

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

IN THE of appeals under Clause 14 of
MATTER Schedule 1 of the Resource
Management Act 1991

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

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

Appellants

AND **KAIPARA DISTRICT COUNCIL**
Respondent

**STATEMENT OF EVIDENCE OF MARK SEYMOUR MANNERS
TOLLEMACHE ON BEHALF OF MANGAWHAI CENTRAL LIMITED**

(PLANNING)

17 December 2021

1. INTRODUCTION

Qualifications and experience

- 1.1 My name is Mark Seymour Manners Tollemache. I have the qualifications of a Bachelor of Planning (Hons) (1996) and Master of Planning (Merit) (1999) from the University of Auckland.
- 1.2 I have over 24 years' experience in planning. I have been an independent planning consultant since 2004 as Director of Tollemache Consultants Ltd. Prior to that, I held senior planner and planner positions at North Shore City Council and Common Ground Urban Design Ltd.
- 1.3 I have extensive experience in the preparation of district plans, plan changes, resource consent applications, assessments of environmental effects and presenting expert evidence at hearings.
- 1.4 Recently, I have been involved in large scale plan changes and variations including Plan Variation 15 (1,350 houses at Drury 1 Precinct), Plan Change 6 (1,300 houses at Drury 1 Precinct), Plan Change 51 (Drury West town centre and 600 houses), the Hingaia 2 Precinct, the Hingaia 3 Precinct, the Flat Bush Sub-Precinct C (2,500 houses) and the Pukekohe Golding Road Plan Change (1,000 houses) to the Auckland Unitary Plan. I have also recently been involved in the Proposed Waikato District Plan hearings regarding extensions to Pokeno (600 houses).
- 1.5 Prior to that I have been involved in plan changes in Auckland and Waikato associated with Westgate Town Centre (Plan Change 15), the New Lynn Town Centre (Plan Change 16), Penihana, Pokeno (Plan Change 24), Pukekohe, Belmont, Kingseat, rural Franklin and the Waitakere Ranges.
- 1.6 I have also been involved in large scale urban greenfield subdivisions in Albany, Westgate, Takanini, Flat Bush and Drury.

Involvement in this project

- 1.7 I was engaged by Mangawhai Central Limited ("**MCL**") to prepare Plan Change 78 ("**PC78**"), the Assessment of Environmental Effects ("**AEE**") and Section 32 analysis¹.
- 1.8 I have also been involved in other aspects of the Mangawhai Central development including workshops for design testing and advice relating to the District Plan provisions for PC78, and various resource consents including those granted for Bulk Earthworks², Molesworth Drive upgrade³, Service Zone subdivision⁴ and Town Centre/Supermarket⁵.
- 1.9 I have visited the PC78 site ("**Site**") and Mangawhai on multiple occasions since 2017. I am familiar with the application site and the surrounding locality.
- 1.10 Ms O'Connor, Mr Badham and I have prepared a Planning Joint Witness Statement ("**JWS**") dated 15 December 2021 which addresses agreed amendments to the PC78 provisions. These agreed amendments are reflected in **Annexures 1 to 3** to this evidence. As the JWS was signed two days prior to the completion of the evidence on behalf of MCL, not all of the expert witnesses for MCL have had the opportunity to incorporate all the agreed amendments in their evidence.

Code of Conduct

- 1.11 I confirm that I have read the Code of Conduct for Expert Witnesses 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.

¹ Estuary Estates Private Plan Change Request. Planning Assessment: Assessment of Environmental Effects. Application to Kaipara District Council pursuant to Schedule 1 of the Resource Management Act. November 2019. Tollemache Consultants Ltd.

² RM180243, AUT.039619.01.01, AUT.039619.02.01, AUT.039619.03.01, AUT.042034.01.01, AUT.042034.01.02, AUT.042034.01.03.

³ RM190129.

⁴ RM190283.

⁵ RM190282.

2. SCOPE OF EVIDENCE

2.1 This statement of evidence will outline:

- (a) executive summary;
- (b) the Site description;
- (c) existing resource consents;
- (d) background to PC78;
- (e) overview of PC78;
- (f) the statutory requirements;
- (g) part 2 of the Resource Management Act 1991;
- (h) section 32 evaluation;
- (i) strategic evaluation of PC78;
- (j) an assessment of environmental effects;
- (k) PC78 amendments recommended in evidence for MCL; and
- (l) responses to matters raised in the appeals/s274 notices.

3. EXECUTIVE SUMMARY

- 3.1 The reason for PC78 is that the more than a decade old Estuary Estates Chapter 16 (**“Chapter 16”**) and Estuary Estates Structure Plan (**“EESP”**) of the Operative Kaipara District Plan (**“District Plan”**) does not provide for sustainable or resilient development that reflects the growth pressures and issues now facing the community of Mangawhai.
- 3.2 PC78 proposes to replace the operative 2008 rules and planning requirements with 2021 best-practice provisions that can enable sustainable growth within the Estuary Estates Zone.
- 3.3 PC78 has been developed in parallel with ongoing consenting associated with the Site at 83 Molesworth Drive. Resource consents have in effect implemented a number of key aspects of PC78, including the Molesworth Drive upgrade, Town Centre, Mainstreet and Supermarket development

(Business 1 Sub Zone) and the Service Zone Subdivision (Service 7 Sub Zone), part of the Ring Road, the Collector Road and a super lot for a future retirement village. These resource consents have already resulted in modifications to the pattern of roads, intersections and urban blocks illustrated on the operative EESP.

- 3.4 Since 2017, MCL has been re-evaluating the EESP, preparing concept designs and drafting the new provisions and PC78 Structure Plan proposed with PC78. Numerous community meetings and drop-in days have provided an opportunity for concept designs to be viewed and commented on by the community. The most recent Town Centre, Mainstreet and Supermarket development was considered as part of a notified resource consent process.
- 3.5 In parallel, the community and Council have prepared the Mangawhai Community Plan (“**MCP**”) and Mangawhai Spatial Plan (“**MSP**”) which outline the vision for improvements and enhancements associated with Mangawhai. These have informed the development of PC78.
- 3.6 PC78 proposes the following “zoning” changes based on the zone map in **Annexure 1**:
- (a) Amend the Business 1 Sub Zone to match the amended PC78 Structure Plan and reduce its size to 5.34 ha from 7.5 ha.
 - (b) Delete Sub Zones 2 (Community), 4 (Parkside Residential), 5 (Rural Cluster) and 6 (Rural-Residential).
 - (c) Replace Sub-Zones 2, 3, 4, 5 and 6 with new Residential Sub Zones 3A (30.85 ha), 3B (28.12 ha), 3C (2.38 ha) and 3D (26.64 ha).
 - (d) Amend the Service 7 Sub Zone to align with the Ring Road route in the amended PC78 Structure Plan (and an increase in size from 7.5 ha to 8.2 ha).
 - (e) Replace the Green Network Overlay of the EESP with a new Natural Environment 8 Sub Zone which encompasses the existing native bush and wetlands (Wetland 1, 2, 3 and D), and provides for their protection and enhancement (29.75 ha).

(f) Rezone Lot 1 DP 314200 and Lot 4 DP 314200⁶ from the District Plan's Residential Zone to Estuary Estates Zone.

- 3.7 The purposes of the Business 1 Sub Zone and Service 7 Sub Zone remain the same. These support the town centre and employment related activities provided for by Chapter 16. The layout of the Business 1 Sub Zone reflects the consented Main Street and is at a more appropriate scale than the EESP.
- 3.8 New Residential Sub Zone 3A provides for standard residential development with subdivision of vacant fee simple lots to a minimum size of 350 m². An Integrated Residential Development ("IRD") overlay applies to an area within the Residential Sub Zone 3A.
- 3.9 The Residential Sub Zones 3B, 3C and 3D replace Sub Zones 5 and 6. These delete the Rural Clusters and Rural Countryside Living Sub Zones, and enable 500 m², 750 m², and 1000 m² minimum vacant fee simple lots.
- 3.10 A principal flaw with Chapter 16 is the reliance on a prescriptive and inflexible EESP that included 26 planning maps which master planned the location of buildings, roads, walkways and open space and their staging to a high level of detail. Mr Munro's analysis of the EESP is that it is flawed and not an optimal approach from an urban design perspective. Mr Colegrave has criticised the scale of the Business Sub Zone 1.
- 3.11 The Molesworth Drive upgrade resource consent could not establish the roads and intersections in the form illustrated on the EESP, and that consent acknowledged that a departure from the EESP was required to establish appropriate access into the Site that was also future-proofed to accommodate growth in traffic along Molesworth Drive itself. The expert evidence associated with the Town Centre resource consent application demonstrated that the outcomes sought in the Business Sub Zone 1 could not be achieved given that the EESP was based on 17,000 m² gross floor area of ground level commercial and retail, well exceeding the requirements for the growing Mangawhai community.
- 3.12 The PC78 Structure Plan (**Annexure 2**) does not adopt the prescriptive approach of the EESP whereby all roads, reserves, walkway linkages,

⁶ These two lots comprise a total area of 0.9377 ha and are located on the Site's frontage to Old Waipu Road and the Site's farm track access from this road.

buildings, building areas and planting areas were to be built as mapped and were linked to rules which require each element to be constructed and staged as illustrated.

3.13 The amended PC78 Structure Plan and PC78 Zone maps illustrate the framing elements important to the delivery of the objectives of the Estuary Estates Zone (as amended by PC78). Key elements (as shown on the PC78 Structure Plan map) include:

- (a) Upgrades to “Molesworth Drive” along the Site’s frontage (pink hatched).
- (b) A “Ring Road”, which generally reflects the location of the horseshoe shaped road from the EESP (pink line).
- (c) A new “Collector Road” (solid teal line), together with the “Main Street” (orange line), form the road network that contains the Business 1 Sub Zone.
- (d) A cycle and walking trail from Old Waipu Road to the Tara Estuary esplanade reserve (dashed pink line).
- (e) Areas of existing native bush and wetlands for protection and enhancement, along with the riparian margins of streams and wetlands to enhance (hatched green).
- (f) An indicative open space for a park contained in the Residential Sub Zone 3A (green asterisk).
- (g) A “building frontage to the main street” (purple line). This is where a main street style of development is anticipated (and has recently been consented).
- (h) A new overland flow path is identified through the Site to Tara Creek, named as “central watercourse” (blue arrowed line). This provides an opportunity to establish a landscape amenity feature recreating an intermittent watercourse, co-located with the cycle and walking trail network.

3.14 The provisions of PC78 (**Annexure 3**) amend Chapter 16 to reflect the proposed Sub Zones and PC78 Structure Plan. Many sections of Chapter

16 remain unchanged from the operative provisions as the evaluation identified that there was no need to amend these. The approach of PC78 was not to delete and replace the operative Estuary Estates Zone and Chapter 16 outright, but to amend those provisions.

- 3.15 PC78 is based on the opportunities and constraints identified from a wide range of technical inputs and analyses. Given the development potential of the area, a master planning approach was adopted by Mr Munro to determine the most logical locations for amenities within the Site. This approach does not abandon the layout of the EESP, but rather presents a refinement that also reflect more recent strategies, plans, and policies developed by the Council and central government. PC78 has not taken a one-size-fits-all approach to residential zoning, but rather has graduated density across the Site based on higher densities being located closer to the town centre (Residential Sub Zone 3A and IRD) and lower densities on the edges that are more distant (Residential Sub Zones 3C and 3D). This refined approach addresses location factors of the Site, along with the landscape and visual assessment prepared by Mr Pryor.
- 3.16 The PC78 provisions are considered to be more efficient and effective than the operative provisions of Chapter 16. The Section 32 assessment demonstrates that the proposed policies and methods are the most appropriate for achieving the objectives identified in the District Plan and for achieving the purpose of Resource Management Act 1991 ("**RMA**"). This is particularly relevant in respect to the District-wide Objectives of Chapter 3 of the District Plan, which already recognise that Mangawhai is a key location for accommodating growth.
- 3.17 The evidence of MCL's witnesses demonstrates that there are no significant barriers to the urbanisation of the Site except with respect to certain natural features (in a context where the operative Chapter 16 already enables a significant level of development), and that potential adverse effects on the environment can be avoided, remedied or mitigated by the PC78 provisions (or existing provisions within the District Plan). Important to this approach is the use of the Natural Environment 8 Sub Zone which provides for the protection and enhancement of natural features within the Site.

- 3.18 Both the structure planning and rezoning process have addressed the matters in Part 2 of the RMA, the Northland Regional Policy Statement (“**RPS**”) and other matters within Sections 72 to 77D of the RMA. PC78 is considered to be consistent with all of these matters and gives effect to the RPS and relevant National Policy Statements.
- 3.19 PC78 is considered to reflect sustainable management and to be 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 Town Centre and Service 7 Sub Zone. The urban land resource in Mangawhai is scarce, and the Site is ideally located between Mangawhai Heads and the Mangawhai Village to cater for growth.
- 3.20 For all of these reasons, PC78 can be approved.

4. SITE DESCRIPTION

- 4.1 A summary of the site description, from the AEE, is outlined below.
- (a) The site is approximately 130 hectares of land contained within four titles⁷ and is located on the upper Mangawhai Harbour. The wider Site is bounded by Molesworth Drive to the south east, Tara Creek to the north east, countryside living development to the north and west, Old Waipu Road to the west and residential development to the south (accessed off Sunlea Lane, Hills View Lane and Molesworth Drive).
 - (b) The Site has varying topography with approximately 40ha within the low-lying range of RL 4-7m (identified by Mr Munro as the “bowl”).⁸ The balance of the Site, mainly in the high land, ranges from RL 7-30m with sloping sides (identified by Mr Munro as the “saddle”, “slope”, “flank”). The higher ground, saddle and slope, forms a ‘Y’ shaped ridge running south to north towards the Tara Creek.
 - (c) The Site is defined to the north-east by the Tara Creek, which drains into the Mangawhai Harbour and to the north-west by Wetland 1⁹,

⁷ Being Lot 6 DP 314200, Lot 4 DP154785, and Lots 1 and 4 DP 314200.

⁸ Refer to Mr Munro’s evidence (17 December 2021), Attachment 6.

⁹ Refer to the freshwater ecology evidence of Dr Neale (17 December 2021).

which drains to the Tara Creek. To the south-east the area is defined principally by Molesworth Drive as it traverses the estuarine alluvial flats between Mangawhai Village to the south-west and Mangawhai Peninsula northeast of the Molesworth Drive causeway.

- (d) The Site mainly comprises rank pasture with infestations of gorse, several large wetland areas (Wetlands 1, 2A, 2B, 3 and D – refer ecology evidence of Dr Neale and Mr Montgomerie), three relatively large areas of shrubland/forest vegetation and two smaller areas of shrubland. The largest patch of native vegetation is an area of mānuka gumland of approximately 22 hectares (comprising approximately 15 ha of wetland known as Wetland 3 and 7 ha of non-wetland vegetation in the north-eastern corner of the Site adjoining the Tara Creek). There is also a smaller area of kānuka shrubland (approx. 2 ha) along the western boundary of the Site and a small area of mixed exotic/native shrubland alongside the northern-western boundary. As outlined by Dr Neale and Mr Montgomerie four streams are located within the Site, draining to and through Wetlands 1, 2A, 2B, 3 and D.
- (e) Access to the Site is via Molesworth Drive and Old Waipu Road. The Molesworth Drive upgrade resource consent is currently being implemented, and provides for the establishment of two roundabout intersections and an upgrade to the Site's frontage to Molesworth Drive. The upgrade establishes four lanes, two roundabouts and 3m shared paths on both sides of the road. The roundabouts form the connections to the PC78 Ring Road, Main Street and Collector Road.
- (f) The Site's eastern boundary adjoins an existing Council Esplanade Reserve, which adjoins the Tara Creek.
- (g) The Clough Associates Report¹⁰ accompanying the AEE identifies the known archaeological sites. None of these are impacted by the Sub Zones or annotations of the PC78 Structure Plan.

¹⁰ Estuary Estates, 83 Molesworth Drive, Mangawhai: Archaeological Assessment, December 2017, Clough & Associates Ltd.

5. EXISTING RESOURCE CONSENTS

- 5.1 MCL has been granted a number of resource consents associated with the development of the Site. The relevant resource consents, their locations illustrated in Attachment 5 to Mr Munro's evidence (except for the bulk earthworks), are:

Stages 1, 2 and 3 Bulk Earthworks Consents

- (a) MCL has resource consents for bulk earthworks from the District Council and NRC. Stage 1 Bulk Earthworks¹¹ is over an area of 57.10ha. Stage 2 Bulk Earthworks¹² is over an area of 30.52ha. Stage 3 Bulk Earthworks¹³ is over an area of 7.7ha. I estimate that less than 7ha of bulk earthworks remain to be consented to complete the earthworks design for the site as a whole.

Molesworth Drive Upgrade

- (b) MCL has resource consent¹⁴ for the upgrading of Molesworth Drive. This establishes two roundabouts, a four lane widening of Molesworth Drive and an upgrade of the pedestrian and cycle facilities fronting the Site with 3m shared paths. This is currently under construction.

Local Service Zone Subdivision

- (c) MCL has resource consent¹⁵ to undertake a 15 lot fee simple subdivision of the Service Sub Zone 7 land, two super lots (including Lot 200 for a potential retirement facility), four balance lots, and roads to vest, over three stages, with associated earthworks, road construction and infrastructure development. The subdivision establishes the first 520m of the Ring Road which is designed with a planted central median and 2.5m shared paths on either side for pedestrian and cycle activity.

¹¹ Kaipara District Council reference RM180243. Northland Regional Council reference AUT.039619.01.01, AUT.039619.02.01, AUT.039619.03.01, AUT.042034.01.01, AUT.042034.01.02, AUT.042034.01.03.

¹² Kaipara District Council reference RM190096. Northland Regional Council reference AUT.042034.01.01, AUT.042034.01.02, AUT.042034.01.03.

¹³ Kaipara District Council reference RM210144. Northland Regional Council reference AUT.042034.01.01, AUT.042034.01.02, AUT.042034.01.03.

¹⁴ Kaipara District Council reference RM190129 approved 25 November 2019.

¹⁵ Kaipara District Council reference RM190283 approved 14 May 2020.

- (d) The subdivision consent effectively implements the changes sought by PC78 to Service 7 Sub Zone, including providing for lots of a minimum size of 1000 m² (Rule 16.10.10.1), the establishment of a 2-2.5m high 16.5m wide planted bund adjoining the Residential Zone, and the management of the bulk and location of buildings through coverage and yard controls which match PC78 Rules 16.8.2.3 (Yards) and 16.8.2.8 (Building Coverage).
- (e) Resource consent¹⁶ has been granted to develop a Bunnings trade supplies outlet on approved lot 9. Resource consent¹⁷ has also been granted to a third party to develop a service station on approved lot 10.

