submissions, the calling for further submissions and any resolution of disputes through pre-Hearing meetings (if needed), and conducting a Hearing.

5.3 Relevant Part 2 Schedule 1 provisions:

In broad terms Part 2 of the First Schedule of the RMA outlines how Plan Change requests are to be handled and the considerations Council must make within certain timeframes in respect to Plan Change requests.

- Clause 21 - enables 'any person' to request a change to the District Plan.
- Clause 22 - stipulates the required form of request (including the purpose and reasons for the Plan Change, a section 32 evaluation and a description of effects).
- Clause 23 - relates to local authority further information requests.
- Clause 25 - outlines timeframes associated with the receipt of a Plan Change request and the alternative methods of dealing with the request by a local authority (i.e. to adopt in part or whole by the local authority as if it were its own Plan Change, or accept the request in whole or part, and proceed to notification, or treat the request as an application for Resource Consent).
- Clause 25 - also outlines the grounds on which the Plan Change may be refused by Council for going through the First Schedule process.
- Clause 29 - sets out procedures applying to submissions, attendance at Hearings and appeal rights.

A Decision on Private Plan Change

5.4 A local authority is required to make a decision under delegated authority on the provisions and matters raised in submissions to a Plan Change (Clause 10, Schedule 1). A decision must include reasons for acceptance or rejection of submissions and may also address submissions in groups and include consequential alterations to the Plan Change and any other relevant matter arising from submissions. A local authority may either decline, approve or approve with modifications a Private Plan Change and give reasons for its decision. (Clause 29(4), Schedule 1 of the RMA).

Statutory Consideration of Plan Changes in terms of 74, 31, 75 and 32 of the RMA.

- 5.5 Section 74(1) requires that a territorial authority prepare and change its plan in accordance with:
- its functions under s31 of the RMA;
 - the provisions of Part 2 of the RMA;
 - its duty under s32 of the RMA; and
 - any regulations.
- 5.6 Section 74(2) requires that in addition to the requirements of s75(3) and (4), a territorial authority shall have regard to the following matters of relevance to this Plan Change:
- any proposed regional policy statement or proposed regional plan;
 - any management plans and strategies prepared under other Acts; and
 - relevant entries in the Historic Places Register.
- 5.7 Councils must **not** have regard to *trade competition or the effects of trade competition* in terms of s74(3) and Schedule 1 clause 29(1B). Trade competition is not seen as an issue for this application, although the status of individual submitters is a matter for determination and consideration by the Hearing Panel.
- 5.8 Section 31 specifies the functions of territorial authorities including;
- the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district, (including for the purposes of avoidance or mitigation of natural hazards and the maintenance of indigenous biological diversity); and
 - the control of effects of use, development or protection of land, including noise and control of subdivision.
- 5.9 Section 75 states what District Plans must state (s75(1)) and what they may state (s75(2)). It also outlines that a District Plan must give effect to (s75 (3)):
- (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (c) any regional policy statement.
- and what a district plan must not be inconsistent with (s754)):
- (a) a water conservation order; or
 - (b) a regional plan for any matter specified in s30(1).
- 5.10 Submission evaluation processes are required to examine the appropriateness of each objective in achieving the statutory purpose of the Act, and the efficiency and effectiveness of policies, rules or other methods in achieving these objectives. Section 32 requires an evaluation of alternatives, benefits and costs undertaken by an applicant (in the case of Private Plan Changes) prior to public notification, and a further evaluation by the local authority before making a decision on the Plan Change. A Section 32 Evaluation is also required for any Council-initiated Plan Changes to set out the issues and options early in the Plan Change process. An Analysis in terms of Section 32 requirements is included in Section 8 of this report.

6 Part 2 of the RMA

6.1 Any Plan Change must be assessed in terms of Part 2 of the RMA (*Purpose and Principles*), including:

- Determining whether the Plan Change achieves the **sustainable management of natural and physical resources** within the purpose of the RMA (s5);
- Recognise and provide for **matters of national importance** under the RMA (s6);
- Having regard to **‘other matters’** listed at s7 of the RMA;
- Taking into account the principles of the Treaty of Waitangi (s8);
- An analysis of the necessity, effectiveness and efficiency of, and alternatives to, the proposed change (s32).

6.2 The applicant addresses relevant sections of the RMA in section 8 on pages 31-36 of the application. The Section 32 Report identifies where s6, s7 and s8 matters are identified and considered. Below is an overview of these sections and how they relate to the application;

- Section 6(a), (b) and (c) concerning the preservation of the natural character of the coastal environment, outstanding natural features and landscapes, and protection of significant indigenous vegetation and significant habitats of indigenous fauna. There is nothing onsite that has been identified as a matter of national importance;
- Section 7 matters relating to the maintenance of the environment, the protection and enhancement of amenity and the finite characteristics of resources.

Additional provisions are being proposed in respect to urban design principles through a Resource Consent process. It is considered that the landscape and amenity values of the surrounding area, which is predominantly residential can be maintained; and

- Sections 6(e), 6(g), 7(a) and 7(aa) relating to the relationship between Maori and the area’s natural resources. Consultation with Te Uri o Hau has indicated that there are no cultural issues in relation to the proposal. However the site is close to the Mangawhai Estuary, and the overlay of site’s significant to Maori, which borders the Estuary. There are no heritage features of significance on the site. The protection of customary rights is not an issue.

Purpose of the Resource Management Act

6.3 Section 5 sets out the overall purpose of the Act:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

(c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6.4 Analysis: To establish whether the proposal promotes sustainable management of natural and physical resources, it is necessary to assess the extent to which the proposal addresses the needs of the community (including its social, economic and cultural well-being needs) in relation to these resources and the extent to which it avoids, remedies or mitigates adverse effects on the environment. Where effects on the environment are anticipated, clause 22(2) of the First Schedule to the RMA requires that those effects be described in a Plan Change request, taking into account Schedule 4 provisions.

6.5 Section 8.1.1 on page 31 of the application outlines the proposal in relation to s5 RMA and is in general agreement with the following statement, *'The development will be managed in such a way and at a rate that the community can provide for its future social and economic well-being.'*

Effects on the Environment

6.6 Under Part 2 of the First Schedule Section 22(2) and Clause 6 and 7 of Schedule 4 of the RMA an assessment of environmental effects is to be included in the application.

6.7 The Plan Change request addresses environmental effects and mitigation measures under eleven (11) headings, summarised below:

- **Infrastructure**

- Geotechnical – A report was included in the Appendix 10 of the application and concludes that the site is suitable for commercial development provided that certain recommendations are followed. These recommendations can be found on pages 20 and 21 of the application. A review of the geotechnical report in relation to stormwater was undertaken by Council and concluded that *'the Plan Change will not have any effects on the found stability and/or other geotechnical aspects with respect to changes in stormwater flows and the preliminary and secondary flow paths'*. Attachment 2 contains additional information from the applicant regarding stormwater flows and Attachment 3 contains the peer review of the stormwater assessment provided with the application and the additional information supplied. It is considered that the effects will be minor if managed appropriately during the design stage in accordance with the recommendations of the report.
- Wastewater – EcoCare now in place and consultation with Council has confirmed that the infrastructure is in place to adequately service the site in terms of capacity for additional connections. This confirmation can be seen in Appendix 11 of the application. In terms of trade waste this can be addressed and managed through Council's Wastewater Drainage Bylaw.
- Stormwater – The application includes a stormwater assessment report as Appendix 13. It concludes that stormwater can be adequately designed to ensure that post development flows are the same or less than pre-development flows and that the site is suitable for commercial development provided that certain recommendations are followed. Council has had this report peer reviewed with the conclusion that *'the information submitted to date by*

the applicant does not fully address some of the concerns highlighted in response s1 to 5 above [these responses are those in Attachment 2 of this report]. However, all of these issues can be resolved and be managed at the development stage of the site if conditions of Plan Change as recommended above are enforced, therefore the stormwater issues in the area should not prevent the Plan Change. Attachment 2 contains additional information from the applicant regarding stormwater flows and Attachment 3 contains the peer review of the stormwater assessment provided with the application and the additional information supplied.

- Traffic – A traffic assessment was included in the application as Appendix 14. This states that “overall, it is concluded that work that might be required as a condition of future development enabled by the Proposed Plan Change, can be carried out without encroaching on private land that is not owned or controlled by the applicant. As such, there are no traffic related impediments to the proposal”
- Council undertook a peer review of the traffic assessment and concluded that ‘there are no traffic issues that preclude the proposed zoning change. It would be prudent for an area of land to be protected for future intersection upgrading and land should be set aside for a future footpath on the southern side of Molesworth drive adjacent to the site.’ Attachment 4 contains the peer review of the traffic assessment provided with the application.
- Water Supply – There is no reticulated water supply available for the subject site. It is agreed that water supply in terms of amount, location and type of supply can be determined at land use or building consent stage to be consistent with the development that occurs. It is considered that the site is of sufficient size to ensure an adequate supply can be obtained.
- Water Supply for Firefighting Purposes (page 24 of the application) – The provisions for water for firefighting are based on the activity rather than the zoning. So regardless of where commercial activities are established, the same amount of water will be required. The New Zealand Fire Service has indicated in Appendix 15 of the application that they have no issues with the rezoning. Water for firefighting purposes will need to be addressed at the time of building consent.
- **Social/Economic/Cultural effects** (page 24 of the application)
 - Economic Effects – The application is supported by an Economic Impact Assessment dated May 2015 and prepared by ME Spatial. This is contained in Appendix 8 of the application. It is agreed that the Kaipara District Plan has not made provisions for future Commercial areas within the Mangawhai area at the time the current District Plan was being reviewed. The District Plan review process did not undertake any significant rezoning and instead encouraged Private Plan Changes. Chapters 3 and 3A of the District Plan are an important part of providing context and guidance on this approach.
 - Cultural Effects (s6.2.2 Pages 23-24 of the application) – consideration has been given to the Te Uri o Hau Environmental Planning document ‘Te Uri o Hau Kaitiakitanga o Te Taiao’. In addition consultation has been undertaken with Te Uri o Hau by the applicant.

- Landscape Amenity and Visual Effects (s6.2.3, pages 26-27 of the application) – Given the site is currently undeveloped it will mean that whatever is established on the site, whether it be residential or commercial, will change the site's amenity and have visual effects on the surrounding environment. In considering the degree to which the Proposed Plan Change may have on the amenity and visual effects on the site and surrounding environment. This needs to be considered in relation to what is currently onsite. In particular the scale and intensity of the built environment that may occur onsite should the Plan Change be approved. It is agreed that landscaping, if done to an appropriate standard, could enhance the area and enhance any development. It should be recognised that the Mangawhai Museum could be considered a dominant building within the immediate wider environment adjacent to the subject site. The Museum also has a commercial element associated with its activities established under RM 080152.
- Noise (s6.2.4 page 26) – Supporting information was included in Appendix 18 of the application. Given that the noise threshold in the District Plan for both Commercial and Residential are similar performance in terms of the Plan Change is not relevant. However there is a variance in the Residential and Commercial noise rules for Sunday with a lower level of noise for the Residential Zone. Any deliveries as a result of a commercial activity establishing may need further controls, such as delivery times on a Sunday.
- Reverse Sensitivity (s6.2.5 pages 27-28 of the application) – The application outlines the key reverse sensitivity issues that have been identified. Additional information in the form of height in relation to boundary parameters for buildings under the proposed rules has been included in Attachment 5. It is considered that the proposed building height restriction within 20m of the boundary is sufficient to address any shading issues created by a building of the proposed maximum height. There is also proposed planting along the boundary of residential properties which would help screen the residential properties from Commercial activities. Noise has been addressed above. Lighting has the same thresholds in both the Residential and Commercial Zones so a change in zoning would be subject to the same requirements. Building set-backs in the Commercial Zone are also greater where they adjoining the Residential Zone, in this case there is a 5m setback as opposed to a 3m setback that would apply in the Residential Zone.

6.8 Overall it is considered that the effects have been adequately identified and addressed through the proposed changes to Rule 14.10.5 and the introduction of Rule 14.10.30 as shown in Appendix 1 of the Plan Change Application.

Section 6 Matters of national importance

6.9 Section 6 lists matters of national importance to be recognised and provided for by all persons exercising functions and powers under the Act:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*

- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *The protection of historic heritage from inappropriate subdivision, use and development;*
- (g) *The protection of recognised customary activities.”*

Analysis

- 6.10. The sites coastal environment values are already compromised by zoning, land use and subdivision with the proposed development in accordance with the commercial zoning being considered to be consistent with the surrounding built up area. [S6(a&d)]
- 6.11 Chapter 18 of the District Plan addresses outstanding natural landscapes. Lot 1 DP 341981 (the subject site) is not listed as being an outstanding natural landscape [S6(b)].
- 6.12 There is no significant indigenous vegetation or significant habitats of indigenous fauna on the site [S6(c)].
- 6.13 The potential for public access to and along the coastal marine area will not be compromised [S6(d)].
- 6.14 The applicant submitted correspondence from Te Uri o Hau that states that they have "*no issues in respect to the Private Plan Change at this stage.*" However, Te Uri o Hau has also stated that they would like to be involved when the applicants propose to process their application for Resource Consents and to be involved in any discussions in respect to decommissioning the underground wastewater treatment infrastructure. Additional assessment criteria in proposed Rule 14.10.30 would ensure that this is considered at the time of development and are included in the recommendation.
- 6.15 The Plan Change area is outside of the 'areas of significance to Maori' that are shown on Planning Maps 17, 55 and 56 (Map Series Two). The Plan Change does not seek to amend the area of significance to Maori. Chapter 5 "Tangata Whenua Strategy" will not be changed or be of significance to the Plan Change. [S6(e), 7(a)&8]
- 6.16 Protection of historic heritage: There are no known archaeological sites nor are there any items of heritage significance located on the Proposed Plan Change site, [S6(f)].
- 6.17 Protection of protected customary rights: The proposal does not seek to amend customary rights. [S6(g)]
- 6.18 Section 8.1.2 on page 32 of the application contains an assessment against s6 RMA and is in general accordance with the assessment above.

Section 7 Other matters

6.19 Section 7 lists ten (10) additional matters that all persons exercising functions and powers under the Act **shall have particular regard to**, in relation to managing the use, development, and protection of natural and physical resources:

- (a) *Kaitiakitanga*;
- (aa) *The ethic of stewardship*;
- (b) *The efficient use and development of natural and physical resources*;
- (ba) *The efficiency of the end use of energy*;
- (c) *The maintenance and enhancement of amenity values*;
- (d) *Intrinsic value of ecosystems*;
- (e) *Repealed*;
- (f) *Maintenance and enhancement of the quality of the environment*;
- (g) *Any finite characteristics of natural and physical resources*;
- (h) *The protection of the habitat of trout and salmon*;
- (i) *The effects of climate change*;
- (j) *The benefits to be derived from the use of renewable energy.*

6.20 The concept of kaitiakitanga and the ethic of stewardship together with the principles of the Treaty of Waitangi are addressed in the application in consultation with tangata whenua. The outcome of the consultation was that tangata whenua had no issues with the Plan Change, however wanted to be involved should the onsite wastewater system be removed. [S7(a)&7(aa)]

6.21 It is considered that the proposed rezoning is an efficient use of natural resources given that the subject site and surrounding environment are already modified and that changing to commercial use could better provide for current and future residents economic and social well-being of the community. [S7(b)]. The application seeks the imposition of design guidelines within the District Plan for future development onsite.

This should help mitigate any potential effects and ensure that a high quality of development occurs on the site, and will protect any surrounding natural character of the coast and of the adjacent reserves.

6.22 In considering the amenity effects on the surrounding environment, as there is currently no development onsite (bare land) there is anticipated to be a potential increase in amenity values on the surrounding land use activities (residential activities). This is due to the proposed Development Guidelines that will be used when development occurs. [S7(c)].

6.23 The application includes additional provisions with respect to urban design principles that will be required through a Resource Consent process. The new Rule 14.10.30 will require a Restricted Discretionary Resource Consent at minimum for any development onsite. The application seeks to:

- Maintain or enhance the landscape and amenity values of the site and surrounding environment:

- This is to be achieved by including an eight (8) metre height restriction to be put in place up to 20m setback from boundaries directly adjoining the Residential Zone. The height restrictions will limit any effect from shading as shown in the diagram in Attachment 5 of this report; and
 - A 2.5m amenity planting strip along these same boundaries. This will provide a visual buffer between the commercial site and residential site; and
 - The proposal also seeks to incorporate Crime Prevention through Environmental Design (CPTED) principles. This will allow for open surveillance of the site when development has occurred and mitigate any potential for additional crime to occur as the result of any development.
- 6.24 In respect of s7(d) Council's Engineers have stated in their peer review report for stormwater (refer to Attachment 3 that *'the Plan Change will not have any effects on the found stability and/or other geotechnical aspects with respects to changes in stormwater flows and the preliminary and secondary flow paths'*; and
- 'the information submitted to date by the applicant does not fully address some of the concerns highlighted in response s1 to s5 above. However, all of these issues can be resolved and be managed at the development stage of the site if conditions of Plan Change as recommended above are enforced, therefore the stormwater issues in the area should not prevent the Plan Change.'* Attachment 2 contains additional information from the applicant regarding stormwater flows and Attachment 3 contains the peer review of the stormwater assessment provided with the application and the additional information supplied.
- 6.25 In respect of the above comment in 6.22, it is considered that the existing ecosystems of the Mangawhai Harbour will not be adversely affected due to stormwater which can be addressed through a detailed design at the development stage.
- 6.26 In respect of wastewater, the application has a written response from Council determining that connection to EcoCare (Mangawhai wastewater system) is possible, refer to Appendix 11 of the application [S7(d)].
- 6.27 In respect of potential flood hazards, the Northland Regional Council online maps do not show the site as being subject to a 100 year inundation flood zone or within the coastal erosion hazard zone. Section **7(f)** in respect of climate change and the effects of climate change such as sea level rise the site does not appear to be affected.
- 6.28 In respect of specific finite characteristics of natural and physical resources it is considered that there are none on the site. The site has no development on it and is planted in grass. [S7(g)]
- 6.29 It is not considered that **S7(ba)**, **s7(h)** and **s7(j)** are relevant to this proposal. These sections relate to the efficient end use of energy; the protection of habitat of trout and salmon and the benefits derived from the use and development of renewable energy.
- 6.30 Taking into account the above factors it is concluded that the proposal has had regard to the relevant considerations of S7 of the RMA.

6.31 The body of the report contains various sections that address the above matters in further detail
- Part 2 of the RMA; being Geotechnical Iwi and Community Input; Social / Economic/ Cultural Effects; Stormwater and Effluent Disposal.

Section 8 Treaty of Waitangi

6.32 Section 8 states: *‘In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).’*

6.33 Council’s statutory Section 8 obligations are outlined in the District Plan Chapter 5 Tangata Whenua Strategy which notes that the Treaty Principles reflect the underlying importance of the Treaty of Waitangi as being the guiding document in the relationship between Maori and the Crown.

6.34 Objectives of relevance within the District Plan include:

- 5.5.1 To involve Tangata Whenua as partners in policy development and implementation and decision-making under the District Plan.
- 5.5.2 To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.

6.35 Additional related matters of national importance in Section 6 of the RMA include:

- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *The protection of historic heritage from inappropriate subdivision, use and development;*
- (g) *The protection of recognised customary activities.”*

6.36 It is noted in Appendix 16 of the application that Te Uri o Hau has no immediate concerns regarding the zone change and has been consulted with during the Private Plan Change development.

6.37 Based on the above considerations, it is concluded that regard has been given to Treaty of Waitangi principles as required by s8 of the RMA.

7 Policy Framework

7.1 The District Plan forms part of a statutory hierarchy incorporating the New Zealand Coastal Policy Statement (2010), National Environmental Standards ('NES'), the Regional Policy Statement for Northland (RPS), Regional Plans, and Structure Plans. The policy documents and plans require differing levels of consideration. A summary of the relevant policy documents follows.

National Policy Statements

7.2 Section 55 of the RMA requires local authorities to amend their district plans to give effect to the objectives and policies of national policy statements. Examples of national policy statements to have taken effect over recent years include National Policy Statements on Electricity Transmission, Renewable Electricity Generation and Indigenous Biodiversity, and the New Zealand Coastal Policy Statement (2010).

