

Private Plan Change 78

Urgent decision during the COVID-19 pandemic

Date of report: 25 March 2020

Reporting officer: Paul Waanders, District Planner

Purpose/Ngā whāinga

To seek a decision on whether the application for a private plan change by Mangawhai Central Limited should proceed to the next stage of the plan change process.

Executive summary/Whakarāpopototanga

A private plan change (PPC) request was received on 03 December 2019 from Mangawhai Central Limited. The PPC seeks to rezone 130ha of land contained within the Estuary Estates Structure Plan of the Operative Kaipara District Plan 2013 (the District Plan).

The PPC area comprises of 83 Molesworth Drive, and Lots 1 and 4 DP 314200 Old Waipu Road, Mangawhai. Chapter 16, Appendix E and Maps of the District Plan contains the requirements for the development of Estuary Estates.

Council is required to decide on this application in accordance with Clause 25 of Part 2 of Schedule 1 to the Resource Management Act 1991 (RMA).

Clause 25 directs Council to either:

- 1 **Adopt** the request as if it were a proposed plan made by the Council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1, Clause 25(2)(a); or
- 2 **Accept** the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request under Clause 25(2)(b); or
- 3 **Reject** the private plan change request in whole or in part, in reliance on one of the limited grounds set out in Clause 25(4); or
- 4 **Determine** the request as if it were an application for a resource consent under Clause 25(3).

Council staff have followed all due RMA processes to get to this stage and are now seeking a Council decision on the application within the parameters of Clause 25. It is important to note that neither 'adopt' or 'accept' implicates that the plan change is or will be 'approved' by Council. The process of consultation through notification and hearings must be undertaken before the matter is submitted to Council for a decision to approve.

The decision now required from Council is only to enable the process to either continue or to be terminated. Any decision can be appealed by the applicant.

Reason for urgent decision-making

Part 2 of Schedule 1 of the RMA prescribes the timeframe within which decisions have to be made. The plan change timeframes for this PPC are as follows:

- a) Request for PPC received, 03 Dec 2019 (day 1) – the clock starts
- b) Clause 23 request, 22 January (day 20) – the clock stops until this request is satisfied
- c) Clause 23 satisfied, 25 February 2020 (day 1) – the clock re-starts
- d) Clause 25 decision, 07 April 2020 (day 30 from (c) above) – decision must be made by

This therefore indicates a decision to accept or adopt in whole or part, or convert to a resource consent, or reject the private plan must be made by 07 April 2020, being 30 working days since satisfactory receipt of the clause 23 matters.

Recommendation/Ngā tūhunga

That Kaipara District Council:

- a) Notes that this decision is urgent as it is required before 07 April 2020 under Clause 25 of the Resource Management Act 1991 that requires local authorities to provide a decision to accept or adopt in whole or part, or convert to a resource consent, or reject the private plan change within 30 working days of all Clause 23 requirements for the private plan change request being satisfied, which was met by the applicant on 25 February 2020.
- b) Accepts in whole, the Private Plan Change 78 – Estuary Estates by Mangawhai Central Limited, in accordance with Clause 25(2)(b) of the Resource Management Act 1991.
- c) Requests the Chief Executive publicly notify the private plan change.

Context/Horopaki

The PPC was lodged by Mangawhai Central Limited, proposing the rezoning of the subject land, the modification of existing urban zones and the extension of the urban zones through an amended Estuary Estates Structure Plan.

The changes to the existing Estuary Estates Structure Plan are shown in the PPC Zoning Map (see Attachment A). These include:

- 1 Retain the Estuary Estates zone at 83 Molesworth Drive.
- 2 Amend Business 1 sub-zone to match its extent to the amended Estuary Estates Structure Plan and reduce its size to 5.32 ha from 7.5 ha.
- 3 Delete sub-zones 2, 4, 5 and 6.
- 4 Create new Residential sub-zones 3A, 3B, 3C and 3D replacing existing sub-zones 2, 3, 4, 5 and 6.
- 5 Amend Service 7 sub-zone to align with the ring road route outlined in the amended Estuary Estates Structure Plan which increases its size from 7.5 ha to 8.03 ha.
- 6 Create a new integrated residential development overlay over the new Residential 3A sub-zone.
- 7 Rezone Lots 1 and 4 DP 314200 from Residential to the new Residential 3B and 3C sub-zones, and new Natural Environment 8 sub-zone.

The existing Estuary Estates Structure Plan requires an update to reflect the new network for roads, walking, cycling, flood areas and natural area corridors, and new town centre and open space area. This is shown in PPC Structure Plan (see Attachment B).

The PPC request also requires changes to the provisions of Chapter 16 of the District Plan (see Attachment C for tracked changes and Attachment D for the clean version). Modifications to Chapter 16 pertain to the Estuary Estates description, zones, objectives, policies, rules and/or other methods to provide for the development of the site.

The PPC proposes that all existing Estuary Estates Structure Plan maps be removed and replaced with those proposed under this PPC. The map amendments relate to Maps 17, 55, 56 and 56A including those contained in Appendix E of the District Plan.

No other changes to the District Plan are proposed outside of Chapter 16. The District Plan will be altered after submissions have been heard and decisions to approve the Plan Change have been made and all appeals have been dealt with. This process will likely take a year to complete.

The PPC area comprises of a number of approved resource consents. These includes works approved for site preparation, remediation of soil contaminants, subdivision of land, road alignment, water take and stormwater discharge. These consents are still valid at this time. Other applications such as the industrial or service area subdivision, a supermarket and the main town development are currently being processed. As such, the PPC request also seeks to bring the zoning of the plan change area into better alignment with the existing approved consents and likely future use of the PPC area relative to the consents currently being processed.

Discussion/Ngā kōrerorero

Any person can make a request for a PPC to the local authority under clause 21 of Schedule 1, RMA. The process for considering a PPC request is outlined in Part 2 of Schedule 1, RMA. After a request is made, further information can be requested under Clause 23, and request to modify under Clause 24 if the applicant agrees.

If an applicant refuses to provide any requested further information, under clause 23(6) a local authority can consider it has insufficient information to consider or approve the PPC and may reject the request or decide not to approve the PPC requested.

A request for further information was sought on 22 January 2020. The matters of clarification included:

- night-time landscape effects from artificial lighting
- water supply and storage capacity
- wastewater and stormwater management and discharge
- relevance of the blue-green infrastructure and alignment with the national policy statement on freshwater
- connection of the PPC area to existing and future transport networks for vehicles, pedestrians, cyclists and public transport
- pedestrian safety and flows within the PPC including provision of shared spaces
- natural area protection and enhancement
- housing affordability
- community facilities such as sport fields and courts
- design principles for developments within the PPC, and
- cultural integration and narration.

All matters within the information request were adequately satisfied on 25 February 2020.

While there are some outstanding matters from the further information request process that have not been addressed in detail, these are considered to be better addressed at the resource consents stage, or through the submission and hearing process.

It is acknowledged that any non-District or non-RMA related matters can be resolved in parallel to the PPC process.

After receiving a PPC request, receiving all required information and modifying the request (where relevant), the local authority is required to make a decision in accordance with Clause 25 as outlined above.

Council staff consider that the applicant has provided sufficient information to enable the request to be considered, and so do not consider the ground of rejection in Clause 23(6) to be available.

Options

Kaipara District Council does not have a defined policy on the decisions to be made when a private plan change is lodged, so are therefore guided by Clause 25, specifically to choose 1 of the 4 options available:

- 'adopt' the plan change which then becomes a Council or public plan change;
- 'accept' the plan change in which case it remains a private plan change;
- 'reject' the plan change with very limited reasoning; or
- 'change' the plan change into a resource consent.

The options to either 'adopt' or 'accept' do not express that Council has approved the plan change. Consultation through notification and hearings still has to be undertaken before the matter is submitted to Council for a decision to approve the plan change.

The decision now required from Council is to enable the process to continue or be terminated. This decision can be appealed by the applicant.

Therefore, the four options must be considered and analysed against information received from the applicant and the legal requirements of the RMA.

Option 1 – ‘Adopt’ the request, or part of the request, as if it were a proposed plan made by the Council itself.

The Council is able to decide to adopt the request, and process it, as though it were a Council initiated proposed plan change. A decision to adopt triggers the process set out in Part 1 of Schedule 1, which would then require the Council to consult as required in clauses 3 to 3C of Part 1. Following consultation, the Council would then need to notify the proposed plan change for submissions and conduct a hearing into submissions, if required. If adopted, all costs associated with the plan change would rest with the Council.

It is also relevant to note that the applicant has not requested that the Council adopts the PPC.

For the above reasons, it is not recommended that the Council decide to adopt the PPC.

Option 2 – ‘Accept’ the private plan change request, in whole or in part, and proceed to notify the request, or part of the request, under Clause 26

If the Council accepts the request, in whole or in part, it must then proceed to notify the request, or part of the request under clause 26. After the submission period has closed, the Council would need to hold a hearing to consider any submissions, and a decision would then be made by the Council in relation to the request in accordance with Schedule 1 of the RMA. All costs associated with the request (including notification and any hearing) would rest with the applicant.

This is the recommended option. Once the hearings process is completed a recommendation will be made to Council to either ‘approve’ or ‘reject’ the private plan change.

Option 3 – ‘Reject’ the private plan change request, in whole or in part (clause 25(4)).

The Council has the power to reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4). If the private plan change request is rejected by the Council, the applicant can appeal that decision to the Environment Court under Clause 27 of Schedule 1.

The grounds for rejection under Clause 25(4) are as follows:

- a) the request or part of the request is frivolous or vexatious; or
- b) within the last two years, the substance of the request or part of the request has been considered and given effect to, or rejected by, the local authority or the Environment Court; or has been given effect to by regulations made under Section 360A; or
- c) the request or part of the request is not in accordance with sound resource management practice; or
- d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
- e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

The PPC contains a comprehensive section 32 report evaluation, including an assessment of the objectives and policies, and a sufficiently detailed assessment of environmental effects. The request is also accompanied by a range of specialist assessments in relation to the key matters considered to be material to the request, including transport, three waters, economic, ecology, geotechnical, urban design and landscape.

The request enables the nature of the plan change and its effects to be reasonably understood. It is therefore recommended that the Council not reject the private plan change request on the basis that it is frivolous or vexatious.

No plan change request nor any Operative District Plan provisions were developed within two years from the receipt date of the PPC. The original Estuary Estates PPC was lodged in 2006 and a decision was issued in 2008. Noting that this PPC was rolled over from what was then the Operative District Plan into what was then the proposed District Plan i.e. the current District Plan. It is therefore recommended that the Council not reject the request on the basis of this ground of rejection.

The substance of the PPC or part of the request, being rezoning land from does not relate to section 360A of the RMA which refers to regulations for amending regional coastal plans pertaining to aquaculture activities. It is therefore recommended that the Council not reject the request on the basis of this ground of rejection.

"Sound resource management practice" is a frequently used term but is not defined in the RMA. Case law indicates that "sound resource management practice" relates to scale of effects and alignment of any PPC to Part 2 of the RMA i.e. the purpose and principles. The applicant has considered the zoning options for the site and concluded that the proposed rezoning along with the introduction of new provisions including an overlay will result in a mixed-use development. That is anticipated to positively contribute to the existing business and residential zones under the operative District Plan while maintaining character and amenity of the area, and appropriately managing effects associated with servicing future development of the PPC area. A number of specialist reports support the PPC, and Council has engaged our own experts and relevant stakeholders who also support the PPC progressing to the next phase. While parts of the PPC need to be tested through the submission and hearings process, the scope and extent of the changes sought do not, in themselves, threaten the purpose and principles of the RMA. Having reviewed the applicant's planning and specialist reports and taken the purpose and principles of RMA into account, the PPC is considered to be in accordance with sound resource management practice. It is therefore recommended that the Council not reject the PPC on the basis that it is contrary to sound resource management practice.

The PPC request will not make the operative District Plan inconsistent with Part 5 of the RMA, which sets out the role and purpose of planning documents created under the RMA including that these must assist a local authority in giving effect to sustainable management purposes of the RMA. It is therefore recommended that the Council not reject the PPC on the basis that the substance of the request would make the Operative District Plan inconsistent with Part 5 of the RMA.

The Operative District Plan provisions relevant to the PCC were made operative in 2013. The provisions have therefore been operative for more than two years, and it is recommended that the Council not reject the private plan change request on the basis of this.

Option 4 - Decide to deal with the request as if it were an application for a resource consent. The Council can decide to deal with a PPC as if it were an application for resource consent, however, in this case, the PPC seeks to rezone parts of the site and introduce overlay provisions to manage use and development. It is considered that the most appropriate process for achieving rezoning for this mixed-use development of the site is through a plan change process.

It is therefore recommended that the Council not decide to deal with the request as if it were an application for resource consent.

Policy and planning implications

Adopting **Option 2** and 'accepting' the private plan change will release the application for notification and processing of the application according to the prescribed procedure.

Financial implications

Private plan changes are processed with the ability to recover all costs from the applicant up to the Council's final decision. Any appeal costs and which party carries the burden will be determined as per the appeal hearings.

Risks and mitigations

A single risk of a judicial review by a third party exists with the recommendation of this report. However, given the above analysis this risk is appropriately accounted for, and any likelihood of this situation is unlikely or low.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

The PPC will need to be notified within four months of being accepted under clause 26 of Schedule 1 of the RMA.

All preliminary arrangements have been made for immediate notification once the Clause 25 decision is available.

Attachments/Ngā tapiritanga

	Title
A	Private Plan Change 78 – Estuary Estates Zoning Map (Map56A)
B	Private Plan Change 78 – Estuary Estates Structure Plan Map (Map 56A)
C	Private Plan Change 78 – Estuary Estates DP Tracked Changes (Chapter 16)
D	Private Plan Change 78 - Estuary Estates DP Clean Version (Chapter 16)

**Recommendation approved by
Louise Miller, Chief Executive**

Signature: 

Date: 30 March 2020

Decision/Whakatau

That Kaipara District Council:

- Notes that this decision is urgent as it is required before 07 April 2020 under Clause 25 of the Resource Management Act 1991 that requires local authorities to provide a decision to accept or adopt in whole or part, or convert to a resource consent, or reject the private plan change within 30 working days of all Clause 23 requirements for the private plan change request being satisfied, which was met by the applicant on 25 February 2020.
- Accepts in whole, the Private Plan Change 78 – Estuary Estates by Mangawhai Central Limited, in accordance with Clause 25(2)(b) of the Resource Management Act 1991.
- Requests the Chief Executive publicly notify the private plan change.

**Decision approved by
Dr Jason Smith, Mayor**

Signature: 

Date: 03 April 2020

**Decision approved by
Anna Curnow, Deputy Mayor**

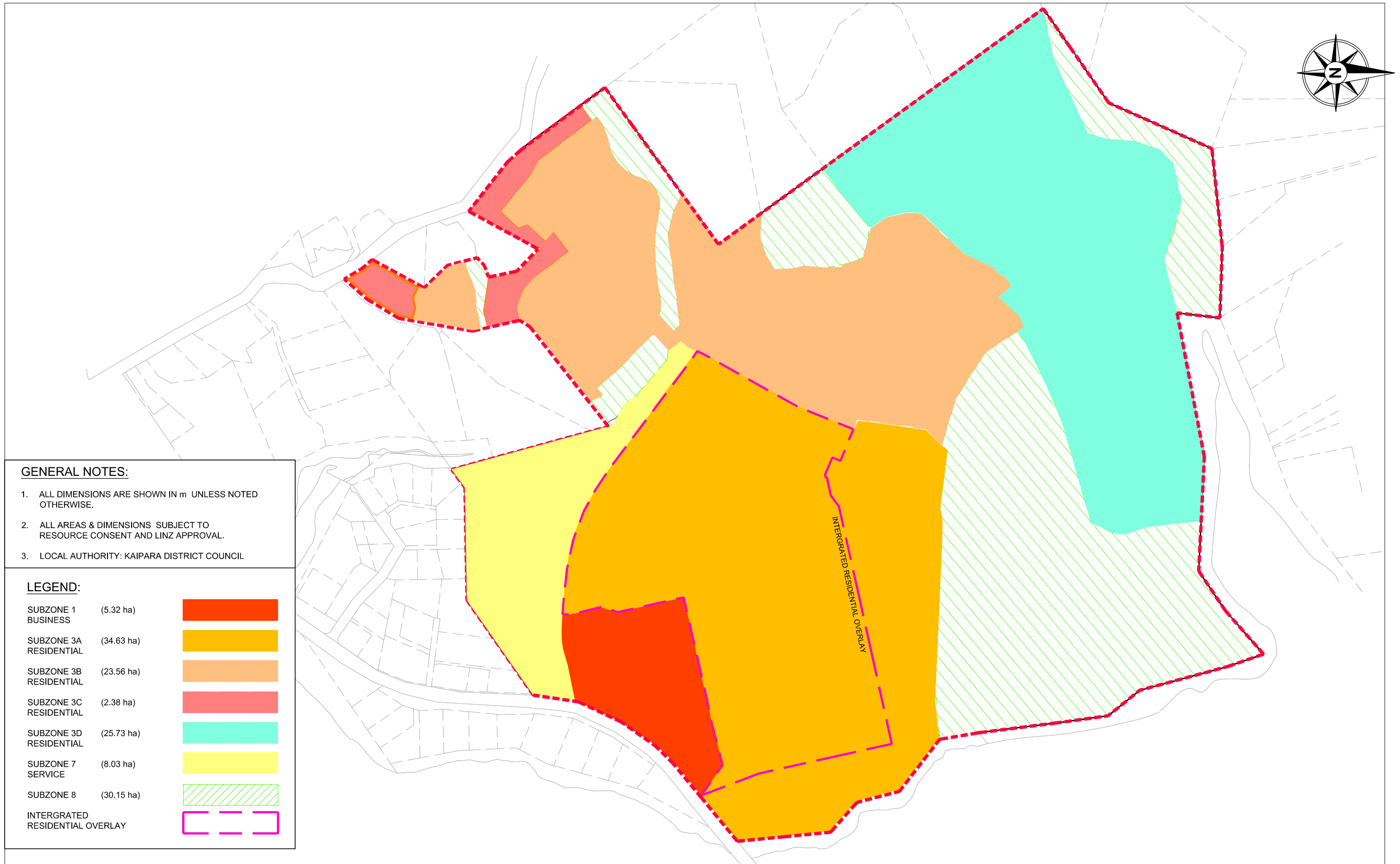
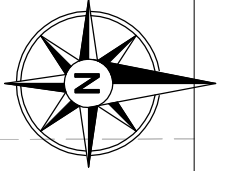
Signature: 

Date: 03 April 2020

**Decision approved by
Peter Wethey, Councillor**

Signature: 

Date: 03 April 2020



GENERAL NOTES:

1. ALL DIMENSIONS ARE SHOWN IN m UNLESS NOTED OTHERWISE.
2. ALL AREAS & DIMENSIONS SUBJECT TO RESOURCE CONSENT AND LINZ APPROVAL.
3. LOCAL AUTHORITY: KAIPARA DISTRICT COUNCIL

LEGEND:

SUBZONE 1 BUSINESS	(5.32 ha)	
SUBZONE 3A RESIDENTIAL	(34.63 ha)	
SUBZONE 3B RESIDENTIAL	(23.56 ha)	
SUBZONE 3C RESIDENTIAL	(2.38 ha)	
SUBZONE 3D RESIDENTIAL	(25.73 ha)	
SUBZONE 7 SERVICE	(8.03 ha)	
SUBZONE 8	(30.15 ha)	
INTERGRATED RESIDENTIAL OVERLAY		

ORIGINATOR:	DATE:	SIGNED:	PLOT BY:
JKLM	22/05/19		
DRAWN:	DATE:	SIGNED:	PLOT DATE:
JKLM	22/05/19		
CHECKED:	DATE:	SIGNED:	SURVEY BY:
APPROVED:	DATE:	SIGNED:	SURVEY DATE:
JKLM	01/10/19		
REV	DESCRIPTION	BY	DATE
A	FIRST ISSUE	JKLM	01/10/19

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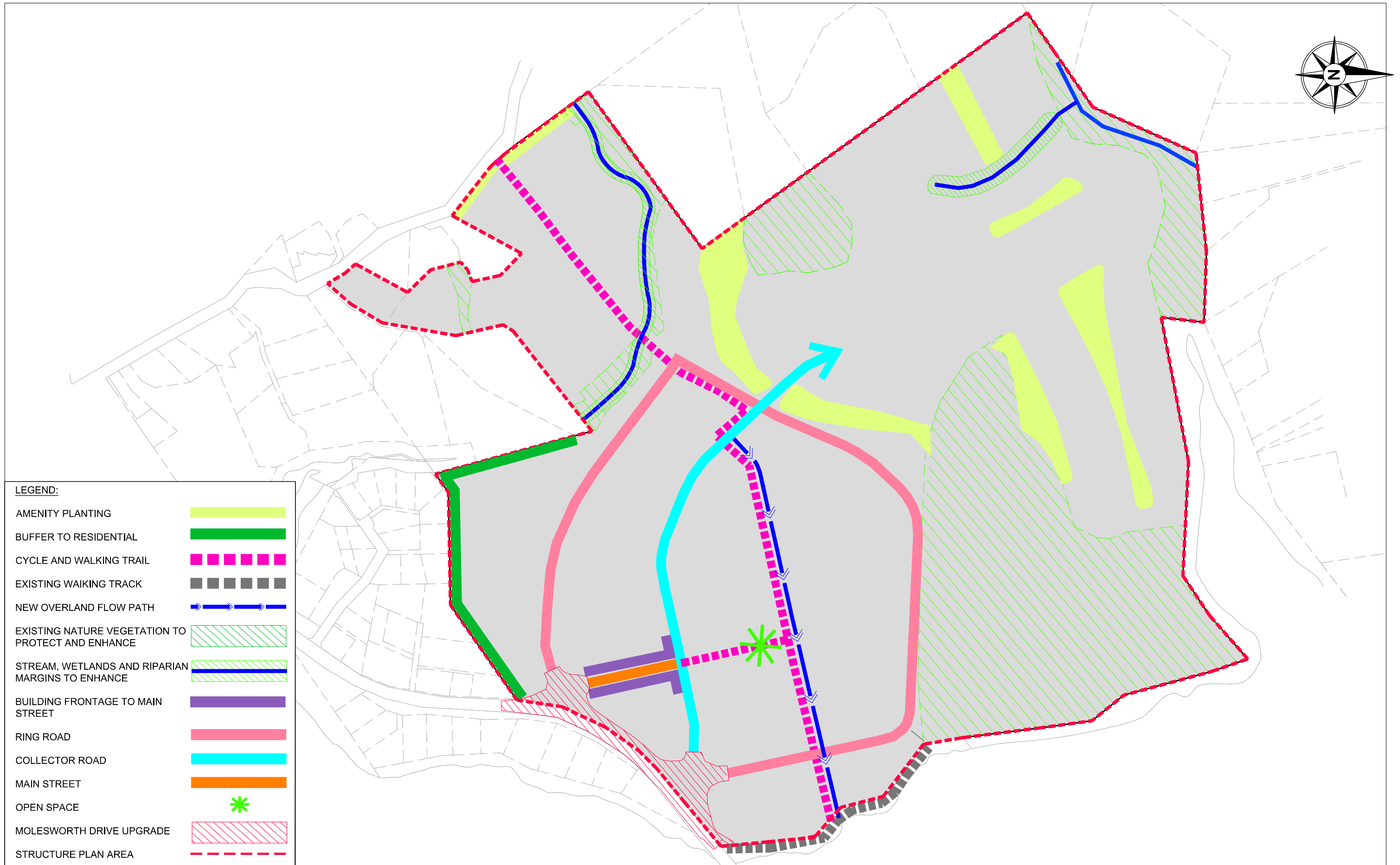
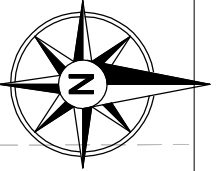
ALL DIMENSIONS TO BE CHECKED; DO NOT SCALE FROM DRAWING

PROJECT:
MANGAWHAI CENTRAL LIMITED
83 MOLESWORTH DRIVE
MANGAWHAI

TITLE:
PLAN CHANGE
WITHOUT PREJUDICE
SUBZONES



ISSUE STATUS: FOR DISCUSSION		
PROJECT NO: 1450	SCALES: 1:3,000 @ A1 1:6,000 @ A3	A1
DRAWING NO: 1450-PC-002	REV: A	



LEGEND:

AMENITY PLANTING	
BUFFER TO RESIDENTIAL	
CYCLE AND WALKING TRAIL	
EXISTING WALKING TRACK	
NEW OVERLAND FLOW PATH	
EXISTING NATURE VEGETATION TO PROTECT AND ENHANCE	
STREAM, WETLANDS AND RIPARIAN MARGINS TO ENHANCE	
BUILDING FRONTAGE TO MAIN STREET	
RING ROAD	
COLLECTOR ROAD	
MAIN STREET	
OPEN SPACE	
MOLESWORTH DRIVE UPGRADE	
STRUCTURE PLAN AREA	

ORIGINATOR:	JKLM	DATE:	22/05/19	SIGNED:		PLOT BY:	
DRAWN:	JKLM	DATE:	22/05/19	SIGNED:		PLOT DATE:	
CHECKED:		DATE:		SIGNED:		SURVEY BY:	
APPROVED:		DATE:		SIGNED:		SURVEY DATE:	
REV	DESCRIPTION	BY	DATE				
A	FIRST ISSUE	JKLM	30/05/19				

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PROJECT:
MANGAWHAI CENTRAL LIMITED
83 MOLESWORTH DRIVE
MANGAWHAI

TITLE:
PLAN CHANGE
WITHOUT
PREJUDICE

ISSUE STATUS: FOR DISCUSSION		
PROJECT NO: 1450	SCALES: 1:3,000 @ A1 1:6,000 @ A3	A1
DRAWING NO: 1450-PC-001		REV: A

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.

~~The area is defined to the north by the Tara Creek estuary, which drains into the upper Mangawhai Harbour and to the west by a significant secondary wetland system, which drains to the Tara Creek. To the east the area is defined principally by Molesworth Drive as it traverses the estuarine alluvial flats between Mangawhai Village to the southeast and Molesworth Peninsula northeast of the causeway.~~

~~The south and south-western boundaries of the Estuary Estates Structure Plan area are defined following the lower slopes of the hill country that rises from the estuarine alluvial flatlands, along the interface of which Old Waipu Road is partially aligned. The west and south is fringed by private properties on the adjacent alluvial flats and elevated hill country overlooking the area.~~

~~The topography within the northern and western portions of the area features gently to moderately steep hills falling from a northeast southwest trending ridgeline and a similar trending elevated plateau area.~~

~~The eastern and southern portions are low lying and situated on part of a large flat alluvial terrace, which lies adjacent to the Mangawhai Estuary.~~

~~The Estuary Estates Structure Plan area is particularly significant in terms of its strategic location within an area of high development growth. Its intrinsic character and site features, particularly in terms of its location and variety and diversity of discrete environments provide a number of development opportunities that could emerge from the change of land use and management that, as its primary purpose, would seek to secure a range of positive environmental outcomes.~~

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

~~The Mangawhai Structure Plan is incorporated into the District Plan (refer Chapter 3B: Mangawhai Growth Area). The Estuary Estates Structure Plan Area falls within the Policy Areas 1 and 2 of the Mangawhai Structure Plan.~~

~~This Structure Plan reflects and implements the analysis and directions promoted through the Mangawhai Structure Plan. The provisions of Estuary Estates Structure Plan aim to facilitate the development of the land to reflect its important location and position as an entry point to Mangawhai Heads.~~

~~In order to reflect the directions of the Mangawhai Structure Plan and create an attractive "gateway" to Mangawhai Heads, Chapter 16 – Estuary Estates seeks to provide for a commercial centre adjacent to Molesworth Drive to provide for future retail and service needs beyond those able to be provided for at the historical village centres. This includes provision for activities requiring larger retail buildings but limits the extent of those to preserve a rural village character. The Estuary Estates Structure Plan will also enable some mixed-use development where residential activities can merge with business type activities in close proximity to the centre. This provides for work from home type options as well as adding diversity to the way in which emerging needs can be catered for.~~

~~Beyond the retail/business centre which is defined by open spaces and pedestrian areas, there are nodes of residential development at varying densities complemented by different forms of rural lifestyle development, including a 'Lakeside Living' cluster and a 'Rural Lifestyle' cluster, with a resulting built environment that can meet the needs of the increasing number of residents and visitors, while reflecting the unique characteristics of its location.~~

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

16.1.3 How to Use this Chapter of the District Plan

~~This Chapter specifies what land uses can or cannot be done in this Zone. Where someone wants an activity that is not provided for or does not meet the Standard for that activity, they will need to lodge a Resource Consent. Council has an opportunity to approve or decline the application and to set conditions on how this activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roads, to avoid, remedy or mitigate effects on the environment.~~

~~Before you use this Chapter of the District Plan, check:~~

- ~~That the property for development / subdivision is located in this Zone (Map Series 1).~~
- ~~If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).~~
- ~~The parameters of the Estuary Estates Structure Plan (Appendix 25E to the District Plan Maps).~~

~~In summary you need to check whether your activity is provided for and whether it meets the Performance Standards of Section 16.8, 16.9 and 16.10 of this Chapter and the Estuary Estates Structure Plan.~~

~~How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to check the activity tables in Section 16.7 and then the Performance Standards in Section 16.8 and 16.10 of this Chapter. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objective and Policies of the Plan. If the proposal is a Discretionary Activity, you will need to consider whether the proposal meets the Objective and Policies of this Chapter. For Non-Complying Activities you will need to consider the Objectives and Policies of both this chapter and Part A of the Plan, as well as the relevant Part 2 matters of the Resource Management Act 1991. See Section 1.3.5 of the District Plan for a summary of the 'Status of Consents'.~~

~~If you need to prepare a Resource Consent application for your proposed development or subdivision: Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz~~

16.1.4 Description of the Estuary Estates Structure Plan Provisions

~~The zoning and roading network is shown on Map 56A in Map Series 1. All of the Estuary Estates Structure Plan Maps are 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.~~

~~These Sub-Zones reflect the outcomes of the comprehensive resource management analysis of the area, which was carried out to define the capacity and identify the key elements of the natural environment that need preservation, protection and enhancement.~~

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

- ~~- Business 1 Sub-Zone;~~
- ~~— Community 2 Sub-Zone;~~
- ~~- Residential 3 A to 3D Sub-Zones;~~
- ~~— Parkside Residential 4 Sub-Zone;~~
- ~~— Rural Cluster 5 Sub-Zone;~~
- ~~— Rural Residential 6 Sub-Zone; and~~
- ~~- Service 7 Sub-Zone; and~~
- ~~- Natural Environment 8 Sub-Zone.~~

Estuary Estates Structure Plan

~~The Sub-Zones shown on Map 56A in Map Series 1. do not include public roads. Each of these Sub-Zones provides for a specific mix of land use activities with corresponding Subdivision and Development Controls.~~

~~Each Sub-Zone also includes defined areas of land called the Green Network as shown on Estuary Estates Structure Plan Map 1. The Green Network areas are shown in greater detail on Estuary Estates Structure Plan Maps 1-26 including identification of particular public areas such as the Village Green in Sub-Zone 2 which will vest in and be managed by Council. The balance parts of the Green Network will be secured by a variety of methods including easements, rights-of-way, covenants and reserves or other methods as determined by Council at the time of development.~~

~~The Estuary Estates Structure Plan Maps 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, explicit Development Controls are set out in Sections 16.8, 16.9 and 16.10 and 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 set out in Section 16.8 rely upon typical 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. Maps 4-17 set out on a series of maps the indicative location of buildings within the separate parts of each Sub-Zone defined as 'development blocks'. These maps also show the maximum~~

~~residential density allowed for each of the development blocks and the Permitted Activity coverage thresholds.~~

The Subdivision provisions include minimum Site Area Standards ~~to enable the basic development building blocks to be established. There are provisions for Unit Title and alternative subdivision methods so that the Residential Density Standards for the Sub-Zones can be given effect to.~~ In the case of the Residential 3 Sub-Zones there is provision for a higher number of residential units to enable multi-level development of separate dwelling units and a diversity of housing typologies and lifestyle choice across the A-D areas.

