

BEFORE THE KAIPARA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a private plan change request by Mangawhai Central Ltd to the Kaipara District Plan (“Plan Change 78”)

**STATEMENT OF SUPPLEMENTARY EVIDENCE OF MARK TOLLEMACHE
(PLANNING)**

18 DECEMBER 2020

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INTRODUCTION

Qualifications and experience

1. My name is Mark Seymour Manners Tollemache. I have the qualifications and experience as set out in my evidence in chief dated 6 November 2020.

Code of Conduct

2. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2014) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF SUPPLEMENTARY EVIDENCE

3. In this supplementary evidence I will clarify and further explain my approach to the Plan Change 78 ("PC78") provisions as a consequence of matters raised in the hearing. A revised set of PC78 provisions is included in **Attachment 1**. The amendments, dated 18 December 2020, are in **yellow highlight**.¹
4. I have also had an opportunity to discuss the PC78 provisions and a number of possible amendments with Ms Neal and Mr Badham.

PLAN CHANGE 78 PROVISIONS

Design Guidelines

5. The existing Estuary Estates Design Guidelines in the Operative Chapter 16 are, in my opinion, more detailed and refined than the guidelines that exist in the Mangawhai Design Guidelines (Appendix 25A of the District Plan).
6. The principal amendments proposed by PC78 to the Estuary Estates Design Guidelines are to delete the sections relating to the Green Network, Sub Zones 2, 4, 5 and 6 and the cross-sections relating to roads. The deletions are a consequence of the changes proposed by PC78 to the Structure Plan and the type of sub zones and their distribution across the Estuary Estates Zone. Guidelines relating to comprehensive developments in Sub Zone 3 are repurposed for the proposed Integrated Residential Development ("IRD")

¹ As requested by the Panel, following the November 2020 hearing days I circulated (through Ms Hunt, the Council's Planning Technical Support Officer) a version of the proposed PC78 text showing all proposed changes to the Operative Chapter 16, including all deletions. An additional updated version of the PC78 text in that format can be provided prior to the re-convened hearing in February 2021.

overlay, while the guidelines relating to the Business Sub Zone 1 are amended to reflect the proposed Structure Plan.

7. Such repurposing has always been in the context of the Mangawhai Design Guidelines (Appendix 25A of the District Plan) that apply to Mangawhai as a whole. In his supplementary evidence, Mr Munro, has recommended a cross reference to these Guidelines in Appendix 16.1 of PC78 in order to reinforce their on-going importance. I consider that this would assist in the design and assessment of development in Residential Sub Zones 3A to 3D.
8. While the applicability of sections of the guidelines still needs to be considered on a case-by-case basis based on the density and location of the proposal, I consider that there is nothing in Appendix 25 which is contradictory to the range of densities and the resulting subdivision layouts that could occur within Residential Sub Zones 3A to 3D.
9. This amendment is included in Appendix 16.1 to provide for the matters in Appendix 25A to be considered through land use and subdivision consent processes. Appendix 25A primarily addresses subdivision matters, including enhancements associated with the management of areas of natural features, along with the creation of urban forms that complement natural features and topography. The reference will strengthen the matters of assessment. I consider this amendment to be appropriate to implement the strategic objectives of the District Plan contained in Chapters 3 and 3A.
10. Updates are proposed to Rule 16.10.8.2(a) to ensure that Appendix 16.1 (and consequently its cross reference to Appendix 25A) apply to subdivision applications.

Water Supply

11. Further to the supplementary evidence of Messrs Williamson and Dufty, I propose amendments to PC78 to provide for a reticulated water supply network to service the entire Residential Sub Zone 3A. This is an additional amendment to that proposed in my evidence in chief (Attachment 1 dated 6 November 2020) where IRD and retirement facilities would be subject to discretions requiring a reticulated water supply network. It is understood that this network would likely be developed privately by the applicant, and could be managed through a utility company.
12. Mr Dufty has also outlined how water resources can be managed more efficiently through water demand management (savings), and that rainwater harvesting would be a component of all dwelling design (either as supplementary or primary supply of potable water depending on the availability of reticulated water).

