

**DEV1 Mangawhai Hills Development Area**

Applicant recommended amendments following rebuttal shown in blue, bold and underlined text.

Council further recommended changes shown in red underlined

**DEV1 Description**

The Mangawhai Hills Development Area provides a unique opportunity for high quality residential development in a sustainable environment and a natural landscape, framed by indigenous vegetation, wetlands and water systems. The Development Area contributes to Mangawhai’s enhancement of ecological and landscape values through environmentally conscious and innovative design techniques.

The Mangawhai Hills Development Area creates a strong edge transition from ~~to~~ residential development to the rural edge of within Mangawhai, and enhances community benefits and recreational opportunities through the provision of community facilities, access to public open space, nature trails and shared amenities and network connectivity, benefiting Mangawhai and the wider Kaipara District. The Development Area strengthens multi-modal transportation, ecological and hydrological connections between Cove Road and Mangawhai Village.

The extent and form of topography strongly influences street alignments, housing typologies and the types of and quantum of open spaces and conservation areas. The built form enabled within the Development Area requires sensitive design to enable a sympathetic transition between the site and the existing built and natural environment in Mangawhai.

The Mangawhai Hills Structure Plan (see **Appendix 1**) has been prepared to illustrate intended spatial outcomes and to reflect the comprehensive design statement analysis for the Mangawhai Hills Development Area. This informs the spatial pattern of land use and subdivision within the Development Area.

**DEV1 Objectives**

<b>DEV1-01</b>	<b>Mangawhai Hills Development Area</b>
Sustainable <u>and environmentally conscious</u> residential living opportunities are provided for in the Mangawhai Hills Development Area whilst ecological, landscape, amenity, servicing and transportation effects are managed.	
<b>DEV1-02</b>	<b>Amenity</b>
Subdivision and development are comprehensively designed, and promote high quality urban design <u>and open space networks</u> that responds positively to the local context and outcomes anticipated with a large lot residential housing density.	
<b>DEV1-03</b>	<b>Transportation <u>and Connectivity</u></b>
Provide a connected, legible and safe multi-modal transport network <u>in the Mangawhai Hills Development Area.</u>	
<b>DEV1-04</b>	<b>Indigenous Biodiversity</b>
Identify, protect and promote the restoration and enhancement of indigenous biodiversity within the Mangawhai Hills Development Area.	
<b>DEV1-05</b>	<b>Freshwater Management</b>
Subdivision and development are undertaken in a manner that adopts an integrated approach to the effects of land use and development on freshwater values.	
<b>DEV1-06</b>	<b>Non-residential activities</b>

**Commented [MM1]:** Over writing as raised by Commissioner Hill

**Commented [MM2]:** Deletion widens the consideration to beyond the MHDA.

**Commented [MM3]:** Over writing.

**Commented [MM4]:** Over writing

**Commented [MM5]:** In response to Commissioner Hill.

**Commented [MM6]:** Widens the objective to beyond the MHDA.

Non-residential activities are compatible with the character and amenity of the Mangawhai Hills Development Area, and do not have any significant adverse effects on the role and function of commercial zones in Mangawhai.

