

**IN THE ENVIRONMENT COURT**

**IN THE MATTER** of Two appeals pursuant to Clause 14 of Schedule 1 of  
the Resource Management Act 1991

**BETWEEN** **CLIVE BOONHAM**  
(ENV-2021-AKL-000061)

**Appellant**

**AND** **MANGAWHAI MATTERS INCORPORATED AND  
OTHERS**  
(ENV-2021-AKL-000062)

**Appellant**

**AND** **KAIPARA DISTRICT COUNCIL**

**Respondent**

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**EVIDENCE OF DAVID ERIC BADHAM ON BEHALF OF KAIPARA DISTRICT  
COUNCIL  
(PLANNING)  
11 FEBRUARY 2022**

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## 1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

### Qualifications and experience

- 1.1 My full name is David Eric Badham.
- 1.2 I am currently a Senior Associate and Northland Manager with Barker & Associates Limited, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work across the country, although primarily in Northland.
- 1.3 I am a qualified planner with a Bachelor of Planning with Honours (1st Class) from the University of Auckland and have been a Full Member of the New Zealand Planning Institute since April 2015. I have over twelve years' experience as a planner. During this time, I have been employed in various resource management positions in local government and private companies including experience with:
- (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts.
  - (b) Consideration of submissions and formulation of policy and policy advice for Whangārei District Council, Far North District Council, Kaipara District Council (**Council**)<sup>1</sup>, Nelson City Council and Tasman District Council.
  - (c) Providing planning advice, preparing submissions and further submissions and presenting evidence at hearings for private clients.
  - (d) Providing planning advice, preparing cultural impact assessments and engaging in consultation on behalf of iwi organisations.

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<sup>1</sup> Acronyms and abbreviations used throughout this evidence are also included in a table following the conclusion for ease of reference.

- (e) Participation in Environment Court Appeal processes, including mediation and providing expert evidence for hearings under cross examination.
- (f) Monitoring and compliance of consent conditions in operational mining environments in Queensland, Australia.

### **Involvement in Plan Change 78**

- 1.4** I was engaged by Council following the notification of Proposed Private Plan Change 78 (**PC78**) on 30 April 2020. A planning consultant, Mr Vishal Chandra, was previously engaged by Council to undertake the initial review of PC78 as lodged by the applicant, Mangawhai Central Limited (**MCL**), prepare the Resource Management Act 1991 (**RMA**) clause 23 notice requesting further information and completion of the clause 25 notice under which Council “accepted” the Private Plan Change request.
- 1.5** In conjunction with my colleague, Evelyn Alisa Neal, I prepared the section 42A Hearing Report and attended the Council level hearing for PC78.
- 1.6** Prior to that, alongside Ms Neal, I was also involved in the processing of several resource consent applications on behalf of Council at the the PC78 site (**Site**). I have listed these in **Attachment 1**.
- 1.7** Ms Neal and I were also previously approached by Council to process two additional resource consent applications (of relevance to PC78) on their behalf, however we declared a potential conflict of interest for those applications as outlined in **Attachment 1**.
- 1.8** I have visited the Site on several occasions, most recently on 29 July 2020<sup>2</sup> prior to the hearing of PC78, but have also recently externally viewed the Site and surrounds during trips to Mangawhai in November and December of 2021. I consider that I am familiar with the Site and surrounding environment.

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<sup>2</sup> I also conducted site visits on 29 March 2020 and 27 September 2019.

**1.9** The Applicant's Planner, Mark Tollemache, Mangawhai Matters Incorporated's (**Mangawhai Matters**) Planner, Burnette O'Connor and I and I have prepared a Planning Joint Witness Statement (**JWS**) dated 15 December 2021. The JWS addresses agreed amendments to the PC78 provisions, and has been lodged with the Court. These agreed amendments are reflected in a track changes version of the provisions in **Attachment 2** of this evidence.<sup>3</sup>

## **2. CODE OF CONDUCT**

**2.1** I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express. I have no conflicts of interest to declare with respect to these Appeals.

## **3. EXECUTIVE SUMMARY**

**3.1** PC78 proposes to rezone approximately 130ha of land located at 83 Molesworth Drive, Mangawhai. The Site<sup>4</sup> is currently subject to bespoke zoning provisions within Chapter 16 – Estuary Estates of the operative Kaipara District Plan (**KDP**). These provisions have been criticised for being overly restrictive and unfeasible by MCL in terms of allowing suitable subdivision and development to occur.

**3.2** PC78 proposes significant changes to the operative Chapter 16 provisions and associated Estuary Estates Structure Plan (**EESP**) which was included in the KDP through a previous Private Plan Change PC 22 in 2008. This further Plan Change PC78 includes an overall simplification of the Structure Plan and amendments to the provisions that would enable a greater level of housing density, in particular around the anticipated centrally located commercial / town centre area. Other key changes proposed include reducing the number of Subzones, deleting

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<sup>3</sup> This also incorporates changes as a result of my evidence which are summarised in Section 14.

<sup>4</sup> Noting with the exception of two additional allotments within the Site (Lot 1 DP 314200 and Lot 4 DP 314200) that have been included in PC78, that are not within the current Chapter 16.

the 500-household unit cap, the introduction of an “Integrated Residential Development Overlay” and associated provisions, reducing the amount of open space or “green network” required and simplifying the planning maps to a Zoning Map and single Structure Plan Map.

- 3.3** A number of issues have been raised in the Appeals on PC78. These include matters relating to wastewater infrastructure, water supply, stormwater management, ecology, amenity and character, transport and financial contributions. In addition, I note that Mr Boonham in his notice of appeal raises a number of legal issues in relation to the Council’s processing of PC78. I understand that these will be addressed by the Council through its legal counsel.
- 3.4** MCL have engaged various expert witnesses who have provided evidence in response to these Appeals. This includes a statement of planning evidence from Mr Tollemache<sup>5</sup>, with whom I share a high level of agreement with. Where there are differences of opinion between Mr Tollemache and I, these largely relate to matters of minor detail or refinement which I address within the body of my evidence.
- 3.5** In this statement of evidence, I have revisited and summarised the context and background of PC78, considered the section 32 evaluation provided by MCL, provided an assessment of relevant statutory and non-statutory documents and detailed my assessment and opinion of the matters raised in the appeals. I also refer to the evidence of Steve Rankin (engineering – wastewater, water and stormwater) and Sue Davidson (wastewater and water supply infrastructure planning and funding) on behalf of Council.
- 3.6** The Northland Regional Council (**NRC**) has proposed changes to the provisions relating to water supply<sup>6</sup> in a letter highlighting these changes and the reasons for them. Having carefully considered these proposed changes, I support them and have adopted them in my evidence. These amendments are outlined in Section 14 and **Attachment 2**. Otherwise, I agree with and adopt the changes outlined in Annexure 1 – 3 of Mr Tollemache’s evidence.

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<sup>5</sup> Dated 17 December 2021.

<sup>6</sup> A copy of this letter is provided in **Attachment 3**.

**3.7** Overall, after carefully considering the relevant statutory and non-statutory documents, the Appeals received and detailed evidence provided by MCL's witnesses, I continue to recommend that PC78 be approved with the modifications outlined in Section 14 and **Attachment 2**.

#### **4. PURPOSE AND SCOPE OF EVIDENCE**

**4.1** I provide planning evidence on behalf of Council in response to the Appeals received against the decision by Council to approve PC78. In particular, my evidence will address the following key matters:

- (a) Site and context (Section 5);
- (b) Relevant consenting history (Section 6);
- (c) Background to PC78 (Section 7);
- (d) Overview of PC78 (Section 8);
- (e) Statutory provisions (Section 9);
- (f) Section 32 evaluation (Section 10);
- (g) Strategic analysis (Section 11);
- (h) Assessment of environmental effects (**AEE**) (Section 12);
- (i) Responses to matters raised in the appeals / s274 notices and MCL evidence (Section 13);
- (j) Amendments to the provisions (Section 14);
- (k) Part 2 of the RMA (Section 15); and
- (l) Conclusion (Section 16);

**4.2** In producing this statement of evidence, I have reviewed the following evidence and materials including:

- (a) Report and recommendations of the Independent Commissioners on PC78;<sup>7</sup>
- (b) The pre-circulated evidence of MCL, including the evidence statements from: Fraser Colegrave (economics); Gary Bramley (avifauna); Ian Munro (urban design); James Dufty (engineering); Jon Williamson (water supply); Leo Hills (transport); Martin Neale (freshwater ecology, except wetland 3); Richard Montgomerie (terrestrial and freshwater ecology for wetland 3); Rob Pryor (landscape visual); Rob Van de Munckhof (stormwater); and Shane Kelly (marine ecology).
- (c) The evidence of Sue Davidson (Council infrastructure) and Steve Rankin (engineering) provided on behalf of Council.

**4.3** I have also considered the issues raised in the notices of appeal by Mangawhai Matters and Mr Boonham, and the various section 274 notices.

**4.4** Where relevant, in this statement I have also referred to other materials including research and reference materials that I have considered in forming my opinion.

## **5. SITE AND CONTEXT**

**5.1** The Site and context are summarised in the evidence of Mr Tollemache.<sup>8</sup> I consider that this is an accurate summary of the key elements of the Site and its context, with the exception of the additional minor details I highlight below:

- (a) I understand from the Council level hearing and previous visits to the Site, that part of a walking track, known as “the Gumdiggers track” was unlawfully (by parties other than MCL)

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<sup>7</sup> I note that this Recommendation was adopted by the Council on 28 April 2021 as its decision on PC78.

<sup>8</sup> See Section 4 of Mr Tollemache’s evidence, dated 17 December 2021.

established without resource consent on MCL's land within Wetland 3. This track is shown on the Structure Plan map.<sup>9</sup>

- (b) Since PC78 was submitted, and more recently since the Council level hearing, the Site has undergone a significant amount of earthworks and construction in accordance with the various resource consents (detailed in Section 6 below) which have been approved on the Site under the Operative Chapter 16 Estuary Estates provisions.

## **6. RELEVANT CONSENTING HISTORY**

**6.1** Mr Tollemache<sup>10</sup> has provided a summary of the granted resource consents associated with the development of the Site with reference to their locations illustrated in Attachment 5 of Mr Munro's evidence. I have checked Mr Tollemache's description of these existing granted resource consents with Council's Resource Consent Department. While I agree that the majority of Mr Tollemache's summary is correct, there are several further details or clarifications that I would make to assist the Court:

- (a) Stage 1, 2 and 3 bulk earthworks – an additional consent for the Stage 2 earthworks, involving a cut of 441,000m<sup>3</sup> and fill of 194,000m<sup>3</sup> was issued by Council.<sup>11</sup> I understand that additional earthworks have also been approved as part of each land use and subdivision consent over and above what these bulk earthworks consents provide for.
- (b) Local Service Zone subdivision – two additional variations pursuant to section 127 of the RMA have been granted for this subdivision.<sup>12</sup>
- (c) Mangawhai town centre – an additional change of conditions resource consent has been granted for this development.<sup>13</sup>

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<sup>9</sup> See Annexure 2 of Mr Tollemache's evidence, dated 17 December 2021.

<sup>10</sup> See Section 5 of Mr Tollemache's evidence dated 17 December 2021.

<sup>11</sup> Council reference RM200129.

<sup>12</sup> Council references RM190183A and RM190283B.

<sup>13</sup> Council reference RM190282A.

- (d) Collector and ring road – this application included a concurrent subdivision consent to vest Lot 100 as “road reserve” around the super lot 200 which is proposed to be created.<sup>14</sup>
- (e) Other consents – Mr Tollemache’s summary does not include a further granted resource consent<sup>15</sup> for a subdivision creating 15 residential lots to be accessed off a proposed road to vest (lot 100) off Old Waipu Road. This approved subdivision also includes a 14ha balance lot and one 3937m<sup>2</sup> stormwater drainage reserve, alongside a concurrent land use consent for associated roading infrastructure, earthworks, crossings, landscaping and other building location and size infringements.

**6.2** I also note that Mr Tollemache has provided a summary of the existing granted resource consents and not provided a summary of resource consents currently lodged with Council that have yet to be determined which may be of relevance to the Court. From correspondence with Council’s Resource Consent Department, I understand that at the time of preparing this evidence, this includes:

- (a) Stage 1 residential subdivision – subdivision consent application<sup>16</sup> to create 41 vacant residential allotments, road to vest and associated infrastructure and servicing. I understand that this is currently on hold pursuant to section 92 of the RMA.
- (b) Council water reservoir consent – land use consent<sup>17</sup> to establish a water reservoir and water supply network and treatment facility, and associated earthworks to support future residential development within the Site. I understand that this is currently on hold pursuant to section 92 of the RMA.

**6.3** At the time of the Council level hearing for PC78, a resource consent<sup>18</sup> was lodged with Council to legalise the unlawful Gumdiggers track which was on hold pending further information pursuant to s92 of the RMA. From communications with Council Resource Consent Department staff,

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<sup>14</sup> Council reference RM190283B.

<sup>15</sup> Council reference RM210143.

<sup>16</sup> Council reference RM210376.

<sup>17</sup> Council reference RM210368.

<sup>18</sup> Council reference RM180461 lodged by the Mangawhai Recreation Charitable Trust.

I understand that this resource consent application was withdrawn on 27 March 2021, and the Council Infrastructure team are currently working with consultants to progress the application and project themselves.

## 7. BACKGROUND OF PC78

7.1 The Site is, for the most part, currently covered by the Chapter 16 Estuary Estates provisions of the KDP. These provisions require the implementation of the EESP. The following also apply to the Site under the KDP:

<b>Table 1: KDP Context</b>	
<b>Zoning:</b>	Residential Zone and Estuary Estates Zone - with following Subzones: <ul style="list-style-type: none"> <li>• Business Subzone 1 - Precinct 1</li> <li>• Business Subzone 1 - Precinct 2</li> <li>• Community Subzone 2</li> <li>• Community Subzone 3</li> <li>• Parkside Residential Subzone 4</li> <li>• Rural Cluster Subzone 5</li> <li>• Rural Residential Subzone 6</li> <li>• Service Subzone 7</li> </ul>
<b>Overlays / Areas:</b>	Mangawhai Harbour Overlay Area of Significance to Māori (SM04 – Mangawhai Harbour Coastal Area – Statutory Acknowledgement Area)
<b>Roading</b>	Molesworth Drive – Arterial Road
<b>Other:</b>	Indicative Growth Area Mangawhai: Greater Growth Area Catchment. Other land features: Archaeological Sites R08/167 and R08/168. Northland Regional Council maps: Coastal Environment, Biodiversity Wetlands (Heathlands).

7.2 In my opinion, it is important to acknowledge the baseline for development on the Site. This was originally created by Plan Change 22 by means of a previous Private Plan Change in 2008, and then carried

over into the KDP in 2013 which led to the inclusion of Chapter 16. Whilst large sections of the Site are currently more rural in character than urban, the Site is not a green field site zoned for rural purposes, rather Chapter 16 zones the land for urban development. Furthermore, as noted in Section 6, the Site already has a number of consents granted for development in terms of the KDP some of which are already underway.

**7.3** MCL has undertaken an analysis of the operative Chapter 16 provisions from an economic and urban design perspective, which is summarised in the evidence of Mr Tollemache with reference to the evidence of Mr Colegrave (economics) and Mr Munro (urban design).<sup>19</sup> In short, I understand that this analysis highlighted issues and flaws with the EESP and Chapter 16 that would make it difficult to implement and has led to the inception of PC78.

## **8. OVERVIEW OF PC78**

**8.1** PC78 seeks to amend the KDP provisions applying to the Site. In particular, this includes changes to the zoning framework applying to the Site including the deletion and inclusion of new Subzones, the deletion of the EESP and a new structure plan and changes to the Chapter 16 Estuary Estates provisions.

**8.2** The key changes are outlined in Mr Tollemache's Evidence.<sup>20</sup> I agree that Mr Tollemache has identified and summarised the key components, and have nothing further to add or highlight with regard to the overview of PC78.

## **9. STATUTORY PROVISIONS**

**9.1** There are a range of statutory provisions under the RMA that are of relevance to the consideration of requests for private plan changes. These include sections 31, 32, 72, 74 and 75, and Part 2 of the RMA which apply irrespective of whether a plan change is council-initiated or adopted private plan change or an accepted private plan change request.

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<sup>19</sup> See Section 6 of Mr Tollemache's evidence dated 17 December 2021.

<sup>20</sup> Ibid, Section 7.

**9.2** Mr Tollemache has provided a more detailed summary of the relevant statutory provisions.<sup>21</sup> I do not repeat these in any detail (other than those which I specifically discuss in proceeding sections of my Evidence), but accept the identification of these relevant provisions as outlined by Mr Tollemache.

## **10. SECTION 32 EVALUATION**

**10.1** The requirements of s32 are set out in Mr Tollemache's evidence.<sup>22</sup>

**10.2** In addition to this, I highlight that S32AA provides that further evaluation is required when changes are made to a plan change since the original evaluation was completed. As such, s32 evaluations are ongoing and need to be updated and revisited throughout the plan change process as changes are contemplated in response to submissions and ultimately Appeals to the Environment Court as is currently the case.

**10.3** Where I have recommended further significant changes to the PC78 in this Evidence, I have conducted a further assessment pursuant to section 32AA in **Attachment 12**.

**10.4** I am satisfied that PC78, and the section 32 evaluation provided to support it, meets the relevant statutory requirements. In summary, I consider that the objectives of PC78 are the most appropriate way to achieve the purpose of the RMA for the following reasons:

- (a) The revised land use pattern proposed by PC78 will provide opportunities for development to service the employment, commercial and residential needs of the fast-growing population of Mangawhai.
- (b) PC78 will provide quality housing opportunities and a mix of housing typologies on land adjoining the proposed commercial land enabling communities to provide for their social and economic well-being.

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<sup>21</sup> See Section 8 of Mr Tollemache's evidence dated 17 December 2021.

<sup>22</sup> See Section 10, paragraphs 10.1 – 10.3 of Mr Tollemache's Evidence dated 17 December 2021.

- (c) PC78 is supported by extensive economic evidence and justification, as outlined in the evidence of Mr Colegrave, to ensure that the development envisaged by PC78 is viable and appropriate from this perspective.
- (d) Suitable provisions are included to ensure that development will be coordinated with the delivery of required infrastructure. With specific regard to wastewater infrastructure, this aligns with Council's plans for future upgrades of the Mangawhai Wastewater Community Wastewater Scheme (**MCWWS**) which is outlined in more detail of the evidence of Ms Davidson on behalf of Council.
- (e) The protection and enhancement of important natural features (streams, bush and wetlands) and ecology within the Site and surrounding environment is provided for through the Structure Plan and relevant Chapter 16 provisions, as supported and informed by the evidence of Mr Bramley, Mr Montgomerie and Mr Kelly on behalf of MCL.
- (f) Mana whenua values and interests have been recognised and provided for through the commissioning of the Cultural Values Assessments (**CVA**) and ongoing consultation with Te Uri o Hau.

**10.5** Further, I consider that the proposed provisions (e.g. policies and rules) are the most appropriate way to achieve the proposed objectives, and that their benefits outweigh their costs, for the following reasons:

- (a) Based on the expert evidence presented by MCL, in particular that of Mr Colegrave and Mr Munro, the existing zoning framework and provisions for the Site are overly restrictive and difficult to implement. The relevant changes to the zoning, Structure Plan and Chapter 16 provisions address these elements and will ultimately provide for the ongoing expansion and growth of the commercial land and surrounding residential land to enable a more efficient and sustainable use of resources.

- (b) The PC78 provisions will ensure that growth is integrated with the delivery of required infrastructure and will result in a quality-built environment that provides for active modes of transport through the provision of cycleways and pedestrian paths.
- (c) Provisions within Chapter 16 will enable a connected and high-quality urban environment to be achieved that responds to the specific land characteristics of the Site.
- (d) Increasing supply and housing choice as envisaged by the zoning framework and provisions will contribute to a more competitive housing market which may improve affordability.
- (e) Removing unnecessary consenting barriers (e.g., by making residential development a permitted activity on vacant fee simple lots) will reduce the costs of establishing new dwellings and will simplify the process for developing residential land.

## **11. STRATEGIC ANALYSIS**

**11.1** Below I provide my assessment of what I consider to be the relevant statutory, non-statutory and other documents for the determination of PC78.

### **New Zealand Coastal Policy Statement 2010 (NZCPS)**

**11.2** The NZCPS guides local authorities in their management of the coastal environment. The Site is bounded by the coastal estuarine environment along its eastern and northern edges. Therefore, the NZCPS is a relevant consideration for PC78.

**11.3** Provisions that I consider are directly relevant to the determination of PC78 are included in **Attachment 4**. In my opinion, PC78 is consistent with, and gives effect to these provisions for the following reasons:

- (a) The extent of the coastal environment as identified in the Northland Regional Policy Statement (**RPS**) is mapped in the

PC78 Structure Plan, with suitable provisions included to manage the appearance of buildings, landscaping, setbacks and associated assessment criteria.<sup>23</sup>

- (b) Dr Bramley has assessed the Site given that it is internationally recognised site for threatened wading birds, including the tara-iti / New Zealand fairy tern. I rely on Dr Bramley's expertise on this matter, and therefore concur with his conclusion<sup>24</sup> that PC78 will avoid adverse effects on the tara iti / fairy tern and other threatened or at-risk avifauna in accordance with the directive in Policy 11(a) of the NZCPS.
- (c) While the Site does not contain any outstanding natural landscape or character overlays, the estuary is identified in the RPS as having High Natural Character. I rely on Mr Pryor's expertise in the assessment of natural character relevant to the NZCPS. Noting the existing modified characteristics of the Site and surrounding area, Mr Pryor has concluded<sup>25</sup> that PC78 aligns with Policy 13 relating to the preservation of natural character.
- (d) Stormwater management, water quality and measures to address potential sedimentation of the adjacent estuarine environment, including the use of best practice water sensitive design, is outlined in the Stormwater Management Plan (**SMP**) and expert evidence of Mr Dufty and Mr Van de Munckhof. Mr Rankin has reviewed the SMP and expert evidence on behalf of Council and confirmed that the SMP and approach to stormwater is consistent with best practice from an engineering perspective.<sup>26</sup> Dr Kelly has concluded that the adverse effects of diffuse stormwater contaminants arising from PC78 are likely to be localised and minor (possibly negligible).<sup>27</sup>

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<sup>23</sup> For instance, see Table 16.7.1-1, Table 16.7.4-1, Rule 16.8.2.3 and clause 16.17.2 of the Estuary Estates Design and Environmental Guidelines.

<sup>24</sup> See paragraph 103 and 104 of Mr Bramley's evidence, dated 17 December 2021.

<sup>25</sup> See paragraph 37 – 39 of Mr Pryor's evidence, dated 17 December 2021.

<sup>26</sup> See Section 7 of Mr Rankin's evidence, dated 11 February 2022.

<sup>27</sup> See paragraph 59 of Dr Kelly's evidence, dated 17 December 2021.

- (e) The Site is bounded to the east by an existing esplanade reserve which is proposed to be widened to accommodate additional planting within the riparian margin and the relocation of the existing walking track. This will improve public access and passive recreational opportunities that will enhance the public open space qualities and recreation opportunities of the coastal environment in this location.
- (f) MCL have consulted with Te Uri o Hau, resourced the development of their CVA and given them opportunities to provide for their role as kaitiaki in the management of the coastal environment.
- (g) The risk from coastal hazards, in particular coastal inundation, flooding and sea level rise, is assessed in the evidence of Mr Dufty and is addressed in relevant provisions of PC78.<sup>28</sup> On the basis of Mr Dufty's evidence, I am satisfied that the risk from coastal hazards from PC78 are suitably managed.

#### **National Policy Statement on Urban Development 2020 (NPS-UD)**

- 11.4** The NPS-UD applies to all local authorities that have all or part of an "urban environment" within their district and applies to planning decisions by any local authority that affect an "urban environment." The NPS-UD came into force on 20 August 2020, notably after PC78 was lodged.
- 11.5** Local authorities are either classified as a tier 1, 2 and 3. The Kaipara District is not classified as a tier 1 or 2 local authority area under the NPS-UD. Therefore, for the NPS-UD to be applicable to the Kaipara District as a tier 3 local authority area and planning decisions relating to Mangawhai, consideration needs to be given to whether Mangawhai comes within the definition of "urban environment":

*"Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*  
*a) Is, or is intended to be, predominantly urban in character;*  
*and*

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<sup>28</sup> For instance see, Rule 16.8.2.1 requiring minimum flood levels.

b) *Is, or is intended to be, part of a housing and labour market of at least 10,000 people.*"

**11.6** There was some debate at the Council level hearing on the applicability of the NPS-UD, and in particular whether Mangawhai should be considered an "urban environment" pursuant to the above definition. At the time, Ms Neal and I had reservations and could not confirm with a sufficient degree of confidence that Mangawhai is considered an "urban environment" for the purposes of the NPS-UD. Notwithstanding this, Ms Neal and I concluded that the NPS-UD was not determinative of whether PC78 should be approved, but rather provides additional policy support if Mangawhai is confirmed as an "urban environment."

**11.7** While the Commissioners agreed that NPS-UD is not determinative of whether PC78 should be approved or not, they considered that there was sufficient evidence to conclude that Mangawhai was considered an "urban environment" and therefore that the NPS-UD was applicable:

*"On the basis that the strategic intention is confirmed, and the threshold proposed to be exceeded within the 30-year timeframe – regardless of whether or not actually realised ("feasible" only applies short/medium term), and the sufficient development capacity criteria of being plan-enabled, infrastructure-ready and 10-year feasibility are satisfied, then we think the NPS-UD necessarily applies, qualifies KDC as a Tier 3 local authority, and MCL/PC 78 fits."<sup>29</sup>*

**11.8** Mr Tollemache comes to the same conclusion and outlines his reasoning in his evidence.<sup>30</sup>

**11.9** Despite my previous reservations, I am now comfortable to confirm that I accept the reasoning and assessment of the Commissioners and Mr Tollemache, and agree that the NPS-UD is applicable to the consideration of PC78.

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<sup>29</sup> See Paragraph 57 of the Commissioners Recommendation Report, dated 12 March 2021.

<sup>30</sup> See paragraph 11.4 – 11.7

**11.10** Provisions of the NPS-UD that I consider are directly relevant to the determination of PC78 are included in **Attachment 5**. In my opinion, PC78 is consistent with, and gives effect to these provisions for the following reasons:

- (a) PC78 will enable the development of a well-functioning urban environment in Mangawhai including a town centre to serve the wider Mangawhai population, which will:
  - (i) Enable the provision of a variety of homes to meet the needs of different households in the Residential Subzones;
  - (ii) Enable the creation of a variety of sites suitable for different business sectors in the Business and Service Subzones;
  - (iii) Have good accessibility, given its proximity to Molesworth Drive and the provision of future access through to Old Waipu Road;
  - (iv) Limit adverse impacts on the competitive operation of land and development markets, as outlined within the evidence of Mr Colegrave;
  - (v) Support reductions of greenhouse gas emissions by providing a greater level of residential activity and density (being the 3A Residential Subzone) adjacent to an area of high employment opportunities (being a combination of the Subzone 1 Business and Subzone 7 Service Zone); and
  - (vi) Be resilient to the current and future effects of climate change.
- (b) Support good urban outcomes as the proposed rezoning and associated rules are likely to have positive effects on the quality of the built environment and development within the Site.

- (c) MCL have consulted with Te Uri o Hau, resourced the development of their CVA and taken into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) by giving them opportunities for involvement on a planning decision relating to the Mangawhai urban environment.
- (d) Allow for greater intensification of business and residential activities in an area that is already zoned for development and located near areas providing a large range of employment opportunities.
- (e) Be coordinated with necessary infrastructure upgrades and increases in demand within the wider catchment. In particular with regard to wastewater infrastructure, the evidence of Ms Davidson highlights that PC78 aligns with Council's plans for future upgrades to the MCWWS.
- (f) The NPS-UD<sup>31</sup> acknowledges that urban environments, including amenity values, need to change over time to accommodate significant changes to the planned to an area. In my opinion, this is particularly pertinent given the existing zoning of the Site and some of the matters raised in the Appeal from Mangawhai Matters which I address in more detail in Section 13.

### **National Policy Statement for Freshwater Management (NPS-FM)**

**11.11** Like the NPS-UD, the NPS-FM came into force after the lodgement of PC78, being gazetted on 3 August 2020 and coming into force on 3 September 2020 and is to be given effect to "as soon as reasonably practicable".

**11.12** The NPS:FM introduces a number of new requirements including:

- (a) The management of freshwater in a way that 'gives effect' to Te Mana o te Wai;

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<sup>31</sup> See objective 4 and policy 6(b).