Mangawhai Central Town Centre – Main Street and Supermarket Development

- (f) MCL has resource consent¹⁸ for a town centre main street and supermarket development. Town Centre buildings are consented on either side of the new north-south mainstreet road. The centre is split into six blocks, each separated by either the mainstreet, or lanes/accessways and additional parking areas. The blocks are consented to contain a mix of retail, commercial, medical and food and beverage activities which equate to a total of 2,475m² of retail space, and 785m² for food and beverage/restaurants.
- (g) A 2,965m² supermarket (retail, mezzanine, loading bay) is consented on the western side of the main street, to be sleeved by a strip of retail units that will front the main street. In total this level of retail will be considerably smaller than as provided in the EESP
- (h) A subdivision consent vests the roads (main street and first 350m of the Collector Road) along with establishing the urban blocks and lots that reflect the proposed extent of Business Sub-Zone 1. The resource consent also implements the landscape strip on Molesworth Drive proposed in PC78 Rule 16.8.2.3 e. i).

¹⁶ Kaipara District Council reference RM200102 approved 18 March 2021.

¹⁷ Kaipara District Council reference RM200156 approved 13 November 2020.

¹⁸ Kaipara District Council reference RM190282 approved 18 May 2020.

Collector and Ring Road

- (i) MCL has resource consent¹⁹ to complete the Collector Road (430m) and develop an additional 420m of the Ring Road. Both are designed with 2.5m shared paths on either side of the road. This resource consent also completes the road frontage for the intended Superlot 200 for a future retirement village.

Water Takes

- (j) MCL has regional water take consents²⁰ to support the provision of a reticulated water supply network, including high flow water takes.²¹

Reservoir Consents

- (k) MCL has regional consents²² to establish a water supply reservoir on the Site.

5.2 The Stage 1 and 2 bulk earthworks and Molesworth Drive Upgrades also have archaeological authorities²³ issued by Heritage New Zealand Pouhere Taonga.

5.3 The District Council holds a Regional Network Discharge Consent²⁴ (“**NDC**”) which provides for the diversion and discharge of stormwater into the Coastal Marine Area (“**CMA**”) of the Mangawhai Harbour.

6. BACKGROUND TO PLAN CHANGE 78

6.1 The Site was subject to a previous Private Plan Change request (“**PC22**”) which was made operative in 2008 (within the earlier District Plan prior to the District Plan review and the current Operative District Plan). PC22 rezoned 130 hectares to a mixture of residential, rural-residential (countryside living), green network, business, service and community Sub-Zones within an overall Estuary Estates Zone (refer Attachment 3 to Mr Munro’s evidence). The EESP comprises a series of 26 maps detailing roads, landscape/green areas, building locations, infrastructure locations

¹⁹ Kaipara District Council reference RM210103 approved 25 June 2021.

²⁰ Northland Regional Council reference High flow water take AUT.042407.01.01 and AUT.042407.02.01; and bore water take AUT.040574.01.01.

²¹ Refer to the evidence of Mr Williamson (17 December 2021).

²² Northland Regional Council reference AUT.0432233.01.01, AUT.0432233.02.01, AUT.0432233.03.01, AUT.0432233.04.01 and AUT.0432233.05.01.

²³ Authorities 2020/175; 2019/052; 2021/165.

²⁴ Northland Regional Council reference APP.002111.01.03; 02.02 and 03.02.

and implementation sequencing (the primary maps for the EESP are included in Attachment 4 to Mr Munro's evidence). Effectively the EESP masterplanned each block to a level of detail that I would normally expect in a resource consent.

- 6.2 As part of my role for MCL, I worked as part of a team to determine the workability, feasibility and practicality of the EESP and Chapter 16 and associated provisions. This workstream highlighted issues and flaws with the EESP and Chapter 16 which would make it difficult to implement the intended layout and design, including in respect to best practice engineering and urban design approaches.
- 6.3 The economic based issues associated with the operative EESP and Chapter 16 have been detailed in the evidence of Mr Colegrave and are summarised as:
- (a) Unduly limiting residential yields to a maximum of 500;
 - (b) Imposing minimum lot sizes that are too large in many Sub-Zones;
 - (c) Foregoing more than 50% of residential zoned land to planted green space;
 - (d) Precluding the development of smaller and more affordable dwellings;
 - (e) The envisaged up to 17,000m² ground floor gross floor area of commercial and retail development (34,000 m² when first floor development is also included) associated with Business Sub-Zone 1 greatly exceeded the business activities required to support Mangawhai's growth;
 - (f) Generating process inefficiencies by requiring new dwellings to obtain resource consent unless they form part of a comprehensive development resource consent.
- 6.4 Urban design issues and flaws associated with the operative EESP and Chapter 16 have been detailed in the AEE reporting and evidence and urban design report²⁵ of Mr Munro and are summarised as:

²⁵ Urban Design Assessment Private Plan Change: Mangawhai Central, Ian Munro, October 2019.

- (a) The orientation and length of the retail and commercial areas provides a “south facing” main street, and a total frontage which exceeds 300m, which is greater than most large Auckland town centres.
- (b) A significant amount of new green space was identified but there seems to be no acknowledgement of the costs of this or who was envisaged as owner of parts or all of the resultant green network.
- (c) Many of the identified pedestrian and cycle routes would not be well overlooked or integrated with buildings.
- (d) The retail and commercial areas cannot be implemented as the EESP and car parking requirements do not “match” – a significant amount of land is needed for the 780 car parks based on the commercial GFA required.
- (e) The maps require buildings for Business Sub-Zone 1 to be approximately 60m away from Molesworth Drive, substantially degrading the commercial trade (visibility) benefits of locating a commercial activity close to the road to start with.
- (f) The intersections into the Site are not possible as signal-controlled intersections and the Council indicated a strong view that signals should not occur on Molesworth Drive. The alternative, 2-lane roundabouts, required a different footprint and could not occur in the identified places on the EESP. These are matters already addressed through the now-granted Molesworth Drive upgrade resource consent.
- (g) The limitations on housing density (understood to be driven at that time by infrastructure constraints), and relatively substantial on-site landscaping and enhancement requirements drives the zone towards larger and more expensive dwellings on relatively large sites. This would not appropriately address housing affordability and supply.
- (h) A centrally (well) located ‘village green’ area that does not maximise its public frontage, or integration with land on either side.

- (i) Block lengths in excess of 400m, which is well beyond what is considered to be 'walkable'.
- (j) Despite the notional incorporation of a perimeter block structuring principle, many blocks seem premised on having public walkways and cycleways through their middle resulting in lots often being 'double-fronted'.

7. OVERVIEW OF PLAN CHANGE 78

7.1 PC78 seeks to update the EESP and Chapter 16. The key components are outlined below.

Proposed Changes to Sub-Zones

7.2 PC78 proposes the following zoning changes based on the zone map in **Annexure 1**:

- (a) Amend the Business 1 Sub Zone to match the amended PC78 Structure Plan and reduce its size to 5.34 ha from 7.5 ha.
- (b) Delete Sub Zones 2 (Community), 4 (Parkside Residential), 5 (Rural Cluster) and 6 (Rural-Residential).
- (c) Replace Sub-Zones 2, 3, 4, 5 and 6 with new Residential Sub Zones 3A (30.85 ha), 3B (28.12 ha), 3C (2.38 ha) and 3D (26.64 ha). An IRD overlay applies to part of Residential Sub Zone 3A.
- (d) Amend the Service 7 Sub Zone to align with the Ring Road route in the amended PC78 Structure Plan (and an increase in size from 7.5 ha to 8.2 ha).
- (e) Replace the Green Network Overlay of the EESP with a new Natural Environment 8 Sub Zone which encompasses the existing native bush and wetlands (Wetland 1, 2, 3 and D),²⁶ and provides for their protection and enhancement (29.75 ha).
- (f) Rezone Lot 1 DP 314200 and Lot 4 DP 314200 from the District Plan's Residential Zone to Estuary Estates Zone. The Sub Zones

²⁶ Refer to Annexure A of Dr Neale's evidence for the locations of these wetland features.

applied to these lots are Residential Sub Zones 3B and 3C and Natural Environment Sub-Zone 8 (accounting for Wetland D).

- (g) Amend map 56A of the District Plan based on the Sub Zones in **Annexure 1**.

7.3 **Annexure 1** includes the amendment agreed in the JWS²⁷ to “down-zone” the land between the esplanade reserve and the Ring Road from Residential Sub-Zone 3A to Residential Sub-Zone 3B.

Proposed PC78 Structure Plan

7.4 The proposal for the Structure Plan is a full replacement (rather than an amendment). It is proposed to delete Appendix E Maps 1 to 26 of the District Plan. A single Structure Plan Map is proposed (**Annexure 2**).

7.5 The PC78 Structure Plan illustrates the following key features.

- (a) The upgrade of “Molesworth Drive” along the Site’s frontage, including the two roundabouts and the vesting of sufficient land to accommodate these. This area matches the approved Molesworth Drive Upgrade resource consent.
- (b) A “Ring Road” connecting to the two roundabout intersections on Molesworth Drive. This generally accords with the Ring Road from the EESP. Approximately 940m of the Ring Road is consented in an alignment which matches the PC78 Structure Plan.
- (c) A “Collector Road” forming an internal connecting network between Molesworth Drive and the Ring Road. This has been consented to its roundabout intersection with the Ring Road.
- (d) The “Main Street”, which in combination with the Collector Road forms the road network that contains the Business Sub-Zone 1 (being the Town Centre).
- (e) A cycle and walking trail from Old Waipu Road to the Tara Creek esplanade reserve. The existing walking track within the esplanade reserve is outside of the Estuary Estates Zone (and MCL’s

²⁷ Planning Joint Witness Statement dated 15 December 2021.

landholdings), however it is identified on the PC78 Structure Plan as it forms part of the overall recreation network.

- (f) The “Gum Diggers Track” which is an existing recreational trail within Wetland 3 connecting to the existing walking track within the esplanade reserve. It is proposed to expand this trail to include a route encompassing an existing farm track around the Manuka Wetland 3.
- (g) Areas of existing native bush and wetlands for protection and enhancement.
- (h) Areas of the riparian margins of streams and wetlands to enhance.
- (i) Amenity planting areas associated with the slopes of the Site and road boundary with Old Waipu Road, along with the buffer planting along the edge of the Service Sub Zone 7 with the adjoining Residential Zoned land outside the Estuary Estates Zone.
- (j) An indicative open space (park).
- (k) A building frontage to the Main Street, mimicking the consented pattern of development fronting Main Street.
- (l) A new Central Watercourse is identified through the Site to Tara Creek. This would provide an opportunity to establish an amenity feature and overland flow path conveyance, co-located with the cycle and walking trail network.
- (m) The Coastal Environment overlay from the RPS, linked to proposed Rule 16.7.1.
- (n) A 10m widening of the existing Tara Creek esplanade reserve to provide for riparian margin planting to be established between the coastline and the existing walking track, and this walking track to be relocated further inland to accommodate this planting.

7.6 Annexure 2 includes the amendments agreed in the JWS:

- (a) Inserting a red asterisk (x 2) for “indicative locations for future pedestrian and cycle connection to the north of the structure plan”.

(b) Inserting a black asterisk for “20m width land set aside for future potential road connection to Old Waipu Road”.

(c) Inserting “indicative local roads” (illustrated as grey lines).

7.7 The PC78 Structure Plan does not adopt the prescriptive approach of the EESP, whereby all roads, reserves, walkway linkages, buildings, building areas and planting areas are exactly mapped and linked to rules which require each element to be constructed as illustrated, and in accordance with an inflexible staging plan. Instead, key “structural” features are identified. The structure plan approach proposed by PC78 is consistent with the experience I have had with preparing and utilising structure plans / precinct plans in other District Plans.

Amendments to Chapter 16 Provisions

7.8 The proposed PC78 provisions are included in **Annexure 3**. In summary the changes to Chapter 16 are:

(a) Updated Sub Zone objectives, policies, rules and descriptions reflecting the amendments to the Sub Zones outlined above.

(b) Deletion of the 500 unit density cap and replacement with new IRD provisions and lot sizes.

(c) Deletion of requirements for comprehensive development plans and associated staging.

(d) Alignment of the provisions for Service Sub Zone 7 with the approved Service Zone Subdivision resource consent.

(e) Deleting provisions requiring explicit building location detailed on the EESP and adherence to this type of detail.

(f) Deleting the provisions that require adherence to the staging illustrated on the EESP.

7.9 Subdivision for vacant fee simple lots in accordance with the relevant standards, including minimum lot size (Rule 16.10.10.1), is a restricted discretionary activity. Where minimum lot sizes are not complied with, the subdivision becomes non-complying (Rule 16.10.5-1). This is considered appropriate to establish certainty as to the outcomes anticipated by the

minimum lot size rules and the distribution of the Residential Sub Zones 3A to 3D. In my opinion, the non-complying activity status establishes the appropriate threshold to consider the effects and policy implications of non-compliances. I consider the PC78 provisions respond to community concerns regarding certainty in respect to the outcomes of residential development and subdivision, and the distribution of the Residential Sub Zones and the associated rules reflect an appropriately planned (and constrained) approach to residential development and density distribution within the Site.

- 7.10 The Residential Sub Zones 3B, 3C and 3D replace Sub Zones 5 and 6. These delete the Rural Clusters and Rural Countryside Living Sub Zones, and enable 500 m² (3B), 750m² (3C), and 1000 m² (3D) minimum vacant fee simple lots. The lot sizes graduate from higher density adjoining the Town Centre to lower density near the rural edge of the Estuary Estates Zone.
- 7.11 Residential Sub Zone 3A provides for standard residential development with subdivision of vacant fee simple lots to a minimum size of 350 m². An IRD overlay applies to an area within the Residential Sub Zone 3A.
- 7.12 The amendments agreed in the JWS include clarification in Table 16.7.1-1 and Table 16.7.1-2 that:
- (a) One dwelling per site and its associated accessory buildings are a permitted activity.
 - (b) Two or more dwellings per site in Residential Sub Zones 3A and 3B are a discretionary activity where they comply with the density standards in Rule 16.8.2.2.
 - (c) Two or more dwellings per site in Residential Sub Zones 3C and 3D are a non-complying activity.
 - (d) Dwellings above ground level in Business Sub Zone 1 are a restricted discretionary activity and at ground level are a discretionary activity.
- 7.13 Integrated residential developments, as a land use consent application, are provided for as a restricted discretionary activity in the IRD Overlay

and a discretionary activity where outside the IRD Overlay and in Residential Sub Zones 3A and 3B (Table 16.7.1-1). Outside of these areas (i.e. in Residential Sub Zones 3C and 3D) IRDs are non-complying. In my opinion PC78 carefully locates the IRD opportunities to where the Site can absorb the change without adversely effecting character. Those locations in the “Bowl” and in close proximity to the Town Centre are ideally suited to achieve this.

- 7.14 A discretionary activity status for IRDs outside of the IRD Overlay ensures that any resource consent applications appropriately canvas and address environment effects (including on character) and the relevant policy implications given the emphasis on locating IRDs in close proximity to the Town Centre.
- 7.15 The non-complying activity status in Residential Sub-Zones 3C and 3D reinforces the policy direction regarding the containment of medium density housing to those areas in the Bowl, Flank and Saddle where IRDs are better suited. This constraint is considered to be appropriate and consistent with the evidence of Messrs Munro and Pryor.
- 7.16 To address water supply matters PC78 includes:
- (a) Additions to Objective 16.3.9 and Policy 16.3.9.1 and discretion 16.7.4 ee) and assessment criteria 16.7.4.1 e) to reflect that IRD and development within Residential Sub Zone 3A should be supported by an appropriate reticulated water supply solution.
 - (b) Discretion in 16.10.8.1 d) and assessment criteria 16.10.8.2 m) for firefighting water supply.
 - (c) Rule 16.11.A clarifying network utilities provision in relating to water supply.
 - (d) Rule 16.8.3, in addition to Rules 13.14.4 and 14.14.4, requires non-reticulated sites to have a minimum water storage of 50m³ (including 10m³ for firefighting) which is approximately double that required by the Council in the remainder of the District.
- 7.17 To address transport matters PC78 addresses:

- (a) Pedestrian connections on the PC78 Structure Plan with respect to Gum Diggers Track.
- (b) Rules 16.9.3.2 e) and 16.9.3.2 1 a) regarding the additional traffic assessment where the cumulative number of dwellings exceeds 850.
- (c) Modification to existing assessment criteria 16.7.4.1 b) and subdivision assessment criteria 16.10.8.2 k) to include traffic effects on the wider network.

7.18 To address ecology matters PC78 addresses:

- (a) Rule 16.7.1.3 for any 'natural inland wetland' meeting the definition in the National Policy Statement for Freshwater Management 2020 where located outside of the mapped extent of Sub Zone 8 to be subject to the rules in Table 16.7.1.3 for Sub Zone 8.
- (b) Buildings/structures as a discretionary activity in Sub Zone 8 (Table 16.7.1-3).
- (c) Assessment criteria in 16.7.4.1 j) ii. requiring in addition to the District-wide earthworks discretions, the implementation of best practice for erosion and sediment control.
- (d) Matters of discretion 16.10.8.1 ee), j) and k) and assessment criteria 16.10.8.2 e), i), l) for wetland hydrology, stream enhancement and protection

7.19 To address stormwater matters PC78 includes:

- (a) Policy 16.3.8.1 12) to address the management of stormwater from larger commercial car parks.
- (b) Policy 16.3.11.1 1A) to address the management of stormwater associated with subdivision.
- (c) Assessment criteria 16.7.4.1 c) v. for litter management.
- (d) Rule 16.9.3.2 c) and assessment criteria 16.9.3.2.1 c) for an activity providing more than 30 car parks to manage stormwater treatment.

- (e) Discretion 16.10.8.1 e) for low impact design associated with stormwater and assessment criteria 16.10.8.2 jj) for stormwater treatment.
- (f) Discretion 16.10.8.1 ee) and j) for stormwater hydrology.
- (g) Discretion 16.10.8.1 eee) to require stabilised roofing material.
- (h) Discretion 16.10.8.1 k) and assessment criteria 16.10.8.2 l) to manage the design over the Central Watercourse.

7.20 To address urban design matters PC78 includes:

- (a) A Coastal Environment overlay requiring the design of buildings to obtain resource consent (Rule 16.7.1-1) based on coastal character (including design guidance at 16.17.2).
- (b) Yard controls relating to the CMA, streams, wetlands, and Natural Environment 8 Sub Zone (Rule 16.8.2.3²⁸).
- (c) Provisions managing IRD (16.17.1) which include retirement villages.