New Zealand Coastal Policy Statement 2010

7.3 The New Zealand Coastal Policy Statement 2010 ('NZCPS') which became operative on 03 December 2010 takes a spatial approach to planning for coastal development, directing councils to identify areas within the coastal environment that are '*appropriate*' or '*inappropriate*' for development in order to protect outstanding landscapes, important habitats or areas with high biodiversity values, or to avoid areas subject to natural hazards. The NZCPS (2010) does not preclude use and development in appropriate places and appropriate forms and within appropriate limits and it seeks to consolidate existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement.

7.4 The NZCPS (2010) contains seven (7) objectives relating to:

1. Safeguarding and sustaining the coastal environment.
2. Preserving natural character and protecting natural features and landscapes.
3. Taking into account the principles of the Treaty of Waitangi and recognising tangata whenua.
4. Maintaining and enhancing public open space qualities and recreation opportunities.
5. Managing coastal hazard risks.
6. Enabling people and communities to provide for their social, economic, and cultural well-being through subdivision, use and development in the coastal environment.
7. Ensuring management of the coastal environment provides for New Zealand's international obligations.

7.5 The application identified the following NZCPS policies as of relevance to PPC3:

- The Treaty of Waitangi, tangata whenua and Maori heritage (*Policy 2*);
- Activities in the coastal environment, including the importance of infrastructure, energy and mineral extraction; encouragement for consolidation of existing coastal settlements, recognition of tangata whenua needs and built development considerations (*Policy 6*);
- Strategic planning with regards to providing future urban developments and identifying where such activities would be inappropriate (*Policy 7*);

- Preservation and protection of natural character (including clarification of components of 'natural character') (*Policy 13*);
- Promotion of restoration or rehabilitation of natural character through a range of approaches (*Policy 14*)

7.6 In addition to those policies identified by the applicant it is considered that Policies 1, 4, 24, 25, 26, and 27 are also relevant as follows:

- The extent and characteristics of the coastal environment (*Policy 1*);
- Integrated management of natural and physical resources (*Policy 4*);
- Identification of areas potentially affected by coastal hazards (including tsunami), giving priority to 'areas at high risk' (>100 years), based on listed assessment criteria (*Policy 24*);
- Provisions relating to subdivision, use and development in areas potentially affected by coastal hazards over at least the next 100 years, including avoidance of risk, avoidance of redevelopment or change of use; redevelopment (including managed retreat by removal or relocation); alternatives to hard protection structures and consideration of potential effects of tsunami and how to avoid or mitigate them (*Policy 25*);
- Natural defences against coastal hazards – includes natural defences such as estuaries, intertidal areas and coastal vegetation and to provide for their appropriate protection, restoration and enhancement (*Policy 26*);
- Strategies for protecting significant existing development from Coastal hazard risk (*Policy 27*).

7.7 The PPC3 application confirms that all objectives and policies of the NZCPS were considered. In assessing the NZCPS (2010) objectives and policies, the Section 32 Report outlines how the proposal fits with each of the identified Policies (being policies 2, 7, 13, and 14) .

7.8 It is considered that although the subject site is located in the Coastal Environment as identified by the Northland Regional Council in the Regional Policy Statement, the subject site and surrounding environment have been modified so that little natural character is left.

National Environmental Standards

7.9 National Environmental Standards are regulations issued under the RMA that prescribe technical standards, methods and other requirements for environmental matters. Under s74 local and regional councils must enforce these standards (or if the standards allow, councils can enforce stricter standards). This is to ensure that consistent minimum standards are maintained throughout New Zealand. Standards on the following issues are currently in force as regulations:

- Air quality standards;
- Sources of human drinking water standard;
- Telecommunications facilities;
- Electricity transmission;
- Assessing and managing contaminants in soil to protect human health.

7.10 There are two historical activities on the site that are included on the Hazardous Activities and Industries List (HAIL). One, there was a waste disposal to land and waste recycling, or wastewater treatment. Two, there was an old wastewater treatment plant including an effluent disposal field.

Therefore a preliminary environmental site investigation was undertaken of the site. This can be viewed in Appendix 19 of the application.

- 7.11 The preliminary environmental site investigation recommended that ‘the application to change the land use zone is approved as a Permitted Activity, according to NES Rule 8(4)’ and ‘that future development of the site can be undertaken as long as NES Rule 8(3) is met. If the volume of spoil exceeds the Permitted Activity criteria, the activity will require a consent as a controlled activity under Rule 9 of the NES’.

Northland Regional Policy Statement / Proposed Regional Policy Statement (PRPS)

- 7.12 Under the RMA Council is required to give effect to the Northland Regional Policy Statement. The Regional Policy Statement was made operative on 09 May 2016 the day before PPC3 was formally received by Council and adopted by Council to go through the First Schedule RMA process. The application identifies and assesses **Chapters 22, 25 and 26**. These chapters relate to Coastal Management, Waste Management and Hazardous Substances respectively. These are based on the previous Regional Policy Statement and are no longer considered to be of relevance. The new Regional Policy Statement for Northland (RPS) became operative on 09 May 2016 prior to the application being adopted by Council and consulted on. The following is an analysis that has been undertaken in terms of the new Regional Policy Statement.
- 7.13 The Plan Change application outlines two Objectives that were in the Draft Regional Policy Statement these were Objective 3.5 Enabling economic well-being and Objective 3.6 Economic activities – Reverse sensitivity and Sterilisation. These have the same wording in the Draft as in the Operative Regional Policy Statement.
- 7.14 In addition to the two Objectives in the Regional Policy Statement it is considered the following objectives are also relevant:
- *Objective 3.11 Regional Form;*
 - *Objective 3.14 Natural Character, outstanding natural features, outstanding natural landscapes and historic heritage.*
- 7.15 Policies within the Regional Policy Statement requiring consideration include:
- *4.4.1 Maintaining and protecting significant ecological areas and habitats p67 of the RPS;*
 - *4.6.1 Managing effects on the natural characteristics and qualities natural character, natural features and landscapes of the RPS;*
 - *5.1.1 Planned and co-ordinated development p89 of the RPS - Note: this refers to the Regional Form and Development Guidelines in Appendix 2 of the RPS;*
 - *5.1.2 Development in the coastal environment p91 of the RPS - Note: this is a policy that gives effect to Policies 4,6,7 and 16 of the NZCPS;*
 - *5.13 Avoiding the adverse effects of new uses and development p92 of the RPS;*
 - *7.1.2 New subdivision and land use within 10-year and 100-year flood hazard areas p116 of the RPS;*
 - *7.1.6 Climate change and development p121 of the RPS;*

- 7.16 Given the modified environment it is considered that regional form is particularly important interims of development of the urban area within Mangawhai. Policy 5.1.1 is of particular relevance, this states '*Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which: (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*'. This is given effect to by Method 5.15(1)(c) of the RPS which states '*The regional and district councils shall: Give effect to Policy 5.1.1(b) when changing, varying, or replacing regional or district plans;*';
- It is considered that by giving effect to the Mangawhai Design Guidelines in Appendix 25A of the District Plan, that the Regional Urban Design Guidelines are being meet.

Regional Plans

- 7.17 Regional Plans for Northland developed under the RMA include the Regional Water and Soil Plan, the Air Quality Plan and the Northland Regional Coastal Plan 2004 with the latter covering the region's 'coastal marine area'. This represents the area from mean high water springs (MHWS) to the 12 nautical mile limit of New Zealand's territorial seas. Subdivision and development on the landward side of the coastal environment is managed by the respective Operative District Plans however must not be inconsistent with the Regional Coastal Plan regarding the maintenance and enhancement of water quality and ecosystems in water bodies and coastal waters.

Iwi and Hapu Management Plans

- 7.18 Section 74(2A) requires councils to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.
- 7.19 The application refers to the one relevant Iwi Management Plan prepared for the area, Te Uri o Hau Kaitiakitanga o Te Taiao, (Te Uri o Hau Settlement Trust Environs Holdings- Environmental Management Plan 2007), the role of the plan is in 'knowledge sharing' with Council and in the provision of guidelines relating to the use of natural resources. The consultation process between the applicant and Te Uri o Hau is summarised in Section 7.1 and Section 7.2 on Pages 29-30, of the application and a response from Iwi is shown in Appendix 16 of the application.

Kaipara District Plan - Higher Order Anticipated Environmental Results (AERs) relevant to PPC3

- 7.20 The information supporting the application includes an assessment of the Objectives, Policies and Outcomes and Structure Plan considerations within Chapter 3, of the District Plan. Also the relevant Objective (3A.4.2) and Policy (3A.5.1) and outcomes (3A.7.2, 3A.7.3, 3A .7.5, 3A7.6, 3A.7.7 and 3A.7.8) for Chapter 3A of the District Plan. Issues, Objectives and Policies of the Business: Industrial and Commercial Chapter (Chapter 14) are also included.
- 7.21 Chapter 3 of the District Plan sets out the overall Land Use and Development Strategy for the Kaipara District and while it contains no rules it contains Objectives and Policies to consider when undertaking a Private Plan Change.

7.22 Chapters 3A, 13 and 14 Objectives and Policies are also considered to be relevant. Chapter 3A of the District Plan relate to growth Areas, which Mangawhai is recognised as such an area. Chapter 13 relates to the Residential Zone and Chapter 14 relates to the Business: Industrial and Commercial Zone. Chapters 3 and 3A are overarching (i.e. applying regardless of site-specific zoning) chapters applicable to the entire Kaipara district and it is agreed that these Chapters are of relevance to this Proposed Plan Change.

District Plan Objectives and Outcomes

7.23. The application considers the Objectives, Policies and Outcomes for Chapter 3 of the District Plan. In terms of the District Plan Objectives and Outcomes it considered that the following objectives and outcomes could be achieved as a result of the Plan Change:

Chapter 2: District Wide Resource Management Issues

7.24 **Chapter 2** is intended to provide an overview of district-wide issues and the general management responses that are addressed through a number of different Zones and other Chapters of the District Plan. This chapter includes District Wide Issues, Objects, Polices and Outcomes. The Objectives and Outcomes considered to be relevant to the Proposed Plan Change are:

7.25 2.4 District-wide Objectives

- **2.4.1** To maintain and enhance opportunities for sustainable resource use, to enable economic development and growth.
- **2.4.2** To involve Tangata Whenua as partners in policy development and implementation and decision-making under the District Plan.
- **2.4.3** To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.
- **2.4.4** To recognise and protect from inappropriate use and development those environments of the district which are the most sensitive to land use and development and which significantly contribute to the district's, region's and/or nation's identity.
- **2.4.5** To recognise and enhance the amenity and character of the district, while providing for sustainable resource use.
- **2.4.7** To provide certainty to the community by identifying those areas of the district where the effects of particular land uses are considered sustainable.
- **2.4.8** To provide guidance on areas for long term growth and land use change while recognising the limited resources of Council.
- **2.4.10** To take a precautionary approach to managing hazards and their potential effects on communities and the natural environment.

7.26 2.7 Outcomes

- **2.7.1** A sustainable and well-functioning economy that provides for the social and economic well-being of the community.
- **2.7.2** Active partnership with Tangata Whenua in policy development and implementation, and in decision-making.

- **2.7.3** The relationship of Maori, including their culture and traditions, with their ancestral land is recognised and provided for.
- **2.7.4** A natural environment that is enhanced, through better management of the effects of land uses.
- **2.7.5** The amenity, heritage, natural character and character of the district's unique communities and environments are appropriately protected, maintained and enhanced.
- **2.7.6** Specific sites of natural, landscape, cultural and heritage value are appropriately preserved, protected and enhanced.
- **2.7.7** A well functioning residential and business property market that is able to cater for and respond to demand without generating adverse effects on the environment.
- **2.7.9** Communities with greater resilience to natural and technological hazards.

7.27 In terms of the Proposed Plan Change the Objectives and Outcomes of Chapter 2 of the Kaipara District Plan are supported in that the Plan Change seeks to maintain and enhance opportunities for sustainable resource use, to enable economic development and growth. It is considered that further modification of the site would not be inappropriate in terms of the natural environment given the modified environment and surrounding development of the site. Effects from Wastewater and Stormwater can be adequately managed at development stage to protect sensitive receiving environments such as the Mangawhai Harbour or part of the district which could be sensitive to land use and development. Te Uri o Hau has been consulted on the Proposed Plan Change both before and after the application was lodged.

Chapter 3: Land Use and Development Strategy

7.28 **Chapter 3** This Chapter is intended to provide an overview of the district-wide Issues and general management responses to future land use and development demand in the district. This Chapter provides Objectives and Policies for Council to respond to growth and economic development opportunities.

The Outcomes sought for land use and development (how the objectives and policies are implemented) are to be achieved through land use and subdivision rules and performance standards in the Zone Chapters, through Part B and through future Structure Planning of the identified Growth Areas. The process that Council intends to use to implement future Structure Plans is demonstrated through the implementation of Chapter 3B, the Mangawhai Growth Area.

Chapter 3 includes the following Objectives and Outcomes that are considered relevant to the Proposed Plan Change:

7.29 3.4 Objectives

- **3.4.1** To encourage and establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Kaipara district and enable the community to provide for their social and economic well-being.
- **3.4.2** To minimise the ad hoc expansion of residential and business activities in the rural heartland, where such activities have the potential to give rise to adverse environmental effects and issues of reverse sensitivity.

- **3.4.3** To restrict growth of residential and business activities in inappropriate locations where such activities have the potential to give rise to adverse effects on sensitive receiving environments.
- **3.4.4** To ensure emissions, discharges and effects of residential and business development are managed so that adverse effects on the surrounding environment, including existing settlement areas, are comprehensively addressed.
- **3.4.5** To provide appropriate infrastructure and servicing in advance of or alongside future residential and business development.
- **3.4.6** To provide clear direction on the information, planning and management requirements considered to be required to enable future changes in land use within the identified development areas.
- **3.4.7** To minimise potential conflicts between natural and physical limitations, including hazards and future residential and business areas.
- **3.4.8** To provide adequate areas to accommodate future residential development which maximise the use of existing infrastructure.

7.30 **3.7 Outcomes**

- **3.7.1** Managed expansion of residential settlements.
- **3.7.2** Consolidation of settlements (rather than sporadic sprawl and ad hoc development) that avoids, remedies or mitigates adverse environmental effects.
- **3.7.3** Well-functioning residential and business markets that are able to cater for and respond to demand without generating adverse environmental effects, particularly effects from poor infrastructure supporting these land uses.
- **3.7.4** Progressive implementation of development areas, in line with growth demand and availability of Council resources, as part of both the current and future District Plans.
- **3.7.5** Private initiation of Plan Changes / comprehensive subdivisions (through Management Plans) within identified development areas, to realise individual economic and development opportunities.
- **3.7.6** Mangawhai is a key area of residential growth in the district.
- **3.7.7** Development of a contained residential and business area in Mangawhai.
- **3.7.8** The integration of land use and transportation planning.

7.31 The Objectives of Chapter 3 appear to promote both residential and business areas side by side. This suggests that there is a level of compatibility between the Residential Zones and Business Zones. This is further supported in the Residential Zone Rules where commercial activities can be established as a permitted activity and within the Commercial Zone rules where residential activities (dwellings in particular can also be established as a permitted activity). With this in mind the Plan Change is considered to be within keeping of these Objectives and Outcomes of the District Plan.

Chapter 3A: Mangawhai Growth Area

7.32 The Mangawhai Structure Plan was adopted by Council in January 2005 and provides a strategic framework to help guide decisions on development, infrastructure management and environmental matters for Mangawhai. This sub-Chapter summarises the methods to implement the Structure Plan and specifies the outcomes being sought through the District Plan.

7.33 Council will consider applications for Plan Changes, subdivision or land use consents for developments located in the Structure Plan Area of Mangawhai by assessing how the proposal contributes to delivering the Structure Plan's identified Outcomes, and whether the proposal is in accordance with the Mangawhai Design Guidelines. This sub-Chapter is intended to be read in conjunction with the Objectives and Policies of Chapter 3: Land Use and Development Strategy.

7.34 3A.4 Objectives

- **3A.4.1** To encourage residential development that complements the traditional and valued beach settlement character of Mangawhai and is consistent with the outcomes of the Mangawhai Structure Plan.
- **3A.4.2** To ensure provision of efficient infrastructure and roading network systems to provide for properly serviced and orderly development within Mangawhai.
- **3A.4.3** To consolidate and enhance the identity of the Wood Street business area as a commercial centre for Mangawhai.
- **3A.4.4** To protect existing, and require new, public open space and reserve connections in conjunction with development in the Mangawhai Structure Plan Area.
- **3A.4.5** To limit the scale and extent of light industrial development by appropriate zoning and traffic management and improve the quality of the industrial environment within Mangawhai.
- **3A.4.6** To ensure development of the Mangawhai Structure Plan Area is managed appropriately so as to ensure the protection of landscape elements, areas of ecological value, waterways and the enhancement of degraded areas of land within the Mangawhai Structure Plan Area.
- **3A.4.7** To retain and enhance the traditional village character, existing heritage features and strengthen and enhance connections between key destinations such as the Mangawhai hotel and heritage buildings within the Mangawhai Village.

7.35 3A.7 Outcomes

- **3A.7.1** Managed expansion of residential settlements is provided for within the Mangawhai Structure Plan Area.
- **3A.7.2** Consolidation of settlements rather than sporadic sprawl and ad hoc development, that avoids, remedies or mitigates adverse environmental effects.
- **3A.7.3** Well functioning residential and business markets that are able to cater for and respond to demand without generating adverse environmental effects, particularly effects from poor infrastructure supporting these land uses.
- **3A.7.4** Progressive implementation of development areas, in line with growth demand and availability of Council resources, as part of both the current and future District Plans.

- **3A.7.5** Private initiation of Plan Changes of or within identified development areas within Mangawhai, to realise individual economic and development opportunities.
- **3A.7.6** Recognition of Mangawhai as a key area of residential growth in the district.
- **3A.7.7** Development of a contained urban area in Mangawhai.
- **3A.7.8** Protected and enhanced areas of high ecological and landscape value in the Structure Plan Area.

7.36 The Objectives of Chapter 3A are largely silent on the development of commercial areas within the Mangawhai Area. The exception is that one of the objectives views the Wood Street business area as the key business area of Mangawhai. This is bearing in mind that since the Structure Plan was approved in 2005, Council has approved the Estuary Estates Private Plan Change, and incorporated this into the District Plan which allows for a more significant and planned commercial area. This site is yet to be developed. The Proposed Plan Change will not create sporadic sprawl as it is located within the confines of the existing Mangawhai urban environment and is supported in particular by Outcomes 3A.7.5 and 3A.7.7.

Chapter 4: Overlays

7.37 This Chapter is intended to provide an overall direction established by the District Plan for the Environment Overlays and identify how this will be implemented (the Methods) through the District Plan.

7.38 In this respect, the Chapter identifies significant resource management Issues and the Objectives, Policies and Methods employed by Council (through the District Plan and beyond) to address these issues.

7.39 The Chapter concludes on the Environmental Outcomes that are intended to be delivered by implementing the District Plan, with respect to values in the Environmental Overlay areas. It is noted that the Rules to give effect to the Objectives and Policies in this Section are provided in the Zone Chapters of the District Plan.

7.40 4.4 Objectives

In addition to the district-wide strategic objectives the following Objectives apply:

All Overlays

To promote the preservation, restoration, rehabilitation and enhancement 4.4.1 of the natural character of the coastal environment.

- **4.4.2** To enable subdivision, land use and development in the Overlays, where it recognises and provides for:
 - The protection of natural character; and
 - Maintenance or enhancement of the water quality of receiving environments; and
 - Maintenance or enhancement of amenity values; and
 - Any other specific values identified in an Overlay.
- **4.4.3** To maintain and enhance public access to and along the Coastal Marine Area in the Overlays.

- **4.4.4** To recognise the functional need for activities in the coastal environment and encourage greater integration of landward and maritime land use planning.

7.41 4.7 Outcomes

Overlays – All

- **4.7.1** The natural character values (including water quality of sensitive receiving environments) are protected and enhanced.
- **4.7.2** Appropriate use and development of natural and physical resources is enabled.
- **4.7.3** Public access to and along the coast and waterways is maintained and improved.