- (b) The improvement of degraded water bodies, and to maintain or improve all others using bottom lines defined in the NPS:FM;
- (c) An expanded framework of national objectives;
- (d) Avoidance of any further loss or degradation of wetlands and streams;
- (e) Identification and working towards target outcomes for species abundance, diversity and fish passage;
- (f) Setting an aquatic life objective for fish and address in-stream barriers to fish passage over time; and
- (g) Monitoring and reporting annually on freshwater.

**11.13** As outlined in the evidence of Dr Neale and Mr Montgomerie, the Site contains a number of watercourses (including artificial drains) and three wetlands. Therefore, I consider that the NPS-FM is a relevant consideration for PC78.

**11.14** Provisions of the NPS-FM that I consider are directly relevant to the determination of PC78 are included in **Attachment 6**. In my opinion, PC78 is consistent with, and gives effect to these provisions for the following reasons:

- (a) With regard to Te Mana o te Wai and tangata whenua involvement, MCL has undertaken early and ongoing consultation with Te Uri o Hau, including the provision of a CVA. In my opinion, PC78 will prioritise the health and wellbeing of water bodies and freshwater ecosystems (in particular the streams and wetlands identified on the Site and within the surrounding catchment) in accordance with the concept of Te Mana o Te Wai.
- (b) The SMP, which has been prepared alongside PC78, provides for the management of stormwater from the future

development. As outlined in the evidence of Messrs Dufty, Van de Munckhof and Rankin, the approach to stormwater management proposed as part of PC78 is aligned with current best practice stormwater management and the implementation of this can be appropriately addressed at the time of subdivision and development.

- (c) PC78 proposes to retain the existing mainstream watercourses and wetlands on the Site, with these situated within the Natural Environment 8 Subzone, with Chapter 16 including provisions which aim to enhance and protect these habitats. PC78 aims to mitigate anthropic pressures through riparian setbacks and enhancement opportunities. In my opinion, the protection of existing watercourse and wetland values, the promotion or restoration of existing wetlands and the protection of habitats of indigenous freshwater species is sufficiently enabled through PC78 and can be appropriately addressed at the time of resource consent.
- (d) The proposal will continue to provide for the social, economic and cultural wellbeing of the community in a way that is consistent with the direction in the NPS-FM.

### **National Environmental Standard for Freshwater 2020 (NES-FW)**

**11.15** The NES-FW came into force at the same time as the NPS-FM<sup>32</sup>.

**11.16** The NES-FW establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. These provisions are relevant insofar as they relate to the existing watercourses and wetlands that have been identified within the Site. However, pursuant to Regulation 5, these regulations deal with the functions of regional councils and not with the functions of territorial authorities. Therefore, infringements with the regulations require application to regional councils, which in this instance would be NRC.

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<sup>32</sup> However, some of the provisions (relating to intensive winter grazing and stockholding areas) which are unrelated to PC78 did not come into force until mid-2021.

**11.17** I consider that the NES-FW remains applicable to the Site and will apply at the time of subdivision and development as relevant on a case-by-case basis.

**National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)**

**11.18** The NES-CS becomes relevant if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

**11.19** The standards were addressed in the AEE.<sup>33</sup> A Detailed Site Investigation dated September 2017 prepared by Focus Environmental Services<sup>34</sup> is relevant and indicated traces of contamination on the Site that will require remediation during earthworks. Otherwise, I consider that the NES-CS remains applicable to the Site and will apply at the time of subdivision and development as relevant on a case-by-case basis.

**National Planning Standards**

**11.20** The National Planning Standards aim to improve the efficiency and effectiveness of the planning system by providing a nationally consistent structure, format, definitions, metrics and electronic functionality for plans across New Zealand.

**11.21** PC78 involves the amendment of Chapter 16, an existing chapter of the KDP. Chapter 16, and in turn the amendments being sought under PC78, are not consistent with the National Planning Standards.

**11.22** Council staff have confirmed that they have commenced a comprehensive review of the KDP, with a draft scheduled to be notified in mid (June-July) 2022. I understand that notification of the new District Plan is currently scheduled for late 2022 and this new plan will be consistent with the National Planning Standards.

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<sup>33</sup> See Section 7.4 of the AEE dated November 2019 prepared by Tollemache Consultants Ltd.

<sup>34</sup> See Attachment 15 of the AEE dated November 2019 prepared by Tollemache Consultants Ltd.

**11.23** To avoid potential inconsistency and confusion associated with changing now to match the National Planning Standards template, I consider it is logical to retain the Chapter 16 format and structure as it is currently put forward. Any changes to the structure and format under the full KDP review, will be subject to a full Schedule 1 process, and therefore submissions can be made by any party, including MCL, the Appellants and s274 parties if any issues are identified.

### **Northland Regional Policy Statement (RPS)**

**11.24** The RPS was made operative on 9 May 2016<sup>35</sup> and provides for the management of natural and physical resources of the Northland Region and coastal marine area.

**11.25** Provisions of the RPS that I consider are directly relevant to the determination of PC78 are included in **Attachment 7**. In my opinion, PC78 is consistent with, and gives effect to these provisions for the following reasons:

- (a) Extensive detail is provided in the evidence of Mr Dufty and Mr Van de Munckhof, which is endorsed by the evidence of Mr Rankin, relating to the approach to stormwater management, water quality and sedimentation through the use of best practice water sensitive design in the SMP. I rely on these opinions and consider that the SMP and relevant PC78 provisions give effect to the applicable integrated catchment management and water quality provisions within the RPS.
- (b) Key natural features on the Site, including areas of indigenous vegetation, streams and wetlands have been identified on the Structure Plan, and in my opinion, appropriate provisions included for their protection and enhancement.
- (c) The extent of the coastal environment as identified in the RPS is mapped in the Structure Plan, with suitable provisions

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<sup>35</sup> With the exception of provisions relating to the use of genetic engineering and the release of genetically modified organisms to the environment that were made operative on 14 June 2018.

included to manage the appearance of buildings, landscaping, setbacks and associated assessment criteria.

- (d) I rely on Dr Bramley's expertise and concur with his conclusion that PC78 will avoid adverse effects on the tara iti / New Zealand fairy tern and other threatened or at-risk avifauna.
- (e) I rely on Mr Pryor's expertise in the assessment of natural character relevant to the RPS. Noting the existing modified characteristics of the Site and surrounding area, and based on his assessment, I consider that PC78 gives effect to the relevant RPS provisions seeking the preservation of natural character.
- (f) MCL have recognised and provided for the tangata whenua role in decision-making by undertaking early and ongoing consultation with Te Uri o Hau, including the provision of a CVA.
- (g) The Structure Plan and Chapter 16 provisions provide for connectivity within the Site as well as to the wider area, and it is anticipated and encouraged to provide for a range of transportation options (private vehicles, cyclists and pedestrians).
- (h) PC78 will provide for a range of opportunities for residential and business activities that will, in my opinion, integrate with existing and planned infrastructure and be compatible with the sense of place of Mangawhai, while improving the economic and social wellbeing of the Mangawhai community.
- (i) PC78 will optimise the use of existing infrastructure in an area of land already set aside for development, while ensuring that the provision of new infrastructure (e.g. including water, wastewater, stormwater, roading etc.) is flexible, adaptable and resilient to meet the reasonably foreseeable needs of the community.
- (j) Natural hazards and geotechnical hazards have been assessed in evidence on behalf of MCL, in particular that of Mr Dufty, and

I am satisfied on this basis that the land is suitable for the anticipated development and that the development is not subject to coastal inundation or erosion.

### **Northland Regional Plans**

**11.26** There are three operative regional plans for Northland being:

- (a) The Northland Regional Coastal Plan (**RCP**);
- (b) Northland Regional Water and Soil Plan (**RWSP**); and
- (c) Northland Regional Air Quality Plan (**RQP**).

**11.27** These are in the process of being replaced by the Proposed Northland Regional Plan (**PRP**) which seeks to combine the plans into a single regional plan for Northland. The PRP will not be deemed fully operative until all Environment Court Appeals are resolved. At the time of preparing this evidence, I understand that not all Appeals on the PRP have been resolved.

**11.28** In my opinion the key matters of relevance to PC78 from the objectives and policies from the RCP, RWSP, RQP and PRP are covered within my assessment of the RPS above and in more detail in the evidence of Mr Tollemache.<sup>36</sup> I agree with his conclusion that PC78 is consistent with the relevant provisions from these regional plans.

### **Kaipara District Plan (KDP)**

**11.29** The KDP was made operative on 1 November 2013. Council have made public its intention to undertake a full review of the KDP<sup>37</sup>, and as I have outlined previously, a draft is anticipated by mid (June-July) 2022. There are five parts to the KDP:

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<sup>36</sup> See paragraph 11.57 – 11.61.

<sup>37</sup> <https://www.kaipara.govt.nz/kaipara-district-plan>

- (a) Part A – District Wide Strategy: introduces the plan, its structure and identifies significant resource management issues responded to through the Plan.
- (b) Part B – Land Use: identifies provisions that apply to the various Zones and Environmental Overlays mapped in the District. This Part of the Plan contains the Operative Chapter 16 provisions.
- (c) Part C – Sites Features and Units: identifies provisions which relate to specific sites or areas of the Kaipara District, such as heritage, landscapes and notable trees.
- (d) Part D – Other: This part contains other chapters such as financial contributions, monitoring and definitions.
- (e) Part E – Maps.

**11.30** PC78 does not propose any changes to the settled objectives of other chapters of the KDP. I have included copies of the provisions that I consider relevant for each chapter that I address below in **Attachment 8**.

**11.31** Chapter 2 of the KDP details District Wide Resource Management issues and includes 15 District Wide Objectives and 17 Policies. I am satisfied that the PC78 provisions are the most appropriate way to achieve these settled objectives of the District Plan because:

- (a) The Site is already identified for urban development in chapter 16 of the KDP. PC78 builds on that existing anticipated development and reconfigures the elements of the Structure Plan and provisions in a manner that, in my opinion, will result in a more efficient use of land, while still maintaining and enhancing opportunities for sustainable resource use and economic development and growth.
- (b) MCL have recognised and provided for the tangata whenua role in decision-making under the KDP by undertaking early and

ongoing consultation with Te Uri o Hau, including the provision of a CVA.

- (c) Key natural features of the Site, including areas of indigenous vegetation, streams, wetlands and the coastal environment have been identified on the Structure Plan with provisions included in PC78 to ensure their suitable protection and enhancement.
- (d) As outlined in the evidence of Mr Munro, the Structure Plan and PC78 provisions provide for good urban design outcomes and amenity across the Site in a manner that I consider recognises, is compatible with and in some respects will enhance the amenity values of the District.
- (e) Archaeological matters have been addressed through previous archaeological assessments provided by MCL to support the PC78 application and previous resource consents and authorities granted from Heritage New Zealand Pouhere Taonga under other relevant legislation.
- (f) Based on the evidence of Messrs Dufty, Hill and Rankin, I consider that PC78 will optimise the use of existing infrastructure in an area of land already set aside for development, while ensuring that the provision of new infrastructure (e.g., including water, wastewater, stormwater, roading etc.) is provided at the time of subdivision and development in conjunction with the applicable expectations of the KDP.
- (g) Opportunities for public access to the coast and recreation are provided for through the expansion of the esplanade reserve, walking and cycling linkages throughout the Structure Plan and an additional area of open space within the Residential Subzone 3A.

**11.32** Chapter 3 of the KDP outlines the Land Use and Development Strategy for the District. This chapter is relevant in my opinion, as it provides

objectives and policies for Council to respond to growth and economic development opportunities. I am satisfied that the PC78 provisions are the most appropriate way to achieve these settled objectives of the District Plan because, in my opinion, PC78 will:

- (a) Enable the effective and sustainable supply of residential and business land to meet the current and future demands of Mangawhai and enable the community to provide for their social and economic wellbeing.
- (b) Avoid sprawl into productive rural land as it occurs on a site already planned and anticipated for urban development and will not give rise to reverse sensitivity.
- (c) Be able to be coordinated with appropriate infrastructure and servicing that will accommodate future business and residential development which maximise the use of existing infrastructure (e.g., wastewater and roading).

**11.33** Chapter 3 also references "Growth Areas" in the KDP, which refer to indicative boundaries for the Growth Areas which are shown in Appendix A, a non-statutory annexure to the KDP. The Site is located in the Greater Structure Plan Policy Area for Mangawhai. Chapter 3A includes provisions for the Mangawhai Growth Area. In my opinion, these are more applicable to the Mangawhai Structure Plan Policy Areas providing for Residential, Business and Industrial Growth shown on Indicative Growth Area Map. Nonetheless, I have reviewed these provisions and consider that PC78 is consistent with them, and that the provisions of PC78 are the most appropriate way to achieve the objectives of this part of Chapter 3A because:

- (a) PC78 will encourage development that compliments and does not degrade or undermine the traditional and valued beach settlement character of Mangawhai.
- (b) The PC78 provisions will ensure the provision of efficient infrastructure, including the roading network, at the time of subdivision and development.

- (c) Opportunities for public access to the coast and recreation are provided for through the expansion of the esplanade reserve, walking and cycling linkages and additional areas of open space indicated on the Structure Plan.
- (d) Key natural features of the Site and wider Mangawhai catchment, including areas of indigenous vegetation, streams, wetlands and the coastal environment have been identified on the Structure Plan with provisions included in PC78 to ensure their suitable protection and enhancement.

**11.34** Chapter 4 provides objectives and policies for Overlays in the Kaipara District. I consider that it is relevant, as it includes provisions for the District's sensitive environments, one of which is the Mangawhai Harbour Overlay which applies to the Site. I am satisfied that the PC78 provisions are the most appropriate way to achieve these settled objectives of the KDP because:

- (a) The Structure Plan and provisions specifically recognise and promote the preservation and enhancement of key natural features, including streams, wetlands and existing areas of indigenous vegetation.
- (b) The PC78 provisions include clear directives relating to the careful management and design of subdivision and development so as to appropriately avoid, remedy or mitigate adverse effects arising from these activities (such as wastewater and stormwater systems) on the sensitive receiving environment.
- (c) Public access to the coast is maintained and enhanced by the expansion of the existing esplanade strip and additional pedestrian connections through the Site as shown in the Structure Plan.
- (d) PC78 encourages and provides for the consolidation of the Mangawhai coastal settlement in an area already anticipated for

that growth in a manner that avoids sprawling and sporadic patterns of development in the coastal environment.

- 11.35** Chapter 5 provides objectives and policies for the Tangata Whenua of the Kaipara District. As outlined previously, MCL have provided a CVA from Te Uri o Hau with their AEE, and continue to consult with Te Uri o Hau for resource consents for further subdivision and development relating to the Site. On this basis, I consider that PC78 is consistent with and the Chapter 5 provisions.
- 11.36** Chapter 6 provides objectives and policies for ecological areas in the Kaipara District. While the KDP does not specifically identify the Site as an ecological area, I consider it is relevant, as it includes provisions for the management of areas such as wetlands, streams and areas of indigenous vegetation that are located on the Site. I am satisfied that PC78 is consistent with the Chapter 6 provisions because it will maintain, and in some instances enhance, ecological areas associated with areas of significant vegetation and habitat, streams and wetlands while allowing for appropriate subdivision, use and development within the Site.
- 11.37** Chapter 7 provides objectives and policies for Natural Hazards in the Kaipara District. I consider it is relevant as it includes provisions relating to the management of the risks and effects of natural hazards which are applicable to the Site. The risk from coastal hazards, in particularly coastal inundation, flooding and sea level rise, is assessed in the evidence of Mr Dufty and is addressed in relevant provisions of PC78. On this basis, I am satisfied that appropriate consideration will be given to the risk from natural hazards at the time of subdivision and development, and therefore conclude that PC78 is consistent with the Chapter 7 objectives and policies.
- 11.38** Overall, having considered the above settled objectives and policies, I am satisfied that PC78 is consistent with them and that the provisions of PC78 are the most appropriate way to achieve the objectives outlined in the District Wide Strategy section of the KDP.

## **Te Uri o Hau Kaitiakitanga o te Taiao (Te Uri o Hau Environmental management plan 2011) and Statutory Acknowledgements**

- 11.39** The ‘Te Uri o Hau Kaitiakitanga o te Taiao’ (Te Uri o Hau Environmental management plan 2011) was prepared under statute (the Te Uri o Hau Claims Settlement Act 2002) and as such, the territorial authority (panel) “must take into account” under section 74(2A) of the RMA.
- 11.40** Pursuant to the Ngāti Manuhiri Claims Settlement Act 2012, the Site falls within the Mangawhai Harbour Coastal Marine Area. Under section 28 of the Ngāti Manuhiri Claims Settlement Act 2012, relevant consent authorities must have regard to the statutory acknowledgement, as provided for in sections 29-31. In this case, during the Council notification of PC78, Ngāti Manuhiri deferred to the consultation already undertaken with Te Uri o Hau.
- 11.41** The iwi management plan includes set objectives, policies and methods in response to identified natural resource issues to support Te Uri o Hau Kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in the statutory resource management area of Te Uri o Hau. Given the consultation already undertaken with Te Uri o Hau, including the CVA, I am satisfied that PC78 appropriately takes into account the iwi management plan and has regard to the relevant statutory acknowledgements.

### **Non-Statutory Documents**

- 11.42** A comprehensive assessment of other relevant non-statutory documents is included in Mr Tollemache’s evidence.<sup>38</sup> I consider that PC78 is consistent with the strategic direction of these documents and make the following comments in summary:

- (a) Mangawhai Spatial Plan (**MSP**) – The MSP provides a high-level overview of the constraints and opportunities within the Kaipara District, and sets out a future direction which will inform the future KDP Review which is programmed for a draft release in the middle of 2022. This was adopted by Council on 16

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<sup>38</sup> See paragraph 11.66 – 11.75 of Mr Tollemache’s evidence, dated 17 December 2021

December 2020, and essentially replaces the 2005 Mangawhai Structure Plan as Council's latest strategic vision for the future development of Mangawhai. As outlined by Mr Tollemache<sup>39</sup>, the MSP identifies a number of features of relevance to PC78 including potential to accommodate growth, possible public transport connections, intersection improvement, areas of ecological value, a coastal buffer and walking and cycling outcomes. I agree with Mr Tollemache that PC78 provides opportunities for the implementation of the MSP outcomes.

- (b) Mangawhai Community Plan (**MCP**) – the MCP was established to provide a strategic framework to manage the growth of Mangawhai and to ensure quality design, environmental and infrastructure outcomes. I agree with Mr Tollemache that PC78 is consistent with the relevant outcomes sought in the MCP.<sup>40</sup>
- (c) Northland Regional Plan Transport Strategy / Plan – in my opinion, this plan is not particularly relevant, other than that it acknowledges that Council is planning work in Mangawhai that may lead to additional projects being funded in the future.
- (d) Long Term Plan 2021-2031 (**LTP**) – the LTP was adopted by Council on 30 June 2021 and confirms priorities and allocates funding for Council over the next 10 years. This includes the Infrastructure for the next 30 years. This includes funding for Molesworth Drive and other intersection upgrades in the wider catchment. Ms Davidson has also provided some specific commentary on the money allocated within the LTP relating to wastewater upgrades, which are of direct relevance to the response to Appellant and s274 Party concerns relating to the capacity of MCWWS.
- (e) Mangawhai Coastal and Harbour Reserves Management Plan – I agree with Mr Tollemache's assessment of this document.<sup>41</sup>

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<sup>39</sup> See paragraph 11.68 of Mr Tollemache's Evidence dated 17 December 2021

<sup>40</sup> See paragraph 11.70 of Mr Tollemache's Evidence dated 17 December 2021

<sup>41</sup> See Section 11.74-75 of Mr Tollemache's Evidence dated 17 December 2021.

## **Other Documents**

- 11.43** The Mangawhai Community Wastewater System Master Plan Strategy prepared by WSP dated 21 January 2022 (**WSP Report**), is attached to Ms Davidson's evidence. This is a recent document released after Mr Tollemache's evidence and therefore not assessed by him. This document details the current situation of the MCWWS, its history, the current challenges and a recommended strategy to, overtime, progressively upgrade the capacity of the MCWWS in a co-ordinated manner. As explained in Ms Davidson's evidence, the WSP Report was presented to Elected Members at a briefing on 2 February 2022, and has received the endorsement of Elected Members.
- 11.44** In my opinion, this document is directly relevant to proceedings given the concerns raised in Appeals and s274 notices regarding the capacity of wastewater infrastructure to service PC78. This is summarised and discussed in more depth in the evidence of Ms Davidson, and referred to further below in my responses to matters raised in the Appeals, s274 Notices and MCL evidence in Section 13. Mr Rankin has also referred to it in his evidence on behalf of Council. In my opinion, the document demonstrates that Council has a clear plan to increase capacity of the MCWWS, with a number of projects and upgrades scheduled over the next 10 years.

## **12. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

- 12.1** An AEE was undertaken and included with the application for PC78. The assessment was supported by a comprehensive range of technical reports and assessment which have been further detailed in the expert evidence provided on behalf of MCL, with the key considerations summarised by Mr Tollemache.<sup>42</sup>
- 12.2** I discuss the conclusions and assessments undertaken in the AEE and evidence in more detail below in Section 13.

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<sup>42</sup> See Section 12 of Mr Tollemache's Evidence dated 17 December 2021.

**13. MATTERS RAISED IN THE APPEALS / S274 NOTICES AND MCL EVIDENCE**

**13.1** I provide an assessment below in response to the matters raised in Appeals, s274 Notices and MCL evidence.

**13.2** The Appeals and s274 notices generally do not include exact provisions or amendments, and rather seek general relief relating to certain topics, and in the case of Mr Boonham, that PC78 be declined entirely.

**13.3** I understand that Appellants and s274 parties will likely refine their position in evidence, which may change the nature of the relief sought and provide greater detail of any amendments sought and the evidential basis for these changes. So rather than attempt to pre-empt the evidence of other parties, I focus on providing a general response to the matters raised, and response to the MCL evidence and revised provisions outlined in Mr Tollemache's evidence under a number of general topic headings below. I can provide a further response to any other changes and evidence put forward by other parties in rebuttal as necessary.

**Wastewater**

**13.4** Concerns relating to wastewater infrastructure are a key feature of Mr Boonham's Appeal. In large part, Mr Boonham's concerns appear to have stemmed from the recent historical dispute over the provision, management, and cost of Mangawhai's existing wastewater treatment facility, and a concern that additional costs would fall on ratepayers already burdened by the costs of the existing scheme. To a lesser extent, Mangawhai Matters also identify concerns with incremental pressure on wastewater as a result of an increase in residential activity. NRC highlighted issues with the adequate supply of wastewater infrastructure.

**13.5** As outlined earlier in my evidence, the Site is already zoned for development provided for under the existing Estuary Estates Chapter 16 provisions of the KDP. Therefore, the infrastructure base case already includes the 500 dwellings anticipated by the status quo. The main

relevant additional capacity for consideration is the 500+/- extra dwelling units<sup>43</sup> proposed by PC78 above that base case figure.

- 13.6** As detailed in Ms Davidson's evidence,<sup>44</sup> Mangawhai and Mangawhai Heads is serviced by the MCWWS, which is a modern, scalable plant commissioned in approximately 2009. The MCWWS currently has capacity for 2,800 connections with approximately 300 future connections remaining. With the number of connections anticipated based on past connections per annum, it is clear that the MCWWS will require upgrades to cater for not just the development anticipated by PC78, but also further development within the rest of Mangawhai.
- 13.7** Ms Davidson has outlined that Council intends that all future urban growth in Mangawhai will be serviced by the MCWWS, and details the plans that are already underway to increase capacity. This includes reference to the WSP Report that I referenced previously. Ms Davidson concludes that Council is committed to progressively upgrading the MCWWS to service future growth in Mangawhai including that enabled under PC78.
- 13.8** Mr Rankin has reviewed PC78 including MCL's evidence, the WSP Report and Ms Davidson's evidence and provided specific comments on wastewater in his evidence.<sup>45</sup> His view is unchanged from the Council level hearing, and he is satisfied that wastewater infrastructure exists, the Council has committed to continue expansion to cater for future subdivision and development, and Chapter 16 includes appropriate provisions to withhold consent if sufficient capacity is not available at the time of subdivision and development.
- 13.9** To assist the Court, I have provided a table in **Attachment 9** highlighting the key provisions relating to wastewater infrastructure in the proposed PC78 provisions. With the inclusion of these provisions, I am satisfied that there is sufficient scope to consider wastewater infrastructure at the time of subdivision and development, and that resource consent could be withheld should this not be adequately demonstrated.

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<sup>43</sup> Throughout MCL evidence, 1000 dwelling units is used as the possible yield but this could be more or less based on detailed design and the subdivision and development stage.

<sup>44</sup> See Section 4 of Ms Davidson's evidence dated 11 February 2022.

<sup>45</sup> See Section 5 of Mr Rankin's evidence dated 11 February 2022.

**13.10** In summary, with regard to wastewater matters, and taking into account the evidence of Ms Davidson and Mr Rankin, it is my opinion that:

- (a) Existing wastewater infrastructure exists in the form of the MCWWS;
- (b) Council has a clear plan to upgrade the MCWWS to cater for additional demand in the future;
- (c) The specific details of wastewater disposal and infrastructure is most efficiently and effectively addressed at the time of subdivision and development;
- (d) Suitable provisions are included in PC78 to consider these matters at the time of subdivision and development, and that resource consent can be withheld should they not be adequately demonstrated; and
- (e) There is no reason to decline PC78 on the basis of wastewater matters.

### **Water Supply**

**13.11** Water supply is a key matter raised in the Appeals of both Mr Boonham and Mangawhai Matters. These generally relate to the adequacy of potable water supply solutions to service subdivision and development on the Site. Mr Boonham's relief sought is that PC78 be declined. Mangawhai Matters seek a number of new provisions. NRC joined the Appeal, citing concerns regarding the adequate provision of water supply infrastructure.

**13.12** There is currently no reticulated water supply available in Mangawhai, apart from a minor network located near the Mangawhai Camping ground.<sup>46</sup> I understand that most properties utilise rainwater harvesting from roof catchments to provide potable water. I understand that this

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<sup>46</sup> See paragraph 33 of Mr Dufty's evidence dated 17 December 2021.

presents a problem during dry summers with lengthy waiting times during high demand for water tank refills.

**13.13** From the evidence of Mr Duffy, I understand that the following are the water source options that are being considered for future subdivision and development on the Site:

- (a) Rainwater harvesting tanks and other devices for collection for re-use and firefighting supply.
- (b) Two high flow water takes have been granted resource consent from NRC that could be used from existing water bodies onsite during high flows for storage in a 100,000m<sup>3</sup> water reservoir to supply a reticulated network, in particular for residential lots in Residential Subzone 3A.
- (c) Groundwater supply via a bore which has already been granted resource consent from NRC to take up to 100m<sup>3</sup> / day.

**13.14** Mr Duffy also outlines that all residential allotments are required to incorporate water saving devices. Further, he highlights that MCL has accepted the request to increase water storage for non-reticulated allotments to 50m<sup>3</sup>, including 10m<sup>3</sup> for firefighting, being 15m<sup>3</sup> more than what is currently required for non-reticulated allotments elsewhere in Mangawhai.<sup>47</sup> Additionally each residential unit proposed to be connected to the reticulated network will require a minimum of 5m<sup>3</sup> rainwater tanks, with each Retirement Village dwelling requiring a minimum of 3m<sup>3</sup> rainwater tanks.<sup>48</sup>

**13.15** Mr Williamson provides an assessment of the viability of surface water resources and presents an updated hydrology analysis to demonstrate supply reliability for the PC78 land, in particular for the proposed reticulated network for the Residential (Subzone 3A) and Commercial (Subzone 1). Based on his extensive modelling and analysis, Mr Williamson concludes that all of the water demands in Subzones 1 and 3A are meet 100% of the time over the assessment period.<sup>49</sup> This is

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<sup>47</sup> See Paragraph 37 of Mr Duffy's evidence dated 17 December 2021.

<sup>48</sup> See paragraph 38 of Mr Duffy's evidence dated 17 December 2021.

<sup>49</sup> See Paragraph 56 of Mr Williamson's evidence, dated 17 December 2021.

despite neither scenario he uses implementing the water saving devices recommended by Mr Dufty and offered by MCL. Therefore, Mr Williamson highlights that the analysis provides a high degree of confidence that a reservoir servicing Residential (Subzone 3A) and Commercial (Subzone 1) can meet forecasted demands.<sup>50</sup>

**13.16** Mr Rankin has agreed with the evidence of Mr Dufty, and relied on Mr Williamson's evidence relating to the modelling and analysis he has undertaken.<sup>51</sup> He concludes that this evidence demonstrates that engineering solutions for water supply do exist to support the application for PC78. He also highlights that there are other potential solutions that could be used, and that PC78 is not in any way tied to those solutions proposed to date.<sup>52</sup>

**13.17** The JWS agreed additional provisions in PC78 with regard to water supply. These are listed in the evidence of Mr Tollemache.<sup>53</sup> As outlined in the JWS, I agree with and support these changes. NRC have sent a letter to all parties on 10 February 2022 (see **Attachment 3**) outlining a number of further amendments that they consider ensure an appropriate level of scrutiny can be applied through the resource consent process to ensure the provision of a safe and resilient water supply for future subdivision and development on the Site. I agree with and recommend these changes, and understand that on the basis of these provisions being included, NRC have withdrawn their s274 notice.