8. STATUTORY REQUIREMENTS

- 8.1 As a private plan change, PC78 is governed by Schedule 1 to the RMA. The PC78 request was made pursuant to clause 21(1) of Schedule 1. Council accepted the plan change request and publicly notified it pursuant to clause 26.
- 8.2 Under clause 29(1) of Schedule 1, Part 1 of Schedule 1 (which applies to Council-initiated or adopted plan changes) generally applies with all necessary modifications. This includes provisions for the making of submissions, decisions, and appeals. Other provisions of the RMA, including sections 31, 32, 72, 74 and 75, and Part 2 of the RMA, including the purpose and principles of the RMA, apply to changes to a district plan, regardless of whether it is a Council-initiated or adopted change or an accepted private plan change request.

²⁸ The yard rules have overlapping benefits in terms of separating buildings from natural features, providing for riparian enhancement, creating a buffer between development and natural features and exceed or are the equivalent of those contained in the District Plan.

Section 31

- 8.3 Under section 31(1), Council as a territorial authority has a number of functions for the purpose of giving effect to the RMA in its district, including the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District.

Section 32

- 8.4 Under clause 22(1) of Schedule 1, a private plan change request must "contain an evaluation report prepared in accordance with section 32 for the proposed plan ... change". This is addressed under the "Section 32" section below.

Section 74

- 8.5 Section 74 outlines the matters which must be considered by Council when changing its operative District Plan.
- 8.6 Council must change its operative district plan "in accordance with", among other things, its functions under section 31 above, the provisions of Part 2, its obligation to have particular regard to the section 32 analysis discussed above, and any national policy statements or national planning standards.
- 8.7 Under section 74, the Council must "have regard to", among other things, any proposed regional policy statements or proposed regional plans, management plans and strategies prepared under other Acts, and the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. Relevant plans and strategies are addressed in the following sections below under the Strategic Analysis heading.

Section 75

- 8.8 In addition to setting out what the operative district plan must and may state, s 75(3) says that the District Plan must "give effect to" (relevantly):
- (a) any national policy statement;

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

8.9 In addition to the New Zealand Coastal Policy Statement 2010 (“**NZCPS**”), the relevant national policy statements are the National Policy Statement for Urban Development 2020 (“**NPS-UD**”) and the National Policy Statement for Freshwater Management 2020 (“**NPSFM**”). The relevant regional policy statement is the RPS.

8.10 The first set of National Planning Standards were approved under s 58E of the RMA and gazetted on 5 April 2019. The first set of National Planning Standards specify the structure and form for policy statements and plans, specify definitions, and other administrative requirements.

8.11 In addition, the District Plan must not be inconsistent with (relevantly) a regional plan for any matter specified in s 30(1) of the RMA, which relates to the functions of regional councils under the RMA.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

9.1 PC78 is considered to be consistent with the purpose of the RMA, in particular it seeks to enable the wellbeing (social and economic) of the growing population of the district through the up-zoning of land for housing and the amendments to make the EESP and Chapter 16 provisions appropriate to support development. At the same time, PC78 seeks to address the matters in s5(a) to (c), in particular:

- (a) It seeks to ensure that the land resource is developed in a manner that achieves, and does not undermine, its potential to accommodate its share of projected growth and in particular contributes to the anticipated population growth in this location, relieving pressure for growth in other less appropriate places (such as productive land) thereby safeguarding the needs of future generations.
- (b) It seeks to safeguard the life supporting capacity of water through the use of water sensitive design options for stormwater, and the enhancement of the stream margins and wetlands.

- (c) Adverse effects of urban activities on the environment will be avoided, remedied or mitigated through the PC78 provisions and the existing District Plan rules.

9.2 PC78 recognises and acknowledges the Section 6 matters through the following methods:

- (a) PC78 provides for the protection and enhancement of native vegetation, streams and wetlands through the Natural Environment 8 Sub Zone and annotations on the PC78 Structure Plan. Some of these areas also adjoin the CMA, providing opportunities for protection and enhancement.
- (b) The Site does not contain any identified outstanding natural landscape or feature (as verified through the evidence of Mr Pryor).
- (c) Development within the coastal environment is proposed to be managed through the Coastal Environment overlay and proposed Rule 16.7.1.
- (d) Existing Chapter 16 rule 16.8.2.11 manages earthworks and the potential for erosion and sediment generation. PC78 corrects an error where no relevant discretions are included in Chapter 16 to assess applications against (16.7.4.1 j)).
- (e) The existing Chapter 16 rules (for example 16.10.8.1 e)), the NDC and the proposed amended rules address the design of the stormwater network to manage the effects of stormwater discharges on the freshwater and estuarine receiving environment.
- (f) Public access to and along the coast will be enhanced via provision of tracks and the widening of the esplanade reserve to accommodate plantings and the existing track.
- (g) The Archaeological Assessment provided with the AEE does not identify any specific archaeological or heritage sites within the areas of PC78 identified for urban development.
- (h) The relationship of Maori with their waahi tapu (and any customary activities) has been recognised and provided for through ongoing consultation. For example, Te Uri o Hau provided two Cultural

Values Assessments (“**CVA**”) for the Site, are supervising top soil stripping associated with the bulk earthworks activities and MCL representatives regularly meet with Te Uri o Hau representatives.

- (i) The risk from natural hazards has been addressed through the Geotechnical, Engineering and Infrastructure reporting outlined in the evidence of Mr Duffy.

9.3 PC78 recognises and acknowledges the Section 7 matters through the following methods:

- (a) Consultation has been undertaken with Te Uri o Hau in respect to PC78 and ongoing development within the Site. Te Uri o Hau have been invited to provide cultural monitoring during topsoil stripping, identification of appropriate street names and the review resource consent applications.
- (b) PC78 will enable an efficient use of natural and physical resources as it seeks to better utilise the land already earmarked as the EESP by removing density caps and updating associated rules to ensure a greater range of household units and lifestyle choices and affordable options, while ensuring that the provision of business and commercial zoned land is appropriate to meet the needs of the community and can be developed in a manner which creates an efficient use of the land.
- (c) While the land will no longer be retained for its rural amenity, the amenity values and quality of the area have been recognised and provided for through the implementation of the PC78 Structure Plan and the PC78 provisions, in conjunction with the existing provisions of the District Plan.
- (d) Natural ecosystems can be protected and enhanced alongside future development as envisaged by the PC78 Structure Plan.
- (e) No habitat of trout or salmon are identified in the Site.
- (f) The effects of climate change have been taken into account in the flood modelling, and this can be confirmed through future resource consents.

- 9.4 With respect to Section 8, Te Uri o Hau have been consulted throughout the process of developing PC78, along with the ongoing development of the Site.

10. SECTION 32 EVALUATION

- 10.1 Section 32 of the RMA provides that an evaluation report required under clause 22 of Schedule 1 must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection (1)(a), and whether the provisions in the proposal (i.e. policies, rules and other methods) are the most appropriate way of achieving the objectives under subsection (1)(b).
- 10.2 The evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting. An assessment of alternatives, costs and benefits was provided in the Section 32 Assessment Report provided as part of the AEE.
- 10.3 PC78 is an 'amending proposal' under s32(3) because it seeks to amend the existing District Plan. As an amending proposal, therefore, the evaluation of the proposal against the 'objectives' is limited to new provisions and objectives that are part of the proposal and any objectives of the District Plan that are relevant to the proposed new objectives and would remain if the proposal were to take effect.
- 10.4 PC78 seeks to amend existing objectives only, and is confined to amendments within Chapter 16, thus does not alter the existing structure and framework provided by the objectives and policies in the remainder of the District Plan. In summary:
- (a) PC78 seeks to amend provisions of the EESP and Chapter 16 in a manner that will ensure the sustainable management of a scarce resource (land) through efficient utilisation. PC78 provides for flexibility in potential land use, while suitably managing potential effects.
 - (b) PC78 has been supported by extensive economic and demographic guidance, as outlined in the evidence of Mr Colegrave, to ensure provisions are appropriate from this perspective.

- (c) The PC78 Structure Plan includes the protection of natural features (streams, bush and wetland within the Site) through the Natural Environment 8 Sub Zone provisions and the Chapter 16 subdivision discretions and assessment criteria.
- (d) The engineering and traffic evidence by Messrs Dufty and Hills outlines methods for servicing and accessing future lots and the PC78 area, the appropriate approach to stormwater management and the provision of water supply (including reticulated networks associated with the Residential Sub Zone 3A area). The key roading network and major upgrades to create intersections with Molesworth Drive are also identified on the PC78 Structure Plan.

Evaluation of the EESP and Existing Chapter 16

10.5 The Section 32 evaluation provided with the AEE identifies the following issues with the option to retain the EESP and the existing Chapter 16:

- (a) Across the four residential Sub Zones in the EESP which total 110 hectares collectively, more than 61 hectares of that is dedicated to the 'green network'. Overall, this equates to 56% of the total land area in the residential Sub Zones. This requirement unnecessarily foregoes valuable land for development, and it also imposes additional planting costs.
- (b) The Business Sub Zone 1 seeks approximately 17,000m² (1.7ha) of ground-floor commercial and retail gross floor area, and 1.1km of retail frontage to the street network to be developed. If multi-storied buildings are established, as anticipated by the Sub Zone provisions, the figures could increase to a gross floor area of 34,000m² (3.4ha). As outlined by Mr Colegrave, the total amount of commercial and retail floorspace enabled by existing Chapter 16 is far in excess of any reasonable estimate of likely future demand, when considering future estimated growth for the District. The rigid nature of the planning framework (which requires buildings to be located as per the location on the planning maps, and four urban blocks to be formed on the basis that 1.1km of building frontage to streets is achieved) may mean that the underlying land is unable to be put to its highest and best use.

- (c) The Service Sub Zone 7 has a green network overlay that encompass more than half (4.0ha; 53.3%) of the total land area. The evidence demonstrates that this planting requirement unnecessarily foregoes valuable land for development, in conjunction with imposing additional planting costs on the applicant, which, together, challenge economic efficiency/viability.
- (d) While a significant amount of commercial space is envisaged in Business Sub Zone 1 there was no focal point or 'main street' to act as a heart or centralising space.
- (e) The extent of retail commercial floor space (only considering one-storey tall buildings) would require an equivalent area for car parking (approx. 780 car parks). In practice this would require effectively all of the open space around the indicative buildings (shown on the EESP maps) to be paved car parking and even then there would be a shortfall of car parking. The situation would worsen if a second floor were added to buildings.
- (f) The limitations on housing density and relatively substantial on-site landscaping and enhancement requirements drives the Estuary Estates Zone towards larger and more expensive dwellings on relatively large sites. This would not address the housing issues identified by the Council in its MCP and MSP, and also appears to substantially 'waste' the opportunity for higher density housing provided by proximity to employment, a commercial node/town centre, and open space / coastal amenity.

Evaluation of PC78

- 10.6 The Section 32 evaluation provided with the AEE considered a number of alternatives associated with Chapter 16 including: doing nothing; preparing updates to the EESP and Chapter 16 through the District Plan review process; preparing a plan change to update the EESP and Chapter 16; and preparing a plan change for updates to the EESP and provisions which also reviews the extent of residential development (i.e. PC78).
- 10.7 The Section 32 evaluation identifies the following benefits associated with PC78:

- (a) The PC78 Structure Plan layout modifies components of the EESP which result in poor/undesirable urban design outcomes – particularly the deletion of defined building locations and road orientation in the vicinity of the town centre. This enables future development to create a “main street” which can function as a focal point for the community, and one which maximises solar orientation by utilising an east-west layout. Notwithstanding the existing resource consents, the amended provisions provide for the ongoing expansion and growth of the town centre in response to growth and demand.
- (b) The benefits of increasing the supply and choice of housing, therefore contributing to a more competitive housing market which may improve affordability. Affordable housing opportunities for those working in the supermarket, hardware store, retirement village or the like is an important outcome in providing for wellbeing.
- (c) Making residential development a permitted activity on vacant fee simple lots (subject to planning/development controls) will reduce the costs of building new dwellings and will simplify the process. Both will provide important economic gains. From a planning-based perspective, in my opinion the development controls applicable to bulk and location are appropriate to address amenity outcomes – without the need for every dwelling to be individually assessed by way of resource consent. It is common practice in both greenfield and brownfield development to rely on permitted activity controls to produce outcomes (as occurs in the adjoining Residential Zone in Mangawhai).
- (d) The IRD overlay includes land intended for a retirement village and land in proximity to the town centre (Business Sub Zone 1) where land use consents for integrated developments (for medium density housing) can be sought. This overlay would provide for the development of units, terraces and duplexes and the like through a land use consent process. Greater height, site coverage and impervious surfaces are also enabled for IRD (and visitor accommodation and retirement villages), along with a reduced living court (to 40m²) within the overlay, to provide for medium density style development (rather than the standard single dwelling type

provisions) to encourage greater variance and flexibility in design and layout.

- (e) The benefits of efficient use of investment in new roading, water, wastewater and stormwater infrastructure. The deletion of a cap on residential development also enables the costs of development and infrastructure to be split across more lots. These include the costs of stormwater and wastewater reticulation, plus any associated local road improvements. These costs are likely to be significant, so spreading them across more lots will reduce the average cost of servicing, which improves economic efficiency and is a direct economic benefit to the District. Housing density also provides for innovation in water supply infrastructure (through a reticulated network) in a location where there is no public reticulated supply.
- (f) The social benefits of a critical mass of people to maintain and support local services identified in the town centre and Service Sub Zone 7.
- (g) Environmental enhancement and protection works for identified stream margins and wetlands being undertaken concurrently with subdivision works.

11. STRATEGIC EVALUATION OF PLAN CHANGE 78

National Policy Statement Urban Development

- 11.1 The NPS-UD came into force on 20 August 2020, replacing the National Policy Statement on Urban Development Capacity 2016. Notably, the NPS-UD was released after lodgement of PC78.
- 11.2 The NPS-UD was developed in response to fast-growing urban areas in New Zealand, to help address the constraints on development capacity in the resource management system. It sets out objectives and policies for well-functioning urban environments, and recognises the national significance of:
 - (a) having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural

wellbeing, and for their health and safety, now and into the future;
and

- (b) providing sufficient development capacity to meet the different needs of people and communities.

11.3 One of the key concepts in the NPS-UD is “urban environment”²⁹. The NPS-UD applies to all local authorities that have an urban environment within their district, and to all decisions that affect an urban environment.³⁰

11.4 I consider that Mangawhai is an urban environment for the purposes of the NPS-UD, and that therefore the NPS-UD applies to the consideration of PC78. In my opinion this interpretation aligns with the clear purpose and intent of the NPS-UD. In my opinion it is not necessary or appropriate to read into the meaning of “urban environment” any constrained spatial limitations, or to otherwise unduly complicate the meaning of the term.

11.5 The definition of “urban environment” is very broad in terms of the geographic areas which may be captured. The definition relates to “any area of land”, without any size, jurisdictional or boundary restrictions/limitations. Therefore, in the context of PC78, the relevant “urban environment” for the purposes of the NPS-UD is not confined to the PC78 area or to the Mangawhai Heads or Mangawhai Village areas. I consider it is appropriate to treat Mangawhai, as a whole, as the relevant area. Such an approach aligns with the policy framework of the NPS-UD.

11.6 In terms of subpart (a) of the definition of “urban environment”, although parts of Mangawhai may be considered rural/coastal, the applicable RMA planning documents make it clear that Mangawhai is, or is intended to be, predominantly urban in character. Large areas of Mangawhai, such as Mangawhai Heads, Mangawhai Village, and the Site, unquestionably are (or are intended to be) urban areas.

11.7 In terms of subpart (b) of the definition, the Council’s MSP³¹ demonstrates that Mangawhai is intended to be part of a housing and labour market of at least 10,000 people.³² The MSP identifies that the Mangawhai area

²⁹ Defined as “...any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.”

³⁰ Cl. 1.3 of the NPS-UD.

³¹ The Spatial Plan population projection figures are the most up to date figures from the Council.

³² Kaipara District Council states that the Spatial Plan is “informed by all the existing Plans and Reports available for Mangawhai”.

experienced particularly rapid population growth between 2013 and 2018.³³ According to the population projections set out in Appendix B to the MSP, if this growth continues at the same rate, the population is expected to reach 10,692 by 2033, and 14,466 by 2043.³⁴ The mid-range projection (which takes into account that growth may not continue at the same rate), is for the population to reach 10,796 by 2043.³⁵ These dates are well within the 30 year planning horizon provided for in the NPS-UD.³⁶ The Commissioners' recommendations/Council's decision on PC78 considered that Mangawhai is an urban environment as defined in the NPS-UD.

Key Objectives

- 11.8 The NPS-UD objectives seek to provide for better wellbeing outcomes for people and communities through requiring well-functioning and liveable urban environments.³⁷ PC78 will achieve such outcomes, including through the provision of more affordable housing as a result of a range of section sizes and housing options.³⁸ The objectives highlight the importance of considering the medium to long-term future needs of communities, which is particularly relevant to Mangawhai given it is projected to grow considerably in population in the coming decades.
- 11.9 With respect to Objective 3(a), PC78 will enable more people to live in an area near a centre zone with important employment opportunities (being Business 1 Sub Zone and Service 7 Sub Zone).
- 11.10 Objective 4 recognises that urban environments (and their planning) need to change over time, which is pertinent with respect to PC78 in the context of the existing planning framework in Chapter 16.
- 11.11 Objective 6 reinforces the need for planning decisions to be responsive, particularly for *"proposals that would supply significant development*

³³ The Spatial Plan sets out that the number of residents in Mangawhai in 2018 was 5,031. The foreword to the Spatial Plan states: *"...the current growth in Kaipara District is extraordinary; we are the fastest growing district in the North Island. Kaipara District has experienced unprecedented growth over the past 5 years, with 20% population increase, much of it in Mangawhai. We need to provide suitable areas for people who wish to come and live, work, learn and play in our towns."*

³⁴ Spatial Plan. Appendix B – Growth Projection Assumptions, in particular refer to table 'Total Mangawhai Area Population Projections' – Straight Line.

³⁵ Spatial Plan. Appendix B – Growth Projection Assumptions, in particular refer to table 'Total Mangawhai Area Population Projections' – Mid-range.

³⁶ The term "long term" in the NPSUD is defined as being "between 10 and 30 years".

³⁷ National Policy Statement for Urban Development: Section 32 Evaluation Report, Beca Limited. March 2020. At p20.

³⁸ Refer NPSUD Objective 2.

capacity”.³⁹ PC78 represents a significant opportunity for Mangawhai and the District that in my opinion ought not to be lost through planning decisions that are not responsive to that opportunity. In respect to Objective 6(a), I consider that infrastructure upgrades associated with the capacity of the wastewater treatment plant are being integrated at the Council level through the approaches outlined in the evidence of Mr Dufty, along with the Council’s Development Contributions Policy to address contributions towards the funding of necessary upgrades and expansions of the wastewater treatment plant. Likewise, this also applies to roading upgrades where the Council’s Long Term Plan has identified wider upgrades to the roading network and development contributions are levied to fund these.