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

~~For both land use activities and subdivision, the Estuary Estates Structure Plan provisions explicitly set out how staged development shall occur in respect of ensuring that basic infrastructure and Green Network elements are established at early stages of development. Maps 18-26 set out the means through which infrastructure and roading are to be established so that subdivision and development can proceed on an orderly basis.~~

~~The General Rules for subdivision require that the individual Sub-Zones be separated onto separate Titles as 'Stage 1 subdivision'. That allows for a progressive development within each Sub-Zone, which seeks that either minimum land areas or a specified scale of development be developed on a comprehensive basis to avoid ad hoc development. That approach will also allow for the implementation of methods to secure the Green Network to be addressed.~~

~~A comprehensive Development Control process is defined and provided for land use and subdivision proposals over a particular density threshold or for the identified development blocks in Maps 4-17. The Rules provide for such proposals so that an integrated approach to development is achieved which realises the outcomes shown on Map 56A in Map Series 1 and Estuary Estates Structure Plan Maps 1-26.~~

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.

~~Roading within the Estuary Estates Structure Plan Area is shown in greater detail on the Estuary Estates Road Network Map 2.~~

~~A Building Line Restriction is imposed parallel to Molesworth Drive to allow for future road widening and roading improvements. This is shown on Estuary Estates Structure Plan Maps 2 and 4.~~

~~Estuary Estates Structure Plan Maps 3, 4 and 18-26 illustrate details of stormwater management, staging and implementation.~~

16.1.5 Staging and Implementation

~~The Estuary Estates Structure Plan provisions include specific Rules that set out the means through which infrastructure and roading are to be put in place prior to development occurring within any of the Sub-Zones. Maps 18-26 set out the required infrastructure, structure planting and roading that must be established before any individual Sub-Zone can be developed and subdivided.~~

~~Map 18 defines a baseline level of infrastructure, structure planting and roading that must be established at the outset prior to any other subdivision or development being able to occur elsewhere within the Estuary Estates Structure Plan Area. The Subdivision Rules require that Sub-Zones 1 and 7 be subdivided off first as separate Titles and after that, while all of the remaining Sub-Zones must be subdivided onto separate Title prior to any internal development occurring, the sequence of that subdivision can be flexible to respond to local needs.~~

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, the Rules in Chapter 10 and 11 (respectively) shall take precedence.

~~Where Standards are specified in this chapter, they are to take precedence over the Kaipara District Council Engineering Standards 2011. For all other matters, Kaipara District Council Engineering Standards 2011 shall apply. The following documents should also be referred to as they may contain Standards which apply to a particular site or proposal.~~

- Austroads Guide to Traffic Engineering Practice;
- Austroads Urban Road Design;

- NZS 4404:2010 Land Development and Subdivision Engineering.

16.2 Resource Management Issues

~~The key resource management issues for the Estuary Estates Structure Plan area are identified as follows:~~

- ~~16.2.1 The need to recognise and provide for the safety and wellbeing of people and communities within the Estuary Estates Structure Plan area.~~
- ~~16.2.2 The need to protect key natural landscape values and areas of ecological value.~~
- ~~16.2.3 The need to manage the coastal edge, water systems and important wetland areas.~~
- ~~16.2.4 The importance of providing for future growth in a manner consistent with the management patterns defined in the Mangawhai Structure Plan.~~
- ~~16.2.5 The importance of building on the outcomes identified in the Mangawhai Structure Plan as a means to avoid land use activity conflicts.~~
- ~~16.2.6 The importance of ensuring any development of the Estuary Estates Structure Plan area recognises the character and identity of the wider Mangawhai area.~~
- ~~16.2.7 The importance of integration of the mixed-use development with the rural and open space aspects of the development concept.~~
- ~~16.2.8 The importance of ensuring any commercial development of the Estuary Estates Structure Plan Area reflects long term needs of the wider Mangawhai Area.~~
- ~~16.2.9 The importance of providing for a diverse range of living opportunities that reflect the changing demographics in the area.~~
- ~~16.2.10 The importance of managing stormwater and groundwater quality in relation to potential effects on ecological values and habitats, water systems and estuarine / coastal waters.~~

16.3 General Objectives and Policies

16.3.1 Green Network Natural Environment Objective

To conserve, protect and enhance the landscape, ~~recreational~~ and ecological resources ~~of the Green Network and associated with wetlands, streams and identified areas of indigenous vegetation.~~

16.3.1.1 Policies

- ~~1) By identifying and managing the different landscape elements within the Green Network.~~
- 2) By recognising and providing for the preservation and enhancement of the significant ecological habitat adjacent to the Tara Estuary.
- ~~3) By using development and subdivision controls to ensure development of provides for the open space needs of the community.~~
- ~~4) By adopting a strategic management approach to the establishment and maintenance of the Green Network, which ensures the Green Network functions as an integral part of the Estuary Estates Structure Plan area.~~
- ~~5) By providing for key landscape, ecological and recreational areas to be secured as Green Network.~~
- 6) By ensuring development contributes to the revegetation of areas within the Green Network, so as to enhance the landscape and, extend ecological linkages and to ensure buildings sit in a landscaped context.
- ~~7) By securing through the Green Network a walkway system linking areas of open space, residential and business areas and community facilities.~~
- 8) By using specific Development Controls for earthworks, in order to manage development and thus achieve the protection and enhancement of the natural environment.
- 9) 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) Enabling land vested in Council for reserve purposes to be development and utilised for its vested purpose.

16.3.2 Amenity Objective

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

16.3.2.1 Policies

- 1) ~~By using a number of Sub-Zones with specific purposes within the Estuary Estates Structure Plan area to allow for development appropriate to the capacity of each Sub-Zoned Area.~~
- 2) By implementing the structure plan, development and subdivision controls, assessment criteria and Estuary Estates Design and Environmental Guidelines to achieve an integrated high quality, built environment with a strong pedestrian focus associated with buildings fronting on to and having a clear relationship with the street to provide amenity and passive surveillance with architectural forms compatible with the coastal, small town character of Mangawhai.
- 3) ~~By recognising and providing for community safety and social wellbeing as a key part of the Estuary Estates Structure Plan area's development.~~
- 4) By implementing the Development Controls to ensure the ~~open space character and landscape and amenity values of the Estuary Estates Structure Plan area are~~ retained maintained and enhanced.
- 5) ~~By securing extensive pedestrian and non-vehicular access and connections within the Estuary Estates Structure Plan area.~~
- 6) ~~By ensuring development is managed to reduce the dominance of buildings in the landscape, particularly on the slopes of the Rural Cluster 5 and Rural Residential 6 Sub-Zones.~~
- 7) To ensure that roads are developed as high quality public spaces by incorporating amenity features as such as tree planting and varied paving materials.
- 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 Land Use Objective

~~To limit the range and scale of land uses within the Estuary Estates Structure Plan area, in order to avoid or minimise conflict between different activities.~~

16.3.3.1 Policies

- 1) ~~By dividing the Estuary Estates Structure Plan area into a range of different Sub-Zones and allowing for only a specific range of activities within each Sub-Zone.~~
- 2) ~~By providing and maintaining amenity values through the implementation of appropriate Development Control Standards and design guidelines.~~
- 3) ~~By using activity lists and effects based Performance Standards and Development Controls as a means to avoid reverse sensitivity conflicts.~~
- 4) ~~By limiting the Permitted Activity thresholds for the size of activities such as restaurants, taverns, healthcare and medical facilities where there is a potential to adversely affect residential amenity.~~
- 5) ~~By ensuring that key elements of the Estuary Estates Structure Plan such as the Green Network and infrastructure requirements are implemented in a manner that ensures the integrated and sustainable development of the whole area, particularly when development is to be progressively staged.~~
- 6) ~~By requiring development to be in accordance with the Maps 1-26 particularly in terms of the scale, density and location of buildings and activities, and the location and extent of the Green Network.~~
- 7) ~~By ensuring that subdivision and development proceeds in an integrated manner so that the indicative development shown on Maps 4-17 is given effect to.~~

16.3.4 Business and Service Objectives

1. To provide for the town centre and service area business and servicing activities while, ensuring that the adverse effects of those activities are avoided, remedied or mitigated.

2. To create a distinctive, attractive and vibrant business area town centre.

16.3.4.1 Policies

- 1) By providing a specific Sub-Zones to enable business and service activities to provide for social, cultural and economic wellbeing and in order to better 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-Zones achieves an integrated high quality built environment with a strong pedestrian focus, and a high quality streetscape.

- 3) ~~By limiting the development of larger scale retail and office activities that need larger land areas to Precinct 1 only.~~
- 4) ~~By providing for business and servicing opportunities that cannot be met within the areas Sub-Zoned at the other Village centres in Mangawhai.~~
- 5) By providing for small scale servicing and manufacturing opportunities in Service Sub-Zone 7 that require larger land areas ~~not available in other central locations.~~
- 6) By providing for limited 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) ~~By ensuring that the development of the Business 1 Sub-Zone is managed through staging in order to achieve a consolidated centre.~~
- 8) 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) 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) 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 Community Objective

~~To create a community focal point in the Estuary Estates Structure Plan area.~~

16.3.5.1 Policies

- 1) ~~By providing for a range of community buildings and recreation and leisure activities to meet community needs.~~
- 2) ~~By enabling flexibility in the Sub-Zone provisions so as to respond to changes in community needs and recreation and leisure trends.~~
- 3) ~~By requiring that the Village Green shown on Map 5 be vested in Council at the time of initial development of the Community 2 Sub-Zone.~~
- 4) ~~By ensuring that the development of the Community Sub-Zone occurs in stages in order to achieve a consolidated centre.~~
- 5) ~~To ensure a high quality of built environment is developed which relates positively to the street, neighbouring properties and the Green Network.~~

16.3.6 Residential Objective

To provide for a diverse range of residential living opportunities and to promote residential intensification in proximity to the village within the Estuary Estates Structure Plan area.

16.3.6.1 Policies

- 1) By enabling a range of Sub-Zones to so that the Estuary Estates Structure Plan area can provide for up to 500 new household units diverse housing to support the village 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 capable of being sustained by the local environment 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 protection of amenity to neighbouring sites and the streetscape.
- 4) By ensuring that the outdoor living needs of upper level apartments can be met through the use of courtyards, communal areas, and balconies, and roof top areas or a mixture of all elements.
- 5) By ensuring a high quality of built environment is developed which relates positively to the street, neighbouring properties and open spaces, the Green Network, through the assessment of new buildings by the Estuary Estates Design and Environmental Guidelines.
- 6) By encouraging the comprehensive integrated residential development of larger lots in proximity to the village to assist with enabling a diversity of housing typologies.
- 7) ~~By ensuring that all buildings within the Rural Residential 5 Sub-Zone sit within a vegetated back drop.~~
- 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 Natural Environment Objective

~~To ensure that activities conserve and enhance the natural environment and ecological values of the Tara Estuary and Mangawhai Harbour.~~

16.3.7.1 Policies

- ~~1) By using specific Development Controls for earthworks, building scale, density and location, and requiring the establishment of sustainable infrastructure, in order to manage development and thus achieve the protection and enhancement of the natural environment.~~
- ~~2) By ensuring that site works associated with subdivision and development avoid adverse effects on water courses, areas of ecological value, and neighbouring properties arising from changes to land form and the generation of sediments.~~
- ~~3) By establishing a permanent Green Network within the Area as one means of protecting key ecological values and features including the nearby salt marsh and estuarine environments.~~
- ~~4) By establishing the defined Green Network as shown on Maps 1, 4-17 as a key means of securing sustainable land use and subdivision activities within an integrated catchment management framework.~~
- 5) By limiting urban development to areas where geotechnical conditions allow for that.

16.3.8 Transport Objectives

1. To achieve a high amenity, well connected, low speed impact and sustainable roading network that provides for easily and safely accessed, orderly development.

2. To develop a roading network within the Estuary Estates Structure Plan Area which integrates safely and efficiently with the surrounding roading network whilst ensuring adverse effects are avoided or mitigated.

3. 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 by foot and cycle as well as cars, buses, and other vehicles.
- 2) ~~By providing high quality safe open space, access and pedestrian linkages for people and facilitates sustainable living options between activities, at the time of or prior to any subdivision and development.~~
- 3) By ensuring development includes an appropriate amount of occupant and visitor parking on site.
- 4) By implementing particular Standards for the formation of car park spaces.
- 5) By ensuring that development provides for roading in an integrated manner ~~so that the indicative development shown on Maps 2, 18-26 is given effect to.~~
- 6) By ensuring that the roading network can be efficiently used by emergency services at all times.
 - 1) ~~By providing for a safe effective and efficient road network for vehicles, cyclists and pedestrians.~~
 - 2) By adopting and applying a functional road classification to roads to control access, traffic and road formation Standards.
 - 3) By requiring a low impact and ensuring a landscaped design approach for new roads.
 - 4) By discouraging traffic generating activities in sub zones environments where they would have significant adverse effects.
 - 5) By implementing Standards that ensure vehicle access points are safe and efficient

16.3.9 Utilities, Services and Infrastructure Objective

To ensure the provision of a high amenity, low impact and sustainable infrastructure networks that provides for properly serviced, and orderly development.

16.3.9.1 Policies

- 1) ~~By implementing earthworks and stormwater management Development Controls for land use and subdivision activities that require the provision of prime infrastructure in sequence with any development and in a manner where potential adverse environmental effects are avoided or minimised.~~
- 2) ~~By ensuring that the provision of infrastructure is consistent with the Maps 1-26.~~
- 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, ~~with the exception of Rural Residential Sub-Zone 6 which will be unserved.~~
- 5) By ensuring subdivision and development is aligned with infrastructure necessary to serve development

16.3.10 Staging and Financial and Development Contributions

~~To ensure that the timing of subdivision and development of the Estuary Estates Structure Plan area is coordinated with the provision of infrastructure needed to serve the area and that development contributes its share of the growth related costs of this infrastructure.~~

16.3.10.1 Policies

- ~~1) By ensuring subdivision and development is in accordance with the Estuary Estates Structure Plan provisions.~~
- ~~2) By requiring development within the Business 1 and Community 2 Sub-Zones occurs progressively in accordance with the Estuary Estates Structure Plan and for all other Sub-Zones only once the principal infrastructure is operational.~~
- 3) By requiring development to make a contribution at the time of subdivision and/or development (including at the building stage) to provide for infrastructure and reserve needs in accordance with Section 22.10 of this District Plan.

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.
- 2) By ensuring that all subdivisions are able to be properly serviced and can adequately avoid, remedy, mitigate or appropriately manage the effects of natural hazards.
- 3) By ensuring subdivision implements the features of the structure plan
- 4) By ensuring subdivision density and lot sizes respond to the site's characteristics and avoid significant landscape and visual effects
- 5) By ensuring subdivision establishes the roads illustrated on the structure plan, and establishes a well connected local roading network
- 6) By ensuring subdivision upgrades the Molesworth Drive frontage
- 7) By ensuring subdivision establishes the open spaces, and walking and cycle network illustrated on the structure plan
- 8) By ensuring that subdivision establishes and maintains the amenity buffer between Service Sub Zone 7 and the neighbouring residential sites

16.4 Resource Management Strategy

16.4.1 Planning Strategy

~~The strategic importance of the Estuary Estates Structure Plan area within the Mangawhai Structure Plan area requires a specific planning framework to be established.~~

~~The primary Resource Management Strategy for the Estuary Estates Structure Plan area is to divide it into "Sub-Zones" forming the basis for detailed resource management and Development Control purposes. This also enables an integrated approach to the use and development of the Estuary Estates Structure Plan area within the context of the wider Mangawhai Area and the long-term growth directions envisaged for Mangawhai. This strategy requires a comprehensive site planning approach to secure an integrated and consolidated mixed-use built environment. The use of Development Control Rules requiring a Staging Plan~~

for subdivision will also assist in securing that approach. The staging and implementation of landscaping, infrastructure and roading is addressed through the inclusion in the Estuary Estates provisions, including Figures 1-26 of Appendix 16.1 which set out specific requirements for those matters.

The Maps 1 and 4-17 identify the spatial distribution of buildings and the Green Network areas that will be established through the development of the Estuary Estates Structure Plan area. There are different parts to the Green Network each with their own characteristics and the methods to secure the Network vary according to those characteristics. In some cases land may be vested in Council as reserves and in other cases will be protected through covenants and/or Consent Notices.

Each Sub-Zone has a specific purpose and focus, which drives the primary planning mechanisms used to achieve different land use, subdivision and environmental management outcomes for the different parts of the Estuary Estates Structure Plan area.

The planning strategy for the Estuary Estates Structure Plan area also requires the provision of information and regular monitoring of the Plan controls to ensure they continue to achieve their stated purpose.

16.4.2 Design and Environmental Outcome Strategy

The 'Estuary Estates Design and Environmental Guidelines' are an important part of the Resource Management Strategy used to implement the Estuary Estates Structure Plan provisions.

The Estuary Estates Design and Environmental Guidelines recognise that the future built environment of the Estuary Estates Structure Plan Sub-Zones must be of a high quality and design in order to create a built form that creates a sustainable character and identity and which preserves the natural coastal character of Mangawhai Harbour.

The Estuary Estates Design and Environmental Guidelines recognise that relatively intensive development can occur within Sub-Zones 1-5 and thus specify clear outcomes in respect of managing any potential adverse effects from land use and development.

The Estuary Estates Design and Environmental Guidelines are implemented through the Resource Consent application assessment criteria which require consistency of development with those guidelines as well as the Estuary Estates Structure Plan Maps 1-26. All new buildings, with the exception of buildings in the Service 7 zone require, at the least, Controlled Activity Resource Consent as a means of ensuring a high quality built environment. A lower level of amenity is considered acceptable in the Service 7 Sub-Zone. Maps 4-16 show the indicative development of the Estuary Estates Structure Plan area and complement the Estuary Estates Design and Environmental Guidelines.

16.4.3 Transport Network and Access Strategy

The form and layout of Estuary Estates Structure Plan Maps 4-16 have been designed to support an integrated Transport Network (as shown on Map 2) that provides for vehicles, pedestrian walkways, bridle paths, and cycle tracks.

The Transport Network, in particular the location of main routes, has been designed to ensure:

- Limited adverse impact on the environment;
- Separation between sensitive natural, restoration and activity areas is maintained;
- Efficient and effective maintenance; and
- Safety and convenience of all users of the Transport Network including emergency service vehicles.

Map 2 illustrates the defined roading hierarchy used to secure the transportation outcomes appropriate to the functions of each type of road.

The Green Network shown on Map 1 is an integral part of defining and establishing the connectivity to and within the different Sub-Zones. Those connections will be secured through a range of methods including easements, covenants, open space, reserves and the use of local streets. All developments and subdivision proposals must demonstrate the means through which the total transportation and access strategy defined for the Estuary Estates Structure Plan area is progressively secured.

Maps 2 and 4 denotes a Building Line Restriction which is designed to provide for future proposed road widening and intersection improvements to the Molesworth Drive road frontage of the Estuary Estates Structure Plan area.

16.4.4 Utilities, Infrastructure And Servicing Strategy

In providing for subdivision and development the Estuary Estates Structure Plan provisions seek to ensure that:

- Stormwater collection, treatment, reticulation and discharge maintain the level and quality of water systems, groundwater and the marine environment.
- Low impact design techniques are to be utilised as a key design principle.

- All developments must connect to the Council reticulated wastewater (EcoCare) community system (with the exception of Sub-Zone 6 which may have independent on-site systems).
- Conservation and efficiency in water use is recognised and provided for as the preferable approach to development.
- Roof water is to be stored and treated for potable use in preference to using other sources particularly where there may be a potential for saltwater intrusion and/or adverse effects on ground water tables.
- The form and layout of subdivision and development must minimise the effects of generated stormwater and ensure that stormwater treatment and disposal does not create adverse effects on the environment.
- To achieve orderly and integrated development the Plan provisions, the Estuary Estates Structure Plan Maps 1-26 set out minimum requirements for the provision for structure planting infrastructure and roading.

16.5 Methods of Implementation

16.5.1 District Plan Methods, Staging and Implementation

A number of methods are used to implement the Estuary Estates Structure Plan provisions, including:

- Providing for a number of Sub-Zones with servicing and mixed use activities being the dominant use of the key land close to Molesworth Drive and rural residential activities being the main use of the upper slopes and residential and community uses provided for in the area bounded by the main 'ring road'.
- Providing for varying residential densities within the residential Sub-Zones, ranging from a 'new Mangawhai style' medium density option to rural lifestyle and lakeside living.
- Adopting Strategies, Objectives, Policies and Rules which define and control the form, extent and character of development within each Sub-Zone, and provide for the staged development of the Business 1 and Community 2 Sub-Zones.
- Using Rules and Subdivision and Development Control processes, including Estuary Estates Design and Environmental Guidelines.
- Using Maps (Maps 4-17 in particular) to define preferred development outcomes in respect of layout of buildings and setbacks, yards, landscaping and public and private pedestrian connections.
- Enabling a comprehensive development approach through particular Rules that encourage larger scale subdivisions and developments to be designed and implemented in a comprehensive manner rather than through ad hoc development processes.
- Adopting planning Strategies and provisions which provide protection for coastal / estuarine areas and areas of identified ecological and/or landscape value.
- Ensuring through identified implementation and staging plans and specific Subdivision Rules that infrastructure, structure planting and roading is to be established so that that all development is able to be serviced and is provided for in an orderly manner.
- Setting out specific staging and implementation requirements so that the relationship between subdivision and the processes of providing infrastructure and roading are transparent and ensure that essential requirements are met early in the subdivision development process.
- Ensuring that infrastructure and roading is provided for in an orderly manner in sequence with the subdivision of each Sub-Zone areas onto separate Titles as a precursor to any development being permitted within any of the individual Sub-Zones.

16.6 The Estuary Estates Structure Plan Sub-Zones

In addition to the general Objective and Policies set out in Section 16.3 above, there are specific Objective and Policies for each Sub-Zone, as described below.

16.6.1 Business Sub-Zone 1

16.6.1.1 Sub-Zone Description Strategy

The Business Sub-Zone provides for a business 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 the 'built green space' to the wider Green Network.

~~This Sub-Zone is around 7.5ha in overall area, including roads. It comprises around 4ha of development area and has a Green Network component of approximately 1.3ha. The Green Network is located at the frontage to Molesworth Drive and fulfils as a buffer and stormwater management function.~~

~~The Sub-Zone provides the 'gateway' to the Estuary Estates Structure Plan area and enables easy access to business activities using the ring road that will connect with Molesworth Drive. Secure sheltered pedestrian friendly public spaces and connections are to be provided to adjacent streets and other nearby Sub-Zones and/or public places. Future road widening is anticipated by a 10m building line setback control parallel to Molesworth Drive.~~

~~There are two Precincts within the Sub-Zone. Precinct 1 is intended to provide principally for activities that require large format floor areas on larger sites that cannot be found within the other business centres at Mangawhai. Precinct 2 provides for smaller retail and business activities in smaller buildings and sites.~~

~~To avoid piecemeal development of the Precincts, development is to be staged and consolidated enabling the efficient use of land and ensuring the centre's amenity values are protected.~~

16.6.1.2 Objectives and Policies

Objective 1

~~To create a distinctive, attractive and vibrant business area.~~

Policies

- ~~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 Sub-Zone's 'gateway character'.~~
- ~~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.~~
- ~~By allocating parking areas to internal locations where they can be well screened and will not detract from the streetscape and gateway qualities of the Sub-Zone.~~
- ~~By ensuring the Sub-Zone functions safely, conveniently and enjoyably as an integrated village environment at all stages of development.~~
- ~~By staging development so that the Precincts are developed in a consolidated manner avoiding piecemeal development.~~

16.6.2 Community Sub-Zone 2

16.6.2.1 Sub-Zone Strategy

~~The purpose of the Community Sub-Zone is to provide for a range of community focused buildings and activities around a central public space – a Village Green (Map 1 and 5.). Public connections for pedestrians between all community Sub-Zoned areas are to be combined with park-quality tree plantings and landscape treatment of individual sites so they effectively constitute extensions to the Village Green.~~

~~The Sub-Zone is around 5ha in overall area, including roads. It comprises around 2ha of development area and has a Green Network component of approximately 1.15ha, namely the Village Green.~~

16.6.2.2 Objectives and Policies

Objective 1

~~To create a community hub.~~

Policies

- ~~By providing for a range of private and public community related buildings and activities, located adjacent to the Village Green and close to the Business and Residential Sub-Zones.~~
- ~~By implementing specific development and design controls to limit the size, scale and location of buildings to ensure an attractive built form.~~
- ~~By requiring safe pedestrian links to and from adjacent Sub-Zones and public places.~~
- ~~By requiring that a village green be vested as a reserve at the time of initial subdivision of this Sub-Zone.~~

16.6.3 Residential Sub-Zone 3

16.6.3.1 Sub-Zone Description Strategy

~~The main purpose of the Residential Sub-Zone 3 is to provide a residential area at a medium density with high levels of private and public open space. Groups of houses are to be interwoven with well-planted open space providing for casual recreation and pedestrian linkages across the Sub-Zone into the Community and~~

~~Parkside Residential Sub-Zones, and through to the wider Green Network. The Maps 6-7 set out indicative building locations and define building setbacks from roads and open space/Green Network areas. The residential blocks closest to the Community Sub-Zone are intended to provide for the highest density. There are slightly lesser densities provided for in other development blocks noting that they are larger than those immediately adjacent to the Community Sub-Zone.~~

~~The Sub-Zone is intended to secure a community and neighbourhood focus to residential development with high levels of pedestrian connectivity and local open space areas and access ways providing for active and passive use. Stormwater is to be managed by sustainable design solutions in the public access areas identified on Map 3 at the rear of the residential buildings.~~

~~This Sub-Zone is approximately 12ha in total area, including roads. It comprises over 9ha of development area and has an open space and Green Network component of around 3ha. The open space/green network will emerge through the comprehensive planning and Development Control process that the Sub-Zone provisions set out.~~

~~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 village 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 Objectives and Policies

Objective 1

~~To provide for medium density residential living with a strong neighbourhood character and a high standard of residential amenity.~~

Policies

- ~~By controlling the form and scale of buildings to ensure a high standard of design which relates positively to the street and is sensitive to surrounding properties.~~
- ~~By enabling a range of housing forms and styles that collectively create a diverse residential environment while achieving a high standard of streetscape and on-site amenity.~~
- ~~By ensuring an extensive, pleasant safe and convenient pedestrian network facilitates interaction and movement within the community.~~
- ~~By enabling some smaller scale non-residential activities and home occupations within the Sub-Zone in keeping with the character and amenity of adjoining sites and the neighbourhood.~~
- ~~By encouraging the comprehensive approach to development to avoid ad-hoc development.~~
- ~~By requiring all private pedestrian links and open space associated with the Green Network and utility services maintenance be managed through a body corporate or similar mechanism.~~

16.6.4 Parkside Residential Sub-Zone 4

16.6.4.1 Sub-Zone Strategy

~~The Sub-Zone provides for larger residential buildings sitting within a park-like environment. It provides for a higher density than the Residential Sub-Zone 3, while maximising the proximity of residents to appropriately scaled open space within the core of the Sub-Zone and facilitating easy access to wider open space areas and bush environments on neighbouring Sub-Zones.~~

~~This Sub-Zone is approximately 12ha in total area, including roads. It comprises around 8ha of development area and has an open space and green network component of around 4.4ha as illustrated on the Map 8. The open space/green network component will emerge through the comprehensive planning and development process that the Sub-Zone provisions contemplate.~~

16.6.4.2 Objectives and Policies

Objective 1

~~To provide for opportunities for well-designed higher density housing in a park-like environment in a central location.~~

