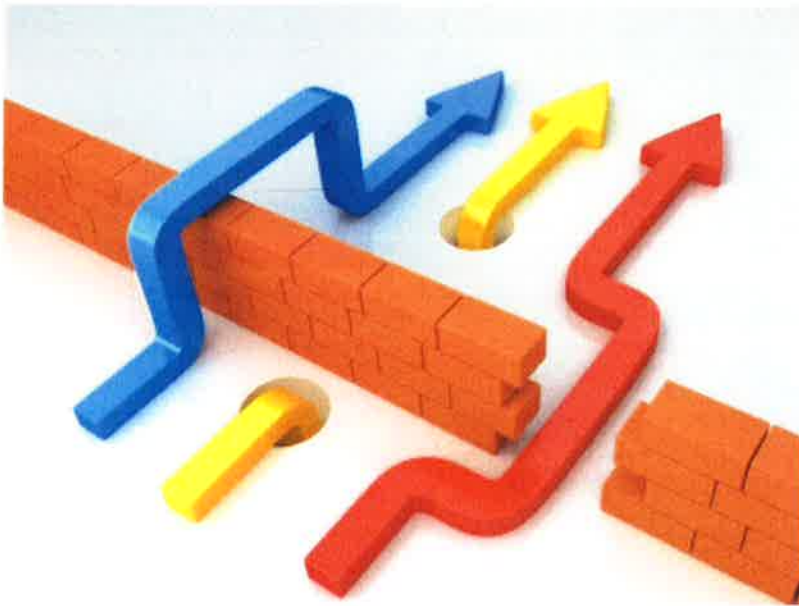




NORTH CITY DEVELOPMENTS



***68 Molesworth Drive
Lot 1 DP 341981***

Private Plan Change
SECTION 32 REPORT
(Volume 1 of 3)

Finalised April 2016

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1.0 APPLICANT AND PROPERTY DETAILS

Site Address:	68 Molesworth Drive Lot 1 DP 341981
Applicant's Name:	North City Developments
Address for Service:	C/o Dream Planning Ltd P.O Box 123 Mangawhai Attention: Kylie McLaughlin-Brown
Legal Description(s):	Lot 1 DP 341981
Total Site Area:	7863m ²
District Plan & Zoning:	Residential under the Operative Kaipara District Plan Active Land Use Consent RM 050271

2.0 INTRODUCTION

2.1 Purpose of the report

This report presents a summary evaluation in accordance with Section 32 of the Resource Management Amendment Act (2013) (RMA). A request for a Private Plan Change (PPC) under clause 22 of the 1st Schedule to the RMA must contain an evaluation report prepared in accordance with Section 32 of the RMA.

Section 32 of the RMA requires parties when preparing a PPC, to examine the appropriateness, effectiveness and efficiency of the proposed PPC. The requirements under Section 32 were revised under the RMA Amendment Act (2013) to improve the quality of Section 32 evaluations, particularly for the assessment of benefits and costs, including anticipated opportunities for economic growth and employment. The RMA requires a report be prepared that summarises the Section 32 evaluation and gives reasons for that evaluation. This report has been prepared to fulfil that requirement.

This report has been prepared on the proposed PPC to the Kaipara District Plan (Operative November 2013) (hereafter referred to as the District Plan).

The PPC recommends the introduction of new provisions (rules) to the Kaipara District Plan (Operative November 2013) Chapter 14 which are specific to Lot 1 DP 341981 and also recommends amendments to Planning Map 55. The proposed changes to the District Plan accompany this report as Appendix 1.

2.2 Structure of the Report

Part 1 of this report provides the applicant and property details.

Part 2 of this report provides an introduction to the Plan Change.

Part 3 provides the background to the PPC, provides the description of the PPC and locality and site description.

Part 4 outlines the previous land use consent approved on the site and the relevance to this PPC.

Part 5 outlines the current situation, provides the “problem definition” which identifies the key issue for the establishment of the PPC, why does the current zoning not address the key issue at present; this section also defines the current state and provides a baseline assessment.

Part 6 provides the Assessment of Environmental Effects in accordance with Schedule 1 Part 2 Section 22(2) of the RMA. This section outlines that where environmental effects are anticipated in the formation of private plan changes that the request shall describe those effects taking into account clauses 6 and 7 of Schedule 4 of the RMA (Assessment of Environmental Effects (AEE)).

Part 7 provides a summary of the consultation process undertaken.

Part 8 outlines the statutory context for the PPC including Resource Management Act, Part II, and relevant policy analysis.

Part 9 concentrates on Section 32 of the RMA.

Part 10 outlines the evaluation of the Objectives.

Part 11 identifies and assesses the reasonably practicable options.

Part 12 provides an evaluation of the preferred options for provisions (policies and methods) and assesses the social, economic, environmental and cultural effects in terms of implementing the provisions in terms of the effectiveness, efficiency, benefits, costs, risks and decides on the most appropriate option.

Part 13 provides the conclusion to this report.

3.0 PRIVATE PLAN CHANGE – NORTH CITY DEVELOPMENTS

3.1 Background

The RMA provides the ability for person(s) to apply for a private plan change to an Operative District Plan.

This PPC to the Kaipara District Plan (Operative 2013) is prepared on behalf of North City Developments (the applicant). The scope of the PPC is site specific, limited to 68 Molesworth Drive, Mangawhai Heads, Northland, legally described as Lot 1 DP 341981. The subject site has an area of 7863m².

The subject site is currently zoned Residential (Harbour Overlay) and has a current Land Use Consent RM050271 for commercial use which includes the establishment of a Service Station, boat wash down facility and Future Business area. This land use consent was granted by Council in 2007. The consent was provided with both a 5 and 10 year timeframe, the future business area component expires in 2017. See Appendix 2 and 3 for the approved plan and decision.

A number of issues have been determined which the PPC seeks to address and includes:

- Zoning of the subject site does not reflect the land use consent approved for the site (and use deemed acceptable by Council);
- Lack of Commercial Zoned Land in Mangawhai;
- Increasing population;
- Potential for recently zoned residential land in Molesworth Peninsula to be further developed.

A number of possible approaches to resolve the above issues include:

- Implement the existing land use consent component which has not lapsed, however this would result in a fragmented outcome, given a component of the consent has lapsed;
- Prepare a new land use consent for a Commercial use on the site, however the zoning of the site would still not reflect the intended use of the site;
- Prepare a Private Plan Change to the Operative District Plan (selected and preferred approach)

The purpose of this PPC is to provide for future Commercial growth expansion and servicing of Mangawhai Heads / Mangawhai Village and in particular Molesworth Peninsula. To change the site's zone to reflect the consented use of the site, which will ensure that the zone is more appropriate to enable flexibility in relation to commercial development while retaining the amenity values of the site and surrounding neighbourhood context.

3.2 Description of the PPC

This PPC provides for the change in zoning from Residential (Harbour Overlay) to Commercial (Harbour Overlay). The existing Objectives and Policies in the Plan will remain unchanged.

The PPC does provide for additional assessment criteria and provisions within Chapter 14 of the District Plan, these additional provisions are site specific. The PPC also proposes amendments to Planning Map 55 of the District Plan.

A site specific approach has been utilised to ensure that the best practicable option has been chosen for the subject site and surrounding residential properties to ensure that reverse sensitivity issues are minimised and amenity values are protected as a result of the PPC. The text and map of the PPC are attached as Appendix 1.

3.3 Locality and Site Description

The subject site is located on the corner of Molesworth Drive which forms the north western boundary of the site. Molesworth Drive is an arterial road. Estuary Drive, which is a local road, forms the south western boundary of the site. A small portion of the site also has road frontage onto Norfolk Drive, a residential cul-de-sac. The site is located directly across the road from the Mangawhai Museum and Mangawhai Park (recreational area (zoned Rural) owned by Kaipara District Council).

The subject site is currently vacant and is predominantly in pasture with a couple of stockpiles of soil located on site. The subject site was previously utilised as a wastewater treatment and disposal field for the adjoining subdivision prior to Eco-Care becoming available. The dripper lines have since been removed and tanks have been cleaned and decommissioned, however the tanks still remain on site. The site also contains sporadic vegetation, predominantly located along the boundary with Molesworth Drive.

See Appendix 4 for the locality diagram and Appendix 5 for the topographical plan of the site.



Subject Site

The subject site is located in Mangawhai Heads, at the start of the Molesworth Peninsula. Molesworth Peninsula is a coastal peninsula adjoining the Mangawhai Harbour and has been subject to extensive residential development. The edges of the peninsula were previously

zoned Rural Residential (Landscape and Ecological Enhancement) and have since been re-zoned under the current District Plan to Residential. Therefore, over time this peninsula will inevitably provide for significant amount of further residential dwellings. Previous and current District Plan maps are attached in Appendix 6.

Molesworth Peninsula Development Capacity assessment has been prepared and is included as Appendix 7 which has identified that potentially Molesworth Peninsula could be further developed to include approximately 1000-2000 additional dwellings. The Economic Impact Assessment (EIA) attached as Appendix 8 identifies that the household projection of Mangawhai is estimated to increase by close to 30% by 2031. This does not include holiday homes.

The subject site is located directly across from Mangawhai Park, which is Mangawhai's largest community multipurpose area and includes the Museum, heritage park, activity zone (skate park, playground, sports field), St Johns, bush tracks and mountain bike trails. Therefore the subject site is situated in a strategic and central location to cater for the existing population, visitors to the area and the park and future residents and generations.

4.0 PREVIOUS LAND USE CONSENT - RM050271

Land use consent was granted in 2007 (Council reference number RM 050271) for commercial use over two properties legally described as Lot 1 DP 341981 and Lot 80 DP 35077. The land use consent granted to include the construction and operation of a service station, visitors accommodation (motel), commercial and retail complex and boat wash down facility.

The commercial activities consented to on the subject site (Lot 1 DP 341981) included the establishment of a petrol station, boat wash down facility, future business area. The life of the consent included 5 years for the petrol station and boat washing facility activity and 10 years for the future business area. The adjacent site has since been developed as residential rather than in accordance with the approved land use consent application which consented to commercial / retail complex and motel on the site adjacent.

The proposed service station included a drive through canopy covered refuelling forecourt with 4 pump islands allowing for up to 6 fill positions, including for truck and boat trailers. Adjoining the forecourt a building was proposed which provided for sale of fuel, automotive goods, convenience goods, office, storage space, small safe and staff and public bathroom. The hours of operation consented are 6am-10pm 7 days a week. The service station also provided for washing and cleaning cars and boats and a campervan station. The floor area of the carport canopy over the forecourt approved is 795m² and the service station had a consented floor area of 550m². This component of the consent lapsed in 2012.

An additional building has been consented for "future service businesses" and has a floor area of 620m². The consented hours of operation for this commercial building was from 8am-5pm Monday to Saturday. This component of the consent lapses in 2017.

The consent applicable to the site provided for 3 signs, 106 carparking spaces and a loading bay. The consented development also included landscaping and roading upgrades.

Specialist reports were prepared as part of the land use consent application and include:

- Firefighting water supply assessment;
- Landscape and visual assessment;
- Noise assessment;
- Geotechnical report;
- Wastewater report;
- Stormwater report;
- Traffic impact assessment.

The reports of relevance have been attached as an appendix to this PPC and include the geotechnical report, firefighting water supply assessment, noise assessment and geotechnical report. A summary of these reports where relevant, are provided for in the AEE section of this report.

The wastewater, stormwater and traffic impact assessment prepared as part of the application are not considered relevant to the PPC and have not been included in this report because these reports have been superseded by reports prepared as part of the PPC attached in various appendices to this report.

4.1 Relevance of the Approved Land Use Consent

The current zoning of the subject site does not reflect the commercial use of the land provided for by the approved land use consent and is therefore inappropriate. The desired outcome of the PPC seeks to ensure that the underlying zone of the site reflects the intended commercial use deemed suitable and appropriate by Council through land use resource consent decision RM050271.

The approved land use consent essentially provides the baseline level of effects anticipated in terms of traffic generation, noise, amenity, building coverage, lighting, signage, stormwater and wastewater discharges and so forth.

Part of the resource consent could be implemented as of right at this given time; this is discussed further in the report as a reasonably practicable option and has been assessed.

5.0 MARKET ANALYSIS - CURRENT SITUATION

There are a number of factors which have created the existing situation. The report below goes into further detail with respect to these matters. For the purposes of the analysis the assumption has been made that the consented development (RM050271) provides the "baseline" and the current Residential (Harbour Overlay) zone of the site provides the "status quo". Both provide a useful platform for establishing baseline effects.

5.1 Population Growth - Current Situation – Mangawhai Growing Coastal Settlement

The subject site is located in Mangawhai, Northland, a growing coastal settlement located on the east coast of the North Island in close proximity to Auckland. With the extension to the Northern Motorway, ability for people to generate an income remotely, the unaffordability of living in Auckland is resulting in a shift of demographic change. Mangawhai (traditionally a coastal holiday settlement and retirement location) is more recently becoming a location for people to live, work and enjoy the recreational attributes Mangawhai has to offer.

The subject site is located centrally between the three different residential nodes of Mangawhai and is located at the "gateway" to Molesworth Peninsula (Estuary Drive) and directly adjacent to Molesworth Drive which provides the main connection to Mangawhai Heads and Mangawhai Village. The subject site is also directly adjacent to Mangawhai Park which is Council's largest landholding of reserve and recreation land in Mangawhai. Mangawhai Park (is owned by Council) and run by the Community.

Mangawhai can be separated into three different residential clusters being Mangawhai Heads, Mangawhai Village and Molesworth Peninsula. Mangawhai Heads and Mangawhai Village are the two original residential areas which are separated by the "Causeway". Molesworth Peninsula is a coastal peninsula which has been subject to recent residential development and will inevitably in the future (due to re-zoning) be subject to further residential development.

A series of assessment maps have been prepared (Appendix 7 and 9) assessing the current situation with respect to current lot sizes and potential for future development capability. The assessment with respect to Molesworth Peninsula is a useful tool in demonstrating that the development capacity of Molesworth Peninsula has the ability to provide for approximately 1000-2000 additional dwellings which will require servicing in terms of goods and services. The subject site is located in a prime location to provide for this servicing requirement to provide for present and future generations.

Mangawhai Heads has two separate residential typologies, including the original residential area of the Heads known as the "Golden Circle" or previously the "beachfront zone" in the obsolete District Plan which includes larger sections (in the 800m²-1000m² range) with bach style housing, or more recently larger style homes. This area of the Heads predominantly consists of roads with grass berms, limited footpaths and limited curb and channelling. Mangawhai Heads also includes more recent subdivisions (within the last 10-15 years) which contain newly constructed dwellings and a number of vacant sections and include infrastructure including formed roads with footpaths, curb and channelling and so forth. These sections are typically smaller around 600² -800m² range.

Mangawhai Village includes a number of old style bach houses on large sites and also includes roads with grass berms, limited footpaths and limited curb and channelling. This pattern is typical of the more established parts of the Village and Heads which were traditionally used as holiday homes. The Village includes areas of more recent residential development (within the last 5-10 years). A number of these sections include new dwellings and there are also a number of vacant sections. These sites are also generally in the 600m²-800m² range.

5.2. District Plan

5.2.1 Operative District Plan 2013 - Current Zoning

Under the District Plan the site is zoned Residential (Harbour Overlay). The consented development was approved under the previous District Plan where the site was zoned Residential.

The current District Plan was prepared as a new plan and was made operative in November 2013. Through the process of forming the current plan the existing zones (Residential and Commercial in particular) were basically “rolled over”, therefore the subject site was not re-zoned Commercial through this process.

5.2.2 District Plan History – Kaipara District Plan 1997

The previous Kaipara District Plan Operative 1997 was one of the first District Plans in New Zealand to become Operative under the Resource Management Act 1991. The 1997 Plan was basically a “rolled over” version of the previous Plan prepared under the Town and Country Planning Act 1977.

The Plan was subject to amendments (Plan Changes) in 2003 to include the Mangawhai Future Development Plan and Molesworth Peninsula Structure Plan. This Plan provided for a small area of additional Commercial land at the Village and rezoned areas of existing Commercial Activities to Commercial (the Mangawhai Tavern, Wood Street Commercial Area). The Mangawhai Future Development Plan also identified the need to *“investigate demand for additional land and possible re-zoning”* for additional Commercial land which was never undertaken.

Kaipara District Council initiated a review of the 1997 Plan in accordance with the 10 year review requirement under the RMA and through this process prepared the Operative Kaipara District Plan which was notified 1st November 2013.

The District Plan process in terms of the relevant zones essentially “rolled over” the Residential Zone and the Commercial and Industrial Zone. In the process the Council failed to provide for any future Commercial zoned land in Mangawhai. It is assumed that the reasons behind not zoning any future additional Commercial land was that the Estuary Estates PPC provided for additional future business zones. However, as this large site has no existing private or public infrastructure to service the site, it is unsure when this will (if ever) be developed. The only areas that were rezoned Commercial included the 4 Square Carpark and the area of Commercial Development at the Heads which includes Sail Rock, Chemist, Book shop and DVD shop. These shops have been situated in this location for a number of years and the rezoning appears to have been undertaken to reflect the existing land use.

Land previously zoned Rural Residential (Landscape and Ecological Enhancement) became Residential and this is significant to the PPC as a substantial part of Molesworth Peninsula and Thelma Road (adjacent) has been rezoned to Residential. An assessment has been undertaken in terms of the sizes of lots within Molesworth Peninsula and Thelma Road area which has been rezoned as well as larger undeveloped lots.

The present and future residential development of Molesworth Peninsula will be required to be serviced to ensure that the provision of goods, services and amenities are provided for local residents and in turn will create employment opportunities for the local community. The current situation with respect to Commercially Zoned land in Mangawhai is outlined below. See Appendix 6 for the District Plan analysis.

5.3 Current Situation Lack of Commercial Zoned Land in Mangawhai

Mangawhai currently has two main commercial areas being Mangawhai Village and Wood Street shopping complex. There is an industrial area situated on Molesworth Drive in close proximity to the subject site which is adjacent to another small commercial area which includes a café and real estate.