13. The amendments to PC78 contained in Attachment 1 are:
 - (a) Policy 16.3.9.1 6) to reference subdivision in the Residential Sub Zone 3A;
 - (b) Rules 16.7.4 ee) and 16.7.4.1 e)iii. to reference water demand management in addition to a reticulated water supply;
 - (c) Rule 16.10.8.1 d) which expands the water supply discretion for subdivision to address rainwater harvesting and/or reticulated water supply, and water demand management;
 - (d) Rule 16.10.8.2 n) to provide a matter of assessment associated with the provisions of a reticulated water supply network in Residential Sub Zone 3A, and 16.10.8.2 o) cross-references the matters of assessment for water supply from Rule 13.14.4; and
 - (e) Rule 16.10.10.4.3 is amended to include the development control to require a reticulated water supply in the Residential Sub Zone 3A.
14. Policy 16.3.9.1 6) is also amended to refer to 'adequate' rather than appropriate reticulated water supply solutions. Ms Neal and Mr Badham identified to me that the Building Act 2004 references 'adequate' water supply, and Rules 13.14.4 and 14.3.4 (cross referenced in Rule 16.8.3) refer to the Building Act requirements for the provision of water supply.
15. As a greenfields development, it is likely that subdivision would precede the development of dwellings. Consequently, a subdivision in Residential Sub Zone 3A (or an IRD/retirement facility) would need to propose a reticulated water supply network, which would include storage, treatment and pipe networks. The actual water takes remain a Regional Council matter but the overall approach has been described in the evidence of Mr Duffy and in the Potable Water & Fire Fighting Network Design Options report (September 2020).
16. The approach involves the design and implementation of a reticulated network, coupled with onsite requirements for rainwater harvesting and water demand management through, for example, consent notices. I consider this approach would meet the requirements of Rule 13.14.4, providing an adequate water supply. For lots that are self-serviced for water, Rule 13.14.4 would continue to apply as it currently applies to all residential dwellings in the Residential Zone and in Sub Zones 2, 3, 4, 5 and 6 (equating to approximately 500 dwellings already provided for by Chapter 16).

Evidence of Mr Marshall

17. The amendments requested in Mr Marshall's evidence on behalf of the Northland Transportation Alliance, including those in paragraphs 3.20 to 3.22, have been included in Policy 16.3.8.1.1), Policy 16.3.8.1.5), Rule 16.10.8.1 c), Rule 16.10.8.1 i), Rule 16.10.8.2 k) and Rule 16.10.8.2 p). Minor amendments to that relief were discussed with Ms Neal and Mr Badham.

Evidence of Ms Vernon

18. Ms Vernon (submitter 134) raised a valid concern with the Objective and Policies in 16.3.6 referencing the 'village'. The correct reference, now incorporated, should be to the Business Sub Zone 1, which is the centre that the IRD and Residential Sub Zone 3A is close to (rather than the Mangawhai Village).

Evidence of Ms O'Connor

19. I have updated Attachment 1 to address the amendment recommended in paragraph 54a) of Ms O'Connor's evidence. I do not agree with the other suggested amendments.
20. Ms O'Connor identifies Objective 3.11 of the Northland Regional Policy Statement ("RPS") as being relevant to the assessment of the proposal. This states:

*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.***

[my emphasis]

21. This objective is addressed in the statutory assessments accompanying the PC78 application. Importantly, the objective requires built environments have 'a' sense of place and identity, rather than 'the' sense of place of a particular location as if it was intended to focus on the protection or retention of character. I consider PC78 gives effect to this objective by establishing a distinct place within the Site (in a manner similar to existing Chapter 16), which has its own identity through the provision of the town centre, mainstreet, Service Sub Zone 7 for employment, open spaces associated with the natural features of the site and the pedestrian and cycle trails, together with a range of lifestyle choice associated with the variety of housing options and densities available within Residential Sub Zones 3A to 3D.
22. At paragraph 6 of her Summary Statement, Ms O'Connor identifies that PC78 does not achieve Objective 3A.4.1 of the District Plan. This objective states:

*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.*

[my emphasis]

23. In my view, PC78 falls suitably within the ambit of the objective which seeks to 'encourage' development that 'complements' character. The objective does not require or direct development to mimic existing character, and also limits its focus to traditional and valued beach settlement character. The proposal does not degrade or undermine the character, for example, of the Mangawhai Heads neighbourhood, such as it is.