#### DEV1 Policies

DEV1-P1	Built Development
<p>To provide for and enable comprehensively designed built development which:</p> <ol style="list-style-type: none"> <li>1. Identifies building platforms that respond to site topography and environmental characteristics.</li> <li>2. For residential development, achieve a large lot residential density and pattern of development.</li> <li>3. Takes into account mana whenua values.</li> <li>4. Maintains a sense of spaciousness between built form.</li> <li>5. Maintains the dominance of the natural environment (such as landscape values, natural wetlands, intermittent and permanent streams, and indigenous vegetation) over the built environment.</li> <li>6. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.</li> <li>7. Provides a scale and form of built development that achieves an appropriate standard of residential amenity and design.</li> <li>8. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts.</li> </ol>	
DEV1-P2	Transportation and Connectivity
<p>Require subdivision and development to achieve a connected, legible and safe multi-modal transport network in the Mangawhai Hills Development Area by:</p> <ol style="list-style-type: none"> <li>1. Implementing the primary and secondary road network consistent with the Mangawhai Hills Structure Plan.</li> <li>2. Providing attractive, safe and efficient vehicle access, parking and manoeuvring.</li> <li>3. Maximising walking and cycling networks along streets, waterways, natural wetlands and open spaces.</li> <li>4. Coordinating required transport infrastructure upgrades of the surrounding road network, to minimise potential adverse safety and efficiency effects.</li> </ol>	
DEV1-P3	Ecological Values
<p>Protect, and promote the restoration and enhancement of the values of natural wetland features, intermittent and permanent streams, and indigenous vegetation identified within the site when undertaking subdivision and development, with particular regard to:</p> <ol style="list-style-type: none"> <li>1. Maintaining and enhancing the interconnected network between the ecological features.</li> <li>2. Riparian restoration and extension of ecological linkages.</li> <li>3. Methods of enhancement and permanent protection of the indigenous terrestrial and freshwater biodiversity values of the Development Area.</li> <li>4. Appropriate building setbacks.</li> <li>5. Management of earthworks and vegetation clearance.</li> <li>6. Management and treatment of stormwater and wastewater.</li> </ol>	
DEV1-P4	Open Space
<p>Require subdivision within the Mangawhai Hills Development Area to provide for the recreational needs of residents by:</p> <ol style="list-style-type: none"> <li>1. Establishing <b>active</b> open spaces which are prominent, and of a quality and size in proportion to the anticipated density.</li> </ol>	

**Commented [MM7]:** Widen to provide for connections beyond MHDA

2. **Establishing a strong network of lineal open spaces, connected by pedestrian and cycle linkages.**
3. **Creating a range of active and passive recreational activities within the network of lineal open spaces, whilst also enhancing the local ecology, landscape and amenity.**

DEV1-P5

Environmentally Conscious Development Sustainable Infrastructure

To encourage development within the Mangawhai Hills Development Area to be environmentally conscious by:

1. Promoting eco-design principles taking into account the impact of a product throughout its lifecycle.
2. Utilising off-grid energy sources where practical.
3. Incorporating water sensitive design techniques into subdivision and development design.
4. Utilise best practice methods to manage three waters servicing.
5. Minimising the risks and impacts of natural hazard events, including providing for climate change.
6. Promoting pedestrian and cycling networks as the predominant form of transport within the site.

To ensure that infrastructure is sustainable and appropriately managed by requiring subdivision and development to:

1. Provide co-ordinated and integrated infrastructure which is compatible with the existing infrastructure and capacities.
2. Incorporate water sensitive design techniques.
3. Utilise best practice methods to manage three waters servicing.

Provide for onsite wastewater treatment and disposal where a site is not able to practically connect to a public or private wastewater network.

Commented [AN8]: Reframing policy 5, including policy direction for onsite WW disposal.

Commented [JC9R8]: Am fine with the reworking re wastewater

DEV1-P6

Subdivision

The Mangawhai Hills Development Area provides for high quality subdivision that implements the Mangawhai Hills Structure Plan where:

1. The subdivision and development identifies, protects and promotes the restoration and enhancement of the full extent of natural wetland features, intermittent and permanent streams, and indigenous vegetation and related buffer areas.
2. Inappropriate new development in **the moderate to high-risk instability area**, 10- and 100-year flood hazard areas, **and** coastal hazard areas **including providing for climate change**, is avoided.
3. There is sufficient provision of sustainable infrastructure to accommodate the subdivision and development.
4. Building platforms are designed and orientated to be well integrated, respond to topography, solar orientation, and prevailing winds.
5. Lots are generally shaped, sized and orientated to achieve positive sunlight access, onsite amenity, privacy and outlook.
6. Public roads and open space networks are well connected, legible and safe.

Commented [MM10]: Alternative suggestion to the S42A Rebuttal recommendation.