Traditionally the commercial zones within Mangawhai appear to have been created on an adhoc basis, it appears that commercial uses have appeared over time and subsequently these areas have been zoned as such.

Mangawhai Heads commercial area includes Wood Street Shops (this area is identified in Appendix 6) which includes a number of amenity shops and local businesses including (but not limited to) the 4 Square, cafes and restaurants, chemist, fishing and tackle, petrol station, real estate agents and so forth. The medical centre is also located in this vicinity, however this is zoned Residential. There is no provision for any future commercial land to be located at the Wood Street shops and all shops are currently in use. Carparking has been identified as an issue as well as pedestrian connectivity, particularly in peak times.

Mangawhai Village commercial area can be described as being segregated. The Village includes the Mangawhai Tavern which is zoned Commercial, includes a number of Commercial zoned parcels of land centred around the Moir Street, Molesworth Drive, Insley Street intersection. This includes the "Hub" commercial area which includes office type activities including the Council, real estate, surveyors as well as a fitness centre and food outlets. Directly across the road from this is a gift shop, food retail, and café and bar. The Village also includes a fragmented cluster of shops which includes the 4 Square, Bammas surf store and a number of food places. Adjacent to this is another small commercial area which has traditionally struggled in terms of retaining businesses and attracting customers. This area includes Super Liquor, real estate agent, clothes shop, café, all-purpose shop and some vacant shops. This area is directly adjacent to Carters building supplies, which is more an industrial type activity.

There is one area of vacant Commercial zoned land in Mangawhai which is located on the corner of Moir Street and Molesworth Drive. This area of land is 5238m²

Due to the lack of Commercial zoned land available over time a number of businesses have either obtained land use consent to undertake commercial type activity or established as a home occupation in the Residential Zone within the Village and Heads area. This includes the following:

- Bennetts Café and Chocolate Factory (located Moir Street)
- The Vet Centre (located Moir Street)
- Mangawhai Dentist (located Moir Street)
- Before Six (Day-care) (Molesworth Drive)
- Westmoreland homes office (Molesworth Drive)
- Coastal Homes Show home (Seabreeze Road)
- Accountant (Molesworth Drive)
- Mangawhai Chiropractic (Seabreeze Road)

The creation of the Operative District Plan 2013 provided the opportunity for the Council to develop a strategic vision for Mangawhai in terms of developing a sense of place and future direction in terms of creating a Commercial precinct or hub for Mangawhai to cater for present and future generations and to enable commercial growth of the area. Council had previously identified in the Mangawhai Future Development Plan (included in the obsolete District Plan in 2003) the need for future Commercial land, 10 years on and this was never provided.

It is unsure why Council lacked this foresight, given Mangawhai has been identified in the District Plan as one of the main growth areas of the District. In order to harness and sustain present and future growth through Commercial activity is crucial in terms of providing goods and services for the community as well as providing economic growth and employment opportunities.

5.4 Molesworth Peninsula Growth Potential

Molesworth Peninsula is a coastal Peninsula bounded by the upper reaches of the Mangawhai Estuary. The Molesworth Peninsula includes an area of larger sites and traditional bach style housing and more recently newer dwellings. This part of the peninsula is located east of Moir Point Road and was zoned under the previous District Plan as "Beachfront Zone". The remainder of Molesworth Peninsula was once in indigenous and exotic vegetation and pasture. Changes to the obsolete District Plan opened up the opportunity for further residential development when amendments were made to the Plan in 2003 with the inclusion of the Molesworth Peninsula Structure Plan. This plan created additional residential zoned land and also created a Rural Residential Zone (Landscape and Ecological Enhancement) around the perimeter of the Peninsula.

Following the amendments to the previous District Plan a substantial number of residential subdivisions occurred with the majority of the lots averaging 600-800m² with a few larger lots. (See Appendix 9) These subdivisions occurred approximately 10 years ago and the majority of sites have new or relocatable dwellings with some sections remaining vacant.

The Operative District Plan has rezoned all areas of the Rural Residential (Landscape and Ecological Enhancement) Zone to Residential which essentially "opens up" the future development capacity of Molesworth Peninsula which will inevitably provide for future residential development.

An assessment has been undertaken of the Molesworth Peninsula residential capacity. As part of this assessment the assumption was made that any Lot over 2000m² has the potential to provide for future development. Two scenarios have been produced, one scenario is based on the Residential Zone (Harbour Overlay) minimum lot size requirement of 1000m² and the second scenario is based on the average lot sizes located on Molesworth

Peninsula in particular, as well as at the Village and Heads and is based on the surrounding development pattern which predominantly consists of lots in the range of 600m²-800m². Both scenarios take into account the assumption that approximately 30% of land required for any development may be required for infrastructure purposes. Based on these assumptions and scenarios it is estimated that the future development capacity of Molesworth Peninsula could include approximately 1000-2000 additional dwellings.

The future residential capacity of Molesworth Peninsula will require the provision of goods and services in terms of employment to create economic opportunities and amenities in terms of goods and services to cater for the residential population of Molesworth Peninsula to provide for the social and economic wellbeing of present and future generations. See Appendix 7.

5.5 Estuary Estates

Estuary Estates is a section in the District Plan that resulted from the inclusion of a PPC. Estuary Estates comprised of 129.8ha of land and is located adjacent to Molesworth Drive in close proximity to the subject site.

Estuary Estates includes a Business Zone which comprises of two precincts that provide for different scales of commercial activity and also includes a green network component adjacent to Molesworth Drive. This green network provides a buffer and amenity gateway to both the business zone and wider Estuary Estates area.

Estuary Estates has been included in the District Plan for a number of years and has yet to be developed. So far the area of land contained within Estuary Estates is not serviced (by Council or private infrastructure).

5.6 Economic and Employment Potential

An Economic Impact Assessment (EIA) report has been prepared by ME Spatial and is attached as Appendix 8. The EIA has assessed the household projections for future residential growth, retail demand projections and assesses this PPC in regard to economic and employment potential.

The figures in the EIA rely on the 2013 census data and estimate a population growth (of household units) to be in the 36-38% range between 2013 and 2031. *“By 2031 some 300 additional households are projected to be resident in the town and 420 in the wider Mangawhai catchment. These projections take into account socio-demographic structures of the population such as an aging population and declining average house size”*. The report also notes that *“in addition to these permanent residential households, many more holiday homes are likely to be built in Mangawhai, given the popularity of the area for domestic tourism”*.

The EIA estimates that Mangawhai Township and Catchment has a retail and hospitality spend of around \$33 million which is expected to increase by 2031. *“Average growth in spend across the Mangawhai catchment out to 2031 is projected to be around 1.5% per annum, resulting in an additional \$15 million of retail spend in the catchment by 2031. These demands only refer to hospitality and retail and exclude other types of businesses that tend to locate in commercial centres”*. The report also outlines that there is generally a significant

amount of spending that leaves Mangawhai due to the level of goods and services not available in the area.

The EIA translates this into retail demand (floor space) and has estimated that in 2013 the Mangawhai Catchment supported some 10,000m² of retail, hospitality and services space and this is expected to grow by another 3,100m² by 2031. As outlined previously, there is limited undeveloped Commercial land available in Mangawhai to support such economic growth. The EIA outlines *"The KDC makes no provision for future commercial zoned land within Mangawhai, despite the town being a growing town that will require additional commercial activities to support the community. Further, the use of residential zoned land for commercial activities indicates that there may be a lack of suitable commercial space in Mangawhai now"*.

The EIA provides an assessment of the various options which are assessed in further detail in this report and within the body of the EIA report attached as Appendix 8.

5.7 Mangawhai Park

The subject site is located directly adjacent to Mangawhai Park which is Councils largest land holding in Mangawhai for future community use. Community use of Mangawhai Park is predominantly funded by the local community. The Park will become the "hub" of Mangawhai and currently includes a skate park, playground, sports field and all weather surface sport area, a number of walking and mountain bike trails, and the Mangawhai Museum is located directly across from the subject site.

Work has commenced on a historical village adjacent to the subject site and next to the museum and St Johns have recently built a complex for the ambulance station. A Master Plan has been prepared for Mangawhai Park which shows other essential services to be located in the Park including Fire Station and Police Station.

The Master Plan also shows potential for cycle and pedestrian links along Molesworth Drive, the PPC has taken the Mangawhai Parks location and Master Plan into consideration when preparing the PPC.

At present the nearest shopping complex is Wood Street Shops situated at Mangawhai Heads which is located approximately 1.3km away. There is a small café at the Museum and Harvest Blue Café located approximately 250 metres from the Skate Park.

The subject site is located directly across from Mangawhai Park and is located in a strategic location to enable goods and services to be provided to those users and visitors to the Park. See Appendix set 9.

5.8 Market Analysis Summary

This section provides an in depth evaluation of the current situation and potential future situation. This section outlines that Mangawhai is a growing coastal settlement, and there is currently not enough Commercial Zoned land to cater for the future growth of the community. The District Plan process in the past has failed to address this need for future commercially zoned land. Molesworth Peninsula includes a large area of undeveloped land which has recently been rezoned to Residential. The EIA concludes that Mangawhai can service additional commercial uses which would provide employment opportunities for the

local community and provide for community growth in an economic sense. The site is also strategically located adjacent to Mangawhai Park, which is a community asset and can provide goods and services to those using the Park.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS (AEE)

Introduction

In accordance with Schedule 1, Part 2, Section 22(2) Clause 6 and 7 of Schedule 4 of the RMA this section of the report provides an Assessment of Effects on the Environment (AEE). It encompasses identified and potential environmental effects of the Plan Change in accordance with Section 88 and Schedule 4 of the RMA.

It is noted that many of the activities which will be enabled under the PPC will be subject to a requirement to obtain resource consents at the time they are to be established. It is also noted that a number of the provisions (particularly rules) remain unchanged between the Residential and Commercial Zone, particularly those provisions in the Commercial Zone where land is adjacent to the Residential Zone.

The AEE draws from the investigations, observations and conclusions reached by a range of technical experts. These technical reports are contained in the appendices.

The actual and potential effects associated with the PPC are broadly considered to include those related to:

- Economic and Social Impacts
- Cultural Effects
- Amenity and Visual Effects, (lighting and glare, noise)
- Infrastructure Effects – wastewater, stormwater, traffic, water for supply and fire fighting purposes
- Natural Hazards – Geotechnical and site stability
- Reverse Sensitivity

The proposed PPC will provide specific methods and rules which will achieve the relevant objectives and policies and mitigate any actual or potential effects of activities which could arise from the PPC. Notwithstanding this, possible effects associated with adoption of this PPC are identified in respect of establishing suitable building platforms.

6.1 Infrastructure

6.1.1 Geotechnical Report

A geotechnical report attached as Appendix 10 was prepared as part of the resource consent application and it is considered that this report remains relevant to the proposed PPC given that a Geotechnical report provides detail in regard to the suitability and stability of a site and is generally based on the sites ground condition characteristics which generally do not alter. The site has remained vacant and unaltered since the geotechnical report was prepared.

The geotechnical report concludes that Lot 1 is considered suitable for commercial development subject to the following recommendations:

- *All fill on site shall be tested in accordance with NZS 4431:1989*

- *No cut slopes on site are to be steeper than 30 degrees unless designed by an Engineer*
- *Deep boreholes should be performed to a depth of at least 10 metres under the proposed building sites to verify there is no underlying peat stratum*
- *All earthworks performed should be performed in accordance with ARC TP-90 erosion and sediment control.*

It is considered that the report identifies that the site is suitable for commercial development and in any case any future land use consent undertaken onsite will require a geotechnical report as part of any consent application required.

6.1.2 Wastewater

A wastewater report was prepared for the site for the consented land use for onsite treatment of wastewater. Eco-Care Community Wastewater Scheme is now in place and therefore this report is obsolete.

Consultation has been undertaken with Council (Linda Osborne) and Trility - Mangawhai Community Wastewater Scheme (Robyn Johnston) regarding wastewater capacity. Attached in Appendix 11 is a plan which shows the location of the Eco-Care piped network in relation to the subject site and relevant consultation regarding wastewater.

Council has indicated that based on the site's location and existing piped network, the infrastructure is in place to adequately service the site in terms of capacity for additional connections.

Trility have identified that in terms of "trade waste" which is defined as any waste other than domestic, blanket approval could not be provided with the uncertainty with respect to the land use to be undertaken on site and type of potential "trade waste". It is envisaged that activities that potentially may be undertaken on site will include trade waste similar in nature to residential wastewater. In any case, trade waste not complying with Kaipara District Council Wastewater and Drainage Bylaw will be required to apply for consent with Council. The Bylaw is attached as Appendix 12.

6.1.3 Stormwater

Council has identified that stormwater in this area is an issue. Council has a consent granted by the Northland Regional Council to discharge stormwater into the Mangawhai Harbour Environment. A Stormwater Assessment has been prepared by Morphum Engineering and is attached as Appendix 13 and demonstrates that stormwater can be adequately designed to ensure that any post development flows are the same or less than pre development flows even with 100% impermeable surfaces as the Commercial Zone provides for.

6.1.4 Traffic Impact Assessment

A Traffic Impact Assessment (TIA) has been prepared by Engineering Outcomes and is attached as Appendix 14 to this report. The TIA assesses the existing roading network and traffic generation and also assesses the permitted baseline in terms of the District Plan and approved land use consent application.

The TIA concludes: *“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.”*

6.1.5 Water Supply

Any building or land use undertaken on site will utilise on site water supply via roof and tank collection. These are acceptable supply methods under the District Plan and Building Code and the amount, location and type of supply can be determined at Land Use and Building Consent stage. The site is of sufficient size to ensure that water supply can be adequately provided.

6.1.6 Water for Fire Fighting Supply

It is considered that the site is of a size that can provide for potable water supply for firefighting purposes in line with NZFS Standards and in any case the requirements will be met through any land use consent or building consent submitted to Council for any future land use activity to be undertaken on site.

The provisions in the District Plan in relation to fire safety are the same under the Residential and Commercial Zones which relate to the NZFS Standards and therefore will remain unchanged in terms of the subject site as a result of the PPC. However, the NZFS standards relating to the volume of water required for firefighting purposes differs between commercial and residential use. The detail of this will be addressed at any land use or subdivision consent stage.

Consultation has been undertaken with the NZFS which is attached as Appendix 15 and outlines that the NZFS has no issue with the proposed rezoning, and any future commercial use will be required to comply with SNZPAS 4509:2008 Fire Hazard Category and FW volumes.

A firefighting supply report was prepared for the underlying land use consent and provides detail in regard to requirements for fire cells (sprinklers) in each building and the requirement for proposed water storage (volume and location) and delivery. This report is attached as Appendix 15 for reference purposes.

6.2 Social, Economic, Cultural, Environmental Effects

6.2.1 Economic and Social Impacts

An Economic Impact Assessment has been prepared titled “Mangawhai Private Plan Change Retail Impact Assessment” dated May 2015 prepared by ME Spatial, this is attached in Appendix 8.

The economic impact assessment outlines that *“KDP makes no provision for future commercial zoned land within Mangawhai, despite the town being a growing town that will require additional commercial activities to support the community. Further the use of Residential Zone land for commercial activity indicates that there may be a lack of suitable commercial space in Mangawhai now”*.

The EIA provides a detailed Cost Benefit Analysis in terms of all the options identified in this PPC and have provided an estimate of the potential significance of these costs across Mangawhai as a whole.

The opportunity costs of developing the PPC site for commercial use include potential effects on the two existing commercial areas including reduced public and private investment, reduced employment, reduced range and choice of goods and services, reduced people activity and community interaction. Costs have also been identified and include increased travel time and cost for access to goods and services (shopping) across a more dispersed supply environment. These potential costs however have been identified as nil to very small significance in the EIA report depending on the degree to which existing activities relocate.

The EIA also identifies the opportunity cost of occupying land that cannot be developed for residential dwellings as being a very small economic cost.

Benefits and opportunities created as outlined in the EIA include:

- A new employment location in Mangawhai;
- Increase in retail and service provisions to service the tourist industry;
- Short term benefits for the construction industry;
- Opportunities for commercial activities located in other zones (E.g. Residential) to relocate to a commercial zone;
- Reduced travel time and cost for access to some types of goods and services especially if the development includes businesses not currently operating in Mangawhai.

The EIA concludes that a range of costs and benefits are anticipated to arise, and that the greatest net benefits would arise from the commercial development on the site rather than any other option. The benefits of providing for residential development on the site would be limited in terms of economic effects and would not represent an efficient use of what is a strategically valuable site.

6.2.2 Cultural Effects

Within the Kaipara District the following Iwi Management Plans are applicable – Te Uri o Hau Environmental Plan.

Te Uri o Hau's planning document entitled "Te Uri o Hau Kaitiakitanga o Te Taiao". This document in part 4 outlines issues, objectives and policies in relation to freshwater, air, takutai moana (Marina and Coastal Area and Harbours), customary fisheries, oyster reserves, the land, growth and development, waahi tapu and waahi taonga, minerals, biodiversity, marine mammals and cultural landscapes.

Part 4 has a focus on Kaitiakitanga through the process of preparing and implementing the Plan. In general Te Uri o Hau Policies in this section describe *"the ways in which Te Uri o Hau, as Kaitiaki, want to participate in natural resource management within their statutory area of interest and the rangitaratanga and kaitiakitanga of natural resources as guaranteed by Article 2 of the Treaty of Waitangi"*.

Part 5 describes issues objectives and policies in relation to the management of Te Uri O Hau natural resources in respect of economic development, exotic and indigenous forestry, minerals and sand extraction, Mangawhai development, wind farming at Pouto, shellfish farming aquaculture, agriculture, eco tourism, apiculture and Maori land.

Part 6 contains issues, objectives, policies including those for sites of significance cultural redress properties, sites of significance maintenance, sites of significance management and sites of significance access.

Part 2 – Implementation sets out Te Uri o Hau Relationship Principles which include “early involvement in policy development. It states that *“pre consultation will occur when either parties are preparing policies or plans”*. (Clause 16) Consultation has taken place Refer to the paragraph below.