Policies

- a) ~~By providing for larger and taller residential buildings so that a high proportion of open space is provided in the Sub-Zone. This is to be achieved by specifically limiting the location of and maximum building size and height to clearly define the residential building scale in the Sub-Zone.~~
- b) ~~By requiring large areas of open space and Green Network areas to be retained at the edges and within the Parkside Sub-Zone as defined in Map 8.~~
- c) ~~By providing for development that is subject to design controls that ensure a high quality 'park like' residential amenity.~~
- d) ~~By using the Sub-Zone as a visual and environmental buffer between the medium intensity residential Sub-Zones and business activities.~~
- e) ~~By ensuring individual residential privacy and amenity is provided without losing the Sub-Zone's 'communal park like neighbourhood qualities.~~
- f) ~~By limiting land use activities to residential or accommodation type activities including rest homes, welfare homes, retirement living and tourist accommodation.~~
- g) ~~By locating services and car parking so that they are not visually dominant. This may be achieved by locating them behind within or under buildings to avoid expansive car parking areas.~~
- h) ~~By providing adequate residential outdoor living spaces that visually or physically interconnect with the Green Network~~

16.6.5 Rural Cluster Sub-Zone 5

16.6.5.1 Sub-Zone Strategy

~~The purpose of the Rural Cluster Sub-Zone 5 is to form a compact cluster of medium density detached courtyard, row style housing or duplex style living forms where all dwellings are in close proximity to public open space and with easy pedestrian connections to the lakes around which much of the residential development is to be formed. Housing units are to be formed into groups, generally of five to 15 residential units, set into an integral landscaped environment and oriented for sun and views.~~

~~This Sub-Zone is around 58.5ha in overall area, including roads. It comprises around 16.0ha of development area and has a Green Network component of approximately 39.0ha. (Maps 9-12) Two lakes will be constructed as stormwater management devices and also provide a special amenity characteristic for the clusters of 'lakeside living' house styles that the Sub-Zone provides for.~~

~~Housing will be provided for in a range of forms that reflect the varied landscape and aspect offered from the indicative building locations defined on Maps 9-12.~~

16.6.5.2 Objectives and Policies

Objective 1

~~To create a series of compact residential clusters enjoying amenity values derived from an elevated aspect, lakeside settings and the rural elements of the Sub-Zone.~~

Policies

- a) ~~By limiting urban development to areas where geotechnical conditions allow that.~~
- b) ~~By limiting the location and density of development within the Sub-Zone, to locations where that development will have a reduced landscape impact within a vegetated backdrop. This vegetated backdrop is to be achieved by structure planting as shown on Map 18.~~
- c) ~~By using design controls and the Estuary Estates Design and Environmental Guidelines to ensure that a high quality of residential amenity is achieved.~~

Objective 2

~~To ensure that land use and subdivision activities are managed to secure the conservation, protection and enhancement of the natural environment elements of the Sub-Zone.~~

Policies

- a) ~~By requiring that the areas identified as Green Network on Maps 4-17 are set aside and managed, to ensure the dominant landscape and ecological values of the Sub-Zone are retained.~~
- b) ~~By ensuring that privately owned Green Network areas are managed through body corporate type structures that provide for proper management and regular maintenance.~~
- c) ~~By creating stormwater retention pond / lakes within the Sub-Zone as shown on the Maps 1-26 so that stormwater is managed and residential amenity is enhanced.~~

- d) ~~By requiring integrated landscaping including around the lake edges to retain a dominant rural character and amenity.~~
- e) ~~By ensuring that development will not lead to siltation or degradation of natural watercourses, wetlands, estuarine systems or the Coastal Marine Area.~~

16.6.6 Rural Residential Sub-Zone 6

16.6.6.1 Sub-Zone Strategy

~~The purpose of the Rural Residential Sub-Zone 6 is to provide for low density living and with appropriate scales of building design to minimise any adverse visual effect on the landscape. This Sub-Zone has a high level of integration with the Green Network and provides a rural character context to the Estuary Estates Structure Plan area.~~

~~This Sub-Zone is around 27ha in overall area, including roads. It comprises around 11ha of development area and has a Green Network component of 15ha. All buildings are to be located as shown on Estuary Estates Structure Plan Maps 13-15.~~

16.6.6.2 Objectives and Policies

Objective 1

~~To provide for low density rural residential development in keeping with the environmental, land capability, visual amenity, character and landscape values of the Sub-Zone.~~

Policies

- a) ~~By specifically limiting the number and location of residential dwellings within this Sub-Zone. This Sub-Zone is limited to land with moderate constraints in terms of land stability and slope. Development is limited to ensure only minor earthworks and landform modifications occur to facilitate building platforms and driveways.~~
- b) ~~By ensuring that any earthworks and the scale, design and external appearance of buildings complements and is compatible with the physical characteristics and dominant elements of the natural landscape.~~
- c) ~~By securing the protection, enhancement and retention of areas of open space, mature and regenerating native bush and planted areas within the Green Network through the setting aside of reserves, covenanting areas or through the use of similar protection and management techniques.~~

16.6.7 Service Sub-Zone 7

16.6.7.1 Sub-Zone Description Strategy

~~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.~~

~~This Sub-Zone is around 7.5ha in overall area, including roads. It comprises about 3.2ha of development area and has a Green Network component of approximately 4ha. The Green Network component of the Sub-Zone is intended to provide anticipates a wide buffer between the anticipated uses and adjoining residential land and roads to avoid reverse sensitivity and/or visual detraction 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 the Sub Zone. Ongoing protection measures for these features are expected to from part of subdivision applications (i.e. whether they are vested in Council or held in private ownership).~~

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

16.6.7.2 Objectives and Policies

Objective 1

~~To provide for local service activities and ancillary outdoor activities within the Sub-Zone.~~

Policies

- a) ~~To establish structure planting within the Green Network which will act as a landscaped buffer between neighbouring properties and surrounding Sub-Zones within the Estuary Estates Structure Plan area. Such planting is to be established prior to any building development within this Sub-Zone.~~
- b) ~~By requiring that business activities do not adversely affect the surrounding roading network, or the Green Network or nearby residential properties.~~
- c) ~~By ensuring a reasonable level of on-site amenity and streetscape is achieved by implementing the Development Controls.~~

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, 4, 5, and 6~~. Table 16.7.2 is for the business, community and service Sub-Zones being Sub-Zones 1, ~~2~~ and 7, and Table 16.7.1-3 is for Sub Zone 8. ~~Both Tables 16.7.1 and 16.7.2 exclude any areas identified as Green Network, as shown on Estuary Estates Structure Plan Map 1. Activities within the Green Network of the Estuary Estates Structure Plan are listed separately in Table 16.7.3.~~

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	4 Parkside Residential	5 Rural Cluster	6 Rural Residential
Any activity not provided in the following table	NC	NC	NC	NC
Accessory buildings to a maximum gfa of 50m ² per site	P	P	P	G
Accessory building exceeding 50m² gfa per site				D
Animal boarding facility				D
Child care facility				
• Up to five children	P			P
• More than five children	D	D		D
Construction of a new building or additions/alterations to an existing building except where approved by way of a comprehensive development for Sub-Zones 3, 4 and 5 and other structures (e.g fences, and decks less than 1m) not meeting the definition of a building	RDP	RD	RD	G
Comprehensive development	G	G	G	
Demolition of an existing building	P	P	P	P
Education Facility (other than childcare centres provided for above)	D			
Home occupation	P	P	P	P
Homestay accommodation	P	P	P	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			
Farming (note: this does not include intensive farming)				P
Modifications to Any non-compliance with any of the Development Controls set out in Section 16.8 other than density limits specified in Rule 16.8.2.2	RD	D	D	D
Residential unit(s) for residential purposes within the density limits specified in Rule 16.8.2.2	P	P	P	P
Retirement facility	RD	RD	D	
Visitor accommodation, including hotels, tourist houses and	RD	RD	D	D

Amendments to Chapter 16 of the Kaipara District Plan – Private Plan Change - Track Change Version (additions underline, deletions ~~strikethrough~~, relocated text blue, no change black text)

camping grounds				
Welfare home	D	D	D	D

Table 16.7.1-2 - Business, ~~Community~~ and Service Sub-Zones

Activities	Sub-Zones		
	1 Business	2 Community	7 Service
Any activity not provided in the following table	NC	NC	NC
Accessory building not exceeding 50m² gfa per site	RD	RD	P
Boat sale and contractor yard			P
Clubroom	P	P	
Community facility and services	P	P	
Comprehensive development	G	G	
Construction of a <u>new</u> building or <u>external</u> additions/alterations to an existing building except where approved by way of a comprehensive development	RD	RD	P
Conference and event centre	RD	RD	
Education facility	RD	RD	
Entertainment facility	RD	D	
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	P	
Home occupation	P		
Internal 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 Modifications to Development Controls set out in Section 16.8 other than density limits specified in Rule 16.8.2.2	RD	D	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	RDP	RD	
Recreational facility	RD	RD	
Residential accommodation for persons whose duties require them to live on site	P	P	P
Residential unit for residential purpose within the density limits specified in Rule 16.8.2b	P		
Restaurant or tavern #	RD		
Shop and commercial <u>activities/services</u> #	P		
Shop not exceeding 50m ² gfa that are ancillary to a local service activity			P
Service station	Precinct 1: RD		RD
Transport depot and services			P

Visitor accommodation, including hotels and tourist houses	RD		
Visitor centre	<u>P</u>	<u>P</u>	

~~**NOTE: See Rule 16.8.2.1 for Permitted Activity GFA limits applying to specified activities in Business Sub-Zone 1~~

Table 16.7.1-3 Green Network Sub-Zone 8

Activities	Stormwater Management	Parkland and Amenity			Native Vegetation	Road Network	Sub-Zone 8
		Village Green	Open Space	Coastal			
Any activity not listed in the following table	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Boardwalk and visitor information sign	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>D</u>	<u>P</u>	<u>P</u>
Boat ramp and slip for public use				<u>D</u>			
Construction of public toilet/changing room up to 25m ² GFA		<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>
Formation of walking, fitness and riding trail (bridle and cycle)	<u>P</u>		<u>P</u>	<u>P</u>	<u>D</u>	<u>P</u>	<u>P</u>
Playground (including play equipment)		<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
Observation area, viewing platform	<u>P</u>		<u>P</u>	<u>P</u>	<u>D</u>		
Park and Street furniture (including seats, rubbish bins, lighting, signs, BBQ and picnic facilities) and underground services and lighting		<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
Stormwater management works including detention ponds and associated management/maintenance, landscaping and planting <u>and outfalls</u>	<u>P</u>	<u>D</u>	<u>RD</u>	<u>D</u>	<u>D</u>	<u>P</u>	<u>P</u>
<u>Planting and vegetation maintenance including removal of pest and weed species</u>							<u>P</u>
<u>Clubrooms and any other structures and car parking for recreational activities on any land vested as recreational reserve</u>							<u>P</u>

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 Permitted Activities

~~The following activities shall be Permitted in the Estuary Estates Sub-Zones:~~

~~a) Any activity listed as a Permitted Activity in Section 16.7 of this Chapter.~~

16.7.2.2 Controlled Activities

~~Applications for Resource Consent as a Controlled Activity will be considered without notification.~~

~~The following activities shall be Controlled in the Estuary Estates Sub-Zones:~~

~~a) Any activity listed as a Controlled Activity in Section 16.7 of this Chapter; and~~

~~b) Any subdivision complying with the Terms for Subdivision listed in Section 16.10 of this Chapter.~~

~~Note 1: Any identified site feature or management unit mapped shall comply with the relevant Subdivision Standards of that Chapter of the District Plan.~~

16.7.2.3 Restricted Discretionary Activities

~~Applications for Resource Consent as a Restricted Discretionary Activity will be considered without notification.~~

~~The following shall be Restricted Discretionary Activities in the Estuary Estates Sub-Zones:~~

~~• Any activity listed as a Restricted Discretionary Activity in Section 16.7 of this Chapter;~~

~~• Any activity which does not meet any Performance Standard listed in Section 16.8, 16.8 and 16.10 of this Chapter; and~~

~~• Any subdivision complying with the Terms for Subdivision listed in Section 16.10 of this Chapter.~~

~~Note 1: Activities will be assessed against, and conditions may be imposed in relation to, those specific matters for assessment of the activity listed in Sections 16.7, 16.9 and 16.10 of this Chapter and the relevant Objectives and Policies that relate to the matters for which discretion has been restricted.~~

16.7.2.4 Discretionary Activities

~~The following shall be Discretionary Activities in the Estuary Estates Sub-Zones:~~

~~a) Any activity listed as a Discretionary Activity in Section 16.7 of this Chapter; and~~

~~b) Any subdivision complying with the Terms for Subdivision listed in Section 16.10 of this Chapter.~~

~~Note 1: Applications for Discretionary Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 16.7 and 16.10 of this Chapter and the Objectives and Policies of this Chapter.~~

16.7.2.5 Non-Complying Activities

~~The following shall be Non-Complying Activities in the Residential Zone:~~

~~a) Any activity listed as a Non-Complying Activity in Section 16.7 of this Chapter;~~

~~b) Any subdivision listed as a Non-Complying Activity in Section 16.10 of this Chapter.~~

~~Note 1: Applications for Non-Complying Activities will be assessed against, but not restricted to, the Assessment Criteria listed in Sections 16.7 and 16.10 of this Chapter, the Objective and Policies of Part A of the District Plan and the effects of the activity on the environment.~~

16.7.3 Assessment Criteria for Controlled, Activities

~~Where an activity is not permitted by this Rule, the following are the matters over which the Council reserves its Control:~~

16.7.3.1 The construction of new buildings including accessory buildings in the Rural Residential 6 Sub-Zone

~~a) Matters for Control~~

~~Council will limit its control to the following matters:~~

~~i. Building location and access;~~

~~ii. Landscaping and planting;~~

~~iii. External finish and colour of buildings;~~

~~iv. Wastewater and stormwater management;~~

~~v. Earthworks; and~~

~~vi. Sustainable design principles.~~

~~b) Assessment Criteria~~

~~When considering the application Council will give consideration to the following criteria:~~

- ~~i. Whether sufficient landscape planting of appropriate species is provided to ensure that buildings will integrate with the natural character of the surrounding landscape;~~
 - ~~ii. Any earthworks necessary for the creation of building platforms or access shall create no more than a minimum disturbance to the landform and character of the site;~~
 - ~~iii. The exterior finish of proposed buildings shall be complementary to those which are found in the surrounding natural landscape;~~
 - ~~iv. The scale and form of proposed buildings shall be such that they are integrated with and complementary to the surrounding natural landscape;~~
 - ~~v. Development proposals shall ensure that any runoff or stormwater resulting from the establishment of the activity does not lead to saltation, sedimentation or a reduction in the water quality of natural watercourses;~~
 - ~~vi. Any extension or alteration to an existing building shall be consistent with iii) and iv) above or be sympathetic to the design and external appearance of the existing building; and~~
 - ~~vii. 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.~~
- c) In granting a Controlled Activity to erect a building in Rural Residential 6 the Council may impose conditions relating to any or all of the following matters:
- ~~i. Landscaping;~~
 - ~~ii. Drainage and effluent disposal;~~
 - ~~iii. Visual screening of buildings or yards;~~
 - ~~iv. The orientation, cladding, scale, form and colour of buildings;~~
 - ~~v. The location and construction of vehicle entry, egress, manoeuvring and parking; and~~
 - ~~vi. Energy efficiency.~~

16.7.3.2 Comprehensive Developments

a) **Matters for Control**

Council will limit its control to the following matters:

- ~~i. Consistency of proposals with Estuary Estates Structure Plan Maps 1-26 ;~~
- ~~ii. Building location and access and relationship to existing buildings;~~
- ~~iii. The Green Network including the provision of open space and pedestrian connections;~~
- ~~iv. Roading;~~
- ~~v. Design and finished appearance of buildings;~~
- ~~vi. Car parking location and amount;~~
- ~~vii. Sustainable design and infrastructure arrangements including energy efficiency and waste management;~~
- ~~viii. Compliance with Development Controls in Section 16.8; and~~
- ~~ix. Matters listed in Clause 16.10.7.3.~~

b) **Assessment Criteria**

When considering the application the Council will give consideration to the following criteria:

- ~~i. Whether the proposed development is consistent with Maps 1-17, including the Green Network and associated public amenity areas, pedestrian connections and landscaping;~~
- ~~ii. Compliance with Residential Density (where applicable) as set out on Maps 4-17 and Rule 16.8.2.2;~~
- ~~iii. Compliance with the Development Controls set out in Section 16.8;~~
- ~~iv. Whether there is sustainable provision for stormwater and effluent disposal and water supply;~~
- ~~v. Whether the location and construction of vehicle access, egress, driveways, manoeuvring, parking and servicing facilities meets the Estuary Estates Structure Plan requirements as set out on the Maps 1-26;~~
- ~~vi. Whether development proposals ensure that any runoff or stormwater resulting from the establishment of the activity does not lead to saltation, sedimentation or a reduction in the water quality of natural watercourses;~~

- ~~vii. Whether the applicant has considered alternatives in terms of sustainable design such as green building methods, renewable energy sources, and low impact designs;~~
 - ~~viii. Whether the proposal is consistent with the Estuary Estates Design and Environmental Guidelines set out in Appendix 16.1;~~
 - ~~ix. Whether the proposed development is complementary to existing development within the Sub-Zone;~~
 - ~~x. Whether the proposal is consistent with the staging and implementation programme set out on Estuary Estates Structure Plan Maps 18-26;~~
 - ~~xi. The matters listed in Clause 16.10.7.3; and~~
 - ~~xii. Safety of the dwelling and people using it during flood events or tidal inundation including possible egress during flood events or tidal inundation.~~
- c) In granting a Controlled Activity for a Comprehensive Development the Council may impose conditions relating to any or all of the following matters:
- ~~i. Green Network implementation including landscaping and plantings;~~
 - ~~ii. Infrastructure including vehicle access and underground services;~~
 - ~~iii. Visual screening of buildings, car parking or service areas;~~
 - ~~iv. The orientation, form and finish of buildings to ensure consistency with the Estuary Estates Design and Environmental Guidelines;~~
 - ~~v. The location and construction of vehicle entry, egress, manoeuvring and parking;~~
 - ~~vi. Energy efficiency and sustainable design elements including stormwater management;~~
 - ~~vii. Staging and timing of development; and~~
 - ~~viii. Matters listed in Section 16.7.2.~~

16.7.4 Assessment Criteria for Restricted Discretionary Activities

Where an activity is a Restricted Discretionary Activity under this Rule, 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;
- f) Noise;
- g) Natural environment;
- h) Outdoor activities;
- i) Artificial lighting;
- j) Compliance with Development Controls;
- k) Intensity and scale;
- l) Sustainable building design; and
- m) ~~Cumulative effects~~

Table 16.7.4-1 Restricted Discretionary Activities

Restricted Discretionary Activities	Particular Matters												
	a	b	c	d	e	f	g	h	i	j	k	l	m
<u>Any non-compliance with a Development Control</u>									i				
Conference and event centre	a	b	c	d	e	f			i	j	k	l	m
Construction of <u>any</u> new building, including <u>external</u>	a		c	d	e		g		i	j		l	m

additions and alterations to an existing building														
Entertainment facility	<u>a</u>	b	c	d	e	f	g		i	<u>j</u>	k	l	m	
Education facility	a	b	c	d	e	f	g	h	i	<u>j</u>	k	l	m	
<u>Integrated Residential Development</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>	<u>h</u>	<u>i</u>		<u>k</u>	<u>l</u>		
Public toilet and/or changing room	a									j		l		
Recreational facility	<u>a</u>	b	c	d	e	f	g	h	i	<u>j</u>	k	l	m	
Rest home and retirement village	a	b	c	d	e	f	g	h	i	<u>j</u>	k	l	m	n
<u>Restaurant or tavern</u>		<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>		<u>h</u>	<u>i</u>		<u>k</u>			
Service station	<u>a</u>	b	c	d	e	f	g	h	i	<u>j</u>			m	
Visitor accommodation	a	b	c	d	e	f	g	h	i	<u>j</u>	k	l	m	n

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 give effect to the Estuary Estates Design and Environmental Guidelines detailed under Appendix 16.1.

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. 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.

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. Whether the proposal utilises low impact stormwater design solutions

f) Noise

Whether the activity gives rise to adverse noise effects beyond the boundaries of the site ~~or residential unit~~. 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 or land 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.

- ~~Artificial lighting masts or poles are expected to comply with permitted height limits. An increase in height may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances, conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings.~~
- ~~Proposals demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area can be avoided.~~

j) Compliance with Development Controls

~~Whether the activity complies with the relevant Development Controls set out in Section 16.8 (other than density limits), for the Sub-Zone.~~

~~Note: Non-compliance with one or more of the Development Control Standards in Section 16.8 (other than density limits) means an activity is a Discretionary Activity in accordance with the activity tables, 16.7.1, 16.7.2 and 16.7.3.~~

i. 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 utilising the relevant matters listed in:

- Chapter 13 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D

- Chapter 14 for the applicable or equivalent standards for land zoned Sub-Zones 1 and 7.

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 ~~having regard to the Objective and Policies of the Sub-Zone.~~

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**

~~The following matters shall be taken into account:~~

- ~~Whether the proposed activity will exacerbate existing and potential adverse effects;~~
- ~~Whether existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;~~
- ~~Where development has already occurred, whether further development is likely to adversely affect the character and amenity of the area; and~~
- ~~Whether the extent of any Development Control modification will be limited so that the effect on adjacent land (except where any person affected has provided written approval of the modification) in terms of the protection of amenity afforded them by the Policies and Rules of the Plan is not significant.~~

16.7.5 Assessment Criteria for Discretionary and Non-Complying Activities

~~The following matters shall be considered by the Council when assessing any Discretionary or Non-Complying Resource Consent application (these matters do not limit Council's consideration in any way):~~

- ~~The Council will have regard to the Objective and Policies listed in this Chapter of the District Plan for the relevant Sub-Zone, Sections 16.8, 16.9 and 16.10, as well as the general Objective and Policies in Section 16.3;~~
- ~~For Non-complying Activities the Council will have regard to the Objective and Policies of Part A of the District Plan.~~
- ~~The Council will have regard to any adverse effects of the activity on the environment and proposed measures to avoid mitigate or remedy such effects.~~

~~Note: The assessment criteria for Restricted Discretionary Activities may be used as a guide when assessing Discretionary and Non-Complying Activities.~~

16.7.6 Activity Standards and Development Control Modifications (Discretionary Activities)

- ~~In addition to the matters listed above, (without limitation) in Rule 16.7.5 the Council may grant a Discretionary Activity Resource Consent on an application to modify one or more of Activity Standards or Development Controls in any part of the Estuary Estates Structure Plan provisions where it is satisfied that:

 - ~~The adverse effects on the environment of such modification are minor or of little significance having regard to the Plan's express explanation of the Standard or Control;~~
 - ~~The modification is consistent with any relevant Objective or Policy of the Plan; and~~
 - ~~Conditions can be imposed to avoid or mitigate any adverse effects of the proposed modification on the environment, which may include those set out in (b) below.~~~~
- ~~When considering an application, 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; and~~
- ~~Modifications to the development of existing sites which are detrimentally affected by the building line restrictions and do not fully comply with the Development Controls for the Sub-Zone, and involve works not encroaching on to land affected by the building line restriction.~~

16.8 Rules: Permitted Activity Standards and Development Controls

16.8.1 General Rules

~~All Permitted, Controlled and Restricted Discretionary Activities shall comply with the relevant controls in Rule 16.8.1.~~

16.8.1.1 Development Staging and Comprehensive Development Provisions

- ~~Where any subdivision or development is to be carried out on a staged basis, whether within the same Sub-Zone or different Sub-Zones or within individual Precincts or Development Blocks (as shown on Maps 4-17), the following shall apply:

 - ~~All development and subdivision shall be in accordance with the Estuary Estates Structure Plan provisions; and~~
 - ~~Any application for land use or Subdivision Consent shall indicate to the Council that staging is to apply to a proposal, and shall provide a staging programme which includes:~~
 - ~~The expected time periods for each stage;~~
 - ~~The timing and provision of key roading, infrastructure, open space areas, pedestrian and other connections, and structure planting; and~~
 - ~~How further stages of the development can comply with the Estuary Estates Structure Plan provisions.~~~~

16.8.1.2 Landscaping

- ~~The Structure Planting shown on Map 18 is to be established in conjunction with any building development of the Estuary Estates Structure Plan area.~~
- ~~All other landscaping and planting shown on Maps 4-26 is to be implemented sequentially as each stage of development commences.~~
- ~~Detailed roading and streetscape plans showing individual tree planting locations and full planting schedules and landscape specifications shall to be prepared and submitted as part of any development proposal in order to demonstrate consistency with the Estuary Estates Structure Plan Maps 4-26 and the Estuary Estates Environmental and Design Guidelines.~~
- ~~Landscape management and maintenance plans shall be prepared and submitted for approval as part of, or prior to, any development proposal, to cover all landscaped areas to be covenanted, public open space landscaping and revegetation, walkways and communally owned landscaped areas in order to demonstrate consistency with:

 - ~~Estuary Estates Structure Plan Maps 1 and 4-26; and~~
 - ~~The Estuary Estates Environmental and Design Guidelines.~~~~
- ~~The landscape management and maintenance plans shall detail proposals for the protection and management of and, where appropriate, revegetation of the Green Network. Full plant species schedules, planting specifications, weed control, management, and any implementation and bonding requirements shall be provided.~~

16.8.1.3 Green Network

~~All public open space shall be located in general accordance with Maps 4-17, and:~~

- ~~All defined areas of public open space and pedestrian connections shown on Estuary Estates Structure Plan Maps 4-17, shall be established progressively as each stage of development is implemented.~~
- ~~Public seating, vehicle barriers, signage, pedestrian lighting, litter receptacles and other amenity features shall be designed and provided to suit the specific character of each Sub-Zone.~~

- c) ~~The design, construction and establishment of pedestrian walkways and cycleways shall be consistent with the New Zealand Walkways and Track Standards and/or any relevant Standard adopted by Kaipara District Council.~~

16.8.1.4 **Roading**

~~Vehicular roads shall be designed and provided as shown on Maps 2, 4-26, and the Estuary Estates Environmental and Design Guidelines. They shall be landscaped and include on-road short-term car parking, where necessary.~~

16.8.2 **Development Control Rules**

All ~~Permitted, Controlled and Restricted-Discretionary Activities~~ shall comply with the relevant controls in Rule 16.8.2.

16.8.2.1 **Building Location and Size**

~~All buildings shall be located in accordance with the indicative building locations shown on Maps 4-17.~~

~~The following activities shall comply with the gross floor area thresholds set out below:~~

- ~~Healthcare services shall not exceed a maximum gross floor area per site of 500m² for any facility.~~
- Dwellings shall have a minimum floor level of 3m above mean sea level.
- ~~Where a restaurant or tavern is located on a site which is adjacent to a residential Sub-Zone, and/or is located less than 200m from a residential activity, then any such restaurant or tavern activity shall not exceed 50 persons occupancy or 200m² in maximum gross floor area, whichever is the lesser.~~
- ~~Shops and office activities in Precinct 2 of Sub-Zone 1 shall not exceed a gross floor area per site of 500m².~~

16.8.2.2 **Residential Density**

~~The total number of residential units constructed in the Estuary Estates Structure Plan area shall not exceed 500. The maximum number of household units in each development block shall be as prescribed in Maps 4-17.~~

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

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

<u>Sub-Zone</u>	<u>Density</u>
<u>3A</u>	<u>1 dwelling per 350m²</u>
<u>3B</u>	<u>1 dwelling per 500m²</u>
<u>3C</u>	<u>1 dwelling per 750m²</u>
<u>3D</u>	<u>1 dwelling per 1,000m²</u>

16.8.2.3 **Building Yards**

~~Where any subdivision proposal does not occur in conjunction with a proposed (or existing) building development, the proposed lots shall enable the indicative building locations shown on Maps 4-17 to be properly provided for such that the identified yard controls can be met.~~

- 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
1			
2	6m	10m from the boundary of the village green, except for community buildings ancillary to a public use of the green network space where the yard abutting the village green may be reduced to 0m.	
<u>3A-C</u>	2m*	<u>≥ 1m*</u>	6m
<u>3D</u>	5m	1m	6m
4	10m	5m*	6m
5	2m	0m*	6m
6	10m	10m	10m
7	10 <u>7.5m</u>	5 <u>0m</u>	20m where the boundary adjoins a residential zone <u>0m where the boundary adjoins any other site in Sub-Zone 7</u>

* ~~exception as below where buildings abut a common boundary or have a common wall~~

- Table 16.8.1-1 controls do not apply in the following circumstances:

- where buildings abut a common boundary or have a common wall.