7.42 Mangawhai Harbour Overlay

- **4.7.11** Public access to the Coastal Marine Area of the Mangawhai Harbour and its valued waterways are enhanced where appropriate (given the sensitive ecological values in some areas).
- **4.7.12** Water quality in the Mangawhai Harbour and their valued rivers, lakes and wetlands will be improved through better management of the effects of land uses.
- **4.7.13** Those values that contribute to the visual amenity of the Mangawhai Harbour and its hinterland are maintained and enhanced.
- **4.7.14** Subdivision, use and development will occur in a manner that recognises the distinct and unique character and amenity values of the Mangawhai Harbour catchment and the built environment (e.g. areas of extensive natural vegetation, open spaces between buildings, and low density built form).
- **4.7.15** Appropriate subdivision, use and development of land within the Mangawhai Harbour Overlay is maintained, including agricultural uses, tourism, residential and rural-residential settlements.
- **4.7.16** The valued natural environments of land within the Mangawhai Harbour Overlay are enhanced.
- **4.7.17** Those values that contribute to amenity landscapes (e.g. areas of terrestrial and estuarine wetland vegetation, shrubland and remnant indigenous forest areas) are protected.

7.43 In terms of the Proposed Plan Change it is considered that development of the site with commercial activities will not compromise recognised natural character of the site as it has already been modified including the surrounding area. It will not affect access to the Coastal Marine Area. Issues associated with stormwater and wastewater that could affect sensitive receiving environments can be managed and addressed at the time of development when more specific activities are applied for.

7.44 Chapter 5: Tangata Whenua

5.5 Tangata Whenua Objectives

- **5.5.1** To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.
- **5.5.2** To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.

- **5.5.3** To recognise the different types of Maori Purpose Land that exist within the Kaipara district.

7.45 5.8 Outcomes

- **5.8.1** Active partnership with Tangata Whenua in policy development and in decision-making.
- **5.8.2** The relationship of Maori, including their culture and traditions, and relationships with ancestral lands is recognised and provided for.
- **5.8.3** Specific sites of cultural and heritage value for Maori are preserved, protected and enhanced.

7.46 The applicant engaged with Te Uri o Hau the recognised Iwi Authority for the Mangawhai area and provided Te Uri o Hau with an opportunity to comment on the Proposed Plan Change prior to lodgement with Council. Appendix 16 of the application confirms this. At the time of notification of the Proposed Plan Change Iwi were again notified and given the opportunity to put in a formal submission. No submission was received by Council.

7.47 Chapter 8 Hazardous Facilities and Contaminated Sites

This Chapter contains Issues, Objectives and Policies relating specifically to recognising and managing Hazardous Facilities and Contaminated Sites. While this Chapter contains Methods, it does not contain 'Rules'. The Outcomes sought for the use, development and protection of land with respect to hazardous substances and contaminated sites will be achieved through Land Use and Subdivision Rules and Performance Standards in the Zone Chapters.

7.48 As long as the standards for hazardous substances and use of contaminated sites are met, landowners have flexibility on what they do on their property and do not need to consider this Chapter. However, if a proposed development or new land use exceeds the standards relating to hazardous substances or use or development of a contaminated site, a Resource Consent is required. If Resource Consent is being applied for it would be necessary to give consideration to this Chapter, particularly in relation to how the development contributes to achieving the Objectives and Policies.

7.49 8.5 Hazardous Facilities and Contaminated Sites Objectives

- **8.5.1** To avoid, remedy or mitigate the adverse effects of the use, storage, transportation and disposal of hazardous substances on human health and safety, and on physical resources and property.
- **8.5.2** To avoid, remedy or mitigate the adverse effects of the use, storage, transportation and disposal of hazardous substances on land, air, water and natural ecosystems.
- **8.5.3** To administer the use, management and development of contaminated sites in a way that controls adverse effects on the environment, human health and safety, pursuant to the National Environmental Standard for Assessing and Managing Contaminants to Soil to Protect Human Health.

7.50 8.8 Outcomes

- **8.8.1** Improved community and industry awareness of risks posed by activities using, storing, transporting or disposing of hazardous substances.

- **8.8.2** Adoption of appropriate site management and operational practices for hazardous substances.
- **8.8.3** The avoidance of harm to people's safety, property and the environment from the use, storage, transport and disposal of hazardous substances.
- **8.8.4** Contaminated sites within the district identified and assessed and any subdivision, use or development of these sites does not adversely impact on the health and safety of people and communities.

7.51 The site contains an old Wastewater Treatment Plant. Section 8 above refers to this activity and its relationship with the NES.

7.52 Chapter 13: Residential

This Chapter does not specify what land uses can or cannot be undertaken as of right in this Zone. Instead it sets 'Standards' to make sure that the **effects** of activities are acceptable for the Residential zone, based on effects and where appropriate for the Overlay environments.

7.53 13.5 Residential Objectives

- **13.5.1** To maintain and where appropriate enhance the amenity values of the residential environment.
- **13.5.2** To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environments.
- **13.5.4** By managing the effects of those activities which have the potential to adversely affect residential amenity (e.g. building location, earthworks and vegetation clearance).
- **13.5.5** To enhance linkages (e.g. pedestrian, vehicular, open space) between adjoining residential uses.
- **13.5.6** To maintain sites and buildings during development to avoid adverse visual amenity effects.
- **13.5.7** To recognise business and economic activity that enables people and communities of the District to provide for their social, economic and cultural well-being, while avoiding adverse effects (including reverse sensitivity effects) on the environment.

7.54 13.8 Residential Outcomes

- **13.8.1** The existing built form and character of the residential environment will be retained.
- **13.8.2** A range of building heights and types appropriate to the existing residential amenity of settlements.
- **13.8.3** Patterns of residential development, as promoted in the Mangawhai Structure Plan will be achieved.
- **13.8.4** Required levels of capacity, efficiency and safety of services and infrastructure in the residential environment will be provided and maintained.
- **13.8.5** Residential activities and development will enhance public access to the coast, harbours and their valued waterways.
- **13.8.6** The development of anticipated future residential Growth Areas will be co-ordinated with Council's infrastructure planning and asset management programmes.

- **13.8.7** Existing amenity values associated with the residential environment will be maintained, and where appropriate enhanced.
- **13.8.8** New residential subdivisions and developments will provide passive recreation and open spaces linkages to surrounding residential areas as a means of enhancing community cohesion.
- **13.8.9** The avoidance of adverse environmental effects (including those on residential amenity values) associated with site development works.
- **13.8.10** The creation of a residential environment which provides for the social and economic needs of the district's communities through the sustainable management of natural and physical resources.
- **13.8.11** A water supply will be available to each lot, which can meet the potential needs of activities on the lot, while protecting the health and safety of residents and avoiding significant adverse effects on the environment.
- **13.8.12** Safe, efficient and convenient vehicular, pedestrian and bicycle access will be provided to each site.

7.55 With regards to the Private Plan Change, Objective 13.5.7 above is of particular relevance in that the Plan Change is proposing a site to be used for commercial activities while addressing reverse sensitivity issues through changes to the Commercial Zone rules. These include addressing potential issues such as shading as a result of building height, and adherence to design guidelines that fit with the surrounding environment and minimise the opportunity for crime to occur.

7.56 Outcome 13.8.8 supports the Plan Change as when developed it will create a destination for people to meet and undertake social outings.

7.57 Outcome 13.8.10 recognises the need for social and economic activities within the residential environment which suggests that commercial activities are acceptable in a residential setting.

7.58 For that reason Objective 13.5.7 and Outcome 13.8.8 and Outcome 13.8.10 in particular supports the Plan Change with its location adjoining the Residential Zone if approved. That is by providing a place that brings people together and encourages economic activities that also support social outcomes..

7.59 Chapter 14: Business: Industrial and Commercial

This Chapter does not specify what land uses can or cannot be undertaken in these Zones. Instead Chapter 14 sets 'Standards' to make sure that the effects of activities are acceptable for the Business: Industrial and Commercial Zones and where appropriate for the Overlay environments.

7.60 14.5 Business Objectives

- **14.5.1** To manage the effects of business activities (e.g. industrial activities) that pose the greatest threat to the natural environment, particularly sensitive receiving environments.
- **14.5.2** To continue to provide for a mix of business activities around and within existing settlements, while avoiding adverse environmental effects on natural and physical resources and adverse effects impacts on existing surrounding land uses.

- **14.5.3** To provide for a range of business activities which are located, designed and operated in such a way as to avoid potential reverse sensitivity effects and protect these from reverse sensitivity impacts.

7.61 14.8 Business Outcomes

- **14.8.1** A range of business activities will continue to be provided for in and around existing settlements in order to meet the social and economic needs of the district's communities.
- **14.8.2** A range of new business activities will be established across the district while avoiding, remedying or mitigating any adverse effects on the environment, particularly harbours, lakes and coastal environments.
- **14.8.3** A means of wastewater disposal will be available which is of satisfactory capacity and design to protect the health and safety of the community and to avoid significant adverse effects on the sensitive receiving environments (e.g. water quality in the harbours).
- **14.8.4** The collection and disposal of stormwater from each lot will be provided for in a manner that avoids significant adverse effects on the environment, including the inundation of the land being subdivided and adjoining land, as well as the contamination of water resources.
- **14.8.5** Safe, efficient and convenient vehicular access will be provided to each site.

7.62 With regards to the Plan Change application the rezoning, and associated rule amendments would support the Objectives of the Business Chapter by providing a mix of business activities adjacent to the existing residential settlement. It proposes this be achieved by additional rules to avoid or mitigate adverse effects on the surrounding residential area, in particular reverse sensitivity effects. The proposed Commercial Zoning is intended to provide certainty when undertaking future development in providing a range of new business opportunities to meet the social and economic needs of the Mangawhai community.

7.63 Operative zoning

7.64 The subject site is currently zoned Residential with a Mangawhai Harbour Overlay in the Operative District Plan. Copies of the Operative District Plan maps which are proposed to be amended (Map n°55) are included in Appendix 1 of the application and as Attachment 1 of this report.

7.65 The Kaipara District Plan states the following with regards to the Mangawhai Harbour overlay: *'Overlay In the east, the Mangawhai Harbour is also recognised for its cultural, landscape, ecological and heritage values. The history of the Harbour also signifies its importance to communities that have lived on its shores (both Maori and later European settlement).*

Today, Mangawhai is a popular seaside holiday destination as well as becoming an established, serviced urban centre surrounded by several areas of 'lifestyle' or rural-residential development. The distinctive built environment of this settlement and surrounding rural area is recognised as contributing to the amenity values and character that the community identifies with this area.

As a component of planning for growth, Council is undertaking Structure Planning. At the time of notification of this District Plan, only the Mangawhai area had been through the Structure Plan process.

However, Structure Plans are proposed for a number of Growth Areas (as detailed in Chapter 3 of this District Plan).

7.66 Issues Mangawhai Harbour

- **4.3.9** *Land use and development in the Mangawhai Harbour Overlay significantly contributes to the social and economic well-being of the community. However, some activities in the Overlay have the potential to degrade the values of these sensitive environments and may result in:*
 - *Loss of public access to and along the Harbour;*
 - *Adverse impacts on ecological values and habitats;*
 - *Changes to landscape;*
 - *Loss of amenity values;*
 - *Loss of cultural and heritage sites; and*
 - *Degradation of water quality.'*

8 Section 32 - Consideration of Alternatives, Benefits and Costs

8.1 An evaluation of alternatives, benefits and costs of a Plan Change and an evaluation report are required to be carried out by a person requesting a Private Plan Change and this made available for public inspection prior to public notification. (This material was placed on Council's website www.kaipara.govt.nz prior to notification and remains available on the website.) A further assessment is required to be made by Council prior to making a decision on the Plan Change. Section 32 analysis is an evolving process and information presented in Hearing evidence will contribute to the Hearing Panel's deliberations.

8.2 Section 32(3) states that evaluations must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

8.3 Section 32(4) requires that an evaluation must also take into account:

- (c) *the benefits and costs of policies, rules, or other methods; and*
- (d) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

8.4 The proposal does not propose to change or amend any objectives or to include any new objectives. Section 32(6) states that Objective means, -

- (a) *for a proposal that contains or states objectives, those objectives;*
- (b) *for all other proposals, the purpose of the proposal.*

Proposal Means - a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

Provisions means –

- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;*
- (b) *for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

8.5 Assessment of proposed objectives in terms of 'appropriateness' can include consideration of their relevance, usefulness, achievability and reasonableness. In determining whether proposed rules or other methods are 'appropriate' means of achieving desired objectives, consideration of their efficiency and effectiveness is also necessary.

Applicant's Section 32 Evaluation

8.6 The application contains a Section 32 Analysis within sections 9, 10, 11, 12 and 13 (pages 67-93 of the application). This firstly sets out the legislative requirements and considerations for a Section 32 Evaluation. Secondly it assesses the Objectives and their appropriateness in achieving the purpose of the Section 32 Evaluation under the RMA, thirdly considers potential options, and fourthly assess the preferred option before an overall conclusion is made.

- 8.7 The Section 32 Report evaluated the proposed new rules against the Objectives of the Business: Industrial and Commercial – Chapter 14 of the Kaipara District Plan. The proposed amended Rule 14.10.8 and proposed new Rule 14.10.30 are in Attachment 1 of this report. The applicant concludes, *‘that the Objectives of Chapter 14 Business: Commercial and Industrial Chapter are considered the most appropriate in achieving the purpose of the RMA in terms of the subject site, approved commercial use through the land use consent granted on the site and therefore these provisions will remain unchanged as result of the PPC.’*
- 8.8 The application considers five options:
1. Do nothing
 2. Implement land use consent
 3. Rezone to existing Commercial Zone provisions
 4. Rezone to existing Commercial Zone with additional provisions
 5. Rezone to entirely new Commercial Zone provisions.
- 8.9 An option analysis summary is found in Section 11.3 on pages 82-84 of the application. This considers the options against Objectives, the impacts and the overall assessment. It considers that most appropriate option is Option 4 – to retain existing Commercial with additional provisions.
- 8.10 In addition, the applicant’s analysis outlines the role of the proposed Management Plans as a ‘key method’ in managing the effects of specific activities and development areas, and associated benefits of increased flexibility but with potential future Resource Consent preparation costs to developers/landowners.

Further Section 32 Evaluation

- 8.11. A further analysis on the Section 32 Evaluation is required prior to making a decision on a Private Plan Change. To assist in determining whether the Plan Change achieves the purpose of the RMA, it is appropriate to examine the proposed amended rule and proposed new rule in the context of the District Plan’s established ‘higher order’ district-wide objectives and anticipated environmental outcomes as contained in Part A of the District Plan and outlined earlier in this report.
- 8.12. PPC3 compares the proposed provisions and the five potential options above, against the existing objectives in Chapter 14- Business: Industrial and Commercial of the District Plan.
- 8.13. In terms of Option 1 – do nothing, it has not been recognised that commercial activities can be established as a permitted activity if it meets the provisions in s13.10 of the District Plan. It is viewed that the main difference between establishing a commercial area in a Residential Zone versus the Commercial Zone is the scale and intensity of the activity that could be established. For example the difference in traffic intensity, impermeable surfaces and height of buildings differs between the Residential and Commercial Zones. This would mean in the Residential Zone small scale businesses are more likely to be established. The Plan Change is wanting to achieve the ability to provide for commercial activities similar in nature to that granted under RM050271. With this in mind is agreed that the ‘do nothing’ option is not the best solution for providing for the types of activities of a commercial nature that may be established onsite.

- 8.14. An area of concern is with regards to the current Rule 13.10.8 – Separation Distance for Noise Sensitive Activities, whereby a separation distance of 300m is required when establishing a dwelling, otherwise a restricted discretionary Resource Consent is required. If the subject site is zoned Commercial any residential section that currently has not been built on within 300m of the subject site will need a Resource Consent. A consequential amendment to this rule allowing for residential dwellings to be established within the 300m parameter without the need for Resource Consent should be considered and forms part of the recommendation..
- 8.15 Overall, apart from the above, the analysis of the options is agreed with. The best option will also for the most part address the concerns of submitters. In particular the reverse sensitivity issues associated with having a commercial activity adjoining the Residential Zone.

9 Assessment of Submissions

Procedural issues

- 9.01 The Private Plan Change request was publicly notified for submissions 19 August 2016 with submissions closing 23 September 2016, attracting six submissions. The summary of submissions was notified 18 November 2016 with the period for further submissions closing 02 December 2016. No further submissions were lodged. There were no late submissions or further submissions.
- 9.02 The summary of submissions and full copies of all submissions are included in Part 3 of this agenda.
- 9.03 No pre-Hearing meetings have been held.

Comments on submissions generally

- 9.07 No submitters acknowledged any trade competition interests. Other than trade competitors the RMA allows 'any person' to make a submission.
- 9.09 Persons making submissions in many instances are unlikely to fill in the forms exactly as required by the First Schedule and the Regulations, even where the forms are provided to them by the local authority. The Act encourages public participation in the resource management process; the ways whereby citizens participate in that process should not be bound by formality.'
- 9.10 Some submissions indicated opposition to the proposal and have generally not recommended any amendments to the proposal in the event that the Plan Change was adopted and Commercial development proceeded.
- 9.12 No submitters have provided expert evidence in support of their submissions to date. It is assumed that expert evidence will be presented at the Hearing in support of the primary issues in contention. In line with s41B of the RMA and Council practice for Plan Changes, briefs of evidence are being requested from the applicant and submitters for pre-circulation prior to the Hearing.

Assessment of submissions by topic

- 9.13 The following is an assessment of the submissions received, including recommendations, grouped by topic. The majority of topics fall within the broad categories of effects identified by the applicant and summarised in s7 of this report.
- 9.14 Submissions discussed in this report are therefore grouped, discussed and amendments recommended generally in terms of the following broad categories:
- Providing for Commercial Activities in Mangawhai;
 - Residential Amenity and Effects of Commercial Activities;
 - Traffic and Pedestrian Matters;
 - Geotechnical and Stormwater Matters.

9.15 Note: Under the RMA Council is not required to make individual decisions on each and every submission or the specific relief sought in them.

The opportunity exists for submitters to clarify their reasons in hearing evidence, including presentation of a joint case with others who have made similar submissions if desired, noting that they cannot expand on the scope of their submissions. Three submitters have indicated that they wish to be heard at a Hearing.

9.16 This section of the report discusses the decisions requested in submissions about the Proposed Plan Change and recommends how the Hearing Panel could respond to the matters raised and decisions requested in submissions. The submissions are addressed under subject headings. While the relevant statutory matters (identified in s1.2 of this report) will not necessarily be referred to directly, the discussion and recommendations have given appropriate consideration to these and any other relevant matters.