Te Uri o Hau has been consulted and have indicated that the PPC will have no effect on cultural matters. Te Uri o Hau would like to be involved when any land use consents are submitted to Council for any future use on the site or the removal of the existing wastewater system on site which was used to service the adjacent residential development. This wastewater system has been decommissioned, dripper lines have been removed and the tanks have been cleaned. Consultation is attached in Appendix 16.

It is not considered that this Plan Change will hinder Te Uri o Hau’s Kaitiaki role or its development aspirations for its land and waters. It is also not considered that this Plan Change will affect sites of significance to Te Uri o Hau.

6.2.3 Landscape Amenity and Visual Effects

Amenity values are defined under Section 7 of the RMA and includes the natural and physical quality and character of an area (landscape) that contributes to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Amenity values can be affected by elements such as dust, odour, noise, glare, daylight and sunlight, vibration, bulk and location of development and traffic. Visual amenity is essentially a subset of amenity values.

The potential visual effects of a proposal, assesses the visual relationship of a proposed development with the immediate and surrounding environment and elements of the landscape. The overall landscape context as well as the existing features of the site is critical to understanding the visual effects of the proposal.

The viewing audience comprises of those individuals or groups of individuals who will see the development or part of the development at any one time. The viewing audience can be permanent, temporary and/or transient.

A LVA has not been prepared to accompany the PPC as this was not identified as a report required by Council and a LVA had been prepared for the consented land use which is attached as Appendix 17 and is prepared by Sally Peake of Thresher Associates.

It is considered that any potential amenity (including visual) effects resulting from the PPC will be less than that provided for by the consented land use. This PPC has also been prepared by a qualified Landscape Architect and Planner (an LVA is attached as Appendix 17).

The subject site is located on the corner of Molesworth Drive and Estuary Drive and is currently vacant. Surrounding land use consists of predominantly residential development with public amenities including the Mangawhai Museum and heritage park located directly across Molesworth Drive. The site includes views across the upper reaches of the Mangawhai Estuary.

Molesworth Drive is the main road which connects the Village to the Heads and includes large Norfolk Pine trees on either side of Molesworth Drive which form part of the gateway to the Heads.

The LVA prepared for the consented development has been prepared against the differences between the consented development and a complying residential development. Therefore it is considered this assessment is still relevant. The LVA outlines that the *“proposed development would involve the construction of buildings and paved areas that are larger in scale than the adjoining residences, so that the proposal would inevitably result in some change to the character of the existing landscape, although such change may be viewed as contributing to positive changes to the site”*.

The LVA outlines that the site has no particular intrinsic landscape sensitivity but has landscape sensitivity in relation to its location close to the Causeway and on route to Mangawhai Heads. The LVA outlines that the only viewing audience that would be able to see the site would be neighbouring residents and people travelling on Molesworth Drive or Estuary Drive.

The LVA outlines that the height and proximity of the buildings would be the principle issue for the most adjacent neighbours. In order to mitigate this potential reverse sensitivity effect the Residential Zone building height will be retained adjacent to existing residential development to 8 metres and a landscape buffer area is required adjacent to existing residential development.

The LVA outlines that for people travelling on roads, views of the development would be limited by landform and vegetation. Those locations where there would be available views are considered to have the potential for adverse effects due to the sensitivity of Molesworth Drive as the entry point to the Heads. However, the LVA outlines that a permitted development could also have adverse effects and therefore the assessment of effects is based on the perceived appropriateness of the activity or land use and its visibility from the road.

The consented activity provided for proposed screen planting between the subject site and Molesworth Drive. However the consented development was approved at the time that Mangawhai Park was not utilised and was an area of dense exotic and indigenous vegetation. Since the consented development was approved Mangawhai Park has been developed including the Mangawhai Park Master Plan, the Mangawhai Museum and historic village has been established and MAZ activity area including the skate park, playground, walking and mountain biking tracks. Therefore this area is the recreational hub of Mangawhai and will soon be the Community Hub of Mangawhai with St Johns and other community services establishing in the park. Therefore it is considered that screening the site from Molesworth Drive while it has merit to some degree, is not entirely considered appropriate.

It is considered that the most appropriate treatment of the site on Molesworth Drive is to provide for the area a public / private interface with footpaths, open space, low level or open type buffer planting to ensure that connectivity between Mangawhai Park and the subject site is provided and visibility and informal surveillance is provided for (utilising CPTED principles).

The PPC responds to the above by providing additional provisions for the site over and above what is provided in the current Commercial Zone to ensure that any future commercial use developed on site takes into consideration urban design principles, is required to provide for landscape enhancement and treatment, connectivity to Mangawhai Park, surrounding residential streets and provide for pedestrian and cycle access and connectivity.

The LVA outlines that building development be designed with a limited palette of materials and colours and to a high standard benefiting the importance of this gateway site. Materials selected should ensure a high level of light absorption and low reflectivity in order to minimise visual impact and colour selection should be restricted to darker shades of brown, grey and green tones to better integrate structures into the proposed vegetation. It is considered that these design guidelines are still relevant to the site and have been reflected in the PPC additional design guidelines for the site.

Amenity values can be affected by elements such as dust, odour, noise, glare, daylight and sunlight, vibration, bulk and location of development and traffic. Traffic will be assessed further in this AEE section.

In terms of potential effects resulting from dust (as a result of construction), noise (in general and from construction), glare, lighting and vibration, the provisions in the District Plan for the Residential Zone for these aspects of amenity values will carry over through rezoning the site to Commercial as a number of these provisions are either the same in both zones or are the same where the Commercially Zoned land is located directly adjacent to the Residential Zone.

In terms of potential effects on sunlight and daylight it is considered that the difference in height limits in the Commercial and Residential Zone could create reverse sensitivity issues in regard to daylight, sunlight, bulk and location. However, the PPC responds to this by ensuring that development directly adjacent to residential development is required to comply with the Residential Height limit, reducing any potential effects in relation to daylight and sunlight and to some extent bulk and location. The PPC responds to potential effects resulting from bulk and location by providing for the requirement for a landscape buffer between existing residential development and future commercial use on the site.

Odour is a Regional Council issue.

6.2.4 Noise

A Noise Assessment was prepared by Marshall Day Acoustics for the consented development and is attached as Appendix 18. It is considered that the noise assessment is not particularly relevant to the PPC given the noise 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 land adjoins Residential Zoned land. Therefore it is considered that

through the PPC 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.

6.2.5 Reverse Sensitivity

Given that the subject site is situated adjacent to existing residential development located on the north eastern and south eastern boundaries it is acknowledged that there is the potential for reverse sensitivity issues to arise between activities within the zone and within activities on adjoining zones.

Reverse sensitivity describes the impacts of newer uses on prior activities occurring in mixed use areas. Some activities tend to have the effect of limiting the ability of established ones to continue. In the instance with the PPC, adjacent neighbours may have expectations of a level of amenity comparable to a vacant site.

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

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 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 residentially 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

In addition to the above, the PPC provides additional site specific provisions to ensure that potential reverse sensitivity issues are minimised these include:

- Retaining the height limit on a portion of the site adjacent to existing residential development at 8 metres 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.

6.2.6 National Environmental Standards (NES) Assessment

The only NES considered applicable to this PPC is the NES for Assessing and Managing Contaminants in Soil to Protect Human Health.

The onsite wastewater treatment facility which once serviced the adjacent residential development has been decommissioned. The dripper lines have been removed and the tanks have been cleaned and will be removed at the time that any earthworks are undertaken. The facility does not pose any risk to human health or the receiving environment. A NES Assessment has been prepared by ENGEO Consultants and is attached as Appendix 19 and outlines the following recommendations:

"It is recommended that the application to change the land use zone is approved as Permitted Activity according to NES Rule 8(4) because:

- *A preliminary site investigation of the land or piece of land exists. The report on the preliminary site investigation states that it is highly unlikely that there will be a risk to human health if the activity is done on the piece of land...If soil disturbance is required as part of the future development of the site, the activity can be undertaken as a Permitted Activity as long as the requirements of the NES Rule 8(3) are met. If the volumes of soil exceeds the Permitted Activity criteria, the activity will require consent as a Controlled Activity under the NES Rule 9. Lab analysis of the soil will be required to assess the potential health risks and determine suitable disposal locations for excess spoil generated at the site (if any)."*

6.3 Assessment of Environmental Effects (AEE) Summary

The Assessment of Environmental Effects (AEE) outlined above, recognises that the site can be adequately serviced from a wastewater, stormwater, water supply aspect and that the surrounding roading network can support the rezoning. The geotechnical report outlines that the site is suitable for commercial use. The PPC will have positive economic and social impacts by providing for future employment and goods and services for the local community, and the proposed provisions will ensure that potential reverse sensitivity effects will be minimised and that the amenity values will be enhanced. The NES assessment undertaken outlines that there is no issues with respect to contaminants resulting from the wastewater tanks. Consultation undertaken with Te Uri o Hau outline that there are no potential cultural impacts resulting from the PPC.

7.0 CONSULTATION

7.1 Community Stakeholder Engagement Process

Consultation undertaken prior to notifying the PPC is considered to be important to ensure that adjacent neighbours, community groups, stakeholders, iwi and other interested potentially affected parties are informed. This enables their participation in the evaluation of options in terms of the potential re-zoning of land in Mangawhai Heads from Residential to Commercial and to determine any comment and feedback across the community.

A Consultation Report is attached as Appendix 20 which outlines the principles and objectives of the consultation, methodology undertaken and feedback received.

A range of parties whom have been identified as being potentially affected or having an interest in the PPC were consulted and a list of these are as follows.

<i>Key Stakeholders</i>	<i>Particulars</i>
Statutory Parties	<ul style="list-style-type: none"> • Kaipara District Council; • Northland Regional Council; • Department of Conservation.
Iwi	<ul style="list-style-type: none"> • Te Uri o Hau
Adjacent Landowners	<ul style="list-style-type: none"> • Lot 53 DP 352077 • Lot 100 DP 445185 • Lot 2 DP 341981 • Lot 1 DP 448852 • Lot 36 DP 341981 • Lot 37 DP 341981 • Lot 1 DP 181441 • Allotment 93 suburbs of Molesworth • Lot 4 DP 99103 • Lot 3 DP 341981
Community Groups	<ul style="list-style-type: none"> • Mangawhai Residents and Ratepayers Group; • Mangawhai Museum Committee; • MAZ Committee • Mangawhai Business Development Association • The Mangawhai Museum • Mangawhai Golf Club • St Johns • New Zealand Fire Service • The Mangawhai Club • Mangawhai Arts Group
Public	<ul style="list-style-type: none"> • Local Community

A number of letters were sent to all of the community groups and statutory parties listed above. Two editorials were provided for with an article and photo in the 11th May and 25th May issues of the Mangawhai Focus.

The main form of consultation included the use of the website which was established for consultation purposes. The Mangawhai Focus also included the article on their facebook page and also included it in the Mangawhai Locals Facebook page.

Letters were also sent to statutory parties, Iwi, local community groups and immediate adjacent neighbours. Limited response was received from adjacent neighbours, which have been included in the table above. Response from statutory parties included Council, Iwi responded also. Limited feedback was received from local community groups. The Mangawhai Residents and Ratepayers Group also notified their members of the project.

7.2 Consultation Summary

The website has had 351 audiences (which are defined as the number of ip address that visited the website). There were 418 visits to the website and 670 pages viewed. This is a considerable number of views to the website with 15 responses received, indicating a low level of interest in the project by the wider community. The feedback received has been incorporated into the formation of this PPC and is outlined in further detail in the Consultation Report attached as Appendix 20.

Consultation was undertaken with Kaipara District Council through the project including the Policy Planners in regard to the process, Councils consulting engineers including MWH Global regarding roading improvements and stormwater and Triology regarding wastewater and connections to Eco-Care. Further detail regarding the outcomes of this consultation are outlined in the AEE and within the Consultation Report attached as an Appendix to this report.

Iwi (Te Uri o Hau) was also consulted on the project and had no issues with respect to the PPC itself, the only issue raised was the removal of the existing and decommissioned wastewater treatment plant. A copy of this email correspondence is attached in Appendix 16 to this report.

8.0 STATUTORY CONTEXT – RELEVANT PROVISIONS OF THE RMA AND OTHER STATUTORY AND NON-STATUTORY DOCUMENTS

8.1 The Resource Management Act

Part II of the RMA sets out the overall purpose and principles that all RMA decision making falls under, and provides guidance on weighting and important matters. Section 32(1) of the RMA requires an examination of the extent to which the objectives of a proposal being evaluated are the most appropriate way to achieve the purpose of the Act. Therefore the purpose of the Act is crucial in examining the appropriateness of a proposal.

8.1.1 Section 5

This PPC has been prepared as a means of achieving the purpose of the Act which is expressed in Section 5 as follows:

- (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.*

This PPC is consistent with the purpose of the Act as the PPC is proposing to re-zone an area of residentially zoned land which has had a land use consent for a commercial activity approved. The PPC will ensure that future commercial development is located on a site which has been deemed acceptable by Council for commercial use and is in a strategic location which will service the future and inevitable growth of Molesworth Peninsula. The development will be managed in such a way and at a rate that the community can provide for its future social and economic wellbeing. This is achieved by enabling commercial development on site which:

- Has an approved land use consent for commercial activity and therefore deemed an acceptable use by the Community and Council;
- Can be serviced and provide economic employment and growth for the wider community;
- Is located at the node between Molesworth Peninsula, Mangawhai Village and Mangawhai Heads and can therefore service all three communities;
- Can service the foreseeable needs of future generations including future land to potentially be developed at Molesworth Peninsula;

- Is strategically located adjacent to recent developed community facilities and Council owned land which is in the future likely to provide for further community facilities;
- Does not compromise any significant landscape or natural character values

The PPC has considered the suitability of this land for future commercial development and use and emphasis has been placed on the fact that the subject site is situated directly adjacent to existing residential development. Accordingly reverse sensitivity issues have been carefully considered through the process. The PPC has adopted best practice urban design principles in line with the New Zealand Urban Design Protocol to ensure that the PPC does not compromise the sustainable management of natural and physical resources.

The PPC has also considered the suitability of the land for future commercial development from a location point of view. The location of the site ensures that the site is strategic and can provide for the communities social and economic wellbeing and for the foreseeable needs of present and future generations. It is envisaged that Molesworth Peninsula will be the next growth node of Mangawhai with recent re-zoning of land. The site is also strategically placed in terms of community facilities. The subject site is directly across the road from Mangawhai Park, Council owned land which has recently been developed to include the Mangawhai Museum, Mangawhai Activity Zone (MAZ) and St Johns. The future and further development of the Park is currently being planned.

The North City Developments site, once developed, will contribute to the projected shortage of commercially zoned land within the Mangawhai Area. It is clear with the number of land use activities occurring in the Residential and Rural zone that there is significant demand for additional commercially zoned land. This is further detailed in Section 5 of the report and the attached Economic Impact Assessment (EIA) in Appendix 8 which has been prepared in relation to this proposal.

8.1.2 Section 6 Matters of national importance

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

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

Section 6 of the RMA identifies matters of national importance. The site is not classified as an Outstanding Natural Landscape or an Outstanding Natural Feature and has low Natural Character values and there are no areas of significant indigenous vegetation on site.

Preliminary consultation with Te Uri o Hau has not identified any issues in relation to the relationship with Maori and their cultures and traditions with their ancestral land, water, waahi tapu and other taonga in relation to the subject site. However, the subject site is within close proximity to the Mangawhai Estuary and Sites of Significance to Maori which include the edges of the Estuary and Harbour Environment.

There are no items of heritage significance on the subject site. Protection of customary rights is not an issue.

8.1.3 Section 7 Other Matters

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

- (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 values 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 and development of renewable energy.*

It is considered that the proposed rezoning of this land to provide for future commercial activity is an appropriate and efficient use and development of the resource.

The PPC includes additional provisions with respect to urban design principles. It is considered that through the adoption of this PPC, the landscape and amenity values of the site and surrounding (predominantly residential) environment can be maintained and enhanced and reverse sensitivity effects minimised through re-zoning, particularly when compared to the consented development (which forms a baseline assessment of Environmental Effects).

Existing amenity values will be maintained through the following:

- Height restrictions limited to Residential Zone standard in the building footprint adjacent to Residentially Zoned land;
- The requirement for extensive landscaping to take place between adjacent residential zoned land and along all streetscapes and within parking areas;

- The provision for enhanced public access / pedestrian / cycling and vehicular transportation between Estuary Drive / Norfolk Drive and Molesworth Drive and associated community facilities;
- An improved level of amenity and urban design;
- Less reverse sensitivity issues which could legitimately be undertaken by way of the consented land use through the development of additional controls;

The PPC will result in the maintenance and enhancement of the quality of the environment through ensuring that the site can be adequately serviced without any additional effects on the Mangawhai Harbour Environment and by ensuring that development is designed and undertaken in a comprehensive manner.

8.1.4 Section 8 – Treaty of Waitangi

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)

There are no Treaty principles that will be impacted on as a result of this PPC. Te Uri o Hau have been consulted and have identified that Te Uri o Hau have no interest in the PPC.

8.1.5 Section 32 Requirement for Preparing and Publishing Evaluation Reports

Requirements for preparing and publishing evaluation reports

See Section 9 for further detail.

8.1.6 Section 72 Purpose of the District Plan

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

8.1.7 Section 73 Preparation and Change of District Plans

- (1) *There shall at all times be 1 district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.*
 - (1A) *A district plan may be changed by a territorial authority in the manner set out in Schedule 1.*
 - (1B) *A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.*
- (2) *Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1.*
- (3) *A district plan may be prepared in territorial sections.*

- (4) *A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—*
- (a) the statement contains a provision to which the plan does not give effect; and*
 - (b) one of the following occurs:*
 - (i) the statement is reviewed under section 79 and not changed or replaced; or*
 - (ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or*
 - (iii) the statement is changed or varied and becomes operative.*
- (5) *A local authority must comply with subsection (4)—*
- (a) within the time specified in the statement, if a time is specified; or*
 - (b) as soon as reasonably practicable, in any other case.*

Section 73 provides for the preparation and change of District Plans. It states that any Plan Change must be in accordance with the First Schedule of the Act. This PPC has been prepared in accordance with Schedule 1 of the Act.