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

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

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

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

- 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).
- 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.
2	Where any building is directly facing the village green or within 30m of Sub-Zones 3 or 4, no part of any building shall exceed a height of 3.0m plus the shortest horizontal distance between that part of the building and the village green or residential boundary
<u>3A-D,5,6</u>	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.
<u>4, 7</u>	No part of any building shall exceed a height of 3.0m plus the shortest horizontal distance between the building and the road boundary

Provided that the following are excluded:

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

16.8.2.5 Maximum Height

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

Sub-Zone	Maximum Height
1	12m
2	12m
3A-D	8m <u>Except that</u> <u>Integrated Residential Development, retirement villages or visitor accommodation in the "Integrated Residential Development Overlay" the maximum height is 12m.</u>
4	12m
5	8m
6	8m
7	8m

- b) In Sub-Zones 3A-D, 4 and 5, fences shall not exceed 1.2m height on boundaries to public open space, and street boundaries, ~~and 1.5m height between separate residential sites.~~

16.8.2.6 Building Bulk/Footprint

- a) ~~In Precinct 1 of the Business 1 Sub-Zone only one building in each of the two Precincts can have a maximum individual building footprint of up to 2000m². All other buildings must have a maximum individual building footprint of no more than 500m².~~
- b) ~~In Precinct 2 of the Business 1 Sub-Zone the maximum individual building footprint of any individual building shall not exceed 500m² within each of the two Precincts.~~
- c) ~~In the Parkside Residential 4 Sub-Zone the maximum building footprint of any individual building shall not exceed 700m² in any of the development blocks and the maximum continuous building length of any building shall not exceed 50m.~~
- d) ~~In the Rural Cluster 5 Sub-Zone the permitted 25 residential units located by the 'lake' edge as shown on Map 9 (Area A) shall not exceed a 650m² building footprint for each individual cluster of the residential units.~~

16.8.2.7 Transfer of Development Rights and Alterations to Staging in Sub-Zone 1

~~In Business Sub-Zone 1, 70% of the Permitted Activity coverage threshold shall be achieved as Stage 1 development in either Areas 1.1 and 1.2 combined (Precincts 1 and 2), Map 4, or in Areas 1.3 and 1.4 combined (Precincts 1 and 2) (no matter which of those options commences first) prior to any development occurring in the remaining Business Sub-Zone 1 areas.~~

~~As an exception to that staging requirement a Discretionary Activity Consent can be made to Council to develop any one of the Precincts outside of the first stage where such developments seeks consent to develop 70% of the Permitted Activity coverage for that precinct provided that it abuts a precinct where development has already occurred to the 70% of site coverage level.~~

~~Should the Council issue such a Discretionary Consent the staging requirement will then be obsolete and will no longer apply to development in the Business 1 Sub-Zone.~~

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	Precinct 1 50% Precinct 2 35%
2	50%
3 <u>A-D</u>	35% <u>Except that</u> <u>Integrated Residential Development, retirement villages or visitor accommodation in the "Integrated Residential Development Overlay" the maximum net site coverage is 50%.</u>
4	20%
5	20%
6	40%
7	20%

16.8.2.9 Maximum Paved Impermeable Surfaces

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

Sub-Zone	Total Impermeable Surfaces
1	100%
2	80%
3 <u>A</u>	50% <u>60%</u> <u>Except that</u> <u>Integrated Residential Development, retirement villages or visitor accommodation in the "Integrated Residential Development Overlay" the maximum total impervious surfaces are 70%.</u>
3B, C and D	50%
4	30%
5	35%
6	20%
7	80%
<u>Green Network</u>	<u>0.5%</u>

16.8.2.10 Outdoor Living Areas /Screening

- a) Every residential unit in Business 1 Sub-Zone shall be provided with an outdoor living area as follows:
 - i. A balcony or terrace with a minimum area of 105m² with a minimum depth of 2.5m which is readily accessible from the main living room ~~located on the east, north or west side of the residential unit.~~

- ii. ~~The main glazing for habitable rooms of each residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10m, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:~~
 - ~~— An area of on-site space which must be kept free of structures; and~~
 - ~~— Areas of road reserve or permanent open space, which are kept free of structures.~~
- b) Every residential unit in Residential 3A-D Sub-Zones shall be provided with an outdoor living area with dimensions as follows ~~(except that residential units above ground level shall comply with clause (c) below):~~
- i. Shall have a minimum area of ~~360m²~~; ~~and OR~~
Integrated Residential Development or Retirement Villages shall have a minimum area of 40m²
AND
 - ii. Shall contain a minimum dimension of 3m measured at right angles to the perimeter of the area; and
 - iii. Must be capable of containing a 6m diameter circle; and
 - iv. Shall not be located on the ~~southern side east, north or west side~~ of the residential unit; and
 - v. Shall be readily accessible from a the main living area; and
 - vi. Shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas, other than an outdoor swimming pool; and
 - vii. Residential units above the ground floor shall be have a balcony or terrace with a minimum area of ~~106m²~~ with a minimum depth of ~~2.5m~~ and which is readily accessible from a living room located on the east, north or west side of the residential unit; and
 - viii. ~~The main glazing for habitable rooms of each residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10m, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:~~
 - ~~— An area of on-site space which must be kept free of structures; and~~
 - ~~— Areas of road reserve or permanent open space, which are kept free of structures.~~
- c) ~~Every residential unit in Parkside Residential 4 Sub-Zone shall have access to the following outdoor living areas:~~
- i. ~~For units at ground level: an exclusive area of 40m² minimum, with a minimum width of 3m and which is readily accessible from a main living room.~~
 - ii. ~~For units above ground level: a balcony with a minimum area of 15m² with a minimum width of 2.5m and which is readily accessible from a main living room located on the east, north or west side of the residential unit.~~
 - iii. ~~The main glazing of residential units above ground level shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10m, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:~~
 - ~~— An area of on-site space which must be kept free of structures; and~~
 - ~~— Areas of road reserve or permanent open space, which are kept free of structures.~~
- d) ~~Every residential unit in Rural Cluster 5 Sub-Zone shall be provided with an outdoor living area as follows:~~
- i. ~~Shall have a minimum area of 60m²;~~
 - ii. ~~Shall contain a minimum dimension of 3m measured at right angles to the perimeter of the area;~~
 - iii. ~~Must be capable of containing a 6m diameter circle;~~
 - iv. ~~Shall be located on the east, north or west side of the residential unit;~~
 - v. ~~Shall be readily accessible from the main living area;~~

- vi. ~~Shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas, other than an outdoor swimming pool; and~~
- vii. ~~For upper floor residential units or those units directly abutting the pond/lake edge a balcony with a minimum area minimum area of 15m² with a minimum width of 2.5m and which is readily accessible from a the main living room located on the east, north or west side of the residential unit; and~~
- viii. ~~The main glazing for habitable rooms of each residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10m, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:~~
 - ~~— An area of on-site space which must be kept free of structures; and~~
 - ~~— Areas of road reserve or permanent open space, which are kept free of structures.~~

e) Screening of Storage, Service and Parking Areas

Where any storage or service area (including incinerators, and rubbish receptacle areas and boiler houses) or parking area containing four or more spaces adjoins or directly faces ~~land Sub-Zoned 3, 4, 5, 6,~~ a public road or any open space the Green Network, such an area shall be screened ~~from the above areas~~ by either:

- i. A solid wall or screen not less than 1.8m in height; or
- ii. Planting ~~or other alternative materials which may be approved by Council. Any such screening shall be established in a workmanlike manner and maintained to the satisfaction of Council.~~

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
2	1000 m²	500 m²
3	500 m ²	250 m ²
4	700 m²	350 m²
5*	700 m²	350 m²
6	700 m²	350 m²
7	700 m ²	350 m ²

* The following exceptions apply in the Rural Cluster Sub-Zone 5:

~~Where earthworks are required for the construction of the lakes in Sub-Zone 5 as shown on the Map 54 the Permitted Activity threshold for earthworks shall be 5000m².~~

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)
2	14.10.14(1)
3	13.10.14
4	13.10.14
5	13.10.14
6	12.10.12

7	14.10.14(2)
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- b) New buildings and alterations to existing buildings to be used for residential purposes in the Business, ~~Community and Services~~ Sub-Zones shall meet the following:
- i. Noise received in all habitable rooms shall not exceed 45 dBA L₁₀ between 23:00 hours and 07:00 hours with ventilating windows open; and
 - ii. An Acoustic Design Report shall be obtained from a suitably qualified Acoustic Engineer confirming that the building will be constructed to meet the above requirement.

16.8.2.13 Verandah Control

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

16.8.3 Water Supply and Wastewater Supply

The following Rules shall apply as follows:

Sub-Zone	Water Supply Performance Standards	Wastewater Standard Performance
1	14.13.4	14.13.6
2	14.13.4	14.13.6
3	13.143.4	13.143.6
4	13.13.4	13.13.6
5	13.13.4	13.13.6
7	14.13.4	14.13.6

16.8.4 Hazardous Substances

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.21
2	14.10.21
3	13.10.21
4	13.10.21
5	13.10.21
6	12.10.21
7	14.10.21

16.8.5 Temporary Noise

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.15
2	14.10.15
3	13.10.15
4	13.10.15
5	13.10.15
6	12.10.15
7	14.10.15

16.8.6 Wind Generation: Noise

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
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1	14.10.16
2	14.10.16
3	13.10.16
4	13.10.16
5	13.10.16
6	12.10.16
7	14.10.16

16.8.7 Vibration

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.17
2	14.10.17
3	13.10.17
4	13.10.17
5	13.10.17
6	12.10.17
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
2	14.10.19
3	13.10.19
4	13.10.19
5	13.10.19
6	12.10.19
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
2	14.10.20
3	13.10.20
4	13.10.20
5	13.10.20
6	12.10.20
7	14.10.20

16.8.10 Radioactive Materials

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.22
2	14.10.22
3	13.10.22
4	13.10.22
5	13.10.22
6	12.10.22
7	14.10.22

16.8.11 Fire Safety

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.26
2	14.10.26
3	13.10.26
4	13.10.26
5	13.10.26
6	12.10.26
7	14.10.26

16.9 Transportation Provisions

16.9.1 Resource Management Issues

~~The key resource management issues for transportation activities within the Estuary Estates Structure Plan area are identified as follows:~~

- ~~1) How to provide a roading hierarchy that effectively and efficiently provides for the development enabled within the Estuary Estates Structure Plan area.~~
- ~~2) How to ensure that the road intersections at Molesworth Drive are safe and reflect expected vehicle trips into the foreseeable future.~~
- ~~3) How to ensure that there is sufficient on-street parking available for future activities without adversely affecting the creation of a quality streetscape environment for pedestrians.~~
- ~~4) How to manage the stormwater generated from roads and paved surfaces so that there are no adverse environmental effects on the environment.~~

16.9.2 Objectives and Policies

16.9.2.1 Rooding Objective

~~To develop a roading network within the Estuary Estates Structure Plan Area, which integrates safety and efficiently with the surrounding roading network whilst ensuring adverse effects are avoided or mitigated.~~

Policies

- ~~a) By providing for a safe effective and efficient road network for vehicles, cyclists and pedestrians.~~
- ~~b) By adopting and applying a functional road classification to roads to control access, traffic and road formation Standards.~~
- ~~c) By requiring a low impact and landscaped design approach for new roads.~~
- ~~d) By discouraging traffic generating activities in environments where they would have significant adverse effects.~~

16.9.2.2 Parking and Access

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.~~

Policies

- ~~a) By requiring vehicle access to lots to be provided at the time of subdivision.~~
- ~~b) By implementing Standards that ensure vehicle access points are safe and efficient~~
- ~~c) By requiring sufficient on-site parking to meet the demand generated by different activities.~~
- ~~d) By implementing particular Standards for the formation of car park spaces.~~
- ~~e) To develop opportunities for cycling and walking in accordance with the Maps 2 and 4-17.~~

16.9.3 Rules: Activities

16.9.3.1 Permitted Activities

The following transportation activities shall be Permitted Activities:

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

16.9.3.2 Restricted Discretionary Activities

The following are Restricted Discretionary Activities:

- a) An activity that does not comply with the access way, parking and loading Standards of Rule 16.9.4.
- b) Any activity providing for more than 100 car parks.
- ~~c) The provision of stacked parking for residential or staff parking.~~
- ~~d) Any variation to the alignment and/or formation Standards of roads as defined on the Map 2 as set out in Rule 16.9.4 and as shown in the Estuary Estates Design and Environmental Guidelines.~~
- ~~e) The creation of a new road (including associated street lighting, furniture etc) and any road location not meeting standard 16.9.4.1~~

1 Criteria for Assessing Restricted Discretionary Activities

Restricted Discretionary Activities will be assessed against the following matters ~~and the Standards set out in Rule 16.9.4~~, 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 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. Parking areas

- 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 and from Green Network boundaries. Where this is impracticable whether adequate screening will be provided in the form of fencing or landscaping, in order to reduce to an acceptable level any adverse aural or visual impacts.
- iv. Whether a parking areas internal circulation is designed so that safe and efficient vehicle circulation on site is achieved and so that adverse effects on the roading network are prevented.
- v. The location of access from the road into parking areas and the effects on safety and movement.
- vi. ~~Whether alternative locations or designs for the parking will better achieve the amenity related outcomes of the~~
- vii. ~~Estuary Estates Structure Plan Design Guidelines.~~

c) 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.

d) Stacked Parking

- i. ~~Stacked parking will generally only be allowed where special circumstances exist, for example where the parking alleviates adverse effects or no feasible alternative exists.~~
- ii. ~~Whether it is for residential activities where the minimum number of parking spaces can be achieved; and each stacked pair is allocated to the same residential unit.~~
- iii. ~~Whether it is for staff parking, where such parking is to be clearly defined, marked and separated from other required parking on the site and at least 50% of the parking spaces in the staff parking areas comply with the provisions of Rule 16.9.4.3b~~

e) Modifications to Standards of Rule 16.9.4.

~~These are to be assessed as Discretionary Activities and the assessment criteria of Section 16.7.6 shall apply.~~

Any application may be subject to conditions on the following matters:

- i. ~~Control of location, extent and nature of vehicular access and circulation; and~~
- ii. Restrictions on intensity and scale of activity so as to keep traffic generation in the vicinity within the capacity and safety limits of the adjoining roading system.

f) 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 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D
- Chapter 14 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 formed in accordance with the roading hierarchy identified on the Estuary Estates Structure Plan 2.

2 Road Performance Standards

~~All roads shall be constructed in accordance with the Standards in the following table of the Kaipara District Council Engineering Standards 2011.~~

Estuary Estates Structure Plan Road Classification

Sub-Zone	Estuary Estates Road Classification	Design Speed (Km/h)	Max Gradient	Traffic Volume	Road-Width-(m)				Drainage
					Reserve	Carriage way	Parking	Footpath	
1 to 5	Type R1	50	10%	1000-3000 vpd	30	Split 2 x 4.0	2.5 or 5.3 indented	1 x 1.5	Swale
2 to 4	Type R2	40	10%	200-1000 vpd	20	2 x 3.0	2.5 or 5.3 indented	2 x 1.5	Channel and Swale
	20-100 du			24					
1, 2, 4	Type C1	30	10%	200-1000 vpd	24	Split 2 x 4.5	2.5 and 5.3	2.0-4.0	Varies between Kerb and Channel and Swale
	Type C2				24	Split 2 x 4.5	1 x 5.3		
	Type C3				20	2 x 4.0	2 x 2.5		
3, 4, 7	Type R4 (Public)	30	12.5%	60-200 vpd 4-20 du	15	1 x 5.5	1 x 2.5 indented	1 x 1.2	Channel and Swale
3, 4, 7	Type R5 (Private)	20	12.5% 16.7%	10-30 vpd 1-3 du	8	1 x 3.0 +2.5m passing bays	None	None	None
5, 6	Type R6	30	10%	500-1500 vpd	16	2 x 3.0	None	1 x 1.2	Swale
				50-100 vpd					
5, 6	Type R7	30	12.5%	100-500 vpd 10-50 du	15	1 x 5.5	1 x 2.5	1 x 1.2	Swale
							+2.5m passing bays		
5, 6	Type R8 (Public)	30		4-10 du	12	1 x 5.5	None	None	Swale

5,6	Type R8 (Private)	20		1-3 du	12	1-x-3.0 +2.5m passing bays	None	None	Swale
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* The legal width shall be increased as required to accommodate carriageway widening, swale drains, earthworks batters, landscaping and intersections.

Note: The specifications in the Table above take precedence over the Zone Performance Standards.

16.9.4.2 Vehicle Access and Driveways

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.25
2	14.10.25
3	13.10.25
4	13.10.25
5	13.10.25
6	12.10.25
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
2	14.10.27
3	13.10.27
4	13.10.27
5	13.10.27
6	13.10.27
7	14.10.27

16.9.4.4 Loading

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.28
2	14.10.28
3	13.10.28
4	13.10.28
5	13.10.28
6	12.10.28
7	14.10.28

16.9.4.5 Signs

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.24

2	14.10.24
3	13.10.24
4	13.10.24
5	13.10.24
6	12.10.24
7	14.10.24

16.10 Subdivision Provisions

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

16.10.1 Resource Management Strategy

~~In recognition of the fact that subdivision is an activity in itself as well as providing the basis through which land use activities can be established, this part of the Estuary Estates Structure Plan outlines a Resource Management Strategy specific to subdivision of land within the Estuary Estates Structure Plan area.~~

~~An underlying principle of this Resource Management Strategy is recognition of the need to preserve the natural character, heritage and amenity values of the Estuary Estates Structure Plan area.~~

~~The Resource Management Strategy for subdivision is to facilitate the creation and maintenance of a new village within a rural coastal context in order to protect amenity and environmental values. In addition, the strategy seeks to provide for diversity of residential and rural lifestyles as well as to enable the various commercial and business activities enabled through the Estuary Estates Structure Plan provisions to be properly supported through services, infrastructure and ownership regimes.~~

16.10.2 Resource Management Issues

~~The key resource management issues for subdivision within the Estuary Estates Structure Plan area are identified as follows:~~

- ~~1) The need for a secure and effective land tenure framework which provides flexibility in accommodating a range of land tenure methods while securing the intent of the Estuary Estates Structure Plan and District Plan as a whole;~~
- ~~2) The importance of ensuring that subdivision takes account of the constraints of the land;~~
- ~~3) The need to recognise the natural character, heritage and amenity values associated with the Estuary Estates Structure Plan area;~~
- ~~4) The need to recognise and provide for the preservation of the natural character of the surrounding coastal environment from inappropriate subdivision; and~~
- ~~5) The importance of ensuring that potential impacts on infrastructure and reserve demands are addressed.~~

16.10.3 Objectives and Policies

16.10.3.1 Objective 1

~~To provide for the subdivision of the Estuary Estates Structure Plan area in a manner which achieves the integrated management of the use, development and protection of the natural and physical resources of the District.~~

Policies

- ~~a) By implementing Subdivision Rules and Standards that reflect the spatial outcomes shown on the Maps 1-26.~~
- ~~b) By ensuring the Green Network areas and open space areas shown on Maps 2 and 4-17 are secured either as a condition of Subdivision Consent or by other legal method.~~
- ~~c) By ensuring that all subdivisions are able to be properly serviced.~~
- ~~d) By adopting Development Control Standards that will avoid or mitigate natural hazards and implementing them through subdivision conditions.~~
- ~~e) By using the Councils financial contribution Rules to ensure that the environmental and ecological outcomes promoted through the Estuary Estates Structure Plan provisions can be secured.~~
- ~~f) By requiring any subdivision proposal to demonstrate it is an integrated and sustainable development and does not depend on any other subdivision or development proposals to achieve such integrated development outcomes.~~

16.10.3.2 Objective 2

To provide for subdivision options that reflects the various Sub-Zones within the Estuary Estates Structure Plan area, and to provide for subdivision that facilitates the consolidated sequential development of Sub-Zones.

Policies

- a) ~~By applying a staging and sequential subdivision and development programme to each subdivision.~~
- b) ~~By requiring staged and consolidated development within the Business 1 Sub-Zone Precincts.~~
- c) ~~By requiring each Sub-Zone to be subdivided into separate Titles as the first stages of development within the Estuary Estates Structure Plan area.~~
- d) ~~By requiring the provision of key infrastructure at the time of the subdivision of the individual Sub-Zones.~~
- e) ~~By managing the subdivision of separate development blocks as shown on Estuary Estates Structure Plan Maps 4-17 so that comprehensive and integrated development occurs.~~
- f) ~~By enabling the subdivision of individual dwellings and other buildings (including business and other premises) onto separate Titles through a variety of mechanisms including Freehold and Unit Titles.~~
- g) ~~By ensuring appropriate legal instruments are implemented through Conditions of Consent to secure the integrated Green Network, public open space areas and pedestrian connections that the Estuary Estates Structure Plan Maps 4-17 provide for.~~
- h) ~~By using body corporate type mechanisms where there are collective responsibilities and requirements for the management and maintenance of open space areas, pedestrian linkages, infrastructure or any other obligations or outcomes related to securing the built environment outcomes for the Estuary Estates Structure Plan area as shown on Estuary Estates Structure Plan Maps 1-26.~~

16.10.4 Rules: Activities

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

~~16.10.4.1 All subdivisions shall be spatially consistent with the Estuary Estates Structure Plan Maps 1-17 all forming part of the Estuary Estates Structure Plan provisions.~~

~~16.10.4.2 The separate Sub-Zones 1-7 (see Estuary Estates Structure Plan Map 1) shall be subdivided into Individual Titles (Stage 1 Subdivision) before any other subdivision within the individual Estuary Estates Structure Plan Sub-Zones or development blocks can be applied for and/or approved.~~

~~16.10.4.3 Estuary Estates Structure Plan Maps 18-26 (Staging and Infrastructure Implementation) set out possible staging options. Estuary Estates Structure Plan Map 18 sets out the baseline (Stage 1) landscaping and structural planting, infrastructure and roading that shall be implemented before any other subdivision or development is able to occur within other parts of the Estuary Estates Structure Plan area (with the exception of Sub-Zone 6).~~

~~16.10.4.4 Land Use Consent and Subdivision Consent applications may be submitted separately, or concurrently for staged developments. (Refer Tables 16.7.1 and 16.7.2 for Comprehensive Developments).~~

~~16.10.4.5 Subdivision [and development] of or within any of the individual development blocks identified on Estuary Estates Structure Plan Maps 4-17, may be approved as a Comprehensive Development* under Activity Table 16.10.5 below (and as provided for in Tables 16.7.1.1 and 16.7.1.2).~~

~~16.10.4.6 Detailed planting and landscaping shall be implemented when any development occurs, as set out in Estuary Estates Structure Plan Maps 4-17 and in accordance with Rules 16.8.1.2 and 16.8.1.3.~~

16.10.5 Subdivision Activity Table

The following table specifies the status of various subdivision activities within the different Sub-Zones. Any Non-Complying Activity identified in the Activity Table will be assessed according to the relevant provisions of the Resource Management Act 1991 and the Objectives and Policies of Part A of the Plan.

For the purpose of this table:

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

Table 16.10.5-1

ACTIVITIES	1 Business	2 Community	3 Residential	4 Parkside Residential	5 Rural Village Cluster	6 Rural Residential	7 Service	8 Natural Environment
Amendments to existing Cross Leases, Unit Titles and company lease plans for the purpose of showing additions and alterations to lawfully established buildings, accessory buildings and areas for exclusive use by an owner/s	RD	RD	RD	RD	RD	RD	RD	
Any subdivision not proposed as part of a comprehensive development or not otherwise provided for in Table 16.10.5	D	D	D	D	D			
Boundary adjustments or realignments	RD	RD	RDC	RD	RD	RD	RD	
Comprehensive developments	C	C	C	C	C		C	
Right of way easements and access lots	CRD	C	CRD	C	C	C	CRD	
Subdivision for the purpose of creating a lot/s which is defined by the boundary of a Sub-Zone (as shown on Map 56A of Map Series 1)	C	C	C	C	C	C	C	
Subdivision for the purpose of creating a lot which is defined by the boundaries of a development block	RD	RD	RD	RD	RD	RD	RD	
Subdivision for the purpose of creating free-hold Titles in accordance with Rule 16.10.6.4-10 (except minimum lot sizes)	RD	RD	RD	RD	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, Cross Lease or company lease	RD	RD	RD	RD	RD	D	RD	

Subdivision that creates a lot/s for the purpose of a reserve, public utilities or infrastructure	RD	RD	RD	RD	RD	RD	RD	RD
Subdivision not meeting one or more of the Standards detailed under Part 16.10.10 (except minimum lot sizes) including 16.10.10.4.5	D	D	D	D	D	D	RD	
ACTIVITIES	1 Business	2 Community	3 Residential	4 Parkside Residential	5 Rural Village Cluster	6 Rural Residential	7 Service	
Subdivision creating lots for the purpose of reserves, public utilities or infrastructure	RD	RD	RD	RD	RD	RD	RD	

16.10.6 General Rules

~~16.10.6.1 All subdivision activities shall be in accordance with the spatial layout shown in Estuary Estates Structure Plan 4-17.~~

16.10.7 Controlled Activities

16.10.7.1 Matters for Control

~~Council will reserve control over the following matters when considering an application for Resource Consent:~~

- ~~a) Shape and location of lot boundaries;~~
- ~~b) Stormwater treatment and disposal;~~
- ~~c) Wastewater treatment and disposal (applies to Sub-Zone 6 only);~~
- ~~d) Utilities / provision of services;~~
- ~~e) Earthworks and land disturbance;~~
- ~~f) Natural hazards;~~
- ~~g) Vehicle access and parking lots;~~
- ~~h) Water supply;~~
- ~~i) Planting and landscaping;~~
- ~~j) Ecological effects;~~
- ~~k) Compliance with the Estuary Estates Structure Plan Maps (Appendix E); and~~
- ~~l) For comprehensive developments the matters listed in Clause 16.7.3.2.~~

16.10.7.2 Criteria for Assessing Controlled Activities

~~In considering an application for a controlled Activity regard must be had to the following matters, for which conditions may be imposed:~~

- ~~a) The extent to which the proposal is consistent with the Estuary Estates Structure Plan Maps 1-26.~~
- ~~b) For 'comprehensive developments' whether the proposal is consistent with the assessment criteria set out in Clause 16.7.3.2.~~
- ~~c) Whether the proposal meets the Development Controls set out in Parts 16.9.4 and 16.10.10 of the Estuary Estates Structure Plan provisions.~~
- ~~d) The extent to which any adverse effects will be either avoided, remedied or mitigated in terms of:

 - ~~i.—Lot design;~~
 - ~~ii.—Vehicle access and parking;~~
 - ~~iii.—Water supply;~~~~

- ~~iv.—Stormwater treatment and disposal;~~
- ~~v.—Wastewater treatment and disposal (applies to Sub-Zone 6 only);~~
- ~~vi.—Utilities/services;~~
- ~~vii.—Planting and landscaping;~~
- ~~viii.—Earthworks and land disturbance;~~
- ~~ix.—Natural hazards;~~
- ~~x.—Ecological effects;~~
- ~~xi.—Siting of buildings; and~~
- ~~xii.—Environmental effects.~~

- ~~e) Where common lots are proposed, and/or where a body corporate type structure is proposed the extent to which appropriate mechanisms are provided to ensure that all management and maintenance requirements are sustainable.~~
- ~~f) Where staged subdivision / development is proposed, whether all infrastructure, roading, utilities, public spaces and connections, including Green Network elements, will be established in accordance with the Estuary Estates Structure Plan provision and Maps 1-26 to the extent necessary to fully service the current stage and provide adequately for future staged development.~~
- ~~g) Where staged subdivision/development is proposed, whether a Staging Plan is provided which demonstrates fully how a proposal will achieve the integrated outcomes that the Maps 1-26 seek to secure, in particular in relation to landscaping and structural planting infrastructure, roading the Green Network and pedestrian connections.~~
- ~~h) The ability to connect to Council's reticulated wastewater system.~~
- ~~i) Where one or more buildings already exist on the land being subdivided, whether the design of the subdivision creates any non-compliance of the Development Standards associated with those buildings. Any subdivision shall be designed so that any level of non-compliance that already exists is not increased.~~
- ~~j) Where any existing or consented residential buildings are to be subdivided by Cross-Lease or Unit Title, there shall be an outdoor courtyard or private open space area complying with any specified land use activity provisions for the relevant Sub-Zone.~~
- ~~k) Whether satisfactory arrangements have been made for any shared servicing, buildings and ancillary areas and the nature of management structures and funding for such management and maintenance.~~

16.10.8 Restricted Discretionary Activities

16.10.8.1 Matters Over Which Discretion is Restricted

~~When an activity is not permitted by this Rule Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:~~

- ~~a) Subdivision and Lot design;~~
- ~~b) Securing Consistency with the Estuary Estates Structure Plan Maps 1-26;~~
- ~~c) Roading and vehicle access to lots;~~
- ~~d) Water supply;~~
- ~~e) Stormwater treatment and disposal (consistent with Maps 3 and 18-26);~~
- ~~f) Public utilities;~~
- ~~g) Planting and landscaping (consistent with Estuary Estates Structure Plan Maps 1-26);~~
- ~~h) Earthworks and land disturbance;~~
- ~~i) Ecological effects;~~
- ~~j) Pedestrian connectivity and open space; and~~
- ~~k) Environmental effects.~~

16.10.8.2 Assessment Criteria for Restricted Discretionary Activities

~~When an activity is not permitted by this Rule Council has restricted its discretion over will have regard to the following matters 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 Maps ~~1-26 and the Development Controls in Rules 16.8.2, 16.9.4 and 16.10.10.~~
- b) The extent to which adequate access, ~~parking, and service areas are~~ is provided to each lot. ~~In general, any proposal should comply with the relevant parking and access controls under the Zone Rules Chapters as per Section 16.9 above (or where otherwise provided for within the Estuary Estates Structure Plan provisions) unless it is not appropriate to do so because of inherent site considerations and unusual vehicle or pedestrian movements and/or particular characteristics of the proposed activities and local circumstances.~~
- 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 ~~/development~~ is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development, ~~including Green Network elements,~~ will be established in accordance with the Estuary Estates Structure Plan provision and Estuary Estates Structure Plan Maps 1-26. ~~Also where staged subdivision / development is proposed, whether the Staging Plan provided demonstrates adequately how a proposal will ensure that the integrated outcomes that the Estuary Estates Structure Plan Maps 1-26 set out can be achieved.~~
- f) The nature of the connection to Council's reticulated wastewater system.
- g) Where any existing or approved buildings are to be subdivided, the effects of the proposal in regard to meeting relevant Development Control Standards.
- h) Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.
- i) Where any subdivision adjoins an area identified as "amenity planting" on the Structure Plan, whether the details of the planting have been 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 and detail of any obligations for lot owners to construction and maintain such devices.