**13.18** To assist the Court, I have provided a table in **Attachment 10** highlighting the key provisions relating to water supply in the proposed PC78 provisions. With the inclusion of these provisions, I am satisfied that there is sufficient scope to consider water supply infrastructure at the time of subdivision and development, and that resource consent could be withheld should this not be adequately demonstrated.

**13.19** In summary, with regard to water supply matters, and taking into account the evidence of Messrs Dufty, Williamson and Rankin, it is my opinion that:

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<sup>50</sup> See paragraph 57 of Mr Williamson's evidence, dated 17 December 2021.

<sup>51</sup> See paragraph 6.4 of Mr Rankin's evidence, dated 11 February 2022.

<sup>52</sup> See paragraph 6.5 – 6.6 of Mr Rankin's evidence, dated 11 February 2022.

<sup>53</sup> See list of additional paragraph 14.6 and further discussion in 14.7 – 14.8 of Mr Tollemache's evidence, dated 17 December 2021.

- (a) MCL have demonstrated that suitable engineering solutions for water supply are available, viable and reliable in terms of anticipated demand;
- (b) A degree of precaution has been built into the modelling undertaken by Mr Williamson, in that it does not account for the use of water saving devices that MCL have included based on the recommendations of Mr Dufty;
- (c) The specific details of water supply and related infrastructure is most efficiently and effectively addressed at the time of subdivision and development;
- (d) Suitable provisions are included in PC78 to consider these matters at the time of subdivision and development, and that resource consent can be withheld should they not be adequately demonstrated; and
- (e) There is no reason to decline PC78 on the basis of inadequate water supply.

### **Stormwater Management**

**13.20** Concerns with stormwater management and water quality are a key feature in the Appeal from Mangawhai Matters and the s274 notices from Peter Rothwell and the Fairy Tern Trust.

**13.21** In short, Mangawhai Matters and Mr Rothwell are concerned about stormwater management and the potential effects this will have on the adjacent wetland areas, Tara Stream and Mangawhai Estuary. The Fairy Tern Trust, share these concerns with specific interest in the ecology of the Harbour and feeding areas of the tara iti / New Zealand fairy tern, a threatened bird species. I specifically address ecological matters under the “ecology” heading below, and focus on the approach to stormwater management in this section.

**13.22** Stormwater management and the effects of stormwater discharges are assessed at length the evidence of Dr Kelly and Messrs Dufty and Van de Munckhof. Based on their evidence, I understand that there are two key elements to the stormwater management approach put forward by MCL:

- (a) The Site is covered by the Network Discharge Consent (**NDC**) issued to Council in 2017.<sup>54</sup> This provides the details for the diversion and discharge of stormwater into the Coastal Marine Area.
- (b) The SMP provided with the application for PC78 outlines specific measures during development stages to effectively manage stormwater quantity and quality based on a framework of on-site retention and re-use of stormwater, stormwater treatment, and where possible, opportunities for groundwater recharge and enhancement of base flows to streams. From the evidence of Dr Kelly<sup>55</sup> and Messrs Dufty<sup>56</sup> and Van De Munckhof<sup>57</sup> I understand that the approach and measures outlined in the SMP represent current best practice for stormwater management.

**13.23** Mr Rankin has assessed the evidence of Dr Kelly and Messrs Dufty and Van De Munckhof, the NDC and the SMP. He agrees that the approach put forward by MCL represents a contemporary stormwater design approach which is aligned to current best practice stormwater management.

**13.24** To assist the Court, I have provided a table in **Attachment 11** highlighting the key provisions relating to stormwater management in the proposed PC78 provisions. With the inclusion of these provisions, I am satisfied that there is sufficient scope to further consider stormwater management at the time of subdivision and development, and that resource consent could be withheld should this not be adequately demonstrated.

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<sup>54</sup> Permit number APP.002111.01.03; 02.02 and 03.02.

<sup>55</sup> For instance, see paragraph 40 of Dr Kelly's evidence, dated 17 December 2021.

<sup>56</sup> For instance, see paragraph 46 of Mr Dufty's evidence, dated 17 December 2021.

<sup>57</sup> For instance, see paragraph 2.5 of Mr Van De Munckhof's evidence, dated 17 December 2021.

**13.25** In summary, with regard to the stormwater management matters raised in Mangawhai Matters Appeal, and taking into account the evidence and opinions of Dr Kelly and Messrs Dufty, Van De Munckhof and Rankin, it is my opinion that:

- (a) The diversion and discharge of stormwater will be managed by the NDC held by Council;
- (b) The SMP put forward by MCL is robust and consistent with current best practice;
- (c) Suitable provisions are included in PC78 to further consider stormwater management at the time of subdivision and development, and that resource consent can be withheld should they not be adequately demonstrated; and
- (d) There is no clear evidential basis that further changes to these provisions are required as requested by Mangawhai Matters and the s274 Parties.

### **Ecology**

**13.26** Concerns with ecology are mentioned in the Appeal from Mangawhai Matters with regard to stormwater management and harbour water quality, and furthered in the s274 Notice from the Fairy Tern Trust.

**13.27** The Site is located adjacent to Mangawhai Estuary, an internationally recognised area for threatened or at-risk wading birds. It also contains a number of sensitive streams, wetlands and areas of indigenous vegetation. Accordingly, the sensitive ecological values of the Site and surrounding environment are a key focus in the PC78 provisions and MCL evidence, and in my opinion, their careful consideration are a key factor in determining whether PC78 should be approved or not.

**13.28** Ecological effects are extensively addressed in the expert evidence of MCL from a number of different angles, including that of:

- (a) Mr Montgomerie – addresses freshwater and terrestrial ecological values and effects in relation to PC78 and concludes that PC78 strikes an appropriate balance (in ecological terms) of protecting areas of higher ecological values within the Site and immediate surrounds, enhancing degraded habitat, creating new habitat.
- (b) Dr Neale – addresses freshwater ecology (excluding wetland 3), providing a description of the freshwater habitat and concludes that the approach to managing effects by PC78 is appropriate for the Site and consistent with statutory requirements for the management of freshwater habitats.
- (c) Dr Kelly – addresses marine ecology and concludes that a high standard of environmental management is warranted, and recommends the use of best practice erosion and sediment control measures which he is satisfied are being applied to minimise environmental risk.
- (d) Dr Bramley – addresses avifauna, given the international recognition of the Site as a habitat for threatened and at-risk wading birds, and concludes that the proposed PC78 framework will be effective at managing effects birds, and will avoid adverse effects on tara iti / New Zealand fairy tern and other threatened or at risk avifauna in accordance with Policy 11(a) of the NZCPS. In my opinion, Dr Bramley’s evidence is key in response to the concerns raised by the Fairy Tern Trust. Based on the evidence of Dr Bramley, I understand that Mr Tollemache has recommended the inclusion of a provision to ensure that bulk earthworks for land development and subdivision implement an avian management plan.

**13.29** I rely on the evidence of Mr Montgomerie, Dr Neale, Dr Kelly and Dr Bramley with regard to the consideration of ecological effects, and in the absence of any evidence to the contrary, I am satisfied with their assessment and conclusions. I also agree with Mr Tollemache<sup>58</sup> that the

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<sup>58</sup> See paragraphs 12.12 – 12.14

PC78 provisions, including the amendment to implement an avian management plan, are suitable to address ecological values and effects.

### **Amenity and Character**

**13.30** Mangawhai Matters raise a number of issues relating to matters that I would categorise under the overall topic of “amenity and character.” Paramount to this overall topic, are relief requests from Mangawhai Matters for an increase in the minimum section size to 600m<sup>2</sup> in the Residential 3A Subzone and a cap of 850 permitted dwellings, including those in Integrated Residential Developments (**IRD**).<sup>59</sup>

**13.31** I do not support this relief for the following reasons:

- (a) In my opinion, it is important to acknowledge the baseline for development on the Site, which already provides for significant subdivision and development beyond that what is currently present. Whilst large sections of the Site are currently more rural in character than urban, it is not a green field site zoned for rural purposes, rather KDP Chapter 16 anticipates future development.
- (b) I consider that Mr Munro’s evidence is also especially helpful when considering this request from Mangawhai Matters. In particular, Mr Munro highlights that Mangawhai is a three-node (poly-nodal) settlement, with one node at Mangawhai village (south of the Site), another at Mangawhai Heads (north of the Site) and the other being the Site enabled by the existing KDP framework for the Estuary Estates zone.<sup>60</sup> Following a detailed assessment of the various amenity and character elements, he concludes that PC78, including the use of greater density in the Residential 3A Subzone, will be compatible with the built form character of Mangawhai and on that basis will have acceptable character effects.<sup>61</sup>

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<sup>59</sup> I address the transport component of Mangawhai Matter’s request for a 850 dwelling cap under the “Transport” heading below.

<sup>60</sup> See paragraph 3.2 of Mr Munro’s evidence, dated 17 December 2021.

<sup>61</sup> See paragraph 8.4 of Mr Munro’s evidence, dated 17 December 2021.

- (c) In my opinion, it is also important to consider the changing policy environment in which PC78 must be assessed. It is now generally accepted that New Zealand's land-use practices have been relatively wasteful and that this has led to increasingly sprawling urban areas, a lack of housing choice in the residential market, and an overall shortage of accommodation in many environments. Recent strategic policy initiatives at both a national and local level recognises the failure of previous planning regimes to provide for a resilient supply of housing and business land. The shortcomings are specifically addressed in the recent NPS-UD. The NPS-UD, in particular, explicitly recognises that New Zealand's urban environments, including their amenity values, need to develop and change over time in response to the diverse and changing needs of people, communities, and future generations.<sup>62</sup>
- (d) In my opinion, accommodating greater residential density in the Residential 3A Subzone (e.g., via 350m<sup>2</sup> lots and IRDs being subject to restricted discretionary activity resource consent) on the Site, close to existing services and an establishing commercial area, is a more appropriate outcome than enabling lower density sprawl elsewhere on the Site and in the wider area. While the increased housing density will potentially have a perceived adverse effect on amenity values, I do not consider that this will be significant when compared to the effects that would arise should the Site be developed in accordance with the operative KDP provisions.
- (e) I consider that the proposed provisions have a number of objectives, policies, rules and design and environmental guidelines that will sufficiently address concerns relating to the density of development associated with residential allotment size.

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<sup>62</sup> In particular, see Objective 4, Policy 1a and 6b of the NPS:UD in **Attachment 4**.

## Transport

**13.32** Mangawhai Matters have raised a number of issues relating to transport, including seeking:

- (a) To cap residential development at 850 dwellings (including IRDs) until such time as a connection is provided to Old Waipu Road;
- (b) That any activity that exceeds 850 dwellings (including IRDs) be a discretionary activity with new assessment criteria; and
- (c) Additional traffic analysis be provided to enable a greater understanding of movements associated with enabled development, larger households and the impact of commuting to the wider network.

**13.33** Mr Rothwell raises general transport concerns regarding PC78's effects on the road network.

**13.34** Transport matters are addressed in the evidence of Mr Hills. In his evidence Mr Hills provides an assessment of PC78 with respect to anticipated transport effects and considers that the proposal can be accommodated by the surrounding road network while maintaining acceptable levels of safety and performance.<sup>63</sup> Mr Hills also provides a response to the matters raised by Mangawhai Matters, and does not consider any changes are needed in response as the matters are already addressed in the PC78 provisions and / or can be addressed through conditions of consent.<sup>64</sup> He concludes that there is no traffic engineering or transportation planning reason that preclude PC78 as proposed.<sup>65</sup>

**13.35** I rely on Mr Hills assessment and conclusions, and consider that:

- (a) There is no technical basis to include an 850 dwelling cap as requested by Mangawhai Matters. Rule 16.9.3.2e) includes an

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<sup>63</sup> See paragraph 9 of Mr Hills' evidence, dated 17 December 2021.

<sup>64</sup> See paragraphs 60 – 69 of Mr Hill's evidence, dated 17 December 2021.

<sup>65</sup> See paragraph 14

appropriate threshold for development that is supported by Mr Hills.

- (b) I agree with Mr Hills that a connection through the Site to Old Waipu Road, will provide a more permeable transport network, relieve traffic volumes on Molesworth Drive and provide network resilience through an alternative link.<sup>66</sup> The reason why the connection was not explicitly shown on the Structure Plan, was that there was an issue as to the scope to include the connection during the Council level hearing. I understand that this will be addressed in Council legal submissions.
- (c) With regard to wider transport effects, I am satisfied with the level of detail and assessment provided by Mr Hills to support PC78, and to not consider that any wider assessment is necessary.
- (d) I agree with Mr Hills<sup>67</sup> and Mr Tollemache<sup>68</sup> that a developer should contribute their fair share to wider transport effects, and that the appropriate mechanism for funds to be collected is the development contributions policy.
- (e) No further changes are required to the PC78 provisions relating to transportation.

### **Financial Contributions / Community Amenities**

- 13.36** Mangawhai Matters' Appeal identifies a number of concerns relating to the provision for financial contributions and community amenities.
- 13.37** Chapter 22 of the KDP includes provisions for financial contributions that are currently applied district-wide, including for subdivision and development within the Site currently. PC78 does not seek to change the status quo, with the provisions of Chapter 22 still applying as relevant.<sup>69</sup>

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<sup>66</sup> See paragraph 53 of Mr Hills evidence, dated 17 December 2021.

<sup>67</sup> See paragraph 68 of Mr Hills evidence, dated 17 December 2021.

<sup>68</sup> See paragraph 14.12 of Mr Tollemache's evidence, dated 17 December 2021.

<sup>69</sup> See Rule 16.11.

- 13.38** Separate to this, Council's Development Contributions Policy, recently confirmed by Council, also provides for development contributions to be collected, including for community amenities such as towards a Mangawhai library.
- 13.39** In my experience, it is not typical for planning provisions to be prescriptive when it comes to the provision of community facilities to be provided within a development area. Such facilities are usually, in my experience, located and developed based on demand. In my opinion, there is sufficient area within the Site for such facilities to be developed and there is no evidence of barriers to their development within the operative provisions. The consideration of the establishment of these facilities will be more efficiently made at the time of subdivision and development, subject to negotiation between the eventual applicant / developer and Council.
- 13.40** In my opinion, there is currently no compelling evidence that additional financial or development contributions are necessary as a consequence of PC78.

### **Economics**

- 13.41** Economic matters are addressed in the evidence of Mr Colegrave, who concludes that PC78 represents a more efficient use of the land resource than the status quo. In my opinion, none of the Appeals or s274 notices identify issues specifically relating to economic matters, and I rely on Mr Colegrave's expertise in concluding that there are no outstanding economic issues encountered for the determination of PC78.

### **Natural Character, Landscape and Visual**

- 13.42** Natural character, landscape and visual matters are addressed in the evidence of Mr Colegrave, who concludes that there are no reasons why PC78 should not be approved under these matters. In my opinion, none of the Appeals or s274 notices raise issues specifically relating to these matters, and I rely on Mr Pryor's assessment and conclusion.

## **14. AMENDMENTS TO THE PROVISIONS**

**14.1** My recommended amendments to the provisions are included in **Attachment 2**. These incorporate the following:

- (a) The agreed amendments from the JWS.
- (b) Two changes as a result of MCL's evidence.<sup>70</sup>
- (c) Changes are included in response to NRC's letter in **Attachment 3**.

## **15. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991**

**15.1** In my opinion, PC78 is consistent with the purpose and principles outlined in Part 2 of the RMA.

**15.2** Section 6 of the RMA sets out a number of matters of national importance that must be recognised and provided for. I consider that PC78, recognises and provides for these matters because:

- (a) The amended Structure Plan identifies the coastal environment, wetlands, streams and areas of significant indigenous vegetation and includes specific provisions to ensure their protection from inappropriate subdivision, use and development;
- (b) There are no identified areas of outstanding landscape applying to the Site;
- (c) Public access to an along the streams and harbour edge will be maintained and enhanced with the provision of walkways and within the existing esplanade reserve;

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<sup>70</sup> Relating to referencing GD05 in 16.1.6 and ensuring that bulk earthworks for land development and subdivision implement an avian mitigation plan

- (d) The Archaeological Assessment submitted with the AEE does not identify any specific archaeological or heritage sites requiring protection;
- (e) The relationship of Māori with their waahi tapu (and any customary activities) has been recognised and provided for through consultation and the provision of CVA from Te Uri o Hau; and
- (f) The risk from natural hazards has been addressed by technical reports and evidence provided by Mr Dufty on behalf of MCL.

**15.3** Section 7 of the RMA identifies a number of other matters to be given particular regard to. I consider that PC78 has particular regard to these matters because:

- (a) The proposal has acknowledged the kaitiakitanga role of Te Uri o Hau and consultation has been undertaken with respect to PC78, which is continuing during the development of the Site;
- (b) PC78 will enable the efficient use of natural and physical resources as it seeks to better utilise the land already anticipated for development in Chapter 16 by removing controls that unnecessarily constrain and make development unfeasible, while providing provisions that will ensure that the efficient use of land is achieved;
- (c) While there will be a change in the amenity values of the Site due to the progression of development, this change is already anticipated in Chapter 16 of the operative KDP. PC78 has a number of objectives, policies, rules and design and environmental guidelines that will sufficiently ensure the maintenance and enhancement of the amenity values anticipated for the Site; and
- (d) The effects of climate change have been considered in the technical assessments and evidence of Mr Dufty and proposed

provisions are included to ensure that this can be confirmed via future resource consents.

**15.4** Section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. As outlined previously, Te Uri o Hau have been consulted throughout the PC78 process and development of the Site, and have provided a CVA.

**15.5** Finally, in terms of section 5 of the RMA, I consider that the PC78 objectives are consistent with and the most appropriate way to achieve the purpose of the Act as it enables the comprehensive and efficient growth of the Site in a way that will provide for the social, economic and cultural wellbeing of people and communities while safeguarding the needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying, or mitigating any adverse effects on the environment.

## **16. CONCLUSION**

**16.1** Overall, after carefully considering the relevant statutory documents, the Appeals and s274 notices, and evidence of the MCL experts, Ms Davidson and Mr Rankin, I recommend that PC78 be approved with modifications to the extent detailed in Section 14 of this evidence and in **Attachment 2**.

**16.2** My recommended amendments (see **Attachment 2**) have, where appropriate, been detailed and compared above against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32AA (see **Attachment 12**).

**16.3** Overall, I consider that the objectives of PC78 are the most appropriate way to achieve the purpose of the RMA, and that the revised provisions (in this case the revised zoning framework, Structure Plan, objectives, policies and rules) are the most appropriate way to achieve these objectives and other higher order objectives in the KDP.

David Eric Badham

11 February 2022

**Abbreviations used in this Evidence:**

AEE	Assessment of Environmental Effects
Council	Kaipara District Council
CVA	Cultural Values Assessment
EESP	Estuary Estates Structure Plan
IRD	Integrated Residential Development
JWS	Planning Joint Witness Statement dated 15 December 2021, prepared by David Badham, Burnette O'Connor and Mark Tollemache
KDP	Operative Kaipara District Plan
LTP	Long Term Plan
Mangawhai Matters	Mangawhai Matters Incorporated
MCL	Mangawhai Central Limited (The Applicant)
MCWWS	Mangawhai Community Wastewater Scheme
NDC	Network Discharge Consent
NPS-FM	National Policy Statement: Freshwater Management
NPS-UD	National Policy Statement: Urban Development
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-FW	National Environmental Standard for Freshwater
NRC	Northland Regional Council
NRPS	Northland Regional Policy Statement
NZCPS	New Zealand Coastal Policy Statement
PRP	Proposed Northland Regional Plan
RMA	Resource Management Act 1991
RCP	Northland Regional Coastal Plan
RQP	Northland Regional Air Quality Plan
RWSP	Northland Regional Water and Soil Plan
S32	Section 32 of the RMA
SMP	Stormwater Management Plan
WSP Report	Mangawhai Community Wastewater System Master Plan Strategy prepared by WSP dated 21 January 2022

**Attachment 1**

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**Previous Resource Consent Involvement**

Prior to my engagement alongside Ms Neal for PC78, I was involved in the processing of the following resource consents on behalf of Council:

- (a) RM190129 – Molesworth Drive upgrade (granted December 2019): The consent provides for the upgrade of an existing section of Molesworth Drive, comprising two new roundabouts and four lanes between the roundabouts. The consent also provides for the creation of an allotment ('Lot 1') around the proposed road upgrade, to vest in Council as legal road reserve.
- (b) RM190283 – Subdivision of the Service Subzone 7 and Residential Subzone 4 (granted May 2020): The consent provides for the subdivision of the existing Service Subzone 7 into 15 allotments for industrial and commercial development, and the existing Residential Subzone 4 into a 'super-lot'. The consent provides for the construction and vesting of three new roads as well as associated earthworks and infrastructure to service the development.
- (c) RM200129 – Bulk earthworks (still in progress at the time of preparing this s42A report): The consent is for bulk earthworks to prepare the Site for future development over approximately 30.52ha of land (on Lot 4 DP 154785 and Lot 6 DP 314200), which is within the area of land subject to PC78.

Ms Neal and I were also previously approached by KDC to process two additional resource consent applications (of relevance to the land under application) on their behalf, however we declared a potential conflict of interest for those applications as outlined below:

- (d) RM190282 - Supermarket and associated development (granted May 2020): the consent provides for the development of a new supermarket, carparks and other business areas. B&A represents Foodstuffs on resource management matters throughout the country. While Foodstuffs were not the applicant for the consent and Ms Neal and I had no prior involvement with the resource consent application on their behalf, we declared a potential conflict of interest and declined to process the consent

on behalf of KDC. Foodstuffs were not a submitter or further submitter on PC78 and are not party to the current Appeals before the Court.

- (e) RM200102 – Establishment and operation of Bunnings Hardware Store (still in progress at the time of preparing this s42A report): B&A represents Bunnings on resource management matters throughout the country. While Bunnings were not the applicant for the consent and Ms Neal and I had no prior involvement with the resource consent application on their behalf, we declared a potential conflict of interest and declined to process the consent on behalf of KDC. Bunnings were not a submitter or further submitter on PC78 and are not party to the current Appeals before the Court.

**Attachment 2**

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**Recommended Track Change PC78 Provisions**

## 16 Estuary Estates

### 16.1 General Description

#### 16.1.1 Description Of The Estuary Estates Structure Plan

The Estuary Estates Structure Plan area is comprised of approximately 130 hectares of land located on the upper Mangawhai Harbour. It sits to the west of Molesworth Peninsula, south of the Mangawhai Heads settlement and northwest of Mangawhai Village.

#### 16.1.2 Relationship of the Mangawhai Structure Plan and the Estuary Estates Structure Plan

The provisions of Chapter 16 and the Estuary Estates Structure Plan have precedence over the Mangawhai Structure Plan 2005.

#### 16.1.3 [DELETED]

#### 16.1.4 Description of the Estuary Estates Structure Plan Provisions

The Estuary Estates Structure Plan Map is provided in Appendix E of this District Plan.

This Chapter has its own set of definitions in Section 16.13 which apply specifically to the Estuary Estates Structure Plan area. Where any 'alternative' definitions are contained within Chapter 24 of the District Plan, the definitions in Section 16.13 apply. In all other cases the definitions contained within Chapter 24 of the District Plan will apply.

The Sub-Zones contained within the Estuary Estates Structure Plan area include the:

- Business 1 Sub-Zone;
- Residential 3A to 3D Sub-Zones;
- Service 7 Sub-Zone; and
- Natural Environment 8 Sub-Zone.

The Sub-Zones shown on Map 56A in Map Series 1. Each of these Sub-Zones provides for a specific mix of land use activities with corresponding Subdivision and Development Controls.

The Estuary Estates Structure Plan Map, together with the associated Development Control Rules and subdivision provisions discussed below are the means through which the environmental and amenity values contemplated by the Structure Plan will be achieved.

For each Sub-Zone, Development Controls define the nature and scale of development that is considered appropriate for each particular Sub-Zone to ensure consistency with the outcomes promoted by the Structure Plan.

The Permitted Activity Standards and Development Controls rely upon Development Control parameters such as coverage, density, height, height in relation to boundary, yards and other environmental effects related controls to achieve the integration and secure the stated Policy outcomes for the area.

The Subdivision provisions include minimum Site Area Standards. In the case of the Residential 3 Sub-Zones there is provision for a higher number of [dwellings residential units](#) to enable multi-level development of separate dwellings [units](#) and a diversity of housing typologies and lifestyle choice across the A-D areas.

Provision for integrated residential development is also enabled via an overlay on the Structure Plan to encourage diversity in housing typologies and lifestyle options in close proximity to the Business 1 Sub-Zone.

#### Estuary Estates Design and Environmental Guidelines (Appendix 16.1)

The Estuary Estates Design and Environmental Guidelines address a range of environmental and design matters. They are used as Resource Consent application assessment criteria to enable the Estuary Estates Structure Plan provisions to be properly interpreted to achieve the outcomes.

#### 16.1.5 [DELETED]

#### 16.1.6 District Plan Wide Provisions

In any instance where your property is subject to any site feature or management unit (Map Series 2) and the Rules in the relevant Part C Chapter overlap with (or duplicate a Rule in this Zone Chapter), the Rules in the Part C Chapter shall take precedence.

In any instance where works in the road (road reserve) or network utility activities are proposed and the Rules in Chapter 10 and 11 (respectively) overlap with (or duplicate) a Rule in this Zone Chapter other than those listed in 16.11A, the Rules in Chapter 10 and 11 (respectively) shall take precedence.

Kaipara District Council Engineering Standards 2011 shall apply. The following documents should also be referred to as they may contain Standards [and/or guidelines](#) which apply to a particular site or proposal.

- Austroads Guide to Traffic Engineering Practice;
- Austroads Urban Road Design;
- NZS 4404:2010 Land Development and Subdivision Engineering.
- [Guideline Document 2017/01 Stormwater Management Devices in the Auckland Region. December 2017 \(Amendment 2\).](#)
- [Guideline Document 2015/04 Water Sensitive Design for Stormwater. March 2015.](#)
- [Guideline Document 2021/07 Stormwater Soakage and Groundwater Recharge in the Auckland Region. Version 1, 2021.](#)
- [Guideline Document 2016/05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. Incorporating amendment 2, 2020.](#)
- [The Auckland Code of Practice for Land Development and Subdivision: Water and Wastewater Code of Practice for Land Development and Subdivision, Chapter 6: Water \(version 2.4, 1 June 2021\)](#)

#### 16.2 [DELETED]

#### 16.2.1 [DELETED]

#### 16.2.2 [DELETED]

#### 16.2.3 [DELETED]

#### 16.2.4 [DELETED]

#### 16.2.5 [DELETED]

#### 16.2.6 [DELETED]

#### 16.2.7 [DELETED]

#### 16.2.8 [DELETED]

#### 16.2.9 [DELETED]

#### 16.2.10 [DELETED]

### 16.3 Objectives and Policies

#### 16.3.1 Natural Environment Objective

To conserve, protect and enhance the landscape, recreational and ecological resources associated with wetlands, streams, coastal marine area and identified areas of indigenous vegetation.

##### 16.3.1.1 Policies

- 1) [DELETED]
- 2) By recognising and providing for the preservation and enhancement of the significant ecological habitat adjacent to the Tara Estuary.
- 3) [DELETED]
- 4) [DELETED]
- 5) [DELETED]
- 6) By ensuring development contributes to revegetation, so as to enhance the landscape and extend ecological linkages.
- 7) [DELETED]
- 8) **[RELOCATED FROM 16.3.7.1]** By using specific Development Controls for earthworks, in order to manage development and thus achieve the protection and enhancement of the natural environment.
- 9) **[RELOCATED FROM 16.3.7.1]** By ensuring that site works associated with subdivision and development avoid adverse effects on water courses, areas of ecological value, arising from changes to land form and the generation of sediments.
- 10) By ensuring that stormwater is managed and treated to maintain and enhance the health and ecological values of the wetlands, streams and the coastal marine area.

- 11) All land use, development and subdivision must be designed and implemented to be consistent with the relevant Regional Stormwater Discharge Consent, including the application of water sensitive design.
- 12) Enabling land vested in Council for reserve purposes to be developed and utilised for its vested purpose.
- 13) By recognising the impact of climate change and ensuring subdivision and development can avoid, remedy or mitigate hazards associated with climate change.

#### 16.3.2 Amenity Objective

To create new and enhance existing amenity values of the Estuary Estates Structure Plan area.