8.1.8 Section 74 Matters to be considered by territorial authority

(1) A territorial authority must prepare and change its district plan in accordance with—

- (a) its functions under section 31; and*
- (b) the provisions of Part 2; and*
- (c) a direction given under section 25A(2); and*
- (d) its obligation (if any) to prepare an evaluation report in accordance with Section 32; and*
- (e) its obligation to have particular regard to an evaluation report prepared in accordance with Section 32; and*
- (f) any regulations.*

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

- (a) any—*

(i) proposed regional policy statement; or

(ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and

(b) any—

(i) management plans and strategies prepared under other Acts; and

(ii) [Repealed]

(iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and

(iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—to the extent that their content has a bearing on resource management issues of the district; and

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

Although the above relates to the responsibilities of Territorial Authorities through the preparation of this evaluation report consideration has been given in regard to the matters outlined in the above section of the RMA.

The RMA sets out a hierarchy of planning documents. These relevant documents are outlined below in Section 8 of the report.

8.1.9 Section 75 Contents of District Plans

(1) A district plan must state—

- (a) the objectives for the district; and*
- (b) the policies to implement the objectives; and*
- (c) the rules (if any) to implement the policies.*

(2) A district plan may state—

- (a) the significant resource management issues for the district; and*
- (b) the methods, other than rules, for implementing the policies for the district; and*

- (c) the principal reasons for adopting the policies and methods; and*
- (d) the environmental results expected from the policies and methods; and*
- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
- (f) the processes for dealing with issues that cross territorial authority boundaries; and*
- (g) the information to be included with an application for a resource consent; and*
- (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*

(3) A district plan must give effect to—

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (c) any regional policy statement.*

(4) A district plan must not be inconsistent with—

- (a) a water conservation order; or*
- (b) a regional plan for any matter specified in section 30(1).*

(5) A district plan may incorporate material by reference under Part 3 of Schedule 1.

The PPC is consistent with the above requirement in terms of the requirements of the contents of a District Plan.

Section 75(3)(a) Water conservation orders are not relevant to this PPC.

National Policy Statements are prepared by Central Government to cover matters of national significance. District Plans prepared under the RMA must give effect to National Policy Statements in accordance with Section 75(3)(a) and (b). National Policy Statements include:

- New Zealand Coastal Policy Statement;
- Electricity Transmission;
- Renewable Electricity Generation;
- Freshwater Management.

It is noted that these Policy Statements are required to be given effect to under the RMA. It is considered that the only National Policy Statement relevant to the PPC is the NZCPS which is further detailed below in this report. The other Policy Statements are not relevant and have no implications in respect of the PPC.

8.2 Policy Analysis

8.2.1 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal policy Statement (NZCPS) is a national policy statement prepared under the RMA. The purpose of the NZCPS is to provide policies in order to achieve the purpose of the RMA in relation to New Zealand's coastal environment.

The subject site has been identified in the Coastal Environment, through the Northland Mapping project (Appendix 21) and is within close proximity (214 metres) from the Mangawhai Harbour. Due to the level of surrounding built development, it is considered that the site has minimal Natural Character values. However, given the close proximity of the subject site to the Coastal Marine Environment it is considered that the NZCPS is relevant to the context of this PPC.

The following policies are considered relevant to the PPC:

Policy 2: The Treaty of Waitangi, tangata whenua and Māori

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- a. *recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;*
- b. *involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;*
- c. *with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹ in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;*
- d. *provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;*
- e. *take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and*
 - i. *where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and*
 - ii. *consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;*
- f. *provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:*
 - i. *bringing cultural understanding to monitoring of natural resources;*
 - ii. *providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;*
 - iii. *having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaimai or other non-commercial Māori customary fishing;*
- g. *in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:*

- i. *recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and*
- ii. *provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.*

Through the PPC process Te Uri o Hau has been consulted have indicated that Te Uri o Hau have no interest in the PPC.

Policy 6: Activities in the coastal environment

- 1. *In relation to the coastal environment:*
 - a. *recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*

The subject site can be adequately serviced in relation to infrastructure.

- b. *consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*

The PPC shows that the site and proposed Commercial zoning can be adequately serviced via infrastructure which provides and enables the foreseeable growth of Mangawhai (in particular Molesworth Peninsula) without compromising the values of the coastal environment.

- c. *encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*

The PPC encourages the consolidation of existing coastal settlements by providing for future Commercial use within an existing and established settlement, ensuring that future sprawl or sporadic patterns of settlement and urban growth are avoided. The location of the proposed Commercial area is strategic, at the node between existing Mangawhai Village and Heads settlements and at the node of Molesworth Peninsula, which will be subject to ongoing future residential development.

- d. *recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;*

Consultation has been undertaken with Te Uri o Hau, and this has been included within the Consultation report. Te Uri o Hau has no interest in the PPC.

- e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;*

The additional assessment criteria, over and above the Commercial Zone provisions will ensure that built development on the site will not compromise activities of national or regional importance that have a functional need to locate and operate in the CMA.

- f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*

The proposed development is situated in an area which has previously been compromised by development and therefore the subject site is considered to be appropriate. Any proposed development will result in a change in character which has already been considered suitable and acceptable to the locality and surrounding environment. The approved land use consent provides a baseline of effects for the site.

- g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
- h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*

The subject site is not located on any headland or prominent ridgeline and is located in an area of current built development. The additional design guidelines provide controls to avoid any potential adverse landscape and visual effects resulting from the PPC.

- i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
- j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*

The subject site is located over 200 metres away from the CMA. This distance is considered appropriate for the proposed land use. Landscaping requirements are provided for which ensure that indigenous species appropriate to the locality are utilised for any landscaping undertaken on site.

2. Additionally, in relation to the coastal marine area:

- a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;*
- b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*
- c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;*

- d. *recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and*
- e. *promote the efficient use of occupied space, including by:*
 - i. *requiring that structures be made available for public or multiple use wherever reasonable and practicable;*
 - ii. *requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and*
 - iii. *considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.*

The above relates to the CMA, the PPC is not within the CMA.

Policy 7: Strategic planning

- 1. *In preparing regional policy statements, and plans:*
 - a. *consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level; and*
 - b. *identify areas of the coastal environment where particular activities and forms of subdivision, use, and development:*
 - i. *are inappropriate; and*
 - ii. *may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.*
- 2. *Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.*

In relation to the above, the subject site has been deemed to be appropriate for commercial use and development through the granting of the land use consent (RM 050271) to provide for a service station and future commercial use on site. This PPC merely provides for the change in zone to reflect the approved land use consent.

Policy 13: Preservation of natural character

- 1. *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
 - a. *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
 - b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
 - c. *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*

- d. *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- 2. *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
 - a. *natural elements, processes and patterns;*
 - b. *biophysical, ecological, geological and geomorphological aspects;*
 - c. *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
 - d. *the natural movement of water and sediment;*
 - e. *the natural darkness of the night sky;*
 - f. *places or areas that are wild or scenic;*
 - g. *a range of natural character from pristine to modified; and*
 - h. *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Policy 14: Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

- a. *identifying areas and opportunities for restoration or rehabilitation;*
- b. *providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;*
- c. *where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:*
 - i. *restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or*
 - ii. *encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or*
 - iii. *creating or enhancing habitat for indigenous species; or*
 - iv. *rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or*
 - v. *restoring and protecting riparian and intertidal margins; or*
 - vi. *reducing or eliminating discharges of contaminants; or*
 - vii. *removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or*
 - viii. *restoring cultural landscape features; or*
 - ix. *redesign of structures that interfere with ecosystem processes; or*
 - x. *decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.*

In regard to policies 13 and 14 it is considered that due to the surrounding level of residential development it is considered that the subject site has limited Natural Character values and has not been identified as having Natural Character Values under the Regional Policy Statement, Regional Plan or District Plan. The sites Natural Character values have already been significantly compromised over time by vegetation clearance and surrounding

residential land use. Therefore the PPC is considered to be an appropriate use and development. The proposed landscaping requirements will promote the restoration and enhancement of the natural character values on site and surrounding by requiring the planting of indigenous vegetation appropriate to the environment.

8.2.2 Introduction -Northland Regional Policy Statement – Operative and Proposed.

The Northland Regional Policy Statement for Northland (RPS) became operative March 1999. Northland Regional Council has subsequently notified a Proposed Regional Policy Statement (PRPS) October 2012 which following resolution of appeals would replace the RPS and become the Operative RPS.

Both documents are required to be in accordance with the NZCPS and provide high level policy guidance for both Regional and District Plans.

The PRPS includes the Northland Mapping Project which seeks to identify areas of High and Outstanding Natural Character in the coastal environment as well as Outstanding Natural Landscapes and Natural Features.

The subject site is located just within the “Coastal Environment” as identified in the Northland Mapping Project, and the Mangawhai Estuary itself is identified as having High Natural Character Values. Appendix 21 demonstrates the site in relation to the Coastal Environment defined by the NRC Northland Mapping Project and RPS and PRPS.

Northland Regional Policy Statement – Operative.

The Regional Policy Statement is the key document for identifying issues related to the development, use and protection of resources in Northland and establishing a management framework for dealing with them. It is however, only part of a broader policy and planning framework established under the Resource Management Act (RMA). The RMA provides for a hierarchy of resource management policy statements and plans related to the three principal levels of government – central, regional and district.

The Operative RPS covers resource management issues affecting the Northland Region and has been developed in accordance with the NZCPS. It is considered that the PPC is in accordance with the NRPS.

Chapter 22 – Coastal Management is of relevance including the following:

2.3 Objectives 1. The preservation of the natural character of the coastal environment, including protection from inappropriate subdivision, use and development. 2. Prevention of damage to and loss of traditional fisheries habitats and Tangata Whenua resources of significance to the Tangata Whenua. 3. Maintenance and enhancement of public use, enjoyment of and access to the coastal environment. 4. The minimisation of the conflicts between uses in the coastal environment and their effects on public health and safety.

22.4. Policy 2. In protecting the coastal environment from inappropriate subdivision, use and development (including any adverse effects associated with location, scale and/or character), Councils will have particular regard: (a) In relation to preservation of natural character avoiding (i) Types of use and development (including sporadic and sprawling subdivision) that would be likely to have adverse effects on the coastal environment; and (ii) Cumulative adverse effects (including those associated with incremental change and a shift towards dominance of the built form); and (iii) Any conflict (potential or actual) with current or existing uses, values and the natural character of adjacent land and water areas, and Where it is not practicable to avoid these matters, Councils will have regard to the extent to which they may be remedied or mitigated.

Chapter 22 focuses on the preservation of Natural Character, avoiding sprawling and sporadic forms of development and subdivision and enabling public access to and along the coast.

As outlined previously, the subject site contains minimal Natural Character values. However, as the subject site has been identified as being within the Coastal Environment it is considered that the RPS is relevant to the PPC.

The subject site is located in an area of Mangawhai which has limited Natural Character values as these values have previously been compromised through residential development. The Council has previously deemed commercial land use on the site as an acceptable land use by way of approving RM 050271. The location of the site is located at a node between three settlement areas being the Village, Heads and Molesworth Peninsula, therefore located in a location consolidating development which ensures that sprawling and sporadic development is avoided.

Chapter 25 Waste Management and Chapter 26 Hazardous Substances are also relevant to the PPC as the approved land use consent (RM 050271) included a petrol station which provided for the storage of hazardous substances and inevitably Commercial Activity can produce waste. The amount of hazardous substances that can be stored on site is increased as a result of changing the zoning from Residential to Commercial. However, the Council has previously provided approval for a petrol station which included the storage of hazardous substances in consultation with the NRC. Any storage of hazardous substances over and above the Commercial Zone under the Operative Plan will require land use consent.

Kaipara District Council Trade Waste Bylaw

The Kaipara District Council Trade Waste Bylaw is also relevant to the PPC and any activity undertaken on the site as a Commercial use will be required to comply with this bylaw at the time of resource consent. This bylaw is attached as Appendix 12.

Northland Regional Policy Statement – Proposed.

The core purpose of any RPS is to provide the broad direction and framework for sustainably managing the natural and physical resources. One of the criticisms of the operative RPS was that the current balance between the use, development and

protection of resources contained in the operative RPS for Northland may be an impediment to sustainable economic development in the region.

The NRC has identified that there is a perception that the existing resource management policies and plans in Northland do not encourage growth (and at times actually inhibit it). The NRC has therefore made the commitment to ensuring that the proposed RPS provides a balance to ensure that a prosperous future for Northland is achieved.

The PRPS has been notified and submissions received and are presently subject to appeal. The PRPS provides a detailed policy framework for resource management issues affecting the Northland Region. Of relevance to the PPC is the inclusion of Economic factors in the PRPS including the following:

Objective 3.5

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

Objective 3.6

Economic activities – reverse sensitivity and sterilisation The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either: (a) Reverse sensitivity for existing: (i) Primary production activities; (ii) Industrial and commercial activities; (iii) Mining; or (iv) Existing and planned regionally significant infrastructure; or (b) Sterilisation of: (i) Land with regionally significant mineral resources; or (ii) Land which is likely to be used*

The PPC seeks to meet these objectives by providing for the continued growth and economic wellbeing for Mangawhai and its communities by providing for additional commercially zoned land for present and future generations, which will create local employment and provide local services for the wider community.

Reverse sensitivity issues have been dealt with in the PPC through the provision of additional controls.

8.2.3 Regional Coastal Plan

In addition to the RPS, the Regional Council is required to prepare a Regional Coastal Plan for Northland. This is intended to assist the Regional Council, in conjunction with the Minister of Conservation, to manage the coastal marine area where each has specific functional responsibilities. The coastal marine area generally encompasses the foreshore, seabed, coastal water and the air space above the water, between mean high water springs and the outer limits of the territorial sea.

It is considered that the RCP is not of relevance to the PPC as the subject site is not located within the Coastal Marine Area or within an area identified as having natural character or landscape values of significance.

8.2.4 The Regional Air Quality Plan for Northland

This plan applies to air in the whole of the Northland region, excluding the CMA. The plan identifies the significant air quality issues and sets out policies and rules so that these will be managed. Air quality in the CMA is managed through the RCP for Northland.

The Regional Air Quality Plan does not contain any provision of relevance that needs to be taken into account in respect of this plan change.

8.2.5 Regional Water and Soil Plan for Northland

The Plan covers the effects of land use activities on water and soil in Northland above the line of the MHWS. The plan identifies the significant water and soil issues and seeks to address these through the policies and rules.

The Regional Water and Soil Plan contains no provision of relevance that needs to be taken into account in respect of this plan change.

8.2.6 Conclusion on Regional Policy Statements and Regional Plans

It is therefore concluded that there would be no inconsistencies with any Regional Policy Statement or Plan in respect of the PPC.

8.2.7 Strategy for the Sustainable Economic Development of Northland (Updated 2007-2011) (Non Statutory)

A Strategy has been developed which is essentially facilitated by Enterprise Northland (now known as Northland Inc.).

Northland Inc.

Northland Inc. Ltd is the Northland region's economic development agency, a Council Controlled Organisation (CCO) of the Northland Regional Council and a limited liability company. Formalised in July 2012 Northland Inc. has brought back together Destination Northland, the Regional Tourism Organisation (RTO) and Enterprise Northland Trust, the regional Economic Development Agency (EDA).

Northland Inc. Ltd is funded by an operational contribution from the Northland Regional Council (NRC) and is project funded through other public and private agencies, with central government being the next largest contributor.

What is the vision for Northland's future?

- *A region with vibrant rural and urban communities that is widely recognised as a desirable place to do business, invest, live, play, study, visit, work....*
- *A harmonious social and natural environment that is based on sustainable development and diversity, recognising the contribution of Maori as tangata whenua.*

- *An enhanced quality of life for residents equal to or if not better than any other New Zealand region.*

What is Northland's aspirational regional economic development goal?

"Over the next 10 years, grow our economy by 40%."

What does this then mean?

- *An above normal New Zealand rate of growth.*
- *An extra \$2 Billion on our present GDP.*
- *We have to increase our direct workforce by 10,000 jobs in 10 years but as a result this leverages a further 15,000 people into employment.*
- *Developing on average 20 new jobs per week over the next 10 years.*
- *The increased work force will be a mix of higher paid, adding value roles and lower paid, service sector jobs.*

8.2.8 Regional Community Growth Strategy (Non- Statutory) ¹

The NRC has identified sustainable growth and development of Northland as a priority. As detailed, the NRC has established that operative RPS may impede sustainable economic development in the Region and that the proposed RPS can be used as a tool to promote growth and create an increase in resilience within the Northland Economy. The NRC has also committed to preparing a Regional Vision and Regional Community Growth Strategy for Northland.

The PPC seeks to achieve the Strategy for the sustainable Economic Development for Northland and Regional Community Growth Strategy through the rezoning of a site which is currently zoned Residential.

It is considered that the change in zoning from Residential to Commercial will ensure that the site's zoning will reflect the commercial use previously deemed acceptable on the site by Council. Providing for the rezoning rather than activating the land use consent will provide a level of certainty in ensuring that this commercial area will be provided to enable the local community's economic and social wellbeing to be provided for present and future generations.

8.2.9 Kaipara District Plan (Operative 2013)

The Kaipara District Plan was made operative November 2013 (the District Plan). The subject site is zoned Residential (Harbour Overlay) which provides for Commercial use through an effects based approach.

The subject site is located within Appendix A of the District Plan which identifies Indicative Growth Areas for Mangawhai including areas providing for Residential, Business or Industrial Growth. Relevant sections of the District Plan are outlined below.

¹ Northland Regional Council Regional Community Growth Paper NRC Website

8.2.9.1 Chapter 3 -Land Use and Development Strategy

8.2.9.2 Overview

Chapter 3 of the District Plan sets out Land Use and Development Strategy “the Strategy” for the Kaipara District which seeks to provide clear and planned provisions for current and future residential and business development *“to meet market expectations and harness opportunities for future growth”* The provisions are intended to encourage business development throughout the District, in particular around those existing settlements identified as Growth Areas including Mangawhai (Section 3.1 of the District Plan).