16.10.9 Discretionary and Non-Complying Activities

16.10.9.1 Criteria for assessing Discretionary and Non-Complying Activities

~~The following matters shall be considered by the Council when assessing any Discretionary or Non-Complying Resource Consent application (these matters do not limit Council's consideration in any way):~~

- a) ~~The Council will have regard to the Objective and Policies for the relevant Sub-Zone, Parts 16.8, 16.9 and 16.10, contained in this Chapter as well as the general Objective and Policies in Part 16.3, and for Non-Complying Activities, Council will have regard to the Objectives and Policies of Part A Chapters of this Plan; and~~
- b) ~~The Council will have regard to any adverse effects of the activity on the environment and proposed measures to avoid mitigate or remedy such effects.~~

~~Note: The assessment criteria for Restricted Discretionary Activities may be used as a guide when assessing Discretionary and Non-Complying Activities.~~

16.10.10 Development Controls

All ~~Controlled and Restricted Discretionary~~ 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, including balance lots, where the gross area of any Freehold Title is less than the minimum specified for each Sub-Zone in the table below.~~

~~For freehold lots, gross lot areas include land shall be held by way of a registered share in a separate lot located within the same Sub-Zone (such as a part of the Green Network area shown on Map 2). No minimum areas are specified for Unit Title, Cross Lease or company lease subdivision of existing or approved buildings provided that any common areas including parking areas, outdoor living areas, Green Network areas shown on Maps 2 and 4-17, access lots or service areas shall be jointly owned and or managed.~~

~~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.~~

~~The following Standards shall apply:~~

Sub-Zone	Minimum <u>Vacant</u> Freehold Lot Size	
1 (Precincts 1 and 2)	500m ²	
1 (Green Network A)	10,000m ²	
2	1000m ²	
3	400m ²	
3	A	350m ²
	B	500m ²
	C	700m ²
	D	1000m ²
4	2000m ²	
5	4000m ²	
6	3000m ²	
7	2000 1000m ²	

16.10.10.2 Building Platform Locations

~~In all Sub-Zones building locations shall be located in accordance with the Maps 4-17 (indicative locations) unless otherwise approved by way of separate (or conjunctive) Resource Consent.~~

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

16.10.10.3 Boundary Adjustments

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

- a) There are two or more existing lots;
- b) Each of the lots has a separate Certificate of Title;
- c) Any approved residential building platform is retained in its approved location, or a new location which meets Rule 16.10.10.2 is identified;
- d) ~~No additional residential building areas are created that enable an increase in Permitted Density Standards;~~
- e) 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
- f) 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 spatial layout shown in Maps 1-26 and must meet the Standards set out in Rule 16.9.4 (Transport).

b) The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.13.2
2	14.13.2
3	13.13.2
4	13.13.2
5	13.13.2
6	12.15.2
7	14.13.2

2 Pedestrian Links

- a) ~~Council may require the formation and vesting of an access way not less than 2m wide linking roads and/or reserves by way of easement, where this is necessary to provide linkages between public places such as schools, shops, reserves and bus routes. Generally such access ways must align with the Estuary Estates Structure Plan provisions for the Green Network as set out on Map 1.~~
- b) ~~Easements for pedestrian and cycle (and bridle paths as appropriate) access shall be created in favour of Council to enable connectivity to and within all Sub-Zones and to give continuity of access to Molesworth Drive and Old Waipu Road.~~

3 Services

The following Rules shall apply as follows:

Sub-Zone	Provision for the of Extension Services	Water Supply	Stormwater Disposal	Wastewater Disposal
1	14.13.3	14.13.4	14.13.5	14.13.6
2	14.13.3	14.13.4	14.13.5	14.13.6
3	13.13.3-13.14.3	13.13.4-13.14.4	13.13.5-13.14.5	13.13.6-13.14.6
4	13.13.3	13.13.4	13.13.5	13.13.6
5	13.13.3	13.13.4	13.13.5	13.13.6
6	12.15.3	12.15.4	12.15.5	12.15.6
7	14.13.3	14.13.4	14.13.5	14.13.6

4 Open Space and Green Networks

~~Where any land is to be subdivided, the areas of land shown on the Green Network (Map 1) as Public Green Network shall be set aside as Council reserves (such as the Village Green in Community Sub-Zone 2 or the defined ecological area scheduled in the District Plan).~~

~~Areas remaining in private ownership or must be subject to rights of way agreements in respect of any public pedestrian connections, or may be set aside as privately owned covenanted areas where defined public pedestrian access may be provided for in association with bush and environmental protection requirements.~~

~~In the case of any such privately owned Green Network areas there must be a body corporate type structure to provide for the administration and management of those areas in accordance with the covenant provisions.~~

~~In regard to those areas shown on Estuary Estates Structure Plan Maps 4-17 as Private Open Space there must also be a body corporate type structure to provide for the administration and management of those areas.~~

5 Staging and Implementation

~~Where any subdivision is to be carried out on a staged basis, whether within the same Sub-Zone or different Sub-Zones or within individual Precincts or development blocks, the following applies:~~

- a) ~~Sub-Zones 1-7 shall be subdivided into separate Titles prior to any other subdivision or development occurring within the individual Sub-Zones or development blocks.~~

- b) ~~All subdivision must be consistent with Estuary Estates Structure Plan Maps 1-26.~~

- c) ~~Stormwater and other infrastructure shall be provided for in accordance with Maps 3-4 and 18-26 and an approved staging and sequential subdivision and development programme and shall be able to accommodate all future development.~~

- d) ~~Any application for subdivision (and Land Use Consent where a comprehensive development is proposed) shall signify to the Council where staging is to apply to a proposal and set out the details of implementation in regards to consistency with Estuary Estates Structure Plan Maps 18-26.~~

- e) ~~A staging and programme is required to be provided to Council to demonstrate how and when the key elements of the Estuary Estates Structure Plan Maps 18-26 including open space, reserves, walkways, stormwater, roading and/or other access aspects, will be implemented so that integrated and sustainable development occurs. The expected time periods for each staged proposal are to be provided to Council.~~

- f) ~~Details of the proposed methods of establishing the Green Network (Green Network as shown on Estuary Estates Structure Plan Maps 4-17) shall be provided for in respect of each proposed stage (and for any subdivision proposal where there is no staging).~~

- g) ~~Each proposed stage shall be demonstrably independent of any need to rely upon any elements of any future subdivision(s) for which approval has not yet been sought and/or granted.~~

- a) ~~The Council will generally grant approvals under Sections 223 and 224 of the Act for each stage of subdivision when the conditions applying to each stage have been met. Where appropriate, Council may specify bonding requirements in relation to defined conditions of subdivisional approval so that Certificates of Title may be released. That may include bonds relating to infrastructure, roading and the Green Network.~~

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.

16.12 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. provided that:

- a) ~~The activity is not located in any area identified as “Green Network” on the Estuary Estates Structure Plan Map 1 other than the Village Green in the Community 2 Sub-Zone or any public road.~~

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:

- Ancillary to and required for a building or construction project; and
- Located on the site same as the building or construction project; and
- 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:

- 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);
- The number of people attending the event at any one time does not exceed 200 persons when the activity is undertaken outside;
- Any associated electronically amplified entertainment complies with all of the following:
 - It does not commence before 10am on any day;
 - 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
 - The 'Temporary Noise' Performance Standards shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.15
2	14.10.15
3	13.10.15
4	13.10.15
5	13.10.15
6	12.10.15
7	14.10.15

- 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;
- A Temporary Activity occurs no more than five times in any one calendar year at any one location;
- All fixed exterior lighting associated with Temporary Activities shall be directed away from adjacent residential sites and public roads;

- 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

- 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:
 - 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
 - Exceeds a capacity of 200 persons but no more than 500 persons at any one time when the activity is undertaken outside; and/or
 - Occurs more than five times a year at any one location; and/or
 - 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:

- The proposed hours of operation and duration of the activity;
- The nature and intensity of the activity;
- The extent to which the activity may give rise to adverse effects including noise on residentially used buildings within and surrounding the activity;
- 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;
- The ability to supply potable water in compliance with the Drinking-Water Standards for New Zealand for the duration of the activity;
- The provision and location of adequate sanitation facilities throughout the duration of the activity in accordance with the Building Act;
- Compliance with Food Hygiene Standards and regulations;
- The appropriateness and control measures in place for the sale of liquor for consumption on the premises;
- Provision of an Emergency Management Plan which specifies a clear set of roles and procedures in the case of an accident or emergency; and
- 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.

~~**Comprehensive Development:** means a comprehensively planned and designed development where all land use and/or Subdivision Consents are submitted and where:~~

- ~~• For Sub-Zones 1-4 all of any one or more of the individual development blocks shown on Estuary Estates Structure Plan Map 4 are to be developed; and~~
- For residential development in Sub-Zone 5 any Comprehensive Development Proposal shall provide for at least 10 residential units within any single development proposal.

~~**Structure Planting:** means the planting of large native trees (Plastic Bag size 95 (PB95)) at the time of planting) coupled with the provision of understory indigenous plantings to enhance the amenity of the Green Network and to extend the ecological linkages across the site, as identified on Estuary Estates Structure Plan Map 4—Staging and Infrastructure Implementation Plan.~~

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.

~~**Development Block:** means any separate numbered block of land within a Sub-Zone as defined on Estuary Estates Structure Plan Maps 4-17.~~

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.

~~**Green Network:** This comprises all the area identified as Green Network on Estuary Estates Structure Plan Maps 1 and 4-17 comprises:~~

- ~~– Road corridors and associated streetscape plantings;~~
- ~~– Areas of revegetation (as well as the existing native vegetation areas);~~
- ~~– Parkland/amenity areas;~~
- ~~– Stormwater management areas; and~~
- ~~– Pedestrian and cycleways.~~

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.

~~**Net Sub-Zone Area:** means the total area of a Sub-Zone or Precinct minus the area of any entrance strip or road. For the purpose of calculating coverage, net site area shall be assessed on an individual site basis.~~

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.~~

~~**Structure Planting:** means the planting of large native trees (Plastic Bag size 95 (PB95)) at the time of planting) coupled with the provision of understory indigenous plantings to enhance the amenity of the Green Network and to extend the ecological linkages across the site, as identified on Estuary Estates Map 20—Staging and Infrastructure Implementation Plan.~~

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.

16.14 ~~New Zealand Urban Design Protocol~~

~~The design principles and vision for the Estuary Estates Structure Plan area are consistent with the direction of the New Zealand Urban Design Protocol and in particular with the seven essential design qualities recognised as creating quality urban design. The seven essential design qualities are Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.~~

~~Considering Context, Character and Choice, the Estuary Estates Structure Plan area design principles build on the value of the Green Network and public space landscape context and character and innovative building design to optimise the relationships between the various residential styles, streetscape hierarchy and coastal village environment. The mix of living options and green space treatments provides the opportunity for a varied choice of lifestyle and enhances urban character while enhancing natural features of the site and protecting native vegetation and other ecological elements.~~

~~Varied building styles, village green and community facilities provide opportunities for Creativity and associated with walkway and cycling linkages radiating through the residential open space to the Green Network areas provide essential Connections.~~

~~The design of the Estuary Estates Structure Plan area and its various Sub-Zones are integrated through an extensive Green Network. The Network draws the ecological setting of the landscape into the public open space areas through spatial arrangement, planted linkages and wetland enhancement. All of these features promote positive attitudes of residents towards ecological based residential environments and foster positive Custodianship values.~~

16.15 ~~General Guidelines for All Sub-Zones~~

16.15.1 ~~Green Network~~

~~All subdivision and development should secure the following outcomes:~~

- ~~• Implementation of the Green Network including landscaping proposals at the time of developing each development block, Sub-Zone or precinct as shown on Maps 1, 4-17, and figures 1-4 herein.~~
- ~~• Integration of the Green Network and built environment to achieve the sustainable development of the area. In particular the integration of low impact stormwater design with urban design based development approaches that seek to provide more liveable communities and enhanced environments for future residents.~~
- ~~• On-going management and maintenance of the Green Network.~~
- ~~• Creation of a safe and user friendly pedestrian and bicycle / bridle network that is integrated throughout the Green Network and connects to the wider Mangawhai Area.~~
- ~~• Maximising pedestrian and cyclist safety and connectivity through the use of appropriate materials including change of surfaces to define routes/pathways, visibility of linkages.~~
- ~~• Use of large scale tree species coupled with the provision of understorey plantings to reinforce the overall framework of the Parkland and Amenity areas defined on Maps 4-17.~~
- ~~• Encourage natural surveillance of the Green Network from surrounding activities and buildings.~~
- ~~• Encourage a sense of community ownership of the Green Network so it is well used and maintained.~~
- ~~• Provide for casual public recreational activities and relaxation places within Parkland and Amenity areas.~~
- ~~• Use of non-indigenous and fruiting tree species throughout Sub-Zones 3, 4 and 5.~~
- ~~• Developing the Green Network as an integral part of stormwater management using low impact devices such as grass swales, rain gardens, detention/retention ponds, silt fences, sediment ponds for run-off and by using bridges for wetland and stream crossings.~~
- ~~• Roads and drainage networks should generally be lower than the surrounding land to act as safe overland flow paths.~~
- ~~• Natural watercourses shall be planted with appropriate species to ensure that erosion is minimised and open bodies of running water are shaded.~~
- ~~• Vegetating any steep and/or eroding slopes, natural and constructed watercourses and water bodies with appropriate plant species.~~

- ~~• Ensure open stormwater management systems provide for the through passage of native aquatic species.~~
- ~~• Natural drainage patterns should be recognised and adapted and/or enhanced using revegetation and weed control methods.~~
- ~~• Areas of impermeable surface should be minimised and mitigation methods implemented where necessary.~~
- ~~• Managing weeds through the use of non-toxic methods.~~

16.15.2 Road network and streetscape

~~Figures 2 and 20-28 The Structure Plan Maps illustrate the desired road and streetscape outcomes arising from implementation of the Rules and are to be considered where any development requires assessment for Resource Consent purposes.~~

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 3, 4-17, and Figures 2, 20-28 herein) that is identifiable through the use of hard and soft landscape elements such as different surfaces for pedestrian crossings. 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.~~
- ~~• Minimise earthworks by responding to natural landform in the design and implementation of developments.~~
- ~~• 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 and provide the landscape structure as defined by Maps 4-17.~~
- ~~• 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.~~
- ~~• Large scale street trees should be planted at distances that ensure shade for the majority of the road and parking surfaces during summer months.~~
- ~~• 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 Building Design

~~All subdivision and development should secure the following outcomes:~~

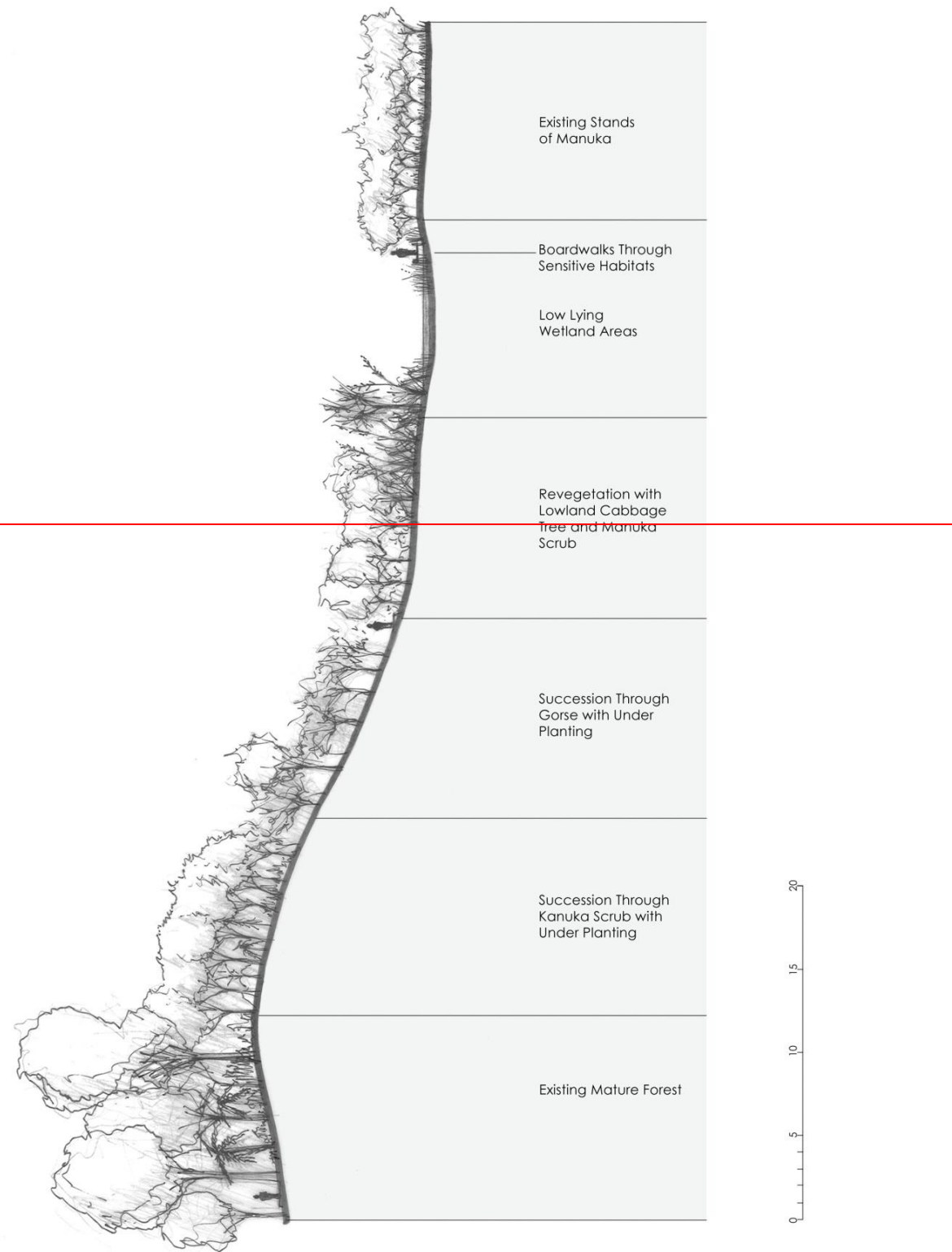
- ~~• Create well-defined public spaces that are intimate and responsive to human scale through the appropriate arrangement and massing of built form and structural planting.~~
- ~~• Buildings should generally be located to collectively and individually define and overlook public space, pedestrian linkages and access roads.~~
- ~~• All buildings must avoid visually dominating neighbouring buildings.~~
- ~~• Ground floors and building entrances should link visually with public open space, public walkways roads, and access lanes to maximise the active and visual links to open space and optimise indoor / outdoor connection.~~

- ~~• Ground floor residential use areas fronting public open space should provide an appropriately designed physical filter or buffer for living spaces comprising built elements, plantings and/or setbacks.~~
 - ~~• Building design should secure the beneficial sheltering of public open space from prevailing winds while ensuring that midday winter sun penetrates the open space and living areas.~~
 - ~~• The design of buildings should respond to the underlying natural landform.~~
 - ~~• Buildings fronting public space should include smaller elements and be articulated to create a finer grain of development, reduce scale, enhance detail and provide visual interest.~~
 - ~~• Utilise predominantly natural materials that may include natural timber, concrete and stone.~~
 - ~~• In residential areas garages should be set back enough from the street to protect the primary pedestrian access of any building and/or lot.~~
 - ~~• The public and private spaces associated with each building should be clearly distinguishable.~~
 - ~~• Windows should look directly onto the street, open spaces and other public areas wherever possible.~~
 - ~~• The area of glazed openings onto public open space areas at ground level should be maximised, while avoiding undivided panels of glass by incorporating frames and glazing bars.~~
 - ~~• Buildings should be constructed of materials that are not highly reflective.~~
 - ~~• External lighting should enhance public safety within any development without creating adverse effects on surrounding sites.~~
 - ~~• Buildings should be designed to minimise energy consumption and be located and orientated to take account of solar access and other elements such as shelter from the prevailing winds.~~
 - ~~• Conserve and reuse water by utilising accepted water conserving devices for potable water, reuse of water for toilets and landscape irrigation.~~
 - ~~• Buildings materials and finishes should be chosen with consideration to embodied energy, location of supply, life cycle assessment, toxicity and effects on indoor air quality.~~
 - ~~• Building style, form, design and detailing shall be appropriate for the local climatic conditions and should promote energy efficiency by utilising design and construction techniques such as appropriate solar orientation and spatial design.~~
 - ~~• All buildings should avoid unnecessarily restricting the access of daylight to neighbouring buildings.~~
- ~~Rubbish and recycling facilities should be located and managed to avoid detracting from the streetscape qualities and amenity of the business Sub-Zone.~~

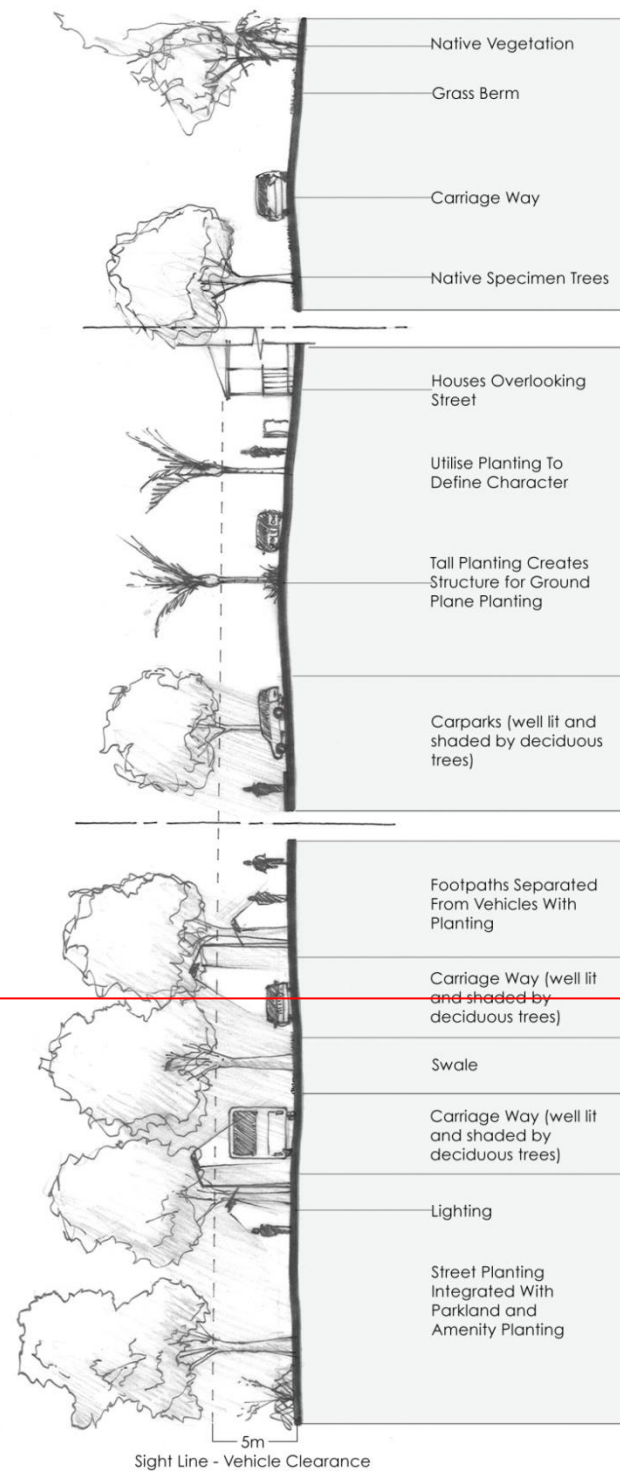
16.15.2.1 Residential Lot Layout

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

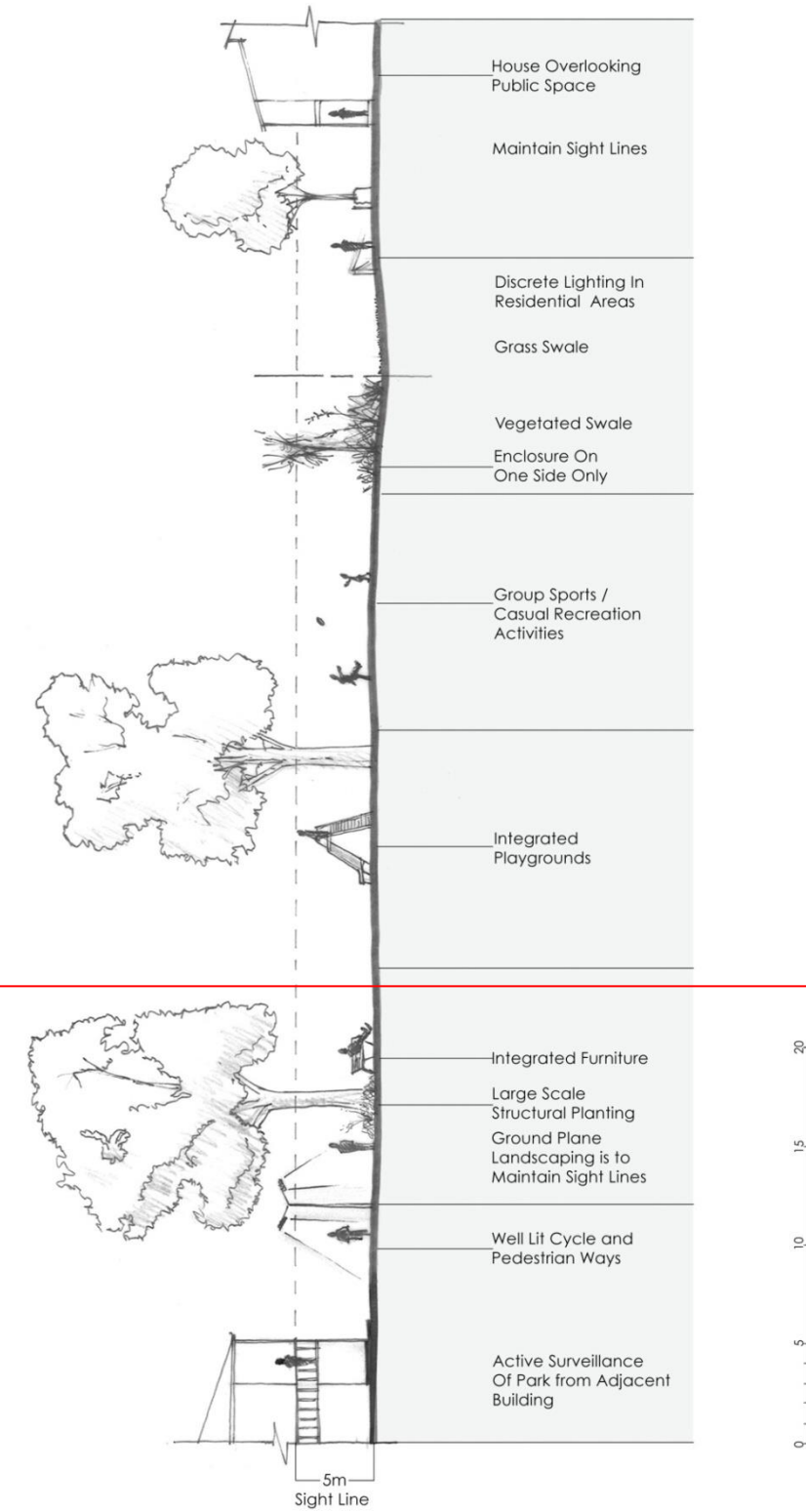
~~Figure 1. Typical cross section of Terrestrial Habitat demonstrating the different planting structure, composition and successional states within the Green Network.~~



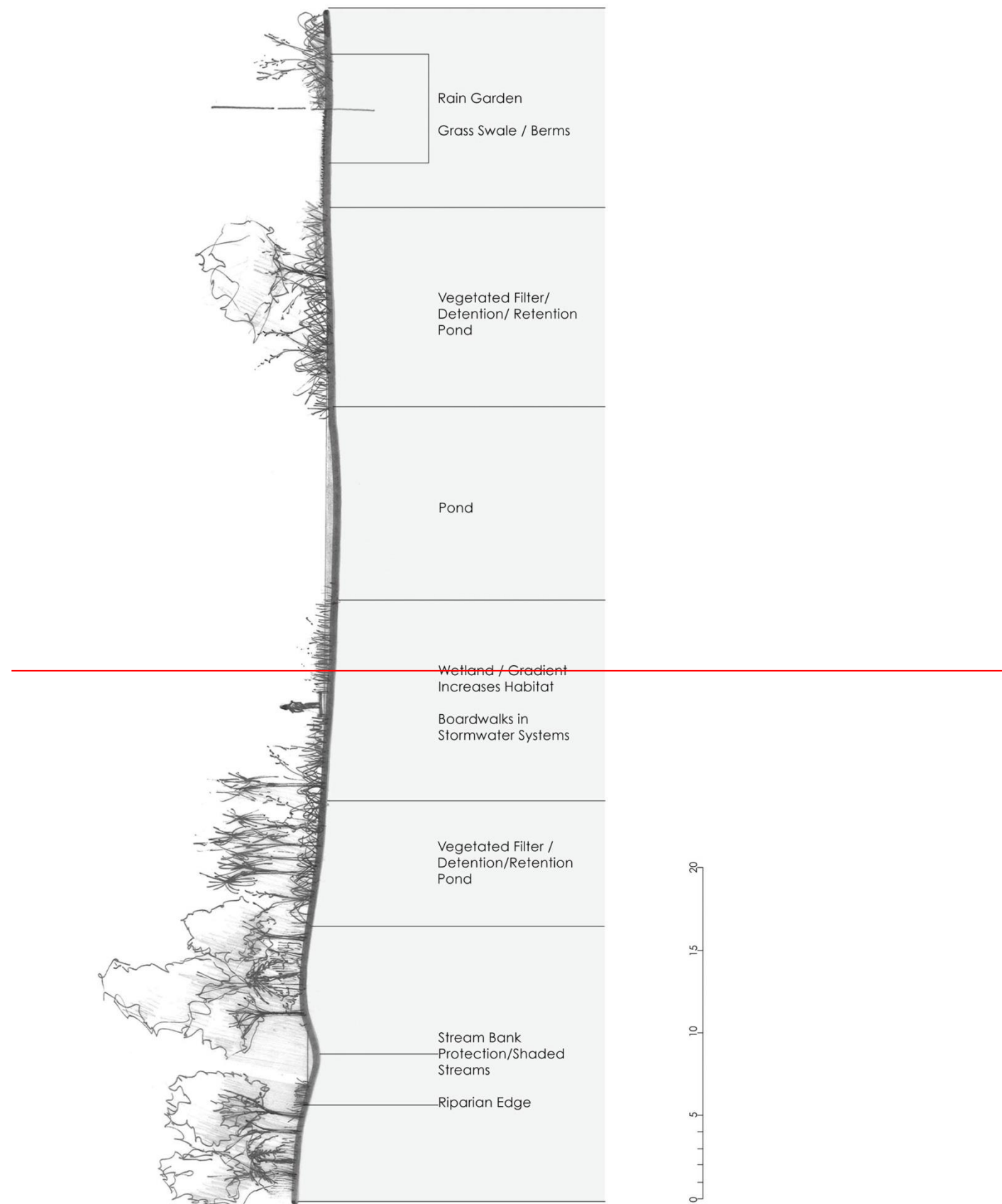
~~Figure 2. Typical Cross-sections of the Road Network demonstrating relationships of plantings and various elements such as footpaths, lamp posts, stormwater devices, houses and fencing.~~