Evidence of Messrs Lunday and Scott

24. While it is acknowledged that PC78 introduces greater housing yields within the proposed Residential Sub Zones 3A to 3D, the evidence of Messrs Lunday and Scott did not, in my opinion, reflect the density which is actually enabled by the Operative Estuary Estates Structure Plan maps 6, 7 and 8 of Chapter 16. The figure below illustrates the residential yields and dwelling densities enabled within the area of the 'Bowl' within the existing Residential Sub Zones 3 and 4. These range from one dwelling per 281 m² to one dwelling to 470 m².² These densities are medium density, and I do not believe they are fundamentally dissimilar from the densities possible within the proposed Residential Sub Zone 3A (350 m² vacant fee simple lots, and IRD being subject to restricted discretionary land use consent).
25. In addition, the existing Sub Zone 2 and Residential Sub Zone 4 provide for 12m high buildings. While the IRD in PC78 is proposed over a wider area, the outcomes in terms of density and height are not materially different. Consequently, I find it difficult to reconcile that the existing Residential Sub Zones 3 and 4 are considered to be consistent with the objectives of Chapter 3A and the character of Mangawhai, while the proposed Residential Sub Zone 3A and IRD might not be, according to the expert witnesses for Mangawhai Matters.

²

These calculations are based on the net area of the urban blocks identified in the figure below, and the dwelling numbers listed in maps 6, 7 and 8 of the Operative Chapter 16. The area of the urban block (and its relevant sub – zone) as identified in red outline is divided by the maximum number of dwellings provided for in the Chapter 16 maps. These densities relate to the comprehensive development provisions of Chapter 16, which through land use consent provide for densities that can be greater than the 400m² vacant fee simple lot size of the Chapter 16 subdivision rules.

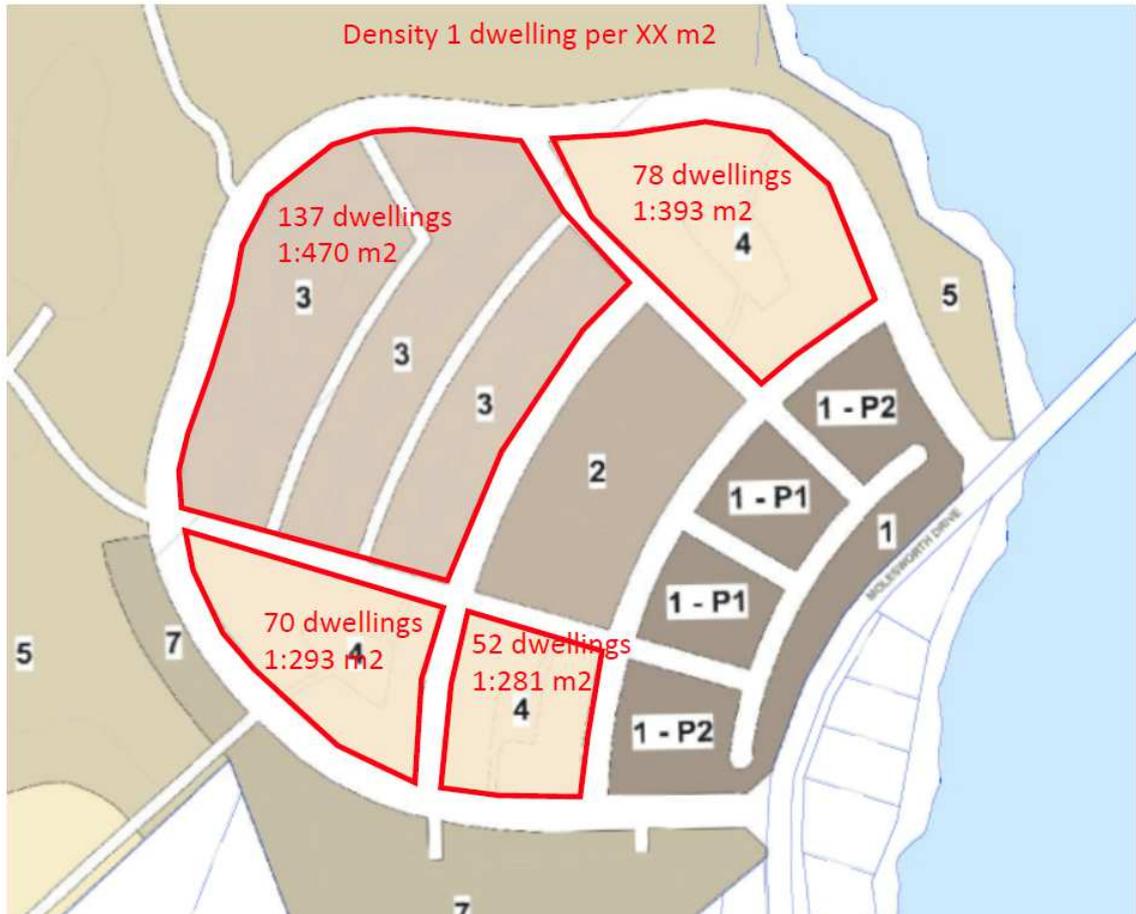


Figure: Density of Chapter 16 based on net calculation of dwellings identified in Estuary Estates Structure Plan maps 6, 7 and 8