The Strategy outlines that the *“Council will generally require a Structure Plan to be completed either before or at the same time as any Plan Change proposed for land within a Growth Area except where the scale of development does not warrant a Structure Plan and it can be demonstrated that it meets the objectives and the outcomes envisaged within this Chapter and the Plan generally”*

The Plan provides Structure Plan Outcomes in Appendix 3.1 to Chapter 3. While it is acknowledged that the site is generally too small for a detailed Structure Plan, the amendments to the relevant District Plan Map identifies areas on site which will be subject to certain restrictions.

The Strategy outlines in 3.2 *“while there are no rules in this Chapter, if you are doing a PPC Council will consider how your proposal contributes to the objectives and policies of this chapter”*.

8.2.9.3 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.

There is a shortage of business land with adequate services within the Mangawhai Village and Mangawhai Heads areas. This has been determined through analysis undertaken by Dream Planning (attached as Appendix 6) and also within the Economic Impact Assessment (EIA) which was prepared for the preparation of the PPC to determine the potential economic and social effects (attached as Appendix 8).

There is currently no undeveloped Commercial land in the Mangawhai Catchment with the exception of an area of land located at the corner of Moir Street and Molesworth Drive. There are a number of recent commercial type activities being undertaken in the residential zone both within the Village and Heads area.

Mangawhai population is growing and estimated to increase by 30% (households) by 3031 which excludes holiday homes. Please see the EIA attached as Appendix 8 for further information.

It is also estimated that Molesworth Peninsula could provide for an estimated additional growth of approximately 1000-2000 additional dwellings (see development capacity plans attached as Appendix 7. The current commercial areas located at the Village and Heads are currently at capacity with present businesses.

There is also a level of criticism directed at the Operative District Plan process as the Plan Change process did not provide for any additional Commercially zoned land, which is not providing for the Mangawhai communities economic and social wellbeing for both present and future generations.

The site has already been deemed an acceptable site for commercial use through the granting of RM 050271 to establish a service station and future business area.

It is considered that the PPC will meet this objective as the establishment of effective and sustainable supply of business land and will provide for future services and employment for present and future generations providing for the wider Mangawhai communities' 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.

The proposed Commercial area is contained within the Mangawhai Indicative Growth Area identified in Appendix A of the District Plan (Appendix 6), therefore ensuring that adhoc business activities within the rural heartland of the Kaipara District is avoided.

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.

The site is not considered to be inappropriate for business activities. The consented development RM 050271 has demonstrated that Council consider the site to be suitable for commercial use.

The subject site is within close proximity to the upper reaches of the Mangawhai Harbour receiving environment. However, adequate servicing infrastructure can be provided (both on site and utilising Council infrastructure for wastewater and stormwater disposal) to ensure that any development resulting from the PPC will have less than minor effect on the Mangawhai Harbour receiving environment.

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.

The proposed PPC ensures that any business development undertaken on site will be adequately managed to ensure that any adverse effects on the surrounding environment are addressed through any resource consent process.

The PPC also provides for additional controls in the Commercial Zone relevant to the site which ensures that any adverse effects are potentially mitigated on the surrounding residential neighbourhood.

3.4.5 To provide appropriate infrastructure and servicing in advance of or alongside future residential and business development.

Reports have been prepared which accompanied the consent application for RM 050271 and for this PPC and outline that the site and surrounding environment and existing infrastructure network can readily service any proposed business development.

Consultation has occurred with Council and Trilogy (Eco-Care) in regard to capacity of infrastructure for wastewater requirements and a stormwater assessment report has been prepared by Morphem Environmental Engineering attached as Appendix 13 to determine the ability for stormwater to be adequately and sustainably managed and treated.

Consultation has been undertaken with MWH. The roading network is currently being upgraded to include footpath connections, sealing of Estuary Drive and potentially a roundabout at the intersection of Molesworth Drive, Estuary Drive and Thelma Road South and will be adequate to service the future commercial area. A Traffic Impact Assessment (TIA) is attached as Appendix 14 to this report prepared by Engineering Outcomes and concludes *"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."*

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.

The PPC documentation provides clear direction on the requirements considered to be relevant to enable the future change in land use from Residential to Commercial on site within the Mangawhai development area.

3.4.7 To minimise potential conflicts between natural and physical limitations, including hazards and future residential and business areas.

The proposed Commercial Zone has been located in an area not known to be subject to any hazards or natural or physical limitations. Reports previously prepared for RM 050271 ensure that the site does not have any limitations or hazards.

3.4.8 To provide adequate areas to accommodate future residential development which maximise the use of existing infrastructure.

This provision is not applicable to the PPC.

8.2.9.4 Policies

3.5.1 By providing for clear direction and certainty for a range of residential and business land use activities throughout the Kaipara District.

The PPC meets the above policy as rezoning the site from Residential to Commercial when the site has an approved land use consent for a significant commercial activity provides clear direction and certainty.

3.5.2 By establishing standards for minimum site sizes, for each Zone in the District.

Not relevant to the PPC

3.5.3 By providing for a diverse range of residential and business opportunities in appropriate locations that enable their effects to be effectively managed.

The District Plan acknowledges that the business market is becoming increasingly diversified, the PPC will enable additional business opportunities in Mangawhai in a strategic location. The site location has been identified in a node between Mangawhai Village, Mangawhai Heads and more recent residential area Molesworth Peninsula. The location of the site provides a central point between each three residential catchments and is also located directly adjacent to Mangawhai Park which is a recently developed community area which has the potential to become the recreational hub of Mangawhai. See Appendix 9 for the Settlement Analysis.

3.5.4 By establishing a Land Use and Development Strategy, including nominated future Growth Areas, which ensures protection of natural character and ecological, amenity and landscape values and enables adequate opportunity for residential and business land to meet future demand.

The subject site is located within a future growth area which enables the opportunity for future business / commercial land. It is clear from the outcomes of the EIA and population projections that business / commercial land will be in demand in the future.

Council has previously prepared a Structure Plan for Mangawhai which is a non-statutory planning tool. This Structure Plan is now 10 years old and did not provide for any future Commercial Growth specifically. The proposed PPC ensures that business opportunities are provided for while ensuring that the protection of natural character, ecological, amenity and landscape values of the surrounding area are protected from inappropriate development.

3.5.5 By ensuring infrastructure and servicing (e.g. transport, stormwater and sewerage reticulation and treatment systems and networks) for new development areas are designed and provided for at the outset of development, so that any adverse effects on the environment or existing systems are adequately avoided, remedied or mitigated.

The reports previously prepared for the approved consent application RM 050271 which demonstrated that the site can support a commercial use.

Consultation has been undertaken with Council, Triligy and an additional Stormwater Assessment has been undertaken (attached as Appendix 13) to demonstrate that the site subject to the proposed rezoning can be adequately serviced.

3.5.6 By requiring new residential and business development to comprehensively consider (on a catchment wide basis) potential:

- a) Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands or their margins;*
- b) Adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna;*
- c) Adverse effects on outstanding natural features, landscapes and heritage resources;*
- d) Adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- e) Conflicts with areas where natural hazards could adversely affect the physical resources of residential and business development or pose risks to people's health and safety;*
- f) Conflicts with finite resources which can reasonably be expected to be valuable for future generations (including highly productive and versatile soils and aggregate resources). (For example, where residential and business development could adversely affect the availability of finite resources); and*
- g) to identify mechanisms to avoid, remedy or mitigate such impacts*

The subject site, although within close proximity to the coastal environment, has limited natural character values which have been compromised over time by past land use practices and surrounding residential development. Adequate stormwater and wastewater treatment and disposal ensures that effects on the coastal environment are minimised. The subject site does not have any areas of significant vegetation or habitats and is not part of an ONL or ONF and is not a known heritage resource.

Consultation has been undertaken with Te Uri o Hau and it has been identified that the site has no known waahi taupu or other Taonga.

The subject site contains no known natural hazards or finite resources.

Rezoning the site from Residential to Commercial will not result in any affects identified above. The PPC has addressed reverse sensitivity issues between residential land use and commercial land use and seeks to remedy these potential conflicts through additional provisions (as detailed further in this report).

8.2.9.5 Chapter 3 – Outcomes

The relevant outcomes identified in 3.7 include:

3.7.1 Managed expansion of residential settlements.

The subject site is a logical area to provide for an additional area of Commercial development. The site has already been deemed acceptable for commercial use by Council through the granting of RM 050217 and is located centrally between the

Mangawhai Village, Mangawhai Heads and Molesworth Peninsula residential areas. Molesworth Peninsula is the next growth area of Mangawhai and currently has no commercial area to service this growth.

3.7.2 Consolidation of settlements (rather than sporadic sprawl and ad hoc development) that avoids, remedies or mitigates adverse environmental effects.

At present sporadic sprawl and ad hoc development is occurring around Mangawhai with a number of business activities occurring randomly in the residential zone. The rezoning of the site from residential to commercial will provide for the consolidation of settlements by providing for a commercial area to service the Molesworth Peninsula area and those utilising the recently established Mangawhai Park.

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.

The subject site has previously been deemed acceptable by Council for future commercial land use through the granting of RM 050217. As part of this consent it was established that commercial use could be undertaken on site whilst ensuring that infrastructure services could adequately be provided. A community wastewater scheme is now available following the approval of the consent application and an assessment has been undertaken (attached as Appendix 13) to demonstrate that the site can be adequately serviced with respect to stormwater.

It is considered that the roading network with the proposed roading upgrades to be undertaken in the next year is sufficient to provide for the commercial re-zoning which include the sealing of Estuary Drive, footpath extensions and potentially a roundabout at the intersection of Molesworth Drive / Estuary Drive / Thelma Road intersection. A TIA has been prepared attached as Appendix 14 to this report, this report concludes: *"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."*

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.

As outlined previously, the Mangawhai Structure Plan and Operative District Plan lacked foresight, in that neither strategic document provided for any future commercial zoned land within the area. This approach does not provide for the social and economic well-being of present and future generations and is not in line with the District Plan which under Chapter 3 identifies Mangawhai as being a key residential growth area of the District (outcome 3.7.6).

In order to become a key residential growth area, business - commercial activities are required to be provided in order to support residential communities through providing for services and employment needs. The Operative District Plan also did not take into

account recently consented development (such as RM 050271) which provides for a commercial use in the residential zone and through the development of the Operative District Plan could have rezoned this area to reflect the intended and consented use. The PPC, seeks to provide for this outcome where other strategic documents have failed.

3.7.5 Private initiation of Plan Changes / comprehensive subdivisions (through Management Plans) within identified development areas, to realise individual economic and development opportunities.

The PPC has been prepared based on a master plan approach at a small scale which identifies development areas on site to realise the individual and development opportunities on site.

3.7.6 Mangawhai is a key area of residential growth in the District.

Mangawhai has been identified in the District Plan as being a key area of residential growth. In order to support residential growth business / commercial activities are required to service the residential areas and to provide for employment and provide for social and economic wellbeing.

3.7.7 Development of a contained residential and business area in Mangawhai.

The above outcome has been derived through the uncertainty over future land use pattern which has the potential to place unreasonable constraints on the rural resource. The PPC location has been previously deemed as an acceptable site for commercial use through the approved land use consent. The location of the site is within an existing Residential catchment adjacent to community facilities. It is considered that in undertaking the PPC business areas within Mangawhai will be contained within the built environment reducing pressure on the surrounding rural catchment.

3.7.8 The integration of land-use and transportation planning.

The above outcome has been derived from the issue that adhoc residential and business development has the potential to adversely impact on the District's natural and physical resources. The PPC seeks to ensure that future business development within Mangawhai is comprehensively planned and managed to ensure that provision and demand for future business development are met and that the natural and physical resources of the District are appropriately managed.

8.2.9.6 Structure Plan Outcomes (Appendix 3.1)

Chapter 3 Land Use and Development Strategy in Section 3.6.3 outlines that any PPC initiated in advance of a Structure Plan being prepared for a Growth Area will be considered against the Outcomes described in Appendix 3.1 to this Chapter – Structure Plan Outcomes.

The subject site is located within the Mangawhai Growth Area and the subject site falls within the Mangawhai Structure Plan which was developed in 2005 and is now 10 years old. The District Plan outlines that the Mangawhai Structure Plan should be reviewed in light of subdivision post 2005.

Given that Mangawhai contains a Structure Plan the requirements for a Structure Plan outcome are not required to be assessed, however are still considered relevant to this PPC. Brief comment is outlined underneath each outcome, where relevant to the subject site.

Structure Plan outcomes are in italics and include:

Staging – The structure plan will demonstrate how development of the Growth Area will be efficiently staged through the progressive construction of infrastructure in cells.

The site area is small and staging is not necessarily required. Land use consent will be required for any commercial use undertaken on the site and any staging can be incorporated into any land use consent required.

Land Use – Business development will generally be encouraged in the Growth Areas where this land use is of a scale and nature contemplated by existing development. The need and location of any business areas should be considered and as a principle, location of any new business areas should be guided by existing Business Zones and business activity and infrastructure (particularly transport). The structure plan should provide justification for the extent and location of land uses.

The subject site falls within the Mangawhai Growth Area and the PPC demonstrates that the proposed Commercial zone change is of a scale and nature contemplated by existing development through the consented land use activity approved (petrol station and future business area). This PPC provides justification for the site's locality in terms of existing residential development, surrounding land use pattern and existing commercial development at capacity.

Buffer zones – The boundary of any zone should provide for mitigation of effects of adjacent land uses through its location (or through the application of the zone performance standards). In considering the growth area in the context of a wider catchment the structure plan will provide appropriate buffers to avoid reverse sensitivity effects and ecological effects. The management of reverse sensitivity effects may include transitional zoning or identification of environmental overlay areas to encourage greater setback between activities and sensitive environments.

The PPC takes into consideration potential reverse sensitivity issues and proposes additional provisions to ensure that potential reverse sensitivity effects are appropriately managed and anticipated amenity values of the site enhanced through additional design guidance provisions over and above those provided for in the plan for the Commercial Zone.

Roading – Upgrading of the road network shall proceed in tandem with the staged development of the Growth Area and on the wider catchment basis for the Structure Plan

area. The identified works shall either be undertaken by developers or funded through development contributions. In particular, consideration should be given to the forming of an appropriate number of new roads to provide efficient vehicle access through the Growth Area, while mitigating effects on the State Highways, and for integration of transport networks with land use. Where development is likely to result in impacts on the roading network, relevant Structure Plans and Plan Changes proposed within Growth Areas will be required to be accompanied by a Traffic Impact Assessment which considers the effects on the roading network, including State Highways and State Highway intersections with local roads. Upgrades to intersections with State Highway 1 will be investigated (in consultation with the NZ Transport Agency and, where applicable, with engagement of Tangata Whenua).

Molesworth Drive was an 80kmph road at the time the land use consent was granted. The portion of Molesworth Drive adjacent to the subject site has now been reduced to 50kmph. Consultation has been undertaken with Council and MWH and it has been identified that a number of roading improvements are scheduled to take place on Molesworth Drive and Estuary Drive in the next year which include footpath extensions, sealing of Estuary Drive and the potential establishment of a roundabout at the Molesworth Drive / Estuary Drive intersection.

The TIA has been prepared by Engineering Outcomes, attached as Appendix 14 to this report and concludes: *"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."*

Pedestrian / Cycle Access -The structure planning process shall identify opportunities for pedestrian and cycle links to be provided within the Growth Area, to encourage the use of alternative modes of transport such as walking and cycling. Where appropriate, linkages beyond the Growth Area and to the wider Structure Plan area will also be identified. Pedestrian and cycle links and access will be delivered to avoid the State Highway or any other road becoming a barrier to access within the Growth Area. Subdivision design will be expected to achieve pedestrian friendly streets and safe (Crime Prevention through Environmental Design) linkages between reserves and the town centre and other community facilities.

The PPC recognises the pedestrian and cycle link opportunities that the site provides between adjacent residential development and the Mangawhai Park and associated community facilities located across the road from the subject site. The PPC provides provisions which encourage pedestrian and cycle linkages and utilises CPTED principles to ensure a safe space is provided for.

Wastewater -The structure planning process shall include investigations of an appropriate wastewater scheme for the entire Growth Area and how that might be funded. Recognising the limited ability for Council to regulate or enforce on-site measures, the upgrading of any wastewater network should proceed in tandem with the staged development of the Growth Area. Any works shall be undertaken in accordance with the performance standards in the Zone Chapters or the Kaipara District Council Engineering Standards 2011.

The subject site can be connected to Mangawhai reticulated wastewater network - Eco-Care. Any commercial waste may require discharge consent. This would be required to be addressed through any land use consent required.

Water -Within the Growth Area suitable provision for drinking water and firefighting purposes shall be provided, in accordance with the performance standards in the Zone Chapters or the Kaipara District Council Engineering Standards 2011.

The subject site is of a size to provide for both portable drinking water and water for firefighting purposes on site through the provision of roof collection and tank storage. The provision of water for drinking and firefighting purposes can be addressed at the time of land use consent.

Stormwater -Stormwater drainage shall be provided in accordance with the performance standards in the Zone. Chapters or the Kaipara District Council Engineering Standards 2011. Stormwater planning should be carried out on a coordinated and comprehensive catchment-wide basis. Although this is primarily the responsibility of Council, consideration should be given to catchment-wide issues by developers at the concept design stage. The Council will encourage development which includes low impact stormwater design and water quality enhancement solutions such as on site storage tanks, vegetated filter strips, grassed swales, rock swales, natural channels; water quality/detention ponds and wetlands are to be used to provide for stormwater management.

Stormwater was an issue raised by Council within this part of Mangawhai. Kaipara District Council has a discharge consent from the NRC to discharge stormwater into the Mangawhai Harbour Environment (receiving environment). The stormwater assessment indicates that a number of stormwater discharge options are available to ensure that post development flows are consistent or less than any pre development flows. A stormwater assessment report is attached as Appendix 13.