##### 16.3.2.1 Policies

- 1) **[DELETED]**
- 2) By implementing the structure plan, development and subdivision controls, assessment criteria, Appendix 25A – Mangawhai Design Guidelines and Estuary Estates Design and Environmental Guidelines in Appendix 16.1 to achieve an integrated high quality, built environment with a strong pedestrian focus associated with buildings fronting on to and having a clear relationship with the street to provide amenity and passive surveillance with architectural forms compatible with the coastal, small town character of Mangawhai.
- 3) **[DELETED]**
- 4) By implementing the Development Controls to ensure the amenity values of the Estuary Estates Structure Plan area are maintained and enhanced.
- 5) **[DELETED]**
- 6) **[DELETED]**
- 7) To ensure that roads are developed as high quality public spaces by incorporating amenity features as such as tree planting.
- 8) By managing the density of development within the residential sub-zones so as to reduce landscape and visual effects.
- 9) By providing for a walkway network associated with the roading network and where practicable through green corridors.

#### 16.3.3 **[DELETED]**

##### 16.3.3.1 **[DELETED]**

#### 16.3.4 Business and Service Objectives

1. To provide for the town centre and service area while, ensuring that the adverse effects of those activities are avoided, remedied or mitigated.
2. **[RELOCATED AND AMENDED FROM 16.6.1.2]** To create a distinctive, attractive and vibrant town centre.

##### 16.3.4.1 Policies

- 1) By providing specific Sub-Zones to enable business and service activities to provide for social, cultural and economic wellbeing and to manage the effects of such activities upon amenity values and the environment.
- 2) By using specific development and subdivision controls and the Estuary Estates Design and Environmental Guidelines to ensure development within the Business 1 Sub-Zone achieves an integrated high quality built environment with a strong pedestrian focus, and a high quality streetscape.
- 3) **[DELETED]**
- 4) **[DELETED]**
- 5) By providing for servicing and manufacturing opportunities in Service Sub-Zone 7 that require large-land areas.
- 6) By providing for residential activities within the Business 1 Sub-Zone; where adverse effects on residential amenity from business activities or buildings can be avoided, remedied or mitigated.
- 7) **[DELETED]**
- 8) **[RELOCATED FROM 16.6.1.2]** By using a comprehensive Development Control approach and applying environmental and design provisions to achieve an attractive and locally identifiable built form commensurate with the town centre's 'gateway character'.

- 9) **[RELOCATED FROM 16.6.1.2]** By ensuring that development achieves a quality built environment where bulk unrelieved building facades do not occur along road frontages and the design of buildings, open space and parking areas enables a lively streetscape, with safe and convenient pedestrian connectivity.
- 10) **[RELOCATED AND AMENDED FROM 16.6.7.2]** In Service Sub Zone 7, by ensuring a reasonable level of on-site amenity and streetscape is achieved by implementing the Development Controls.

#### 16.3.5 **[DELETED]**

##### 16.3.5.1 **[DELETED]**

#### 16.3.6 Residential Objective

To provide for a diverse range of residential living opportunities and to promote residential intensification in proximity to the Business Sub-Zone 1.

##### 16.3.6.1 Policies

- 1) By enabling a range of Sub-Zones to provide for diverse housing to support the Business Sub-Zone 1 and to accommodate growth within Mangawhai.
- 2) By ensuring that the type and intensity of residential activity in each Sub-Zone occurs at a level that will not result on significant adverse landscape or visual effects on the environment.
- 3) By ensuring a high level of on-site residential amenity is provided together with the appropriate maintenance of amenity to neighbouring sites and the streetscape.
- 4) By ensuring that the outdoor living needs can be met through the use of courtyards, communal areas and balconies.
- 5) By ensuring a high quality of built environment is developed which relates positively to the street, neighbouring properties and open spaces.
- 6) By encouraging integrated residential development in proximity to the Business Sub-Zone 1 to assist with enabling a diversity of housing typologies.
- 7) **[DELETED]**
- 8) By providing for non-residential activities, or home occupations, education and/or childcare facilities where the activities do not adversely affect residential amenity.
- 9) By providing for residential growth in an integrated urban form.
- 10) By minimising rear lots so as to give sites the spacious outlook area of a street, as well as a street address that connects each lot into the neighbourhood.

#### 16.3.7 **[DELETED]**

##### 16.3.7.1 **[DELETED/ POLICIES 1) & 2) RELOCATED TO 16.3.1.1]**

#### 16.3.8 Transport Objectives

1. To achieve a high amenity, well connected, low speed and sustainable roading network that provides for easily and safely accessed, development.
2. **[RELOCATED & AMENDED FROM 16.9.2.1 OBJECTIVE 1]** To develop a roading network which integrates safely and efficiently with the surrounding roading network whilst ensuring adverse effects are avoided or mitigated.
3. **[RELOCATED FROM 16.9.2.2 OBJECTIVE 1]** To ensure the impact of activities on the safety and efficiency of the road network is addressed and to ensure safe and efficient vehicle access is provided to, and on, every site while avoiding adverse effects on the environment.
4. To promote active transport (walking and cycling).

##### 16.3.8.1 Policies

- 1) By ensuring development provides for the safe and convenient movement of people within the development and to wider networks by foot and cycle as well as cars, buses, and other vehicles.
- 2) **[DELETED]**
- 3) By ensuring development includes an appropriate amount of occupant and visitor parking on site.
- 4) **[RELOCATED FROM 16.9.2.2 POLICY B)]** By implementing particular Standards for the formation of car park spaces.

- 5) By ensuring that development provides for roading in an integrated manner that supports multi-modal transport options.
- 6) By ensuring that the roading network can be efficiently used by emergency services at all times.
- 7) **[DELETED]**
- 8) **[DELETED]**
- 9) By ensuring a landscaped design approach for new roads; including utilising water sensitive design techniques to achieve stormwater management outcomes.
- 10) By discouraging traffic generating activities in sub zones where they would have significant adverse effects.
- 11) By implementing Standards that ensure vehicle access points are safe and efficient.
- 12) By ensuring that stormwater is managed and treated from larger areas of parking.

### 16.3.9 Utilities, Services and Infrastructure Objective

To ensure the provision of sustainable infrastructure networks that provide for properly serviced, and orderly development.

#### 16.3.9.1 Policies

- 1) **[DELETED]**
- 2) **[DELETED]**
- 3) By ensuring that all infrastructures can be efficiently used by emergency services at all times.
- 4) By requiring that all wastewater systems be connected to Council's public reticulated (EcoCare) system.
- 5) By ensuring **the infrastructure capacity necessary to serve** subdivision and development **is available, or that development provides for the necessary extensions or upgrades required to ensure sufficient capacity, aligned with infrastructure necessary to serve development.**
- 6) ~~Ensuring that subdivision in Residential Sub Zone 3A (except lower density lots capable of providing adequate onsite water supply), integrated residential development, dwellings in sub-zone 1, visitor accommodation and retirement facilities are serviced by adequate reticulated water supply solutions which meet all relevant legislative requirements for drinking water.~~
- 6) **By ensuring that the following activities are serviced by water supply including reticulated water supply with adequate capacity to serve the scale and nature of development (in accordance with all relevant guidelines, the Code of Practice referenced in 16.1.6 and legislative requirement for drinking water) and opportunities for water demand management and rainwater harvesting.**
  - a) **Subdivision and land use in the Residential Sub Zone 3A (except lower density lots capable of providing adequate onsite water supply);**
  - b) **integrated residential development;**
  - c) **dwellings in sub-zone 1;**
  - d) **visitor accommodation;**
  - e) **retirement facilities;**
  - f) **conference centre;**
  - g) **event centre;**
  - h) **education facility; or**
  - i) **recreation facility.**

### 16.3.10 Staging and Financial and Development Contributions

**[DELETED]**

#### 16.3.10.1 **[DELETED]**

### 16.3.11 Subdivision Objective

To provide for subdivision in a manner which achieves an urban amenity and the integrated management of the use, development and protection of the natural and physical resources of the District.

#### 16.3.11.1 Policies

- 1) By ensuring that existing bush, streams and wetlands are protected and enhanced.
- 1A) By ensuring that stormwater is managed and treated to maintain and enhance the health and ecological values of the wetlands, streams and the coastal marine area.
- 2) By ensuring that all subdivisions are able to be properly serviced and can avoid, remedy, or mitigate the effects of natural hazards.
- 3) By ensuring subdivision implements the features of the structure plan
- 4) By ensuring subdivision density and lot sizes respond to the site's characteristics and avoid significant landscape and visual effects
- 5) By ensuring subdivision establishes the roads illustrated on the structure plan, and establishes a well connected local roading network
- 6) By ensuring subdivision upgrades the Molesworth Drive frontage
- 7) By ensuring subdivision establishes the open spaces, and walking and cycle network illustrated on the structure plan in proportion to the planned density of the locality.
- 8) By ensuring that subdivision establishes and maintains the amenity buffer between Service Sub Zone 7 and the neighbouring residential sites

### 16.4 **[DELETED]**

#### 16.4.1 **[DELETED]**

#### 16.4.2 **[DELETED]**

#### 16.4.3 **[DELETED]**

#### 16.4.4 **[DELETED]**

### 16.5 **[DELETED]**

#### 16.5.1 **[DELETED]**

### 16.6 The Estuary Estates Structure Plan Sub-Zones

**[DELETED]**

#### 16.6.1 Business Sub-Zone 1

##### 16.6.1.1 Sub-Zone Description

The Business Sub-Zone provides for a town centre designed to serve both the business and retail needs of the Estuary Estates Structure Plan area and the wider community.

Particular attention is given to establishing a mainstreet, defining the scale and design of buildings and detailing, pedestrian streetscapes, open-space permeability and connectivity through the Sub-Zone into the surrounding community and residential areas with generous landscaping and tree planting in streets, car parks, and inter-building spaces designed to link to open spaces in the wider area.

##### 16.6.1.2 **[DELETED / OBJECTIVE 1 RELOCATED TO 16.3.4, POLICIES A) & B) RELOCATED TO 16.3.4.1]**

#### 16.6.2 **[DELETED]**

##### 16.6.2.1 **[DELETED]**

##### 16.6.2.2 **[DELETED]**

#### 16.6.3 Residential Sub-Zone 3

##### 16.6.3.1 Sub-Zone Description

The Sub Zone is split into sub-zones 3A to 3D. These are defined by the topography of the site, the landscape and visual absorption capacity of the site and proximity of the sub zones to Business Sub-Zone 1.

Sub Zone 3A is the closest to Business Sub-Zone 1 and is anticipated to accommodate the highest densities for residential development on the site, including that part which is subject to the Integrated Residential Development Overlay illustrated on the Structure Plan. The location affords opportunities for a variety of housing typologies and densities, along with retirement facility development.

Sub Zone 3B area adjoins Sub Zone 3A and offers opportunity for medium density housing opportunities associated with the enhancement of slopes and adjoining natural environment features.

Sub Zone 3C buffers the Estuary Estates Structure Plan area from Old Waipu Road.

Sub Zone 3D is located in the north facing slopes of the site, distant from Business Sub-Zone 1. It is the least dense residential zone recognising the existing slopes and the adjoining natural environment features.

**16.6.3.2 [DELETED]**

**16.6.4 [DELETED]**

**16.6.4.1 [DELETED]**

**16.6.4.2 [DELETED]**

**16.6.5 [DELETED]**

**16.6.5.1 [DELETED]**

**16.6.5.2 [DELETED]**

**16.6.6 [DELETED]**

**16.6.6.1 [DELETED]**

**16.6.6.2 [DELETED]**

**16.6.7 Service Sub-Zone 7**

**16.6.7.1 Sub-Zone Description**

The purpose of the Service Sub-Zone is to provide for local service activities which are not appropriate elsewhere in the Estuary Estates Structure Plan area. The location of the Sub-Zone has been selected to minimise potential reverse sensitivity issues and also to provide good accessibility without needing to access the area through residential or commercial areas.

The Sub-Zone anticipates a buffer between the anticipated uses and adjoining residential land to avoid reverse sensitivity and/or visual detracting issues arising.

**16.6.8 Natural Environment Sub Zone 8**

**16.6.8.1 Sub-Zone Description**

The purpose of the Sub Zone is to protect and enhance existing natural environment features (native vegetation, wetland and streams). Where possible public walkways and cycle paths are envisaged within the Sub Zone. Enhancement includes weed and pest control, and indigenous revegetation (where appropriate). Enhancement and ongoing protection measures for these features are expected to form part of subdivision applications (i.e. whether they are vested in Council or held in private ownership).

The provisions of this Sub Zone are also intended to apply to any land vested in Council as reserve (recreation, stormwater and/or local purpose access).

The rules of this Sub Zone shall apply to any 'natural inland wetland' meeting the definition in the National Policy Statement for Freshwater Management 2020 where these are located outside of the mapped extent of the Sub Zone.

**16.6.7.2 [DELETED / POLICY C] RELOCATED TO 16.3.4.1]**

**16.7 Rules: Activities**

**16.7.1 Activity Tables**

The following tables specify the status of various activities within the different Sub-Zones. There are three separate tables: Table 16.7.1 is for the residential Sub-Zones being Sub-Zones 3A-D. Table 16.7.2 is for the business, and service Sub-Zones being Sub-Zones 1 and 7, and Table 16.7.1-3 is for Sub Zone 8.

Where any land is vested in Council as open space the underlying zoning/sub-zone and provisions shall be administered in accordance with the Sub-Zone 8 provisions.

For the purpose of these tables:

P	= Permitted Activity	D	= Discretionary Activity
C	= Controlled Activity	NC	= Non Complying-Activity
RD	= Restricted Discretionary Activity		

**Table 16.7.1-1 - Residential Sub-Zone**

Activities	Sub-Zones			
	3A-D Residential	[DELETED]	[DELETED]	[DELETED]
Any activity not provided in the following table	NC			
<del>Accessory buildings to a maximum gfa of 50m<sup>2</sup> per site</del>	<b>P</b>			
<del>[DELETED]</del>				
<del>[DELETED]</del>				
Child care facility <ul style="list-style-type: none"> <li>Up to five children</li> <li>More than five children</li> </ul>	P D			
Construction of a building or additions/alterations to an existing building and construction of any other structures (e.g fences, and decks less than 1m) not meeting the definition of a building	P Except in the Coastal Environment Overlay			
Construction of a building or external additions to an existing building within the Coastal Environment Overlay	RD			
Alterations to any existing building and construction of any other structures (e.g fences, and decks less than 1m) not meeting the definition of a building within the Coastal Environment Overlay	P			
<del>[DELETED]</del>				
Demolition of an existing building	P			
Education Facility (other than childcare centres provided for above)	D			
Home occupation	P			
Homestay accommodation	P			
Integrated Residential Development within the Integrated Residential Development Overlay on the Estuary Estates Structure Plan	RD			
Integrated Residential Development outside the Integrated Residential Development Overlay on the Estuary Estates Structure Plan	3A-3B – D 3C-3D - NC			
<del>[DELETED]</del>				
Any non-compliance with any of the Development Controls set out in Section 16.8 other than density limits specified in Rule 16.8.2.2. The activity status in Chapter 16 prevails over any activity status identified in Chapter 13.	RD			
<del>Residential unit(s) for residential</del>	<b>P</b>			

purposes within the density limits specified in Rule 16.8.2.2				
One dwelling per site and its associated accessory buildings	P			
Two or more dwellings per site (not being an Integrated Residential Development) within the density limits specified in Rule 16.8.2.2	3A-3B – D 3C-3D - NC			
Retirement facility	RD			
Visitor accommodation, including hotels, tourist houses and camping grounds	RD			
<b>[DELETED]</b>				

**Table 16.7.1-2 - Business and Service Sub-Zones**

Activities	Sub-Zones		
	1 Business	[DELETED]	7 Service
Any activity not provided in the following table			NC
<b>[DELETED]</b>			
Boat sale and contractor yard			P
Community facility and services	P		
<b>[DELETED]</b>			
Construction of a building or external additions to an existing building	RD		P
Conference and event centre	RD		
Education facility	RD		
Entertainment facility	RD		
Garden centre including an associated cafe not exceeding 100m <sup>2</sup> gfa			P
Garden centre including an associated cafe exceeding 100m <sup>2</sup> gfa			D
Factory shop not exceeding 50m <sup>2</sup> gfa per site and ancillary to a manufacturing activity			P
Healthcare services	P		
Home occupation	P		
Internal and/or external alterations to an existing building and any other structures not meeting the definition of a building	P		P
Local service activity			P
Any non-compliance with any of the Development Controls set out in Section 16.8. The activity status in Chapter 16 prevails over any activity status identified in Chapter 14.	RD		RD
Office	P		
Offices which are ancillary to any other activity will have the same activity status as the activity to which they are ancillary.			
Public toilet and/or changing room	P		
Recreational facility	RD		
Residential accommodation for persons whose duties require them to live on site	P		P
<b>Dwelling Residential unit for residential purpose above ground level</b>	<b>P RD</b>		
<b>Dwelling at ground level</b>	<b>D</b>		
Restaurant or tavern	RD		
Shop and commercial activities/services	P		
Shop not exceeding 50m <sup>2</sup> gfa that are ancillary to a local service activity			P
Service station	RD		RD
Transport depot and services			P
Visitor accommodation, including hotels and tourist	RD		

houses			
Visitor centre	P		

**Table 16.7.1-3 Sub-Zone 8**

16.7.1.3 Where any 'natural inland wetland' meeting the definition in the National Policy Statement for Freshwater Management 2020 is located outside of the mapped extent of Sub-Zone 8, the rules in Table 16.7.1.3 shall apply

Activities	[DELETED]	[DELETED]	[DELETED]	[DELETED]	[DELETED]	Sub-Zone 8
Any activity not listed in the following table						NC
Visitor information sign						P
[DELETED]						
Construction of public toilet/changing room						D
Formation of walking, fitness and riding trail /track (bridle and cycle)						D
Playground (including play equipment)						D
[DELETED]						
Park and Street furniture (including seats, rubbish bins, lighting, signs, BBQ and picnic facilities) and underground services and lighting						D
Stormwater management works including detention ponds and associated management/ maintenance, landscaping and planting and outfalls						D
Indigenous Planting and vegetation maintenance of including removal of pest and weed species						P
Clubrooms and any other structures and car parking for recreational activities on any land vested as recreational reserve						D

**16.7.2 Notification Requirements**

Activities will be subject to the normal tests for notification as prescribed by the Resource Management Act 1991.

**16.7.2.1 [DELETED]**

**16.7.2.2 [DELETED]**

**16.7.2.3 [DELETED]**

**16.7.2.4 [DELETED]**

**16.7.2.5 [DELETED]**

**16.7.3 [DELETED]**

**16.7.3.1 [DELETED]**

**16.7.3.2 [DELETED]**

**16.7.4 Assessment Criteria Discretions for Restricted Discretionary Activities**

Where an activity is a Restricted Discretionary Activity Council will restrict its discretion over the following matters (and as listed as being relevant to each activity in Table 16.7.4) when considering and determining an application for Resource Consent:

- a) Building design, external appearance and amenity;
- b) Traffic generation;
- c) Parking;
- d) Access;
- e) Infrastructure;
- ee) Reticulated Water Supply **which meets all relevant legislative requirements for drinking water** (including **firefighting**, rainwater harvesting and water demand management (savings\*))
- eee) **The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal.**
- f) Noise;
- g) Natural environment;
- h) Outdoor activities;
- i) Artificial lighting;
- j) Effects associated with the matter of non-compliance for the relevant Development Controls;
- k) Intensity and scale;
- l) Sustainable building design.
- m) Cumulative effects

\* For example through the use of the Water Efficiency Labelling Scheme

**Table 16.7.4-1 Restricted Discretionary Activities**

Restricted Discretionary Activities	Particular Matters														
Any non-compliance with a Development Control												j			
Conference and event centre	a	b	c	d	e	f			i		k	l	m		
					ee										
					eee										
Construction of any new building, including external additions to an existing building	a	b	c	d	e		g		i			l	m		
Entertainment facility	a	b	c	d	e	f	g		i		k	l	m		
					ee										

				eee									
Education facility	a	b	c	d	e	f	g	h	i		k	l	m
					ee								
					eee								
Integrated Residential Development	a	b	c	d	e	f	g	h	i		k	l	m
					ee								
					eee								
Dwellings above ground in sub-zone 1	a	b	c	d	e						k	l	m
					ee								
					eee								
[DELETED]													
Recreational facility	a	b	c	d	e	f	g	h	i		k	l	m
					ee								
					eee								
Rest home and retirement facility	a	b	c	d	e	f	g	h	i		k	l	m
					ee								
					eee								
Restaurant or tavern	a	b	c	d	e	f		h	i		k		
					eee								
Service station	a	b	c	d	e	f	g	h	i				
Visitor accommodation	a	b	c	d	e	f	g	h	i		k	l	m
					ee								
					eee								
Construction of a building within the Coastal Environment Overlay on the Structure Plan,	a						g						m

16.7.4.1 Assessment Criteria

a) Building Design and External Appearance and Amenity

The assessment of any application must establish the means through which any proposal will implement the Estuary Estates Design and Environmental Guidelines detailed under Appendix 16.1.

Where no changes to the building external design or appearance are required this criteria will not apply.

b) Traffic Generation

The extent to which the expected traffic generation of a proposal will adversely affect the safety and capacity of the roading network including the wider network. Any adverse effect may be mitigated by action taken to upgrade road design and/or intersection design.

c) Parking

- i. Whether adequate parking and manoeuvring space will be provided on site appropriate to the particular form of the development in accordance with Section 16.9 – Transport.
- ii. Whether large areas of aboveground parking spaces are proposed as part of the activity and if there are, their impact on visual and aural amenity values.
- iii. The extent to which the location of parking areas avoids proximity to Residential Sub-Zones and provides adequately for pedestrian safety.
- iv. Whether the internal circulation of parking areas has been designed for safe and efficient on site vehicle circulation and pedestrian safety.
- v. Litter management

d) Access

- i. The extent to which any potential adverse effects associated with access may be reduced or mitigated by controlling the location of entry and exit points to the site.
- ii. The extent to which Council's Standard for access design is met.

e) Infrastructure

- i. Whether the proposal avoids creating any demand for services and infrastructure at a cost to the wider community.
- ii. The extent to which the proposal provides for sustainable infrastructure and servicing and in particular the supply of water.
- iii. For integrated residential developments, visitor accommodation, or retirement facilities, the provision and design of reticulated supply of water (storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.
- iv. Whether the proposal utilises low impact stormwater design solutions.

ee) Water Supply

~~For integrated residential developments, visitor accommodation, dwellings in sub-zone 1, conference or event centre, education, recreation facility or retirement facilities:~~

~~i. the provision, capacity and design of reticulated supply of water which meet all relevant legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.~~

The provision, capacity, and design of the reticulated supply of water which meets all relevant guidelines, Code of Practice referenced in 16.1.6 and legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation for the following activities:

- i. integrated residential development
- ii. dwellings in sub-zone 1 and Residential 3A (except lower density lots able to provide adequate on-site water supply)
- iii. visitor accommodation
- iv. conference or event centres
- v. education facilities
- vi. recreation facilities; or
- vii. retirement facilities

eee) Wastewater Network Capacity

Whether the proposed development or activity can be accommodated within the existing or planned capacity of the reticulated wastewater network and whether the servicing needs of the proposed development require upgrades to existing infrastructure.

f) Noise

Whether the activity gives rise to adverse noise effects beyond the boundaries of the site. Methods available to mitigate any adverse off site noise effects may include:

- i. The provision of or construction of barriers;
- ii. Acoustic insulation and separation of activities;
- iii. The construction of earthen mounds;
- iv. The provision of greater distances between the noise generator and existing development;
- v. Screening the noise generator using natural or manmade materials; and
- vi. Imposing restrictions/conditions on hours of operation - in particular between 10 pm and 7 am.

**g) Natural Environment**

The extent to which the activity gives rise to adverse effects on the natural environment, such as through the creation of wastewater or stormwater, vegetation removal and/or habitat destruction and sediment runoff, including the extent to which revegetation using eco-sourcing of native plants is proposed as part of the activity.

**h) Outdoor Activities**

Whether any outdoor activity areas will be screened, separated or have a landscaped buffer from any adjacent sites in a residential sub zone and whether any acoustic attenuation to reduce the noise effects of outdoor activities has been undertaken.

**i) Artificial Lighting**

And whether:

- An application demonstrates that significant adverse effects including light spill and glare on the visual privacy of adjoining sites in a residential sub zone can be reduced, avoided or mitigated. The use of measures such as screening, dense planting of buffer / separation areas may be required where these may lessen impact.
- Particular consideration has been given to the placement, design and screening of light fittings and whether their size and luminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.

**j) Compliance with Development Controls**

i. **[RELOCATED FROM 16.7.6 B)]** For any activity which does not comply with one or more of the Development Controls the Council shall also have regard to any unusual circumstances, including, but not limited to, the following:

- Inherent site considerations; including unusual size, shape, topography, substratum, vegetation, or flood susceptibility;
- Particular site development characteristics; including the location of existing buildings or their internal layout, achievement of architectural harmony or physical congruence, compliance with bylaw or Kaipara District Council Engineering Standards 2011, the preservation of privacy, enhancement of private open space, outlook improvement, building restoration, or renovation of demonstrable merit, temporary buildings, provision of public facilities, the design and arrangement of buildings to facilitate access for the disabled, or legal impediments;
- Unusual environmental circumstances; including adverse topography, unusual use or particular location of buildings on neighbouring sites, improved amenity for neighbouring sites, the presence of effective adjacent screening or permanent open space;
- Extraordinary vehicle or pedestrian movement considerations; including the achievement of a better relationship between the site and the road, improved operation of parking areas, an adequate alternative supply of parking in the vicinity, the improved safety, convenience or efficiency of pedestrian or traffic movement on the site or adjacent roads, unusual incidence or time of traffic movement, demonstrably less than normal use intensity, and the considered need for pedestrian protection;

ii. Any non-compliance with any development control will also be assessed as a restricted discretionary activity (Tables 16.7.1-1 and 16.7.1-2) utilising the relevant matters listed in:

- Chapter 13.10 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D where the assessment criteria shall be the matters of discretion.
- Chapter 14.10 for the applicable or equivalent standards for land zoned Sub-Zones 1 and 7 where the assessment criteria shall be the matters of discretion.
- For earthworks, in addition to the assessment matters listed in Rule 13.10.1a and Rule 14.10.1, the activity shall implement best practice for erosion and sediment control. [For bulk earthworks associated with subdivision and land development, the activity shall prepare and implement an avian mitigation plan.](#)

**k) Intensity and Scale**

The intensity and scale of the proposal, in particular the number of people involved in the activity, traffic generation, hours of use, size of building and associated parking, signs, noise and other generated effects should be compatible with the character and amenities of the surrounding area.

**l) Sustainable Building Design**

The extent to which the applicant has investigated alternatives in terms of sustainable design such as green building methods, renewable energy sources, and low impact designs.

**m) Cumulative Effects**

**Whether the proposed activity will result in adverse cumulative effects.**

**16.7.5 Specific Discretionary Activity Assessment Criteria**

1. Gum Diggers Track

A Remedial Management Plan associated with Wetland 3 and the manuka gumland addressing:

- a) Weed and pest control to restore ecological quality.
- b) Restoration of the hydrology of the wetland by replacing sections of track with boardwalks and placing subsurface drainage so that water can flow freely.
- c) Planting to reduce edge effects and weed invasion.
- d) Measures restricting or prohibiting the presence of dogs.
- e) Redesign of coastal culverts to reduce coastal erosion, while also ensuring the protection of any mudfish in drains within the wetland.
- f) Realigning the track to increase the setback from the coastal margin in areas where it is exacerbating cliff erosion.

**16.7.6 [DELETED / CLAUSE B) RELOCATED TO 16.7.4.1 J)]**

**16.8 Rules: Development Controls**

**16.8.1 [DELETED]**

**16.8.1.1 [DELETED]**

**16.8.1.2 [DELETED]**

**16.8.1.3 [DELETED]**

**16.8.1.4 [DELETED]**

**16.8.2 Development Control Rules**

All activities shall comply with the relevant controls in Rule 16.8.2.

**16.8.2.1 Building Location**

- a) Habitable buildings shall have a minimum floor level of 3.5m above mean sea level (Reference One Tree Point Datum).
- b) Commercial and Industrial Buildings and non-habitable buildings such as garages and sheds shall have a minimum floor level of 3.3m above sea level (Reference One Tree Point Datum).

**16.8.2.2 Residential Density**

The following densities shall not be exceeded where more than one dwelling per site is proposed (except that the densities do not apply to Integrated Residential Development or Retirement Facilities).

Any density shall exclude any land identified as Sub-Zone 8.