9.17 Providing for Commercial Activities in Mangawhai.

Sub No.	Sub name	Summary	Decision sought
DPNCD3.6.1	Helen CURREEN	The current Land Use Consent (2007) was granted in a climate of extreme Council dysfunction. This impacted on planning decisions in an environment where the then District Plan was seriously failing to curtail inappropriate development. There was considerable community concern and opposition to development of this and several adjacent sites at the time.	No specific relief is sought.
DPNCD3.6.2	Helen CURREEN	This area is seen as Mangawhai Gateway. It should look lush green and appealing for people driving north up the causeway. Commercial development - large buildings, parking and signage would be unsightly.	That the application is declined and the current consent lapse and the rezoning remain Residential (Harbour overlay).
DPNCD3.6.5	Helen CURREEN	Mangawhai already has two shopping areas and lots of quite random commercial development. The Estuary Estate's plan within the current District Plan will provide for any future need of	That the application is declined and the current consent lapse and the rezoning remain Residential (Harbour overlay).

		commercial and business development. This application represents piecemeal commercial development and is simply very poor planning.	
DPNCD3.6.6	Helen CURREEN	This application is in the absence of any actual proposal for the site and requests a further loosening of Council planning controls.	That the application is declined and the current consent lapse and the rezoning remain Residential (Harbour overlay).
DPNCD3.1.1	Malcom Peter DAVEY	Commercial activities should be contained to the current Village and Heads Commercial zones.	That the land not be designated Commercial but retain its current Residential status.
DPNCD3.7.1	MANGAWHAI MUSEUM AND HISTORICAL SOCIETY INC.	This area must be aligned with the proposed Mangawhai Development Plan. We are aware that a group has been formed to undertake this planning process and have a concern that this lot may not be consistent with the final Mangawhai Development Plan.	I would encourage communications between both parties to ensure consistency with this development plan.
DPNCD3.7.2	MANGAWHAI MUSEUM AND HISTORICAL SOCIETY INC.	Mangawhai Museum and Historical Society Incorporated wish to be heard in all discussions relating to the intended use (residential or commercial) of the area.	Regardless of whether this area is rezoned or not, Mangawhai Museum should be consulted with throughout this process in its entirety due to the close proximity.
DPNCD3.7.3	MANGAWHAI MUSEUM AND HISTORICAL SOCIETY INC.	I need confirmation of ability by you as Council to keep prudent controls in place, even if this area is rezoned. Mangawhai is already a very fragmented town when considering residential vs commercial. One of the goals of the Mangawhai Development Plan is to reduce the risk of this	No specific relief sought.

		continuing. Good communication between landowner and community should result in a positive outcome.	
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Assessment

- 9.18 Submission point 3.7.1 regarding the Mangawhai Development Plan, we have taken this to mean the Mangawhai Town Plan project. The Mangawhai Town Plan is currently a process Council is undertaking which to date has produced a series of concept maps. The applicant has not addressed this project.
- 9.19 Council’s website states *‘Seven maps have been developed to provide an initial discussion point for this project and help provide an overview of the context of Mangawhai. Please note there a number of minor corrections needed and these maps are purely a discussion point. Proposals shown on these maps have no legal standing, and are not enforceable or able to be implemented at this time.’*
- 9.20 The Mangawhai Town Plan document when completed will be considered a non-statutory document which may have aspects that will form the basis for Plan Changes to the District Plan. Any resulting Plan Change will need to go through the full First Schedule process under the RMA. This process cannot take into consideration trade competition. The document could be used to assess Resource Consent applications as another matter similar to the Mangawhai Structure Plan 2005. Until the Mangawhai Town Plan has produced a document that has been endorsed by Council it is considered to have no bearing on this Plan Change as current information is subject to change thought the Mangawhai Town Plan process.
- 9.21 Submission point 3.7.2 regarding the Mangawhai Museum and Historical Society Incorporated request to be heard in all discussions relating to the intended use of the area, they are able to present at a Hearing on the Plan Change which they have already opted to do. The applicant identified a number of potentially affected parties which included the Mangawhai Museum. The Mangawhai Museum was sent a letter outlining the Plan Change proposal as part of a pre-consultation process. Information provided was included in Appendix 20 of the Plan Change application. This information also showed what a potential development may look like.
- 9.22 With regards to consultation of development going forward, for any development undertaken without the need for Resource Consent, it will be up to the developer’s discretion to consult on what they are doing, as they are under no obligation to consult. For development that requires a Resource Consent, there are considerations under the RMA which need to assess to determine if consultation is needed, otherwise the applicant could at their discretion consult with potentially affected neighbours. This information could then be included in the Resource Consent application.
- 9.23 While no concept plan was included as part of the Plan Change, it is viewed that the zoning provisions such as Commercial Zone rules contain the appropriate controls to manage any future development on the site. The applicant included some concept plans that were provided for the

pre-consultation with potentially affected parties. These are located in Appendix 20 of the application. In terms of the loosening of the planning controls any development whether under Residential or Commercial will be required to meet these Zone Rules. Should the Plan Change proceed the additional rules that would apply to the site could be considered a tightening of the planning controls rather than a loosening of controls.

- 9.24 The District Plan is fairly permissive in terms of allowing commercial activities to establish regardless of zoning. The District Plan also in many respects encourages Private Plan Changes to accommodate zoning changes, to the point of including guidelines of potential considerations when undertaking a Plan Change process (Chapter 3 and 3A of the District Plan). Given that Mangawhai is in a recognised growth area it is highlighted that it is further encouraged for Private Plan Change applications to be sought particularly for rezoning.
- 9.25 The Residential Zone chapter anticipates commercial activities occurring in the Residential Zone, as such there are rules around commercial buildings. As long as a commercial activity can show that it can comply with the zone rules than it can establish without the need for Resource Consent. This is supported by the Residential Zone Objectives.
- 9.26 The current Commercial Zoned areas within Mangawhai, the Village and the Heads, are considered to be limited in their ability to expand or grow as they are surrounded by residential activities. With regards to Estuary Estates the Council or the community have no say as to when development on this site will occur. With this in mind as with all existing commercial areas, consideration to functioning and connectivity with the surrounding area while taking into account the benefits of the Proposed Plan Change with regards to the social, economic, environmental or cultural well-being of the community, need to be considered in the longer term. It viewed that growth is expected over the long term in Mangawhai and as a result commercial areas that service this growth will be required. Some submitters have suggested that Estuary Estates is the answer to providing the needed commercial area to cater for the Mangawhai area. While Estuary Estates could provide some of the zoning required as suggested by submitters, it should not be relied upon given that the area was zoned over eight years ago and no development has occurred to date.
- 9.27 In terms of addressing ad hoc commercial activities In Mangawhai it is worth noting that Mangawhai Community Park contains a Museum and an Historic Village that is currently in the process of being established and is situated directly opposite this site. These activities could be considered to have a commercial aspect attached to them. For example the Museum includes a café and a gift shop. These developments therefore show that a commercial activity is already established within the same vicinity as the Proposed Plan Change.

9.28 Recommendations

- 1) **Reject submission points 3.6.1, 3.6.2, 3.6.5 and 3.3.6 of Helen CURREEN** as the focus of the Plan Change is on how the proposed changes will fit with the District Plan structure in terms of Objectives and Policies and that it gives effect to the Regional Policy Statement and to ensure that Part 2 RMA matters are met rather than the merits of a specific development. It is considered that appropriate controls already exist in the Commercial Zone and the proposed additional rules will help strengthen the provisions already in place rather than weaken the provisions. No Changes recommended to Proposal.
- 2) **Reject submission point 3.1.1 Malcom DAVEY;** and
- 3) **Reject submission point 3.7.1 of the MANGAWHAI MUSEUM AND HISTORICAL SOCIETY INC.** as it seeks consistency between the Proposed Plan Change and a document that is not yet completed and is subject to change. No Changes recommended to Proposal; and
- 4) **Accept in Part submission point 3.7.2 of the MANGAWHAI MUSEUM AND HISTORICAL Society Inc.** as the Plan Change process allows for an opportunity to be heard in terms of what development may occur onsite, however in terms of future development the right to be heard or have a say on a development is limited to the process that is undertaken. For example if a Resource Consent is needed or not. No Changes recommended to Proposal.

9.29 Reasons for recommendations:

- 1) It is considered that the Mangawhai Town Plan has no documents at this stage that can be used to assess the Proposed Plan Change against, and that the Plan Change and Mangawhai Town Plan are two different processes that are not currently compatible in terms of the RMA requirements. The Plan Change is following a formal process under the RMA while the Mangawhai Town Plan is following a non-statutory process which has no statutory timeframes attached to the process.
- 2) It is considered that the Mangawhai Museum and Historical Society Incorporated can express their views through the Plan Change Process at a Hearing which they have indicated that they already wish to do. Any development that occurs whether as a Residential or Commercial Zoned site will be subject to the RMA requirements. These requirements may or may not require consultation with neighbouring properties. Council cannot seek requirements that are over and above what is required in the RMA.
- 3) It is considered that the Proposed Plan Change introduces new provisions for the site which are tighter than the existing Commercial rules. This tightening can be seen by the additional provisions being sought by the applicant.

9.30 Residential Amenity and Effects of Commercial Activities

Sub No.	Sub Name	Summary	Decision sought
DPNCD3.6.3	Helen CURREEN	The area behind is residential and this land should also be consistent with that for the benefit of the adjacent residents.	The area behind is residential and this land should also be consistent with that for the benefit of the adjacent residents.
DPNCD3.3.2	Marion Elizabeth NAISH	Security, lack of privacy, noise and unattractive surroundings that do not enhance this part of Mangawhai need to be addressed.	Plan Change 3 should not proceed. The developer should apply for a more precise development with more detail of proposed use of the land, so that any future work can benefit all in the area.
DPNCD3.4.1	William Grant NAISH	As the longest boundary connected to this land we could be affected in many ways -loss of privacy, noise, ambient lighting at night, security to our property from people using the Commercial area.	Refuse the Plan Change. Let the developer apply for a precise development under current discretionary activities allowed for residential areas. This way we can all have a say on what happens. With the change to Commercial the developer can do pretty much as they want.
DPNCD3.4.2	William Grant NAISH	This is a quiet residential area. We don't need 12m high buildings restricting views, creating shading and wind tunnels.	Refuse the Plan Change. Let the developer apply for a precise development under current discretionary activities allowed for residential areas. This way we can all have a say on what happens. With the change to Commercial the developer can do pretty much as they want.
DPNCD3.5.2	Glennis STORMONT	Have opening hours been discussed as living in close proximity to an all night station	No specific relief sought.

		<p>would be most disturbing to myself and other property owners bordering and living near to the proposed development.</p>	
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Assessment

9.31 The Key issues identified in the submissions revolve around reverse sensitivity and whether or not the commercial activity is consistent with the surrounding residential area.

The applicant's assessment on reverse sensitivity issues included a noise assessment for the consented development this was prepared by Marshall Day Acoustics and is contained with Appendix 18 of the application. The applicant stated that *'it was considered that the noise assessment is not particularly relevant to the PPC given the assessment concentrated on the proposed activities undertaken on site in the land use consent application. The District Plan provides the same noise limits to the Commercial Zone as in the Residential Zone where Commercial Zone adjoins Residential Zoned land. Therefore it is considered that through the PPC3 process that the site is required to comply with Residential Noise standards unless land use consent is applied for and therefore an additional noise assessment is not required.'*

9.32 Reverse Sensitivity is covered in the application with the applicant making the following statements in sections 6.2.3, 6.2.4 and 6.2.5 on pages 25-28 of the application:

- *'Potential reverse sensitivity issues likely to occur between Residential and Commercial development include:*
- *Potential effects from noise from land use activities within the Commercial Zone;*
- *Potential effect on daylight and sunlight in terms of the increase in permitted height limit between both zones;*
- *Potential visual effects;*
- *Potential effects from lighting and glare'*

9.33 The application identifies that the District Plan recognises these potential reverse sensitivity issues between the Commercial zone and Residential zone and includes a number of provisions to potentially mitigate reverse sensitivity issues. These are mentioned in Section 6.2.5 on page 27 of the application and include the following:

- *Height in relation to boundary provisions, these provisions are the same in both the commercial and Residential zones;*
- *Setback requirements in the commercial Zone are more restrictive where the site adjoins residential zoned land;*
- *The commercial Zone provides for screening of storage areas from residential zoned sites and public places;*

- *The commercial Zone provides for separation distances of particular activities within the commercial Zone and Noise Sensitive Activities (including residential living and museum adjacent);*
- *Permitted noise limits in the commercial Zone where adjacent to the Residential Zone are consistent to ensure that reverse sensitivity issues in regard to potential effects from noise are minimised;*
- *Permitted noise limits in regard to construction noise and temporary activities are the same within each zone.*
- *Permitted vibration levels are the same in both zones;*
- *Provisions in relation to lighting and glare are the same in both the Residential and commercial Zone'*

9.34 In addition to the above, the Propose Plan Change provides additional site specific provisions to ensure that potential reverse sensitivity issues are minimised, refer to s6.2.5 on pages 27-28 of the application, these include:

- *Retaining the height limit on a portion of the site adjacent to existing residential development at 8 metre to ensure that reverse sensitivity issues such as daylight and sunlight, potential visual effects, bulk and dominance are reduced to a similar nature anticipated within the Residential Zone;*
- *Design criteria to ensure that any commercial development is designed to meet urban design principles and provide for suitable design outcomes;*
- *Landscaping requirements for streetscape enhancement and carparking;*
- *Landscape buffer requirements between any commercial use and residential development adjacent.'*

9.35 Further to this the applicant provided an assessment of the Residential Zone rules against the Commercial Zone rules, this assessment is attached in Appendix 22 of the application and Attachment 6 of this report.

Assessment of issues raised in submissions

Noise

9.36 It is agreed that noise can only be determined at the time of either development or occupancy of the development. This will need to be determined on a case by case basis. For example if the development was occupied by mostly office accommodation it is unlikely to exceed the noise thresholds and also unlikely to open all weekend, as opposed part of a building that is occupied by an all-night bar. (Please note these are just examples and not what is being proposed to go into the development.) In terms of the Plan Change it is agreed that the District Plan thresholds around noise are sufficient to control any noise related issues as a result of development.

9.37 The provisions in the Kaipara District Plan for noise thresholds for the Residential Zone and the Commercial Zone are similar, the point of difference being the 45-dB level also being applied to 7am-10pm timeframe on a Sunday. Rule 14.10.14(1) states:

'(1) Commercial Zone Only

Any activity is permitted if noise from the site does not exceed the following limits:

a) *60dB LAeq as measured within the boundary of any other site in the same Zone:*

i. 7:00am – 7:00pm: 50dB LAeq;

ii. 7:00pm – 10:00pm: 45dB LAeq; and

iii. 10:00pm – 7:00am: 40dB LAeq and 70dB LAFmax.

as measured within any other site Zoned Residential, or within the notional boundary of a dwelling in a Rural or Maori Purpose Zoned site.'

9.38 Rule 13.10.14 states

'Any activity is permitted if noise from the site does not exceed the following limits, as measured either at or within any other site Zoned Residential, or within the notional boundary of a dwelling in a Rural or Maori Purpose Zoned Site:

a) *7:00am – 7:00pm: 50 dBLAeq;*

b) *7:00pm – 10:00pm Mon-Sat and 7:00am – 10:00pm Sundays and Public Holidays:
45-dBLAeq; and*

c) *10:00pm – 7:00am (any day): 40dB LAeq and 70dB LAFmax*

Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.'

9.39 The differences in noise on a Sunday could create some effects on the surrounding Residential area, however that will largely depend on the nature of the businesses that will work out of any future buildings. While this will be better assessed at the time of development when an actual activity is contemplated the difference in the noise levels between the two zones means that more noise can be created by the Commercial Zone than the Residential Zone so will be of limited use prior to a Resource Consent being triggered. However, it is likely that the back of the buildings would be facing the Residential Zone, in which case noise could be limited to staff arriving at work and / or deliveries being made to any establishment on a Sunday morning. Consideration of limiting delivery hours or opening hours might be of use to mitigate noise effects on a Sunday.

Lighting and Glare

9.40 It is agreed that the current District Plan rules around lighting and glare are sufficient to control any lighting issues. Both the Commercial and Residential Zone rules have the same threshold with regards to lighting and glare therefore it is considered that no additional effects would be created in regards to lighting than what would be expected in the Residential zone. As with the Residential zone if the threshold is breached a Resource Consent will be required.

9.41 It is considered that there would not be any additional effects resulting from a permitted activity from lighting as a result of changing the zone from Residential to Commercial. For lighting: Rule 14.10.23 states:

'Any activity is permitted if between the hours of 22:00 and 07:00 any artificial lighting does not exceed 10 lux, measured at any point on boundary of any Residential Zoned site or at the notional boundary of any Rural or Maori Purpose Zoned site.'

9.42 Rule 13.10.23 states:

'Any activity is permitted if between the hours of 22:00 and 07:00 if any artificial lighting does not exceed 10 lux, measured at any point on boundary of any Residential Zoned site or at the notional boundary of any Rural or Maori Purpose Zoned site.'

9.43 Neither rule specifies ambient night lighting however any light emissions would need to comply with the rules stated above.

Shading, wind tunnels, shading, security, loss of views and loss of privacy

9.44 The applicant has proposed a height restriction that is consistent with the maximum height restriction in the Residential zone. This restriction is to apply for 20 metres from any boundary that is adjoining the Residential zone. The height in relation to boundary requirements in the District Plan are the same in the Residential Zone Rules and the Commercial Zone Rules. The height in relation to boundary rules are in place to help minimise shading effects. Attachment 5 to this report shows how buildings at a maximum height of 8m (the proposed height) with the required 5m setback in the Commercial Zone meet the requirements. It is agreed that the proposed 8m height restriction will mitigate any shading effects and any dominance effects.

9.45 The triggers are the same in both the Residential and Commercial Zones in that both have the same requirements for addressing shading issues, this is addressed through the height in relation to boundary rules contained within both Zone chapters of the District Plan. Appendix 5 shows that with the proposed 8m height requirement for buildings along the boundaries of the site that adjoin the Residential Zone will limit any shading to that which would be otherwise be permitted in the Residential Zone.

9.46 Rule 14.10.6 states:

'Any building is a Permitted Activity if:

a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a Residential Zone, Treaty Settlement Land Zone or reserve.

Note 1: Refer to Chapter 24: Definitions for the definition of Recession Plane.'

9.47 Rule 14.10.5 states:

'(1) Commercial Zone Only

Any building is a Permitted Activity if:

a) The building does not exceed 12m in height.'

9.48 Rule 13.10.6 states:

'Any building is a Permitted Activity if:

a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a residential zone or reserve.

Note 1: Refer to Chapter 24 – Definitions for the definition of Recession Plane.'

9.49 Rule 13.10.5 states:

'Any building is a Permitted Activity if:

a) The building does not exceed 10m in height, where it is not within an Overlay area; or

b) The building does not exceed 8m in height, where it is within an Overlay area.

Note 1: For sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.'

- 9.50 In terms of restricting views, if the Plan Change was not to proceed, any views would be compromised with the development of the site where that development is residential in nature. Council cannot stop development from happening based on the effects a development might have on views unless that view is specifically protected under the District Plan. An example of this is the Volcanic View Shafts that are protected under the Auckland Unitary Plan. (Refer to sD14 - Volcanic View Shafts and Height Sensitive Area Overlay, of the Auckland Unitary Plan.)
- 9.51 In regards to the issues around lack of privacy and security the Proposed Plan Change offers a number of new provisions including design guidelines, in particular the use of Crime Prevention through Environmental Design principles. While the proposed buffer consisting of planted vegetation will help minimise any wind issues for neighbouring properties it should also offer some privacy to adjoining properties. The 5m boundary setback between a Commercial Zone and the Residential Zone would also be required under the Commercial Zone rules if the Plan Change is approved. This setback will provide additional mitigation to the perceived issues by allowing additional space between the two different activities, being Residential and Commercial.

Consistency of the site with the adjoining residential area

- 9.52 With regards to submission point 3.6.3 it is considered that there should be a level of compatibility between the site (if approved to be rezoned to Commercial) and the adjoining residential area as opposed to consistency between the two and this is supported by Chapter 3 Objectives. The applicant has considered the Rules of both the Residential Zone and the Commercial Zone through an analysis that compares both sets of Rules. As a result of this analysis the applicant has demonstrated that they were willing to address boundary and reverse sensitivity effects. This is shown by the inclusion of additional rules that form part of the Plan Change proposal. It is considered that between the existing zone rules and the additional provisions proposed that there is a level of compatibility between the two zonings without compromising the intent of each of the zones. This is further supported by Chapter 13 where both commercial activities and dwellings can be established. The intent being the reason why different zonings exist i.e. to cater for different types of development which may or may not require additional controls in response to the type of development expected in those zones. The additional requirements for the site are considered to be a tightening of the rules rather than a relaxation of them. The only area not addressed in detail or in submissions is the 300m setback of noise sensitive activities from commercial activities as per Rule 13.10.8 of the District Plan. The application considers the differences between the Residential Zone Rules and the Commercial Zone Rules on this aspect. Appendix 22 of the application has been included as Attachment 6 of this report. Appendix 22 states that both activities of a Residential use and the Museum are classified as a noise sensitive activity. It is considered appropriate that as a consequential amendment to the Plan that any noise sensitive activity (in particular a new dwelling) that is established within 300m of the subject site is exempt from this provision.