~~Figure 3. Typical cross-section of Parkland and Amenity area demonstrating relationships of plantings and various elements such as footpaths, lamp posts, stormwater devices, buildings, fencing, park benches and play equipment.~~



~~Figure 4. Typical cross-section of Stormwater Management demonstrating the structure and composition of a range of stormwater devices.~~



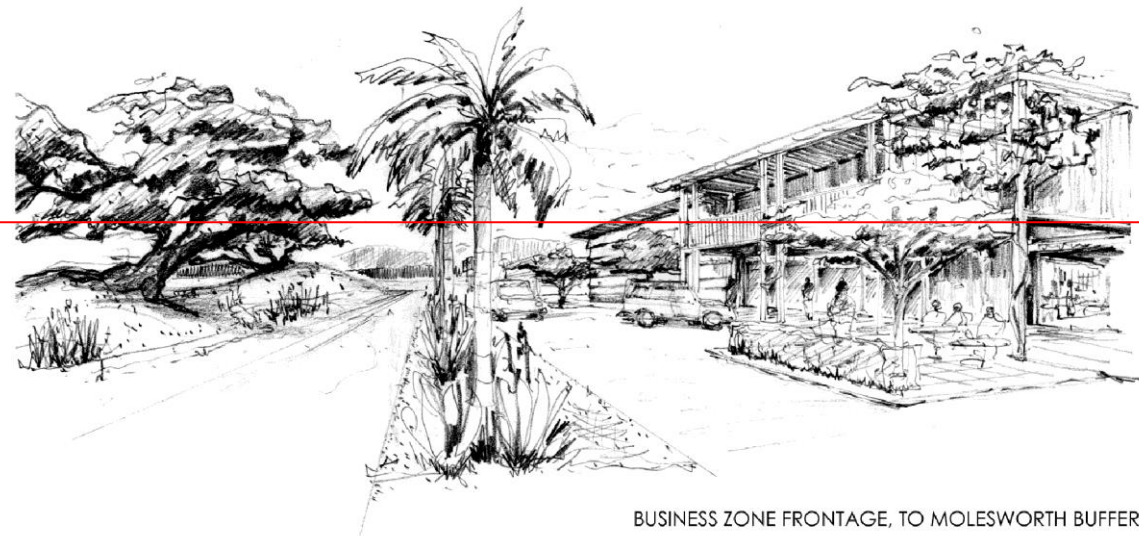
16.16 Sub-Zone Specific Guidelines

16.16.1 Business Sub-Zone 1

All development in the Business Sub-Zone 1 should be designed, arranged and laid out to be consistent with the Maps 1 – 4, figures 5 – 8 herein, and in accordance with the following guidelines:

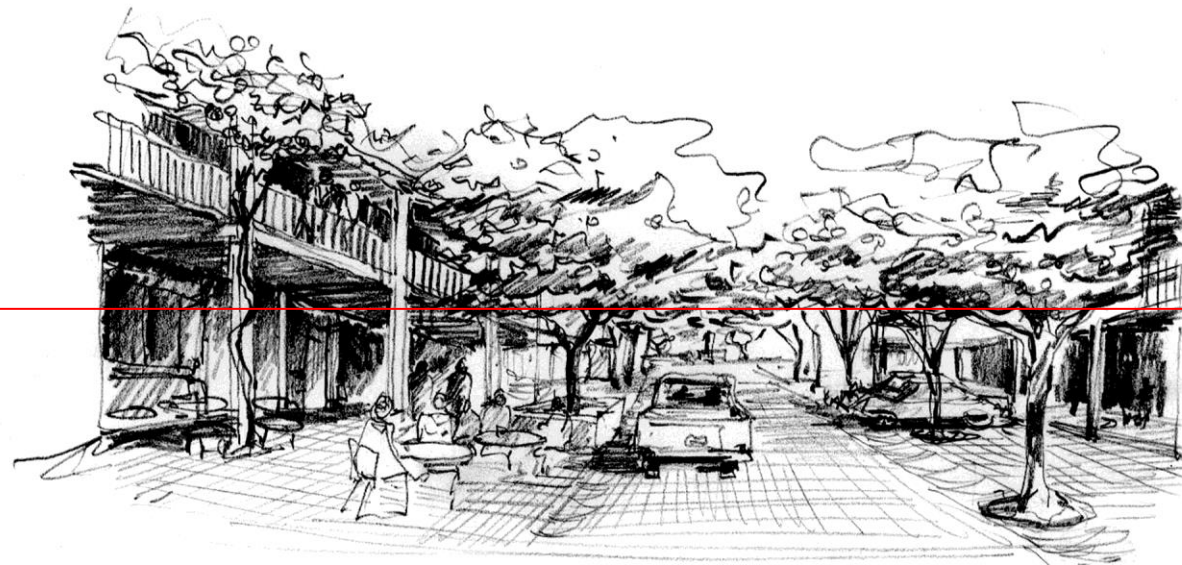
- ~~• The Green Network shown on Map 5 and 18 should be implemented at the time of initial development so that it becomes functional prior to other development within the Estuary Estates Area occurring.~~
- ~~• The stormwater management systems shown on Structure Plan Maps 3 and 18 should be implemented and landscaped at the time of initial development so that it becomes functional prior to other development within the Structure Plan Estuary Estates Area occurring.~~
- ~~• The planting structure within the Sub-Zone should establish strong visual and pedestrian linkages from Molesworth Drive frontage through to the Community Sub-Zone 2 and the 'parkland' areas abutting the estuary.~~
- Parking spaces should generally be located behind the mainstreet buildings with some onstreet parking along mainstreet within building structures, in the central spaces of each development precinct and/or underground. Parking, manoeuvring areas and access shall generally be located as indicated on Map 4 and must be appropriately screened and lit. Parking areas and pedestrian access thereto shall be accessible to and from mainstreet to car parking area designed and constructed to be user friendly in all weather conditions.
- 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.
- ~~• The scale, massing and height of buildings should be complementary to existing and nearby buildings, the topography of the site and any important views and vistas.~~
- ~~• Buildings should be of a 'human scale', and apparent bulk moderated by articulating the building form through design treatment of roofs, the inclusion of verandas and balconies and through window placement.~~
- Design variation and architectural detail should be used to keep areas of blank wall to a minimum and break up any likely perception of excessive bulk of building(s).
- ~~• The tallest building within each precinct should be located on the corners of the Precincts and provide vertical emphasis of corner elements to highlight intersections and the road network.~~
- The external glazing should not be mirrored, tinted or coloured except for isolated feature glazing.
- Areas set aside for service uses should be screened from public view through the use of planting and permeable screens.

~~Figure 5. Artist impression of road running parallel to Molesworth Drive, demonstrating the principles of active street frontages, continuous frontages broken into smaller elements, on-street parking, and low-impact stormwater devices.~~



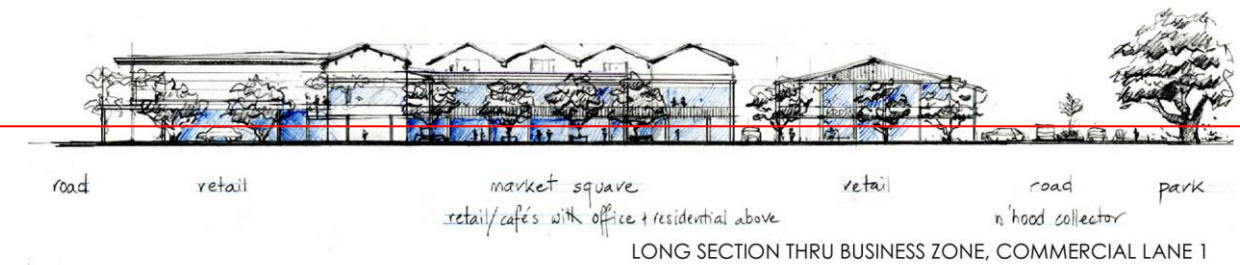
BUSINESS ZONE FRONTAGE, TO MOLESWORTH BUFFER

~~Figure 6. Artist impression of the central street of the Business Sub-Zone demonstrating the principles of active street frontages, shaded paved areas, planting in scale with the built form, continuous frontages broken into smaller elements, and on-street parking.~~



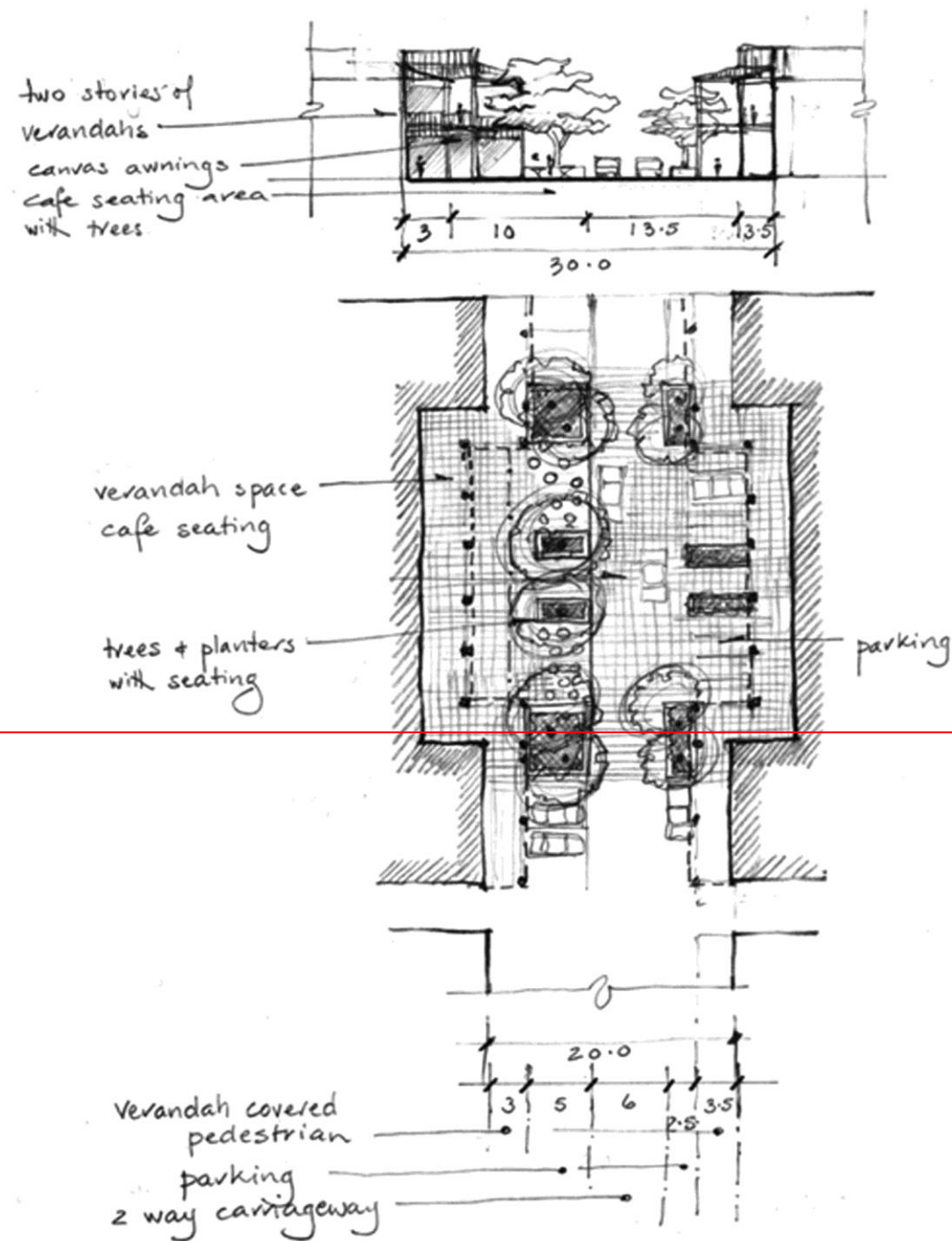
BUSINESS ZONE, COMMERCIAL LANE 1

~~Figure 7. Typical cross-section of the Central Street of the Business Sub-Zone demonstrating the principles of active street frontages, shaded paving, planting in scale with built form, continuous frontages broken into smaller elements, and on-street parking.~~



LONG SECTION THRU BUSINESS ZONE, COMMERCIAL LANE 1

~~Figure 8. Indicative Plan of Central Street in the Business Sub-Zone.~~



16.16.2 Community Sub-Zone 2

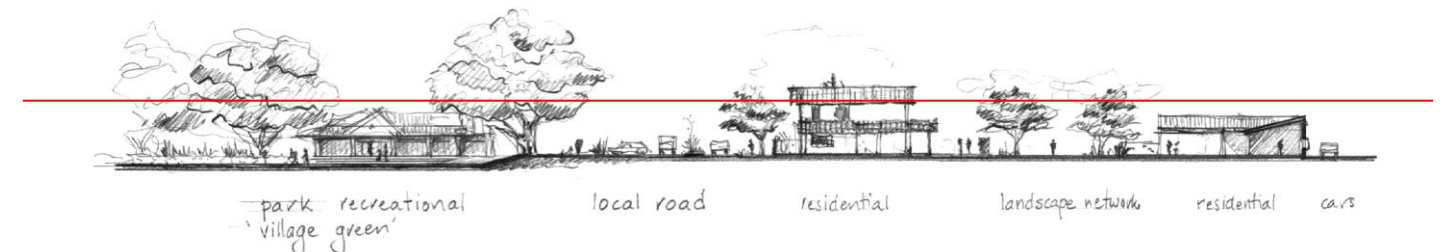
All development in the Community Sub-Zone 2 should be designed, arranged and laid out to be consistent with the Maps 1-3, 5 and 6, Figure 9 herein, and in accordance with the following guidelines:

- The Village Green shown on Map 5 should be set aside at the time of initial development of the Sub-Zone so that it becomes functionally available as early as possible.
- Large-scale tree species and ground plane landscaping should be utilised to define the Village Green and to integrate buildings within the Sub-Zone.
- Buildings should incorporate verandas, awnings, or other features which provide shelter for pedestrians.
- Parking spaces should be located either within building structures, abutting buildings or in communal parking areas for a development block. Parking areas should not be located between buildings and

~~the Village Green. All parking areas should be planted and landscaped to reduce visual impacts and to define and separate them from pedestrian connections.~~

- Buildings should be located to define the relationship to the Village Green while recognising the need for clear accessibility from the street.
- Buildings should be of a 'human scale', and apparent bulk moderated by articulating the building form through design treatment of roofs, the inclusion of verandas and balconies and through window placement.
- Buildings should be modulated with bays and balconies to avoid uniformity of appearance.
- Individual buildings should be physically and/or visually connected through landscape elements such as footpaths, shelter, lighting and planting.
- The design and layout of the Village Green should be durable and adaptable to a range of uses such as picnicking, group sporting activities and relaxing.

Figure 9. Typical cross section of the Community Sub-Zone and Village Green.



16.16.3 Integrated Residential Development - Residential Sub-Zone

All integrated residential development in the Residential Sub-Zone 3 should be designed, arranged and laid out to be consistent with the Maps 1-3, 6-7 and 8, figures 10-11 herein, and in general accordance with the following guidelines:

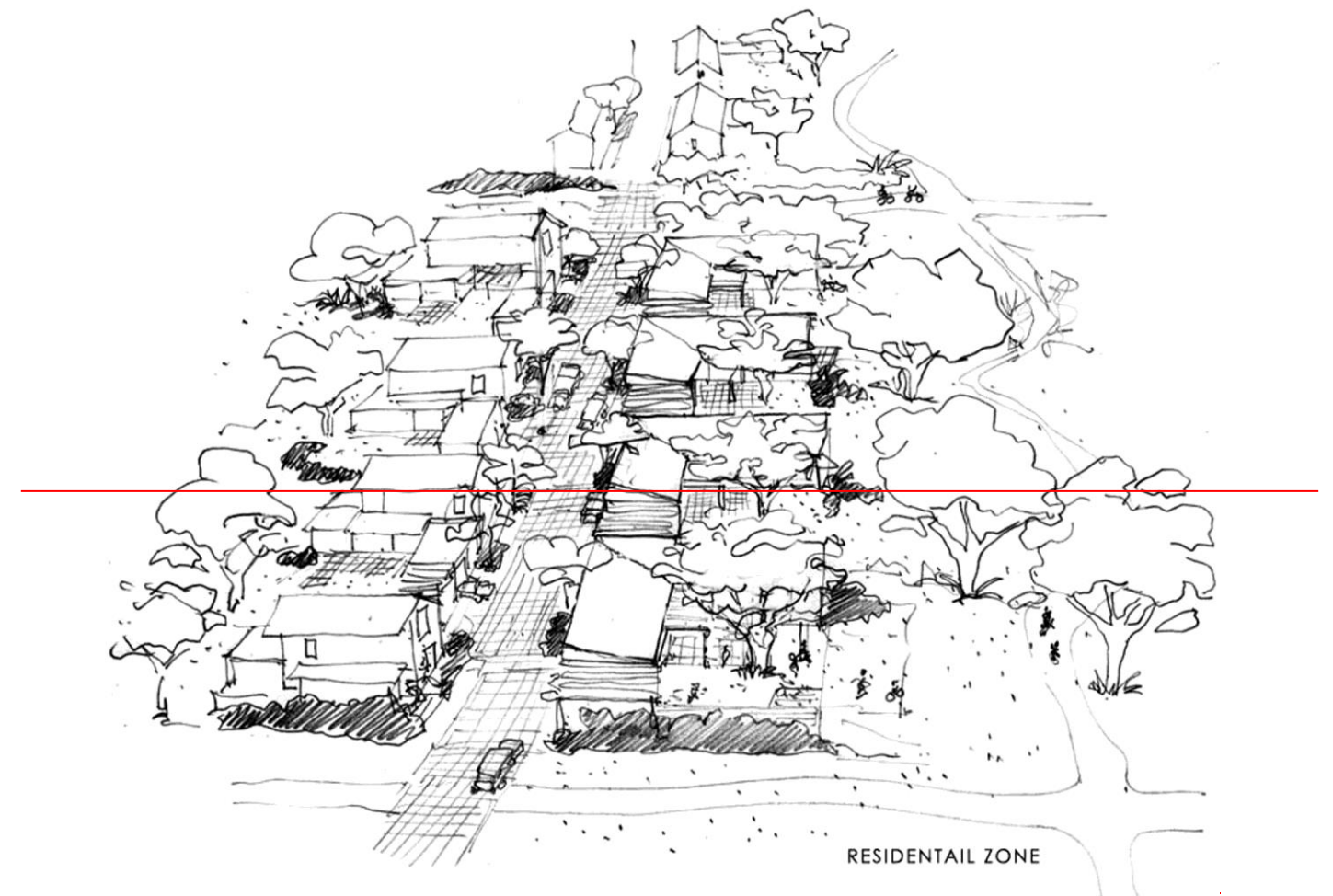
- The Green Network shown on Structure Plan Estuary Estates Maps 6 and 7 and should be implemented at the time of initial development so that it becomes functionally available as early as possible.
- The road network, public connections and amenity plantings must be developed in an integrated manner at each stage of development so that the overall connectivity outcomes for the Green Network are secured.
- Structure planting and ground-level landscaping should relate to the scale of the residential buildings and preserve day lighting and solar access.
- The development should be sensitive to the existing and anticipated residential amenity values of the Sub-Zone.
- The majority of units should be oriented so that they overlook the public street ~~or the Green Network~~.
- Where a common pedestrian entrance is provided to a building comprising a number of units, the entrance should be clearly visible and accessible from a public street.
- Fences and boundary walls (or hedges) facing the public street ~~or Green Network~~ should not exceed 1.2m in height so as to enable people in the development to see out to the street/~~Green Network~~ from ground floor habitable rooms.
- The development should achieve an integrated design theme through consistency of façade treatments, including articulation, window and door proportions, design feature materials and colours. The development should also create visual character and variety through variation in building form and materials, and modulating the built form.
- The main living areas and outdoor space of each unit shall be designed to achieve an acceptable level of privacy and good sunlight access. Preferably, outdoor living space is located behind the dwelling unit (except when the allotment and unit face north)
- Private open space should be located designed and screened to maximise privacy from other units.
- Fences abutting the road network and public space should be as permeable as possible without compromising the privacy of private spaces.
- A variety of house types and size should be created. These may include detached houses, apartment buildings, duplex houses, and terraced housing.

- Buildings should be modulated with bays and balconies to avoid uniformity of appearance.
- Residential buildings should be located at the front of sites overlooking the street.
- ~~Buildings should have pitched roofs and be visually connected to each other through the use of consistent forms, materials and colours.~~
- Car parking and vehicle access areas should not dominate the street and the appearance of the development. Where an allotment frontage width is less than 9m, a rear access lane should be used
- Garages and parking for all residential units should be set further back from the street than the front of any residential building or alternatively, within or at the rear of residential units to maintain safe and easy pedestrian access into any residential unit. Parking should be sufficient (as required by the Plan provisions) to avoid householders vehicles needing to be parked on the street.
- ~~Car parking in the front of residential units is not generally considered an appropriate design solution in this Sub-Zone but may in some site specific cases work as long as it is not the dominant method of providing parking over and within any individual development block.~~
- ~~Outdoor areas for parking manoeuvring or vehicle access which serve two or more units should include hard and soft landscape features that mitigate their visual effect.~~
- ~~Parking and/or vehicle manoeuvring areas must not conflict with the outdoor living areas required by the Structure Plan Estuary Estates provisions.~~
- ~~Where there are multiple residential units in any proposal, parking can be provided through a combination of solutions including use of mutual rights of way for access (and manoeuvring) between buildings to rear site parking spaces (indoor or outdoor). Communal parking areas are seen as a suitable design solution for example where residential units are to be held on Unit Title and the parking areas can be allocated as accessory units. A combination of internal and external parking spaces may be an appropriate solution in some residential developments as a means of fostering a varied built environment.~~
- Dwellings should be designed and constructed to ensure that residents have a high level of aural privacy and are not unduly affected by noise nuisance from surrounding activities.

Figure 10. Artist impression of Residential Housing with pedestrian connection through the Green Network.



Figure 11. Artist impression of Residential Housing demonstrating how buildings positioned at the front of the lots and overlooking the street define the residential streetscape and provide a generous backyard.



16.16.4 Parkside Residential Sub-Zone 4

All development in the Parkside Residential Sub-Zone 4 should be designed, arranged and laid out to be consistent with the Maps 1-3, 8 and 9, figures 12—15 herein, and in accordance with the following guidelines:

- ~~The Green Network shown on Map 9 should be implemented at the time of initial development so that it becomes functionally available as early as possible.~~
- ~~Structure planting and ground level landscaping should relate to the scale of the residential buildings and preserve day lighting and solar access.~~
- ~~The location of buildings should ensure that large areas of 'Parkland' are created within the centre of any development block and allow for safe and convenient pedestrian movement and provide a high quality landscaped setting for the residents.~~
- ~~Buildings should establish a strong visual and physical connection from the road network through to the parkland area in the centre of each development block.~~
- ~~The development should be sensitive to the existing and anticipated residential amenity values of the Sub-Zone.~~
- ~~The majority of units should be oriented so that they overlook the public street or the Green Network.~~
- ~~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.~~
- ~~Extensive continuous building forms should be avoided. The visual impact of lengthy building forms should be relieved by setting parts of the building back and by the careful planting of specimen trees.~~

- ~~• Fences and boundary walls facing the public street or Green Network should enable people in the development to see out to the street / Green Network from ground floor habitable rooms.~~
- ~~• The development should achieve an integrated design theme through consistency of façade treatments, including articulation, window and door proportions, design feature materials and colours. The development should also create visual character and variety through variation in building form and materials, and modulating the built form.~~
- ~~• The main living areas and outdoor space of each unit shall be designed to achieve an acceptable level of privacy and good sunlight access.~~
- ~~• Communal outdoor living areas should be landscaped in a manner that enhances the overall appearance of the development and encourages their use by residents. They should contribute significantly to the overall amenity of the development.~~
- ~~• The tallest buildings within each development block should be located on the corners of the blocks and provide for vertical emphasis of buildings to highlight the street intersections and openness of the Sub-Zone.~~
- ~~• Garages and/or parking should not be set in the front of any residential building. Generally parking should be within or under buildings or alternatively, to the rear of residential units (or contained by building bulk) and must enable safe and easy pedestrian access to and from any residential unit.~~
- ~~• Parking should be sufficient (as required by the Plan provisions) to avoid householders vehicles needing to be parked on the street. Parking and/or vehicle manoeuvring areas must not conflict with the outdoor living areas required by the Estuary Estates Structure Plan provisions.~~
- ~~• Where there are multiple residential units in any proposal, parking can be provided through a combination of solutions including use of mutual rights of way for access (and manoeuvring) between buildings to rear or central site parking spaces (indoor, outdoor or underground).~~
- ~~• Communal parking areas are seen as a suitable design solution for example where residential units are to be held on Unit Title and the parking areas can be allocated as accessory units. A combination of internal and external parking spaces may be an appropriate solution in some residential developments as a means of fostering a varied built environment.~~
- ~~• Parking spaces should be located either within building structures, in the central spaces of each development precinct and/or when required distributed evenly within the road network.~~
- ~~• Buildings should be modulated with bays, balconies and roofline and pitch to avoid uniformity of appearance.~~
- ~~• Buildings should be visually connected through the use of consistent forms, materials and colours.~~
- ~~• Fences, walls and boundary hedging should define residential sites from the public domain without creating repetition or a sense of unnecessary enclosure.~~
- ~~• Fences abutting the road network and public space should be as permeable as possible without compromising the privacy of private spaces.~~
- ~~• Buildings can be connected by minor formal elements such as covered walkways and pedestrian links.~~
- ~~• Buildings should be set back from the edge of the road reserve with large scale tree species providing separation from road frontage.~~

Figure 12. Artist impression of terrace housing in Parkside Residential demonstrating principles of casual surveillance over the street and modulation of building frontages.

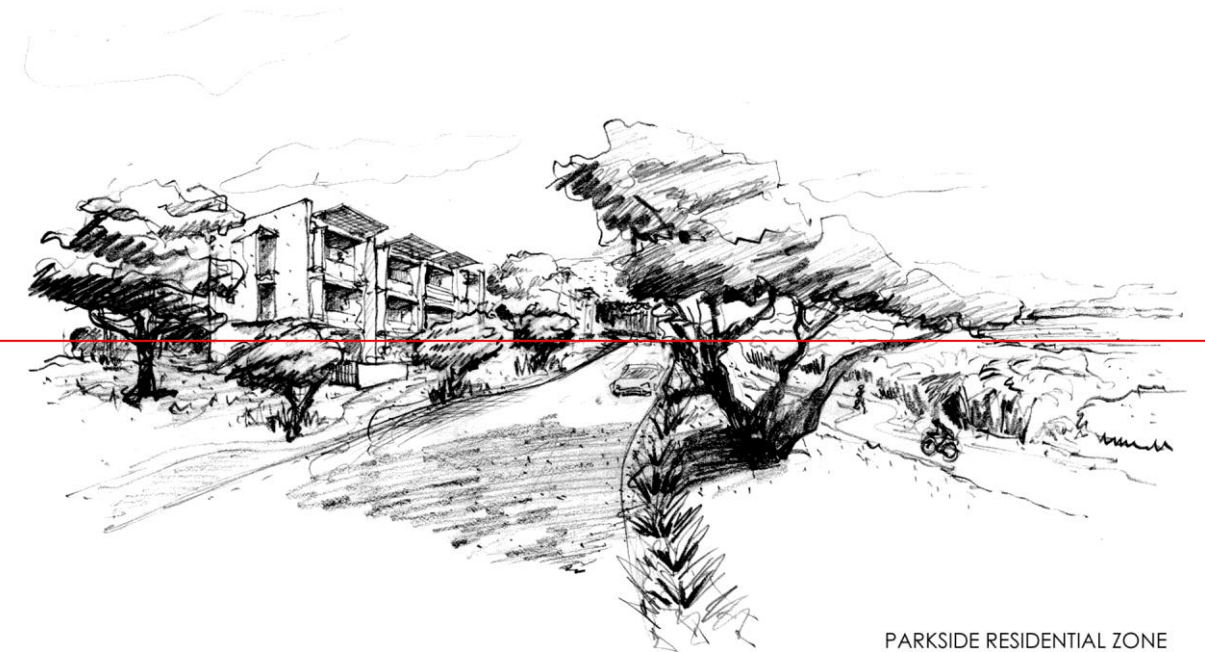


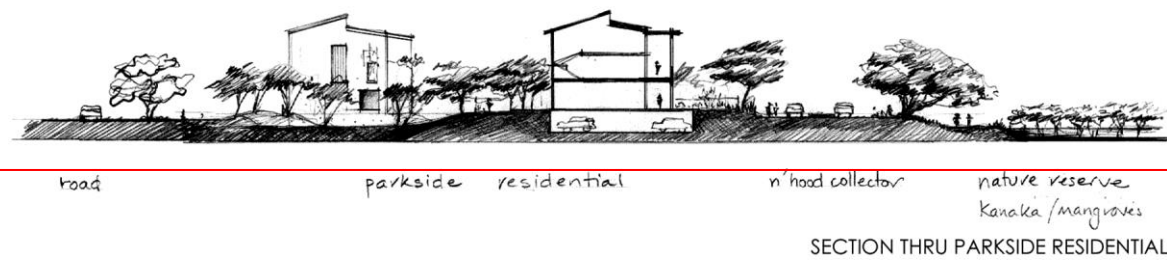
Figure 13. Artist impression of central parkland area with large specimen trees, pedestrian network and shared recreation facilities.