Other Updates

26. The proposed discretionary activity matters of assessment for the Gum Diggers track, as outlined in my evidence on chief, are included in Rule 16.7.5.
27. A review of the matters of discretion, along with the cross-references by Chapter 16 to rules in Chapter 13 and 14, has identified an opportunity to provide clarity in respect of the applicable matters of discretion, along with the specific elements of those referenced Chapters that would apply in the assessment of restricted discretionary activities. Amendments are proposed to Rules 16.7.4.1 j) ii., 16.9.3.2.1.g) and 16.10.8.2. o) to clarify the relevant matters of discretion, distinct from tables that address the activity status of activities in the respective zones which are cross-referenced by Chapter 16.
28. After discussions with Ms Neal and Mr Badham I have updated Policy 16.3.1.1.13) to retain the policy direction of ensuring subdivision and development avoid, remedy or mitigate 'hazards' associated with climate change. I have deleted the word 'effects' as the principal matters of concern are hazards, for example associated with the minimum

floor levels in Rule 16.8.2.1 or the flood assessments that would accompany stormwater designs associated with subdivision.

Evidence of Dr Cayford

29. Dr Cayford raised the concern that all applications should be assessed against the objectives and policies of Chapters 3 and 3A of the District Plan. The objectives and policies of Chapters 3 and 3A of the District Plan are broad, and I consider that the proposed Structure Plan and the reference to the Mangawhai Design Guidelines in Appendix 25A and the Estuary Estates Design Guidelines in Appendix 16.1 appropriately implement the matters relating to design within the relevant objectives and policies. I do not consider that the assessment of, for example a restricted discretionary activity, would be greatly assisted by further cross-references to Chapters 3 and 3A of the District Plan where the provisions of Chapter 16 (in this case the objectives, policies, discretions and design guidelines) already appropriately implement the higher-level objectives and provide a greater level of detail and direction in respect to the outcomes expected.

Comment of Commissioner D. Hill

30. Commissioner David Hill sought advice as to the statutory rationale for the deletions of parts of Chapter 16. This is contained in Section 3 of the Assessment of Environmental Effects and Sections 5 and 6 of the Section 32. While a large number of text deletions are proposed to Chapter 16, these principally fall from the evaluation of whether to retain or alter the Structure Plan, and whether to retain or alter Sub Zones 2, 4, 5 and 6.

Wetland 3 and Fen

31. Mr Rothwell (submitter 176) raised concern with the identification of 'fens' within the site. Wetland 3 is identified in the Freshwater Solutions Ltd Ecology Report (2019) accompanying the plan change application as a significant wetland. The Proposed Northland Regional Plan (Appeals Version) ("NRP") defines a significant wetland to include fens (as set out in Appendix B of the Freshwater Solutions Ltd Ecology Report (2019)). The term significant wetland is utilised in the application to include all the attributes identified in the NRP.
32. Mr Rothwell also raised concerns that PC78 stormwater design should be in accordance with the latest Auckland Council guideline documents. Mr Leahy confirms in his evidence that PC78 is appropriate with respect to modern stormwater standards (including

Guidance Document 01, Stormwater Management Devices in the Auckland Region, 2017 which is specifically referenced by Mr Rothwell).³

CONCLUSION

33. Subject to the recommended amendments in Attachment 1, I remain of the view that PC78 reflects sustainable management and the optimal outcome to address a range of resource management issues, in particular residential growth, character and amenity and the social, cultural and economic opportunities associated with the site.

Mark Tollemache

18 December 2020

³ See for example Mr Leahy's EIC, paragraphs 15 and 41.

ATTACHMENT 1: UPDATED PROPOSED 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 residential units to enable multi-level development of separate dwelling 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 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.