Key Policies

- 11.12 In respect to Policy 1, PC78 will contribute to a well-functioning urban environment at Mangawhai and is consistent with the NPS-UD criteria (a) to (f) of Policy 1. It establishes a town centre, employment opportunities, along with a range of residential living opportunities in an integrated and comprehensively planned zone with a structure plan and specific provisions to implement the planned layout and distribution of residential lot sizes and dwelling types.
- 11.13 In respect to Policy 2, the MSP sets out projected populations for Mangawhai over the next two decades which show that the population will potentially grow by almost three times the current number by 2043. PC78 plays an important role in meeting expected demand for housing and business land.⁴⁰ In respect to Policy 5, PC78 will enable density of urban form commensurate with the demand for housing and business use at the Site.
- 11.14 Policy 6 gives direction to local authorities to enable urban environments, including by having regard to the need for urban environments to change,

³⁹ The term ‘development capacity’ is defined in cl. 1.4: *the capacity of land to be developed for housing or for business use, based on: (a) The zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and (b) The provision of adequate development infrastructure to support the development of land for housing or business use.*

⁴⁰ See also Subpart 1 – *Providing Development Capacity* clauses 3.2-3.3 setting out implementation requirements with respect to housing and business land.

and the benefits of urban development that are consistent with well-functioning urban environments. Policy 6 states that:

“...planned urban built form... may involve significant changes to an area, and those changes:

- (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
- (ii) are not, of themselves, an adverse effect.*

11.15 PC78 will enable change, including increased residential densities with respect to the District Plan and Chapter 16. While the change enabled by PC78 may result in certain adverse effects for some people in terms of a change in the use of the Site (it will also have important positive effects), the evidence supporting PC78 demonstrates that any adverse effects will be appropriate. Ultimately, the change is provided for in a manner that is entirely consistent with the NPS-UD, including the provision of increased housing densities and development capacity.

11.16 Policy 8 seeks to improve land-use flexibility.⁴¹ Guidance on the meaning of the term “responsive” is provided in subpart 2 of the Implementation section (Part 3) of the NPS-UD. The guidance provides that the term relates to a plan change that provides significant development capacity that is not otherwise enabled by the plan. The Site is already zoned in the District Plan for significant urban development. Urban development on the PC78 Site is therefore anticipated by the RMA planning documents; and PC78 is not out of sequence with planned land release.⁴² PC78, especially its proposed residential “up-zoning”, would however add to development capacity.

11.17 In respect to Policy 10 I refer to the assessment provided above in respect to Objective 6. I consider infrastructure and development can be integrated and between MCL and the Council there are mechanisms available through the resource consent process, Long Term Plan process and Development Contributions Policy to coordinate and fund these.

⁴¹ Introductory guide to the NPS-UD, Ministry for the Environment. At p6.

⁴² See for example the planned land release in the Spatial Plan.

- 11.18 The appropriateness of PC78 is not considered dependent on the application of the NPS-UD. PC78 was considered appropriate before the NPS-UD, and the NPS-UD provides additional policy support. PC78 is considered appropriate whether or not the NPSUD applies.

National Policy Statement for Freshwater Management (NPSFM)

- 11.19 The NPSFM came into force on 3 September 2020. Notably, the NPSFM was released after lodgement of PC78 with the Council.
- 11.20 The NPSFM seeks to ensure that freshwater quality within a region must be maintained or improved and places a focus on water quality, water quantity and integrated management of freshwater.
- 11.21 With regards to Te Mana o te Wai and tangata whenua involvement, two CVA have been provided by Te Uri o Hau. The CVA outlines that Te Uri o Hau's principles encompass a wide range of values including (but not limited to) ecosystem health and sustainable development, integrated catchment management and wetland and estuary monitoring and restoration. I consider that PC78 will prioritise the health and wellbeing of water bodies and freshwater ecosystems, as required by Objective 1 of the NPSFM and the concept of Te Mana o Te Wai.
- 11.22 The Stormwater Management Plan submitted with PC78 provides for the management of stormwater from the future development. The approach to stormwater management proposed as part of PC78 is considered to be aligned with current best practice stormwater management and the implementation of this can be appropriately addressed at the time of resource consent.
- 11.23 Policy 6 requires no further loss of extent of natural inland wetlands, including the protection of the values of existing wetlands and the promotion of the restoration of wetlands. Policy 9 requires the protection of habitats of indigenous freshwater species.
- 11.24 The PC78 Structure Plan identifies existing wetlands and streams (and their riparian margins) and these wetlands are zoned as Natural Environment 8 Sub Zone. The wetlands identified in Natural Environment 8 Sub Zone are based on the 2019 Freshwater Solutions Ltd report and field work. The definition of 'natural inland wetland' of the NPSFM could

potentially result in additional land along the fringes of the identified wetlands as being identified as a natural inland wetland. While these matters are addressed by the NESF in respect to new regulations, PC78 proposes the Natural Environment 8 Sub Zone as a means to protect and enhance natural features including wetlands within the Site. To give effect to the NPSFM, PC78 proposes that the Natural Environment 8 Sub Zone rules apply to the mapped Sub Zone and any natural inland wetland which exists within the Site (whether mapped or not). This is addressed by the explanation in 16.6.8.1 and Rule 16.7.1.3.

- 11.25 PC78, including the approach of the Natural Environment 8 Sub Zone, along with the specific Stormwater Management Plan required to address hydrology associated with the wetlands (Rule 16.10.8.1 ee)), is considered to give effect to the NPSFM, particularly Policy 6. Rule 16.10.8.1 i) addresses the riparian enhancement plantings of the streams and wetlands, along with the preparation of an ecology management plan.
- 11.26 PC78 proposes to retain the existing mainstream watercourses on the Site, and retains policies in Chapter 16 which aim to enhance and protect these habitats which is consistent with Policy 7 of the NPSFM. PC78 mitigates anthropic pressures through riparian setbacks and riparian enhancement opportunities. I consider that the protection of existing wetland values, the promotion or restoration of existing wetlands and the protection of habitats of indigenous freshwater species is enabled through PC78 and can be appropriately addressed at the time of resource consent.
- 11.27 Overall, I consider that PC78 will ensure that the values and life supporting capacity of the mainstream watercourses and wetlands on the Site, and the wider catchment, will be safeguarded. Overall, I consider that PC78 will give effect to the relevant objectives and policies of the NPSFM.

New Zealand Coastal Policy Statement

- 11.28 The Site is bounded by an existing esplanade reserve along the coastal edge which provides a buffer between future activities and the coast. This esplanade reserve provides passive recreational opportunities adjacent to the coast associated with the walking track. PC78 does not include land already vested with Council as esplanade reserve.

- 11.29 The PC78 Structure Plan includes provision for the widening of the existing esplanade reserve to accommodate planting within the riparian margin of the coast and the relocation of the existing walking track to achieve this.
- 11.30 The potential risk of coastal inundation is managed as the existing provisions of Rule 16.8.2.1 of Chapter 16 require minimum floor levels for all buildings thereby mitigating potential adverse effects from natural hazards. The minimum floor levels were updated by PC78 based on the advice of Council's PC78 Section 42A Report specialists.
- 11.31 Existing Chapter 16 and District Plan Rules 13.10.1a and 14.10.1 (cross referenced in Rule 16.7.4.1 J) ii)) along with the Regional Plan suitably manage potential adverse effects on the coastal environment and terrestrial and aquatic ecology from sediment runoff resulting from earthworks (and also this matter has been addressed in the existing earthworks consents).
- 11.32 PC78 provides for the use of water sensitive design, including the retention, protection and enhancement of the existing stream network and providing for at source treatment devices such as swales and rain gardens/wetlands as outlined in the Stormwater Management Plan ("**SMP**"). The 'treatment train' method is anticipated to improve the quality of water discharging to the stream network and to the CMA.
- 11.33 The PC78 Structure Plan identifies the "Coastal Environment" of the PC78 area as defined by the Regional Policy Statement. New provisions, not previously contained in Chapter 16, have been proposed to manage the visual appearance of buildings and the design of landscaping within this overlay by Table 16.7.1-1, assessment criteria in Table 16.7.4-1, rules for setbacks from the CMA in Rule 16.8.2.3 and clause 16.17.2 of the Estuary Estates Design and Environmental Guidelines.
- 11.34 I agree with Dr Bramley that PC78, including the suggested avian mitigation plan, gives effect to Policy 11(a) of the NZCPS.
- 11.35 I also agree with Mr Pryor's assessment that PC78 gives effect to Policy 13 of the NZCPS regarding the natural character values of the Site and the coastal environment.

11.36 I am satisfied that PC78 appropriately gives effect to the relevant objectives and policies of the NZCPS.

Northland Regional Policy Statement (RPS)

11.37 With regard to Kaipara and its coastal location, the RPS gives effect to the NZCPS by having policies providing specific and directive guidance to managing development in the coastal environment, including identifying the Coastal Environment and mapping of sensitive environments, waterways and significant features.

11.38 The adjacent Tara Creek is identified as being of High Natural Character and a portion of the PC78 area falls within the extent of the coastal environment, which has been identified on the PC78 Structure Plan.

11.39 In respect to the RPS I consider:

- (a) Chapter 16 and PC78 provide for the use of water sensitive stormwater design, including the retention, protection and enhancement of the existing streams and wetlands and providing for at source treatment devices such as swales and rain gardens. The 'treatment train' method is anticipated to improve the quality of water discharging to the stream network and to the CMA. The evidence of Mr Dufty demonstrates that methods are available to implement the requirements of the NDC held by Council for discharging stormwater into the Mangawhai Harbour, including the ability to meet conditions regarding quality treatment for contaminants⁴³.
- (b) The PC78 Structure Plan includes identification of indigenous vegetation, stream and wetland features within the Site and identifies these for protection and enhancement⁴⁴. The coastal environment is also to be enhanced via the widening of the existing esplanade reserve.

⁴³ Addressing Objectives 3.1, 3.2 and 3.3 and Policy 4.1, 4.2 of the RPS.

⁴⁴ Addressing Objective 3.4 and Policy 4.4 and 4.7 of the RPS.

- (c) Specific measures to reduce sedimentation during earthworks phases is covered by existing District Plan and Regional Plan provisions for sediment runoff⁴⁵.
- (d) Reverse sensitivity effects have been considered as part of the PC78 provisions for those parts of the Site where Service Sub Zone 7 activities are to adjoin existing residential areas (but also to protect the amenity of those existing residents)⁴⁶. The service zone subdivision has received consent and is under construction.
- (e) PC78 does not provide for or create reverse sensitivity effects on any regionally significant infrastructure⁴⁷. An existing wastewater transfer main is located within the Site which has consent to be relocated to within the Ring Road at the time of development.
- (f) Chapter 16 already promotes the efficient use of water through onsite reuse tanks and rain water harvesting tanks to ensure that roof water runoff is captured and able to be re-used. These provisions are enhanced by specific PC78 rules requiring approximately doubling of the onsite water storage for unreticulated sites, along with the provisions of methods to establish a reticulated water supply network⁴⁸. These are in response to matters raised by Mangawhai Matters Inc and the Northland Regional Council.
- (g) Connectivity internally within the Site, as well as connection to the wider area (via Molesworth Drive) is provided through the hierarchy of roads and locations shown on the PC78 Structure Plan. The roads are anticipated to provide a range of transport options (vehicle, cyclists and pedestrians), and includes the walking and cycling network identified in the MSP and the MCP⁴⁹.
- (h) PC78 provides an appropriate range of business opportunities in the town centre, at a scale which is appropriate to accommodate the activities anticipated (and without creating an oversupply of Business Sub Zone 1 land)⁵⁰. The location of the town centre in the

⁴⁵ Addressing Objective 3.2 and Policy 4.2 of the RPS.

⁴⁶ Addressing Objective 3.6 of the RPS.

⁴⁷ Addressing Objective 3.7 of the RPS.

⁴⁸ Addressing Objective 3.10 of the RPS.

⁴⁹ Addressing Objective 3.11 and Policy 5.1 of the RPS.

⁵⁰ Addressing Objective 3.5 of the RPS.

Site and the roading network will enable a cohesive centre which is north-south orientated. The supermarket and town centre buildings fronting main street have received resource consent and are under construction.

- (i) PC78 provides a range of lifestyle options via the Residential Sub Zones 3A to 3D, and will also integrate the development into the surrounding area as the density of development is most concentrated by the town centre and the least dense at the rural edges to the north and west.
- (j) PC78 enables a greater development capacity within an existing urban area by removing the existing Chapter 16 cap of 500 household units which in turn also creates an efficient use of urban land and the infrastructure being installed to serviced it⁵¹.
- (k) The potential for effects resulting from geotechnical hazards and land instability and/or liquefaction hazards have been addressed in the geotechnical reporting accompanying the AEE which found that the land is suitable for the proposed zones (and types of development anticipated in those zones) and that specific foundation design can be tailored at subdivision and building consent stages⁵².
- (l) The area of development is not subject to coastal inundation or erosion and is suitable for the intended development. Mr Dufty has addressed the NIWA tsunami modelling prepared for the Regional Council in his evidence. That modelling puts the Site outside the Inundation Risk area.
- (m) The effects of climate change have been taken into account in determining flooding and storm events and will be addressed and taken into account in the final design of finished floor levels and stormwater devices at subdivision and development stages⁵³.

11.40 Objective 3.11 of the RPS is particularly relevant to the assessment of PC78. This states:

⁵¹ Addressing Policy 5.1 and 5.2 of the RPS.

⁵² Addressing Objective 3.13 of the RPS.

⁵³ Addressing Objective 3.13 of the RPS.

*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]

- 11.41 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, main street, 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. The proposal is considered to promote efficient and effective planning as detailed in Policy 6.1 of the RPS.
- 11.42 The proposal is considered to give effect to the relevant objectives and policies of the RPS.

National Planning Standards

- 11.43 PC78 involves the amendment of an existing chapter of the District Plan, and therefore the amendments adopt the format and definitions of the existing District Plan and Chapter 16. The Council has indicated they have commenced the process of a District Plan review, including aligning the District Plan as a whole with the National Planning Standards. Given the nature of PC78 as a revision to an existing Zone and chapter, it is considered appropriate that the National Planning Standards are implemented through the District Plan review on a consistent basis across the District rather than just in a single chapter, which relies on the format and provisions of the operative District Plan. This is consistent with Implementation Standard 4 of the National Planning Standards.

Kaipara District Plan

- 11.44 Chapter 2 of the District Plan details District Wide Resource Management issues and includes 15 District Wide Objectives and 17 Policies. A detailed assessment of these provisions is undertaken in the AEE.
- 11.45 Chapter 3 of the District Plan outlines the Land Use and Development Strategy for the District. It provides objectives and policies for Council to respond to growth and economic development opportunities.
- 11.46 The proposal is considered to implement these objectives and policies as follows:
- (a) PC78 occurs over land which is already identified for urban development by the EESP. PC78 seeks to reconfigure the EESP in a manner which makes a more efficient use of the land (which is a scarce resource) for both residential activities and commercial activities which are in high demand, as identified in the economic evidence of Mr Colegrave. (Objective 1).
 - (b) The applicant has consulted with iwi associated with the development of the site (thereby ensuring that the development recognises the importance of providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga). CVAs have been prepared for the site. (Objectives 2-3).
 - (c) Part of proposed Business Sub Zone 1 and Residential 3A and 3B fall within the RPS mapped extent of coastal environment. Specific restricted discretionary activity resource consents are required for new dwellings in the coastal environment overlay (Objectives 4&6).
 - (d) The PC78 Structure Plan and PC78 text will provide for good urban design outcomes and amenity across the site (through adherence to rules, discretions and assessment criteria at development and subdivision stages). (Objectives 5, 7-8).

- (e) Archaeological matters have been addressed through the general authorities from Heritage NZ (Objective 6).⁵⁴
- (f) The engineering evidence of Mr Dufty outlines methods for servicing of future lots and the PC78 area, and the approach to stormwater management includes water reuse and stormwater treatment. The key roading network and major upgrades to create intersections with Molesworth Drive are also identified on the PC78 Structure Plan. District Plan provisions and those proposed by PC78 ensure that adequate provision for infrastructure will be provided for future resource consent applications, including firefighting measures. (Objectives 9 & 13-15).
- (g) The Site adjoins an existing esplanade reserve along its eastern boundary which provides opportunities for recreation associated with public open space. PC78 text and the PC78 Structure Plan include the identification of pedestrian and cycle facilities to 'link to' the existing esplanade therefore enabling opportunities for recreation and public open space along the edge of Mangawhai Harbour. The PC78 Structure Plan also anticipates additional open space for community use within the Residential Sub-Zone 3A (Objective 11).
- (h) No effects on mineral resources will result from the proposed PPC (Objectives 12).
- (i) Electricity transmission to and within the site will be managed by existing District Plan provisions and those proposed by the PC78 to ensure that adequate provision will be provided for future resource consent applications (Objective 13 & 14).

11.47 PC78 enables the effective and sustainable supply of residential and business land to meet the current and future demands of the District and enable the community to provide for their social and economic wellbeing. PC78 avoids sprawl into rural heartland as it occurs on a site already planned and anticipated for urban development and will not give rise to reverse sensitivity effects.

⁵⁴ The general authorities are being managed by Clough Associates.

11.48 PC78 will be able to be coordinated with appropriate infrastructure and servicing (including upgrades and new infrastructure) that will accommodate future business and residential development which will also maximise the use of existing infrastructure (e.g. wastewater and roading).

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

11.50 Objective 3A.4.1 of the District Plan 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]

11.51 In my opinion, 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.

11.52 Chapter 4 provides objectives and policies for Overlays in the District. It includes provisions for the District's sensitive environments, one of which is the Mangawhai Harbour Overlay which applies to the Site. The PC78 zoning plan, Structure Plan and provisions recognise and provide the specific habitat, ecological and natural character values of the subject site and surrounding environment. I consider that PC78 is consistent with the provisions in Chapter 4 and that the policies and rules are the most appropriate way to achieve the objectives. In particular, provisions are

established to ensure the protection of streams, wetlands and significant areas of indigenous vegetation. Public access to and along the Coastal Marine Area is also maintained and enhanced.