Sub-Zone	Density
3A	1 dwelling per 350m <sup>2</sup>
3B	1 dwelling per 500m <sup>2</sup>

3C	1 dwelling per 750m2
3D	1 dwelling per 1,000m2

**16.8.2.3 Building Yards**

a) Buildings shall be clear of the yard setbacks specified in Table 16.8.2.1 below:

**Table 16.8.2-1 - Minimum Yards**

Sub-Zone	Front Yard	Side Yard	Rear Yard	From Coastal Marine Area	From a Stream, wetland, or sub-zone 8
1					
<b>[DELETED]</b>					
3A-C	2m*	1m*	6m	30m	10m
3D	5m	1m	6m	30m	10m
4					
<b>[DELETED]</b>					
<b>[DELETED]</b>					
7	7.5m	0m	20m where the boundary adjoins a residential zone 0m where the boundary adjoins any other site in Sub-Zone 7		10m

\* exception as below

b) Table 16.8.1-1 side yard and rear yard controls do not apply in the following circumstances:

i) where buildings abut a common boundary or have a common wall.

c) In the Residential Sub Zones 3A-C any garage must be set back a minimum of 5m from the front boundary of the site.

**cc) In the Residential Sub Zones 3A-D above ground rainwater tanks must not be located between the front façade of the dwelling and the site's street boundary.**

d) In addition to Table 16.8.2-1 above, the following shall also apply in the Sub-Zone 7:

- i) Any yard adjoining a residential zone shall be 20m and contain a 15m width landscape strip
- ii) Front yards shall contain a 2.5m wide landscape strip (excluding any area for vehicle or pedestrian access/egress)
- iii) side yards on a site greater than 10,000 m2 shall contain a 2m landscape strip

e) In addition to Table 16.8.2-1 above, the following shall also apply in sub-zone 1:

- i) Where a front yard contains a car parking area fronting Molesworth Drive, a 5m wide landscape strip containing 3m wide planted vegetation shall be provided immediately adjoining the road boundary (excluding any area for vehicle or pedestrian access/egress).
- ii) Where a front yard contains a car parking area fronting a road other than Molesworth Drive, a 2m wide landscape strip shall be provided immediately adjoining the road boundary (excluding any area for vehicle or pedestrian access/egress).

**16.8.2.4 Height in Relation to Boundary Control**

Height in relation to boundary controls shall apply as follows:

Sub-Zone	Maximum Height in Relation to Boundary
----------	--

1	No part of any building on that part of a site which is directly opposite any residentially Sub-Zoned land shall exceed a height equal to 3.0m plus the shortest horizontal distance between that part of the building and the road boundary.
<b>[DELETED]</b>	
3A-D	No part of any building shall exceed a height of 3.0m plus the shortest horizontal distance between that part of the building and any site boundary.
7	No part of any building shall exceed a height of 3.0m plus the shortest horizontal distance between the building and the road boundary

Provided that the following are excluded:

- a) Where existing or proposed buildings abut at a common wall, the height in relation to boundary control will not apply along the length of that common wall;
- b) No account shall be taken of radio and television aerials, solar heating devices and chimneys (not exceeding 1.1m in any direction) provided that such structures are located at least 1m from each side boundary;
- c) A gable end or dormer window may project beyond the recession plane where the extent of the projection complies with the following:
  - i. It has a maximum height of 1m; and
  - ii. It has a maximum width of 1m measured parallel to the nearest adjacent boundary; and
  - iii. It has a maximum depth of 1m measured horizontally at 90° to the nearest adjacent boundary; and
  - iv. There are no more than two such projections occurring in relation to any 6m length of site.
- d) For Sub Zone 3A-D no account shall be taken of any boundary adjoining a road;
- e) Where a boundary adjoins an accessway, the furthest boundary may be used.

**16.8.2.5 Maximum Height**

a) No building shall exceed the following maximum height limits:

Sub-Zone	Maximum Height
1	12m
<b>[DELETED]</b>	
3A-D	8m Except that Integrated Residential Development, retirement facilities or visitor accommodation in the "Integrated Residential Development Overlay" the maximum height is 12m.
<b>[DELETED]</b>	
<b>[DELETED]</b>	
<b>[DELETED]</b>	
7	8m

b) In Sub-Zones 3A-D fences shall not exceed 1.2m height on boundaries to public open space, and street boundaries.

**16.8.2.6 [DELETED]**

**16.8.2.7 [DELETED]**

**16.8.2.8 Building Coverage**

The maximum net site area building coverage shall not exceed the following thresholds:

Sub-Zone	Maximum Net Site Coverage
----------	---------------------------

1	50%
[DELETED]	
3 A-D	35% Except that Integrated Residential Development, retirement facilities or visitor accommodation in the "Integrated Residential Development Overlay" the maximum net site coverage is 50%.
[DELETED]	
[DELETED]	
[DELETED]	
7	60%

#### 16.8.2.9 Maximum Impermeable Surfaces

The area of any site covered by buildings and other impermeable surfaces shall not exceed:

Sub-Zone	Total Impermeable Surfaces
1	100%
[DELETED]	
3A	60% Except that Integrated Residential Development, retirement facilities or visitor accommodation in the "Integrated Residential Development Overlay" the maximum total impervious surfaces are 70%.
3B, C and D	50%
[DELETED]	
[DELETED]	
[DELETED]	
7	80%
[DELETED]	

#### 16.8.2.10 Outdoor Living Areas /Screening

- a) Every dwelling residential unit in Business 1 Sub-Zone shall be provided with an outdoor living area as follows:
  - i. A balcony or terrace with a minimum area of 10m<sup>2</sup> with a minimum depth of 2m which is readily accessible from the main living room.
- b) Every dwelling residential unit in Residential 3A-D Sub-Zones shall be provided with an outdoor living area with dimensions as follows (except that dwelling residential unit above ground level shall comply with clause (c) below):
  - i. Shall have a minimum area of 60m<sup>2</sup>OR  
Integrated Residential Development or Retirement -Facilities shall have a minimum area of 40m<sup>2</sup>  
AND
  - ii. Shall contain a minimum dimension of 3m measured at right angles to the perimeter of the area; and
  - iii. Must be capable of containing a 6m diameter circle; and

- iv. Shall not be located on the southern side of the dwelling residential unit; and
- v. Shall be readily accessible from a the main living area; and
- vi. Shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas, other than an outdoor swimming pool; and
- vii. Dwelling residential unit above the ground floor shall be have a balcony or terrace with a minimum area of 10m<sup>2</sup> with a minimum depth of 2m and which is readily accessible from a living room located on the east, north or west side of the dwelling residential unit; and

c) [DELETED]

d) [DELETED]

e) Screening of Storage and Service Areas

Where any storage or service area (including incinerators, and rubbish receptacle areas) directly faces a public road or any open space, such an area shall be screened by either:

- i. A solid wall or screen not less than 1.8m in height; or
- ii. Planting

#### 16.8.2.11 Earthworks

Earthworks are a Permitted Activity where they are required for the addition, maintenance or removal of an underground storage tank or septic tank.

Earthworks associated with residential activities (i.e. gardening, landscaping, etc) shall be deemed to be permitted activities subject to compliance with the threshold listed below.

Excavation or deposition of material within a site shall not exceed the following dimensions within any 12 month period:

Sub-Zone	Maximum area of earthworks on slopes less than 1 in 6	Maximum area of earthworks on slopes greater than 1 in 6
1	1000 m <sup>2</sup>	500 m <sup>2</sup>
[DELETED]		
3	500 m <sup>2</sup>	250 m <sup>2</sup>
[DELETED]		
[DELETED]		
[DELETED]		
7	700 m <sup>2</sup>	350 m <sup>2</sup>

#### 16.8.2.12 General Noise

a) The following Noise Performance Standards shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.14(1)
[DELETED]	
3	13.10.14
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.14(2)

b) New buildings and alterations to existing buildings to be used for residential purposes in the Business Sub-Zone shall meet the following:

- i. Noise received in all habitable rooms shall not exceed 45 dBA L<sub>10</sub> between 23:00 hours and 07:00 hours with ventilating windows open; and

- ii. An Acoustic Design Report shall be obtained from a suitably qualified Acoustic Engineer confirming that the building will be constructed to meet the above requirement.

**16.8.2.13 Verandah Control**

Rule 14.10.9 shall apply in Sub Zone 1 along the “building frontage to main street” as identified on the Estuary Estates Structure Plan.

**16.8.3 Water Supply and Wastewater Supply**

a) The following Rules shall apply as follows:

Sub-Zone	Water Supply Performance Standards	Wastewater Performance Standard
1	14.13.4	14.13.6
[DELETED]		
3	13.14.4	13.14.6
[DELETED]		
[DELETED]		
7	14.13.4	14.13.6

b) A non-reticulated dwelling must provide have available a minimum of 50 m3 water storage capacity, inclusive of 10 m3 for fire safety (Rule 16.8.11). Where a reticulated firefighting network is available, the dwelling must provide a minimum 40 m3 water storage capacity.

c) A reticulated dwelling must provide have available a minimum of 5 m3 water storage capacity for rainwater harvesting and use associated with the dwelling.

d) A reticulated dwelling in a retirement facility must provide have available a minimum of 3 m3 water storage capacity for rainwater harvesting and use associated with the dwelling.

e) The details of the water storage must be provided with a building consent and/or resource consent application.

**16.8.4 Hazardous Substances**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.21
[DELETED]	
3	13.10.21
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.21

**16.8.5 Temporary Noise**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.15
[DELETED]	
3	13.10.15
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.15

**16.8.6 Wind Generation: Noise**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.16
[DELETED]	
3	13.10.16
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.16

**16.8.7 Vibration**

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.17
[DELETED]	
3	13.10.17
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.17

**16.8.8 Contaminated Land – Change of Land Use**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.19
[DELETED]	
3	13.10.19
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.19

**16.8.9 Contaminated Land – Remediation**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.20
[DELETED]	
3	13.10.20
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.20

**16.8.10 Radioactive Materials**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.22
[DELETED]	
3	13.10.22
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.22

**16.8.11 Fire Safety**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.26
[DELETED]	
3	13.10.26
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.26

**16.8.12 Lighting**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.23
3	13.10.23
7	14.10.23

**16.9 Transportation Provisions**

**16.9.1 [DELETED]**

**16.9.2 [DELETED]**

**16.9.2.1 [DELETED / OBJECTIVE 1 RELOCATED TO 16.3.8 OBJECTIVE 2]**

**16.9.2.2 [DELETED / OBJECTIVE 1 RELOCATED TO 16.3.8 OBJECTIVE 3 & POLICY B) RELOCATED TO 16.3.8.1 POLICY 4]**

**16.9.3 Rules: Activities**

**16.9.3.1 Permitted Activities**

The following transportation activities shall be Permitted Activities:

- a) All parking and loading activities are Permitted Activities where they comply with the Standards detailed under part 16.9.4 of this Section, unless stated otherwise in the Estuary Estates Structure Plan provisions (and for the avoidance of doubt this includes stacking parking where parking remains in the same ownership).
- b) Maintenance and upgrading of existing roads in accordance with the Standards of Rule 16.9.4

**16.9.3.2 Restricted Discretionary Activities**

The following are Restricted Discretionary Activities:

- a) An activity that does not comply with the access way, parking and loading Standards of Rule 16.9.4.
- b) Any activity providing for more than 100 car parks.
- c) Any activity providing for more than 30 car parks.
- d) The creation of a new road (including associated street lighting, furniture etc) and any road location not meeting standard 16.9.4.1
- e) Any new activity that exceeds any of the following thresholds:
  - i. **Dwellings Residential Units** (excluding retirement facilities) that exceed a cumulative total of 850 **dwellings Units**;

**1 Criteria for Assessing Restricted Discretionary Activities**

Restricted Discretionary Activities will be assessed against the following matters with the Council's discretion in regard to any of the Restricted Discretionary Activities listed above being limited to the following matters.

- a) Traffic / New Road and Road Location, and any new activity that exceeds the thresholds in Rule 16.9.3.2. **d) e)** Considerations
  - i. Whether the site is adequately accessible from the roading network.
  - ii. Existing and probable future traffic volumes on adjacent roads.
  - iii. The ability of the adjacent existing or planned roading network to absorb increased traffic and the feasibility of improving the roading system to handle any increases.
  - iv. The extent of traffic congestion and pedestrian/vehicle conflict likely to be caused by a proposal.
  - v. Whether vehicle access to and from the site:
    - Ensures adequate sight distances and prevent congestion caused by ingress and egress of vehicles; and
    - Is sufficiently separated from pedestrian access to ensure the safety of pedestrians.
- b) Any activity providing for more than 100 car parks
  - i. Whether the parking area(s) is / are properly graded, drained and sealed to prevent dust nuisance or concentrated runoff of water from the site.
  - ii. The nature and extent of proposed landscaping in terms of screening, visual and streetscape amenity
  - iii. The extent to which parking areas are set back from residential and community activities. Where this is impracticable whether adequate screening will be provided in the form of fencing or landscaping, in order to reduce to an acceptable level any adverse aural or visual impacts.
  - iv. Whether a parking areas internal circulation is designed so that safe and efficient vehicle circulation on site is achieved and so that adverse effects on the roading network are prevented.
  - v. The location of access from the road into parking areas and the effects on safety and movement.

- c) Any activity providing for more than 30 car parks
  - i. The extent to which stormwater quality treatment and litter management has been provided to protect the environment from contaminants generated from the activity.
- d) Reduction in Parking Spaces
  - i. Whether or not it is physically practicable to provide the required parking on the site in terms of the existing or proposed location of buildings, availability of access to the road, and other similar matters.
  - ii. Whether there is an adequate alternative supply of parking in the vicinity such as a public car park or on-street parking. In general, on street parallel parking particularly on residential streets is not considered a viable alternative.
  - iii. Whether there is another site or parking area in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity and where a legal agreement between the applicant and owner of the site is provided to show a right to use such areas.
  - iv. Whether the proposal has less than normal parking requirements e.g. due to specific business practices, operating methods or the type of customer.
  - v. The extent to which significant adverse effect on the character and amenity of the surrounding area will occur as a result of not providing the required parking spaces.
- e) **[DELETED]**
- f) **[DELETED]**
- g) Any non-compliance with any development control listed in 16.9.4.2, 16.9.4.4 and 16.9.4.5 will also be assessed utilising the relevant matters listed in:
  - Chapter 13.10 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D
  - Chapter 14.10 for the applicable or equivalent standards for land zoned Sub-Zones 1 and 7.

**16.9.4 Rules: Permitted Activity Standards**

All Permitted, Controlled and Restricted Discretionary Activities shall comply with the relevant controls in Rule 16.9.4.

**16.9.4.1 Roads**

**1 Road Hierarchy**

Roads shall be located in accordance with the roading hierarchy identified on the Estuary Estates Structure Plan.

**16.9.4.2 Vehicle Access and Driveways**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.25
<b>[DELETED]</b>	
3	13.10.25
<b>[DELETED]</b>	
<b>[DELETED]</b>	
<b>[DELETED]</b>	
7	14.10.25

**16.9.4.3 Parking**

Provision of Parking Spaces - the following Rules shall apply as follows:

Sub-Zone	Performance Standard
----------	----------------------

1	14.10.27
<b>[DELETED]</b>	
3	13.10.27
<b>[DELETED]</b>	
<b>[DELETED]</b>	
7	14.10.27

**16.9.4.4 Loading**

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.28
<b>[DELETED]</b>	
3	13.10.28
<b>[DELETED]</b>	
<b>[DELETED]</b>	
<b>[DELETED]</b>	
7	14.10.28

**16.9.4.5 Signs**

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.24
<b>[DELETED]</b>	
3	13.10.24
<b>[DELETED]</b>	
<b>[DELETED]</b>	
<b>[DELETED]</b>	
7	14.10.24

**16.10 Subdivision Provisions**

The following subdivision provisions apply specifically to the Estuary Estates Structure Plan area.

**16.10.1 [DELETED]**

**16.10.2 [DELETED]**

**16.10.3 [DELETED]**

**16.10.3.1 [DELETED]**

**16.10.3.2 [DELETED]**

**16.10.4 Rules: Activities**

These Rules apply to all subdivision proposals within the Estuary Estates Structure Plan area.

**16.10.4.1 [DELETED]**

**16.10.4.2 [DELETED]**

**16.10.4.3 [DELETED]**

**16.10.4.4 [DELETED]**

**16.10.4.5 [DELETED]**

**16.10.4.6 [DELETED]**

**16.10.5 Subdivision Activity Table**

The following table specifies the status of various subdivision activities within the different Sub-Zones.

For the purpose of this table:

P = Permitted Activity

D = Discretionary Activity

C = Controlled Activity

NC= Non-Complying Activity

RD= Restricted Discretionary Activity

**Table 16.10.5-1**

ACTIVITIES	1 Business	[DELETED]	3 Residential	[DELETED]	[DELETED]	[DELETED]	7 Service	8 Natural Environment
Amendments to existing Cross Leases, Unit Titles and company lease plans for the purpose of showing additions and alterations to lawfully established buildings, accessory buildings and areas for exclusive use by an owner/s	RD		RD				RD	
Any subdivision not otherwise provided for in Table 16.10.5	D		D					
Boundary adjustments or realignments	RD		C				RD	
[DELETED]								
Right of way easements and access lots	RD		RD				RD	
[DELETED]								
[DELETED]								
Subdivision for the purpose of creating free-hold Titles in accordance with Rule 16.10. 10 (except minimum lot sizes)	RD		RD				RD	

Subdivision for the purpose of creating free-hold Titles which does not comply with the minimum lot sizes	NC		NC					NC
Subdivision of existing or approved buildings and/or activities by way of unit Title,	RD		RD					RD
Subdivision that creates a lot/s for the purpose of a reserve, public utilities or infrastructure	RD		RD					RD RD
Subdivision not meeting one or more of the Standards detailed under Part 16.10.10 (except minimum lot sizes)	D		D					D

**16.10.6 [DELETED]**

**16.10.6.1 [DELETED]**

**16.10.7 [DELETED]**

**16.10.7.1 [DELETED]**

**16.10.7.2 [DELETED]**

**16.10.8 Restricted Discretionary Activities**

**16.10.8.1 Matters Over Which Discretion is Restricted**

Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:

- a) Subdivision, **roading** and Lot design **including the ability for sites to accommodate a complying dwelling, required water storage, and suitable onsite parking and manoeuvring areas;**
- b) Consistency with the Estuary Estates Structure Plan Map;
- c) Transport network **(including parking, cycleway and pedestrian facilities)** and vehicle access to lots;
- d) **Availability of sufficient water supply** (rainwater harvesting and/or reticulated water supply **for sub-zone 3A which meet all relevant legislative requirements for drinking water**), and water demand management (savings\*) including for fire fighting;
  - dd) The location and land area requirements of water reservoirs(s) identified with the first subdivision of the Residential Sub-Zone 3D
- e) Low impact design, stormwater treatment and disposal;
- ee) Stormwater management plan for the hydrology of Wetlands 1, 2 and 3
- eee) Consent notices for stabilised roofing material
- f) Public utilities;
- ff) The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal**
- g) Planting and landscaping.
- h) Ecological effects;

- i) Pedestrian and cycling connectivity to open space and shared path networks;
- j) Ecology management plan for the Sub-Zone 8 areas Wetland 3, including weed and pest control and indigenous revegetation (where appropriate) and any required mechanisms for ownership and maintenance of the area
- k) Design and construction of central watercourse

\* For example through the use of the Water Efficiency Labelling Scheme

#### 16.10.8.2 Assessment Criteria for Restricted Discretionary Activities

Council will have regard to the following assessment criteria when considering and determining an application for Resource Consent:

- a) The extent to which the proposal is consistent with the Estuary Estates Structure Plan Map. The assessment of any application must establish the means through which any proposal will implement the Estuary Estates Design and Environmental Guidelines detailed under Appendix 16.1 and the Mangawhai Design Guidelines in Appendix 25A.
- b) The extent to which adequate access is provided to each lot.
- c) Where common lots are proposed, the extent to which appropriate mechanisms are provided to ensure that all infrastructure management and maintenance requirements are sustainable.
- d) The nature of proposed street frontage in terms of securing effective, safe access onto a legal road.
- e) Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.

**ee** For the catchment of Wetlands 1, 2 and 3, a stormwater management plan shall address the best practicable option to maintain surface flow hydrology.

**eee** Consent notices shall require stabilised roofing materials.

- f) **The nature of the connection to Council's reticulated wastewater system. Whether the proposed development or activity can be accommodated within the existing or planned capacity of the reticulated wastewater network and whether the servicing needs of the proposed development require upgrades to existing infrastructure.**
- g) Where any existing or approved buildings are to be subdivided, the effects of the proposal in regard to meeting relevant Development Control Standards.
- h) Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.
- i) Where any subdivision adjoins an area identified as "amenity planting" and/or any areas identified as Sub-Zone 8 on the Structure Plan, whether the details of the planting have been provided and for Sub-Zone 8 areas an ecology management plan, including **10m riparian planting to streams and wetlands**, weed and pest management controls and indigenous revegetation (where appropriate), are provided and any required mechanisms for ownership and maintenance of the area. For the avoidance of doubt the amenity planting areas may form parts of private lots and be held in private ownership.
- j) Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.
- jj) The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity
- k) Existing and probable future traffic volumes, pedestrian and cyclist volumes and effects on adjacent roads including the intersection of Molesworth Drive and Moir Street, and the intersection of Insley Street and Moir Street.
- l) The design of the central watercourse within sub-precinct 3A to establish stormwater conveyance, treatment opportunities, recreation links and recreated freshwater habitat
- m) Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8 of 13.11.1)

- n) The provision, **capacity** and design of reticulated supply of water **sufficient to meet the needs of the subdivision and development which meet all relevant guidelines, the Code of Practice referenced in 16.1.6 and legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms (eg. consent notices) for their implementation within Residential Sub Zone 3A, or any other sub zone intended to be reticulated.**
- o) The extent the proposal has regard to the assessment criteria i) to v) in Rule 13.14.4.
- p) The extent to which the proposal provides connections to transport networks **including walking and cycling (and indicative connections as shown on the structure plan) and roading function and design, including parking consistent with Appendix 16.2.**
- q) The extent of land required for water reservoir(s) to service **the Residential Sub-Zone 3A subdivision and development proposed to be provided with reticulated water supply** is detailed by an engineering assessment by a suitably qualified and experienced professional associated with the first subdivision of the Residential Sub-Zone 3D.

#### 16.10.9 [DELETED]

#### 16.10.9.1 [DELETED]

#### 16.10.10 Development Controls

All Activities shall comply with the relevant controls of Rule 16.10.10.

#### 16.10.10.1 Lot Sizes

- a) No vacant lots shall be created by subdivision, where the gross area of any Freehold Title is less than the minimum specified for each Sub-Zone in the table below.
- b) There shall be no minimum lot size where subdivision occurs around existing approved development or in conjunction with a land use consent.
- c) The minimum lot sizes must be exclusive of any area shown as Sub-Zone 8 on the Structure Plan.

Sub-Zone	Minimum Vacant Freehold Lot Size
1	500m <sup>2</sup>
[DELETED]	
[DELETED]	
[DELETED]	
3	
A	350m <sup>2</sup>
B	500m <sup>2</sup>
C	750m <sup>2</sup>
D	1000m <sup>2</sup>
[DELETED]	
[DELETED]	
[DELETED]	
7	1000m <sup>2</sup>

#### 16.10.10.2 Building Platform Locations

All vacant residential lots shall be of a size and shape which accommodates a building platform which is 8 by 15 and clear of all yard setbacks identified in Rule 16.8.2.3.

#### 16.10.10.3 Boundary Adjustments

New lots may be created by way of boundary adjustments between existing lots provided that:

- a) There are two **are or** more existing lots;
- b) Each of the lots has a separate Certificate of Title;
- c) Any approved residential building platform is retained in its approved location, or a new location which meets Rule 16.10.10.2 is identified;
- d) There is no increase in any existing non-compliance with the Development Controls for Permitted Activities as set out in Part 16.8 unless Resource Consent is obtained for such non-compliances in conjunction with the proposed boundary adjustment; and
- e) No additional lots or Certificate of Title in separate ownership are created.

**16.10.10.4 Subdivision Design**

**1 Roads and Access**

- a) All roading and access shall be consistent with the Estuary Estates Structure Plan Map
- b) The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.13.2
[DELETED]	
3	13.13.2
[DELETED]	
[DELETED]	
[DELETED]	
7	14.13.2

**2 [DELETED]**

**3 Services**

The following Rules shall apply as follows:

Sub-Zone	Provision for the Extension of Services	Water Supply	Stormwater Disposal	Wastewater Disposal
1	14.13.3	14.13.4	14.13.5	14.13.6
[DELETED]				
3	13.14.3	13.14.4 <b>and 16.8.3 b), c) &amp; d).</b> Lots less than 500 m2 in the Residential Sub Zone 3A must be serviced by a reticulated water supply <b>sufficient to meet the needs of the subdivision and development.</b> Lots greater than 500 m2 in the Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 <b>and 16.8.3 a).</b>	13.14.5	13.14.6
[DELETED]				

[DELETED]				
[DELETED]				
7	14.13.3	14.13.4	14.13.5	14.13.6

**4 [DELETED]**

**5 [DELETED]**

**6 Legal Protection**

As appropriate, legal protection of any amenity landscape feature, bush area, indigenous vegetation plantings as an enhancement of bush, stream or wetland, public access way or stormwater management systems shall be secured through a Consent Notice or other suitable legal instrument that is registered on the title of the land concerned. Where appropriate, legal protection may also be achieved through a Queen Elizabeth II National Trust Covenant, a covenant with Council, a Conservation Covenant under Section 77 of the Reserves Act or by vesting land in a public authority as a public reserve and/or through private reserve status.

**7 Preservation/Enhancement of Areas Of Archaeological, Cultural Or Spiritual Significance**

The subdivision design and layout shall preserve and/or enhance areas of archaeological, cultural or spiritual significance.

**16.11 Financial Contribution Provisions**

The provisions of Chapter 22: Financial Contributions of this Plan shall apply.

**16.11A Network Utilities**

- 1) Water storage that does not comply with the permitted activity performance standards in Rule 10.11.1 is a Restricted Discretionary Activity, and the assessment criteria listed in Rule 10.11.1 shall be the matters of discretion.
- 2) Rule 10.11.10 does not apply to water storage.

**16.12 Temporary Activity Provisions**

**16.12.1 Resource Management Issues**

Temporary activities within the Estuary Estates Structure Plan area have the potential to have significant adverse effects on neighbouring properties and the community at large. In particular temporary activities create the following issues:

**16.12.1.1 The appearance of temporary buildings associated with construction works.**

**16.12.1.2 The size, frequency and duration of temporary buildings and activities.**

**16.12.1.3 The impact of such buildings and activities from noise, crowd management, health and safety and traffic generation.**

**16.12.2 Objectives and Policies**

**16.12.2.1 Temporary Activities Objective**

To provide for the community within the Estuary Estates Structure Plan area and the wider Mangawhai Areas general wellbeing through the provisions of Temporary Activities while ensuring such activities are operated at a level which avoids or mitigates adverse effects on the environment.

**Policy**

- a) By adopting appropriate provisions to control the duration, size and extent of Temporary Activities.

**16.12.3 Rules: Activities**

**16.12.3.1 Permitted Activities**

The following activities listed in 16.12.3.2-16.12.3.4 and any buildings and structures associated with the temporary activities are Permitted Activities in all Sub-Zones. Should any activity listed in this section conflict with the activity status listed in another section of this Chapter, the Temporary Activities provisions shall prevail.

**16.12.3.2 Temporary Activities Ancillary to Building and Construction Works**

Temporary buildings, offices, storage sheds, storage yards, scaffolding and false work, workshops or uses of a similar character where such activities are:

- a) Ancillary to and required for a building or construction project; and
- a) Located on the site same as the building or construction project; and
- b) Limited to the duration of the project or for a period of 12 months (whichever is the lesser).

**16.12.3.3 Public Performances, Concerts, Shows, Musical and Theatrical Entertainment, Cultural and Sporting Events, Exhibitions, Fairs, Galas, Markets, Carnivals, Festivals, Parades, Rallies, Filming, Weddings, Meetings**

Any Temporary Activity, including the use of buildings, for purposes such as public performances, concerts, shows, musical and theatrical entertainment, cultural and sporting events, exhibitions, fairs, galas, markets (excluded those listed in Rule 16.12.3.4), carnivals, festivals, parades, rallies, filming, weddings, meetings and activities of a similar nature provided that:

- a) Such activities, including structures for these activities, do not occupy any venue for more than a total of five days (inclusive of the time required for establishing and removing all structures and activities associated with the use);
- b) The number of people attending the event at any one time does not exceed 200 persons when the activity is undertaken outside;
- c) Any associated electronically amplified entertainment complies with all of the following:
  - i. It does not commence before 10am on any day;
  - ii. It is completed by 10pm on the day of the performance or 12.00pm on Fridays and/or Saturdays or 1:00am the following day on New Year's Eve; and
  - iii. The 'Temporary Noise' Performance Standards shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.15
[DELETED]	
3	13.10.15
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.15

- d) The  $L_{eq}$  noise level and  $L_{10}$  noise level arising from the event does not exceed 75dBA  $L_{eq}$  or 85dBA  $L_{10}$  when measured at the notional boundary of any adjacent site with a residential use;
- e) A Temporary Activity occurs no more than five times in any one calendar year at any one location;
- f) All fixed exterior lighting associated with Temporary Activities shall be directed away from adjacent residential sites and public roads;
- g) All temporary activities that exceed a duration of two hours and do not have access to public or private toilet facilities shall provide sanitary facilities for the duration of the activity in accordance with the NZ Building Code Clause G1. When using Clause G1 if the activity is not undertaken within a building the most appropriate building use shall be applied.