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 environment, groundwater 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 environment.
- 11) All land use, and development and subdivision must be designed and implemented to be consistent with the relevant Regional Stormwater Discharge Consent Stormwater Management Consent and approved by the network utility operator, including the application of water sensitive design.
- 12) Enabling land vested in Council for reserve purposes to be developed development 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 on ground water as a sustainable resource.

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 and Estuary Estates Design and Environmental Guidelines 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 village 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 village 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 village 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 the application of 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 provides 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 subdivision and development is aligned with infrastructure necessary to serve development
- 6) Ensuring that medium to higher density subdivision in Residential Sub Zone 3A, integrated residential development and retirement facilities are supported by adequate appropriate reticulated water supply solutions

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 and coastal marine environment 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 adequately avoid, remedy, or mitigate or appropriately manage 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).

This provision of this Sub Zone is 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			
Accessory buildings to a maximum gfa of 50m ² per site	P			
[DELETED]				
[DELETED]				
Child care facility <ul style="list-style-type: none"> Up to five children More than five children 	P D			
Construction of a building or additions/alterations to an existing building and <u>construction of any other structures (e.g fences, and decks less than 1m) not meeting the definition of a building</u>	P Except in the Coastal Environment Overlay			
<u>Construction of a building or external additions to an existing building within the Coastal Environment Overlay</u>	RD			
<u>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</u>	P			
[DELETED]				
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			
[DELETED]				
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	RD			
Residential unit(s) for residential purposes within the density limits specified in Rule 16.8.2.2	P			

Amendments to Chapter 16 of the Kaipara District Plan – Private Plan Change - Clean Change Version **purple text is changes made after submissions. Green text includes MCL’s submission. Blue text includes s42A report author recommendations. Red text are changes made through the applicant’s evidence 6 November 2020. Text changes in Mark Tollemache supplementary evidence dated 18 December 2020.**

Retirement facility	RD			
Visitor accommodation, including hotels, tourist houses and camping grounds	RD			
[DELETED]				

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
[DELETED]			
Boat sale and contractor yard			P
Clubroom	P		
Community facility and services	P		
[DELETED]			
Construction of a building or external additions/alterations 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 ² gfa			P
Garden centre including an associated cafe exceeding 100m ² gfa			D
Factory shop not exceeding 50m ² 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	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
Residential unit for residential purpose above ground level	P		
Restaurant or tavern	RD		
Shop and commercial activities/services	P		
Shop not exceeding 50m ² 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 houses	RD		

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]	Sub-Zone 8
Any activity not listed in the following table					NC
Visitor information sign					P
[DELETED]					
Construction of public toilet/changing room					P D
Formation of walking, fitness and riding trail /track (bridle and cycle)					P D
Playground (including play equipment)					P D
[DELETED]					
Park and Street furniture (including seats, rubbish bins, lighting, signs, BBQ and picnic facilities) and underground services and lighting					P D
Stormwater management works including detention ponds and associated management/maintenance, landscaping and planting and outfalls					P 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					P 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 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 and water demand management (savings*)
- f) Noise;
- g) Natural environment;
- h) Outdoor activities;
- i) Artificial lighting;
- j) Effects associated with the matter of non-compliance for the relevant Compliance with 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												
	a	b	c	d	e	f	g	h	i	j	k	l	m
Any non-compliance with a Development Control										j			
Conference and event centre	a	b	c	d	e	f			i		k	l	m
Construction of any new building, including external additions and alterations to an existing building	a	b	c	d	e		g		i			l	
Entertainment facility	a	b	c	d	e	f	g		i		k	l	m
Education facility	a	b	c	d	e	f	g	h	i		k	l	m
Integrated Residential Development	a	b	c	d	e	f	g	h	i		k	l	m
[DELETED]													
Recreational facility	a	b	c	d	e	f	g	h	i		k	l	m

Rest home and retirement villages-facility	a	b	c	d	e	f	g	h	i		k	l	m
Restaurant or tavern	a	b	c	d	e	f		h	i		k		
Service station	a	b	c	d	e	f	g	h	i				
Visitor accommodation	a	b	c	d	e	f	g	h	i		k	l	
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. The extent to which the integrated residential development or retirement facility proposal provides for reticulated supply of water and appropriate water demand management (savings).
- iv. Whether the proposal utilises low impact stormwater design solutions

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.

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) [DELETED]

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 Villages-Facilities).