- 11.53 Chapter 5 provides objectives and policies for the Tangata Whenua of the District. In this instance MCL provided two CVAs as discussed earlier regarding the NPSFM and below regarding Iwi Management Plans. I therefore consider PC78 adequately recognises and provides for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.
- 11.54 Chapter 6 provides objectives and policies for Ecological Areas in the District. It includes provisions for the management of areas such as wetlands, streams and areas of indigenous vegetation that are located on the Site. I consider PC78 is consistent with the relevant provisions within this chapter and the policies and rules of PC78 are the most appropriate way to achieve the objectives of Chapter, as they will maintain ecological areas associated with areas of significant vegetation and habitat while allowing for appropriate subdivision, use and development within the Site.
- 11.55 Chapter 7 provides objectives and policies for Natural Hazards in the Kaipara District. It includes provisions relating to the management of the risks and effects of natural hazards which are applicable to the Site. PC78 is considered to be consistent with the relevant provisions of this chapter as it will require the consideration of natural hazards at the time of subdivision and development within the Site in a manner that does not exacerbate the effects of natural hazards.
- 11.56 Having reviewed the relevant objectives and policies, I am satisfied that the PC78 provisions are the most appropriate way to achieve the objectives of the District Plan.

Northland Regional Coastal Plan

- 11.57 The proposal is considered to be consistent with the relevant objectives and policies of the Regional Coastal Plan ("**RCP**") because:
- (a) Public access to the site's frontage with the coast will be maintained and enhanced as the esplanade reserve already addresses public

access, and the PC78 Structure Plan proposes to widen this by 10m.

- (b) Natural features and coastal processes are not adversely affected as demonstrated by the evidence from Dr Kelly and Mr Montgomerie.
- (c) Future development will avoid disturbance within the coastal marine area or works will be suitably managed by the PC78 provisions.

11.58 Specific measures to reduce sedimentation during earthworks phases is covered by existing District Plan and Regional Plan provisions for sediment runoff and ensuring that best practice solutions to management are adhered to. PC78 provides additional certainty in its new provisions regarding the management of earthworks.

11.59 As outlined by Mr Dufty, a SMP has been prepared alongside PC78 to provide for the management of stormwater from future development. The SMP and PC78 anticipates the use of water sensitive design, including the retention, protection and enhancement of the existing stream network and providing for at source treatment devices such as swales, rain gardens and wetlands. The 'treatment train' method is anticipated to improve the quality of water discharging to the stream network and to the coastal environment. The SMP also includes methods for implementation of the NDC held by the Council for discharging stormwater into the Mangawhai Harbour, including the ability to meet best practice conditions regarding quality treatment for contaminants.

Northland Regional Water and Soil Plan and Proposed Northland Regional Plan

11.60 The proposal is considered to be consistent with the Northland Regional Water and Soil Plan and the Proposed Northland Regional Plan for those same reasons described above in respect to the RCP. Both the operative and proposed Plan address stormwater discharges and erosion and sediment control from the site, and resource consents would be triggered under the provisions of both plans while the Proposed Plan remains subject to appeal. Measures to reduce sedimentation during earthworks phases are addressed in the PC78 provisions. PC78 includes provisions

to manage stormwater quality through the establishment of new infrastructure to best practice standards.

Northland Regional Air Quality Plan

- 11.61 In respect of the Operative Regional Air Quality Plan, the proposal is consistent with the objectives of this plan. Measures to reduce dust nuisance during earthworks phases fall within the scope of the assessment of earthworks activities. Any future activities enabled by PC78 would need to address compliance of any air discharges, particularly from manufacturing or industrial processes, at the time of their development.

Iwi Management Plans and Statutory Acknowledgements

- 11.62 PC78 is considered to be consistent with the Te Uri o Hau Environmental Plan 2011 in relation to the Mangawhai Harbour. In order to acknowledge the Te Uri o Hau Environmental Plan 2011 PC78 seeks to protect and enhance areas of indigenous bush, wetlands and streams, implements a treatment train approach to stormwater management ensuring that all stormwater from impervious roading and car parking surfaces is treated and ensures that stabilised roofing materials are required. These respond to matters raised by Te Uri o Hau, including in their CVA. In addition, an avian management plan has been implemented through earthworks activities in order to manage the effects of these activities.
- 11.63 The focus on the Te Uri o Hau Environmental Plan 2011 appears consistent with the proposal in PC78 to cross reference best practice guidelines for stormwater and erosion and sediment control in 16.1.16 of PC78.
- 11.64 Pursuant to the Ngāti Manuhiri Claims Settlement Act 2012, the Site falls within the Mangawhai Harbour Coastal Marine Area. Under Section 28 of the Ngāti Manuhiri Claims Settlement Act 2012, relevant consent authorities must have regard to the statutory acknowledgement, as provided for in sections 29-31. In this case Ngāti Manuhiri deferred to the consultation already undertaken with Te Uri o Hau.
- 11.65 Pursuant to the Te Uri o Hau Claims Settlement Act 2002, the Site falls within the Mangawhai Harbour Coastal Area. Under Section 58(1)(b),

consent authorities are required to have regard to the statutory acknowledgements in relation to the statutory areas, as provided in sections 60 to 62. In this instance MCL has received two CVA from Te Uri and PC78 is considered to be consistent with the advice received.

Other Documents

Mangawhai Spatial Plan (MSP)

- 11.66 In 2005 Council adopted the Mangawhai Structure Plan. The AEE provided a detailed analysis of the proposal against the 2005 Mangawhai Structure Plan. This analysis concluded that PC78 was not inconsistent with the 2005 Mangawhai Structure Plan.
- 11.67 More recently in 2021, Council adopted the MSP pursuant to the Local Government Act 2004. As raised earlier in my evidence the MSP is based on recent population statistics and projections.
- 11.68 The MSP identifies the following in relation to the PC78 Site. A comment on whether PC78 achieves or can achieve the features is outlined alongside each matter identified in the MSP:
- (a) The potential to accommodate additional growth; PC78 seeks to enable additional growth.
 - (b) A public transport catchment and intersection improvement in the vicinity of the proposed Sub-Zone 1; PC78 and the existing approved Molesworth Drive upgrade consents enables this feature. The ability for the road network to accommodate public transport is being addressed as part of the engineering approval processes for the Town Centre/Supermarket and Service Zone subdivision.
 - (c) A public transport route along Molesworth Drive; the existing approved Molesworth Drive upgrade consents have included provision for future public transport use.
 - (d) An east to west link though the PC78 Site labelled "Potential alignment adjustment to Old Waipu Rd North"; the PC78 Structure Plan illustrates "20m width land set aside for future potential road connection to Old Waipu Road" to not foreclose this connection opportunity. The future connection to Cove Road from Old Waipu

Road is still a matter that lacks a route, design, budget or wider community consultation. These are matters that Council needs to progress and would likely involve amendments to the Long Term Plan and relevant transport policy documents (and potentially designations).

- (e) Areas of Ecological Value; the area identified by the MSP as being of ecological value has been identified as Natural Environment Sub Zone 8 in PC78 and specific methods are proposed to ensure enhancement and protection.
- (f) A coastal buffer line along the coastal edge and an existing and proposed walkway; the existing esplanade reserve falls outside the PC78 area. The PC78 Structure Plan proposes widening of the esplanade reserve to accommodate a properly constructed track which connects to the Gum Diggers track.
- (g) Two Cultural sites joined by a “cultural walkway”; PC78 does not affect the identified archaeological sites, these being located within the esplanade reserve and within Wetland 3.
- (h) Library and/or Council Office location; the Business Sub Zone 1 provisions would support either of these uses.
- (i) A walking and/or cycling connection east west through the Site (coastal edge to Old Waipu Rd); The PC78 Structure Plan includes an east-west pedestrian/cycle connection.
- (j) Slow Street for Molesworth Drive; this has been accounted for as part of the Molesworth Drive upgrade consents. It is understood that Northland Transport Alliance (“**NTA**”) have recommended speed reductions on Molesworth Drive to 50km.

11.69 Overall, I consider that PC78 is able to implement the MSP outcomes.

Mangawhai Community Plan

11.70 The MCP was established to provide a strategic framework for managing the growth of Mangawhai to ensure quality design, environmental and infrastructure outcomes. It was the precursor to the MSP. The MCP was assessed in detail in the AEE. I consider the proposed provisions of PC78

are consistent with the MCP, particularly as they relate to the coastal environment, stormwater management, ecology, transportation and water supply.

Northland Regional Plan Transport Strategy/Plan

- 11.71 The Northland Regional Plan Transport Strategy/Plan was updated in 2018 for the three year period to 2021. Notably it does not contain any funding or identification of the necessity for a “bypass” for traffic heading to Langa Beach. It does acknowledge that Council structure planning work at Mangawhai may lead to additional projects in the future.

Long Term Plan

- 11.72 The Long term Plan includes funding associated with the first stages of the Molesworth Drive upgrades and intersection upgrades outside of the Site (these upgrades being identified in the MCP).
- 11.73 The Council has released various reports outlining the existing capacity of the wastewater treatment plant (and associated disposal network) and the proposed future upgrades to increase capacity.⁵⁵ The Council has also allocated budget in the Long Term Plan for treatment plant upgrades and wastewater network⁵⁶, and the Development Contributions Policy levies for funding associated with upgrades.

Mangawhai Coastal and Harbour Reserves Management Plan

- 11.74 This is a plan required under the Reserves Act 1977 for most of the reserves under the Council’s control. Council’s vision is to manage and promote the Mangawhai Harbour and coastal reserves as a regional resource and an integral part of the wider Mangawhai open space network. The emphasis within the reserves is on passive recreational activities, while protecting and enhancing the natural environment and character of the reserves.
- 11.75 The Site is located within the “Upper Estuarine Reserves” area. PC78 supports Council’s outcomes for reserves and open spaces through its intent to protect and enhance natural features within the Site, expand the

⁵⁵ Numerous reports are publicly available at <https://www.kaipara.govt.nz/services/water-services/wastewater/mangawhai-wastewater>

⁵⁶ Kaipara District Long Term Plan 2021 to 2031, Section 5, Activity Statements – Wastewater.

esplanade reserve and remediate walking trails to minimise their environmental effects where too close to the coastal edge and within Wetland 3. These are intended to support a wider network of walking recreation opportunities within the Site and the wider area.

12. ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 12.1 The AEE included an assessment of effects as required by Clause 22(2) of Schedule 1 of the Act. The following is a summary of key considerations.

Alternatives & general effects of land use change

- 12.2 In general, PC78 seeks to reconfigure the existing Sub Zones and therefore the change in land use from rural to urban (or countryside living in the case of existing Sub Zones 5 and 6) is already anticipated by the EESP. More specifically, PC78 adjusts the pattern of development with regard to roads, reserves, development areas, green network, stormwater management areas and plantings. This increases the intensity of residential development in the urban zoned areas and extends the area proposed for urban development into that currently sub-zoned as countryside living (operative Sub-Zones 5 and 6) and Lot 1 DP 314200 and LOT 4 DP 314200, Old Waipu Road (already zoned Residential). In my opinion this represents a more efficient use of a scarce land resource, to better meet the needs of the growing Mangawhai community.

Social

- 12.3 Despite the complex rules of the operative Chapter 16 and the EESP for the green network, there was no guarantee that such open spaces would be publicly owned and/or available for public use. In my opinion, this matter was 'fudged' in Chapter 16, whereby expectations of significant areas of open spaces being available to the public were identified without the funding mechanism for Council to purchase this land being identified.
- 12.4 The PC78 Business 1 Sub Zone rules enable a wide range of retail, service and community activities in this sub zone.
- 12.5 PC78 seeks to enable walking and cycling opportunities, and connections to existing trails/tracks and roading networks. This includes the track along

the esplanade reserve, the Gum Diggers Track, and the east-west pedestrian and cycle linkages from Old Waipu Road to the esplanade reserve.

- 12.6 The PC78 Structure Plan includes the provision of an indicative public open space (park) in the Residential Sub-Zone 3A land. This is close to the town centre and where the majority of residents would reside.
- 12.7 I consider that the PC78 Structure Plan and the PC78 methods to implement the delivery of the PC78 Structure Plan, in conjunction with the consents already obtained by MCL for Town Centre and Service Zone subdivision, will contribute in a positive manner to social, economic and cultural wellbeing.

Heritage

- 12.8 PC78 does not affect the identified archaeological sites. These are located in the esplanade reserve and Wetland 3, both locations proposed to be enhanced in terms of their habitat.

Landscape and Visual

- 12.9 The landscape and visual effects are discussed extensively in the evidence of Mr Pryor. The PC78 text and the Structure Plan includes additional methods to manage potential adverse visual and character effects associated with the RPS's mapped Coastal Environment. Table 16.7.1-1 requires a restricted discretionary activity consent for new dwellings in this overlay. The restricted discretionary activity is paired with associated matters of discretion and assessment criteria in 16.7.4 and 16.7.4.1 being:
- (a) existing matter of discretion and assessment criteria a) Building design, external appearance and amenity; and
 - (b) existing matter of discretion and assessment criteria g) Natural Environment.
- 12.10 New design guidelines at 16.17.2 also apply to the design of dwellings in the mapped Coastal Environment.

- 12.11 In my opinion the methods, in combination with the existing Chapter 16 rules and amended provisions in PC78 will sufficiently address any concerns relating to landscape and amenity values and mitigate any potential adverse effects of PC78 on such values.

Ecological

- 12.12 Ecological effects are discussed extensively in the evidence of Mr Montgomerie, Dr Neale, Dr Kelly and Dr Bramley. The PC78 Structure Plan identifies existing wetlands and streams (and their riparian margins) and the wetlands are zoned as Natural Environment 8 Sub Zone. The approach of this Sub Zone, along with the specific Stormwater Management Plan to address hydrology associated with the wetlands (Rule 16.10.8.1 ee)) are considered to address the potential effects on these features.
- 12.13 Natural Environment 8 Sub Zone is 29.7 ha in size and the subdivision requirements in PC78 include the preparation of management plans for its protection and enhancement, along with the remediation of the Gum Diggers Track. PC78 includes additional matters of discretion and assessment criteria⁵⁷ to ensure that planting, weed and pest management plans and protection of features is secured through subdivision resource consents.
- 12.14 The proposed provisions are in my opinion suitable to address ecological values and effects.

Earthworks

- 12.15 The effects of earthworks are discussed extensively in the evidence of Dr Kelly and Mr Duffy. The District Plan contains existing provisions which apply to the current EESP area and throughout the District. PC78 corrects an error in Chapter 16 in that no matters of discretion or assessment were listed for earthworks consents. Cross-references, along with a requirement to implement best practice engineering, including for sediment and erosion control, are included in PC78.⁵⁸

⁵⁷ Discretion 16.10.8.1 g), h), j), Assessment criteria 16.10.8.2 ee) and, i), Rule 16.10.10.4 6 Legal Protection.

⁵⁸ Rule 16.8.2.11, Discretion 16.7.4 j), Assessment criteria 16.7.4.1 j).

12.16 The existing earthworks consents for the Site includes a suite of conditions which have been deemed by both the District and Regional Councils to appropriately address and manage potential effects.

Stormwater

12.17 The effects of stormwater discharges are discussed extensively in the evidence of Dr Kelly and Messrs Dufty and Van de Munckhof.

12.18 The EESP area is covered by an NDC issued to Council in 2017 (Permit number APP.002111.01.03; 02.02 and 03.02), which provides for the diversion and discharge of stormwater into the CMA.

12.19 Chapter 16, along with PC78, includes discretions and assessment criteria⁵⁹ which require the appropriate design of stormwater infrastructure.

12.20 The SMP provided with the PC78 application⁶⁰ outlines options for specific development stages to utilise to manage stormwater quantity and quality. As outlined in the evidence of Messrs Dufty and Van de Munckhof, the SMP provides a stormwater management framework based on:

- (a) On-site retention and re-use of stormwater;
- (b) Stormwater treatment; and
- (c) Where possible, opportunities for groundwater recharge and enhancement of base flows to streams.

12.21 The SMP represents a change to the stormwater infrastructure that is shown on the EESP. As outlined by Mr Van de Munckhof the details within the EESP are not consistent with the standards now prescribed by the Kaipara District Engineering Standards, nor with best practice stormwater management.

12.22 Rule 16.1.6 refers to the Auckland Council best practice technical guidelines for stormwater management.

⁵⁹ Land Use: Discretion 16.7.4 e), assessment criteria 16.7.4.1 c) v., 16.7.4.1 e), 16.9.3.2 1. c); Subdivision: Discretion 16.10.8.1 e), ee), eee), f), k), Assessment criteria 16.10.8.2 e), ee), j), l), Rule 16.10.10.4 3 Stormwater Disposal (cross referencing Rule 14.13.5 and 13.14.5 of the District Plan.

⁶⁰ Stormwater Management Plan for Proposed Private Plan Change (October 2019), Romeo Dela Cruz.

12.23 Dr Kelly has highlighted the impact litter can have on a receiving environment if it is able to enter the stormwater network. PC78 incorporates specific litter management provisions.⁶¹

12.24 Low Impact/Water Sensitive Design for stormwater treatment is proposed for the development and incorporated into PC78.⁶²

Wastewater

12.25 This is addressed in the evidence of Mr Dufty, and I understand will be addressed in detail in evidence on behalf of the Council. The District Plan contains existing provisions for wastewater which apply to the EESP area and throughout the District (Rules 13.14.6 and 14.14.6 cross-referenced in Chapter 16). Chapter 16, along with PC78, also includes rules, discretions and assessment criteria⁶³ which require the provisions of a wastewater network, along with the assessment of the capacity of the existing and planned network and the wastewater treatment plant. These amendments were made to address the matters raised in the appeals by Mangawhai Matters Inc and Mr Boonham.

12.26 I am advised by MCL that the estimated connections per year are: Year 1 – 55 lots; Year 2 – 60 lots; and Year 3 – 70 lots.

Water Supply

12.27 The District Plan contains existing provisions for water supply which apply to the Site and throughout the District (Rules 13.14.4 and 14.14.4 cross-referenced in Chapter 16). As outlined in the evidence by Messrs Dufty and Williamson, specific intended methods are proposed for the Site through PC78 to provide a reticulated water supply within Sub Zone 3A. Additional methods proposed in PC78 include:

- (a) Objective 16.3.9 and policy 16.3.9.1 to reflect that higher density development should be supported by an appropriate water supply solution.

⁶¹ Rule 16.7.4.1 c) v); and 16.9.3.2.1 c).

⁶² Rule 16.10.8.2 j) and 16.10.8.2 jj).

⁶³ Land Use: Discretion 16.7.4 e) and eee), assessment criteria 16.7.4.1 e) and eee), Rule 16.8.3 (which cross references Rules 14.13.6 and 13.14.6 of the District Plan); Subdivision: Discretion 16.10.8.1 f) and ff), Assessment criteria 16.10.8.2 e), f), and Rule 16.10.10.4 3 Stormwater Disposal (cross referencing Rule 14.13.6 and 13.14.6 of the District Plan).

- (b) Discretion 16.7.4 ee) and assessment criteria 16.7.4.1 e).
- (c) Rule 16.11.A clarifying network utilities provision in relation to water supply.