**16.12.3.4 Markets in Sub-Zone 1**

Markets occurring at any frequency throughout the year in Sub-Zone 1.

**16.12.4 Restricted Discretionary Activities**

The following activity is a Restricted Discretionary Activities in all Sub-Zones and on public roads provided that the activity meets the terms detailed below, otherwise the activity is a Discretionary Activity.

**16.12.4.1 Public Performances, Concerts, Shows, Musical and Theatrical Entertainment, Cultural and Sporting Events, Exhibitions, Fairs, Galas, Markets, Carnivals, Festivals, Parades, Rallies, Filming, Weddings, Meetings**

- a) Any Temporary Activity, including the use of buildings, for purposes such as public performances, concerts, shows, musical and theatrical entertainment, cultural and sporting events, exhibitions, fairs, galas, markets (excluded those listed in Rule 16.12.3.4), carnivals, festivals, parades, rallies, filming, weddings, meetings and activities of a similar nature which:
  - i. Occupies a venue for more than five days but no more than seven days (inclusive of the time required for establishing and removing all structures and activities associated with the use); and/or
  - ii. Exceeds a capacity of 200 persons but no more than 500 persons at any one time when the activity is undertaken outside; and/or
  - iii. Occurs more than five times a year at any one location; and/or
  - iv. Is not located in any area identified as Green Network on the Estuary Estates Structure Plan Map 1 other than the Village Green in Community 2 Sub-Zone or any public road.

**16.12.4.2 Restricted Discretionary Assessment Criteria**

The following criteria shall be taken into account when considering Restricted Discretionary Applications for Temporary Activities:

- a) The proposed hours of operation and duration of the activity;
- b) The nature and intensity of the activity;
- c) The extent to which the activity may give rise to adverse effects including noise on residentially used buildings within and surrounding the activity;
- d) The extent to which the activity may give rise to adverse effects related to the activities of crowds using the road network and the car parking facilities and the extent to which those effects are avoided, remedied or mitigated;
- e) The ability to supply potable water in compliance with the Drinking-Water Standards for New Zealand for the duration of the activity;
- f) The provision and location of adequate sanitation facilities throughout the duration of the activity in accordance with the Building Act;
- g) Compliance with Food Hygiene Standards and regulations;
- h) The appropriateness and control measures in place for the sale of liquor for consumption on the premises;
- i) Provision of an Emergency Management Plan which specifies a clear set of roles and procedures in the case of an accident or emergency; and
- j) The effect of the activity on the use normally made of the site if the site is usually available to the public.

**16.13 Definitions Specific to the Structure Plan Area**

The following definitions apply specially to the Estuary Estates Structure Plan area and override definitions contained in Chapter 24. In all other cases the definitions of Chapter 24 apply:

**Community Facilities and Services:** means any land or buildings which are used in whole or in part for cultural, social, ceremonial, spiritual and religious activities for meditation, community services, including fire and medical service bases, and functions of a community character. This may include a church, church hall, church yard and marae.

**Conference and Events Facility:** means non-retail activities catering for conferences, functions, meetings, education forums and including events such as trade and cultural shows, and exhibitions and does not include visitor accommodation.

**Entertainment:** means land or buildings in which facilities are provided for at a charge to the public, or by private reservation, for entertainment purposes and may include premises licensed under the Sale of Liquor Act, theatres, cinemas, casinos, cabarets, clubs, amusement galleries.

**Gross Floor Area:** means the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings or, in the absence of walls, from the exterior edge of the floor. In particular, gross floor area includes:

- Voids except as otherwise provided, where vertical distance between storey levels exceeds 6.0m, the gross floor area of the building or part of the building affected shall be taken as the volume of that airspace in cubic metres divided by 3.6;
- Basement space except as specifically excluded by this definition;
- Elevator shafts, stairwells and lobbies at each floor unless specifically excluded by this definition;
- Breezeways;
- Interior roof space providing headroom of 2m or more whether or not a floor has been laid;
- Floor spaces in interior balconies and mezzanines;
- Floor space in terraces (open or roofed), external balconies, porches if more than 50% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure; and
- All other floor space not specifically excluded.

The gross floor area of a building shall not include:

- Uncovered steps;
- Interior roof space having less than 2m headroom provided that this area shall not be used for any other purpose than for building services such as electrical ducting but does not include ablutions;
- Floor space in terraces (open or roofed), external balconies or porches where not more than 50% of the perimeter of these spaces is enclosed and provided that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m, shall not constitute an enclosure;
- Pedestrian circulation space;
- Basement space for stairs, escalators and elevators essential to the operation of a through-site link, or servicing a floor primarily for car parking and/or loading;
- Required off-street car parking and/or loading spaces;
- Car parking in basement space or underground parking areas (including manoeuvring areas, access aisles and access ramps);
- Service station canopies;
- Non-habitable floor space in rooftop structures; and
- Any entrance foyer / lobby or part of it including the void forming an integral part of it (being a primary means of access to a building), which is open to the public, is accessed directly from a public place and has an overhead clearance of not less than 6.0m.

**Homestay Accommodation;** means a resident person, family or other household within their own dwelling provides accommodation (which may include meals) for reward or payment for not more than five persons. Homestay accommodation is not self-contained and does not include a kitchen sink, dishwashing or laundry facilities.

**Impermeable Surface:** means any surface that does not allow the transfer of surface water to the soil, including buildings, paved areas and unsealed surfaces compacted by regular vehicle use.

**Integrated Residential Development:** Residential development on sites more than 1000m<sup>2</sup> where elements of the development such as building design, open space, landscaping, vehicle access, roads and subdivision are designed to form an integrated whole. The height in relation to boundary and yards development controls do not apply to internal site boundaries within the integrated residential development. The maximum density land use controls do not apply to integrated residential development.

**Local Service Activity:** means business activities providing for servicing, light manufacturing, warehousing, depots and construction and home improvements supply and services.

**Recreational Facilities:** means any public or private land or building which is used wholly or partly for the purpose of active and passive sports and recreation activities, such as health centres, gyms, swimming pools, and stadiums.

**Stacked Parking:** means parking which occurs when access to a parking space is achieved through another park.

**Visitor Centre:** means premises providing information, travel and hire services catering for visitors and tourists.

## APPENDIX 16.1: ESTUARY ESTATES DESIGN AND ENVIRONMENTAL GUIDELINES

These guidelines are to be referenced as assessment criteria for Resource Consent applications as required by Estuary Estates Plan provisions. The Mangawhai Design Guidelines at Appendix 25A of the District Plan also required to be assessed.

### 16.14 [DELETED]

### 16.15 [DELETED]

### 16.15.1 [DELETED]

#### 16.15.2 Road network and streetscape

The Structure Plan Maps illustrate the desired road and streetscape outcomes. Roads shown on the Structure Plan Maps are those that are required, however it is anticipated that additional roads will also be constructed.

All subdivision and development (which seeks to create any new road) should secure the following outcomes:

- Achieve a roading network (as shown on Estuary Estates Structure Plan Map. that is well-connected, visually interesting and which promotes active transport (walking and cycling).
- Provision within the road reserves for footpaths, cycle ways, underground services, lighting, parking, trees, landscaping, street furniture and signage.
- Ensure the scale and type of street tree planting, under planting, carriage alignments, footpaths, cycle ways, underground services, lighting, parking, street furniture and signage reflect the road hierarchy
- Maximise pedestrian and cyclist safety and connectivity through the use of appropriate materials to define routes/pathways, visibility of linkages and using clear signage.
- Use mountable kerbs, swales, rain gardens, grass berms and sand filters to capture and filter stormwater.
- Street lighting should safely illuminate pedestrian and cycle paths and roads and access ways without adversely affecting residential uses.
- Provide on-road and short term parking within the road network without impeding traffic or pedestrian movements.
- Align roads to front the green network or other public open spaces where practicable.
- Street blocks in the sub zones 3A and 3B should not exceed a length of 250m or a perimeter of 650m.
- Other than for the collector road and the ring road, streets should be designed with traffic calming measures that result in 30km/h maximum vehicle speeds.
- Roads and blocks should be laid out so as to relate to the underlying landform, and minimise the need for tall retaining structures.

### 16.15.3 [DELETED]

#### 16.15.2.1 Residential Lot Layout

- As many lots as possible should front onto and be accessed directly from a legal road or from a privately owned rear lane which is used for access only, while lots still front public roads.
- Rear lots should be avoided unless there are topographical or natural feature constraints that justify the rear lot(s).
- In any event rear lots should not exceed 5% of the total number of lots delivered in the zone
- Blocks and lots should be designed to enable dwellings with good solar access, privacy and opportunities for buildings to overlook the street.
- Lots should, where practicable, be based on simple rectilinear shapes, preferably rectangles with the narrow-side fronting a street.
- North-facing lots should in general be wider than south, east or west-facing lots so as to allow garages, outdoor spaces and dwellings to sit side-by-side.
- Planting of associated riparian margins and other natural features (within the subdivision site) shall be integrated with the subdivision. Application should include mechanisms for ongoing ownership and maintenance of open space areas (i.e. vesting or private ownership structures).

## 16.16 Sub-Zone Specific Guidelines

### 16.16.1 Business Sub-Zone 1

All development in the Business Sub-Zone 1 should be designed, arranged and laid out to be in accordance with the following guidelines:

- Parking spaces should generally be located behind the mainstreet buildings with some onstreet parking along mainstreet. Parking areas and pedestrian access thereto shall be accessible to and from mainstreet to car parking area
- Development should create a focal point and gateway into the zone by defining and reinforcing a pedestrian-orientated main street as the heart of the community.
- Architecture should be based on a coastal and small-village vernacular promoting intimacy, geometric simplicity, and the use of pitched roofs (including mono pitched roofs).
- Buildings should create an active street frontage by abutting the footpath and should complement one another in terms of design, form and mass.
- Individual buildings should be physically and/or visually connected to each other through the use of pergolas, verandas, awnings, colonnades and/or landscape elements.
- Buildings should incorporate verandas, awnings, or other features which provide shelter for pedestrians.
- 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 eating places should be located to reinforce the streetscape amenity in the Business Sub-Zone.
- Design variation and architectural detail should be used to keep areas of blank wall to a minimum and break up any likely perception of excessive bulk of building(s).
- 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.

### 16.16.2 [DELETED]

### 16.16.3 Integrated Residential Development and Retirement Facilities- Residential Sub-Zone

All integrated residential development or retirement facilities in the Residential Sub-Zone 3 should be designed, arranged and laid out and in general accordance with the following guidelines:

- Units should be oriented, through the placement of doors, windows and balconies, so that they overlook the public street, any adjoining public open space, and the cycle and walking trail shown on the Structure Plan.
- Where a common pedestrian entrance is provided to a building comprising a number of units, the entrance should be clearly visible and accessible from a public street.
- The development should achieve an integrated design theme through consistency of façade treatments, including articulation, window and door proportions, design feature materials and colours. The development should also create visual character and variety through variation in building form and materials, and modulating the built form.
- The main living areas and outdoor space of each unit shall be designed to achieve privacy and good sunlight access. Preferably, outdoor living space is located behind the dwelling unit (except when the allotment and unit face north)
- Building bulk and massing achieves privacy and good sunlight access to adjoining integrated residential development and/or retirement facility dwellings
- A variety of house types and size should be created. These may include detached houses, apartment buildings, duplex houses, and terraced housing
- Buildings massing should be modulated by techniques including -bays, balconies and variation in roof profiles. Particular attention should be given to minimising the impression of unrelieved building bulk for larger scale three or four storey buildings by these techniques, including by setting parts of the building back and the contribution of landscaping within the front yard.

- Buildings massing should be modulated by techniques including bays, balconies to avoid uniformity of appearance.
- Residential buildings should be located at the front of sites overlooking the street.
- Car parking and vehicle access areas should not dominate the street and the appearance of the development. Where an allotment frontage width is less than 9m, a rear access lane should be used
- Garages and parking for all [dwellings residential units](#) should be set further back from the street than the front of any residential building or alternatively, within or at the rear of residential units to maintain safe and easy pedestrian access into any residential unit. Parking should be sufficient (as required by the Plan provisions) to avoid householders vehicles needing to be parked on the street.

**16.16.4 [DELETED]**

**16.16.5 [DELETED]**

**16.16.6 [DELETED]**

**16.17.2 Buildings within the Coastal Environment Overlay**

- Landscape enhancements, with a focus on coastal native vegetation, should be proposed with a landscape plan to soften the visual appearance of buildings adjoining the coastal marine area.
- Recessive, generally dark colours and low reflectivity finishes should be utilised for roofs and walls.

**Appendix 16.2 Table: Road Function and Required Design Elements**

Road Name (refer to Estuary Estates Structure Plan)	Proposed Role and Function of Road	Minimum Road Reserve width	Total number of lanes	Speed Limit (Design)	On Street Parking	Pedestrian and cycle provision	Treatment of stormwater runoff from carriageway
Molesworth Drive Upgrade	Arterial	Varies	4 lane	50	No	3m shared path both sides	Yes
Ring Road	Collector	24m	2 lane	40	Yes	2.5m shared path both sides	Yes
Collector Road	Collector	24m	2 lane	40	Yes	2.5m shared path both sides	Yes
Mainstreet	Local	24m	2 lane	30	Yes	4m footpath both sides	Yes

**Insert the following to Chapter 10 Network Utilities**

10.10 Network Utilities Rules

In any instance where network utility activities are proposed or where works are within the road (road reserve), and the Rules in Chapter 10 and 11 (respectively) overlap (or duplicate) with a Rule in the other Part B Chapters with the exception of Rule 16.11A, the Rules in Chapters 10 and 11 (respectively) will take precedence. Note 1: These rules do not apply if the activity is provided for by way of designation in the District Plan.

**Attachment 3**

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**NRC Letter 10.2.2022**

10 February 2022

To the parties to the appeals on Proposed Private Plan Change 78, Kaipara District Plan,

**Re: Northland Regional Council's position on water supply provisions for PC78 and proposed withdrawal**

Northland Regional Council (NRC) became a party under Section 274 of the RMA to the appeals on Plan Change 78. NRC's interest in the appeals was to ensure adequate infrastructure provision to promote water resilience for the proposed development.

Ensuring people have adequate access to safe drinking water is a prerequisite for a sustainable community. This is of particular importance in Mangawhai as there is only a very limited public reticulated water supply with insufficient capacity for the proposed development. Mangawhai Central Limited (MCL) has investigated the provision of a suitable water supply for the development and settled on a mix of private reticulation and on-site storage for different aspects of the development. It is important that there is scrutiny of both types of water supply to ensure development can be supported.

Northland is prone to extended dry periods and drought. The 2019/2020 drought highlighted some of the water resilience issues facing the area (and wider region) and vulnerability of some water supply networks. During a dry summer in 2015/2016, many properties that relied on rainwater storage required multiple water deliveries and, consequentially, there were significant wait times for water tankers. Given the long-term climate change projections for Northland indicate increased likelihood of extended dry periods/ drought, an increase in the number of hot days per year, and increased risk of wildfires, sufficient provision for water supply is essential.

Modelling of the supply from the proposed private reservoir prepared by MCL's expert advisors indicates that it will be sufficient to provide reticulation to the relevant parts of the development. However, some uncertainty is inherent in relying on a modelled scenario rather than direct physical measurement.

For these reasons, NRC sought to strengthen the provisions in the Plan Change to recognise the possibility that the actual water availability and reliability of supply may not be consistent with that predicted by the model. Amendments were sought to the zone description, objectives, policies and rules relating to water supply, including 16.1.6, 16.3.9.1, 16.7.4, 16.7.4.1 ee) Water Supply, 16.8.3, 16.10, 16.10.8.2 and 16.10.10.4. The amendments have now been agreed between NRC, MCL and Kaipara District Council (KDC).

The amendments are intended to allow for a strong focus on assessing water supply capacity to ensure sufficient water availability at the time that resource consent is sought for each stage of the project.

To give an indication of what “sufficient” capacity means in practice, NRC supports reference to the *Auckland Code of Practice for Land Development and Subdivision: Water and Wastewater Code of Practice for Land Development and Subdivision, Chapter 6: Water (version 2.4, 1 June 2021)*, which provides average water consumption figures for various types of development.

Section 6.3.5.6 details minimum water demand per person per day and includes calculations for different levels of occupancy in residential dwellings and business premises. This document was referenced by MCL’s expert, Mr James Dufty, in his evidence to the KDC hearings panel dated 18 December 2020 and again by Williamson Water and Land Advisory in their hydrology modelling report dated 10 December 2021 when calculating the expected water demand for the development. NRC considers that this is an appropriate guide when assessing water demand for future development on the site.

NRC is satisfied that subject to the adoption of the proposed amendments an appropriate level of scrutiny can be applied through the resource consent process to ensure the provision of a safe and resilient water supply for future development on the site.

NRC intends to undertake its function of regional oversight through involvement in the resource consent process. NRC believes adequate data on water supply availability will be required to ensure consistency with the Regional Planning documents and to demonstrate physical flow data is consistent with that predicted by the modelling. If this is not the case, NRC’s view is an alternative supply will need to be demonstrated prior to further development.

Given that the amendments referred to above address NRC’s remaining interest in the appeals (and the amendments will be pursued by MCL and KDC), NRC will not be filing evidence and intends to withdraw its section 274 notices for the appeals.

NRC would be grateful if the parties could please advise by 4.00pm on Monday 14 February 2022 if they have any issue as to costs with NRC’s withdrawal.

Yours sincerely



**Ben Lee**  
**Planning & Policy Manager**  
**Environmental Services | Te Roopu Tiaki Taiao**

**PC78 Water Supply/Infrastructure Provisions 10 February 2022**

Reference	PC78 Text -JWS (dated 15.12.2021) amendment in yellow NRC changes in blue
16.1.6	<p>Add new bullet point:</p> <ul style="list-style-type: none"> <li>• <a href="#">The Auckland Code of Practice for Land Development and Subdivision: Water and Wastewater Code of Practice for Land Development and Subdivision, Chapter 6: Water (version 2.4, 1 June 2021)</a></li> </ul>
Objective 16.3.9 Utilities, Services and Infrastructure Objective	To ensure the provision of sustainable infrastructure networks that provides for properly serviced, and orderly development
Policy 16.3.9.1	<p><del>5. By ensuring subdivision and development is aligned with infrastructure necessary to serve development</del></p> <p><a href="#">5. By ensuring the infrastructure capacity necessary to serve subdivision and development is available, or that development provides for the necessary extensions or upgrades required to ensure sufficient capacity</a></p>
	<p><del>6. Ensuring that subdivision in Residential Sub Zone 3A (except lower density lots capable of providing adequate onsite water supply), integrated residential development, dwellings in sub-zone 1, visitor accommodation and retirement facilities are serviced by adequate reticulated water supply solutions which meet all relevant legislative requirements for drinking water.</del></p> <p><a href="#">6. By ensuring that the following activities are serviced by water supply including reticulated water supply with adequate capacity to serve the scale and nature of development (in accordance with all relevant guidelines, the Code of Practice referenced in 16.1.6 and legislative requirement for drinking water) and opportunities for water demand management and rainwater harvesting:</a></p> <ol style="list-style-type: none"> <li><a href="#">a. Subdivision and land use in the Residential Sub Zone 3A (except lower density lots capable of providing adequate onsite water supply)</a></li> <li><a href="#">b. integrated residential development</a></li> <li><a href="#">c. dwellings in sub-zone 1</a></li> <li><a href="#">d. visitor accommodation</a></li> <li><a href="#">e. retirement facilities</a></li> <li><a href="#">f. conference centre</a></li> <li><a href="#">g. event centre</a></li> <li><a href="#">h. education facility or</a></li> <li><a href="#">i. recreation facility.</a></li> </ol>

<p>16.7.4 Discretions for Restricted Discretionary Activities</p>	<p>e) Infrastructure; ee) Reticulated Water Supply which meets all relevant legislative requirements for drinking water (including firefighting, rainwater harvesting and water demand management (savings*))  * For example through the use of the Water Efficiency Labelling Scheme</p>
<p>16.7.4.1 Assessment criteria</p>	<p>e) Infrastructure</p> <ul style="list-style-type: none"> <li>i. Whether the proposal avoids creating any demand for services and infrastructure at a cost to the wider community.</li> <li>ii. The extent to which the proposal provides for sustainable infrastructure and servicing and in particular the supply of water.</li> <li>iii. For integrated residential developments, visitor accommodation, or retirement facilities, the provision and design of reticulated supply of water (storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.</li> <li>iv. Whether the proposal utilises low impact stormwater design solutions.</li> </ul>
	<p><del>ee) Water Supply</del></p> <p><del>For integrated residential developments, visitor accommodation, dwellings in sub-zone 1, conference or event centre, education, recreation facility or retirement facilities:</del></p> <ul style="list-style-type: none"> <li><del>i. the provision, capacity and design of reticulated supply of water which meet all relevant legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.</del></li> </ul> <p><b>ee) Water Supply</b></p> <p>The provision, capacity, and design of the reticulated supply of water which meets all relevant guidelines, Code of Practice referenced in 16.1.6 and legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation for the following activities:</p> <ul style="list-style-type: none"> <li>i. integrated residential development</li> <li>ii. dwellings in sub-zone 1 and Residential 3A (except lower density lots able to provide adequate on-site water supply</li> <li>iii. visitor accommodation</li> </ul>

- iv. [conference or event centres](#)
- v. [education facilities](#)
- vi. [recreation facilities; or](#)
- vii. [retirement facilities](#)

Rule 16.8.3  
Water Supply  
and  
Wastewater  
Supply

a) The following Rules shall apply as follows:

Sub-Zone	Water Supply Performance Standards	Wastewater Performance Standard
1	14.13.4	14.13.6
[DELETED]		
3	13.14.4	13.14.6
[DELETED]		
[DELETED]		
7	14.13.4	14.13.6

b) A non-reticulated dwelling must ~~provide a~~ have available a minimum of 50 m3 water storage capacity, inclusive of 10 m3 for fire safety (Rule 16.8.11). Where a reticulated firefighting network is available, the dwelling must provide a minimum 40 m3 water storage capacity.

c) A reticulated dwelling must ~~provide a~~ have available a minimum of 5 m3 water storage capacity for rainwater harvesting and use associated with the dwelling.

d) A reticulated dwelling in a retirement facility must ~~provide a~~ have available a minimum of 3 m3 water storage capacity for rainwater harvesting and use associated with the dwelling.

e) The details of the water storage must be provided with a building consent and/or resource consent application.

16.10  
Subdivision  
16.10.8.1  
Matters Over  
Which

d) Availability of sufficient ~~W~~water supply (rainwater harvesting and/or reticulated water supply for sub-zone 3A which meet all relevant legislative requirements for drinking water), and water demand management (savings\*) including for fire fighting;

\* For example through the use of the Water Efficiency Labelling Scheme

Discretion is Restricted	dd) The location and land area requirements of water reservoirs(s) identified with the first subdivision of the Residential Sub-Zone 3D.																				
16.10.8.2 Assessment Criteria for Restricted Discretionary Activities	<p>m) Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8 of 13.11.1)</p> <p>n) The provision, <b>capacity</b> and design of reticulated supply of water <b>sufficient to meet the needs of the subdivision and development which meet all relevant guidelines, the Code of Practice referenced in 16.1.6 and legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms (eg. consent notices) for their implementation within Residential Sub Zone 3A or any other sub zone intended to be reticulated.</b></p> <p>o) The extent the proposal has regard to the assessment criteria i) to v) in Rule 13.14.4.</p> <p>q) The extent of land required for water reservoir(s) to service <b>the Residential Sub-Zone 3A subdivision and development proposed to be provided with reticulated water supply</b> is detailed by an engineering assessment by a suitably qualified and experienced professional associated with the first subdivision of the Residential Sub-Zone 3D.</p>																				
16.10.10.4 Subdivision Design	<p>3 Services</p> <p>The following Rules shall apply as follows:</p> <table border="1" data-bbox="510 884 1637 1350"> <thead> <tr> <th>Sub-Zone</th> <th>Provision for the Extension of Services</th> <th>Water Supply</th> <th>Stormwater Disposal</th> <th>Wastewater Disposal</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>14.13.3</td> <td>14.13.4</td> <td>14.13.5</td> <td>14.13.6</td> </tr> <tr> <td>[DELETED]</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>13.14.3</td> <td>13.14.4 <b>and 16.8.3 b), c) &amp; d).</b> Lots less than 500 m<sup>2</sup> in the Residential Sub Zone 3A must be serviced by a reticulated water supply <b>sufficient to meet the needs</b></td> <td>13.14.5</td> <td>13.14.6</td> </tr> </tbody> </table>	Sub-Zone	Provision for the Extension of Services	Water Supply	Stormwater Disposal	Wastewater Disposal	1	14.13.3	14.13.4	14.13.5	14.13.6	[DELETED]					3	13.14.3	13.14.4 <b>and 16.8.3 b), c) &amp; d).</b> Lots less than 500 m <sup>2</sup> in the Residential Sub Zone 3A must be serviced by a reticulated water supply <b>sufficient to meet the needs</b>	13.14.5	13.14.6
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				of the subdivisor and development. Lots greater than 500 m2 in the Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 and 16.8.3 a).			
		[DELETED]					
		[DELETED]					
		[DELETED]					
		7	14.13.3	14.13.4	14.13.5	14.13.6	
16.11A Network Utilities	<p>1) Water storage that does not comply with the permitted activity performance standards in Rule 10.11.1 is a Restricted Discretionary Activity, and the assessment criteria listed in Rule 10.11.1 shall be the matters of discretion.</p> <p>2) Rule 10.11.10 does not apply to water storage.</p>						
	<p><u>Insert the following to Chapter 10 Network Utilities</u></p> <p>10.10 Network Utilities Rules</p> <p>In any instance where network utility activities are proposed or where works are within the road (road reserve), and the Rules in Chapter 10 and 11 (respectively) overlap (or duplicate) with a Rule in the other Part B Chapters <u>with the exception of Rule 16.11A</u>, the Rules in Chapters 10 and 11 (respectively) will take precedence. Note 1: These rules do not apply if the activity is provided for by way of designation in the District Plan.</p>						

## **Attachment 4**

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### **New Zealand Coastal Policy Statement – Relevant Objectives and Policies**

### Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by

- Maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- Protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- Maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

### Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- Recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- Identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- Encouraging restoration of the coastal environment.

### Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- Recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- Promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- Incorporating mātauranga Māori into sustainable management practices; and
- Recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

### Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- Recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- Maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- Recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

### Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- Locating new development away from areas prone to such risks;
- Considering responses, including managed retreat, for existing development in this situation; and

- Protecting or restoring natural defences to coastal hazards.

## Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- Functionally some uses and developments can only be located on the coast or in the coastal marine area;
- The coastal environment contains renewable energy resources of significant value;
- The protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- The potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- The proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- Historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

## Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

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 Māori<sup>1</sup> 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 pūkenga<sup>2</sup>, 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 mātaītai or other non-commercial Māori customary fishing; and
- 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.