Other Services and Utilities -The Structure Plan should consider the need for other community facilities e.g. halls, libraries, leisure facilities (swimming pools and sports grounds), public toilets, playgrounds and picnic tables. These may be funded through a financial / development contribution. The Structure Plan shall provide for telecommunications and power infrastructure. New network utility infrastructure shall be provided in accordance with the performance standards in the Part B Chapters or the Kaipara District Council Engineering Standards 2011. The efficient operation of strategic utilities shall not be unduly compromised by other activities nearby.

Other community facilities are not required as the subject site is adjacent from Mangawhai Park which provides such community facilities including open space, public toilets, playground and picnic tables.

Natural Hazards- The Structure Plan should show that any natural hazard identified by the Northland Regional Council has been taken into account. In Growth Areas (or parts of Growth Areas) susceptible to natural hazards, investigations shall be undertaken regarding potential impacts on existing and planned infrastructure.

The subject site is not subject to any natural hazards.

The Structure Plan will demonstrate how land disturbance works (vegetation clearance and earthworks) can be managed during the construction phase to avoid the potential for sediment to enter the estuary and Harbour. The Council will encourage the retention of as much existing vegetation as possible. Where vegetation is required to be removed, replanting with similar species will be encouraged. The structure planning will identify any appropriate overlays or policy areas to give effect to the protection of the harbour and ecological values in the Structure Plan Area (e.g. the Valued Natural Environments of Mangawhai in the Mangawhai Structure Plan area). Where appropriate, consultation shall be undertaken with groups having an interest in the Kaipara Harbour, including those exercising Kaitiaki or stewardship over the Harbour, to assist in the on-going restoration of Mauri (life force) to the Harbour.

The District Plan provides provisions for earthworks. Any earthworks required over and above the permitted standards will require land use consent. No vegetation clearance will be required as the site is currently in pasture. Wastewater will be connected to Mangawhai Eco-Care community wastewater scheme and the Stormwater report prepared by Morpium Engineering attached as Appendix 13 demonstrates that there are number of stormwater management options available to ensure that stormwater on site can be adequately treated.

Open Space - The Structure Plan will demonstrate how reserves will be provided in accordance with the Kaipara District Council Reserves and Open Space Strategy (2006) and identify these areas on the Plans. The Structure Plan will demonstrate how development of the Growth Area, where development is staged, will protect open space in a manner that shows consideration of wider connections, resulting in an overall integrated development.

Provision of reserve space is not required in the PPC given the sites proximity to Mangawhai Park. However, the PPC encourages pedestrian connectivity from adjacent residential streets through to Mangawhai Park providing for wider pedestrian linkages and connections contributing to intergrated development.

Ecological Effects -The Structure Plan will demonstrate the use of appropriate techniques to avoid, remedy or mitigate the potential for adverse effects on significant ecological areas (by way of overlay provisions or reserve acquisition). The following information sources will be used to determine significant ecological areas:

Department of Conservation's published Reconnaissance Survey Reports for the Protected Natural Areas Programme; Wildland Ecological Assessment (GIS Analysis of the Extent and Distribution of Indigenous Vegetation and Habitats Remaining in Kaipara District, 2006); and Northland Regional Policy Statement (2002).

The site is not considered to be a significant ecological area.

Areas of Significance to Maori -The Structure Plan will demonstrate that comprehensive consideration has been given to the potential for adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands,water, sites, waahi tapu and other taonga, including (but not limited to) Maori areas of significance (Chapter 17).

Te Uri o Hau has been consulted and have no interest in the PPC.

Subdivision and Development - Prior to Structure Planning and Plan Changes Residential and business land use and subdivision within any Growth Area before a structure planning

process is undertaken is provided for via existing provisions of the Plan including Integrated Development subdivisions. The assessment criteria for Integrated Development subdivision, requires consideration to be given to the Growth Area Outcomes and demonstration of the following: The funding or construction of infrastructure including connections to meet the ultimate design capacity of the subdivision / development, back to the existing urban edge; and · For out of sequence developments, whether they are able to provide an internal buffer from surrounding rural activities to avoid, remedy or mitigate reverse sensitivity.

The PPC provides for landscaping and height restriction buffers to avoid remedy and mitigate potential reverse sensitivity issues between the proposed commercial land and adjacent residentially zoned land.

Historic Heritage Resources -The structure planning process will assist to identify heritage resources within Growth Areas and, through appropriate planning and design, shall provide for their protection as required by the Historic Places Act 1993 and the Resource Management Act 1991

The subject site contains no known historic heritage resources.

8.2.9.7 Mangawhai Growth Area (Chapter 3A)

The subject site is located within the Mangawhai Growth Area which identifies areas for future residential and business growth in the existing residential catchment area. The growth area has been identified through the Mangawhai Structure Plan which was adopted by Council 2005 and is now 10 years old.

When applying for a PPC Council will consider how the proposal contributes to delivering the outcomes of the Mangawhai Structure Plan and whether the proposal is in accordance with the Mangawhai Design Guidelines which are outlined below.

Relevant Objectives include:

3A.4.2 To ensure provision of efficient infrastructure and roading network systems to provide for properly serviced and orderly development within Mangawhai.

Relevant Policies include:

3A.5.1 By providing guidance on design and environmental standards to direct development consistent with the vision for the Mangawhai Area.

The PPC seeks to achieve the relevant objectives and policies set out in Chapter 3A of the District Plan and achieves the anticipated outcomes outlined below which include:

3A.7.2 Consolidation of settlements rather than sporadic sprawl and adhoc development, that avoids, remedies or mitigates adverse environmental effects.

Mangawhai development pattern includes a number of commercial uses in the residential and rural zone due to the lack of commercial land available for such use. The PPC provides for consolidation of settlements by providing for future commercial land, for the

Molesworth Peninsula settlement. In providing for future commercial use sporadic land use through land use consents in the residential and rural zones will inevitably be reduced as commercial space will be provided for ensuring that adhoc development is avoided.

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.

The PPC provides for well-functioning residential and business markets and will respond to future demand of commercial use without generating adverse environmental effects. It has been demonstrated that infrastructure requirements can be met to support commercial land use on the site and potential reverse sensitivity issues are dealt with through additional controls on site (such as building height, landscaping requirements). Overall, the amenity values of the site and surrounds will also be enhanced through appropriate urban design controls which will guide development of the land.

3A.7.5 Private initiation of Plan Changes of or within identified development areas within Mangawhai to realise individual economic community and development opportunities;

The attached EIA has been prepared and identifies that the PPC provides for the individual economic community and future development opportunities for present and future generations.

3A.7.6 Recognition of Mangawhai as a key area of residential growth in the District;

The PPC provides for additional commercial land in Mangawhai which recognises that Mangawhai is a key area of residential growth in the District and will provide future goods and services for the local community and in turn will provide employment opportunities. See the EIA attached for further detail.

3A.7.7 Development of a contained urban area in Mangawhai

The PPC is within the urban area of Mangawhai ensuring that development continues to be contained within the Mangawhai urban environment.

3A.7.8 Protected and enhanced areas of high ecological and landscape values in the Structure Plan Area.

The subject site does not contain any ecological or landscape values of significance. However, the PPC provides for landscape enhancement provisions which will ensure that the landscape values of the site and surrounds are enhanced.

8.2.9.8 Mangawhai Design Guidelines (Appendix 25A)

The design guidelines reflect the Mangawhai Structure Plan and have been prepared to “assist subdivision and land use activities in ensuring sustainable, community focused outcomes for Mangawhai and its surrounding area” (Section 1.1).

These guidelines incorporate the Mangawhai Structure Plan which identifies the site as being within the Mangawhai Residential area. The guidelines have three main themes being:

- Creating neighbourhoods – sustainable subdivision design;
- Getting around – Facilitating connectivity and access;
- Sustainable drainage strategies – Low impact design.

The PPC has taken into consideration these Mangawhai Design Guidelines when formulating the relevant additional provisions specific to the site and ensures that the additional provisions include reference to the Mangawhai Design Guidelines. Additional provisions formulated have applied the principles in terms of ensuring that amenity values are enhanced, opportunities for pedestrian linkages are provided for, views to the Mangawhai Estuary utilised.

8.2.9.9 Chapter 13 Residential and Chapter 14 Commercial

The subject site is zoned Residential (Harbour Overlay) and as a result of the PPC will be rezoned to Commercial (Harbour Overlay). The Objectives and Policies in relation to the Commercial Zone are outlined further in this report.

An assessment of the Residential and Commercial provisions has been undertaken and it is noted that a number of the provisions in each of the Residential and Commercial Zone, where Commercial land in particular adjoins Residential Zoned land are similar. A summary table is provided below with more detailed assessment is attached as Appendix 22.

Permitted Activity Standards	Summary of Differences / Similarities Between Residential and Commercial provisions <i>(Note: that any activity not complying with the below permitted activity standards can be undertaken by applying for resource consent (Council may grant or refuse a resource consent).</i>	Similarity Key Same= ✓ Different= ○
Excavation and Fill	The earthworks provisions are similar in nature however the Commercial / Industrial provisions allow for 300m ³ of earthworks to be undertaken within a 12 month period and in the Residential (Harbour Overlay) zone the earthworks provisions allow for 100m ³ of earthworks over a 12 month period.	○
Dwellings	Construction of a dwelling in the Residential Zone is permitted if it complies with the minimum net site area requirement. Construction of a dwelling in the Commercial Zone is a permitted activity and have additional criteria that are required to be met including any upper level dwelling in the Commercial zone is required to provide for a balcony. There is no separation distance requirement (from any detached dwelling) in the Commercial zone (which provides for attached housing and mixed use). Dwellings in the Commercial zone are required to comply with the Private Open Space requirement which is the same requirement found in the Residential zone.	○
Dwelling Floor Levels	Dwelling floor level requirements are the same in the Residential and in the Commercial Zone	✓

Commercial and Industrial Buildings	These provisions only relate to the Residential Zone and ensure that any commercial and industrial use undertaken in the Residential Zone can ensure that adequate services are available in terms of stormwater, wastewater, and water supply for use and to meet NZ Fire Service code of practice.	<input type="radio"/>
Maximum Height	The Residential provisions (in an Overlay) allow for buildings up to 8 metres in height. The Commercial provisions allow for buildings up to 12 metres in height. This is a 4 metre difference in permitted height limits between the zones.	<input type="radio"/>
Height in relation to boundary	The height in relation to boundary provisions are the same in both the Residential and Commercial zones	<input checked="" type="radio"/>
Setbacks	Setback requirements in the Commercial zone are more restrictive than in the Residential zone, where the site adjoins residentially zoned land. The Commercial zone requires a 5 metre side and rear setbacks adjoining Residential zone land, where setbacks in the Residential zone are between 1.5m and 3m for side and rear yards.	<input type="radio"/>
Screening of Storage Area	The Commercial zone requires screening of storage areas from public places and residential zoned land by planting or fencing to a height of 1.8 metres, this is not a requirement of the Residential zone.	<input type="radio"/>
Verandahs	The Commercial zone requires a verandah to be constructed for any building fronting the street frontage, this is not a requirement in the Residential Zone.	<input type="radio"/>
Separation Distance for Noise Sensitive Activities	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, childcare facilities, theatres, motels, hotels, cinemas, galleries, museums and other similar uses and activities. A 300 metre separation distance is required between a commercial activity and a noise sensitive activity in the Residential zone. In the Commercial zone a 300m separation distance is also required between activities such as Panel beating, motor vehicle manufacturing, animal boarding, service station, intensive farming, stock sale yards, refuse, recycling and transfer stations, sewage treatment or other site of plant or animal effluent, storage and disposal, mining or quarrying.	<input type="radio"/>
Relocation of Buildings	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.	<input type="radio"/>
Private Open Space	The private open space provision in the Residential zone is the same as the private open space provision outlined under the Dwellings provision in the Commercial zone.	<input checked="" type="radio"/>
Permeable Surfaces	Permeable surface provisions differ. The Residential Zone provides for 40% impermeable surfaces (including building coverage) and the Commercial zone requires a certain area for onsite wastewater and stormwater disposal if it is to be treated on site.	<input type="radio"/>
Building Coverage	Building coverage is 35% in the Residential Zone and there is no maximum building coverage in the Commercial zone.	<input type="radio"/>
General Noise	The noise limits for a Commercial zone adjoining the boundary of a Residential zone are the same as the Residential zone. Noise limits in the Commercial zone not adjoining the boundaries of a Residential zone are greater. Noise limits in the industrial zone are slightly higher. In terms of the site, given the site adjoins Commercial, the Residential noise limits apply.	<input checked="" type="radio"/>
Construction Noise and Temporary Activities	Construction noise and temporary noise provisions are the same in both the Residential and Commercial zones.	<input checked="" type="radio"/>

Wind Generation Noise	The same in both zones	✓
Vibration	The same in both zones	✓
Traffic Intensity	Traffic intensity volumes increases significantly between permitted standards in the Residential zone and Commercial zone. However, both zones are required to relate to the Traffic Intensity Factor Guidelines which provide generic activity based traffic intensity levels for various activities.	✓ ○
Hazardous Substances	Hazardous substances provisions are more rigorous in the Residential Zone than in the Commercial zone.	○
Lighting and Glare	The provisions in terms of lighting and glare for both the Residential and Commercial zones are the same	✓
Signage	Signage in the Commercial zone provide for more flexibility in terms of signage and provide criteria for Verandah signage.	○
Vehicle access and driveways	Provisions are the same for both zones	✓
Fire safety	Provisions are the same for both zones	✓
Parking	Provisions are the same for both zones, however the Commercial zone includes provision for the formation of parking areas.	✓
Loading	Provisions are the same for both zones	✓
Parking and loading Spaces Required and Traffic Intensity Guideline	The District Plan specifies tables in relation to these requirements in relation to land use activities, these land use activities are within any zone and therefore the provisions are the same	✓

8.2.9.10 Overlays

The Overlay Chapter of The District Plan contains issues, objectives and policies in relation to the Mangawhai Harbour Overlay which the subject site falls under. The Mangawhai Harbour Overlay provisions remain unchanged as a result of the PPC.

8.2.9.11 Estuary Estates

Estuary Estates is a section in the District Plan that resulted from the inclusion of a PPC. Estuary Estates comprised of 129.8ha of land and is located adjacent to Molesworth Drive in close proximity to the subject site. Estuary Estates has been included in the District Plan for a number of years and has yet to be developed. So far the area of land contained within Estuary Estates is not serviced (by Council or private infrastructure) and is yet to be developed.

Estuary Estates includes a Business Zone which comprises of two precincts that provide for different scales of commercial activity and also includes a green network component adjacent to Molesworth Drive. This green network provides a buffer and amenity gateway to both the business zone and wider Estuary Estates area. This zone is characterised by a high degree of pedestrian permeability and a series of secure sheltered internal public spaces. The maximum height includes 12 m height limit and includes the use of pergolas and verandas to create visual connectivity. Limited residential living is envisaged on the upper levels of the commercial areas where appropriate.²

² Estuary Estates Section 32 Report

Estuary Estates includes specific design guidelines which are similar to those which have been developed through the PPC process. These guidelines include:

- *Planting structure to show a strong visual and pedestrian linkage from Molesworth Drive;*
- *Parking spaces to be located within building structures in the central spaces of each precinct. Areas must be appropriately screened and lit.*
- *Buildings should create an active street frontage by abutting the footpath and should complement one another in terms of design and mass.*
- *Individual buildings should be physically and or visually connected to each other through the use of pergolas, verandas, awnings, colonnades and or other landscape elements.*
- *Continuity of active building frontages should be provided to promote public interaction between the street and the buildings.*
- *Active uses such as retail, restaurants, cafes and other places should be located to reinforce the streetscape amenity in the Business Sub Zone.*
- *The scale, massing and height of buildings should be complementary to existing and nearby buildings of the site and any important views and vistas.*
- *Buildings should be of a human scale and apparent bulk moderated by articulating the building form through design treatment of roofs, the inclusion of verandas and balconies and through window placement;*
- *Design variation and architectural detail should be used to keep areas of blank walls to a minimum and break up any likely perception of excessive bulk of building(s).*
- *The tallest building within each precinct should be located on the corners and provide vertical emphasis of the corner elements to highlight intersections and the roading network;*
- *The external glazing should not be mirrored, tinted or coloured except for isolated feature glazing.*
- *Areas set aside for service uses should be screened from public view through the use of planting and permeable screens.*

8.2.10 Relevant Non Statutory Documents

8.2.10.1 Mangawhai Structure Plan 2005

The Mangawhai Structure Plan was adopted by Council 2005 as a non-statutory planning tool and was given effect to within the Operative District Plan throughout various chapters of the District Plan and in particular Appendix 25A Mangawhai Design Guidelines.

The Structure Plan does not specifically provide policy framework for new commercial areas, however, it does provide a development framework for both Wood Street and Mangawhai Village commercial areas. This development framework can be applied to the subject site and has been used to influence the outcomes of the PPC.