~~Figure 14. Artist impression – Birds eye view of northern Parkside Residential Sub-Zone demonstrating a range of housing types and a large central parkland area – Estuary Estates Structure Plan, Map 8.~~



~~Figure 15. Typical cross section of the Park Side Residential with parking incorporated into the buildings with below grade parking.~~



16.16.5 Rural Cluster Sub-Zone 5

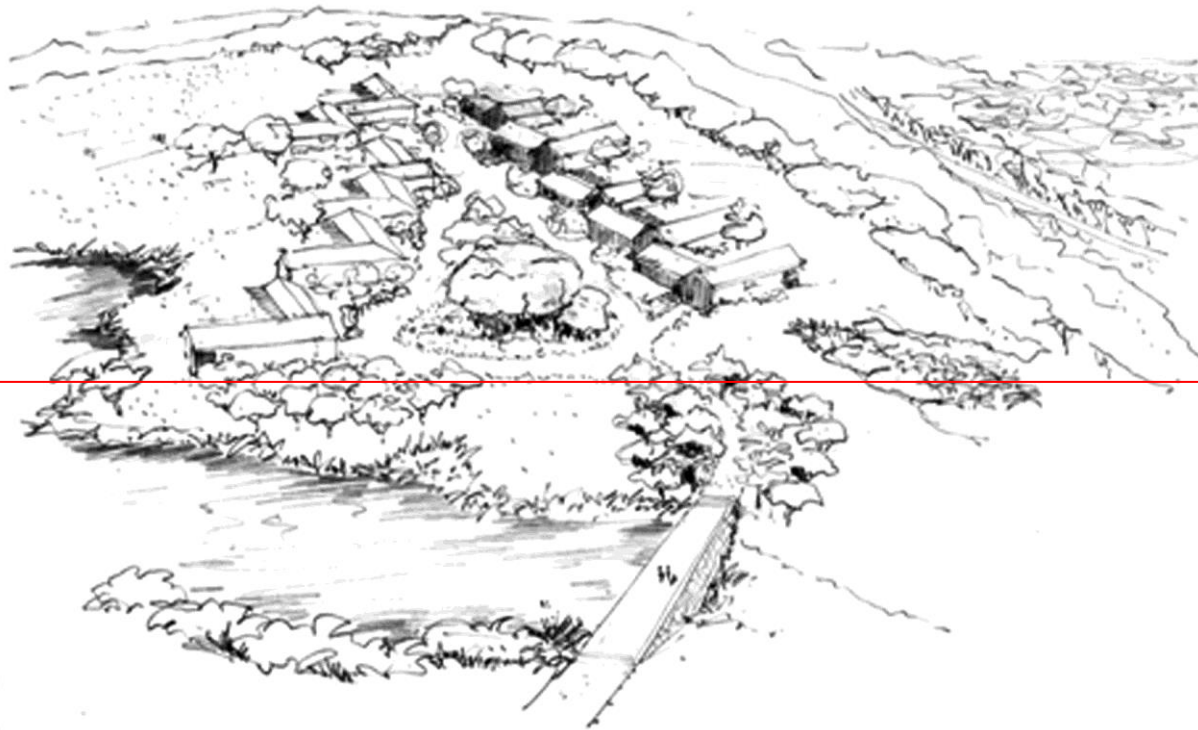
All development in the Rural Cluster Sub-Zone 5 should be designed, arranged and laid out to be consistent with the Maps 1-3, 11-12 and, Figures 16-19 herein, and in accordance with the following guidelines:

- ~~• The Green Network shown on Maps 10-13 should be implemented at the time of initial development so that it becomes functionally available as early as possible.~~
- ~~• All buildings should be located generally as shown on the Maps 11-12.~~
- ~~• The development should be sensitive to the existing and anticipated residential amenity values of the Sub-Zone.~~
- ~~• 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.~~
- ~~• Car parking and vehicle access areas should not dominate the appearance of the street and development.~~
- ~~• Extensive continuous building forms should be avoided. The visual impact of lengthy building forms should be relieved by setting parts of the building back and by the careful planting of specimen trees.~~
- ~~• The development should achieve an integrated design theme through consistency of façade treatments, including articulation, window and door proportions, design feature materials and colours. The development should also create visual character and variety through variation in building form and materials, and modulating the built form.~~
- ~~• The main living areas and outdoor space of each unit shall be designed to achieve an acceptable level of privacy and good sunlight access.~~
- ~~• Private open space should be located designed and screened to maximise privacy from other units.~~
- ~~• Native vegetation should be used as the prime plantings within the Road Network.~~
- ~~• A variety of house types and sizes should be created. These may include stand-alone, courtyard, duplex and terrace houses.~~
- ~~• Buildings should be modulated with bays and balconies to avoid uniformity of appearance.~~
- ~~• Buildings should be visually connected through the use of consistent forms, materials and colours.~~
- ~~• Outdoor living areas should provide quality landscaped spaces with adequate privacy and sunlight.~~
- ~~• Garages and/or parking space should not be located in the front of any residential buildings. Generally parking should be within or where feasible, under buildings and/or alternatively, to 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. Parking and/or vehicle manoeuvring areas must not conflict with the outdoor living areas required by the Estuary Estates Structure Plan provisions.~~
- ~~• Where there are multiple residential units in any proposal, parking can be provided through a combination of solutions including use of mutual rights of way for access (and manoeuvring) between buildings to rear or central site parking spaces (indoor, outdoor or underground).~~
- ~~• Communal parking areas are seen as a suitable design solution for example where residential units are to be held on Unit Title and the parking areas can be allocated as accessory units. A combination of internal and external parking spaces may be an appropriate solution in some residential developments as a means of fostering a varied built environment.~~
- ~~• Recessive, generally darker colours and low reflectivity finishes should be utilised.~~
- ~~• Access and car parking should generally be to the rear of buildings. Parking should generally be screened to views from roads, public walkways and private outdoor living areas.~~
- ~~• Houses may typically present rear walls to local vehicle access lanes~~
- ~~• Clusters of buildings in the development of Map 9 (Area A) may abut the lake edge with outdoor space oriented to the lake.~~

~~Figure 16. Artist impression of clustered courtyard housing with rear access lane.~~



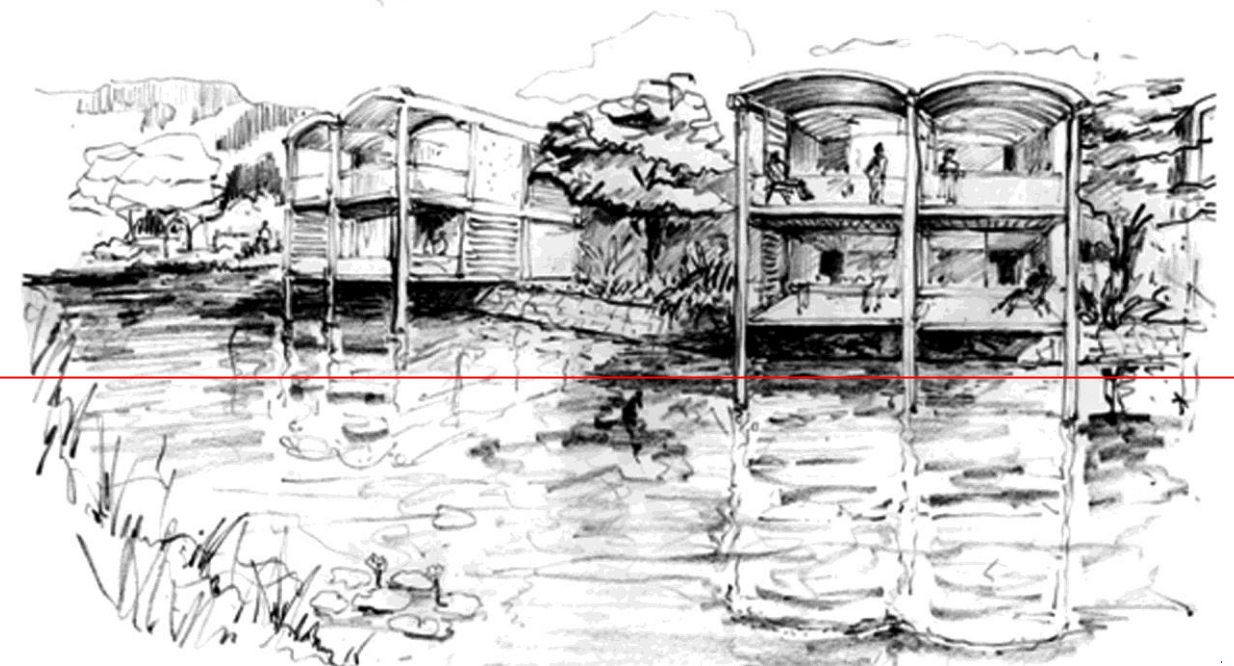
~~Figure 17. Artist impression – Birds eye view of clustered courtyard housing – Estuary Estates Structure Plan Map 9 (Area A).~~



~~Figure 18. Artist impression – Birds eye view of clustered housing adjacent to stormwater management area – Estuary Estates Structure Plan Map 9 (Area A).~~



~~Figure 19. Artist impression of clustered housing viewed from the stormwater management area – Estuary Estates Structure Plan Map 9 (Area A).~~



16.16.6 Rural Residential Sub-Zone 6

~~All development in the Rural Residential Sub-Zone 6 should be designed, arranged and laid out to be consistent with the Maps 1—3, 13-15 and in accordance with the following guidelines:~~

- ~~• The Green Network shown on Maps 13-15 should be implemented at the time of initial development so that it becomes functionally available as early as possible.~~
- ~~• Native revegetation planting should be used alongside road access, driveways and walkways.~~
- ~~• All buildings should be located within the Indicative Building Areas shown on the Maps 13-15.~~
- ~~• Recessive, generally dark colours and low reflectivity finishes should be utilised. Building forms should reflect a rural rather than urban idiom.~~
- ~~• Parking areas and access thereto should be constructed and planted so that they do not visually dominate any site.~~
- ~~• Buildings should be sited so that they reflect underlying landform and integrate into the landscape. Accessory buildings should be located to achieve a cohesive building bulk on any site.~~
- ~~• Access ways should be designed to follow contours where possible.~~

The following figures illustrate indicative outcomes for the roading network/streetscapes within the Estuary Estates Structure Plan Area and for any proposals should be considered in conjunction with the Design guidelines set out in the preceding text.

Figure 20. Road Type R1 Option A – Kaipara District Council Residential Collector

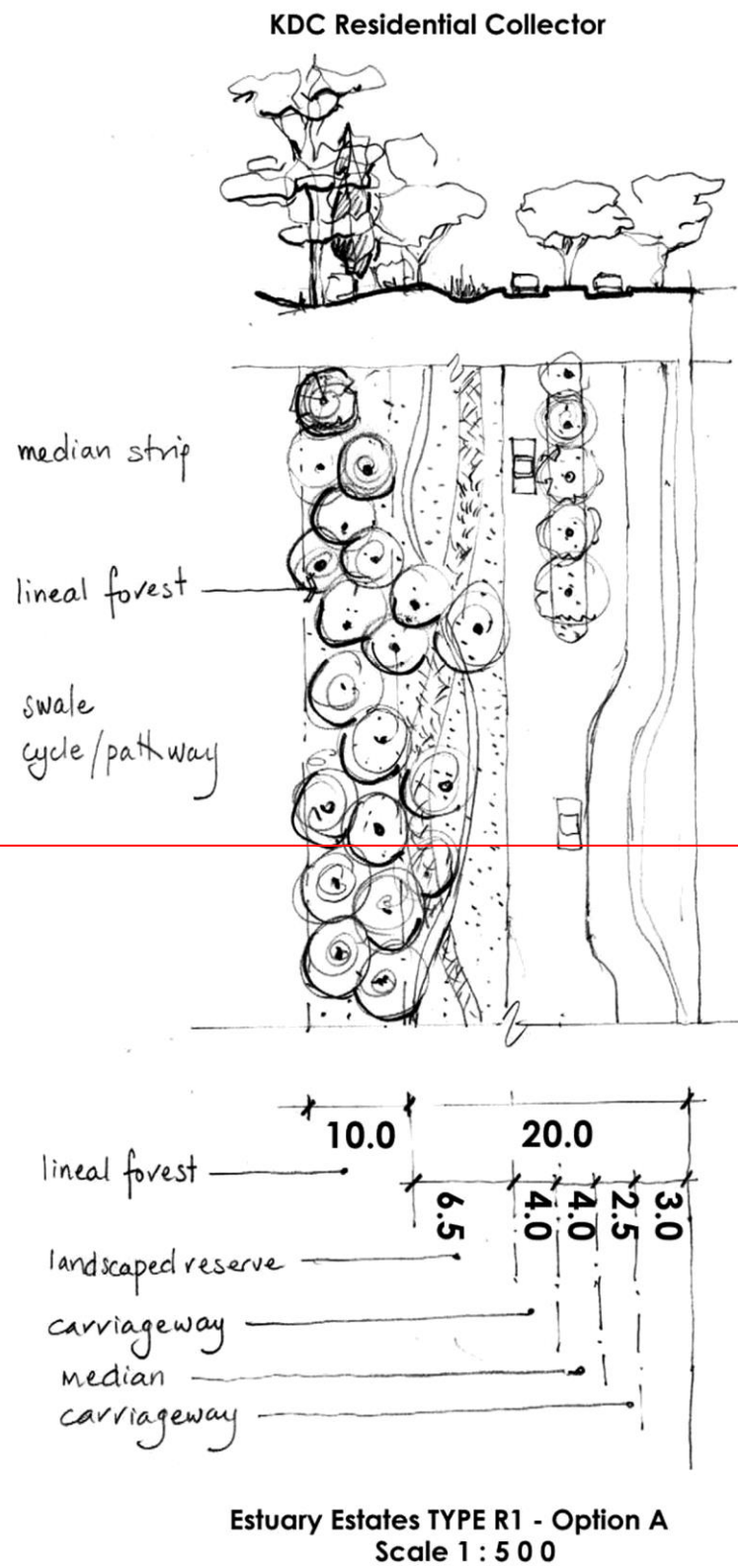


Figure 21. Road Type R1 Option B – Kaipara District Council Residential Collector

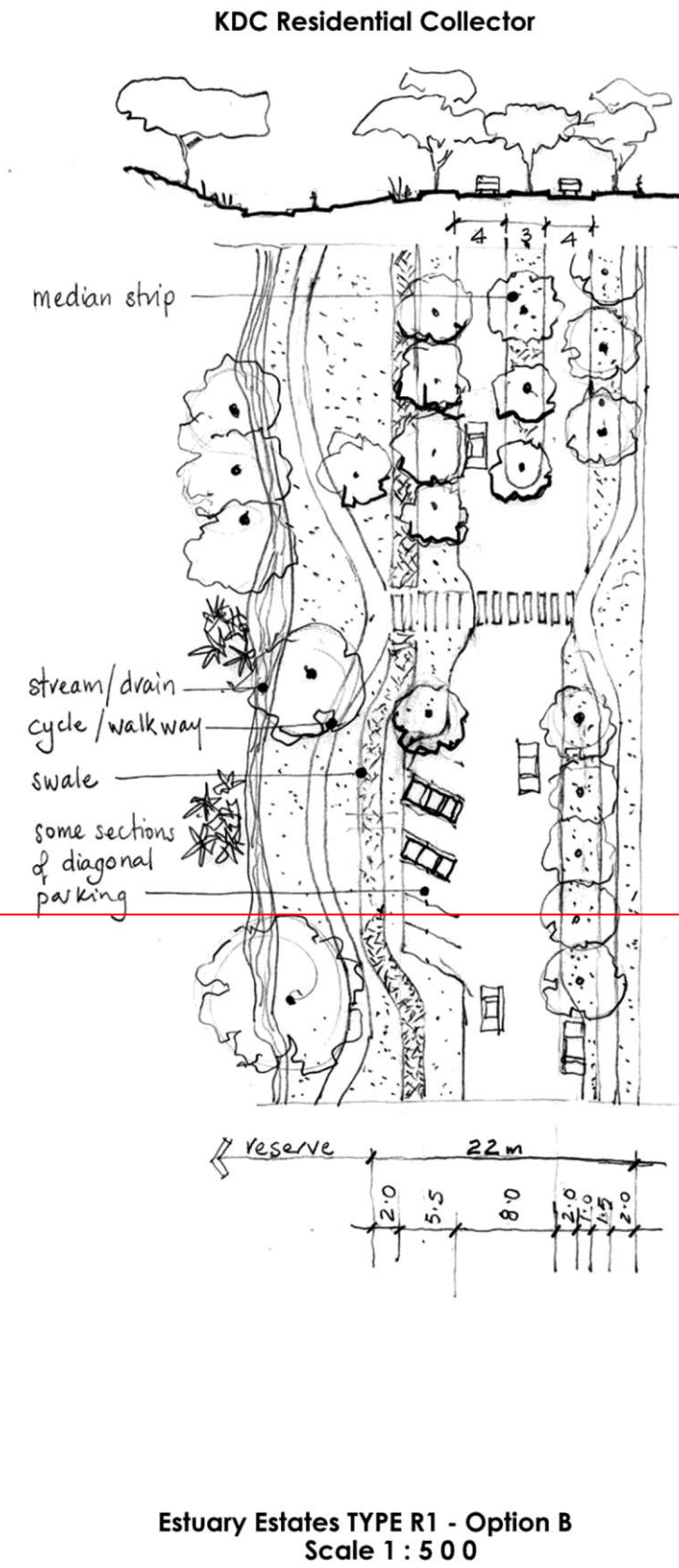
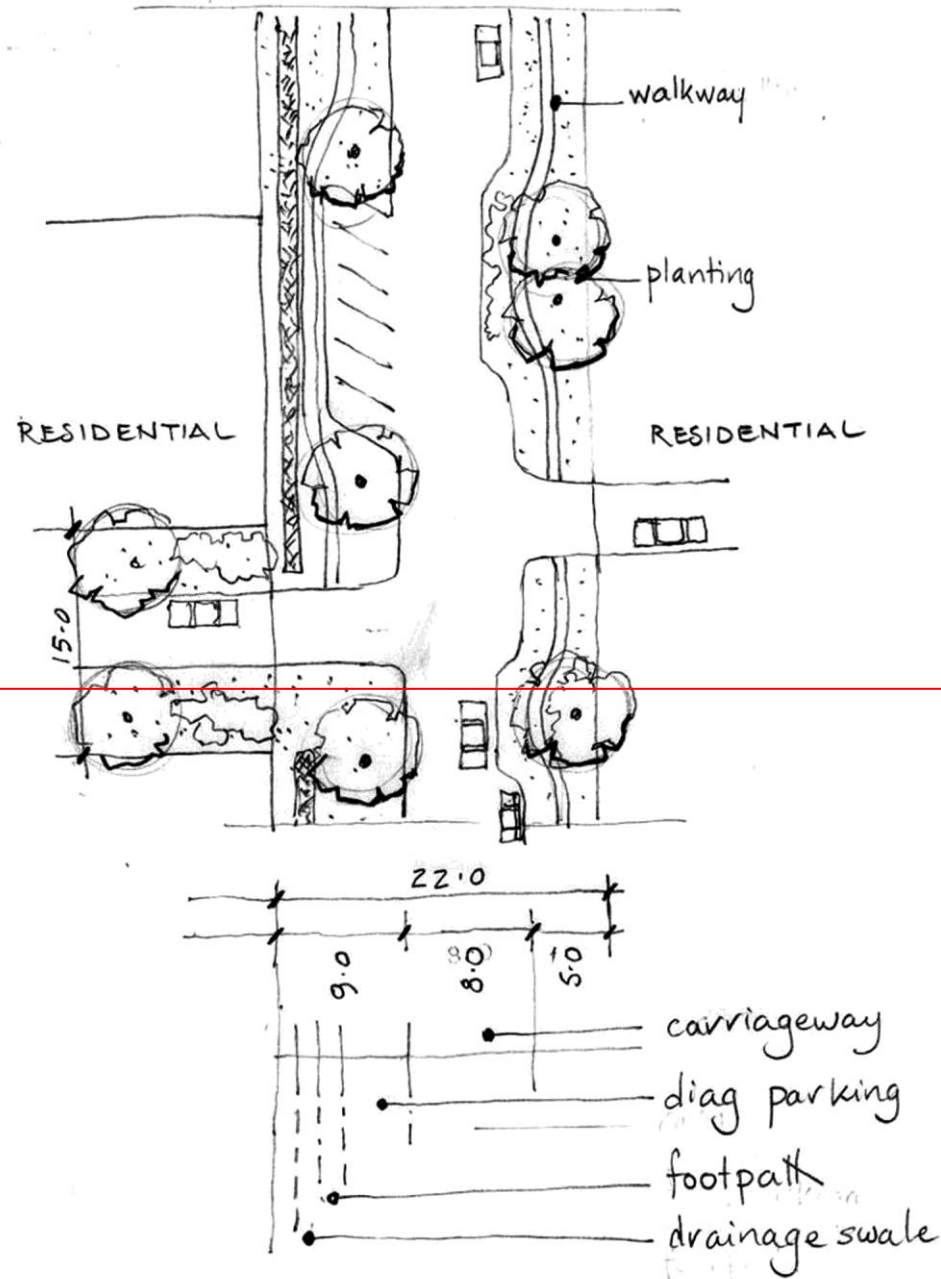