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

Sub-Zone	Density
3A	1 dwelling per 350m2
3B	1 dwelling per 500m2
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					
[DELETED]					
3A-C	2m*	1m*	6m	30m	10m
3D	5m	1m	6m	30m	10m
4					
[DELETED]					
[DELETED]					
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.
- 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.
[DELETED]	
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
[DELETED]	
3A-D	8m Except that Integrated Residential Development, retirement villages-facilities or visitor accommodation in the “Integrated Residential Development Overlay” the maximum height is 12m.
[DELETED]	
[DELETED]	
[DELETED]	
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 villages-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 villages-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 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 10m² with a minimum depth of 2m which is readily accessible from the main living room.
- b) Every residential unit in Residential 3A-D Sub-Zones shall be provided with an outdoor living area with dimensions as follows (except that residential units above ground level shall comply with clause (c) below):
 - i. Shall have a minimum area of 60m²OR
Integrated Residential Development or Retirement Villages-Facilities shall have a minimum area of 40m²
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 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. Residential units above the ground floor shall have a balcony or terrace with a minimum area of 10m² 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 residential unit; and

- c) [DELETED]
- d) [DELETED]
- e) Screening of Storage and Service and Parking 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 ²	500 m ²
[DELETED]		
3	500 m ²	250 m ²
[DELETED]		
[DELETED]		
[DELETED]		
7	700 m ²	350 m ²

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 L₁₀ 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

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

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 in a car parking area.
- 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. Residential Units (excluding retirement facilities) that exceed a cumulative total of 850 Residential Units on the PC78 site;
 - ii. Healthcare Facility which results in a total GFA of 2000m² or more over the PC78 site;
 - iii. Retail Activity which results in a total GFA of 5000m² or more over the PC78 site;
 - iv. Bulk Retail and Trade Retail Activity which results in a total GFA of 10,000m² or more over the PC78 site;
 - v. Supermarket Activity which results in a total GFA of 5000m² or more over the PC78 site;

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)_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.
 - vi. ~~The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity.~~
- 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
[DELETED]	
3	13.10.25
[DELETED]	
[DELETED]	
[DELETED]	
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
[DELETED]	
3	13.10.27
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.27

16.9.4.4 Loading

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.28
[DELETED]	
3	13.10.28
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.28

16.9.4.5 Signs

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.24
[DELETED]	
3	13.10.24
[DELETED]	
[DELETED]	
[DELETED]	
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	RD		RD				RD	

showing additions and alterations to lawfully established buildings, accessory buildings and areas for exclusive use by an owner/s								
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				RD	

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 and Lot design;
- b) Consistency with the Estuary Estates Structure Plan Map;
- c) Transport network-Roading and vehicle access to lots;
- d) Water supply (rainwater harvesting and/or reticulated water supply, and water demand management (savings*)) including for fire fighting;
- 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;
- g) Planting and landscaping.
- h) Ecological effects;
- i) Pedestrian and cycling connectivity to and open space and shared path networks;
- j) Ecology management plan for the adjoining Sub-Zone 8 areas Wetland 3, including weed and pest control and indigenous revegetation (where appropriate) and any required mechanisms for ownership an 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.
- 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. For the catchment of Wetlands 1, 2 and 3, a stormwater management plan shall address the best practicable option to maintain surface flow hydrology. Consent notices shall require stabilised roofing materials.
- f) The nature of the connection to Council's reticulated wastewater system.
- 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 enhancement planting Sub-Zone 8 on the Structure Plan, whether the details of the planting have been provided and for Sub-Zone 8 areas Wetland 3 an ecology management plan, including 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 Stage 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 design and provision of a reticulated supply of water within Residential Sub Zone 3A.
- o) The extent of 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.

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 ²
[DELETED]	
[DELETED]	
[DELETED]	
3	A 350m ²
	B 500m ²
	C 700m ² 750m ²
	D 1000m ²
[DELETED]	
[DELETED]	
[DELETED]	
7	1000m ²

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 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 Lots in Residential Sub Zone 3A must be serviced by a reticulated water supply	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 1000m² 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 are incorporated into and form a part of Appendix 16.1 for assessment purposes.

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.
- ~~Fences and boundary walls (or hedges) facing the public street should not exceed 1.2m in height so as to enable people in the development to see out to the street from ground floor habitable rooms.~~
- 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 ~~an acceptable level of~~ 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 with** bays, ~~and~~ balconies **and variation in roof profiles** to avoid uniformity of appearance. **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 with** bays, ~~and~~ 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 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.**

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.