These guidelines include for Wood Street:

- *Building form – visual connection, scale, bulk entrances and access;*
- *Service area e.g. provision for storage areas and commercial nuisance hazards;*
- *The relationship between buildings and open space, where possible buildings to locate entrances directly off public open space, public pedestrian linkages and access roads;*
- *Carpark areas e.g. Entry and exit points to carparks should be designed with reference to existing intersections and avoid adverse effects on the pedestrian and vehicle network;*
- *Location, scale and height of activities, e.g. ensure that the human scale and form of buildings and activities is maintained and does not dominate or detract from the intended landscape character;*
- *Vehicle access e.g. consideration of appropriate design and traffic calming techniques should be used to ensure that pedestrian usage is given priority;*
- *General landscape design and plantings e.g.; use a mix of soft and hard materials to ensure integration between buildings and open space, that is between amenity planting and landscape hard works such as paving and street furniture*

Guidelines for the Industrial area of relevance given the locality include:

- *Any new development should maintain wide densely planted buffers along both main site boundary roadways;*
- *Entrance should include feature planting and landscape treatment;*
- *Signage should be appropriately designed, placed strategically, and sized appropriately scaled advertising within the context of buffer planting;*
- *Service and loading areas should be located behind buildings and where appropriate screened from overlooking residential or public area;*
- *Conflicts between loading / service vehicles and pedestrian movement should be minimised and mitigated through clear signage and delineation of pedestrian right of way.*
- *Individual buildings should be visually connected through the use of consistent forms, materials and colours that allow for sufficient variation of built form;*
- *Where appropriate landscape planting and enhancement shall further serve to intergrade variations in building bulk, size and form to develop consistencies in building massing from elevation viewpoints;*
- *Low impact stormwater management techniques*

Guidelines for the Mangawhai Village area of relevance:

- *Encourage a style of architecture appropriate for Mangawhai and inclusive of the wider landscape characteristics to define a local identity;*
- *Create safe, convenient and enjoyable integrated mixed-use spaces and activities;*
- *Integration and connectivity of movement networks and building interfaces;*
- *Diversity and adaptability of mixed uses and flexibility of building form, bulk and scale;*
- *Legibility and identity of form and visual character;*
- *Traffic calming;*

8.2.10.2 Mangawhai Park Master Plan / Management Plan

Mangawhai Park is the largest Council owned recreational area located in Mangawhai and is approximately 33 hectares. Mangawhai Park is located within close proximity to the subject site and has recently been developed and is becoming the recreational hub of Mangawhai and surrounding catchment. Mangawhai Park includes the Mangawhai Golf Course, Mangawhai Bowling Club, Mangawhai Museum, St Johns and Mangawhai Activity Zone (MAZ) which includes skateboard bowls, fenced and turfed all weather sports complex, playground, mountain bike and walking trails, a heritage area is in the process of establishment. The Park also contains Mangawhai Eco-Care wastewater treatment plant and in the future will also include the essential services of the Mangawhai Fire Brigade.

A Master Plan has been prepared for Mangawhai Park which was prepared in 2012 and has been prepared by a Steering Committee. This Committee has been consulted as part of the PPC process and had no issue with the PPC.

The PPC has taken into consideration the potential pedestrian connectivity and visual interface between Mangawhai Park and the subject site and has utilized provisions which will essentially enhance connectivity and visual integration between the two areas. It is considered that the location of Mangawhai Park in relation to the subject site provides walking distance between recreation and goods and services. Appendix 9 provides a visual representation between the subject site and Mangawhai Park Master Plan.

8.2.10.3 Urban Design Protocol

The PPC has been developed to ensure that the New Zealand Urban Design Protocol is recognised and provisions developed are in line with this protocol including the seven essential design qualities which include context, character, choice, connections, creativity, custodianship and collaboration.

8.2.10.4 Crime Prevention Through Environmental Design (CPTED) Principles

The Ministry of Justice New Zealand has produced National Guidelines for Crime Prevention and Design in New Zealand. These principles are important to ensure that public spaces are safe for users, the local community and occupiers of a site. The PPC ensures that CPTED principles are incorporated into the additional provisions.

9.0 SECTION 32 OF THE RESOURCE MANAGEMENT ACT 1991

Section 32 of the RMA requires parties when preparing a PPC, to examine the appropriateness, effectiveness and efficiency of the proposed PPC. The requirements under Section 32 were revised under the RMA Amendment Act (2013) to improve the quality of Section 32 evaluations, particularly for the assessment of benefits and costs, including anticipated opportunities for economic growth and employment. The RMA requires a report be prepared that summarises the Section 32 evaluation and gives reasons for that evaluation. This report has been prepared to fulfil that requirement.

Section 32 states:

Requirements for preparing and publishing evaluation reports

32(1) *An evaluation report required under this Act must—*

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

- *(i) identifying other reasonably practicable options for achieving the objectives; and*
- *(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- *(iii) summarising the reasons for deciding on the provisions; and*

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) *An assessment under subsection (1)(b)(ii) must—*

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

- *(i) economic growth that are anticipated to be provided or reduced; and*
- *(ii) employment that are anticipated to be provided or reduced; and*

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

(3) *If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing proposal to the extent that those objectives—*

- (i) are relevant to the objectives of the amending proposal; and
- (ii) would remain if the amending proposal were to take effect.

(4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

(5) The person who must have particular regard to the evaluation report must make the report available for public inspection—

- (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
- (b) at the same time as the proposal is publicly notified.

(6) In this section,—

objectives 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.

The Section 32 report helps decision makers to assess whether:

- Objectives, policies and methods of proposed RMA planning documents have been well tested against the purpose of the RMA.
- The anticipated benefits of introducing new regulation outweigh the anticipated costs and risks.

The aim of the Section 32 evaluation is to transparently communicate the thinking behind RMA proposals to the community and decision makers. The report tells the “story” of what is proposed and the reasoning behind it.

The Section 32 evaluation under the RMA does not take place in isolation, but is part of a wider RMA framework which sets the purpose, principles, roles, responsibilities, and scope for plan making. These other sections of the RMA which are relevant to this PPC are outlined under Section 2.4 Statutory Context of the report.

Note Section 32(1)(C) outlines that a Section 32 assessment “contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal”. The scale and significance of the proposal has been assessed in Appendix 23 of this report and has been determined that effects from the PPC will be minor and therefore the level of detail contained in this report corresponds with this conclusion.

S 32 (4) relates to National Environmental Standards (NES). These Standards are prepared by central government to provide consistency throughout the country on specific activities. District Plans prepared under the RMA must give effect to National Environmental Standards. National Environmental Standards include:

- Air Quality
- Sources of Human Drinking Water
- Telecommunication Facilities
- Electricity Transmission
- Assessing and Managing Contaminants in Soil to Protect Human Health.

It is noted that the NES will need to be complied with should they be relevant in specific circumstances and as they may arise. The time of assessment would be through the resource consent process for both land use and subdivision applications. However as the subject site was previously used for wastewater disposal an NES Assessment for Assessing and Managing Contaminants in Soil to Protect Human Health has been prepared and is attached as Appendix 19 to this report.

The table below outlines the requirements of Section 32 of the RMA and identifies which section of this report responds to that requirement.

Section 32 Sub Section	Report Reference
<p>1 <i>An evaluation report required under this Act must—</i></p> <p><i>(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and</i></p> <p><i>(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—</i></p> <p><i>(i)identifying other reasonably practicable options for achieving the objectives; and</i></p> <p><i>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</i></p> <p><i>(iii) summarising the reasons for deciding on the provisions; and</i></p> <p><i>(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.</i></p>	<p>Section 8</p> <p>Section 10</p> <p>Section 11</p> <p>Section 12</p> <p>Appendix 23</p>
<p>2 <i>An assessment under subsection (1)(b)(ii) must—</i></p> <p><i>(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—</i></p> <p><i>(i) economic growth that are anticipated to be provided or reduced; and</i></p> <p><i>(ii) employment that are anticipated to be provided or reduced; and</i></p> <p><i>(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and</i></p>	<p>Section 9-12</p> <p>And throughout the report and within the EIA outlined in Appendix 8</p>

	<i>(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.</i>	
3	<i>If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—</i> <i>(a) the provisions and objectives of the amending proposal; and</i> <i>(b) the objectives of the existing proposal to the extent that those objectives—</i> <i>(i) are relevant to the objectives of the amending proposal; and</i> <i>(ii) would remain if the amending proposal were to take effect.</i>	Section 8-12 and throughout the report
4	<i>If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.</i>	NES Assessment Attached as Appendix 19 to the report.

10.0 OBJECTIVE EVALUATION – PPC NORTH CITY DEVELOPMENTS

The key objective for the PPC is to establish an appropriate commercial zoning for the site to provide for a zone which reflects the intent to develop the site for commercial use which has been identified through the approved land use consent which will provide for greater level of flexibility and certainty. This will provide for the environmental, social and economic wellbeing of the community, create a more efficient use of the land in terms of the RMA and enhance the amenity values of the site and surrounds.

Section 32 of the RMA requires objectives to be assessed as to whether they are the most appropriate to achieve the purpose of the Act.

It has been determined that the existing Commercial issues, objectives and policies outlined in Section 14 Business: Commercial and Industrial Chapter are considered to be 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 site and PPC and therefore these provisions will remain unchanged as a result of the PPC.

Based on the above, the evaluation of provisions (rules) will be undertaken against existing plan objectives and the purpose of the PPC.

Chapter 14 Business: Commercial and Industrial Chapter Objectives include the following:

- 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.*

11.0 POTENTIAL OPTIONS TO ACHIEVE THE OBJECTIVES OF THE PLAN CHANGE

11.1 Potential Options

An evaluation report must “*examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by (i) identifying other reasonably practicable options for achieving the objectives*” (Section 32(1) (b) (i))

A number of reasonably practicable options have been identified below.

- 1) Do nothing (remain Residential Zone), a land use consent can be applied for any **new** commercial land use **different** to the approved land use consent;
- 2) Implementation of the land use consent (for the petrol station and future business area);
- 3) Rezone the site to the existing Commercial Zone in the District Plan;
- 4) Rezone the site to the existing Commercial Zone in the District Plan however apply additional provisions (rules / design guidelines / assessment criteria) specific to the site and the locality;
- 5) Rezone the site to an entirely new Commercial Zone.

11.2 Option Evaluation

The evaluation of options generally has two dimensions, one the comparison of options, the other the effectiveness and efficiency of the preferred option. The options have been assessed below and within this document in regard to the most appropriate way to achieve the objectives being:

- 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.*

Effectiveness assesses the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address;

Efficiency measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary

Appropriateness is interpreted through case law to mean “*suitable but not necessarily superior.*” This means the most appropriate option does not need to be the most optimal or

*best option, but must demonstrate that it will meet the objectives in an efficient and effective way.*³

11.2.1 Option 1 – Do Nothing - Evaluation:

Do nothing (remain Residential Zone), a land use consent can be applied for any **new** commercial land use **different** to the approved land use consent;

Consideration	Comment
Effectiveness	Maintaining the existing zone and provisions of the District Plan for the subject site would not be effective in meeting the future commercial use of the site which has been deemed appropriate through the approved land use consent. Retaining the zoning does not reflect the consented use of the site. Retaining status quo may not achieve the desired economic future growth of Mangawhai which has been identified as an area of future growth in the District Plan.
Efficiency	<p>Benefits:</p> <p>Commercial use can be provided for in the Residential Zone through the consent process.</p> <p>The benefits of the status quo option (no development or residential development only) are limited to the creation of dwellings on the site, which would be of minimal benefit to the Mangawhai community (increased housing stock) and economy (increased household spending resident in the town, and short-term construction industry effects).</p> <p>Costs:</p> <p>As the site is zoned Residential there are limited provisions in terms of addressing reverse sensitivity issues between adjacent neighbours and any commercial use undertaken on the site. There are limited (if any) design and management controls in terms of commercial use on residentially zoned land and therefore may result in poor development outcomes.</p> <p>Land use consent would be required for any type of Commercial Use on the site (other than under the approved resource consent) because it is not zoned appropriately.</p> <p>The EIA report outlines that no commercial businesses would be developed on site, with no change in the range of business activities in Mangawhai.</p> <p>The EIA also outlines that an opportunity cost of occupying land that cannot be developed for commercial activities, including no potential for employment on the land or provision of retail and service activities</p>

³ Economic Impact Assessment Report

	<p>to the community (small to moderate, significance of effect given the strategic value of the location).</p> <p>Summary</p> <p>Retaining the Residential Zone would not be an efficient use of the site given that Council has deemed the site suitable for commercial use through the granting of the current land use consent application.</p>
<i>Appropriateness</i>	Not appropriate in regard to providing for future commercial land use development on the site.
<i>Risk of acting or not acting if there is uncertain or insufficient information</i>	It is determined that there is low risk from uncertainty.

11.2.2 Option 2 – Implementation of the Land Use Consent Evaluation:

Implementation of the Land Use consent (for the petrol station and future business area);

Consideration	Comment
Effectiveness	Implementing the current land use consent would be giving effect to the granted land use consent. However the zone would remain unchanged (Residential) and therefore the underlying zone of the site would not reflect the current land use and would therefore not be effective.
Efficiency	<p>Benefits:</p> <p>No additional consents or plan change would be required as the land use consent has been approved.</p> <p>The approved land use consent would contribute to economic development in Mangawhai through the provision of additional businesses to the area.</p> <p>Costs:</p> <p>Potential reverse sensitivity issues of adjacent residential zoned land which were not necessarily dealt with under the previous District Plan through the consent process e.g. building height, screening etc;</p> <p>Amenity values could be compromised due to the lack of design detail provided in the consent which could result in poor urban design outcomes.</p> <p>Mangawhai has changed since the land use consent was granted and therefore the land use consent does not reflect the changes which have occurred in the community since the consent was granted.</p> <p>The range of commercial use would be smaller than that under a PPC.</p> <p>Summary</p> <p>Overall not an efficient use of land as the underlying zone would remain Residential and therefore not reflecting the intent of the District Plan and potentially would still require a plan change to reflect the land use of the site.</p>
Appropriateness	Not appropriate as the consent was granted under the previous District Plan and the underlying residential zone would still not reflect the commercial use of the site.
Risk of acting or not acting if there is uncertain or insufficient information	Low risk from uncertainty.

11.2.3 Option 3 – Rezone the Site to Existing Commercial Zone Evaluation

Rezone the site to the existing Commercial Zone in the District Plan;

Consideration	Comment
Effectiveness	This option is effective as rezoning the site to Commercial represents an efficient use of the site and would reflect the intended commercial development use of the site which is consented.
Efficiency	<p>Benefits:</p> <p>A new employment location in Mangawhai, and a net overall increase in township employment, retail and service businesses, and therefore consumer choice (moderate).</p> <p>Increased retail and service provision to service the tourist industry (small, compared to the range of activities already present).</p> <p>Short-term benefits for the construction industry during the construction phase (small).</p> <p>Opportunity for commercial activities located in other than commercial zones (e.g. residential) to relocate to a commercial zone and benefit from co-location with other commercial businesses (small).</p> <p>Reduced travel time and cost for access to some types of goods and services, especially given the development might accommodate some types of businesses not currently operating in Mangawhai (moderate, given if some businesses are new to Mangawhai they may reduce travel to destinations outside Mangawhai).</p> <p>Costs:</p> <p>The current District Plan does not include design criteria in terms of amenity aspects regarding commercial development. Therefore there is an unknown in terms of amenity outcomes.</p> <p>Potential reverse sensitivity issues with respect to the adjacent residential environment.</p> <p>Uncertainty with respect to design outcomes.</p> <p>Effects on the two existing commercial areas, including reduced public and private investment, reduced employment, reduced range and choice of goods and services, reduced people activity and community interaction (nil to very small, depending on the degree to which existing activities relocate).</p> <p>Increased travel time and cost for access to goods and services (shopping) across a more dispersed supply environment (nil to very small, depending on the degree to which existing activities relocate).</p> <p>Potentially reduced land value for private landowners in the two</p>

	<p>existing commercial areas (small, and not relevant under the RMA).</p> <p>An opportunity cost of occupying land that cannot be developed for residential dwellings (very small).</p> <p>There is the potential for reverse sensitivity issues on adjacent residential properties for example: height provisions.</p> <p>Summary: Rezoning the subject site from Residential to the current Commercial Zone in the Plan is efficient and would achieve the objectives of the District Plan. However, the current provisions do not take into consideration amenity values, appropriate urban design or potential reverse sensitivity issues on the adjacent Residential environment. Therefore, this option is not the most efficient.</p>
<i>Appropriateness</i>	This option is appropriate however is not the most efficient or effective in achieving the objectives in the Plan in relation to the site and surrounding residential context.
<i>Risk of acting or not acting if there is uncertain or insufficient information</i>	Low risk from uncertainty.

11.2.4 Option 4 – Rezone the Site to Existing Commercial Zone with Additional Provisions Evaluation

Option 4 Evaluation:

Rezone the site to the existing Commercial Zone in the District Plan. However, apply additional provisions (rules / design guidelines / assessment criteria) specific to the site and the locality.

Consideration	Comment
Effectiveness	This option is most effective in providing for Commercial use on the site whilst taking into consideration reverse sensitivity issues and amenity values on the surrounding residential environment and Mangawhai Park adjacent.
Efficiency	<p>Benefits:</p> <p>Aligns with the relevant objectives and policies in the District Plan including Commercial, Overlay and Land Use and Development Strategy.</p> <p>Provides more certain environmental outcomes in terms of amenity values and potential reverse sensitivity issues for surrounding residential properties and the local community.</p> <p>Recognises the location and view of the Mangawhai Estuary.</p> <p>Opportunities captured to enhance pedestrian linkages.</p> <p>A new employment location in Mangawhai, and a net overall increase in township employment, and retail and service businesses, and therefore consumer choice (moderate).</p> <p>Increased retail and service provisions to cater for the tourist industry (small, compared to the range of activities already present).</p> <p>Short-term benefits for the construction industry during the construction phase (small).</p> <p>Opportunity for commercial activities located in other than commercial zones (e.g. residential) to relocate to a commercial zone and benefit from co-location with other commercial businesses (small).</p> <p>Reduced travel time and cost for access to some types of goods and services, especially given the development might accommodate some businesses not currently operating in Mangawhai (moderate, given if some businesses are new to Mangawhai they may reduce travel to destinations outside Mangawhai).</p> <p>Costs:</p>

	<p>Effects on the two existing commercial areas, including reduced public and private investment, reduced employment, reduced range and choice of goods and services, reduced people activity and community interaction (nil to very small, depending on the degree to which existing activities relocate).</p> <p>Increased travel time and cost for access to goods and services (shopping) across a more dispersed supply environment (nil to very small, depending on the degree to which existing activities relocate).</p> <p>Potentially reduced land value for private landowners in the two existing commercial areas (very small and not relevant under the RMA).</p> <p>An opportunity cost of occupying land that cannot be developed for residential dwellings (very small).</p> <p>Summary</p> <p>This option is the most efficient in providing for rezoning of the subject site to reflect the consented land use and is efficient and would achieve the objectives of the District Plan whilst taking into consideration amenity values and potential reverse sensitivity issues on adjacent residential development and therefore it is considered to be the most efficient.</p>
<i>Appropriateness</i>	<p>This option is considered to be the most appropriate as it is the most efficient and most effective in meeting the issue whilst taking into consideration potential reverse sensitivity issues resulting from Commercial Zone land directly adjacent to residential and providing for greater environmental outcomes through enhancing and protecting the amenity values of the site through additional provisions.</p>
<i>Risk of acting or not acting if there is uncertain or insufficient information</i>	<p>Low due to uncertainty.</p>

11.2.5 Option 5 – Rezone the Site to a new Commercial Zone Evaluation

Rezone the site to an entirely new Commercial Zone.