9.53 Recommendations:

- 1) **Reject submission point 3.6.3 by Mrs Helen CURREEN.**
- 2) **Reject submission point 3.3.2 by Marion Elizabeth NAISH.**
- 3) **Reject submission point 3.4.1 and submission point 3.4.2 by William Grant NAISH.**
- 4) **Accept in part submission point 3.5.2 by Mrs Glennis STORMONT.**

9.54 Reasons for recommendations

- 1) It is considered that existing commercial provisions combined with the proposed new provisions will adequately address reverse sensitivity issues associated with security, lack of privacy, noise, lighting and unattractive surroundings.
- 2) It is considered that should an all-night station be proposed in the future that opening hours along with other associated effects should be considered at the development stage. At the moment we do not know if this will happen.
- 3) It is considered that the subject site should be compatible with the existing residential environment as opposed to consistent with existing residential environment. The current rules and the proposed rules in the Plan Change application show a level of both compatibility and consistency.

9.55 Traffic and Pedestrian Matters

Sub no.	Sub name	Summary	Decision sought
DPNCD3.6.7	Helen CURREEN	Traffic in the area is already a problem and creating risk for pedestrians. The Museum has just developed the Molesworth driveway as their main entrance (counter to their consent). This will only make matters worse.	That the application is declined and the current consent lapse and the rezoning remain Residential (Harbour overlay).
DPNCD3.1.2	Malcom Peter DAVEY	Traffic generated by commercial on this site would impact on what is already a very busy Molesworth Drive impacted by museum and the activity zone.	That the land not be designated Commercial but retain its current Residential status.
DPNCD3.3.1	Marion Elizabeth NAISH	Ours is a small one exit street (Norfolk Drive) consisting of mostly permanent residents either young families or retired. Increased traffic is of concern.	Plan Change 3 should not proceed. The developer should apply for a more precise development with more detail of proposed use of

		School bus stop is on Estuary Drive, on boundary of this land.	the land, so that any future work can benefit all in the area.
DPNCD3.5.1	Glennis STORMONT	A vehicle survey seems to have been taken in 2008 which can no longer be relevant given the number of permanent households which have increased in the surrounding area including Estuary Drive. Vehicles from adjoining areas use Estuary Drive as access to Molesworth Drive. What plans have been made to accommodate traffic turning from one street to another, especially given the variable speed limits in close proximity to the intersection?	Confirmation that the proposed development does not encroach on the safety of the vehicle and pedestrian traffic in the area.
DPNCD3.5.3	Glennis STORMONT	Pedestrian traffic which involves the museum, the proposed period village adjacent to it and also the existing commercial area in Molesworth Drive has increased over the years and would also need to encompass any new development on the site.	Confirmation that the proposed development does not encroach on the safety of the vehicle and pedestrian traffic in the area.

Assessment

9.56 The submitters have raised a number of concerns about the potential significant increase in traffic in the area as a result of a commercial development. Of particular concern is the intersection of Norfolk Drive and Estuary Drive and the intersection of Estuary Drive and Molesworth Drive which is already viewed as a problem with both traffic volumes and ability to turn out of Norfolk or Estuary Drives. Submitters also have concerns regarding pedestrian safety, as a result of increased traffic within the area, including pedestrian flows between the site and the Museum opposite the site on Molesworth Drive.

9.57 Council's Reviewing Engineer suggests that *"While it is not necessary to do an intersection upgrade at the time of the Plan Change, depending on the applications received after the zoning change if it is approved, these may require improvements to the intersection. It would be prudent, at this stage, an area of land for future intersection upgrading."*

9.58 The application includes the following statement:

RM 050271 has the following advice note:

“Council wishes to obtain a triangular portion of land approximately 150m² on the corner of Molesworth Drive and Estuary Drive for the construction (by Council) of a roundabout and associated footpath and services to facilitate upgrading of Estuary Drive to an appropriate standard. This would be at no cost to the applicant.”

9.59 It is recommended that a portion of the site as suggested in RM 050271 above not be included in the Plan Change to address this future-proofing of the intersection. This is due to any intersection upgrade that is yet to be finalised and the requirements which are currently unknown.

9.60 Recommendations:

- 1) **Reject submission point 3.6.7 by Helen CURREEN.**
- 2) **Reject submission point 3.1.2 by Malcolm Peter DAVEY.**
- 3) **Accept in part submission point 3.3.1 by Marion Elizabeth NAISH.**
- 4) **Accept in part submission points 3.5.1 and 3.5.3 by Glennis STORMONT.**

9.61 Reasons for the recommendations

- 1) It is considered that additional developments will continue to happen on the Molesworth Peninsula which will also impact the intersection of Estuary and Molesworth Drives whether or not the Plan Change is accepted. The Plan Change and development on the site may create an opportunity to upgrade the intersection
- 2) A peer review of the traffic assessment generally confirmed the information within the traffic assessment submitted with the Plan Change. It is agreed that vehicle and pedestrian safety should be considered when the site is developed.
- 3) It is considered that vehicle and pedestrian traffic will continue to increase whether or not the Plan Change is accepted. As such it has already be recognised that the intersection will need upgrading in future regardless of the outcome of the Plan Change.

9.62 Geotechnical and Stormwater Matters

Sub No.	Sub Name	Summary	Decision sought
DPNCD3.6.4	Helen CURREEN	The current application to some extent depends on previous reports for the 2007 application. The Geotechnical Report for instance leaves some issues unresolved. In particular the subsoil of this area (Peat Swamp) and the water drainage	That the application is declined and the current consent lapse and the rezoning remain Residential (Harbour overlay).

		from this whole area adjacent to Molesworth Drive. This is further acerbated by Council's repeated failure to have a stormwater detention plan for water from this area.	
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Assessment

9.63 A Submitter expressed concerns with the reliance of a Geotechnical report from 2007. They believe that the subsoil and water drainage from the area adjacent to Molesworth Drive leaves some issues unresolved, particularly given that there is no stormwater detention plan for water from this area.

9.64 Recommendation

- 1) ***Reject submission point 3.6.4 by Helen CURREEN.***

9.65 Reasons for the recommendation

- 1) It is considered that geotechnical issues that maybe affected by stormwater can be managed through appropriate design when development of the site occurs.

10 Conclusions and Recommendations

Conclusions

- 10.1 This report has been prepared pursuant to Section 42A of the Resource Management Act 1991 to address planning-related issues associated with the Private Plan Change request (PPC3) lodged by North City Developments seeking a re-zoning of 7,863m³ from Residential with Mangawhai Harbour Overlay to Commercial with Mangawhai Harbour Overlay, while enabling quality development and addressing Reverse Sensitivity issues.
- 10.2 The application as submitted, together with additional specialist reports, is in accordance with the requirements of the Resource Management Act 1991 and provide a suitable basis on which to assess the potential effects of the Plan Change.
- 10.3 This report has examined the characteristics of the site and locality, the statutory requirements associated with the Resource Management Act 1991 and its purpose of sustainable management and the specific considerations applying to Plan Changes, including an assessment of the proposed amended rule and the proposed new rule.
- 10.4 Taking into account the above matters and a review of the submissions received, it is recommended that Private Plan Change 3 be approved, with some amendments. It is considered the proposed new provisions associated with establishing a commercial activity onsite would address submitter concerns and be less than minor in the context of the surrounding environment.

Recommendations

- 10.5 That on the basis of information supplied, and subject to contrary or additional information being presented at the Hearing, it is recommended that Private Plan Change 3 be **approved** with amendments to the assessment criteria in proposed Rule and a consequential amendment to Rule 13.10.8.

Proposed amendments are:

Rule 14.13.30 assessment criteria

- iv) The extent of consultation that has been undertaken with the local Iwi authority and their Response (or whether their written approval has been obtained).

A consequential amendment to Rule 13.10.8 allowing for residential dwellings to be established within the 300m parameter without the need for Resource Consent should be considered.

Proposed consequential amendment to read:

(3) Except the following is a permitted activity and are excluded from the Standards of 13.10.8

Any noise sensitive activity within 300m of the cadastral boundary of Lot 1 DP 341981.

- 10.6 That those submissions requesting recommended amendments to the Plan Change be accepted in whole or in part, and that all other submissions be rejected.

Version	Date	Name	Position	sign
First draft		Paula Hansen	Policy Planner	
Internal review		Howard Alchin	Policy Manager	
External review		Phillipa Campbell	Consultant Planner	
Approval		Howard Alchin	Policy Manager	

Attachment 1

**Private Plan Change – District Plan
Amendments to Provisions/Map**

<i>Rule</i>	<i>Parameter</i>	<i>Permitted Activity Performance Standard</i>	<i>Activity Status if the activity does not meet the Performance Standard</i>	<i>Assessment Criteria</i>
14.10.5	Maximum Height	<p>(1) Commercial Zone Only Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 12 metres in height.</p> <p>b) Lot 1 DP 341981, Area Marked A on Planning Map 55.</p> <p>The building does not exceed 8 metres in height on area marked "height restriction" within Area Marked A on Planning Map 55 (Lot 1 DP 341981),</p>	Restricted Discretionary Activity	Assessment Criteria to remain status quo under provision 14.10.5
14.10.30	Special Provisions	<p>(1) Lot 1 DP 341981, Area Marked A on Planning Map 55.</p> <p>Any built development undertaken on Lot 1 DP 341981 notated on Planning Map 55 as "A" is required to comply with the following Restricted Discretionary Assessment Criteria</p>	Restricted Discretionary	<p>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>Any built development (including carparking) requires a design statement (report) to be prepared by a suitably qualified professional such as a landscape architect or urban designer and include the following:</p> <p>i) A 2.5 metre indigenous planting buffer is provided for within the planting buffer noted on planning Map 55. This planting is to be of at least 1.8 metres in height and is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity;</p> <p>ii) The extent to which pedestrian and cycleway connections and visual links are provided for between Molesworth Drive, Estuary Drive and Norfolk Drive;</p> <p>iii) The implementation of Crime Prevention through Environmental Design Principles (CEPTED);</p> <p>iv) Carparking areas shall be designed to be functional for both vehicles and pedestrians, shall be appropriately enhanced through landscaping (indigenous) and lit and shall not disrupt the ability to provide active frontage.</p> <p>v) Buildings on street edges shall provide for active street edge where a connection between the building front and street is provided for. Where the building is set back from the street frontage, the space between</p>

				<p>the building and the street frontage or carpark must incorporate outdoor dining, display, planting or pedestrian amenities where appropriate.</p> <p>vi) The design of any building shall ensure that infrastructure services, communication devices are concealed and / or treated as part of the overall design of any building.</p> <p>vii) Be consistent with Mangawhai Design Guidelines, in particular Section 5 and Section 6.</p> <p>Viii) That the design of carparking and built form avoids potential reverse sensitivity effects on surrounding residential environment.</p> <p>Note 1: Reference to the Ministry of Justice National Guidelines for Crime Prevention through Environmental Design will assist applicants in achieving compliance with the criteria iii) set out above.</p>
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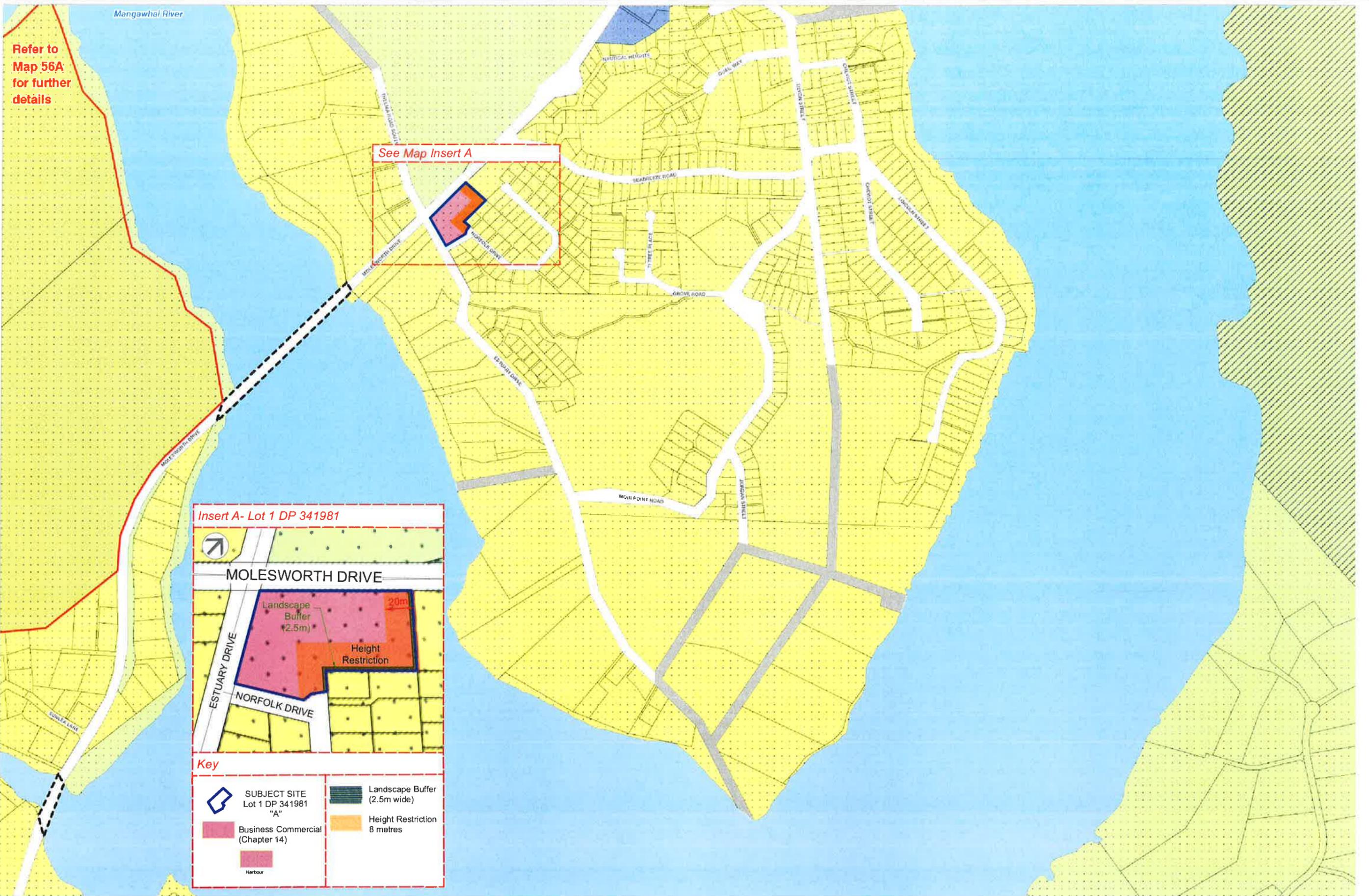
Refer to
Map 56A
for further
details

See Map Insert A

Insert A - Lot 1 DP 341981

Key

	SUBJECT SITE Lot 1 DP 341981 "A"		Landscape Buffer (2.5m wide)
	Business Commercial (Chapter 14)		Height Restriction 8 metres
	Harbour		



Development of 68 Molesworth Drive

Response to email comments from Kaipara District Council with subject "PPC – North City Developments" dated 30/11/16



Development of 68 Molesworth Drive | Response to email comments from Kaipara District Council with subject "PPC – North City Developments" dated 30/11/16

Dear Paula,

This letter and accompanying documents form our Response to email comments from Kaipara District Council with subject "PPC – North City Developments" dated 30/11/16.

Please do not hesitate to contact us if you have any questions on this response or the associated documentation,

Yours faithfully

A handwritten signature in black ink, appearing to read "Sam Blackbourn".

Sam Blackbourn | Director of Engineering | 021 908 524 | sam@civix.co.nz | civix.co.nz
CIVIX LIMITED

1. Comments and responses

1. *The report does not take into account any storm water from upstream, of particular note are the effects of any ponding or flooding further up Molesworth Drive which have been an issue historically;*

The report is addressing the proposed change in zoning from residential to commercial. The implications of this change are predominantly the increase in imperviousness which may result from the different development typologies which is the main focus of the assessment report. The proposed mitigation approach aims to ensure that peak flows are reduced on site to predevelopment levels, therefore avoiding any adverse impacts on upstream or downstream property owners.

It is noted that the site is higher than the adjacent Molesworth Drive and that it is unlikely that any of these flood flows will flow over the development site. The location of the overland flow relative to the site is shown in the attached drawing.

2. *Double check the pre and post 100yr calculations as there is only a 30% difference here from 100% pervious to 100% impervious;*

Calculations have been reviewed and are verified as correct

3. *There is no investigation into the effects of discharging downstream, apart from the fact it will discharge into a "swale" and then into the 900mmØ culvert, which is the line that comes from the Seabreeze subdivision;*

Water from the development site currently drains into this system via overland flow. As the proposal is to maintain flows at their current level, no net change is predicted in runoff from the site from the existing state.

4. *They 'note' the 900mmØ culvert discharges into the "stream" which terminates at the estuary, they will need to explain how they intend to discharge into this and if they need to consult with the land owners here even though this is identified as an easement. This is because it would be expected that there will be an increase of Stormwater discharge which may affect the property.*

The proposal includes detention to maintain current peak flow levels in the 2, 10 and 100 year events. These storms are chosen for design as controlling the flows for these events also control flows for all events in between. No peak flow increases are predicted in the downstream culvert.

5. *No allowance has been made for climate change;*

Climate change has been allowed for. The 100 yr storm depth from HIRDS is shown on page 4 of the report as 323.9mm. The value used in the calculations shown on page 5 is 378mm. The difference in these numbers is the 16% increase recommended by the Ministry for the Environment.

6. *They only mention storm water treatment as a small section noting that this is to be assessed at the design stage of whatever development is to go onto here if the proposal goes ahead, there needs to be more concrete statements made on the treatment of storm water runoff from this site, as it potentially discharges into a stream directly connected to the estuary.*

Treatment systems provided need to take into account the usage of the site as well as the downstream environment. As a minimum, it is recommended that treatment system provided a minimum of 75% TSS removal and also target any pollutants of concern generated from the specific proposed usage of the site.



- CONTOURS
- SITE BOUNDARY
- OVERLAND FLOW PATH
- SW CATCHMENT
- NZ_Roads_2014
- PARCELS

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	DESIGNED:	SB			
	DRAWN:	SB			
	RELEASED:	SB			
REVISION	AMENDMENT	BY	SB		



68 MOLESWORTH DRIVE

STORMWATER
CATCHMENT ASSESSMENT

STATUS:			FOR PLAN CHANGE
DRAWING NO:			0520
SCALE & SIZE:	1:4,000	A3	REV: DEC 2016

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20 December 2016

Matthew Smith
Kaipara District Council

Our ref: 51/33761/
DocNumber
Your ref:

Dear Matthew

**Development of Lot 1 DP 341981, Molesworth Drive, Mangawhai
Response to Civix letter dated 30/11/16**

In response to Civix's letter dated 30/11/2016, please refer to Figs 1 and 2 below.