12.28 Rule 16.8.3, in addition to Rules 13.14.4 and 14.14.4, requires non-reticulated sites to have a minimum water storage of 50m³ (including 10m³ for firefighting) which is approximately double that required by the Council in the remainder of the District.

Transport

12.29 Traffic effects have been detailed in the evidence of Mr Hills.

12.30 It is noted that PC78 proposes to reduce the area of Business 1 Sub Zone, therefore reducing the potential for trip generation from activities enabled within this sub zone. The trip generation from the Service 7 Sub Zone has been addressed by the Service Zone Subdivision. The most significant change to trip generation is that the residential cap of 500 units is proposed to be deleted and increased opportunities for residential development are provided by Residential Sub Zones 3A to 3D and the IRD overlay.

12.31 Mr Hills considers the proposal, including the opportunity for an additional approximately 500 residential units, can be accommodated by the surrounding road network while maintaining acceptable levels of safety and performance.

12.32 The consented roading environment, including two dual-lane roundabouts and Molesworth Drive upgrade (including cyclist / pedestrian upgrades) which are currently under construction, is appropriate to cater for the traffic expected by PC78.

12.33 Chapter 16 addresses transportation matters in respect to parking,⁶⁴ access⁶⁵ and loading⁶⁶ provisions, which are retained in PC78, and these remain appropriate to manage the effects of activities enabled by PC78.

⁶⁴ Rule 16.9.4.3.

⁶⁵ Rule 16.9.4.2.

⁶⁶ Rule 16.9.4.4.

12.34 Amendments to PC78 provide surety that effects on the wider traffic network can be adequately addressed at resource consent stage.⁶⁷

12.35 Walking and cycling networks have been updated on the PC78 Structure Plan to clarify the intention to create an integrated network which links to existing networks, including those outside the PC78 Structure Plan area such as the esplanade reserve.

Economic

12.36 Demographics and economic effects, including retail distribution have been addressed in the evidence of Mr Colegrave. He observes that PC78 is a more efficient use of the land resource.

Urban Design and Density

12.37 Urban design effects are discussed extensively in the evidence of Mr Munro.

12.38 PC78 proposes densities based on the land use table in Rule 16.8.2.2 and the subdivision lot sizes in Rule 16.10.10.1 based on the Sub Zones illustrated in **Annexure 1**. The densities are not permitted to be exceeded where there is more than one dwelling per site proposed. Where they are exceeded, non-compliance is assessed as a non-complying activity as “an activity not provided” for in the Residential Sub-Zone Activity Table 16.7.1-1 and by the additions to table 16.7.1-1 agreed in the JWS. There are, however, exceptions to this.

12.39 The first exception is for “Integrated Residential Developments” (IRD) which are defined in Rule 16.13 of PC78⁶⁸. Pursuant to the Residential Activity Table 16.7.1-1, IRDs are provided for as restricted discretionary activity within the IRD Overlay. The IRD Overlay applies to the majority of the Residential 3A Sub-Zone, which represents the most dense Sub Zone surrounding the town centre (Business Sub Zone 1). Building Height within the IRD Overlay is also permitted up to 12m for IRDs, retirement

⁶⁷ Rules 16.7.4 b), 16.7.4.1 b), 16.9.3.2 d and e) i), 16.9.3.2 1 a), 16.10.8.1, 16.10.8.2 k),

⁶⁸ IRD are defined as “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”

facilities and visitor accommodation, above the Sub-Zone's standard 8m maximum height limit.

- 12.40 IRDs are discretionary activity outside of the IRD Overlay in the Residential 3A and 3B Sub Zones and a non-complying activity outside of the IRD Overlay in the Residential 3C and 3D Sub Zones.
- 12.41 Secondly, there is also an exception for Retirement Facilities⁶⁹, which are defined in Chapter 24 of the District Plan. Retirement Facilities are considered a restricted discretionary activity pursuant to the Residential Sub-Zone Activity Table 16.7.1-1. They are also excluded from the residential densities in Rule 16.8.2.2.
- 12.42 PC78 seeks to delete the operative Chapter 16 policies and rules that relate to the 500-unit cap and that require any dwelling to obtain a land use consent as a restricted discretionary activity (even a single dwelling on a single lot).
- 12.43 PC78 does not propose a cap on dwellings across the Site. Rather, the maximum number of dwellings across the Site will be constrained by the density requirements in Rules 16.8.2.2 and 16.10.10.1, development controls and other provisions. An infringement of these limits, or a proposal to achieve a greater density via an IRD or Retirement Village, requires resource consent.
- 12.44 While I acknowledge the desire of Mangawhai Matters Inc for there to be a cap on dwellings, and their reasons for this, I do not support the imposition of a new cap on dwellings. I consider that the 500-unit cap unduly limits residential yields despite the land clearly having a much greater capacity for development.
- 12.45 In respect to comparing the most dense vacant fee simple subdivision rules in Chapter 16, the reduction from 400m² to 350m² lot sizes is only a reduction in minimum allotment size of 50m² and a reduction that will not markedly change the type of house that would be developed on the site. Single houses on lots, complying with the development controls, are likely

⁶⁹ "Retirement Facility: A comprehensive residential development including housing, recreation, welfare or medical facilities which is intended principally or solely for elderly or retired persons."

to produce reasonable streetscape outcomes consistent with the residential character.

- 12.46 I consider that accommodating greater residential density on this Site, close to existing services is a better outcome than enabling lower density sprawl elsewhere in the wider area.
- 12.47 I consider that on this particular Site the PC78 residential lot sizes are acceptable. While the increased housing density will potentially have a perceived adverse effect on amenity values, I do not consider that this will be significant, including when compared to the effects that would arise should the Site be developed in accordance with the operative Chapter 16 provisions (refer to figure 1 in paragraph 14.4 below).
- 12.48 I acknowledge the desire of Mangawhai Matters Inc to retain the traditional 'coastal settlement' feel of Mangawhai, however I do not consider that such an outcome is sought, nor would be achieved, under the operative Chapter 16 provisions. The site is already subject to bespoke zoning⁷⁰ which differentiates it from the existing settlements of Mangawhai Village and Mangawhai Heads, and under PC78 the areas of higher density will be concentrated within the "bowl" of the Site which has less visibility.
- 12.49 In addition, Chapter 16 utilises design guidelines, contained in the District Plan, to assist with the evaluation of resource consents. The principal amendments proposed by PC78 to the Estuary Estates Design Guidelines (Appendix 16.1) 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 PC78 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 IRD overlay and IRD rules, while the guidelines relating to the Business Sub Zone 1 are amended to reflect the PC78 Structure Plan with the Main Street and adjusted extent of the Business 1 Sub Zone.
- 12.50 The Estuary Estates Design Guidelines (Appendix 16.1) cross-reference the Appendix 25 Mangawhai Design Guidelines. While the applicability of

⁷⁰ Estuary Estates Zone (with its sub zones) compared to the use of the Business Zone and Residential Zones of the District Plan elsewhere in Mangawhai.

sections of the Appendix 25 Mangawhai Design Guidelines still needs to be considered on a case-by-case basis based on the density and location of a resource consent 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.

12.51 Appendix 25A primarily addresses subdivision matters for Mangawhai as a whole, 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.

12.52 I consider PC78 includes a comprehensive suite of provisions to manage subdivision and land use consents for residential development, including IRD.

Hazards/Contamination

12.53 The District Plan contains existing provisions which apply to the Site and throughout the District. This includes Rule 16.8.2.1 addressing minimum floor levels. Mr Dufty has provided evidence on hazards associated with the Site and how minimum floor levels will provide appropriate mitigation.

Reverse sensitivity

12.54 The provisions and zone locations as proposed are in my opinion adequate to manage reverse sensitivity effects, particularly along the southern boundary of the Service 7 Sub Zone in relation to the landscape buffer and planting requirements against the existing Residential Zone.

13. PC78 AMENDMENTS RECOMMENDED IN EVIDENCE FOR MCL

13.1 The expert team for MCL have throughout the process worked to incorporate changes into the PC78 text, and the two below are the latest examples. Dr Neale and Dr Bramley have recommended amendments to PC78. These are:

- (a) Referencing the GD05 guidelines for erosion and sediment control;
and

- (b) Ensuring that bulk earthworks for land development and subdivision implement an avian mitigation plan.

13.2 These are included in 16.1.6 and 16.7.4.1 j) ii. in **Annexure 3** (blue track changes). The conditions of consent for the approved Stage 1, 2 and 3 bulk earthworks all reference the GD05 guidelines.

13.3 It is noted that MCL holds a Council approved avian mitigation plan which has been implemented for the Stage 1 and 2 bulk earthworks, and is a condition of the stage 3 earthworks. It is appropriate that an avian mitigation plan would apply to future bulk earthworks activities associated with land development and subdivision.

14. RESPONSES TO MATTERS RAISED IN THE APPEALS/S274 NOTICES

14.1 The evaluation below responds to matters raised in the notices of appeal by Mangawhai Matters Inc and Mr Boonham, and s274 notices.

Estimated Yield

14.2 I do not agree with the relief sought by Mangawhai Matters Inc to increase the minimum section size to 600sqm in the Residential Sub Zone 3A and a cap of 850 permitted dwellings including those in IRDs, retirement villages, and the Business 1 zone. The reasons for this are:

- (a) The Residential Sub Zone 3A is located directly adjoining the Town Centre with its retail, services and entertainment functions, along with the employment and commercial opportunities offered by the Service Sub Zone 7.
- (b) The Residential Sub Zone 3A provides for a variety of housing and lot sizes, supporting a diversity of living opportunities and price points for affordability.

14.3 While it is acknowledged that PC78 introduces greater housing yields within the Residential Sub Zones 3A to 3D, Chapter 16⁷¹ provides for reasonably significant development opportunity in the area of land identified as the “Bowl”. The figure below illustrates the residential yields

⁷¹ enabled by the Operative Estuary Estates Structure Plan maps 6, 7 and 8 of Chapter 16.

and dwelling densities enabled within the existing Residential Sub Zones 3 and 4. These range from one dwelling per 281 m² to one dwelling to 470 m².⁷² 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).

- 14.4 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 of the District Plan are appropriate in their operative Chapter 16 context, while the proposed Residential Sub Zone 3A and IRD might not be, and therefore lot sizes should be reduced to 600 m².

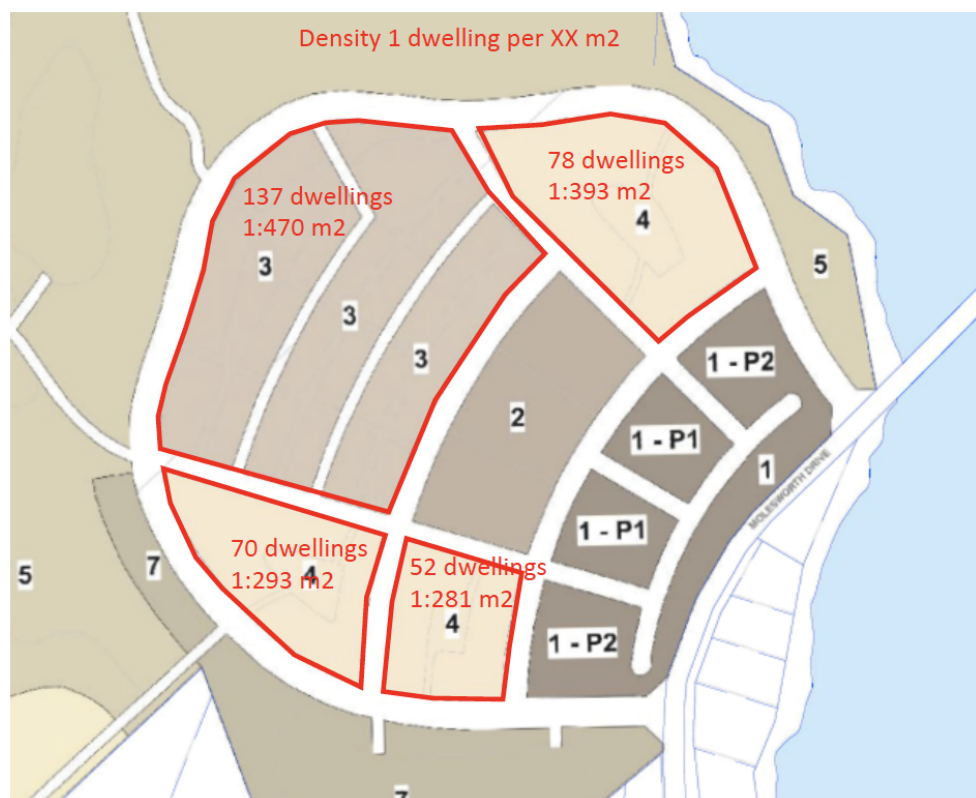


Figure 1: Density of Chapter 16 based on net calculation of dwellings identified in Estuary Estates Structure Plan maps 6, 7 and 8

⁷² 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 divide 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.

Water Supply

- 14.5 Mangawhai Matters Inc have sought new provisions in PC78 for all reticulated and non-reticulated sites to have onsite water storage, and that no subdivision below 600 m² lots is allowed prior to confirmation of NRC consents for water takes and water storage to reticulate 600 dwellings.
- 14.6 The JWS agreed additional provisions in PC78 for water supply including:
- (a) Land use discretions for restricted discretionary activities Rule 16.7.4 ee) and updated Table 16.7.4-1 to reference additional discretions.
 - (b) Assessment criteria Rule 16.7.4.1 ee).
 - (c) New rules 16.8.3 b), c), d) and e) regarding minimum onsite water storage for non-reticulated and reticulated sites and a cross reference in Rule 16.10.10.4 3 Services.
 - (d) Subdivision discretions in Rule 16.10.8.1 d).
 - (e) Assessment criteria Rule 16.10.8.2 n).
- 14.7 Rule 16.8.3 b) identifies that non-reticulated lots require 50m³ of onsite water storage inclusive of 10m² for firefighting capacity. Where a firefighting reticulated main is provided and is accessible, the minimum on site water storage is 40m³. This is in addition to the requirements of the District-wide Rules 14.13.4 and 13.14.4 cross referenced in Chapter 16.
- 14.8 For sites that are to be connected to the reticulated water supply network in Residential Sub Zone 3A, rainwater harvesting, onsite storage and reuse is required by Rules 16.8.3 c) and d) to supplement the reticulated water supply.
- 14.9 As outlined in the evidence of Messrs Williamson and Dufty, MCL has obtained regional resource consent for water takes and dam storage in order to support a reticulated water supply to service Residential Sub Zone 3A.

Traffic

- 14.10 Mr Hills has provided evidence addressing the traffic matters.

Caps

- 14.11 In terms of the issue of “caps” or “thresholds” for development, PC78 includes 16.9.3.2e) which provides for any new activity that exceeds a cumulative total of 850 dwellings (excluding retirement facilities) as a restricted discretionary activity, with a range of matters of discretion identified in Rule 16.9.3.2.1(a). Where proposals exceed a cumulative total of 850 dwellings, then any additional effects beyond that considered by Mr Hills can be assessed through a restricted discretionary activity resource consent. I agree with Mr Hills that a “cap” on dwelling numbers is unnecessary.

Wider cumulative effects

- 14.12 With regard to wider transport effects, I agree with Mangawhai Matters Inc in that a developer should contribute to the mitigation of wider transport effects where there are cumulative effects. The mechanism for this is the Development Contributions Policy of the Council. Development as a consequence of PC78 will contribute significant development contributions in this regard, and Council has the opportunity to evaluate the Development Contributions Policy on a regular basis to identify works that should be funded from growth, along with necessary network upgrades.

Old Waipu Road connection

- 14.13 Vehicle access to the Site is provided by two recently consented roundabouts on Molesworth Drive. A potential future additional local access point is also annotated on the PC78 Structure Plan to connect to Old Waipu Road.
- 14.14 The Council through the MSP has identified a potential future transport plan to ultimately provide a connection between Molesworth Drive to Cove Road via Old Waipu Road. The Long Term Plan and Mangawhai Network Operating Framework has identified a budget and work programme to commence technical investigations of a route to evaluate this opportunity.
- 14.15 PC78 does not require or necessitate this connection (as outlined in the evidence of Mr Hills). It is a matter identified in the MSP to provide a future opportunity for a vehicle to bypass Mangawhai Heads on its way north,

for example, to Langs Beach. If this connection is made, the link between the PC78 Site and Old Waipu Road (whether or not a subsequent connection is then made to Cove Road) will provide a more permeable transport network and provide network resilience and route choice.

Stormwater

14.16 I consider PC78 includes a comprehensive package of discretions and assessment criteria to address stormwater. The ability to appropriately manage stormwater has also been demonstrated by recent resource consents issued by the Regional and District Councils for the development of roads, parking and buildings.

14.17 To address stormwater matters PC78 includes:

- (a) Rule 16.1.6 references the Auckland Council technical guidelines for stormwater.
- (b) Policy 16.3.8.1 12) to address the management of stormwater from larger commercial car parks.
- (c) Policy 16.3.11.1 1A) to address the management of stormwater associated with subdivision.
- (d) Assessment criteria 16.7.4.1 c) v. for litter management.
- (e) Rule 16.9.3.2 c) and assessment criteria 16.9.3.2.1 c) for an activity providing more than 30 car parks to manage stormwater treatment.
- (f) Discretion 16.10.8.1 e) for low impact design associated with stormwater and assessment criteria 16.10.8.2 jj) for stormwater treatment.
- (g) Discretion 16.10.8.1 ee) and j) for stormwater hydrology.
- (h) Discretion 16.10.8.1 eee) to require stabilised roofing material.
- (i) Discretion 16.10.8.1 k) and assessment criteria 16.10.8.2 l) to manage the design over the Central Watercourse

Community Amenities

- 14.18 Chapter 22 of the District Plan provides provisions for Financial Contributions. This chapter applies to the Estuary Estates Zone and Council utilises financial contributions for the purpose of reserve contributions with subdivision and development.
- 14.19 Council's Development Contributions Policy also provides for contributions for community infrastructure. Contributions towards a Mangawhai library are currently levied.
- 14.20 I do not consider that additional financial or development contributions are necessary as a consequence of PC78. Notwithstanding this, Council has the ability to raise funding for infrastructure projects, including community infrastructure, through a review of its development contributions policy outside of the RMA process.
- 14.21 Rule 16.11 of Chapter 16 cross-references Chapter 16. It states:

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

Staging and Wastewater Infrastructure

- 14.22 I consider there are appropriate rules, discretions and assessment criteria to allow the consideration of the adequacy of infrastructure, including the provision and capacity of wastewater networks. In particular, the discretions require the following assessment with subdivisions and larger scale land use consents (including IRD):

Discretion 16.7.4 eee) and 16.10.8.1 ff)

The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal.