Consideration	Comment
Effectiveness	This option is effective as rezoning the site to a new Commercial Zone represents an efficient use of the site and would specifically reflect the intended commercial use of the site. However, it may create another chapter in the District Plan which may not be the most effective means of administering the District Plan.
Efficiency	<p>Benefits:</p> <p>Can cater for specific environmental and cultural outcomes to the site.</p> <p>Provides more certain environmental outcomes in terms of amenity values and potential reverse sensitivity issues for surrounding residential properties and the local community.</p> <p>A new employment location in Mangawhai, and a net overall increase in township employment, retail and service businesses and therefore consumer choice (moderate).</p> <p>Increased retail and service provision to service the tourist industry (small, compared to the range of activities already present).</p> <p>Short-term benefits for the construction industry during the construction phase (small).</p> <p>Opportunity for commercial activities located in other than commercial zones (e.g. residential) to relocate to a commercial zone and benefit from co-location with other commercial businesses (small).</p> <p>Reduced travel time and cost for access to some types of goods and services, especially given the development might accommodate some types of businesses not currently operating in Mangawhai (moderate, given if some businesses are new to Mangawhai they may reduce travel to destinations outside Mangawhai).</p> <p>Costs:</p> <p>Less certainty with regard to development outcomes for the community.</p> <p>The District Plan has been through a rigorous process and forming a specific zone for one small site is not an efficient use of resources.</p> <p>Economic cost of producing an additional zone in the District Plan.</p> <p>Effects on the two existing commercial areas, including reduced public and private investment, reduced employment, reduced range</p>

	<p>and choice of goods and services, reduced people activity and community interaction (nil to very small, depending on the degree to which existing activities relocate).</p> <p>Increased travel time and cost for access to goods and services (shopping) across a more dispersed supply environment (nil to very small, depending on the degree to which existing activities relocate).</p> <p>Potentially reduced land value for private landowners in the two existing commercial areas (very small, and not relevant under the RMA).</p> <p>An opportunity cost of occupying land that cannot be developed for residential dwellings (very small).</p> <p>Summary</p> <p>This option is efficient as rezoning the site will allow for Commercial Use to be undertaken on site whilst meeting site specific outcomes. However, this is not considered to be the most efficient as the District Plan has gone through a robust process and it would not be efficient to include an entirely new chapter for administration for a small scale site.</p>
<i>Appropriateness</i>	<p>This option is appropriate, rezoning the site to a new commercial zone would allow for the zone to be site specific. However, the District Plan has been developed with zones which are District Wide and creating a new zone for a small site which could not relate to other sites in the District would be an inefficient use of resources and would not be consistent with the current approach utilised in the District Plan. Therefore this is not the most appropriate option.</p>
<i>Risk of acting or not acting if there is uncertain or insufficient information</i>	<p>Low due to uncertainty</p>

11.3 Option Analysis Summary:

<i>Options</i>	<i>Objectives</i>	<i>Impacts</i>	<i>Overall Assessment</i>
Option 1 Status Quo	Retaining the site as Residential does not meet the Commercial Objectives of the District Plan.	The overall impacts on retaining the site as residential for Commercial use on the site has predominantly negative net effects.	Retaining the site as Status Quo does not address the issue that the current Residential Zone does not reflect the consented and intended commercial use of the site. Therefore this is not the most appropriate option.
Option 2 Land Use Consent	Implementing the consented development (part subject to an extension of time request to implement the petrol station component under Section 125 of the RMA) does achieve the objectives to some extent. However, as the consent was granted under the previous District Plan it is unlikely that an activity such as a Petrol Station situated directly adjacent to the Residential Zone would effectively or efficiently meet the current objectives in the Plan.	The overall impacts of implementing the existing approved land use consent could potentially result in reverse sensitivity effects on the adjacent residential neighbours and would result in a surplus of petrol stations in Mangawhai.	The applicant "As of Right" can implement the land use consent anytime within the next 2 years. However the consent was granted under the previous District Plan and the provisions for Commercial use and development have changed. If the land use consent was implemented the issue of the underlying zone would remain as the underlying zone would still not reflect the commercial use of the site. Therefore, this is not the most appropriate option.
Option 3 Commercial Zone	This option would achieve the objectives of the District Plan and has been through a rigorous process through the formation of the new plan. However, this option is not the most effective or efficient in terms of the location of the subject site being adjacent to residential built development.	The overall impact of this option would be the potential for reverse sensitivity effects given that the site is adjacent to existing residential development. This option could result in a level of uncertainty with respect to design outcomes given the lack of design guidance provided for in the District Plan with respect to the	Rezoning the site to the existing Commercial Zone would achieve the objectives of the District Plan. However, would not be the most effective or efficient in terms of the location of the subject site and is therefore not the most appropriate option.

		Commercial Zone.	
Option 4 Commercial Zone (additional provisions)	This option does achieve the objectives of the District Plan and is the most effective and efficient option for achieving the objectives of the District Plan in relation to the site's location.	<p>This option requires changes to the District Plan which is at an additional cost to the applicant.</p> <p>There might be a perceived level of uncertainty within the local community through undertaking a rezoning of the site.</p>	Overall this option is the most appropriate way to achieve the objectives and is the most effective and efficient option. Additional positive environmental outcomes will be achieved for adjacent residents and the local community through addressing potential reverse sensitivity issues between Commercial and Residential land uses and will enhance the level of amenity through the additional design based provisions.
Option 5 New Commercial Zone	This option would require formulation of new objectives, policies and provisions. This option is not considered to be the most effective or efficient in terms of District Plan administration.	This option would be timely and costly to the applicant and Council in terms of processing and would not be the most effective or efficient in terms of District Plan administration.	Overall this option would result in site specific provisions and a zone specifically for the subject site. However, this is not considered to be the most appropriate option as it is not the most efficient or effective in terms of District Plan administration.

The EIA concludes that "A range of benefits and costs are anticipated to arise from each of the different development options. Most of these are expected to be of a very small scale and significance within the context of the existing Mangawhai economy and community, although in net terms our opinion is that greatest net benefits would arise from commercial development on the site. The benefits of providing for residential on the site would be very limited, and in our opinion would not represent an efficient use of what is a strategically valuable site.

Commercial development on the site would have the benefit of introducing new commercial supply to Mangawhai, improving accessibility and increasing township employment. Those benefits would be countered by potential small trade competition impacts on the two existing commercial areas if business there choose to relocate to the new development, although those impacts are not identified as an issue in the KDP. For that reason a larger amount of commercial development on the site is better, because it would be likely to result in a more diverse range of business types in Mangawhai than a smaller commercial development.

For that reason, in our opinion the most appropriate development option for the Plan Change site from those assessed is the Plan Change option."

The evaluation outlined in the tables above demonstrates the most appropriate option for the site is Option 4 to rezone the site to the existing Commercial Zone in the District Plan by applying additional provisions (rules / design guidelines / assessment criteria) specific to the site and the locality. This option will achieve an outcome that addresses the key issue and

will deliver on the various District Plans objectives whilst providing for the most appropriate, effective and efficient outcomes for the adjacent properties and local community in particular potential reverse sensitivity issues and amenity outcomes.

12.0 EVALUATION OF PREFERRED OPTION FOR PROVISIONS (POLICIES AND METHODS) TO ACHIEVE OBJECTIVES

Section 32(2)(a) states that an environmental, economic, social and cultural effects assessment be undertaken in relation to the proposed provisions including economic growth and employment opportunities provided or reduced. These are summarised according to each topic in sub sections and are collectively discussed in the table below. In addition Appendix 8 the EIA discusses the economic effects in greater detail in relation to economic growth and employment.

12.1 Proposed Provisions (Methods)

The following table provides the wording of the proposed provisions (methods) for the preferred option which seek to achieve the objectives. The wording of the new provisions are outlined in red below and the map is attached as Appendix 1.

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the activity does not meet the Performance Standard	Assessment Criteria
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 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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12.2 Comparison of Proposed Provisions against existing Provisions – Outcomes

The following table compares the additional provisions against the existing Commercial Provisions in the District Plan. These additional provisions seek to provide for the enhancement of amenity outcomes for the site and address potential reverse sensitivity issues. All other Commercial provisions outlined in the District Plan not outlined below remain the same.

Standard / Assessment Criteria	Summary of Existing Provisions in the District Plan	Proposed Outcomes sought by this option
Height	The height limit in the Commercial Zone is 12 metres.	This provision seeks to retain the existing residential height limit within a portion of the subject site adjacent to existing Residential Development having the permitted height limit the same as the Residential height limit. This will ensure that there are no reverse sensitivity effects resulting from the height of future buildings within the proposed Commercial Area.
Special Provisions Assessment Criteria		
Landscaping / Buffer	The District Plan only requires screening of storage areas from public places and residential zoned sites by appropriate planting, fencing or other suitable screening being 1.8 metres in height.	This provision seeks to provide for a 2.5 metre mixed indigenous landscaping buffer to be at least 1.8 metres in height and maintained to create and preserve a good standard of visual amenity. This buffer area is identified on the proposed amendments to Planning Map 55 (Appendix 1) to be provided immediately between any commercial use on the site and the adjacent residential development. This will assist in mitigating any potential reverse sensitivity effects resulting from future commercial use through setback and visual mitigation that this landscape buffer will provide.
Crime Prevention Through Environmental Design (CPTED) Measures	The District Plan does not include CPTED requirements	This provision seeks to provide for the requirement for any land use undertaken on the site to comply with Crime Prevention Through Environmental Design (CPTED) Principles to ensure that any future development does not reduce the

<i>Pedestrian Connectivity</i>	The District Plan does not specifically provide for criteria in regard to pedestrian connectivity	safety or comfort of adjacent public spaces and adjacent residential development. This provision seeks to ensure that pedestrian connectivity through access and visual connection is provided for and enhanced on site providing connections between Molesworth Drive, Estuary Drive and Norfolk Drive.
<i>Active Street Edge / Streetscape treatment</i>	The District Plan does not specifically provide any design guidance with respect to design of buildings and the interaction with street edge or the streetscape.	This provision seeks to ensure that the treatment of streetscape and street edge is designed in a manner which provides for active street frontage and provides enhanced amenity values for the site and adjacent streetscape.
<i>Mangawhai Design Guidelines</i>	Mangawhai Design Guidelines are included in an Appendix 25A to the District Plan. The majority of the guidelines have relevance to subdivisions however a number of the sections of the guidelines can be applied to Commercial activity. The guideline is a tool that should be utilised for Mangawhai as a community rather than specific zones.	This provision seeks to acknowledge and incorporate the Mangawhai Design Guidelines.
<i>Reverse Sensitivity</i>	Built development in a Commercial Zone can have potential reverse sensitivity effect on adjacent residential activity. The Plan does cover	This provision seeks to acknowledge the location of the site in close proximity to the residential environment and seeks to ensure that any potential reverse sensitivity issues are adequately mitigated.

	aspects of reverse sensitivity but not in relation to built development	
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12.3 Appropriateness of Provisions to Achieve the Objectives – Efficiency / Effectiveness / Costs and Benefits

Section 32(1)(b)(ii) requires the provisions in a proposal to be examined to determine whether they are the most appropriate way to achieve the objectives by assessing the efficiency and effectiveness of the provisions in achieving the objectives including considering their costs and benefits.

Effectiveness assesses the contribution the new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.

*Efficiency measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society.*⁴

Proposed provisions of the PPC include utilising the existing policies in the District Plan which have already been determined through the process of preparing the operative District Plan. These policies are the most appropriate way of achieving the objectives.

The existing rules in the District Plan that relate to the Commercial Zone have also been assessed as being the most appropriate way to achieve the objectives of the District Plan. This assessment concentrates on the additional provisions over and above those already in the District Plan in relation to the PPC, these have been grouped into similar topics and discussed collectively.

12.3.1 Objectives and Policies Assessment

The objectives are as follows:

- 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.*

Policies of relevance to the PPC include policies 14.6.3, 14.6.4, 14.6.5 and of particular relevance is Policy 14.6.6 which states that:

⁴ Environment Court Long Bay- Okura Park Society Inc. V North Shore City Council

14.6.6 By maintaining opportunities for the diversity of business land use, without significant interference from adjacent residential and other sensitive activities for business activities.

Performance Standards will be developed which allow sensitive activities to establish in Business Zones within the District provided that they can be located at sufficient distance from existing business activities, so that noise, dust, vibration, building dominance or overshadowing effects can be mitigated to an acceptable level, which provides for the health and safety of residents. This includes consideration for residential uses. However, some activities, particularly places of assembly and habitation are recognised as potentially incompatible with industrial land use activities.

Method of relevance is 14.7.1.1

The use of Rules which allow for a range of activities within the Business Zone, subject to compliance with relevant Performance Standards and Assessment Criteria.

Relevant outcomes include:

14.8.1 Business Outcomes

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.

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.

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.

Safe, efficient and convenient vehicular access will be provided to each site

12.3.2 Objectives Assessment

Topic	Provision given effect to Objective(s)
<i>Height</i>	The amendments to the height provision will give effect to objectives 14.5.1, 14.5.2 and 14.5.3 outlined above by ensuring that a mix of business activities can be provided for whilst ensuring that potential adverse effects on the existing surrounding residential development are avoided in terms of potential effects from the 12 metre permitted height limit in the Commercial Zone on adjacent residential properties. This provision will also give effect to objective 14.5.3 by ensuring that any future business activity can be located, designed and operated in such a way where the height of any potential commercial building will not create any potential reverse sensitivity effects or impacts.
<i>Special Provisions assessment criteria</i>	— The assessment criteria will give effect to Objective 14.5.1, 14.5.2 and 14.5.3 by ensuring that any commercial built

	development is designed in a manner which provides a substantial buffer of landscaping between the existing residential development and future commercial use. Reverse sensitivity issues are adequately addressed and amenity values of the site and any future use will provide for active street edge, enhance pedestrian connectivity and be in line with CPTED principles to create a safe environment.
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12.3.3 Special Provision relating to Urban Design (Assessment Criteria 14.10.30) Assessment

Matter	Comment
Summary of Costs	
Environmental	No additional Environmental, Social or Cultural cost will result from these provisions.
Economic	
Social	Additional cost will be incurred by the developer to comply with these provisions.
Cultural	
Summary of Benefits	
Environmental	Compliance with these provisions will enable good urban design outcomes, creating a pleasant and safe environment for users and promote the economic wellbeing of the commercial operators on site with enhanced amenity values and pedestrian connectivity.
Economic	
Social	These provisions seek to enable activities to be established in a way to minimise potential adverse effects on the natural and existing physical environment, including reverse sensitivity effects on adjacent residential development.
Cultural	No additional cultural benefits will result from these provisions.
Effectiveness	These provisions are directly effective in achieving good urban design outcomes, minimising reverse sensitivity issues and enhancing amenity values. These provisions are directly effective in achieving the relevant objectives of the District Plan ensuring that any new development of the site will contribute to making an attractive and safe environment with minimised reverse sensitivity effects and impacts on existing surrounding land uses and on the natural and physical resources.
Efficiency	The provisions are considered an efficient and appropriate mechanism to achieve the objectives at the total lowest total cost to all members of society and achieves the highest net benefits to all of society by ensuring that potential reverse sensitivity issues are adequately addressed and any future development will promote on site amenity, enhanced streetscape and urban environment.

Risks – Acting or Not Acting	Sufficient information available to reduce the risk of acting.
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12.3.4 Provision relating to Height 14.10.5 Assessment

Matter	Comment
Summary of Costs	
Environmental	No additional Environmental, Social or Cultural cost will result from these provisions.
Economic	Economic opportunity cost to the developer in regard to loss of potential development floor space in terms of 8-12 metre height reduction.
Social	
Cultural	
Summary of Benefits	
Environmental	Less reverse sensitivity issues in terms of retaining daylight and amenity to adjacent residential development and providing a range of building height over the site will provide a level of scale.
Economic	No additional Economic or Cultural benefits will be provided by this provision.
Social	
Cultural	
Effectiveness	Inclusion of a height limit restriction on part of the site which adjoins existing residential development this ensures that potential reverse sensitivity issues are reduced by retaining the residential height limit directly adjacent to existing residential development.
Efficiency	The provisions are an efficient means of achieving reduction in reverse sensitivity effects.
Risks – Acting or Not Acting	Sufficient information available to reduce the risk of acting.

12.3.5 Risk of Acting or Not Acting

An assessment under (Section 32(1)(b)(ii)) must ... *“assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.”*

Part of the efficiency and effectiveness assessment is to identify if there is uncertain or insufficient information about the subject matter of the provisions.

The Section 32 documentation in the context of the approved development and additional reports prepared has determined that there is sufficient information to allow the environmental effects of the proposed rezoning to be fully assessed.

Given the information provided there is sufficient information and no risk of acting in the manner sought by the rezoning. Rather, the risk of not acting is that the opportunity for new business growth does not result, with a consequential loss of benefits in relation to community wellbeing, economy and amenity.

13.0 CONCLUSION

This Section 32 report has been prepared to support the PPC which recommends to rezone Lot 1 DP 341981 from Residential to Commercial with additional provisions. PPC required amendment to the relevant Planning Map, addition to rule 14.10.5 and the addition of special provision 14.10.30.

In accordance with Section 32 of the Act, this report has examined whether the proposed provisions are appropriate in achieving the objectives. It is considered that the level of detail provided in this report corresponds with the scale and significance of the effects anticipated by the proposal.

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