Figure 1 Lot 1 DP 341981, Molesworth Drive, Mangawhai overland flows

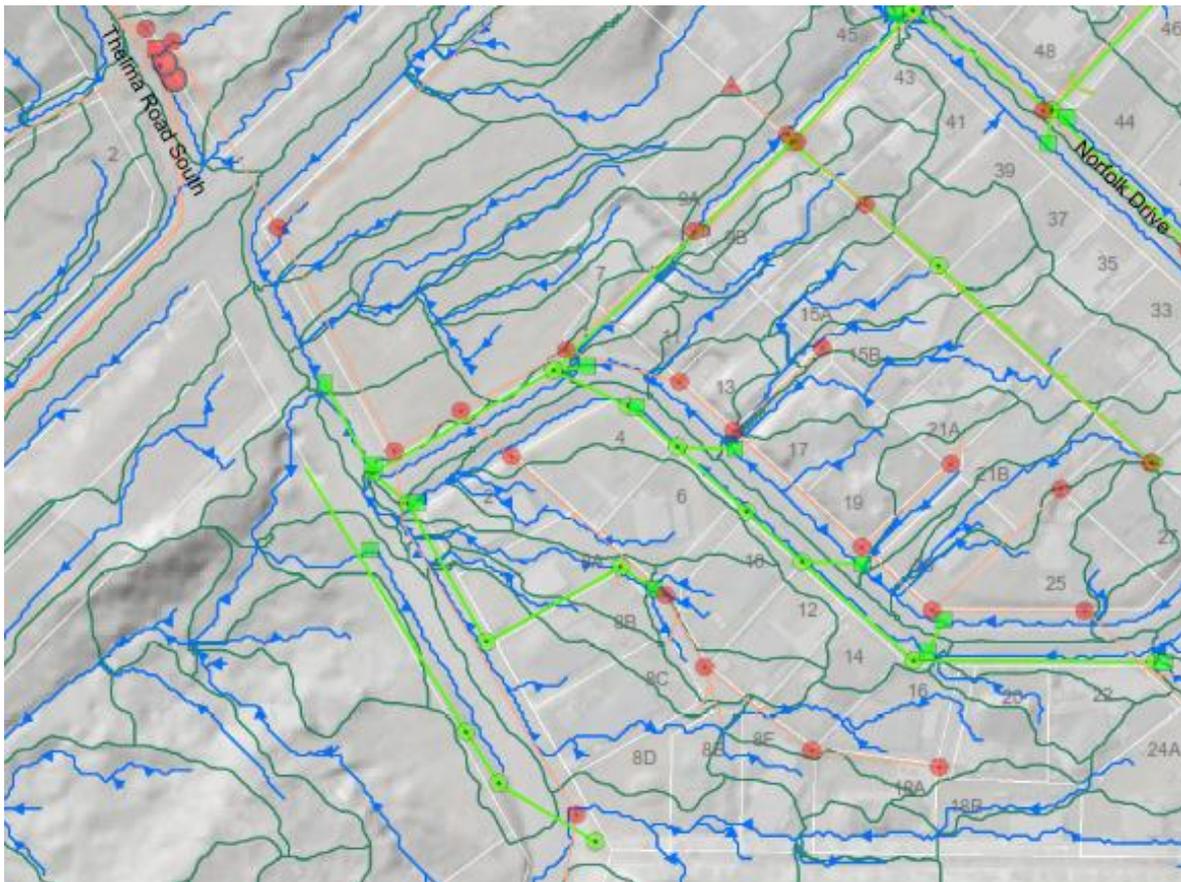


Fig 1 shows the overland flows and the drainage system in and around Lot 1 DP 341981, Molesworth Drive, Mangawhai.

Fig 2 shows the overland flows from the property above Lot 1 DP 341981, Molesworth Drive, Mangawhai.

Figure 2 Overland flows from upstream property



Response to Item 1

The applicant must address how the flows from the property above are going to be managed. With the changes from residential to commercial, it is expected that the overland flows from the above property will cause a greater adverse effect on the property at Lot 1 DP 341981, Molesworth Drive, Mangawhai.

A condition of the plan change should be that the management of overland flows from the above property will be managed within any development of the Lot 1 DP 341981, Molesworth Drive, Mangawhai property. Alternatively, KDC can take responsibility for mitigating any effects in future by designing and implementing a public stormwater system to manage both the primary and secondary flows.

Response to Item 2

Acceptable but subject to item 1 above.

Response to Item 3

It is accepted that the flows will be maintained to pre-development levels. However currently the flows from Lot 1 DP 341981, Molesworth Drive, Mangawhai are dispersed and flow overland to the road and to an informal swale. With the change to commercial and implementation of a detention pond, the discharge cannot be piped to the informal KDC swale. This will have an impact in that the flows will be concentrated to a point causing erosion in the Council "swale". Any future development must address this issue and pipe to the Council pipe system but also check that the Council pipe system has adequate capacity.

This should be a condition of consent. Alternatively, KDC can implement a public stormwater pipe system.

Response to Item 4

Acceptable but subject to Items 1,2 and 3 above.

Response to Item 5

Condition of Plan change – Stormwater mitigation to allow for climate change impacts

Response to Item 6

Acceptable

Conclusion

In conclusion and to address other concerns;

- The plan change will not have any effect on the ground stability and/or other geotechnical aspects with respect of changes in the stormwater flows and the primary and secondary flow paths;
- The information submitted to date by the applicant does not fully address some of the concerns highlighted in responses 1 to 5 above. However, all of these issues can be resolved and be managed at the development stage of the site if conditions of plan change as recommended above are enforced, therefore the stormwater issues in the area should not prevent the plan change.

Kind Regards
GHD Limited



Vijesh Chandra

Business leader Stormwater
0272290966



Kaipara District Council

68 Molesworth Drive Mangawhai

Traffic Assessment Review





Kaipara District Council

68 Molesworth Drive Mangawhai

Traffic Assessment Review

Prepared By

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Principal Traffic and Transportation Engineer

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Date: December 2016
Reference: 1-13561.00
Status: Version 2

Approved for
Release By

Brian Child
Asset Management Team Leader

Contents

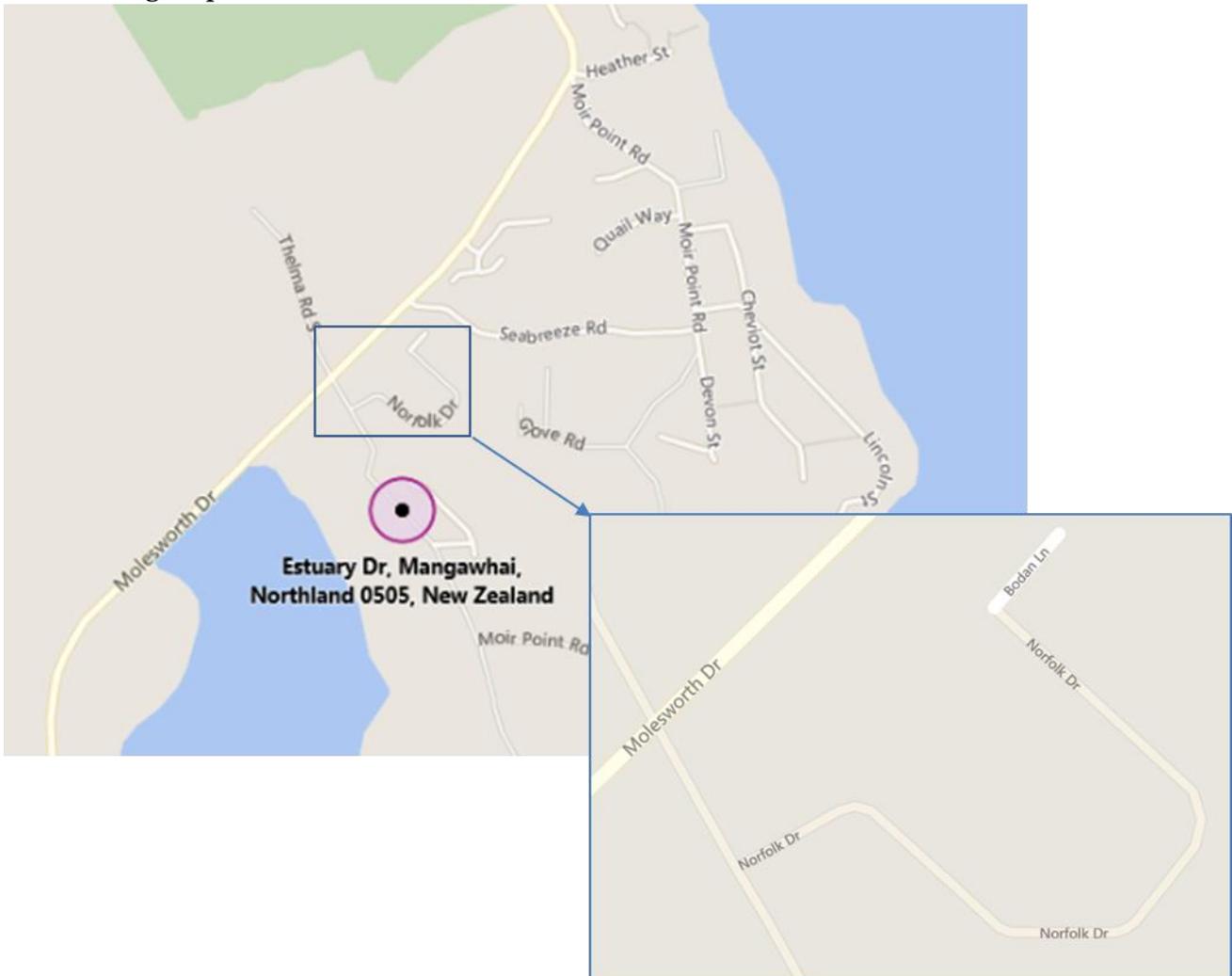
- 1 Existing Road Network..... 1**
 - 1.1 Molesworth Drive..... 1
 - 1.2 Estuary Drive 1
 - 1.3 Norfolk Drive 1

- 2 Traffic Crashes 1**

- 3 Assessment of Traffic Effects and Mitigation..... 1**
 - 3.1 Traffic Generation 1
 - 3.2 Roothing Network2
 - 3.3 Pedestrian Access.....2

- 4 Conclusion 3**

Source: Bing Maps



1 Existing Road Network

1.1 Molesworth Drive

Molesworth Drive is classified as a Primary Collector (Arterial) road. Molesworth Drive has a speed limit of 50km/h. Until recently the speed limit past 68 Molesworth Drive was 80km/h. Molesworth Drive is a two lane road past the site. It has a left turn deceleration lane for traffic wishing to make the left turn to Estuary Drive. This left turn deceleration lane may not be necessary now that the road is subject to a 50km/h speed limit, however it should not be removed as the width may be utilised at a future time when intersection upgrading is required.

Traffic flows vary from 4,000 vehicles per day in the winter to 9,000 vehicles per day in the summer holiday season. This is a significant difference, however at this summer traffic flow rate of 9,000 vehicles per day, a two lane Primary Collector road can easily handle this volume of traffic.

1.2 Estuary Drive

Estuary Drive is a two-lane Access (Local) road. Traffic flows vary from 200 vehicles per day in the winter to 600 vehicles per day in the summer holiday season. These flows are not high and the existing road can easily manage this amount of traffic.

1.3 Norfolk Drive

Norfolk Drive is also an Access (Local) road and carries approximately 100 vehicles per day in the winter. This could rise to 300 vehicles per day in the summer months, based on other roads in the vicinity, however a count on this road is not available for the summer flows.

2 Traffic Crashes

No traffic crashes have been reported in the vicinity of 68 Molesworth Drive in the previous 10 years. There is always a possibility of crashes occurring and, as traffic flows increase, the probability of a crash also increases. However, given the no recorded crashes status of the intersection of Molesworth Drive and Estuary Drive, a rise in the crash rate is not expected.

3 Assessment of Traffic Effects and Mitigation

3.1 Traffic Generation

The Traffic Impact Assessment Report supplied by the applicant refers to the traffic generation consented for the petrol station and builds upon that value, arriving at a site maximum of 340 movements (one-way) per day. The consent for the petrol station has expired. The consent for the support business associated with the petrol station expires in 2017 but these businesses are not likely to proceed in their current consented form without the petrol station being in place and in operation.

The Kaipara District Plan, in Section 14.10.18, refers to a maximum permitted traffic generation of 200 movements (one way) per day. Beyond this volume of traffic it becomes a restricted discretionary activity. In this case, the application is to change the zoning of the site to Commercial

Zoning. At this time, there is **no** indication of the type of activity that will operate from the site. As this becomes known, traffic generation associated with these proposals can be assessed. It is likely that resource consents will be needed for these proposals and a full evaluation of each application can be made at that time.

3.2 Rooding Network

The rooding network is sufficient for the current traffic flows. There is a significant variation between the flows during the summer holiday season and the winter flows. The rooding network will be sufficient for winter traffic flows. In the summer holiday season, when traffic flows are higher, motorists may already be experiencing some delays turning out of Estuary Drive and Thelma Road. The development of the site at 68 Molesworth Drive is likely to increase the delays at the intersection.

No evaluation of the intersection has been supplied to Council as traffic generation is uncertain until there is a definite proposal for the site. Additional delay has therefore not been assessed. It is clear that with the current summer traffic flows some form of intersection safety improvements would be of benefit. The minimum would be to provide right turning bays to Estuary Drive and to Thelma Road. A roundabout should be considered at the intersection in the longer term.

While it is not necessary to do an intersection upgrade at the time of the Plan Change, depending on the applications received after the zoning change if it is approved, these may require improvements to the intersection. It would be prudent to protect, at this stage, an area of land for future intersection upgrading.

3.3 Pedestrian Access

Molesworth Drive does not have any footpaths (Google Street View Photography 2013). Both Estuary Drive and Norfolk Drive have a footpath on one side. Estuary Drive has its footpath on the eastern side while Norfolk Drive has its footpath on the northern side. Both of these locations are beside the Lot that is the subject to the proposed Plan Change.

Other than some limited pedestrian activity occurring on the unsealed shoulders, there are no activities nearby that currently generate pedestrian activity and, as a result, pedestrian and cycle activity in the area is, at this time, assessed as low.

However, there are dwellings on Norfolk Drive and the above limited pedestrian and cycle activity is assumed from this area, but it is a substantial distance from these dwellings to other activities.

There is the Mangawhai Museum directly across Molesworth Drive from the subject site; however, it is considered that most visitors to this establishment would arrive by motor vehicle.

This application is for a Plan Change to Commercial Zoning. At this stage, there is no indication of the type of developments that may occur in the future. Each development on the site will require a Resource Consent. It is highly likely that future developments will generate pedestrian activity. Those applications should address the pedestrian access issues and it is highly likely that a footpath will be required on the southern side of Molesworth Drive. Developer contributions, if applicable, should be sought.

Additionally, there is no footpath on the northern side of Molesworth Drive outside the museum. This is likely to be required in the future and consideration of this footpath should be taken into

account when evaluating applications for 68 Molesworth Drive. There may be opportunities to link footpaths both sides of Molesworth Drive with an appropriate pedestrian crossing facility.

4 Conclusion

There are no traffic issues that preclude the proposed zoning change. It would be prudent for an area of land to be protected for future intersection upgrading and land should be set aside for a future footpath on the southern side of Molesworth Drive adjacent to the site.



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KEY

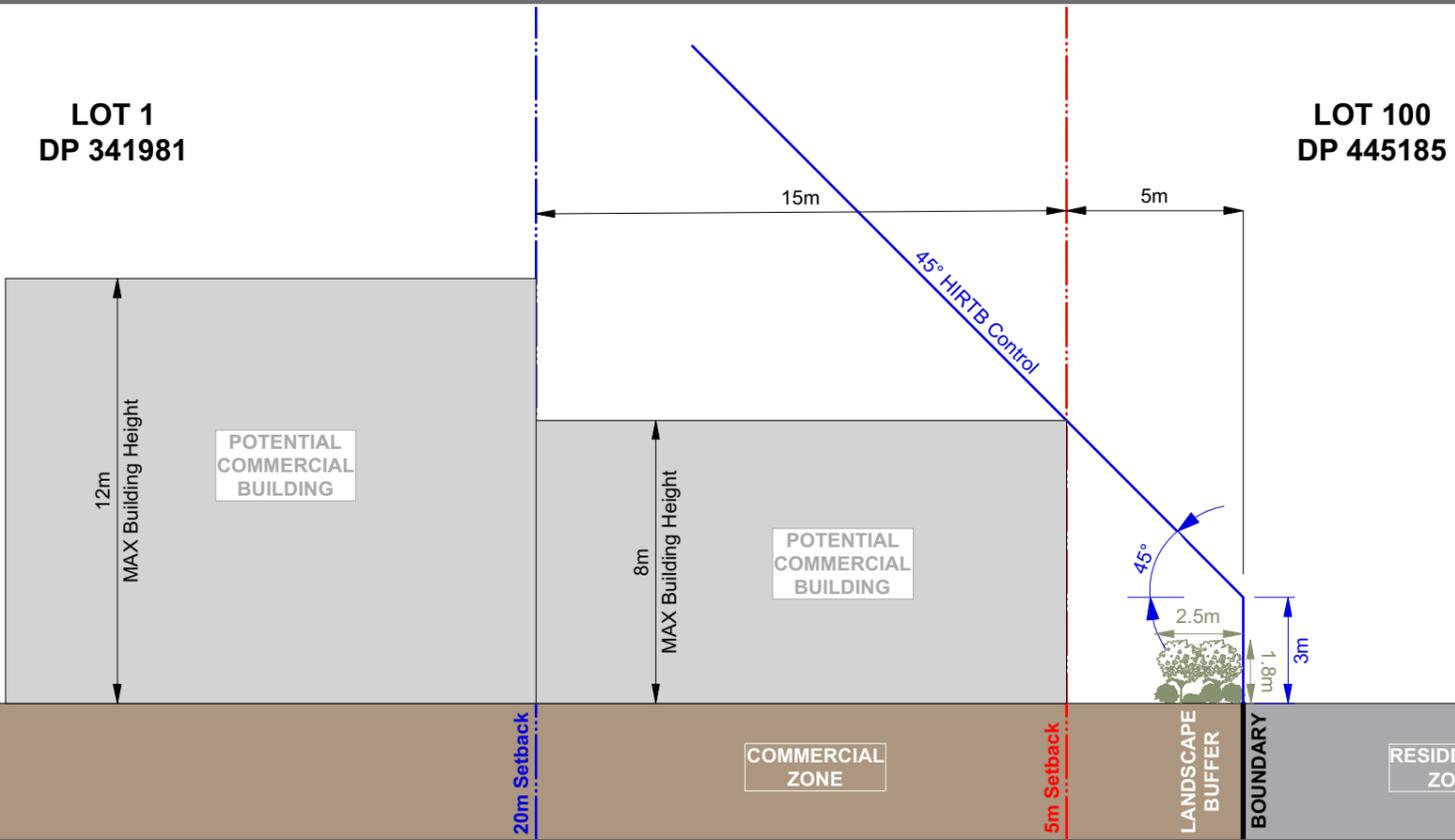
- Existing Boundary
- Proposed Boundary
- Neighbouring Property Boundaries

HEIGHT IN RELATION TO BOUNDARY ("HIRTB")

- HIRTB Diagram in accordance with Existing Provision 14.10.56 (a)
- HIRTB Diagram in accordance with Proposed Provision 14.10.56 (b)
- Planting Buffer planted in accordance with Proposed Provisions 14.10.30 (i)

Attachment 5

HEIGHT IN RELATION TO BOUNDARY DIAGRAM - Scale 1:200 @ A3



DISCLAIMER

THE INFORMATION SHOWN ON THIS DRAWING IS FOR THE SOLE PURPOSE OF SUPPORTING A PRIVATE PLAN CHANGE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991 TO KAIPARA DISTRICT COUNCIL. THE INFORMATION MUST NOT BE USED FOR ANY OTHER PURPOSE. AREAS AND MEASUREMENTS ARE SUBJECT TO KAIPARA DISTRICT COUNCIL AND LINZ FINAL APPROVAL.

ADDRESS
MOLESWORTH DRIVE CORNER ESTUARY DRIVE, MANGAWHAI

CLIENT / APPLICANT
NORTH CITY DEVELOPMENTS LTD.