#### 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;
  - 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;
  - 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;
  - d) Recognise tangata whenua needs for papakāinga<sup>3</sup>, marae and associated developments and make appropriate provision for them;
  - 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;
  - 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;
  - 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;
  - 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.
- (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 b without unreasonable delay

### 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 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.

### Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- a) Avoid adverse effects of activities on:
  - i) Indigenous taxa<sup>4</sup> that are listed as threatened<sup>5</sup> or at risk in the New Zealand Threat Classification System lists;
  - ii) Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
  - iii) Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare<sup>6</sup>;
  - iv) Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
  - v) Areas containing nationally significant examples of indigenous community types; and
  - vi) Areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

- b) Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
  - i) Areas of predominantly indigenous vegetation in the coastal environment;
  - ii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
  - iii) Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
  - iv) Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
  - v) Habitats, including areas and routes, important to migratory species; and
  - vi) Ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

#### 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.

#### Policy 18 Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a) Ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- b) Taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- c) Maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- d) Considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- e) Recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs

#### Policy 19 Walking access

- (1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.
- (2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
  - a) Identifying how information on where the public have walking access will be made publicly available;
  - b) Avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
  - c) Identifying opportunities to enhance or restore public walking access, for example where:
    - i) Connections between existing public areas can be provided; or
    - ii) Improving access would promote outdoor recreation; or
    - iii) Physical access for people with disabilities is desirable; or

- iv) The long-term availability of public access is threatened by erosion or sea level rise; or
  - v) Access to areas or sites of historic or cultural significance is important; or
  - vi) Subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.
- (3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
- a) To protect threatened indigenous species; or
  - b) To protect dunes, estuaries and other sensitive natural areas or habitats; or
  - c) To protect sites and activities of cultural value to Māori; or
  - d) To protect historic heritage; or
  - e) To protect public health or safety; or
  - f) To avoid or reduce conflict between public uses of the coastal marine area and its margins; or
  - g) For temporary activities or special events; or
  - h) For defence purposes in accordance with the Defence Act 1990; or New Zealand Coastal Policy Statement 2010 21
  - i) To ensure a level of security consistent with the purpose of a resource consent; or
  - j) In other exceptional circumstances sufficient to justify the restriction.
- (4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

#### Policy 22 Sedimentation

- (1) Assess and monitor sedimentation levels and impacts on the coastal environment.
- (2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.
- (3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.
- (4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.

#### Policy 23 Discharge of contaminants

- (1) In managing discharges to water in the coastal environment, have particular regard to:
  - a) The sensitivity of the receiving environment;
  - b) The nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and
  - c) The capacity of the receiving environment to assimilate the contaminants; and:
  - d) Avoid significant adverse effects on ecosystems and habitats after reasonable mixing;
  - e) Use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and
  - f) Minimise adverse effects on the life-supporting capacity of water within a mixing zone.
- (2) In managing discharge of human sewage, do not allow:
  - a) Discharge of human sewage directly to water in the coastal environment without treatment; and

- b) The discharge of treated human sewage to water in the coastal environment, unless:
  - i) There has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and
  - ii) Informed by an understanding of tangata whenua values and the effects on them.
- (3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.
- (4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment-by-catchment basis, by:
  - a) Avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;
  - b) Reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;
  - c) Promoting integrated management of catchments and stormwater networks; and
  - d) Promoting design options that reduce flows to stormwater reticulation systems at source.
- (5) In managing discharges from ports and other marine facilities:
  - a) Require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;
  - b) Require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;
  - c) Require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and
  - d) Consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating

**Attachment 5**

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**National Policy Statement for Urban Development 2020 – Relevant Objectives and Policies**

### Objective 1

New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

### Objective 2

Planning decisions improve housing affordability by supporting competitive land and development markets.

### Objective 3

Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- a) The area is in or near a centre zone or other area with many employment opportunities
- b) The area is well-serviced by existing or planned public transport
- c) There is high demand for housing or for business land in the area, relative to other areas within the urban environment.

### Objective 4

New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

### Objective 5

Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

### Objective 6

Local authority decisions on urban development that affect urban environments are:

- a) Integrated with infrastructure planning and funding decisions; and
- b) Strategic over the medium term and long term; and
- c) Responsive, particularly in relation to proposals that would supply significant development capacity.

### Policy 1

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a) Have or enable a variety of homes that:
  - i) Meet the needs, in terms of type, price, and location, of different households; and
  - ii) Enable Māori to express their cultural traditions and norms; and
- b) Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- c) Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

- d) Support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- e) Support reductions in greenhouse gas emissions; and
- f) Are resilient to the likely current and future effects of climate change

#### Policy 6

When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a) The planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- b) That the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
  - i) May detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
  - ii) Are not, of themselves, an adverse effect
- c) The benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1).
- d) Any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity.
- e) The likely current and future effects of climate change.

#### Policy 8

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- a) Unanticipated by RMA planning documents; or
- b) Out-of-sequence with planned land release.

#### Policy 9

Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- a) Involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- b) When preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and
- c) Provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- d) Operate in a way that is consistent with iwi participation legislation.

**Attachment 6**

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**National Policy Statement for Freshwater Management 2020 – Relevant Objectives  
and Policies**

## Objective 1

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
- a) First, the health and well-being of water bodies and freshwater ecosystems
  - b) Second, the health needs of people (such as drinking water)
  - c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

## Policy 1

Freshwater is managed in a way that gives effect to Te Mana o te Wai.

## Policy 2

Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

## Policy 3

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

## Policy 6

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

## Policy 9

The habitats of indigenous freshwater species are protected.

## Policy 15

Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

**Attachment 7**

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**Regional Policy Statement for Northland – Relevant Objectives and Policies**

### Objective 3.1 Integrated catchment management

Integrate the management of freshwater and the subdivision, use and development of land in catchments to enable catchment-specific objectives for fresh and associated coastal water to be met.

### Objective 3.2 Region-wide water quality

Improve the overall quality of Northland's fresh and coastal water with a particular focus on:

- a) Reducing the overall Trophic Level Index status of the region's lakes;
- b) Increasing the overall Macroinvertebrate Community Index status of the region's rivers and streams;
- c) Reducing sedimentation rates in the region's estuaries and harbours;
- d) Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and
- e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.

### Objective 3.3 Ecological flows and water levels

Maintain flows, flow variability and water levels necessary to safeguard the life-supporting capacity, ecosystem processes, indigenous species and the associated ecosystems of freshwater.

### Objective 3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.

### Objective 3.5 Enabling Economic Wellbeing

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 for regionally significant infrastructure.

\*Includes aggregates and other minerals.

### Objective 3.8 Efficient and Effective Infrastructure

Manage resource use to:

- a) Optimise the use of existing infrastructure;
- b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and
- c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.

### Objective 3.10 Use and allocation of common resources

Efficiently use and allocate common natural resources, with a particular focus on:

- a) Situations where demand is greater than supply;
- b) The use of freshwater and coastal water space; and
- c) Maximising the security and reliability of supply of common natural resources for users.

### Objective 3.11 Regional form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

### Objective 3.12 Tangata whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

### Objective 3.13 Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:

- a) Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events;
- b) Becoming better prepared for the consequences of natural hazard events;
- c) Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;
- d) Not compromising the effectiveness of existing defences (natural and man-made);
- e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and
- f) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities.
- g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.

### Objective 3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage

Identify and protect from inappropriate subdivision, use and development;

- a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;
- b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;
- c) The integrity of historic heritage.

#### Objective 3.15 Active management

Maintain and / or improve;

- a) The natural character of the coastal environment and fresh water bodies and their margins;
- b) Outstanding natural features and outstanding natural landscapes;
- c) Historic heritage;
- d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);
- e) Public access to the coast; and
- f) Fresh and coastal water quality by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.

#### Policy 4.1.1 Catchment-specific objectives and limits

Collaboratively:

- a) Identify the values of water in catchments and receiving estuaries and harbours;
- b) Provide for these values by establishing catchment-specific objectives and set water quality limits and environmental flows and / or levels, and where necessary targets; and
- c) Establish methods to avoid, and where necessary phase out, over-allocation.

#### Policy 4.2.1 Improving overall water quality

Improve the overall quality of Northland's water resources by:

- a) Establishing freshwater objectives and setting region-wide water quality limits in regional plans that give effect to Objective 3.2 of this regional policy statement.
- b) Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and
- c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands.

#### Policy 4.3.2 Avoiding over-allocation

Establish regulatory methods to avoid or phase out the over-allocation of region-wide ecological flows and water levels.

#### Policy 4.3.3 Efficient allocation and use of water

Allocate and use water efficiently within allocation limits.

#### Policy 4.3.4 Water harvesting, storage and conservation

Recognise and promote the benefits of water harvesting, storage, and conservation measures.

#### Policy 4.4.1 Maintaining and protecting significant ecological areas and habitats

- (1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:
  - a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
  - b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;
  - c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.
- (2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:
  - a) Areas of predominantly indigenous vegetation;
  - b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;
  - c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.
- (3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:
  - a) Areas of predominantly indigenous vegetation;
  - b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;
  - c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.
- (4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:
  - a) Recognise that a minor or transitory effect may not be an adverse effect;
  - b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;
  - c) Recognise that there may be more than minor cumulative effects from minor or transitory effects.
- (5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it maybe appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.

#### Policy 4.4.2 Supporting restoration and enhancement

Support voluntary efforts of landowners and community groups, iwi and hapū, to achieve Objective 3.15.

#### Policy 4.5.2 Application of the Regional Policy Statement – Maps

The Regional Policy Statement Maps of high and outstanding natural character and outstanding natural features and outstanding natural landscapes identify areas that are sensitive to subdivision, use and development. The maps of these areas identify where caution is required to ensure activities are appropriate. However, suitably qualified assessment at a site or property-specific level can be used to demonstrate lesser (or greater) sensitivity to particular subdivision, use and development proposals given the greater resolution provided

#### Policy 4.5.3 Assessing, identifying and recording historic heritage

Historic heritage resources (areas, places, sites, buildings, or structures either individually or as a group) are identified taking into account one or more of the following criteria:

- a) Archaeological and / or scientific importance: the resource contributes significantly to our understanding of human history or archaeological research;
- (b) Architecture and technology: the structure or building is significant due to design, form, scale, materials, style, period, craftsmanship, construction technique or other unique element / characteristic;
- (c) Rarity: the resource or site is unique, uncommon or rare at a district, regional or national level;
- (d) Representativeness: the resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic;
- (e) Integrity: the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region;
- (f) Context: the resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale;
- (g) People and events: the resource is directly associated with the life or works of a well-known or important individual, group or organisation and/ or is associated with locally, regionally or nationally significant historic events;
- (h) Identity: the resource provides a sense of place, community identity or cultural or historical continuity;
- (i) Tangata whenua: the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons; and
- (j) Statutory: the resource or feature is recognised nationally or internationally, including: a World Heritage Site under the World Heritage Convention 1972; is registered under the Historic Places Act 1993; or is recognised as having significant heritage value under a statutory acknowledgement or other legislation.

#### Policy 4.6.1 Managing effects on the characteristics and qualities natural character, natural features and landscapes

- (1) In the coastal environment:
  - a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.
  - b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:
    - (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines,

- headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
    - (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and
    - (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.
- (2) Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the natural character of freshwater bodies. Methods which may achieve this include:
  - a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins;
  - b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;
  - c) Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.
- (3) When considering whether there are any adverse effects on the characteristics and qualities<sup>9</sup> of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:
  - a) Recognise that a minor or transitory effect may not be an adverse effect;
  - b) Recognise that many areas contain ongoing use and development that:
    - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established
    - (ii) May be dynamic, diverse or seasonal;
  - c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and
  - d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.

<sup>9</sup> For areas that have been mapped, the worksheets referred to in Appendix 1 identify characteristics and qualities.

#### Policy 4.6.2 Maintaining the integrity of heritage resources

- 1) Protect the integrity of historic heritage resources that have been identified in plans in accordance with Policy 4.5.3 and Method 4.5.4(3):
  - a) By avoiding significant adverse effects of subdivision, use and development and avoiding, remedying or mitigating other adverse effects (including cumulative adverse effects) on historic heritage in the following way:
    - i) Requiring careful design and location of subdivision, use and development to retain heritage buildings and other physical elements of historic heritage and where practical enhance public use and access;

- ii) Restricting the demolition / relocation of and / or inappropriate modifications, additions or alterations to physical elements of historic heritage;
  - iii) Recognising that the integrity of many historic heritage resources relies on context and maintain these relationships in the design and location of subdivision, use and development;
  - iv) Recognising the collective value of groups of heritage buildings, structures and / or places, particularly where these are representative of Northland's historic settlements, architecture or periods in history and maintain the wider character of such areas; and
  - v) Restricting activities that compromise important spiritual or cultural values held by Māori / Mana Whenua and / or the wider community in association with particular heritage places or features.
- (2) Despite the above:
- a) Clause 1 does not apply where natural hazards threaten the viability of regionally significant infrastructure and / or public health and safety; or
  - b) Regionally significant infrastructure proposals that cannot meet 4.6.2(1) may still be appropriate after assessment against the matters in Policy

#### Policy 4.7.1 Promote active management

In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:

- a) Pest control, particularly where it will complement an existing pest control project / programme;
- b) Soil conservation / erosion control;
- c) Measures to improve water quality in parts of the coastal marine area where it has deteriorated and is having significant adverse effects, or in freshwater bodies targeted for water quality enhancement;
- d) Measures to improve flows and / or levels in over allocated freshwater bodies;
- e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;
- f) Maintenance of historic heritage resources (including sites, buildings and structures);
- g) Improvement of public access to and along the coastal marine area or the margins of rivers or lakes except where this would compromise the conservation of historic heritage or significant indigenous vegetation and / or significant habitats of indigenous fauna;
- h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna;
- i) Protection of indigenous biodiversity values identified under Policy 4.4.1, outstanding natural character, outstanding natural landscapes or outstanding natural features either through legal means or physical works;
- j) Removal of redundant or unwanted structures and / or buildings except where these are of historic heritage value or where removal reduces public access to and along the coast or lakes and rivers;
- k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;
- l) Restoration of natural processes in marine and freshwater habitats

#### Policy 4.7.2 Supporting landowner and community efforts

Support landowners, iwi, hapū, and community efforts to actively manage or improve key aspects of the environment especially where there is willing collaboration between participants and those efforts are directed at one or more of the activities in Policy 4.7.1.

#### Policy 4.7.3 Improving natural character

Except where in conflict with established uses promote rehabilitation and restoration of natural character in the manner described in Policy 4.7.1 in the following areas:

- a) Wetlands, rivers, lakes, estuaries, and their margins;
- b) Undeveloped or largely undeveloped natural landforms between settlements, such as coastal headlands, peninsulas, ridgelines, dune systems;
- c) Areas of high natural character;
- d) Land adjacent to outstanding natural character areas, outstanding natural features, and outstanding natural landscapes;
- e) Remnants of indigenous coastal vegetation particularly where these are adjacent to water or can be linked to establish or enhance ecological corridors; and
- f) The areas or values identified in Policy 4.4.1 (protecting significant areas and species).

#### Policy 5.1.1 Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

- a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;
- b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;
- c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;
- d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;
- e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;
- f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils<sup>10</sup>, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and
- g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.
- h) Is or will be serviced by necessary infrastructure.

Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality

#### Policy 5.1.2 Development in the coastal environment

Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:

- a) Consolidates urban development<sup>12</sup> within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;
- b) Ensures sufficient development setbacks from the coastal marine area to;
  - i) maintain and enhance public access, open space, and amenity values; and
  - ii) allow for natural functioning of coastal processes and ecosystems;
- c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);
- d) Ensures adequate infrastructure services will be provided for the development; and
- e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing.

Note: in determining the appropriateness of subdivision, use and development, all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality

#### Policy 5.1.3 Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

- a) Primary production activities in primary production zones (including within the coastal marine area);
- b) Commercial and industrial activities in commercial and industrial zones;
- c) The operation, maintenance or upgrading of existing or planned<sup>13</sup>regionally significant infrastructure<sup>14</sup>; and
- d) The use and development of regionally significant mineral resources<sup>15</sup>.

#### Policy 5.2.1 Managing the use of resources

Encourage development and activities to efficiently use resources, particularly network resources, water and energy, and promote the reduction and reuse of waste.

#### Policy 5.2.2 Future-proofing infrastructure

Encourage the development of infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community.

#### Policy 5.2.3 Infrastructure, growth and economic development

Promote the provision of infrastructure as a means to shape, stimulate and direct opportunities for growth and economic development.

#### Policy 5.3.3(3). Managing adverse effects arising from regionally significant infrastructure

When managing the adverse effects of regionally significant infrastructure decision makers will give weight to:

- a) The benefits of the activity in terms of Policy 5.3.2;
- b) Whether the activity must be recognised and provided for as directed by a national policy statement;
- c) Any constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects;
- d) Whether the proposal is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland.
- e) The extent to which the adverse effects of the activity can be practicably reduced. Such an assessment shall also take into account appropriate measures, when offered, to provide positive effects, either within the subject site or elsewhere provided that the positive effects accrue to the community of interest and / or resource affected; and
- f) Whether a monitoring programme for any identified significant adverse effects with unknown or uncertain outcomes could be included as a condition of consent and an adaptive management regime (including modification to the consented activity) is used to respond to such effects.
- g) Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.

#### Policy 6.1.1 Regional and district plans

Regional and district plans shall:

- a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;
- b) Be as consistent as possible;
- c) Be as simple as possible;
- d) Use or support good management practices;
- e) Minimise compliance costs and enable audited self-management where it is efficient and effective;
- f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and
- g) Focus on effects and where suitable use performance standards.

#### Policy 6.1.2 Precautionary approach

Adopt a precautionary approach towards the effects of climate change and introducing genetically modified organisms to the environment where they are scientifically uncertain, unknown, or little understood, but potentially significantly adverse.

#### Policy 7.1.1 General risk management approach

Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:

- a) Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;
- b) Minimising any increase in vulnerability due to residual risk;
- c) Aligning with emergency management approaches (especially risk reduction);
- d) Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and
- e) Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.

#### Policy 7.1.3 New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas)

Within areas potentially affected by coastal hazards over the next 100 years (including high risk coastal hazard areas), the hazard risk associated with new use and development will be managed so that:

- a) Redevelopment or changes in land use that reduce the risk of adverse effects from coastal hazards are encouraged;
- b) Subdivision plans are able to identify that building platforms are located outside high risk coastal hazard areas and these building platforms will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe;
- c) Coastal hazard risk to vehicular access routes for proposed new lots is assessed;
- d) Any use or development does not increase the risk of social, environmental or economic harm (from coastal hazards);
- e) Infrastructure should be located away from areas of coastal hazard risk but if located within these areas, it should be designed to maintain its integrity and function during a hazard event;
- f) The use of hard protection structures is discouraged and the use of alternatives to them promoted; and
- g) Mechanisms are in place for the safe storage of hazardous substances.

#### Policy 7.1.6 Climate change and development

When managing subdivision, use and development in Northland, climate change effects will be included in all estimates of natural hazard risk, taking into account the scale and type of the proposed development and using the latest national guidance and best available information on the likely effects of climate change on the region or district.

#### Policy 8.1.1 Tangata whenua participation

The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.

#### Policy 8.1.2 The regional and district council statutory responsibilities

The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):

- a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;
- b) Have particular regard to kaitiakitanga; and
- c) take into account the principles of the Treaty of Waitangi including partnership.

#### Policy 8.1.3 Use of Mātauranga Māori

The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.

#### Policy 8.1.4 Māori concepts, values and practices

Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.

**Attachment 8**

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**Kaipara District Plan – Relevant Objectives and Policies**

## **Chapter 2 District Wide Resource Management Issues**

### **Objective 2.4.1**

To maintain and enhance opportunities for sustainable resource use, to enable economic development and growth.

### **Objective 2.4.2**

To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.

### **Objective 2.4.3**

To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.

### **Objective 2.4.4**

To recognise and protect from inappropriate use and development those environments of the District which are the most sensitive to land use and development and which significantly contribute to the District's, Region's and/or Nation's identity.

### **Objective 2.4.5**

To recognise and enhance the amenity and character of the District, while providing for sustainable resource use.

### **Objective 2.4.7**

To provide certainty to the community by identifying those areas of the District where the effects of particular land uses are considered sustainable.

### **Objective 2.4.9**

To enable the development and operation of utilities, utility networks and the transport network (including the state highway network) throughout the District, particularly where this is undertaken in conjunction with land use development and change.

### **Objective 2.4.10**

To take a precautionary approach to managing hazards and their potential effects on communities and the natural environment.

### **Objective 2.4.11**

To provide for the establishment, operation, development and maintenance of land for reserves and recreation activities.

### **Objective 2.4.15**

To encourage and promote fire safety measures to minimise risk to life, property and the environment from fire.

### **Policy 2.5.1**

By developing District Plan provisions that seek to manage the effects of activities which pose risks to sustainable environmental management, while maintaining flexibility for new activities and changes in technology

#### Policy 2.5.2

By providing incentives for land use and subdivision where these include environmental benefits over and above those required to avoid, remedy or mitigate adverse effects.

#### Policy 2.5.3

By developing a strategy to address those elements of economic development that are relevant under the District Plan (particularly land use).

#### Policy 2.5.5

By recognising the natural environments of the District to maintain and enhance their values.

#### Policy 2.5.6

By identifying sites, landscapes, areas and features for specific management and protection of resources and values.

#### Policy 2.5.8

By providing direction and opportunities for changes to land use to enable residential and business growth in appropriate locations.

#### Policy 2.5.9

By providing for the development and operation of network utilities and the transport network in all areas of the District where the potential adverse effects can be appropriately avoided, remedied or mitigated.

#### Policy 2.5.11

By requiring land use, development and subdivision to provide adequate reserves, utilities and transport connections, at the outset of development

#### Policy 2.5.12

By recognising that the nature, location and extent of hazards have the potential to change; and working with other agencies to improve understanding of hazards and risks to the community and the environment, and managing activities to minimise the potential impact of such change.

#### Policy 2.5.14

By encouraging greater investigation of potential hazards during the development and subdivision process.

#### Policy 2.5.17

To assess fire risks and encourage investigation of potential fire safety measures during the development and subdivision process.

### **Chapter 3 – Land Use and Development Strategy**

#### **Objective 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.

#### **Objective 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.

#### **Objective 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.

#### **Objective 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.

#### **Objective 3.4.5**

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

#### **Objective 3.4.7**

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

#### **Objective 3.4.8**

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

#### **Policy 3.5.1**

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

#### **Policy 3.5.2**

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

#### **Policy 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.

#### Policy 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.

#### Policy 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.

#### Policy 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 to identify mechanisms to avoid, remedy or mitigate such impacts.

### **Chapter 3A Mangawhai Growth Area**

#### Objective 3A.4.

To encourage residential development that complements the traditional and valued beach settlement character of Mangawhai and is consistent with the outcomes of the Mangawhai Structure Plan.

#### Objective 3A.4.2

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

#### Objective 3A.4.4

To protect existing, and require new, public open space and reserve connections in conjunction with development in the Mangawhai Structure Plan Area.

#### Objective 3A.4.5

To limit the scale and extent of light industrial development by appropriate zoning and traffic management and improve the quality of the industrial environment within Mangawhai.

#### Objective 3A.4.6

To ensure development of the Mangawhai Structure Plan Area is managed appropriately so as to ensure the protection of landscape elements, areas of ecological value, waterways and the enhancement of degraded areas of land within the Mangawhai Structure Plan Area.

#### Policy 3A.5.1

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

#### Policy 3A.5.2

By providing guidance on infrastructure provision (in accordance with the rules and performance standards in the Part B Chapters or the Kaipara District Council Engineering Standards 2011) for the Mangawhai Structure Plan Area.

#### Policy 3A.5.3

By the implementation of low impact urban design stormwater management principles in all infill and “greenfield” housing developments.

#### Policy 3A.5.4

By requiring that all new wastewater disposal systems within Mangawhai provide for connection to Council’s public (EcoCare) system.

#### Policy 3A.5.7

By aligning development proposals with the Kaipara District Council Reserves and Open Space Strategy (2006) and the Mangawhai Reserves Management Plan.

#### Policy 3A.5.8

By providing for the efficient staging of development to ensure an overall integrated development is achieved through the subdivision process. This will include consideration of the timing for the provision of open space, the protection of natural or heritage features, including ecological corridors, and the provision of key infrastructure services.

### **Chapter 4 Overlays**

#### Objective 4.4.1

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

#### Objective 4.4.2

To enable subdivision, land use and development in the Overlays, where it recognises and provides for:

- The protection of natural character; and
- Maintenance or enhancement of the water quality of receiving environments; and

- Maintenance or enhancement of amenity values; and
- Any other specific values identified in an Overlay.

#### Objective 4.4.3

To maintain and enhance public access to and along the Coastal Marine Area in the Overlays.

#### Objective 4.4.11

To recognise and provide for the protection of habitats and ecological values.

#### Objective 4.4.12

To recognise and where appropriate protect cultural, heritage and amenity values, including the special sense of place of land within the Mangawhai Harbour Overlay.

#### Objective 4.4.13

To enable growth in the Mangawhai Harbour Overlay in a manner that protects and enhances the identified valued natural environments which includes:

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

#### Policy 4.5.1

By encouraging consolidation of coastal settlements where it contributes to the avoidance of sprawling or sporadic patterns of development in the coastal environment.

#### Policy 4.5.2

By managing the location, scale and design of subdivision, use and development to minimise the potential adverse effects on the natural character of the coastal environment.

#### Policy 4.5.16

By requiring careful management of subdivision, land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.

#### Policy 4.5.17

By managing the scale, location and design of activities in the Mangawhai Harbour Overlay.

#### Policy 4.5.18

By identifying areas where public access to and along the Mangawhai Harbour needs to be improved, cognisant of the on-going development and population pressure in this area.

#### Policy 4.5.19

By requiring the identification and mapping of areas of valued natural environment at the time of subdivision and development.

#### Policy 4.5.20

By protecting those areas identified as valued natural environments from inappropriate use and development, particularly by:

- Locating those activities which have the potential to discharge contaminants and adversely impact on waterways and the sensitive receiving harbours out of these areas;
- Carefully managing the scale, location, operation and design of activities, particularly in respect to built form and vegetation.

### **Chapter 5 Tangata Whenua**

#### Objective 5.5.1

To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.

#### Objective 5.5.2

To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.

#### Policy 5.6.1

Recognising the partnership with Tangata Whenua by:

- 1) Consultation is undertaken with Te Uri o Hau and Te Roroa on those matters that may affect their taonga, or their use, development and protection of the natural and physical environment (recognising Kaitiaki); and
- 2) Ensuring that active consideration is given to the impacts of development on taonga. This includes Tangata Whenua involvement in consent processing / hearings.-

#### Policy 5.6.2

By recognising and protecting the values of Areas of Significance to Maori

#### Policy 5.6.3

Recognising Iwi Management Plans in consents and decision making

### **Chapter 6 Ecological Areas**

#### Objective 6.5.1

To maintain and enhance the life supporting capacity of ecosystems, and the extent and representativeness of the District's indigenous biological diversity.

#### Objective 6.5.2

To maintain ecological values through the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna while allowing appropriate subdivision, use and development.

### Objective 6.5.3

To promote active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

### Objective 6.5.4

To protect the natural character of the coast, rivers and lakes and their margins within the District by avoiding, remedying or mitigating the adverse effects of surface water activities.

### Policy 6.6.2

By managing the scale, intensity, and location of subdivision and land development activities in areas of significant indigenous vegetation or significant habitats of indigenous fauna.

### Policy 6.6.2b

Where disturbance of significant indigenous vegetation and significant habitats of indigenous fauna cannot be avoided, it should be undertaken in a way that, minimises and/or mitigates adverse effects as far as practicable, by:

- Ensuring that any disturbance:
  - a) minimises any edge effects;
  - b) avoids the removal of specimen trees;
  - c) does not result in linkages with other areas being lost;
  - d) avoids adverse effects on threatened species;
  - e) minimises disturbance of root systems of remaining vegetation;
  - f) does not result in the introduction of exotic weed species or pest animals; and
  - g) does not result in the intentional or unintentional release of weeds or pest animals or the abandonment of domestic pets;
- Encouraging and where appropriate requiring the exclusion of domestic cats and dogs (except for working dogs as defined in the Dog Control Act 1996) in areas of high kiwi density (Appendix F to the Maps);
- Encouraging and where appropriate requiring active pest control and removal and the provision of stock proof fencing to avoid the grazing of such areas; and
- Encouraging planting and restoration. Eco-sourcing is preferred practice when planting indigenous plants and in particular, when undertaking revegetation or restorative planting. It serves to maintain genetic diversity and increase plant survival because plants are accustomed to their local environment.

### Policy 6.6.3

By managing earthworks and vegetation clearance in all areas of the District in order to avoid, remedy or mitigate adverse effects on significant ecological areas, recognising there is complete information on the exact geographic location of all these valued areas may not be available.

### Policy 6.6.4

By evaluating the significance of areas of indigenous vegetation and habitats of indigenous fauna by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement

## **Chapter 7 Natural Hazards**

#### Objective 7.5.1

To control subdivision and development so that it does not induce natural hazards or exacerbate the effects of natural hazards.

#### Objective 7.5.2

To ensure, that the role in hazard mitigation played by natural features is recognised and protected.

#### Objective 7.5.4

To consider natural hazards at the time of any subdivision, land use or development or when there is a significant change in land use proposed (for example a new Growth Area).

#### Policy 7.6.1

By considering the potential for development, subdivision and land use activities including:

- a) Vegetation clearance;
- b) Draining of wetlands;
- c) Changes in overland flow paths and storm water;
- d) Changes to riparian margins;
- e) Earth works;
- f) Buildings and building setbacks; and
- g) Land reclamation;

to exacerbate any natural hazard on-site or off-site, and avoiding such activities, unless it can be demonstrated that the adverse effects can be mitigated, remedied or avoided.