Assessment criteria 16.7.4.1 eee) and 16.10.8.2 f)

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

- 14.23 I do not consider it is necessary or appropriate to retain the prescriptive approach of Chapter 16 whereby the exact staging of each aspect of

development was mapped in 26 individual structure plan maps. I consider it is appropriate that the resource consent process, utilising the discretions, evaluates the extent of infrastructure (including roading and wastewater network) required for each stage of development and subdivision.

15. CONCLUSION

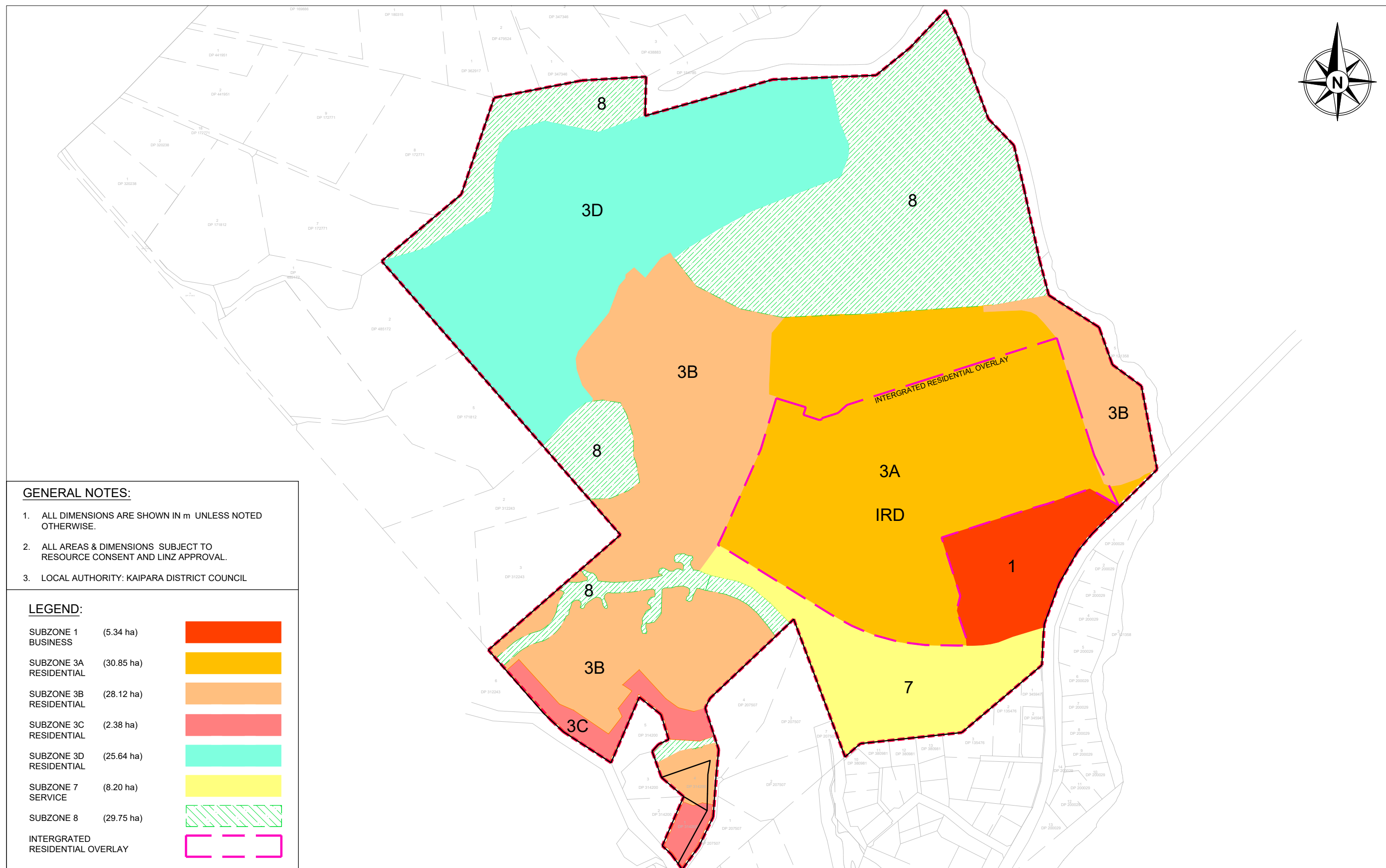
- 15.1 The PC78 provisions are considered to be more efficient and effective than the operative provisions of Chapter 16, and the optimal planning framework for the Site. The Section 32 assessment demonstrated that the proposed policies and methods are the most appropriate for achieving the objectives identified in the District Plan and for achieving the purpose of RMA. This is particularly relevant in respect to the District-wide Objectives of Chapter 3 of the District Plan, which already recognise that Mangawhai is a key location for accommodating growth.
- 15.2 Both the structure planning and rezoning process have addressed the matters in Part 2 of the RMA, the RPS and other matters within Sections 72 to 77D of the RMA. I consider PC78 to be consistent with all of these matters and gives effect to the RPS and relevant National Policy Statements.
- 15.3 PC78 is considered to reflect sustainable management and to be 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 Town Centre and Service Sub Zone 7. The urban land resource in Mangawhai is scarce, and the Site is ideally located between Mangawhai Heads and the Mangawhai Village to cater for growth.
- 15.4 For all of these reasons, PC78 can be approved.


Mark Tollemache

17 December 2021

Annexure 1 PC78 Zone Map

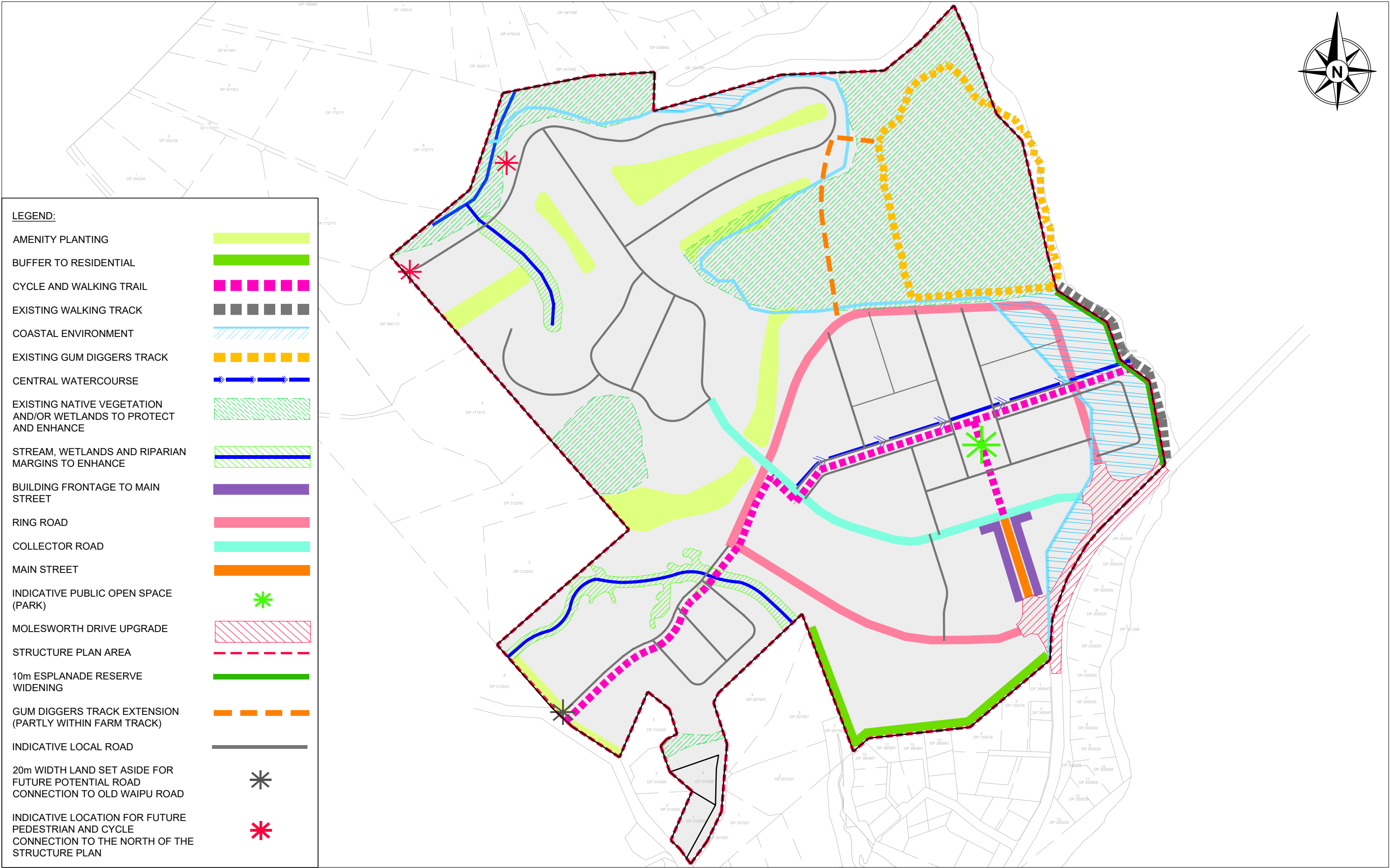
PC78 ZONE MAP



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Annexure 2 PC78 Structure Plan Map

PC78 STRUCTURE PLAN MAP



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Annexure 3 Amended 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 **dwelling residential units** to enable multi-level development of separate dwellings **s units** and a diversity of housing typologies and lifestyle choice across the A-D areas.

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

Estuary Estates Design and Environmental Guidelines (Appendix 16.1)

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

16.1.5 [DELETED]

16.1.6 District Plan Wide Provisions

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

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

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

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

16.2 [DELETED]

16.2.1 [DELETED]

16.2.2 [DELETED]

16.2.3 [DELETED]

16.2.4 [DELETED]

16.2.5 [DELETED]

16.2.6 [DELETED]

16.2.7 [DELETED]

16.2.8 [DELETED]

16.2.9 [DELETED]

16.2.10 [DELETED]

16.3 Objectives and Policies

16.3.1 Natural Environment Objective

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

16.3.1.1 Policies

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

- 12) Enabling land vested in Council for reserve purposes to be developed and utilised for its vested purpose.
- 13) By recognising the impact of climate change and ensuring subdivision and development can avoid, remedy or mitigate hazards associated with climate change.

16.3.2 Amenity Objective

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

16.3.2.1 Policies

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

16.3.3 **[DELETED]**

16.3.3.1 **[DELETED]**

16.3.4 Business and Service Objectives

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

16.3.4.1 Policies

- 1) By providing specific Sub-Zones to enable business and service activities to provide for social, cultural and economic wellbeing and to manage the effects of such activities upon amenity values and the environment.
- 2) By using specific development and subdivision controls and the Estuary Estates Design and Environmental Guidelines to ensure development within the Business 1 Sub-Zone achieves an integrated high quality built environment with a strong pedestrian focus, and a high quality streetscape.
- 3) **[DELETED]**
- 4) **[DELETED]**
- 5) By providing for servicing and manufacturing opportunities in Service Sub-Zone 7 that require large-land areas.
- 6) By providing for residential activities within the Business 1 Sub-Zone; where adverse effects on residential amenity from business activities or buildings can be avoided, remedied or mitigated.
- 7) **[DELETED]**
- 8) **[RELOCATED FROM 16.6.1.2]** By using a comprehensive Development Control approach and applying environmental and design provisions to achieve an attractive and locally identifiable built form commensurate with the town centre's 'gateway character'.
- 9) **[RELOCATED FROM 16.6.1.2]** By ensuring that development achieves a quality built environment where bulk unrelieved building facades do not occur along road frontages and the design of buildings,

open space and parking areas enables a lively streetscape, with safe and convenient pedestrian connectivity.

- 10) **[RELOCATED AND AMENDED FROM 16.6.7.2]** In Service Sub Zone 7, by ensuring a reasonable level of on-site amenity and streetscape is achieved by implementing the Development Controls.

16.3.5 **[DELETED]**

16.3.5.1 **[DELETED]**

16.3.6 Residential Objective

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

16.3.6.1 Policies

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

16.3.7 **[DELETED]**

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

16.3.8 Transport Objectives

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

16.3.8.1 Policies

- 1) By ensuring development provides for the safe and convenient movement of people within the development and to wider networks by foot and cycle as well as cars, buses, and other vehicles.
- 2) **[DELETED]**
- 3) By ensuring development includes an appropriate amount of occupant and visitor parking on site.
- 4) **[RELOCATED FROM 16.9.2.2 POLICY B)]** By implementing particular Standards for the formation of car park spaces.
- 5) By ensuring that development provides for roading in an integrated manner that supports multi-modal transport options.
- 6) By ensuring that the roading network can be efficiently used by emergency services at all times.

- 7) **[DELETED]**
- 8) **[DELETED]**
- 9) By ensuring a landscaped design approach for new roads; including utilising water sensitive design techniques to achieve stormwater management outcomes.
- 10) By discouraging traffic generating activities in sub zones where they would have significant adverse effects.
- 11) By implementing Standards that ensure vehicle access points are safe and efficient.
- 12) By ensuring that stormwater is managed and treated from larger areas of parking.

16.3.9 Utilities, Services and Infrastructure Objective

To ensure the provision of sustainable infrastructure networks that 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 subdivision in Residential Sub Zone 3A (except lower density lots capable of providing adequate onsite water supply), integrated residential development, **dwelling in sub-zone 1**, visitor accommodation and retirement facilities are serviced by adequate reticulated water supply solutions **which meet all relevant legislative requirements for drinking water**.

16.3.10 Staging and Financial and Development Contributions

[DELETED]

16.3.10.1 [DELETED]

16.3.11 Subdivision Objective

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

16.3.11.1 Policies

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

16.4 [DELETED]

16.4.1 [DELETED]

16.4.2 [DELETED]

16.4.3 [DELETED]

16.4.4 [DELETED]

16.5 [DELETED]

16.5.1 [DELETED]

16.6 The Estuary Estates Structure Plan Sub-Zones

[DELETED]

16.6.1 Business Sub-Zone 1

16.6.1.1 Sub-Zone Description

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

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

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

16.6.2 [DELETED]

16.6.2.1 [DELETED]

16.6.2.2 [DELETED]

16.6.3 Residential Sub-Zone 3

16.6.3.1 Sub-Zone Description

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

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

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

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

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

16.6.3.2 [DELETED]

16.6.4 [DELETED]

16.6.4.1 [DELETED]

16.6.4.2 [DELETED]

16.6.5 [DELETED]

16.6.5.1 [DELETED]

16.6.5.2 [DELETED]

16.6.6 [DELETED]

16.6.6.1 [DELETED]

16.6.6.2 [DELETED]

16.6.7 Service Sub-Zone 7

16.6.7.1 Sub-Zone Description

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

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

16.6.8 Natural Environment Sub Zone 8

16.6.8.1 Sub-Zone Description

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

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

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

16.6.7.2 [DELETED / POLICY C] RELOCATED TO 16.3.4.1]

16.7 Rules: Activities

16.7.1 Activity Tables

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

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

For the purpose of these tables:

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

Table 16.7.1-1 - Residential Sub-Zone

| Activities | Sub-Zones | | | |
|---|--|------------------|------------------|------------------|
| | 3A-D Residential | [DELETED] | [DELETED] | [DELETED] |
| Any activity not provided in the following table | NC | | | |
| Accessory buildings to a maximum gfa of 50m ² per site | P | | | |
| [DELETED] | | | | |
| [DELETED] | | | | |
| Child care facility | | | | |
| • Up to five children | P | | | |
| • More than five children | D | | | |
| Construction of a building or additions/alterations to an existing building and construction of any other structures (e.g fences, and decks less than 1m) not meeting the definition of a building | P Except in the Coastal Environment Overlay | | | |
| Construction of a building or external additions to an existing building within the Coastal Environment Overlay | RD | | | |
| Alterations to any existing building and construction of any other structures (e.g fences, and decks less than 1m) not meeting the definition of a building within the Coastal Environment Overlay | P | | | |
| [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. The activity status in Chapter 16 prevails over any activity status identified in Chapter 13. | RD | | | |
| Residential unit(s) for residential | P | | | |

| | | | | |
|---|-------------------------|--|--|--|
| purposes within the density limits specified in Rule 16.8.2.2 | | | | |
| One dwelling per site and its associated accessory buildings | P | | | |
| Two or more dwellings per site (not being an Integrated Residential Development) within the density limits specified in Rule 16.8.2.2 | 3A-3B – D 3C-3D - NC | | | |
| Retirement facility | RD | | | |
| Visitor accommodation, including hotels, tourist houses and camping grounds | RD | | | |
| [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 |
| Community facility and services | P | | |
| [DELETED] | | | |
| Construction of a building or external additions to an existing building | RD | | P |
| Conference and event centre | RD | | |
| Education facility | RD | | |
| Entertainment facility | RD | | |
| Garden centre including an associated cafe not exceeding 100m 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. The activity status in Chapter 16 prevails over any activity status identified in Chapter 14. | RD | | RD |
| Office | P | | |
| Offices which are ancillary to any other activity will have the same activity status as the activity to which they are ancillary. | | | |
| Public toilet and/or changing room | P | | |
| Recreational facility | RD | | |
| Residential accommodation for persons whose duties require them to live on site | P | | P |
| Dwelling Residential unit for residential purpose above ground level | P RD | | |
| Dwelling at ground level | D | | |
| 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 | RD | | |

| | | | |
|----------------|---|--|--|
| houses | | | |
| Visitor centre | P | | |

Table 16.7.1-3 Sub-Zone 8

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

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

16.7.2 Notification Requirements

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

16.7.2.1 [DELETED]

16.7.2.2 [DELETED]

16.7.2.3 [DELETED]

16.7.2.4 [DELETED]

16.7.2.5 [DELETED]

16.7.3 [DELETED]

16.7.3.1 [DELETED]

16.7.3.2 [DELETED]

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

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

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

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

Table 16.7.4-1 Restricted Discretionary Activities

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

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

16.7.4.1 Assessment Criteria

a) **Building Design and External Appearance and Amenity**

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

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

b) **Traffic Generation**

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

c) **Parking**

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

d) **Access**

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

e) Infrastructure

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

ee) Water Supply

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

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

eee) Wastewater Network Capacity

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

f) Noise

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

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

g) Natural Environment

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

h) Outdoor Activities

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

i) Artificial Lighting

And whether:

- An application demonstrates that significant adverse effects including light spill and glare on the visual privacy of adjoining sites in a residential sub zone can be reduced, avoided or mitigated. The use of measures such as screening, dense planting of buffer / separation areas may be required where these may lessen impact.