PROPOSAL
FOR THE PROPOSED PRIVATE PLAN CHANGE OF LOT 1 DP 341981 (CT 172605) AT MOLESWORTH DRIVE, MANGAWHAI

CT # 172605 SITE AREA 7863 m²

REF # PPC14001-001	VERSION # A	DATE 01 / 12 / 2016	DRAWN BY EE
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TITLE
HEIGHT IN RELATION TO BOUNDARY ('HIRTB')

SHEET
01

SCALE 1:500 @ A3
NOTE THAT ALL MEASUREMENTS ARE IN METRES UNLESS SHOWN

DREAM PLANNING
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EMAIL admin@dream-inc.co.nz
WEB www.dreaminc.co.nz

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Attachment 6

Residential and Commercial Provision Table Analysis

Permitted Standards Comparison Analysis – Residential Zone / Industrial Zone

Activity	Residential Rule	Permitted Standards - Operative District Plan (Residential)	Commercial Rule	Permitted Standards - Operative District Plan (Commercial / Industrial)	Comparative Analysis
Excavation and Fill	13.10.2a	<p>(1) Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and b) Where the site is outside of an Overlay Area the volume is less than 200m³ within a site in any 12 month period and where Overlay apply, the volume is less than 300m³ within a site in any 12 month period; and c) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and d) The volume is less than 300m³ within a site in any 12 month period and is not within 6m of a bank of any water body; and e) The height or depth is less than 1.5m over a continuous distance of less than 50m within a site; and f) Any excavation or fill on land does not have an average slope greater than one in eight, and extend over an area greater than 200m²; and g) All bare earth areas, including, <i>erosion-prone</i> and fill batters faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and h) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed; and i) Provided the site is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(2) Except that the following are Permitted Activities throughout the Residential Zone, including Overlay and are excluded from Rule 13.10.1(1):</p> <ul style="list-style-type: none"> a) Network utilities, except where a site or feature is identified in Part C of the Plan; and b) Underground storage tanks except where a site or feature is identified in Part C of the Plan. <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>	14.10.1	<p>(1) All Overlay Areas Only</p> <p>Excavation and Fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and b) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and c) The volume is less than 300m³ within a site in any 12 month period and is not within 6m of a bank of any water body; and d) The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or height; and e) All bare earth areas including excavation and fill batters faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and f) Revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed. <p>(2) Except that the following are Permitted Activities throughout the Business Industrial and Commercial Zone, including Overlay and are excluded from the Standards of 14.10.1(1):</p> <ul style="list-style-type: none"> a) Network utilities, except where a site or feature is identified in Part C of the Plan; and b) Underground storage tanks except where a site or feature is identified in Part C of the Plan. <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>	<p>Earthworks provisions are similar in nature, however the Commercial / Industrial provisions allow for 300m³ and the residential provisions (in an Overlay) allow for 100m³ over a 12 month period.</p> <p>The residential earthwork provisions are more restrictive in terms of grade and slope.</p>
Excavation and Fill in an Outstanding Natural Landscape	13.10.2b	<p>(1) Subject to the exclusion in (2) below, within an Outstanding Natural Landscape, excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The volume is less than 300m³ in any 12 month period per site; and b) Any cut and/or filled face does not exceed 1.5m in height; and c) Cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area and the foreshore shall be stabilised using mulch, hydro seeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction. <p>(2) Except that Normal Rural Practices (as defined in Chapter 24) are Permitted Activities.</p> <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>			<p>Not relevant to the subject site, the site is not in an ONL.</p>
Vegetation Clearance	13.10.2a	<p>Subject to the exceptions provided in (4) below clearance or removal of indigenous vegetation is a Permitted Activity if:</p> <p>(1) Residential Zone</p> <ul style="list-style-type: none"> a) It is not located within an <i>indigenous wetland</i>; b) It is not part of: <ul style="list-style-type: none"> i a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 200m² in area; and iii It is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(2) East Coast and West Coast and Kaipara Harbour Overlay</p>	14.10.2	<p>Subject to the exceptions provided in (2) below the clearance or removal of indigenous vegetation within Overlay Areas is a Permitted Activity if:</p> <p>(1) All Overlay Areas (excluding Mangawhai Harbour)</p> <ul style="list-style-type: none"> a) It is not located within an <i>indigenous wetland</i>; and b) It is not part of: <ul style="list-style-type: none"> i a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 200m² in area <p>(2) Mangawhai Harbour Overlay</p> <ul style="list-style-type: none"> a) It is not located within an <i>indigenous wetland</i>; and 	<p>Not applicable to the subject site.</p>

<p>Indigenous Vegetation Clearance in an Outstanding Natural Landscape</p>	<p>13.10.2b</p>	<p>a) It is not located within an indigenous wetland;</p> <p>b) It is not part of:</p> <ul style="list-style-type: none"> i. a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii. a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 100m² in area; and iii. It is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(2) Mangrove Harbour Overlay</p> <ul style="list-style-type: none"> a) It is not located within an indigenous wetland; b) It is not part of: <ul style="list-style-type: none"> i. a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii. a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m² in area; and iii. It is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(4) Except that the following are Permitted Activities throughout the Residential Zone, including Overlays and are excluded from the Standards of 11.10.2a(1), 11.10.2a(2) and 11.10.2a(3):</p> <ul style="list-style-type: none"> a) The removal is in accordance with an existing use right (Note this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The total clearance within a site is no more than 200m², where the clearance is for the express purpose of providing a house site and/or access to a house site, or to provide access to existing farming or forestry activities; or c) The removal is of trees that are a danger to human life or existing structures (including network utility); or d) The removal is for the formation and maintenance of walking tracks less than 1.5 metres wide; or e) 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 access 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 either side of the fence line, wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or f) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2005; g) The removal is for the construction of a fire break by a fire authority; or h) It is necessary for the purposes of fencing and excluding livestock from an area which is to be protected permanently for ecological and/or soil conservation purposes; or i) The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or j) It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or forest silt covenant under the Forests Act 1983, or the trees have been planted specifically for forestry or other purposes and the removal is necessary to meet the requirements of the Forestry Act 1983 or other conditions, if the company has Forest Stewardship Council certification or another third party certified environmental management system; or k) The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old. <p>Note 1: The Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require Resource Consent from the Northland Regional Council under these provisions. Applicants should contact the Northland Regional Council to confirm whether or not consent is required.</p> <p>Note 2: Where an applicant requires Consent for vegetation removal to be exempt from the Northland Regional Council Resource Consent, the applicant will seek to undertake post processing of both applications, e.g. afforestation standards are explicitly stated.</p> <p>Note 3: For the purpose of clarity the standards of this Rule for the Residential zone apply to Overlays unless otherwise stated.</p> <p>Note 4: An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	<p>b) It is not part of:</p> <ul style="list-style-type: none"> i. a continuous area of predominantly indigenous vegetation over 1 hectare in area; or ii. a continuous area of predominantly indigenous vegetation greater than 3m in height and 50m² in area. <p>(5) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays, and are excluded from the Standards of 14.10.2(1) and 14.10.2(2):</p> <ul style="list-style-type: none"> a) The removal is in accordance with an existing use right (Note this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or b) The removal is of trees that are a danger to human life or existing structures (including network utilities); or c) The removal is for the construction of a fire break by a fire authority; or d) 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 access 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 either side of the fence line, wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or e) It is part of the operation and maintenance of network utilities or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2005. <p>Note 1: The Northland Regional Council Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require Resource Consent from the Northland Regional Council under these provisions. Applicants should contact the Northland Regional Council to confirm whether or not consent is required.</p> <p>Note 2: Where an applicant requires Consent for vegetation removal to be exempt from the Northland Regional Council Resource Consent, the applicant will seek to undertake post processing of both applications, e.g. afforestation standards are explicitly stated.</p> <p>Note 3: An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	<p>Not applicable to the subject site.</p>
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<p>Dwelling Floor Levels</p>	<p>Floor</p>	<p>[1] Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following standards:</p> <ul style="list-style-type: none"> - Floor levels for habitable building floors are designed with a minimum finished height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and - In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> - 5.0m above mean sea level in the West Coast and East Coast Overlays; or - 3.0m above mean sea level in the Mangawhai Harbour Overlay; or - 3.5m above mean sea level in the Kaipara Harbour Overlay; or - 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. <p>Rule 1: Minimum floor levels have been determined using One Tree Point 1364 datum</p> <p>Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1364 datum</p>	<p>13.10.4b</p>	<p>[2] Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following standards:</p> <ul style="list-style-type: none"> - Floor levels for habitable building floors are designed with a minimum finished height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and - In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> - 5.0m above mean sea level in the West Coast and East Coast Overlays; or - 3.0m above mean sea level in the Mangawhai Harbour Overlay; or - 3.5m above mean sea level in the Kaipara Harbour Overlay; or - 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. <p>Note 1: Minimum floor levels have been determined using One Tree Point 1364 datum</p> <p>Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1364 datum</p>	<p>Dwelling floor level requirements are the same in the Residential and Commercial Zones.</p>
<p>Erection and alterations of buildings and structures within an Outstanding Natural Landscape</p>	<p>13.10.4c</p>	<p>The Erection and Alteration of Buildings and Structures (including dwellings) located in an Outstanding Landscape is a permitted activity if:</p> <ul style="list-style-type: none"> a) It is no more than 8m in height; b) Does not exceed 50m² gross floor area or any alteration / additions to the building or structure do not exceed 40% of the gross floor area of the dwelling or 40% of the volume of the structure (whichever is the smaller); c) The exterior finish of the building or structure has a reflectance value of, or less than 30% as defined within the BS5252 standard colour palette; <p>And if applicable:</p> <ul style="list-style-type: none"> d) It is required for maintenance to the interior and exterior of the building or structure; or e) It is required for renovations to the interior of the dwelling or structure 		<p>Not applicable to the subject site.</p>	
<p>Commercial and Industrial Buildings</p>	<p>13.10.4</p>	<p>[3] For Commercial or Industrial Activities in a Residential Zone</p> <p>Any building is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The building is able to comply with the relevant Performance Standards of Rule 13.10; b) Where no Council reticulated wastewater system is available the on-site treatment and disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 'Onsite Wastewater Management Standards'; c) Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 13.13.6(1)(b) (d) inclusive; d) Where no Council wastewater system is available the development shall comply with the requirements of Rule 13.13.6(c)-(d) inclusive; e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(a) and 13.13.13(3)(a)-(f) inclusive; and f) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(3)(a) and Rule 13.13.13(3)(a)-(f) inclusive <p>Note 1: Any discharge into land, air or water bodies may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for wastewater storm water treatment, storage and disposal and the Regional Council Plan controls have been developed to ensure that the development should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p>		<p>Note: this provision relates to 13.14 not 13.13 as outlined in the Plan. These provisions relate to stormwater and wastewater and water services. Where Council Stormwater and Wastewater systems are available any activity is required to connect to the system, and confirmation is required to ensure that the activity be serviced by the current system. Water supply is required to meet the Building Act and NZ Fire Service Code of Practice.</p> <p>These provisions are provided for Commercial and Industrial Buildings in the Residential Zone, these provisions are only provided for in the Commercial Zone for subdivision activity. There are no specific provisions relating to the requirement for infrastructure in the Commercial Zone other than permeable surfaces.</p>	

<p>Separation Distance for Noise Sensitive Activities</p>	<p>33.10.8</p>	<p>Any Noise Sensitive Activity (as defined in Chapter 24, Definitions) is permitted if:</p> <p>(1) A 300m separation distance is maintained between the noise sensitive activity and activities listed as follows, on a site under separate ownership:</p> <ul style="list-style-type: none"> a) Building or enclosure intended for housing (livestock) b) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land effluent application); c) Building used for an industrial or commercial activity; d) Intensive feed lot or feed storage area; e) Intensive farming; f) Dairying shed; g) Mining or quarrying; and h) Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent, relating to odour from the Northland Regional Council; and <p>(2) The activity is prohibited outside the Noise Contour Boundary surrounding the Maungaturoto Dairy Development located within this Zone will therefore be subject to this Rule in relation to the Maungaturoto Dairy Factory's existing operations</p> <p>Note 1: This Rule is intended to protect existing, lawfully established activities in adjoining Zones. If a noise sensitive activity develops then it would be required to maintain the appropriate separation distance to avoid future land use conflicts.</p> <p>Note 2: Maungaturoto Dairy Factory has existing use rights for its current operations, on-site Development located within this Zone will therefore be subject to this Rule in relation to the Maungaturoto Dairy Factory's existing operations</p> <p>Note 3: For the purposes of this Rule, the term "noise sensitive activities" is used to describe the types of activities that may be affected by sensibility issues.</p> <p>Note 4: For clarity, any Noise Sensitive Activity within the Noise Contour Boundary of the Maungaturoto Dairy Factory site will require Resource Consent.</p>	<p>14.10.10</p>	<p>Alteration, the building is provided with a verandah</p> <ul style="list-style-type: none"> a) Each verandah shall have a minimum height of 2.3m measured from the average finished floor level of the footpath to the underside of the verandah, and be so related to adjacent verandahs as to provide continuity of height and cover; b) It shall extend from the supporting building to a point of 0.5m behind the face of the kerb <p>The facade shall have a minimum depth of 0.3m and a maximum depth of 0.45m and be of a uniform level unless otherwise approved by Council</p> <p>Any of the activities listed as follows, are permitted if it complies with all Performance Standards in Section 14.10.10 to 14.10.13, a Resource Management Unit, or a 300m distance to any existing noise sensitive activity located in these Zones, whichever is the greater:</p> <ul style="list-style-type: none"> a) Panel beating; b) Motor vehicle manufacturing; c) Animal husbandry; d) Service stations; e) Intensive farming; f) Stock saleryards; g) Refuse recycling facilities and transfer stations; h) Sewage treatment site or other site of plant or animal effluent storage or disposal; i) Mining or quarrying; and j) Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent, relating to odour from the Regional Council. <p>Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide scope of activities within the Business, Commercial and Industrial Zone. As such, if any of the activities listed in the above table are proposed, the applicant must demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area. The applicant must also demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area. The applicant must also demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area. The applicant must also demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area.</p>	<p>fronting the street frontage.</p> <p>Noise Sensitive Activities include residential use, hospitals, homes for the aged, places of assembly for cultural, entertainment, recreation, leisure, education facilities, conference centres, public halls, child care facility, theatres, motels, hotels, cinemas, display galleries and museums, and other similar uses and activities.</p> <p>A 300 metre separation distance is required between Commercial Activity and Noise Sensitive Activities in the Residential Zone, Residential Use and Museum are classified as a Noise Sensitive Activity.</p>
<p>Buildings and Vegetation near Airfields</p>	<p>33.10.9</p>	<p>(1) Any building, structure or aerial is a Permitted Activity, unless part of it would fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%), or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). <p>(2) All trees and other natural projections shall be maintained so that no part shall fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). <p>Note 1: This Rule currently applies to the airfields at Otago and Naumai shown in Appendix H to the District Plan Maps.</p>	<p>14.10.11</p>	<p>(1) Any building, structure or aerial is a Permitted Activity, unless part of it would fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). <p>(2) All trees and other natural projections shall be maintained so that no part shall fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). 	<p>Not applicable to the subject site, however the provisions are the same.</p>
<p>Relocation of Buildings</p>	<p>33.10.10</p>	<p>Relocated buildings are permitted where the following matters can be satisfied:</p> <ul style="list-style-type: none"> a) Any relocated building can comply with the relevant Standards for Permitted Activities in the District Plan; and b) Any relocated dwelling must have been previously designed built and used as a dwelling; and c) A Building Inspector report shall accompany the Building Consent. The report is to identify all remediation work required to the exterior of the building; and d) All work required to remediate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site. <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 33.10.10 shall also apply</p>	<p>14.10.13</p>	<p>Relocated buildings are permitted where the following matters can be satisfied:</p> <ul style="list-style-type: none"> a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan; b) A Building Inspector report shall accompany the Building Consent. The report is to identify all remediation work required to the exterior of the building; and c) All work required to remediate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site. 	<p>Relocated building requirements are similar in both zones, however in the Residential Zone the dwellings must have been previously designed and used as a dwelling.</p>

Private Open Space	13.10.11	<p>A dwelling is a Permitted Activity if the private open space meets the following:</p> <ul style="list-style-type: none"> a) is equivalent to 50% of the gross floor area of the dwelling; b) is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter; c) is located on the east, north or west side of the dwelling; d) has direct access from the main living area of the dwelling; e) is unobstructed by vehicle access or parking areas; and f) is adequately screened from adjoining dwellings and adjacent sites, except in the case of residences. 		<p>The private open space provision in the Residential Zone are the same as the requirements in Provision 14.10.4 Dwellings in the Commercial Zone.</p>
Permeable Surfaces	13.10.12	<p>Any activity is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The area of any site covered by buildings and other impermeable surfaces is less than 40% of the net site area <p>Note 1: For the purposes of this Rule, any area regularly used by vehicles whether metallic, sealed or unsealed shall be considered an impermeable surface.</p>	<p>14.10.12</p> <p>Any activity is permitted if a site which relies on site wastewater and/or storm water disposal has an area of permeable surface:</p> <ul style="list-style-type: none"> a) Of at least 400m² available for wastewater disposal; and/or b) Of at least 100m² available for stormwater disposal. <p>Note 2: There is no maximum building coverage in the Business Zones.</p>	<p>Permeable surface provisions differ, Residential Zone provides 40% impermeable surfaces (including building coverage) and the Commercial Zone required a certain area for onsite wastewater and stormwater disposal if it is to be treated on site.</p>
Building Coverage	13.10.13	<p>Any activity is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) Building coverage on a site is less than 35% of the net site area <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.13 shall also apply</p>	<p>14.10.13</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> i) 7:00am – 7:00pm: 50 dBA_{L_{max}} ii) 7:00am – 10:00pm (Mon-Fri) and 7:00am – 10:00pm Sundays and Public Holidays: 45 dBA_{L_{max}} and 70dB L_{max} iii) 10:00pm – 7:00am (any day): 40dB L_{max} and 70dB L_{max} <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p>	<p>Building coverage is 35% in the Residential Zone and there is no maximum building coverage in the Business Zone.</p>
General Noise	13.10.14	<p>Any activity is permitted if noise from the site does not exceed the following limits, as measured either at or within any other site Zoned Residential, or within the notional boundary of a dwelling in a Rural or Main Purpose Zoned Site:</p> <ul style="list-style-type: none"> a) 7:00am – 7:00pm: 50 dBA_{L_{max}} b) 7:00am – 10:00pm (Mon-Fri) and 7:00am – 10:00pm Sundays and Public Holidays: 45 dBA_{L_{max}} and 70dB L_{max} c) 10:00pm – 7:00am (any day): 40dB L_{max} and 70dB L_{max} <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p>	<p>14.10.14</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> a) 6:00am L_{max} as measured within the boundary of any other site in the same Zone: <ul style="list-style-type: none"> i) 7:00am – 7:00pm: 50dB L_{max} ii) 7:00pm – 10:00pm: 45dB L_{max} and 70dB L_{max} iii) 10:00pm – 7:00am: 40dB L_{max} and 70dB L_{max} <p><i>as measured within any other site Zoned Residential, or within the notional boundary of a dwelling in a Rural or Main Purpose Zoned Site</i></p> <p>(2) Industrial Zone Only</p> <p>With the exception of (b) below any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> a) 7:00am – 7:00pm (Mon-Fri) and 7:00am to 10:00pm (Sunday and Public Holidays) 50dB L_{max} and 70dB L_{max} as measured within the boundary of any other site in the same Zone: <ul style="list-style-type: none"> i. 7:00am – 7:00pm (Mon-Fri) and 7:00am to 10:00pm (Sunday and Public Holidays) 50dB L_{max} and 70dB L_{max} ii. 7:00pm – 10:00pm (Mon-Fri) and 7:00am to 10:00pm (Sunday and Public Holidays) 50dB L_{max} and 70dB L_{max} iii. 10:00pm – 7:00am (any day): 40dB L_{max} and 75dB L_{max} <p>as measured within any other site Zoned Residential, or within the notional boundary of a residential activity in a Rural or Main Purpose Zoned site</p> b) Any activity associated with the Mangaitake Dairy Factory, including infrastructure, wastewater treatment, and other associated activities, as shown on the site plan, and any other activity if noise from the site, as measured at the House Colour Boundary shown on Planning Maps 20 and 50 (Map Series 2) does not exceed the following limits: <ul style="list-style-type: none"> i. at all times 45dB L_{max} and 70dB L_{max} ii. 10:00pm – 7:00am (any day) 70dB L_{max} <p>(3) Commercial and Industrial Zone</p> <p>Any dwelling is permitted if the internal noise level in any habitable room does not exceed 35 dB L_{max} while at the same time complying with the ventilation requirements of Clause 64 of the New Zealand Building Code.</p> <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.</p>	<p>The noise limits for a Commercial Zone adjoining the boundary of the Residential Zone are the same as the Residential Zone. Noise limits in the Commercial Zone not adjoining the Residential Zone are greater. Noise limits in the Industrial Zone are slightly higher. Therefore in terms of the subject site the Residential noise limits would apply.</p>
Construction Noise and Temporary Activities	14.10.15	<p>Construction noise and other temporary activities as defined in Chapter 24. Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics – Construction Noise'</p>	<p>14.10.15</p> <p>Construction noise and other temporary activities as defined in Chapter 24. Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics – Construction Noise'</p>	<p>Construction noise and temporary noise provisions are the same in both Residential and Commercial Zones.</p>