#### Policy 7.6.2

By controlling the location, intensity, design and type of new coastal subdivision land use and development and by providing, where appropriate, for the protection, restoration or enhancement of natural defences to protect land, so that the need for protection work is avoided. Where hard protection works are necessary, their form, location and design should minimise any adverse effects on the coastal environment.

#### Policy 7.6.3

By considering the potential adverse impacts of development on flood flow paths of rivers and the efficient functioning of natural drainage systems in subdivision, land use and development.

#### Policy 7.6.4

By taking into account climate change and sea level rise, as predicted by the Intergovernmental Panel of Climate Change or Royal Society of NZ, when assessing development in areas potentially affected.

**Attachment 9**

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**PC78 – Proposed Wastewater Provisions**

Chapter 16 Reference	PC78 Text with JWS amendments in <b>yellow</b>																																								
Objective 16.3.9 Utilities, Services and Infrastructure	To ensure the provision of sustainable infrastructure networks that provides for properly serviced, and orderly development.																																								
Policies 16.3.9.1 4) & 5)	4) By requiring that all wastewater systems be connected to Council’s public reticulated (EcoCare) system. 5) By ensuring subdivision and development is aligned with infrastructure necessary to serve development.																																								
<b>Discretions</b> for Restricted Discretionary Activities 16.7.4 e) and eee)	Where an activity is a Restricted Discretionary Activity Council will restrict its discretion over the following matters (and as listed as being relevant to each activity in Table 16.7.4) when considering and determining an application for Resource Consent: ... e) Infrastructure; ... <b>eee) The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal.</b>																																								
assessment criteria 16.7.4.1 e) and eee)	e) Infrastructure i. Whether the proposal avoids creating any demand for services and infrastructure at a cost to the wider community. <b>eee) Wastewater Network Capacity</b> <b>Whether the proposed development or activity can be accommodated within the existing or planned capacity of the reticulated wastewater network and whether the servicing needs of the proposed development require upgrades to existing infrastructure.</b>																																								
Rule 16.8.3 (which cross references Rules 14.13.6 and 13.14.6 of the District Plan)	<p><b>16.8.3 Water Supply and Wastewater Supply</b> a) The following Rules shall apply as follows:</p> <table border="1" data-bbox="517 959 1603 1246"> <thead> <tr> <th>Sub-Zone</th> <th>Water Supply Standards</th> <th>Performance</th> <th>Wastewater Standards</th> <th>Performance</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>14.13.4</td> <td></td> <td>14.13.6</td> <td></td> </tr> <tr> <td>[DELETED]</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>13.14.4</td> <td></td> <td>13.14.6</td> <td></td> </tr> <tr> <td>[DELETED]</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>[DELETED]</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>[DELETED]</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td>14.13.4</td> <td></td> <td>14.13.6</td> <td></td> </tr> </tbody> </table>	Sub-Zone	Water Supply Standards	Performance	Wastewater Standards	Performance	1	14.13.4		14.13.6		[DELETED]					3	13.14.4		13.14.6		[DELETED]					[DELETED]					[DELETED]					7	14.13.4		14.13.6	
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Discretion 16.10.8.1 f) and ff)	Matters Over Which Discretion is Restricted Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: ... f) Public utilities;																																								

<p>Assessment criteria 16.10.8.2 e), f)</p>	<p><b>ff) The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal</b></p> <p>16.10.8.2 Assessment Criteria for Restricted Discretionary Activities Council will have regard to the following assessment criteria when considering and determining an application for Resource Consent: ...</p> <p>e) Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established. ...</p> <p>f) <del>The nature of the connection to Council's reticulated wastewater system.</del> <b>Whether the proposed development or activity can be accommodated within the existing or planned capacity of the reticulated wastewater network and whether the servicing needs of the proposed development require upgrades to existing infrastructure.</b></p>																																		
<p>Subdivision Design Rule 16.10.10.4 3 Wastewater Disposal (cross referencing Rule 14.13.6 and 13.14.6 of the District Plan)</p>	<table border="1" data-bbox="517 651 1868 1398"> <thead> <tr> <th data-bbox="517 651 692 746">Sub-Zone</th> <th data-bbox="692 651 987 746">Provision for the extension of Services</th> <th data-bbox="987 651 1279 746">Water Supply Performance Standards</th> <th data-bbox="1279 651 1574 746">Stormwater Disposal</th> <th data-bbox="1574 651 1868 746">Wastewater Performance Standards</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 746 692 778">1</td> <td data-bbox="692 746 987 778">14.13.3</td> <td data-bbox="987 746 1279 778">14.13.4</td> <td data-bbox="1279 746 1574 778">14.13.5</td> <td data-bbox="1574 746 1868 778">14.13.6</td> </tr> <tr> <td data-bbox="517 778 692 810">[DELETED]</td> <td data-bbox="692 778 987 810"></td> <td data-bbox="987 778 1279 810"></td> <td data-bbox="1279 778 1574 810"></td> <td data-bbox="1574 778 1868 810"></td> </tr> <tr> <td data-bbox="517 810 692 1337">3</td> <td data-bbox="692 810 987 1337">13.14.3</td> <td data-bbox="987 810 1279 1337"> <p>13.14.4 <b>and 16.8.3 b), c) &amp; d).</b> Lots less than 500 m2 in the Residential Sub Zone 3A must be serviced by a reticulated water supply. Lots greater than 500 m2 in the Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 <b>and 16.8.3 a).</b></p> </td> <td data-bbox="1279 810 1574 1337">13.14.5</td> <td data-bbox="1574 810 1868 1337">13.14.6</td> </tr> <tr> <td data-bbox="517 1337 692 1369">[DELETED]</td> <td data-bbox="692 1337 987 1369"></td> <td data-bbox="987 1337 1279 1369"></td> <td data-bbox="1279 1337 1574 1369"></td> <td data-bbox="1574 1337 1868 1369"></td> </tr> <tr> <td data-bbox="517 1369 692 1398">[DELETED]</td> <td data-bbox="692 1369 987 1398"></td> <td data-bbox="987 1369 1279 1398"></td> <td data-bbox="1279 1369 1574 1398"></td> <td data-bbox="1574 1369 1868 1398"></td> </tr> </tbody> </table>					Sub-Zone	Provision for the extension of Services	Water Supply Performance Standards	Stormwater Disposal	Wastewater Performance Standards	1	14.13.3	14.13.4	14.13.5	14.13.6	[DELETED]					3	13.14.3	<p>13.14.4 <b>and 16.8.3 b), c) &amp; d).</b> Lots less than 500 m2 in the Residential Sub Zone 3A must be serviced by a reticulated water supply. Lots greater than 500 m2 in the Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 <b>and 16.8.3 a).</b></p>	13.14.5	13.14.6	[DELETED]					[DELETED]				
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		7	14.13.3	14.13.4	14.13.5	14.13.6	

**Attachment 10**

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**PC78 – Proposed Water Supply Provisions**

Reference	PC78 Text with JWS amendments in XXX and with NRC amendments in XXX
16.1.6	<p>Kaipara District Council Engineering Standards 2011 shall apply. The following documents should also be referred to as they may contain Standards and/or guidelines which apply to a particular site or proposal.</p> <p>....</p> <ul style="list-style-type: none"> <li>• <u>The Auckland Code of Practice for Land Development and Subdivision: Water and Wastewater Code of Practice for Land Development and Subdivision, Chapter 6: Water (version 2.4, 1 June 2021)</u></li> </ul>
Objective 16.3.9 Utilities, Services and Infrastructure Objective	To ensure the provision of sustainable infrastructure networks that provide for properly serviced, and orderly development.
Policy 16.3.9.1	<p>1) <u>By ensuring the infrastructure capacity necessary to serve subdivision and development is available, or that development provides for the necessary extensions or upgrades required to ensure sufficient capacity, aligned with infrastructure necessary to serve development.</u></p> <p>6) <u>By ensuring that the following activities are serviced by water supply including reticulated water supply with adequate capacity to serve the scale and nature of development (in accordance with all relevant guidelines, the Code of Practice referenced in 16.1.6 and legislative requirement for drinking water) and opportunities for water demand management and rainwater harvesting:</u></p> <p>a) <u>Subdivision and land use in the Residential Sub Zone 3A (except lower density lots capable of providing adequate onsite water supply);</u></p> <p>b) <u>integrated residential development;</u></p> <p>c) <u>dwelling in sub-zone 1;</u></p> <p>d) <u>visitor accommodation;</u></p> <p>e) <u>retirement facilities;</u></p> <p>f) <u>conference centre;</u></p>

	<p>g) event centre;</p> <p>h) education facility; or</p> <p>i) recreation facility..</p>
<p>16.7.4 Discretions for Restricted Discretionary Activities</p>	<p>Where an activity is a Restricted Discretionary Activity Council will restrict its discretion over the following matters (and as listed as being relevant to each activity in Table 16.7.4) when considering and determining an application for Resource Consent:</p> <p>e) ...</p> <p>e) Infrastructure;</p> <p>ee) Reticulated Water Supply which meets all relevant legislative requirements for drinking water (including firefighting, rainwater harvesting and water demand management (savings*))</p> <p><b>eee) <u>The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal.</u></b></p> <p>f) ....</p>
<p>16.7.4.1 Assessment criteria</p>	<p>e) <b>Infrastructure</b></p> <p>i. Whether the proposal avoids creating any demand for services and infrastructure at a cost to the wider community.</p> <p>ii. The extent to which the proposal provides for sustainable infrastructure and servicing and in particular the supply of water.</p> <p>iii. <del>For integrated residential developments, visitor accommodation, or retirement facilities, the provision and design of reticulated supply of water (storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.</del></p> <p>iv. Whether the proposal utilises low impact stormwater design solutions.</p> <p><b>ee) Water Supply</b></p> <p><del>For integrated residential developments, visitor accommodation, dwellings in sub zone 1, conference or event centre, education, recreation facility or retirement facilities:</del></p> <p><del>i. the provision, capacity and design of reticulated supply of water which meet all relevant legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.</del></p> <p><b>The provision, capacity, and design of the reticulated supply of water which meets all relevant guidelines, Code of Practice referenced in 16.1.6 and legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation for the following activities:</b></p>

- i. integrated residential development
- ii. dwelling in sub-zone 1 and Residential 3A (except lower density lots able to provide adequate on-site water supply
- iii. visitor accommodation
- iv. conference or event centres
- v. education facilities
- vi. recreation facilities; or
- vii. retirement facilities

Rule 16.8.3  
Water Supply  
and  
Wastewater  
Supply

**16.8.3 Water Supply and Wastewater Supply**

a) The following Rules shall apply as follows:

Sub-Zone	Water Supply Standards	Performance	Wastewater Standards	Performance
1	14.13.4		14.13.6	
[DELETED]				
3	13.14.4		13.14.6	
[DELETED]				
[DELETED]				
[DELETED]				

b) A non-reticulated dwelling must provide have available a minimum of 50 m3 water storage capacity, inclusive of 10 m3 for fire safety (Rule 16.8.11). Where a reticulated firefighting network is available, the dwelling must provide a minimum 40 m3 water storage capacity.

c) A reticulated dwelling must provide have available a minimum of 5 m3 water storage capacity for rainwater harvesting and use associated with the dwelling.

d) A reticulated dwelling in a retirement facility must provide have available a minimum of 3 m3 water storage capacity for rainwater harvesting and use associated with the dwelling.

e) The details of the water storage must be provided with a building consent and/or resource consent application.

16.10  
Subdivision

Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:

d) Availability of sufficient water supply (rainwater harvesting and/or reticulated water supply for sub-zone 3A which meet all relevant legislative requirements for drinking water), and water demand management (savings\*) including for fire fighting

16.10.8.1 Matters Over Which Discretion is Restricted																					
16.10.8.2 Assessment Criteria for Restricted Discretionary Activities	<p>Council will have regard to the following assessment criteria when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>m) Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8 of 13.11.1)</li> <li>n) The provision, <b>capacity</b> and design of reticulated supply of water <b>sufficient to meet the needs of the subdivision and development which meet all relevant guidelines, the Code of Practice referenced in 16.1.6 and legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms (eg. consent notices) for their implementation within Residential Sub Zone 3A, or any other sub zone intended to be reticulated.</b></li> <li>o) The extent the proposal has regard to the assessment criteria i) to v) in Rule 13.14.4.</li> <li>p) ....</li> <li>q) The extent of land required for water reservoir(s) to service <b>the Residential Sub-Zone 3A subdivision and development proposed to be provided with reticulated water supply</b> is detailed by an engineering assessment by a suitably qualified and experienced professional associated with the first subdivision of the Residential Sub-Zone 3D.</li> </ul>																				
16.10.10.4 Subdivision Design	<p>3 Services</p> <p>The following Rules shall apply as follows:</p> <table border="1" data-bbox="510 999 1637 1345"> <thead> <tr> <th>Sub-Zone</th> <th>Provision for the Extension of Services</th> <th>Water Supply</th> <th>Stormwater Disposal</th> <th>Wastewater Disposal</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>14.13.3</td> <td>14.13.4</td> <td>14.13.5</td> <td>14.13.6</td> </tr> <tr> <td>[DELETED]</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>13.14.3</td> <td>13.14.4 <b>and 16.8.3 b), c) &amp; d).</b></td> <td>13.14.5</td> <td>13.14.6</td> </tr> </tbody> </table>	Sub-Zone	Provision for the Extension of Services	Water Supply	Stormwater Disposal	Wastewater Disposal	1	14.13.3	14.13.4	14.13.5	14.13.6	[DELETED]					3	13.14.3	13.14.4 <b>and 16.8.3 b), c) &amp; d).</b>	13.14.5	13.14.6
Sub-Zone	Provision for the Extension of Services	Water Supply	Stormwater Disposal	Wastewater Disposal																	
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3	13.14.3	13.14.4 <b>and 16.8.3 b), c) &amp; d).</b>	13.14.5	13.14.6																	

				<p>Lots less than 500 m2 in the Residential Sub Zone 3A must be serviced by a reticulated water supply <u>sufficient to meet the needs of the subdivision and development.</u></p> <p>Lots greater than 500 m2 in the Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 <u>and</u> <u>16.8.3 a).</u></p>			
		[DELETED]					
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		7	14.13.3	14.13.4	14.13.5	14.13.6	

**Attachment 11**

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**PC78 – Proposed Stormwater Management Provisions**

Reference	PC78 Text with JWS amendments in <b>XXX</b> , with Mark Tollemache evidence changes in <b>blue</b> and with NRC amendments in <b>XXX</b>
16.1.6	<p>Kaipara District Council Engineering Standards 2011 shall apply. The following documents should also be referred to as they may contain Standards <b>and/or guidelines</b> which apply to a particular site or proposal.</p> <p>....</p> <ul style="list-style-type: none"> <li>• <b>Guideline Document 2017/01 Stormwater Management Devices in the Auckland Region. December 2017 (Amendment 2).</b></li> <li>• <b>Guideline Document 2015/04 Water Sensitive Design for Stormwater. March 2015.</b></li> <li>• <b>Guideline Document 2021/07 Stormwater Soakage and Groundwater Recharge in the Auckland Region. Version 1, 2021.</b></li> <li>• <a href="#">Guideline Document 2016/05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. Incorporating amendment 2, 2020.</a></li> </ul>
Objective 16.3.1 Natural Environment Objective	To conserve, protect and enhance the landscape, recreational and ecological resources associated with wetlands, streams, coastal marine area and identified areas of indigenous vegetation.
16.3.1.1 Policies	<p>10) By ensuring that stormwater is managed and treated to maintain and enhance the health and ecological values of the wetlands, streams and the coastal marine area.</p> <p>11) All land use, development and subdivision must be designed and implemented to be consistent with the relevant Regional Stormwater Discharge Consent, including the application of water sensitive design</p>
16.3.8.1 Policies	<p>9) By ensuring a landscaped design approach for new roads; including utilising water sensitive design techniques to achieve stormwater management outcomes.</p> <p>10) ...</p> <p>11) ....</p> <p>12) By ensuring that stormwater is managed and treated from larger areas of parking.</p>
Objective 16.3.9 Utilities,	To ensure the provision of sustainable infrastructure networks that provide for properly serviced, and orderly development.

Services and Infrastructure Objective	
Policy 16.3.9.1	2) By ensuring the infrastructure capacity necessary to serve subdivision and development is available, or that development provides for the necessary extensions or upgrades required to ensure sufficient capacity, aligned with infrastructure necessary to serve development.
Subdivision Objective 16.3.11	To provide for subdivision in a manner which achieves an urban amenity and the integrated management of the use, development and protection of the natural and physical resources of the District.
16.3.11.1 Policies	1A) By ensuring that stormwater is managed and treated to maintain and enhance the health and ecological values of the wetlands, streams and the coastal marine area.
16.7.4 Discretions for Restricted Discretionary Activities	Where an activity is a Restricted Discretionary Activity Council will restrict its discretion over the following matters (and as listed as being relevant to each activity in Table 16.7.4) when considering and determining an application for Resource Consent:  d) ... e) Infrastructure;
16.7.4.1 Assessment Criteria	c) <b>Parking</b> i. .... v. Litter management  d) ... e) <b>Infrastructure</b> vi. Whether the proposal avoids creating any demand for services and infrastructure at a cost to the wider community. vii. The extent to which the proposal provides for sustainable infrastructure and servicing and in particular the supply of water. viii. For integrated residential developments, visitor accommodation, or retirement facilities, the provision and design of reticulated supply of water (storage, reticulation, treatment and ongoing management), rainwater harvesting and appropriate water demand management (savings), including legal mechanisms for their implementation.  ix. Whether the proposal utilises low impact stormwater design solutions.

	<p>f) ...</p> <p>g) <b>Natural Environment</b> The extent to which the activity gives rise to adverse effects on the natural environment, such as through the creation of wastewater or stormwater, vegetation removal and/or habitat destruction and sediment runoff, including the extent to which revegetation using eco-sourcing of native plants is proposed as part of the activity.</p>
<p>16.9.3.2 Restricted Discretionary Activities</p>	<p>c) Any activity providing for more than 30 car parks</p> <p>i. The extent to which stormwater quality treatment and litter management has been provided to protect the environment from contaminants generated from the activity.</p>
<p>16.10.8.1 Matters over which discretion is restricted</p>	<p>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>d) Low impact design, stormwater treatment and disposal;</p> <p>ee) Stormwater management plan for the hydrology of Wetlands 1, 2 and 3</p> <p>eee) Consent notices for stabilised roofing material</p> <p>e) Public utilities;</p> <p>f) ...</p> <p>g) ...</p> <p>h) ...</p> <p>i) ...</p> <p>j) Design and construction of central watercourse</p>
<p>16.10.8.2 Assessment Criteria for Restricted Discretionary Activities</p>	<p>Council will have regard to the following assessment criteria when considering and determining an application for Resource Consent:</p> <p>e) Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.</p> <p>ee For the catchment of Wetlands 1, 2 and 3, a stormwater management plan shall address the best practicable option to maintain surface flow hydrology.</p> <p>eee...</p> <p>f) ....</p>

- g) ....
- h) ....
- i) ...
- j) Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.
- jj) The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity

16.10.10.4  
Subdivision  
Design

3 Services  
The following Rules shall apply as follows:

Sub-Zone	Provision for the Extension of Services	Water Supply	Stormwater Disposal	Wastewater Disposal
1	14.13.3	14.13.4	14.13.5	14.13.6
[DELETED]				
3	13.14.3	13.14.4 and 16.8.3 b), c) & d).  Lots less than 500 m2 in the Residential Sub Zone 3A must be serviced by a reticulated water supply sufficient to meet the needs of the subdivision and development. Lots greater than 500 m2 in the	13.14.5	13.14.6

			Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 and 16.8.3 a).		
	[DELETED]				
	[DELETED]				
	[DELETED]				
	7	14.13.3	14.13.4	14.13.5	14.13.6

**6 Legal Protection**

As appropriate, legal protection of any amenity landscape feature, bush area, indigenous vegetation plantings as an enhancement of bush, stream or wetland, public access way or stormwater management systems shall be secured through a Consent Notice or other suitable legal instrument that is registered on the title of the land concerned. Where appropriate, legal protection may also be achieved through a Queen Elizabeth II National Trust Covenant, a covenant with Council, a Conservation Covenant under Section 77 of the Reserves Act or by vesting land in a public authority as a public reserve and/or through private reserve status.

**Attachment 12**

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**Section 32AA Assessment**

<b><u>Recommended Amendment(s) – see Attachment 2</u></b>	<b><u>Options Evaluated</u></b>	<b><u>S32AA Assessment</u></b>
<b>JWS CHANGES 15.12.2021</b>		
<p>Various amendments to the Structure Plan as per Annexure 2 of Mr Tollemache's evidence, dated 17 December 2021.</p> <p>Changes to the Zoning Map Annexure 2 of Mr Tollemache's evidence, dated 17 December 2021.</p> <p>3x New guidelines in 16.1.6</p> <p>Delete permitted activity status for accessory buildings to a maximum gfa of 50m2 in 16.7.1-1.</p> <p>Making two or more dwellings per site (not being IRDs) within the density limits specified in Rule 16.8.22 a Discretionary activity in 3A and 3B and Non-complying within 3C and 3D in 16.7.1-1.</p> <p>Making dwellings above ground level a restricted discretionary activity and dwellings at ground level a discretionary activity within the Business 1 Sub-Zone in 16.7.1-2.</p> <p>Amendments to discretions for restricted discretionary activities in 16.7.4 and where these new matters apply in Table 16.7.4-1.</p> <p>Amendments to assessment criteria in 16.7.4.1.</p> <p>New cc) in 16.8.2.3 Building Yards.</p> <p>New standards in 16.8.3 b) – e) relating to water supply.</p>	<ul style="list-style-type: none"> <li>• <b>Option 1:</b> Status quo, operative KDP provisions in Chapter 16.</li> <li>• <b>Option 2:</b> provisions as per the Commissioners recommendations and Council's Decisions Version.</li> <li>• <b>Option 3:</b> Recommended revised provisions as outlined in <b>Attachment 2</b> – as outlined in the left-hand column.</li> </ul>	<p><b>Costs and benefits</b></p> <p><u>Economic, Environmental Cultural and Social</u></p> <p><b>Option 1</b> - The costs associated with the operative provisions have been deemed to be high given that MCL expert evidence has highlighted issues and flaws with the Chapter 16 provisions and EESP that make it difficult to implement by unnecessarily constraining and making development unfeasible</p> <p><b>Option 2</b> – The Council Decisions version, represents a significant improvement on the operative Chapter 16 provisions and EESP, but does not address the issues outlined in the JWS with reference to some of the matters raised in Appeals and s274 notices.</p> <p><b>Option 3</b> – within the JWS, Ms O'Connor, Mr Tollemache and I all agreed with the changes highlighted yellow in Attachment 2 and detailed further in the left column of this document. The precise reasons for the changes vary, however in my opinion they generally address gaps or inconsistencies within the PC78 Council Decision Version of the provisions, which have been usefully addressed by these changes.</p> <p><b>Efficiency &amp; Effectiveness</b></p> <p>Option 1 is not an efficient nor effective option given the number of issues identified with the operative provisions. Option 2 is more efficient and effective than Option 1, however is not as efficient and effective as option 3, which is the most appropriate given the number of additional issues the changes from the JWS address.</p> <p><b>Risks</b></p> <p>There is no risk due to insufficient information in my opinion.</p>

<b><u>Recommended Amendment(s) – see Attachment 2</u></b>	<b><u>Options Evaluated</u></b>	<b><u>S32AA Assessment</u></b>
<p>Amendments to matters over which discretion is restricted in 16.10.8.1.</p> <p>Amendments to Assessment Criteria for Restricted Discretionary Activities in 16.10.8.2.</p> <p>Amendments to Subdivision Design standards in 16.10.10.4.</p> <p>New Appendix 16.2 Table Road Function and required Design Elements.</p> <p>Changing inconsistent references to “residential unit(s)” to “dwellings” throughout.</p>		
<b>MR TOLLEMACHE CHANGES 17.12.2021</b>		
<p>These are included in 16.1.6 and 16.7.4.1 j) ii. based on the evidence of Mr Tollemache</p>	<ul style="list-style-type: none"> <li>• <b>Option 1:</b> Status quo, operative KDP provisions in Chapter 16.</li> <li>• <b>Option 2:</b> provisions as per the Commissioners recommendations and Council’s Decisions Version.</li> <li>• <b>Option 3:</b> Recommended revised provisions as outlined in <b>Attachment 2</b> – as outlined in the left hand column.</li> </ul>	<p><b>Costs and benefits</b></p> <p><u>Economic, Environmental Cultural and Social</u></p> <p>The assessment of these changes is much simpler than the others in my opinion. Mr Tollemache has recommended the inclusion of a new stormwater guideline based on the evidence of Dr Neale, and a further change to the provisions based on the evidence of Dr Bramley to ensure that bulk earthworks for land development and subdivision implement an avian mitigation plan. These (Option 3) have greater benefits than option 1 and 2 as the provide greater guidance on sediment and erosion control measures, and protections for threatened or at-risk avifauna during bulk earthworks.</p> <p><b>Efficiency and Effectiveness</b></p> <p>I support both of these changes in Option 3 over Option 2 and 1, as they are based on expert evidence and assist in the providing greater guidance for erosion and sediment control and ensure that the avian mitigation plan is implemented during bulk earthworks which provides further protection for threatened or at-risk avifauna during bulk earthworks.</p> <p><b>Risks</b></p> <p>There is no risk due to insufficient information in my opinion.</p>

<u>Recommended Amendment(s) – see Attachment 2</u>	<u>Options Evaluated</u>	<u>S32AA Assessment</u>
<b>NRC CHANGES TO WATER SUPPLY PROVISIONS 10.2.2022</b>		
<p>These are the changes outlined in NRCs letter in <b>Attachment 3</b> and include:</p> <p>Reference to a new guideline in 16.1.6.</p> <p>Amendments to policies in 16.3.9.1.</p> <p>Amendments to assessment criteria in 16.7.4.1</p> <p>Amendments to the JWS standards in 16.8.3 relating to water supply.</p> <p>Amendments to matters over which discretion is restricted in 16.10.8.1.</p> <p>Amendments to assessment criteria for restricted discretionary activities.</p> <p>Amendments to subdivision design standards in 16.10.10.4.</p>	<ul style="list-style-type: none"> <li>• <b>Option 1:</b> Status quo, operative KDP provisions in Chapter 16.</li> <li>• <b>Option 2:</b> provisions as per the Commissioners recommendations and Council’s Decisions Version.</li> <li>• <b>Option 3:</b> Recommended revised provisions as outlined in <b>Attachment 2</b> – as outlined in the left hand column.</li> </ul>	<p><b>Costs and benefits</b></p> <p><u>Economic, Environmental Cultural and Social</u></p> <p><b>Option 1</b> – The costs associated with the operative provisions have been deemed to be high given that MCL expert evidence has highlighted issues and flaws with the Chapter 16 provisions and EESP that make it difficult to implement by unnecessarily constraining and making development unfeasible.</p> <p><b>Option 2</b> – Option 2 introduces additional requirements for water supply in the objectives, policies and assessment criteria. While this will create additional requirements and assessment for development, I consider that this was justified at the time of the Council Decision as it allowed better consideration and confirmation of suitable and sustainable water supply at the time of resource consent.</p> <p><b>Option 3</b> – Option 3 builds upon and strengthens the additions and amendments made in option 2 during the Council level hearing and eventual Decision. These changes have been sought by NRC for the reasons outlined in their letter dated 10 February in <b>Attachment 3</b>. I agree with these changes and reasons for them as outlined in the letter, and consider that an appropriate level of scrutiny can be applied through the resource consent process to ensure the provision of a safe and resilient water supply for future development on the Site.</p> <p><b>Efficiency &amp; Effectiveness</b></p> <p>Option 3 is the most efficient and effective option over option 1 and 2 as, in my opinion, the amendments will ensure that an appropriate level of scrutiny can be applied through the resource consent process to ensure the provision of a safe and resilient water supply for future development on the Site.</p> <p><b>Risks</b></p> <p>In my opinion, there is a level of risk associated with the uncertainty associated with modelling. While I rely on the modelling and evidence of Mr Williamson, I acknowledge that there is always an element of risk and uncertainty associated with modelling which is based on assumptions. In my opinion, this risk is offset by the degree of conservatism built into the model</p>

<b><u>Recommended Amendment(s) – see Attachment 2</u></b>	<b><u>Options Evaluated</u></b>	<b><u>S32AA Assessment</u></b>
		(e.g., the water saving measures recommended by Mr Duffy are not included), and because the amendments to the provisions outlined in Option 3 ensure an appropriate level of scrutiny can be applied through the resource consent process.