Figure 22. Road Type R2 – Kaipara District Council Residential Sub-Collector

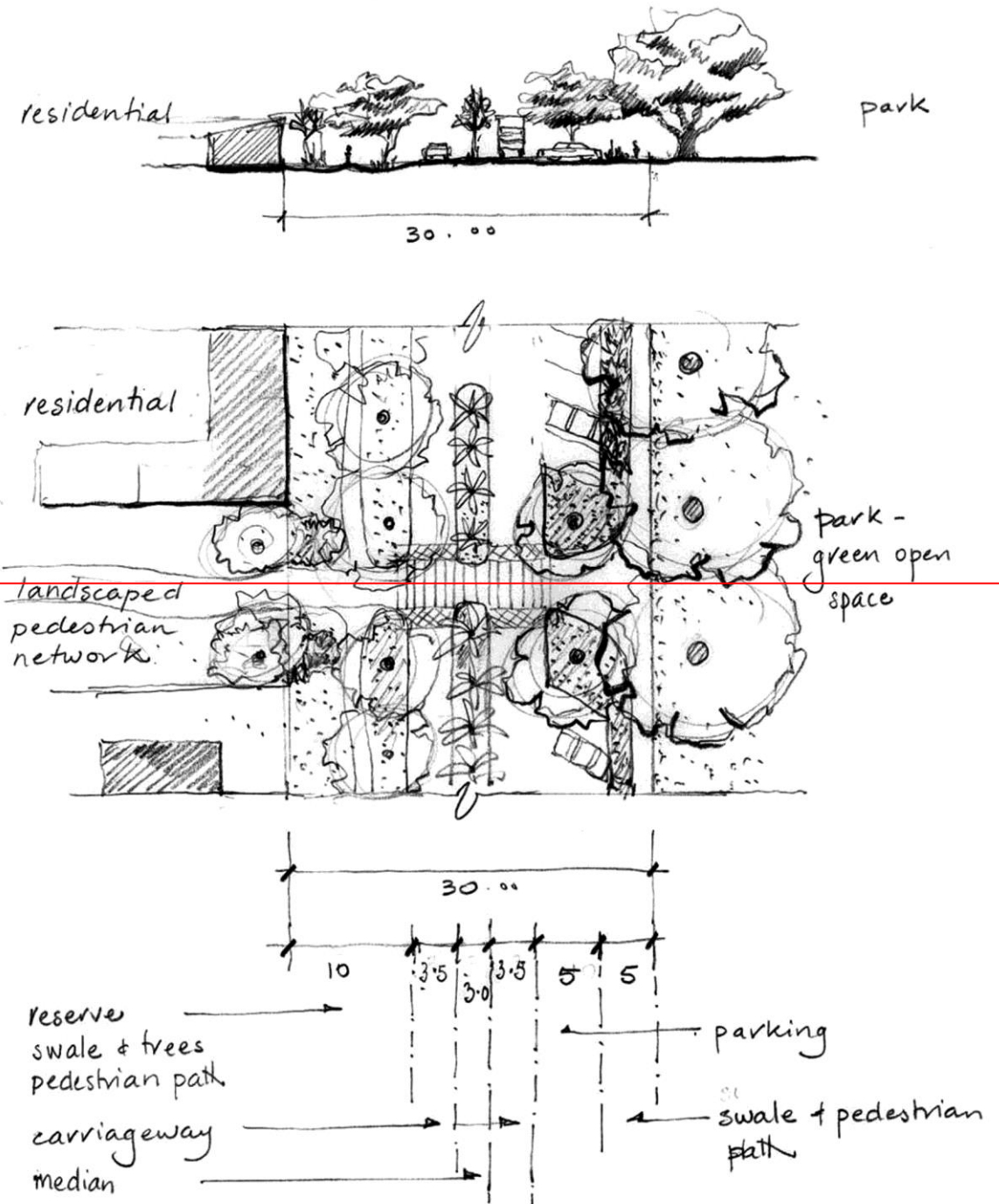
KDC Residential Sub-Collector



Estuary Estates TYPE R2
1:500

Figure 23. Road Type R3 – Kaipara District Council Residential Sub-Collector

KDC Residential Sub-Collector



Estuary Estates TYPE R3
1:500

Figure 24. Road Type C1 – Kaipara District Council Industrial Sub-Collector

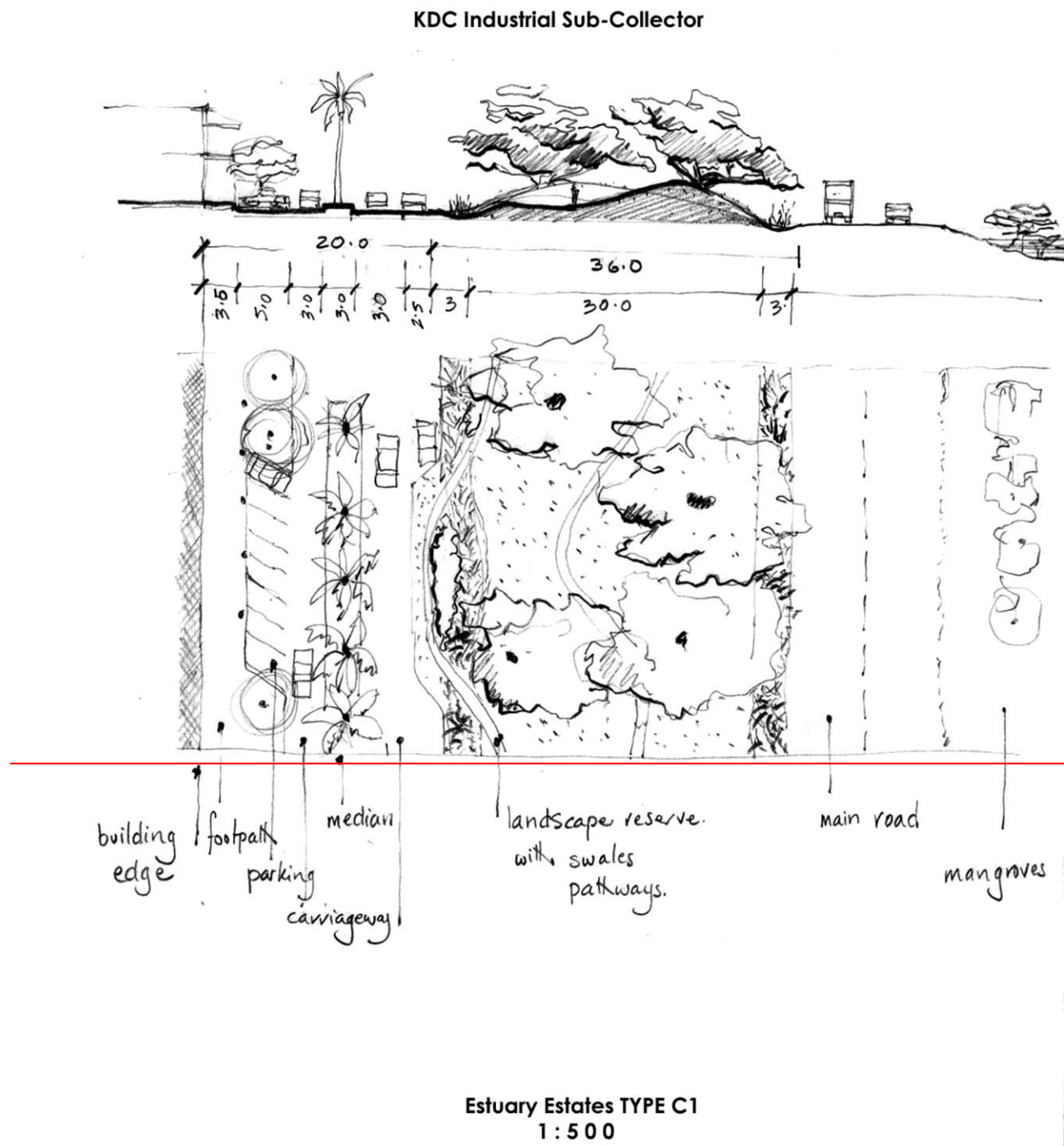


Figure 25. Road Type C2 – Kaipara District Council Industrial Sub-Collector

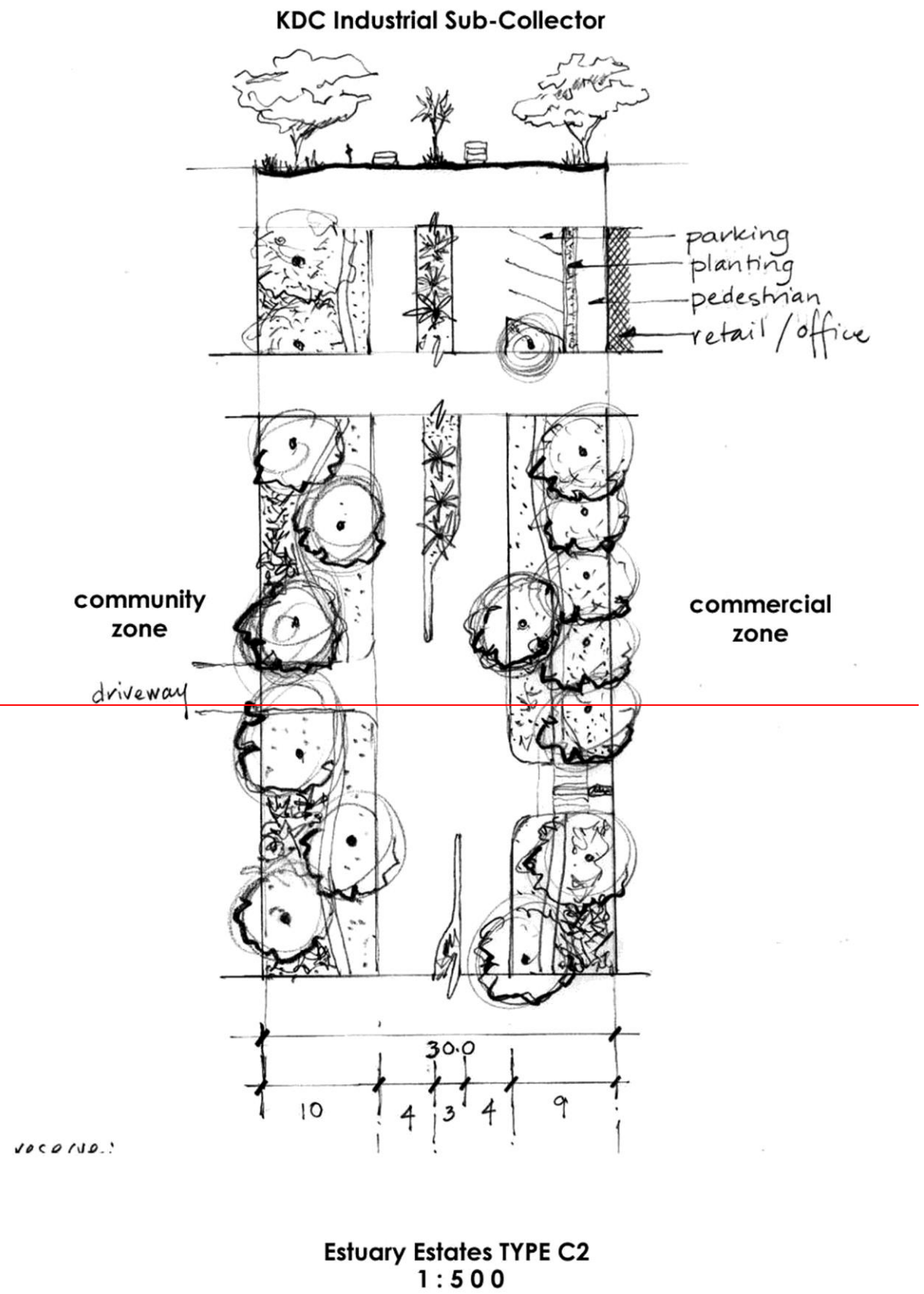
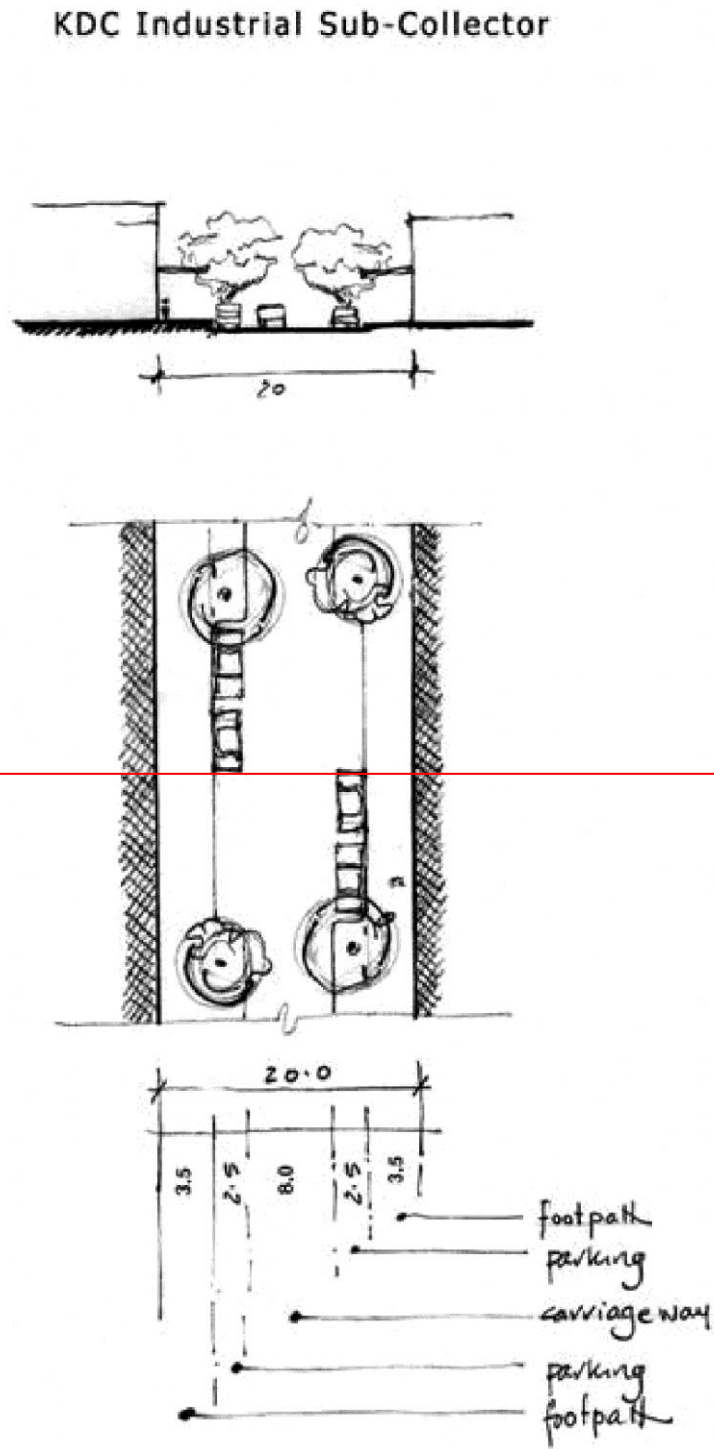


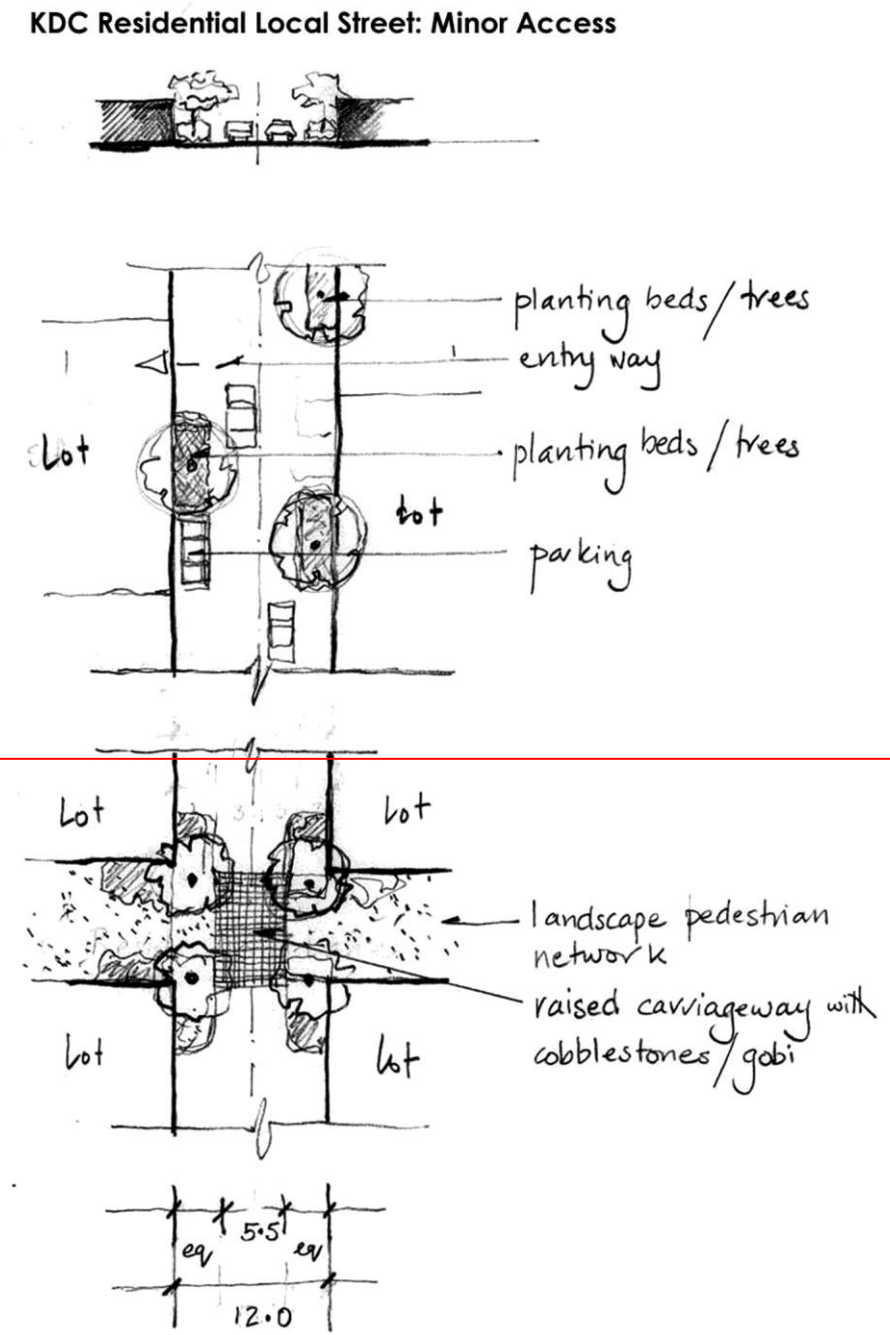
Figure 26. Road Type C3 – Kaipara District Council Industrial Sub-Collector



Estuary Estates: TYPE C3

Scale 1:500

Figure 27. Road Type R4 – Kaipara District Council Local Street Minor Access

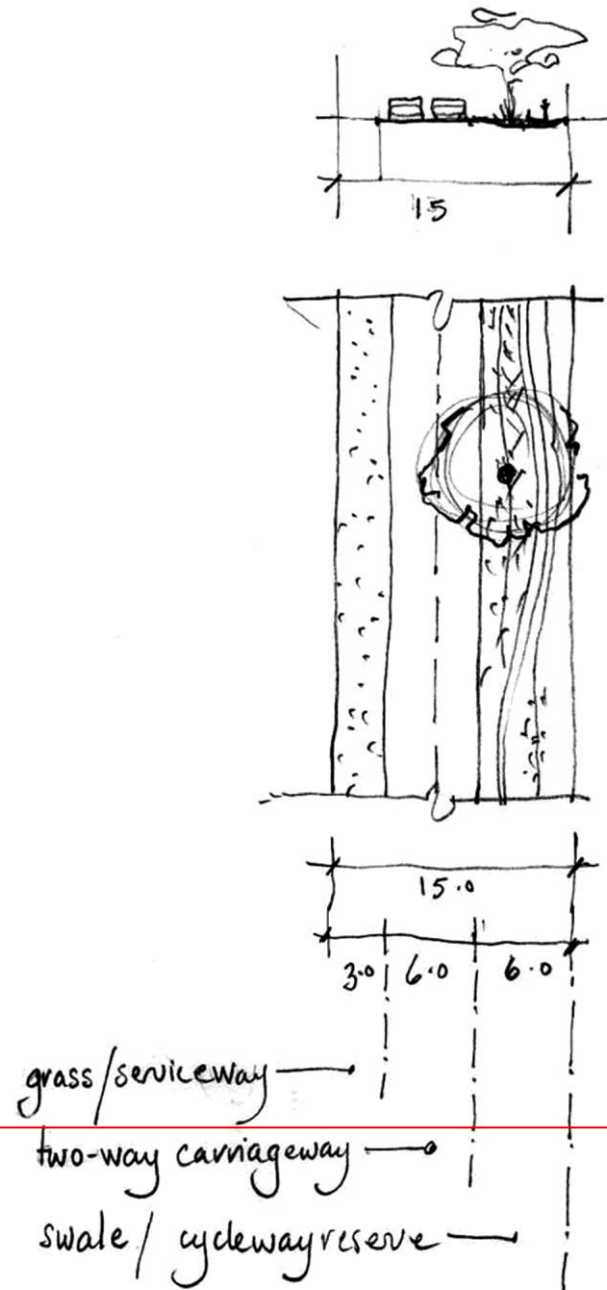


Estuary Estates TYPE R4

1:500

~~Figure 28. Road Type C2 – Kaipara District Council Industrial Sub-Collector~~

KDC Rural Road (Type B)



Estuary Estates TYPE R6
1 : 5 0 0

16 Estuary Estates

16.1 General Description

16.1.1 Description Of The Estuary Estates Structure Plan

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

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

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

16.1.3 [DELETED]

16.1.4 Description of the Estuary Estates Structure Plan Provisions

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

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

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

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

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

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

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

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

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

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

Estuary Estates Design and Environmental Guidelines (Appendix 16.1)

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

16.1.5 [DELETED]

16.1.6 District Plan Wide Provisions

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

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

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

- Austroads Guide to Traffic Engineering Practice;
- Austroads Urban Road Design;
- NZS 4404:2010 Land Development and Subdivision Engineering.

16.2 [DELETED]

16.2.1 [DELETED]

16.2.2 [DELETED]

16.2.3 [DELETED]

16.2.4 [DELETED]

16.2.5 [DELETED]

16.2.6 [DELETED]

16.2.7 [DELETED]

16.2.8 [DELETED]

16.2.9 [DELETED]

16.2.10 [DELETED]

16.3 Objectives and Policies

16.3.1 Natural Environment Objective

To conserve, protect and enhance the landscape, and ecological resources associated with wetlands, streams 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) Enabling land vested in Council for reserve purposes to be development and utilised for its vested purpose.

16.3.2 Amenity Objective

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

16.3.2.1 Policies

- 1) [DELETED]
- 2) By implementing the structure plan, development and subdivision controls, assessment criteria and Estuary Estates Design and Environmental Guidelines to achieve an integrated high quality, built environment with a strong pedestrian focus associated with buildings fronting on to and having a clear relationship with the street to provide amenity and passive surveillance with architectural forms compatible with the coastal, small town character of Mangawhai.
- 3) [DELETED]

- 4) By implementing the Development Controls to ensure the amenity values of the Estuary Estates Structure Plan area are maintained and enhanced.
- 5) **[DELETED]**
- 6) **[DELETED]**
- 7) To ensure that roads are developed as high quality public spaces by incorporating amenity features as such as tree planting.
- 8) By managing the density of development within the residential sub-zones so as to reduce landscape and visual effects.
- 9) By providing for a walkway network associated with the roading network and where practicable through green corridors.

16.3.3 **[DELETED]**

16.3.3.1 **[DELETED]**

16.3.4 **Business and Service Objectives**

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

16.3.4.1 **Policies**

- 1) By providing specific Sub-Zones to enable business and service activities to provide for social, cultural and economic wellbeing and to manage the effects of such activities upon amenity values and the environment.
- 2) By using specific development and subdivision controls and the Estuary Estates Design and Environmental Guidelines to ensure development within the Business 1 Sub-Zone achieves an integrated high quality built environment with a strong pedestrian focus, and a high quality streetscape.
- 3) **[DELETED]**
- 4) **[DELETED]**
- 5) By providing for servicing and manufacturing opportunities in Service Sub-Zone 7 that require large-land areas.
- 6) By providing for residential activities within the Business 1 Sub-Zone; where adverse effects on residential amenity from business activities or buildings can be avoided, remedied or mitigated.
- 7) **[DELETED]**
- 8) **[RELOCATED FROM 16.6.1.2]** By using a comprehensive Development Control approach and applying environmental and design provisions to achieve an attractive and locally identifiable built form commensurate with the town centre's 'gateway character'.
- 9) **[RELOCATED FROM 16.6.1.2]** By ensuring that development achieves a quality built environment where bulk unrelieved building facades do not occur along road frontages and the design of buildings, open space and parking areas enables a lively streetscape, with safe and convenient pedestrian connectivity.
- 10) **[RELOCATED AND AMENDED FROM 16.6.7.2]** In Service Sub Zone 7, by ensuring a reasonable level of on-site amenity and streetscape is achieved by implementing the Development Controls.

16.3.5 **[DELETED]**

16.3.5.1 **[DELETED]**

16.3.6 **Residential Objective**

To provide for a diverse range of residential living opportunities and to promote residential intensification in proximity to the village.

16.3.6.1 **Policies**

- 1) By enabling a range of Sub-Zones to provide for diverse housing to support the village and to accommodate growth within Mangawhai.
- 2) By ensuring that the type and intensity of residential activity in each Sub-Zone occurs at a level that will not result on significant adverse landscape or visual effects on the environment.
- 3) By ensuring a high level of on-site residential amenity is provided together with the appropriate maintenance of amenity to neighbouring sites and the streetscape.

- 4) By ensuring that the outdoor living needs can be met through the use of courtyards, communal areas and balconies.
- 5) By ensuring a high quality of built environment is developed which relates positively to the street, neighbouring properties and open spaces.
- 6) By encouraging integrated residential development in proximity to the village 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 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.
- 6) By ensuring that the roading network can be efficiently used by emergency services at all times.
- 1) **[DELETED]**
- 2) **[DELETED]**
- 3) By ensuring a landscaped design approach for new roads.
- 4) By discouraging traffic generating activities in sub zones where they would have significant adverse effects.
- 5) By implementing Standards that ensure vehicle access points are safe and efficient.

16.3.9 **Utilities, Services and Infrastructure Objective**

To ensure the provision of 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

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.
- 2) By ensuring that all subdivisions are able to be properly serviced and can adequately avoid, remedy, mitigate or appropriately manage the effects of natural hazards.
- 3) By ensuring subdivision implements the features of the structure plan
- 4) By ensuring subdivision density and lot sizes respond to the site's characteristics and avoid significant landscape and visual effects
- 5) By ensuring subdivision establishes the roads illustrated on the structure plan, and establishes a well connected local roading network
- 6) By ensuring subdivision upgrades the Molesworth Drive frontage
- 7) By ensuring subdivision establishes the open spaces, and walking and cycle network illustrated on the structure plan
- 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 village 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 detraction 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. Ongoing protection measures for these features are expected to from part of subdivision applications (i.e. whether they are vested in Council or held in private ownership).

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

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 and other structures (e.g fences, and decks less than 1m) not meeting the definition of a building	P			
[DELETED]				
Demolition of an existing building	P			
Education Facility (other than childcare centres provided for above)	D			
Home occupation	P			
Homestay accommodation	P			
Integrated Residential Development within the Integrated Residential Development Overlay on the Estuary Estates Structure Plan	RD			
Integrated Residential Development outside the Integrated Residential Development Overlay on the Estuary Estates Structure Plan	3A-3B – D 3C-3D - NC			
[DELETED]				
Any non-compliance with any of the Development Controls set out in Section 16.8 other than density limits specified in Rule 16.8.2.2	RD			
Residential unit(s) for residential purposes within the density limits specified in Rule 16.8.2.2	P			
Retirement facility	RD			
Visitor accommodation, including hotels, tourist houses and camping grounds	RD			
[DELETED]				

Table 16.7.1-2 - Business and Service Sub-Zones

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

Table 16.7.1-3 Sub-Zone 8

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

16.7.2 Notification Requirements

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

16.7.2.1 [DELETED]

16.7.2.2 [DELETED]

16.7.2.3 [DELETED]

16.7.2.4 [DELETED]

16.7.2.5 [DELETED]

16.7.3 [DELETED]

16.7.3.1 [DELETED]

16.7.3.2 [DELETED]

16.7.4 Assessment Criteria for Restricted Discretionary Activities

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

- a) Building design, external appearance and amenity;
- b) Traffic generation;
- c) Parking;
- d) Access;
- e) Infrastructure;
- f) Noise;
- g) Natural environment;
- h) Outdoor activities;
- i) Artificial lighting;
- j) Compliance with Development Controls;
- k) Intensity and scale;
- l) Sustainable building design.

Table 16.7.4-1 Restricted Discretionary Activities

Restricted Discretionary Activities	Particular Matters											
	a	b	c	d	e	f	g	h	i	j	k	l
Any non-compliance with a Development Control										j		
Conference and event centre		b	c	d	e	f			i		k	l
Construction of any new building, including external additions and alterations to an existing building	a		c	d	e		g		i			l
Entertainment facility		b	c	d	e	f	g		i		k	l
Education facility	a	b	c	d	e	f	g	h	i		k	l
Integrated Residential Development	a	b	c	d	e	f	g	h	i		k	l
[DELETED]												
Recreational facility		b	c	d	e	f	g	h	i		k	l
Rest home and retirement village	a	b	c	d	e	f	g	h	i		k	l
Restaurant or tavern		b	c	d	e	f		h	i		k	
Service station		b	c	d	e	f	g	h	i			
Visitor accommodation	a	b	c	d	e	f	g	h	i		k	l

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.

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. 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.

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. Whether the proposal utilises low impact stormwater design solutions

f) Noise

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

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

g) Natural Environment

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

h) Outdoor Activities

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

i) Artificial Lighting

And whether:

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

j) Compliance with Development Controls

- i. **[RELOCATED FROM 16.7.6 B)]** For any activity which does not comply with one or more of the

Development Controls the Council shall also have regard to any unusual circumstances, including, but not limited to, the following:

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

ii. Any non-compliance with any development control will also be assessed utilising the relevant matters listed in:

- Chapter 13 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D
- Chapter 14 for the applicable or equivalent standards for land zoned Sub-Zones 1 and 7.

k) Intensity and Scale

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

l) Sustainable Building Design

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

m) [DELETED]

16.7.5 [DELETED]

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

Dwellings shall have a minimum floor level of 3m above mean sea level.

16.8.2.2 Residential Density

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

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
1			
[DELETED]			
3A-C	2m*	1m*	6m
3D	5m	1m	6m
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

* exception as below

- b) Table 16.8.1-1 controls do not apply in the following circumstances:
- where buildings abut a common boundary or have a common wall.
- c) In the Residential Sub Zones 3A-C any garage must be set back a minimum of 5m from the front boundary of the site.
- d) In addition to Table 16.8.2-1 above, the following shall also apply in the Sub-Zone 7:
- Any yard adjoining a residential zone shall be 20m and contain a 15m width landscape strip
 - Front yards shall contain a 2.5m wide landscape strip (excluding any area for vehicle or pedestrian access/egress)
 - 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:
- 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).
 - 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

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

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

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

16.8.2.6 [DELETED]

16.8.2.7 [DELETED]

16.8.2.8 Building Coverage

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

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

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

16.8.2.9 Maximum Impermeable Surfaces

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

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

16.8.2.10 Outdoor Living Areas /Screening

- a) Every residential unit in Business 1 Sub-Zone shall be provided with an outdoor living area as follows:
 - i. A balcony or terrace with a minimum area of 10m² with a minimum depth of 2m which is readily accessible from the main living room.
- b) Every residential unit in Residential 3A-D Sub-Zones shall be provided with an outdoor living area with dimensions as follows (except that residential units above ground level shall comply with clause (c) below):
 - i. Shall have a minimum area of 60m²OR
Integrated Residential Development or Retirement Villages shall have a minimum area of 40m²
AND
 - ii. Shall contain a minimum dimension of 3m measured at right angles to the perimeter of the area; and
 - iii. Must be capable of containing a 6m diameter circle; and
 - iv. Shall not be located on the southern side of the residential unit; and
 - v. Shall be readily accessible from a the main living area; and
 - vi. Shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas, other than an outdoor swimming pool; and

- vii. Residential units above the ground floor shall 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 residential unit; and

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

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

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

16.8.2.11 Earthworks

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

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

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

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

16.8.2.12 General Noise

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

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

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

- i. Noise received in all habitable rooms shall not exceed 45 dBA L₁₀ between 23:00 hours and 07:00 hours with ventilating windows open; and
- ii. An Acoustic Design Report shall be obtained from a suitably qualified Acoustic Engineer confirming that the building will be constructed to meet the above requirement.

16.8.2.13 Verandah Control

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

16.8.3 Water Supply and Wastewater Supply

The following Rules shall apply as follows:

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

16.8.4 Hazardous Substances

The following Rules shall apply as follows:

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

16.8.5 Temporary Noise

The following Rules shall apply as follows:

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

16.8.6 Wind Generation: Noise

The following Rules shall apply as follows:

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

16.8.7 Vibration

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.17

[DELETED]	
3	13.10.17
[DELETED]	
[DELETED]	
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

16.9 Transportation Provisions

16.9.1 [DELETED]

16.9.2 [DELETED]

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

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

16.9.3 Rules: Activities

16.9.3.1 Permitted Activities

The following transportation activities shall be Permitted Activities:

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

16.9.3.2 Restricted Discretionary Activities

The following are Restricted Discretionary Activities:

- a) An activity that does not comply with the access way, parking and loading Standards of Rule 16.9.4.
- b) Any activity providing for more than 100 car parks.
- c) The creation of a new road (including associated street lighting, furniture etc) and any road location not meeting standard 16.9.4.1

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_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) 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.
- d) [DELETED]
- e) [DELETED]
- f) 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 for the applicable or equivalent Residential standards for land zoned Sub-Zones 3A-D
 - Chapter 14 for the applicable or equivalent standards for land zoned Sub-Zones 1 and 7.

16.9.4 Rules: Permitted Activity Standards

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

16.9.4.1 Roads

1 Road Hierarchy

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

16.9.4.2 Vehicle Access and Driveways

The following Rules shall apply as follows:

Sub-Zone	Performance Standard
1	14.10.25
[DELETED]	
3	13.10.25
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.25

16.9.4.3 Parking

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

Sub-Zone	Performance Standard
1	14.10.27
[DELETED]	
3	13.10.27
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.27

16.9.4.4 Loading

The following Rules shall apply as follows:

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

16.9.4.5 Signs

The following Rules shall apply as follows:

Sub-Zone	Performance Standards
1	14.10.24
[DELETED]	
3	13.10.24
[DELETED]	
[DELETED]	
[DELETED]	
7	14.10.24

16.10 Subdivision Provisions

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

16.10.1 [DELETED]

16.10.2 [DELETED]

16.10.3 [DELETED]

16.10.3.1 [DELETED]

16.10.3.2 [DELETED]

16.10.4 Rules: Activities

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

16.10.4.1 [DELETED]

16.10.4.2 [DELETED]

16.10.4.3 [DELETED]

16.10.4.4 [DELETED]

16.10.4.5 [DELETED]

16.10.4.6 [DELETED]

16.10.5 Subdivision Activity Table

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

For the purpose of this table:

P = Permitted Activity

D = Discretionary Activity

C = Controlled Activity

NC= Non-Complying Activity

RD= Restricted Discretionary Activity

Table 16.10.5-1

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

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

16.10.6 [DELETED]

16.10.6.1 [DELETED]

16.10.7 [DELETED]

16.10.7.1 [DELETED]

16.10.7.2 [DELETED]

16.10.8 Restricted Discretionary Activities

16.10.8.1 Matters Over Which Discretion is Restricted

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

- a) Subdivision and Lot design;
- b) Consistency with the Estuary Estates Structure Plan Map;
- c) Roading and vehicle access to lots;
- d) Water supply;
- e) Stormwater treatment and disposal;
- f) Public utilities;
- g) Planting and landscaping.
- h) Ecological effects;
- i) Pedestrian connectivity and open space;

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
- 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.
- f) The nature of the connection to Council's reticulated wastewater system.
- g) Where any existing or approved buildings are to be subdivided, the effects of the proposal in regard to meeting relevant Development Control Standards.
- h) Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.
- i) Where any subdivision adjoins an area identified as "amenity planting" on the Structure Plan, whether the details of the planting have been 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 and detail of any obligations for lot owners to construction and maintain such devices.

16.10.9 [DELETED]

16.10.9.1 [DELETED]

16.10.10 Development Controls

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

16.10.10.1 Lot Sizes

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

Sub-Zone		Minimum Vacant Freehold Lot Size
1		500m ²
[DELETED]		
[DELETED]		
[DELETED]		
3	A	350m ²
	B	500m ²
	C	700m ²
	D	1000m ²
[DELETED]		
[DELETED]		
[DELETED]		
7		1000m ²

16.10.10.2 Building Platform Locations

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

16.10.10.3 Boundary Adjustments

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

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

16.10.10.4 Subdivision Design

1 Roads and Access

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

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

2 [DELETED]

3 Services

The following Rules shall apply as follows:

Sub-Zone	Provision for the Extension of Services	Water Supply	Stormwater Disposal	Wastewater Disposal
1	14.13.3	14.13.4	14.13.5	14.13.6
[DELETED]				
3	13.14.3	13.14.4	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.

16.12 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.

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

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

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

16.15.3 [DELETED]

16.15.2.1 Residential Lot Layout

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

16.16 Sub-Zone Specific Guidelines

16.16.1 Business Sub-Zone 1

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

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

16.17 [DELETED]

16.17.1 Integrated Residential Development - Residential Sub-Zone

All integrated residential development 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 so that they overlook the public street ~~or the Green Network~~.
- Where a common pedestrian entrance is provided to a building comprising a number of units, the entrance should be clearly visible and accessible from a public street.
- Fences and boundary walls (or hedges) facing the public street ~~or Green Network~~ should not exceed 1.2m in height so as to enable people in the development to see out to the street from ground floor habitable rooms.
- The development should achieve an integrated design theme through consistency of façade treatments, including articulation, window and door proportions, design feature materials and colours. The development should also create visual character and variety through variation in building form and materials, and modulating the built form.
- The main living areas and outdoor space of each unit shall be designed to achieve ~~an acceptable level of~~ privacy and good sunlight access. Preferably, outdoor living space is located behind the dwelling unit (except when the allotment and unit face north)
- A variety of house types and size should be created. These may include detached houses, apartment buildings, duplex houses, and terraced housing.
- Buildings should be modulated with bays and balconies to avoid uniformity of appearance.
- Residential buildings should be located at the front of sites overlooking the street.
- Car parking and vehicle access areas should not dominate the street and the appearance of the development. Where an allotment frontage width is less than 9m, a rear access lane should be used
- Garages and parking for all residential units should be set further back from the street than the front of any residential building or alternatively, within or at the rear of residential units to maintain safe and easy pedestrian access into any residential unit. Parking should be sufficient (as required by the Plan provisions) to avoid householders vehicles needing to be parked on the street.

16.17.2 [DELETED]

16.17.3 [DELETED]

16.17.4 [DELETED]