Wind Generation noise	13.10.16	Wind turbines, are permitted if noise generated by the wind turbines does not exceed the limits recommended in, and where: a) measured and assessed in accordance with NZS 6808:2010 Acoustics Wind Farm Noise; a) Any activity is permitted if vibration from the activity does not exceed the following average levels: a) Within a dwelling on any adjacent site zoned Residential, Major Purpose or Rural Zone: b) Within a building on any adjacent site zoned Business; 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 measurement shall be taken at the point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.	13.10.17	Wind turbines, are permitted if noise generated by the wind turbines does not exceed the limits recommended in, and where: a) measured and assessed in accordance with NZS 6808:2010 Acoustics Wind Farm Noise; a) Any activity is permitted if vibration from the activity does not exceed the following average levels: a) Within a dwelling on any adjacent site zoned Residential, Major Purpose or Rural Zone: b) Within a building on any adjacent site zoned Business; 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 measurement shall be taken at the point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.	14.10.16	Any activity is permitted if vibration from the activity does not exceed the following average levels: a) Within a dwelling on any adjacent site zoned Residential, Major Purpose or Rural Zone: b) Within a building on any adjacent site zoned Business; 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 measurement shall be taken at the point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.	14.10.17	Any activity is permitted if vibration from the activity does not exceed the following average levels: a) Within a dwelling on any adjacent site zoned Residential, Major Purpose or Rural Zone: b) Within a building on any adjacent site zoned Business; 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 measurement shall be taken at the point where it is likely to affect the comfort or amenity of persons occupying a building on an adjacent site.	14.10.18	Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 20 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard. Note 1: Traffic Intensity Factor guidelines are included in Appendix 25F of this Plan and can be used to calculate the likely traffic generation of particular activities. The Traffic Intensity Factor is based on the	Traffic Intensity	13.10.18	Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 20 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F. Single dwellings, temporary military activities and construction traffic (associated with the establishment of an activity) are exempt from this standard. Note 1: Traffic Intensity Factor guidelines are included in Appendix 25F of this Plan and can be used to calculate the likely traffic generation of particular activities. The Traffic Intensity Factor is based on the															
														Time of week	Time period	Duration of work				Time of week	Time period	Duration of work						
																Typical duration (dBA)	Short-term duration (dBA)	Long-term duration (dBA)	Le			Lm	Lma	Le	Lm	Lma	Le	Lm
		Weekdays	0630-0730	60	75	65	75	55	75		Weekdays	0630-0730	60	75	65	75	55	75		Weekdays	0630-0730	60	75	65	75	55	75	
			0730-1800	75	90	80	95	70	85			0730-1800	75	90	80	95	70	85			0730-1800	75	90	80	95	70	85	
			1800-2000	70	85	75	90	65	80			1800-2000	70	85	75	90	65	80			1800-2000	70	85	75	90	65	80	
			2000-0630	45	75	45	75	45	75			2000-0630	45	75	45	75	45	75			2000-0630	45	75	45	75	45	75	
		Saturdays	0630-0730	45	75	45	75	45	75		Saturdays	0630-0730	45	75	45	75	45	75			Saturdays	0630-0730	45	75	45	75	45	75
			0730-1800	75	90	80	95	70	85			0730-1800	75	90	80	95	70	85			0730-1800	75	90	80	95	70	85	
			1800-2000	45	75	45	75	45	75			1800-2000	45	75	45	75	45	75			1800-2000	45	75	45	75	45	75	
			2000-0630	45	75	45	75	45	75			2000-0630	45	75	45	75	45	75			2000-0630	45	75	45	75	45	75	
		Sundays and public holidays	0630-0730	45	75	45	75	45	75		Sundays and public holidays	0630-0730	45	75	45	75	45	75			Sundays and public holidays	0630-0730	45	75	45	75	45	75
			0730-1800	55	85	55	85	55	85			0730-1800	55	85	55	85	55	85			0730-1800	55	85	55	85	55	85	
			1800-2000	45	75	45	75	45	75			1800-2000	45	75	45	75	45	75			1800-2000	45	75	45	75	45	75	
			2000-0630	45	75	45	75	45	75			2000-0630	45	75	45	75	45	75			2000-0630	45	75	45	75	45	75	
			0630-0730	0.015	0.05	0.015	0.05	0.015	0.05			0630-0730	0.015	0.05	0.015	0.05	0.015	0.05			0630-0730	0.015	0.05	0.015	0.05	0.015	0.05	
			0730-1800	0.045	0.15	0.045	0.15	0.045	0.15			0730-1800	0.045	0.15	0.045	0.15	0.045	0.15			0730-1800	0.045	0.15	0.045	0.15	0.045	0.15	
			1800-2000	0.015	0.05	0.015	0.05	0.015	0.05			1800-2000	0.015	0.05	0.015	0.05	0.015	0.05			1800-2000	0.015	0.05	0.015	0.05	0.015	0.05	
			2000-0630	0.015	0.05	0.015	0.05	0.015	0.05			2000-0630	0.015	0.05	0.015	0.05	0.015	0.05			2000-0630	0.015	0.05	0.015	0.05	0.015	0.05	
			Monday to Saturday 7:00am - 6:00pm	0.045	0.15	0.045	0.15	0.045	0.15			Monday to Saturday 7:00am - 6:00pm	0.045	0.15	0.045	0.15	0.045	0.15			Monday to Saturday 7:00am - 6:00pm	0.045	0.15	0.045	0.15	0.045	0.15	
			All other times	0.015	0.05	0.015	0.05	0.015	0.05			All other times	0.015	0.05	0.015	0.05	0.015	0.05			All other times	0.015	0.05	0.015	0.05	0.015	0.05	
			All times	0.06	0.2	0.06	0.2	0.06	0.2			All times	0.06	0.2	0.06	0.2	0.06	0.2			All times	0.06	0.2	0.06	0.2	0.06	0.2	
			All times	0.06	0.2	0.06	0.2	0.06	0.2			All times	0.06	0.2	0.06	0.2	0.06	0.2			All times	0.06	0.2	0.06	0.2	0.06	0.2	

Provisions are the same

Provisions are the same

Traffic intensity volumes increases significantly between permitted standards in the Residential Zone and Commercial Zone, however both zones relate to the Traffic Intensity Factor Guidelines which provide generic activity based traffic intensity levels for various activities.

<p>Potentially contaminated Land – Removing or replacing a fuel storage system. Sampling the soil, and Change of land use</p>	<p>average daily one-way traffic movements for a particular activity and therefore allows for seasonal variations. Applicants may be required to apply to the Council for a Certificate of Compliance where an activity has the potential to generate 15 or more daily one-way movements.</p> <p>Note 2: As part of an application for Certificate of Compliance or Resource Consent under this Rule, Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p>Note 3: This subdivision only applies when establishing a new activity on a site. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative effects.</p>	<p>13.10.19</p> <p>Someone or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAAL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if:</p> <p>a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011.</p> <p>Note 1: Refer to Appendix 25E for further information concerning the HAIL.</p> <p>Note 2: This rule does not apply to activities on land not covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Any activity on land on which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p>	<p>Not relevant to the subject site, however the provisions are the same.</p>
<p>Contaminated Land Remediation</p>	<p>13.10.20</p> <p>Any activity is a Permitted Activity if Remediation of contaminated land:</p> <p>a) Does not cause a greater risk to the environment than if the work was not done; and</p> <p>b) Disposes of removed material in a location approved for the receipt of such material; and</p> <p>c) Is reported to the Council by the landowner at the completion of the work detailing:</p> <ul style="list-style-type: none"> – The work done and the results obtained; and – The nature and location of remaining contaminated material on-site; and – As-built plans and specifications of any permanent containment structure <p>d) The Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011 do not apply to the activity.</p> <p>Note 1: For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Remediation activities relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of that land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAAL) may require a land use consent under the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011.</p>	<p>14.10.19</p> <p>Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAAL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if:</p> <p>a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011.</p> <p>Note 1: Refer to Appendix 25E for further information concerning the HAIL.</p> <p>Note 2: This rule does not apply to activities on land not covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Any activity on land on which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p> <p>a) Does not cause a greater risk to the environment than if the work was not done; and</p> <p>b) Disposes of removed material in a location approved for the receipt of such material; and</p> <p>c) Is reported to the Council by the landowner at the completion of the work detailing:</p> <ul style="list-style-type: none"> – The work done and the results obtained; and – The nature and location of remaining contaminated material on-site; and – As-built plans and specifications of any permanent containment structure <p>d) The Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011 do not apply to the activity.</p> <p>Note 1: For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Remediation activities relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of that land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAAL) may require a land use consent under the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011.</p>	<p>Not relevant to the subject site, however the provisions are the same.</p>
<p>Hazardous Substances</p>	<p>13.10.21</p> <p>Any activity is a Permitted Activity if:</p> <p>a) The aggregate quantity of hazardous substances in Appendix 25D (Hazardous Substances – Permitted Quantities Table 1); or</p> <p>b) The hazardous substances stored or used on the site are:</p> <ol style="list-style-type: none"> i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire fighting substances on emergency vehicles; or ix) Electricity transformers, capacitors and switches up to 600 litres; or <p>c) The activity is not a service station; and</p> <p>d) Storage or use of hazardous substances complies with Appendix 25D (Hazardous Substances – Permitted Conditions Table 2).</p>	<p>14.10.21</p> <p>Any activity is a Permitted Activity if:</p> <p>a) Storage or use of hazardous substances complies with Table 2 (Permitted Conditions) in Appendix 25D (Hazardous Substances and other (b), (c), (d) or (e) below applies;</p> <p>b) The aggregate quantity of hazardous substances of any hazard classification managed as part of the activity is less than the quantity specified in Table 1 (Permitted Quantities) in Appendix 25D (Hazardous Substances); or</p> <p>c) The hazardous substances stored or used on the site are:</p> <ol style="list-style-type: none"> i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire fighting substances on emergency vehicles; or ix) Electricity transformers, capacitors and switches up to 600 litres; or x) Storage and application of agrochemicals and pesticides provided that NZS 8009:2004 (Management of Agrochemicals and any applicable Regional Plans) are adhered to; or xi) Fertiliser temporarily stored (note the storage is a temporary use) on-site when stored and applied in accordance with the Fertiliser Code of Practice. 	<p>Hazardous substance provisions are more rigorous in the Residential Zone than in the Commercial Zone.</p>

<p>33.10.22</p>	<p>Radioactive materials</p>	<p>Any activity is a Permitted Activity if:</p> <p>e) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</p> <p>b) Radioactive materials are confined to domestic appliances.</p>	<p>34.10.22</p>	<p>Any activity is a Permitted Activity if:</p> <p>a) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</p> <p>b) Radioactive materials are confined to domestic appliances.</p>	<p>Not relevant to the subject site, however the provisions are the same</p>
<p>33.10.23</p>	<p>Lighting and glare</p>	<p>Any activity is permitted if between the hours of 23:00 and 07:00 (any artificial lighting does not exceed 10 lux measured at any point on boundary of any Residential Zoned site or at the endorsed boundary of any Rural or Māori Purpose Zoned site.</p>	<p>34.10.23</p>	<p>Any activity is permitted if between the hours of 23:00 and 07:00 any artificial lighting does not exceed 10 lux measured at any point on boundary of any Residential Zoned site or at the endorsed boundary of any Rural or Māori Purpose Zoned site.</p>	<p>The provisions are the same</p>
<p>33.10.24</p>	<p>Signage (including signs for advertising, signs for roads and on buildings)</p>	<p>The following signs are permitted:</p> <p>a) Any business sign not exceeding 1m² that is not within an Outstanding Natural Landscape or is not within the boundary of the site, or any facilities, goods or services available from it, provided that no more than one such sign shall be erected on the site; and</p> <p>b) Any public sign providing information on facilities and services of public interest, erected by or with the written approval of any heritage protection authority, local authority, Minister of the Crown or any other person or authority with the written approval of the above mentioned authorities for the purposes of carrying out its statutory functions; and</p> <p>c) Any temporary sign not exceeding 3m² in area advertising or providing information on central or local government elections, provided that any such sign may be erected for a period of up to two months and shall be removed within seven days of the election, event, sale or auction taking place.</p> <p>Provided the following conditions are met:</p> <ul style="list-style-type: none"> No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained; or Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway (the approval of the NZ Transport Agency is also required) <p>Note 3: For Network Utilities, the Rule 10.1.1.15 for Signs will take precedence over the standards in this Rule if relevant.</p>	<p>34.10.24</p>	<p>The following signs are permitted:</p> <p>a) Any business sign advertising or providing information on the owner or occupier of any site, or any facilities, goods or services available from it; or</p> <p>b) Any public sign providing information on facilities and services of public interest erected by, or with the written approval of, any heritage protection authority, local authority, Minister of the Crown or any other person or authority with the written approval of the above mentioned authorities for the purposes of carrying out its statutory functions; or</p> <p>c) Any temporary sign advertising or providing information on central or local government elections, cultural, social or sporting events, sales for development sale or auction; or</p> <p>d) Any verandah sign providing information on the owner or occupier of any site, or any facilities, goods or services available from it, provided that:</p> <ul style="list-style-type: none"> Any 'under verandah' sign shall <ul style="list-style-type: none"> Be located at least 2 m above ground level; Have a maximum vertical dimension of not more than 450mm; Extend no closer than a distance of 150mm to the fascia of the verandah; and Be located not less than 3 m from any other such sign or less than 1 m from any part of a verandah on an adjoining property Any 'above verandah' sign shall: <ul style="list-style-type: none"> Be set back at least 300mm from the front of the fascia Not provide more than 50mm from the fascia. Provided the following conditions are met: <ul style="list-style-type: none"> No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained; or Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway network, the approval of the NZ Transport Agency is also required <p>No sign shall be displayed or erected on a site in such a manner or position as to adversely affect traffic safety.</p>	<p>Signage provisions in the Commercial Zone provide for more flexibility in terms of signage and also provides criteria for Verandah signage.</p>
<p>33.10.25</p>	<p>Vehicle Access and Driveways</p>	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</p> <p>b) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or for vehicle crossings on to roads controlled by the Kaipara District Council, all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011);</p>	<p>34.10.25</p>	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site; and</p> <p>b) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or for vehicle crossings on to roads controlled by the Kaipara District Council, all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011).</p>	<p>Provisions are the same in both zones.</p>

		<p>c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane, and</p> <p>d) Each site shall be provided with and maintain a driveway to the following Standard:</p> <ul style="list-style-type: none"> - Formed with an all-weather surface. - For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m. - For an access way or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m. - The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway. - Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or highway driveway (in accordance with 8th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standard). - Access and manoeuvring areas shall comply with the New Zealand Building Code Acceptable solutions C/AS1 Part 8, 1 (Fire Service Vehicular Access 2010). - Where a private driveway is gated, the gates shall be located at least 1.5m from the edge of the public road or highway (for 80 or 100km/h speed limit) where the gate opens into the road, plus the gate width where it opens towards the road, (where gate setbacks may be higher and are required to be complied with). - All gated accesses shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without blocking the gates or affecting through traffic on the public road, and - Stormwater drainage for at least a 10% AEP (and) event sufficient that surface ponding does not occur and discharge from the driveway does not result in adverse effects to adjoining properties or roads, and <p>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2, unless the work is necessary for the maintenance of existing accesses or firebreaks.</p> <p>Note 1: Any alterations to the site shall be subject to the approval of the Council.</p> <p>Note 2: Where land adjoins a limited access road under the Government Road Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</p> <p>Note 3: Council will confirm engineering approval for Council controlled roads, as per clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011, or by review from an independent appropriately qualified engineer.</p>	
<p>Fire Safety</p>	<p>13.10.26</p>	<p>Any building is permitted if:</p> <ul style="list-style-type: none"> a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes. b) Water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice S/NZ PAS 4509:2008; c) The use of buildings shall at all times be in accordance with the fire safety requirements specified in New Zealand Standard NZS 9331:2017, 'Water Supply for Fire Prevention'; and d) The building is located at least 20m away from naturally occurring or deliberately planted areas of scrub or shrubland, woodland or forest; <p>Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the drip line of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</p> <p>Any activity is permitted if:</p>	<p>13.10.26</p>
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<p>Parking</p>	<p>13.10.27</p>	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site; b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and c) Each parking space shall be formed and maintained so that the maximum gradient on any area used for parking and manoeuvring shall be 6%, and d) Parking spaces may be situated within a building provided the Council is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required; and e) Any parking spaces required under the provisions of the District Plan are to be sealed at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, any lake with an area greater than 5ha or the Coastal Marine Area or any mapped waterway or wetland in the Valued Natural Environments of Mangawhai, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet; and f) Each parking space shall have adequate physical access to a road, street or service line and the buildings or sites to which it is intended to serve. It shall be provided with such access drives and 	<p>13.10.27</p>
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Provisions are the same for both zones

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<p>Parking Spaces Required</p>	<p>25C.1</p>	<p>— Rule 13.10 JA Building Coverage; and — Rule 13.10 JA Traffic Intensity; and c) Any activities on Lot 1, DP 156460, Lot 1, DP 71221, Lot 4, DP 71221, Lot 1, DP 38503, Lot 2, DP 71221 shall be conducted in accordance with the Chous Gorge Camp Site Development Plan (refer to Appendix 13.3). (4) Bayly Town Camp – General Development a) The four dwellings on the lower western portion of Lot 2, DP 71075, identified as A, B, C, and D on the Site Plan, shall be located within the nominated building platform shown on the Cynthia Place Development Plan, and the maximum height of the dwellings is limited to a single-story building, of the same scale, character and intensity of the dwellings is the same as that existing as on 01 December 2011. Note 1: If Rule 13.10.25(4) is not met, any proposal would be assessed against Rule 13.10.3c.</p>	<p>35C.1</p>	<p>Tables in relation to land use activities within any zone.</p>																																																
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Commercial or Industrial Activities																																																				
Building with a gross floor area no greater than 200m ²	No loading space shall be required																																																			
Building with a gross floor area between 200m ² and 500m ²	One loading space																																																			
Building with a gross floor area of between 500m ² and 5,000m ²	Two loading spaces																																																			
Building with a gross floor area exceeding 5,000m ²	Three loading spaces																																																			
Farming and Forestry Activities	Adequate space shall be provided on site to enable all loading and unloading to take place on site																																																			

Traffic Intensity Factor Guidelines	25F	25E	25F	Traffic Intensity Factor (based on average daily one-way vehicle movements)
<p>Land Use Activity</p> <p>Residential Dwelling Home Occupations Permitted Housing Boarding Houses</p>	<p>Traffic Intensity Factor (based on average daily one-way vehicle movements)</p> <p>6 per unit 10 per non-residential employee 2 per unit 2 per 2 persons accommodated</p>	<p>Land Use Activity</p> <p>Service Stations with Shop Vehicle wash, repair, service Office and Commercial Commercial / Office Restaurants/Bars Fast Food with Drive-in Restaurants, Bars, Cafes Industry Industrial Units Distribution Centers Bulk Manufacturing Contractors shops Pet/Groom/Tennis Health and Education Hospitals Retirement Facility Healthcare Services Educational Facility Child Care Facility Recreational Boat Ramp Gymnasium Tennis, Squash, basketball, badminton Soft tennis Child, Softball, hockey Places of Assembly Churches, Mosques, Synagogues Cultural Activities Home Based Community Center/Clubhouse Mobile Tourist Hotel Retail Shops (including T&E facilities) / Shopping Centers Supermarkets Gasoline or Hi-octane Building Supply Outlets</p>	<p>Traffic Intensity Factor (based on average daily one-way vehicle movements)</p> <p>50 per 100 m² GFA 20 per 100 m² GFA 10 per 100 m² GFA 200 per 100 m² GFA 80 per 100 m² GFA 5 per 10 m² GFA 4 per 100 m² GFA 50 per 100 m² GFA 2 per bed 50 per 100 m² GFA 30 per staff member 100 per 100 m² GFA 200 per ramp 50 per 100 m² GFA 50 per court 300 per court 100 per parking lot of 60 per 100 location units 2 per every person facility is designed for 2 per every person facility is designed for 7 per every person facility is measured by 3 per 2 persons accommodated 3 per unit and/or 2 per ramp site 2 per unit 2 per room 70 per 100 m² GFA 100 per 100 m² GFA 50 per 100 m² space open to public 30 per employee</p>	