- Particular consideration has been given to the placement, design and screening of light fittings and whether their size and luminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.

j) Compliance with Development Controls

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

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

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

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

k) Intensity and Scale

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

l) Sustainable Building Design

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

m) Cumulative Effects

Whether the proposed activity will result in adverse cumulative effects.

16.7.5 Specific Discretionary Activity Assessment Criteria

1. Gum Diggers Track

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

- a) Weed and pest control to restore ecological quality.
- b) Restoration of the hydrology of the wetland by replacing sections of track with boardwalks and placing subsurface drainage so that water can flow freely.
- c) Planting to reduce edge effects and weed invasion.

- d) Measures restricting or prohibiting the presence of dogs.
- e) Redesign of coastal culverts to reduce coastal erosion, while also ensuring the protection of any mudfish in drains within the wetland.
- f) Realigning the track to increase the setback from the coastal margin in areas where it is exacerbating cliff erosion.

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

16.8 Rules: Development Controls

16.8.1 [DELETED]

16.8.1.1 [DELETED]

16.8.1.2 [DELETED]

16.8.1.3 [DELETED]

16.8.1.4 [DELETED]

16.8.2 Development Control Rules

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

16.8.2.1 Building Location

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

16.8.2.2 Residential Density

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

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

| Sub-Zone | Density |
|----------|------------------------------------|
| 3A | 1 dwelling per 350m ² |
| 3B | 1 dwelling per 500m ² |
| 3C | 1 dwelling per 750m ² |
| 3D | 1 dwelling per 1,000m ² |

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.

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

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

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

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

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

16.8.2.4 Height in Relation to Boundary Control

Height in relation to boundary controls shall apply as follows:

| Sub-Zone | Maximum Height in Relation to Boundary |
|-----------|---|
| 1 | No part of any building on that part of a site which is directly opposite any residentially Sub-Zoned land shall exceed a height equal to 3.0m plus the shortest horizontal distance between that part of the building and the road boundary. |
| [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:

- 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;
- 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;
- A gable end or dormer window may project beyond the recession plane where the extent of the projection complies with the following:
 - It has a maximum height of 1m; and
 - It has a maximum width of 1m measured parallel to the nearest adjacent boundary; and
 - It has a maximum depth of 1m measured horizontally at 90° to the nearest adjacent boundary; and
 - There are no more than two such projections occurring in relation to any 6m length of site.
- For Sub Zone 3A-D no account shall be taken of any boundary adjoining a road;
- Where a boundary adjoins an accessway, the furthest boundary may be used.

16.8.2.5 Maximum Height

- 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 facilities or visitor accommodation in the "Integrated Residential Development Overlay" the maximum height is 12m. |
| [DELETED] | |
| [DELETED] | |
| [DELETED] | |
| 7 | 8m |

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

16.8.2.6 **[DELETED]**

16.8.2.7 **[DELETED]**

16.8.2.8 Building Coverage

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

| Sub-Zone | Maximum Net Site Coverage |
|------------------|---------------------------|
| 1 | 50% |
| [DELETED] | |
| 3 A-D | 35% Except that |

| | |
|------------------|--|
| | Integrated Residential Development, retirement facilities or visitor accommodation in the "Integrated Residential Development Overlay" the maximum net site coverage is 50%. |
| [DELETED] | |
| [DELETED] | |
| [DELETED] | |
| 7 | 60% |

16.8.2.9 Maximum Impermeable Surfaces

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

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

16.8.2.10 Outdoor Living Areas /Screening

- Every **dwelling residential unit** in Business 1 Sub-Zone shall be provided with an outdoor living area as follows:
 - 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.
- Every **dwelling residential unit** in Residential 3A-D Sub-Zones shall be provided with an outdoor living area with dimensions as follows (except that **dwelling residential unit** above ground level shall comply with clause (c) below):
 - Shall have a minimum area of 60m²OR
Integrated Residential Development or Retirement -Facilities shall have a minimum area of 40m²
AND
 - Shall contain a minimum dimension of 3m measured at right angles to the perimeter of the area; and
 - Must be capable of containing a 6m diameter circle; and
 - Shall not be located on the southern side of the **dwelling residential unit**; and
 - Shall be readily accessible from a the main living area; and
 - Shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas, other than an outdoor swimming pool; and

- vii. **Dwelling residential unit** above the ground floor shall be have a balcony or terrace with a minimum area of 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 **dwelling residential unit**; and

- c) **[DELETED]**
d) **[DELETED]**
e) Screening of Storage and Service Areas

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

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

16.8.2.11 Earthworks

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

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

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

| Sub-Zone | Maximum area of earthworks on slopes less than 1 in 6 | Maximum area of earthworks on slopes greater than 1 in 6 |
|------------------|---|--|
| 1 | 1000 m 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

- a) The following Rules shall apply as follows:

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

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

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

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

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

16.8.4 Hazardous Substances

The following Rules shall apply as follows:

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

16.8.5 Temporary Noise

The following Rules shall apply as follows:

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

16.8.6 Wind Generation: Noise

The following Rules shall apply as follows:

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

16.8.7 Vibration

The following Rules shall apply as follows:

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

16.8.8 Contaminated Land – Change of Land Use

The following Rules shall apply as follows:

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

16.8.9 Contaminated Land – Remediation

The following Rules shall apply as follows:

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

16.8.10 Radioactive Materials

The following Rules shall apply as follows:

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

16.8.11 Fire Safety

The following Rules shall apply as follows:

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

16.8.12 Lighting

The following Rules shall apply as follows:

| Sub-Zone | Performance Standard |
|----------|----------------------|
| 1 | 14.10.23 |
| 3 | 13.10.23 |
| 7 | 14.10.23 |

16.9 Transportation Provisions

16.9.1 [DELETED]

16.9.2 [DELETED]

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

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

16.9.3 Rules: Activities

16.9.3.1 Permitted Activities

The following transportation activities shall be Permitted Activities:

- 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).
- 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:

- An activity that does not comply with the access way, parking and loading Standards of Rule 16.9.4.
- Any activity providing for more than 100 car parks.

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

1 Criteria for Assessing Restricted Discretionary Activities

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

- a) Traffic / New Road and Road Location, and any new activity that exceeds the thresholds in Rule 16.9.3.2. **d) e)** Considerations
 - i. Whether the site is adequately accessible from the roading network.
 - ii. Existing and probable future traffic volumes on adjacent roads.
 - iii. The ability of the adjacent existing or planned roading network to absorb increased traffic and the feasibility of improving the roading system to handle any increases.
 - iv. The extent of traffic congestion and pedestrian/vehicle conflict likely to be caused by a proposal.
 - v. Whether vehicle access to and from the site:
 - Ensures adequate sight distances and prevent congestion caused by ingress and egress of vehicles; and
 - Is sufficiently separated from pedestrian access to ensure the safety of pedestrians.
- b) Any activity providing for more than 100 car parks
 - i. Whether the parking area(s) is / are properly graded, drained and sealed to prevent dust nuisance or concentrated runoff of water from the site.
 - ii. The nature and extent of proposed landscaping in terms of screening, visual and streetscape amenity
 - iii. The extent to which parking areas are set back from residential and community activities. Where this is impracticable whether adequate screening will be provided in the form of fencing or landscaping, in order to reduce to an acceptable level any adverse aural or visual impacts.
 - iv. Whether a parking areas internal circulation is designed so that safe and efficient vehicle circulation on site is achieved and so that adverse effects on the roading network are prevented.
 - v. The location of access from the road into parking areas and the effects on safety and movement.
- c) Any activity providing for more than 30 car parks
 - i. The extent to which stormwater quality treatment and litter management has been provided to protect the environment from contaminants generated from the activity.
- d) Reduction in Parking Spaces
 - i. Whether or not it is physically practicable to provide the required parking on the site in terms of the existing or proposed location of buildings, availability of access to the road, and other similar matters.
 - ii. Whether there is an adequate alternative supply of parking in the vicinity such as a public car park or on-street parking. In general, on street parallel parking particularly on residential streets is not considered a viable alternative.
 - iii. Whether there is another site or parking area in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity and where a legal agreement between the applicant and owner of the site is provided to show a right to use such areas.
 - iv. Whether the proposal has less than normal parking requirements e.g. due to specific business practices, operating methods or the type of customer.
 - v. The extent to which significant adverse effect on the character and amenity of the surrounding area will occur as a result of not providing the required parking spaces.
- e) **[DELETED]**

- f) **[DELETED]**
- g) Any non-compliance with any development control listed in 16.9.4.2, 16.9.4.4 and 16.9.4.5 will also be assessed utilising the relevant matters listed in:
 - Chapter 13.10 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D
 - Chapter 14.10 for the applicable or equivalent standards for land zoned Sub-Zones 1 and 7.

16.9.4 Rules: Permitted Activity Standards

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

16.9.4.1 Roads

1 Road Hierarchy

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

16.9.4.2 Vehicle Access and Driveways

The following Rules shall apply as follows:

| Sub-Zone | Performance Standard |
|------------------|----------------------|
| 1 | 14.10.25 |
| [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 | RD | | RD | | | | RD | |

| | | | | | | | | |
|---|----|--|----|--|--|--|----|----|
| and company lease plans for the purpose of showing additions and alterations to lawfully established buildings, accessory buildings and areas for exclusive use by an owner/s | | | | | | | | |
| Any subdivision not otherwise provided for in Table 16.10.5 | D | | D | | | | | |
| Boundary adjustments or realignments | RD | | C | | | | RD | |
| [DELETED] | | | | | | | | |
| Right of way easements and access lots | RD | | RD | | | | RD | |
| [DELETED] | | | | | | | | |
| [DELETED] | | | | | | | | |
| Subdivision for the purpose of creating free-hold Titles in accordance with Rule 16.10. 10 (except minimum lot sizes) | RD | | RD | | | | RD | |
| Subdivision for the purpose of creating free-hold Titles which does not comply with the minimum lot sizes | NC | | NC | | | | NC | |
| Subdivision of existing or approved buildings and/or activities by way of unit Title, | RD | | RD | | | | RD | |
| Subdivision that creates a lot/s for the purpose of a reserve, public utilities or infrastructure | RD | | RD | | | | RD | RD |
| Subdivision not meeting one or more of the Standards detailed under Part 16.10.10 (except minimum lot sizes) | D | | D | | | | D | |

16.10.6 [DELETED]

16.10.6.1 [DELETED]

16.10.7 [DELETED]

16.10.7.1 [DELETED]

16.10.7.2 [DELETED]

16.10.8 Restricted Discretionary Activities

16.10.8.1 Matters Over Which Discretion is Restricted

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

- a) Subdivision, **roading** and Lot design **including the ability for sites to accommodate a complying dwelling, required water storage, and suitable onsite parking and manoeuvring areas**;
- b) Consistency with the Estuary Estates Structure Plan Map;
- c) Transport network **(including parking, cycleway and pedestrian facilities)** and vehicle access to lots;
- d) Water supply (rainwater harvesting and/or reticulated water supply **for sub-zone 3A which meet all relevant legislative requirements for drinking water**), and water demand management (savings*) including for fire fighting;
 - dd) The location and land area requirements of water reservoirs(s) identified with the first subdivision of the Residential Sub-Zone 3D
- e) Low impact design, stormwater treatment and disposal;
- ee) Stormwater management plan for the hydrology of Wetlands 1, 2 and 3
- eee) Consent notices for stabilised roofing material
- f) Public utilities;
- ff) The capacity of the existing or planned reticulated wastewater network(s) to meet the servicing needs of the proposal**
- g) Planting and landscaping.
- h) Ecological effects;
- i) Pedestrian and cycling connectivity to open space and shared path networks;
- j) Ecology management plan for the Sub-Zone 8 areas ~~Wetland 3~~, including weed and pest control and indigenous revegetation (where appropriate) and any required mechanisms for ownership 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 and the Mangawhai Design Guidelines in Appendix 25A.
- b) The extent to which adequate access is provided to each lot.
- c) Where common lots are proposed, the extent to which appropriate mechanisms are provided to ensure that all infrastructure management and maintenance requirements are sustainable.
- d) The nature of proposed street frontage in terms of securing effective, safe access onto a legal road.
- e) Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.

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

eee Consent notices shall require stabilised roofing materials.

- f) **The nature of the connection to Council's reticulated wastewater system. Whether the proposed development or activity can be accommodated within the existing or planned capacity of the reticulated wastewater network and whether the servicing needs of the proposed development require upgrades to existing infrastructure.**
- g) Where any existing or approved buildings are to be subdivided, the effects of the proposal in regard to meeting relevant Development Control Standards.
- h) Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.
- i) Where any subdivision adjoins an area identified as "amenity planting" and/or any areas identified as Sub-Zone 8 on the Structure Plan, whether the details of the planting have been provided and for Sub-Zone 8 areas an ecology management plan, including **10m riparian planting to streams and wetlands**, weed and pest management controls and indigenous revegetation (where appropriate), are provided and any required mechanisms for ownership and maintenance of the area. For the avoidance of doubt the amenity planting areas may form parts of private lots and be held in private ownership.
- j) Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.
- jj) The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity
- k) Existing and probable future traffic volumes, pedestrian and cyclist volumes and effects on adjacent roads including the intersection of Molesworth Drive and Moir Street, and the intersection of Insley Street and Moir Street.
- l) The design of the central watercourse within sub-precinct 3A to establish stormwater conveyance, treatment opportunities, recreation links and recreated freshwater habitat
- m) Sufficient firefighting water supply is available, taking into account a risk based assessment (Refer to Note 8 of 13.11.1)
- n) The provision, **capacity** and design of reticulated supply of water **which meet all relevant legislative requirements for drinking water (including storage, reticulation, treatment and ongoing management)**, rainwater harvesting and appropriate water demand management (savings), including legal mechanisms (eg. consent notices) for their implementation within Residential Sub Zone 3A.
- o) The extent the proposal has regard to the assessment criteria i) to v) in Rule 13.14.4.
- p) The extent to which the proposal provides connections to transport networks **including walking and cycling (and indicative connections as shown on the structure plan) and roading function and design, including parking consistent with Appendix 16.2.**
- q) The extent of land required for water reservoir(s) to service the Residential Sub-Zone 3A is detailed by an engineering assessment by a suitably qualified and experienced professional associated with the first subdivision of the Residential Sub-Zone 3D.

16.10.9 [DELETED]

16.10.9.1 [DELETED]

16.10.10 Development Controls

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

16.10.10.1 Lot Sizes

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

| Sub-Zone | Minimum Vacant Freehold Lot Size |
|-----------|----------------------------------|
| 1 | 500m ² |
| [DELETED] | |
| [DELETED] | |
| [DELETED] | |
| 3 | A 350m ² |
| | B 500m ² |
| | C 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 are or more existing lots;
- b) Each of the lots has a separate Certificate of Title;
- c) Any approved residential building platform is retained in its approved location, or a new location which meets Rule 16.10.10.2 is identified;
- d) There is no increase in any existing non-compliance with the Development Controls for Permitted Activities as set out in Part 16.8 unless Resource Consent is obtained for such non-compliances in conjunction with the proposed boundary adjustment; and
- e) No additional lots or Certificate of Title in separate ownership are created.

16.10.10.4 Subdivision Design

1 Roads and Access

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

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

| | |
|-----------|---------|
| [DELETED] | |
| [DELETED] | |
| [DELETED] | |
| 7 | 14.13.2 |

2 [DELETED]

3 Services

The following Rules shall apply as follows:

| Sub-Zone | Provision for the Extension of Services | Water Supply | Stormwater Disposal | Wastewater Disposal |
|-----------|---|--|---------------------|---------------------|
| 1 | 14.13.3 | 14.13.4 | 14.13.5 | 14.13.6 |
| [DELETED] | | | | |
| 3 | 13.14.3 | 13.14.4 and 16.8.3 b), c) & d). Lots less than 500 m2 in the Residential Sub Zone 3A must be serviced by a reticulated water supply. Lots greater than 500 m2 in the Residential Sub Zone 3A that are not serviced by reticulated water supply must comply with Rule 13.14.4 and 16.8.3 a). | 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 also required to be assessed.

16.14 [DELETED]

16.15 [DELETED]

16.15.1 [DELETED]

16.15.2 Road network and streetscape

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

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

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

16.15.3 [DELETED]

16.15.2.1 Residential Lot Layout

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

16.16 Sub-Zone Specific Guidelines

16.16.1 Business Sub-Zone 1

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

- Parking spaces should generally be located behind the mainstreet buildings with some onstreet parking along mainstreet Parking areas and pedestrian access thereto shall be accessible to and from mainstreet to car parking area
- Development should create a focal point and gateway into the zone by defining and reinforcing a pedestrian-orientated main street as the heart of the community.
- Architecture should be based on a coastal and small-village vernacular promoting intimacy, geometric simplicity, and the use of pitched roofs (including mono pitched roofs).
- Buildings should create an active street frontage by abutting the footpath and should complement one another in terms of design, form and mass.
- Individual buildings should be physically and/or visually connected to each other through the use of pergolas, verandas, awnings, colonnades and/or landscape elements.
- Buildings should incorporate verandas, awnings, or other features which provide shelter for pedestrians.
- Continuity of active building frontages should be provided to promote public interaction between the street and the buildings.
- Active uses such as retail, restaurants, cafes and other eating places should be located to reinforce the streetscape amenity in the Business Sub-Zone.
- Design variation and architectural detail should be used to keep areas of blank wall to a minimum and break up any likely perception of excessive bulk of building(s).
- The external glazing should not be mirrored, tinted or coloured except for isolated feature glazing.
- Areas set aside for service uses should be screened from public view through the use of planting and permeable screens.

16.16.2 [DELETED]

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

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

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

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

16.16.4 [DELETED]

16.16.5 [DELETED]

16.16.6 [DELETED]

16.17.2 Buildings within the Coastal Environment Overlay

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

Appendix 16.2 Table: Road Function and Required Design Elements

| Road Name (refer to Estuary Estates Structure Plan) | Proposed Role and Function of Road | Minimum Road Reserve width | Total number of lanes | Speed Limit (Design) | On Street Parking | Pedestrian and cycle provision | Treatment of stormwater runoff from carriageway |
|---|------------------------------------|----------------------------|-----------------------|----------------------|-------------------|--------------------------------|---|
| Molesworth Drive Upgrade | Arterial | Varies | 4 lane | 50 | No | 3m shared path both sides | Yes |
| Ring Road | Collector | 24m | 2 lane | 40 | Yes | 2.5m shared path both sides | Yes |
| Collector Road | Collector | 24m | 2 lane | 40 | Yes | 2.5m shared path both sides | Yes |
| Mainstreet | Local | 24m | 2 lane | 30 | Yes | 4m footpath both sides | Yes |
| Local | Local | Minimum 16m | 2 lane | 30 | Yes | 1.4m footpath both sides | Yes |

red highlight text not agreed in Joint Witness Statement (Planning) 15 December 2021]

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.