Commented [JC11R10]: Fine with this

DEV1-P7

Commercial Activities, Community Facilities and Educational Facilities

To enable provide for commercial activities, community facilities and educational facilities within the Mangawhai Hills Development Area where the:

1. Commercial activity, community facilities and educational facilities are located to maintain the amenity of adjoining residential activities.
2. Scale and size of commercial activities, **and** community facilities **and educational facilities** is restricted **within Community Hub Areas A, and B and D** to maintain the vitality and vibrancy of the existing commercial zones within Mangawhai.
3. **Educational facilities and associated accessory activities are clustered in Community Hub Area C and are of a character and scale that provides a high standard of amenity and safety while enabling the efficient use of the site.**

Commented [MM12]: Agree with s42A Rebuttal recommendation.

<b>DEV1-P8</b>	<b>Landscape Protection Area</b>
<p><b><u>To require the form and pattern of built development within the Landscape Protection Area is integrated and recessed into the landscape by:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Limiting the location and extent of built development.</u></b></li> <li>2. <b><u>Requiring the establishment and protection of planting to visually mitigate development into the wider landscape.</u></b></li> </ol>	

**DEV1 Land Use Rules**

<b>DEV1-R1</b>	<b>Buildings, accessory buildings and structures</b>	
<p><b>1. Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>a. The construction, alteration, addition, or demolition of any building, accessory building, or structure that complies with:             <ol style="list-style-type: none"> <li>i. DEV1-S1 Site coverage.</li> <li>ii. DEV1-S2 Height.</li> <li>iii. DEV1-S3 Height in relation to boundary.</li> <li>iv. DEV1-S4 Setback from internal boundaries.</li> <li>v. DEV1-S5 Setback from road boundaries.</li> <li>vi. DEV1-S6 Fencing and Landscaping.</li> <li>vii. DEV1-S7 Setback from natural features.</li> <li><del>viii. DEV1-S8 Residential unit separation distance.</del></li> <li>ix. DEV1-S<del>8</del><sup>9</sup> Exterior finish.</li> <li>x. DEV1-S<del>17</del><sup>8</sup> Minimum Floor Level.</li> <li><del>xi. Rule 13.10.26 Fire Safety.</del></li> </ol> </li> <li>b. <b><u>The building, accessory building, or structure is located outside of:</u></b> <ol style="list-style-type: none"> <li>i. <b><u>The flood extent as mapped within the 1% annual exceedance probability event detailed in Flood map in Figure 1; and</u></b></li> <li>ii. <b><u>The moderate to high risk instability area shown on the Mangawhai Hills Structure Plan.</u></b></li> </ol> </li> </ol> <p><b><u>Note: All activities which include buildings, accessory buildings or structures must comply with DEV1-R1.</u></b></p>		
<p><b>2. Activity status when compliance not achieved with DEV1-R1.1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. <b><u>The extent to which the buildings and structures within the flood hazard area will mitigate effects arising from loss of flood storage and the increase in peak flows.</u></b></li> <li>b) <b><u>The extent to which the buildings and structures ensure that floodwaters in a 1% annual exceedance probability event are not diverted or displaced onto any other site.</u></b></li> <li>c) <b><u>Whether the building or structure will initiate or exacerbate natural hazards, or result in building areas being subject to natural hazards.</u></b></li> <li>d) The matters of discretion of any infringed standard. <del>or rule.</del></li> </ol>		
<b>DEV1-R2</b>	<b>Residential unit</b>	

<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. <b>The Each residential unit(s) provide</b> has a minimum net site area of 1,000m<sup>2</sup> per residential unit, <b>where the site is connected to a public or private reticulated wastewater network.</b></p> <p>b. <b>Each residential unit has a minimum net site area of 3,000m<sup>2</sup> where the site is not connected to a public or private reticulated wastewater network.</b></p> <p>c. <b>Up to two residential units are constructed per site. A maximum of one residential unit is constructed per site.</b></p> <p>d. <b>The residential unit(s) is/are located outside of Community Hub Areas A and B on the Mangawhai Hills Structure Plan.</b></p> <p>e. <b>It The residential unit</b> complies with:</p> <ul style="list-style-type: none"> <li>i. <del>DEV1-S123</del> Vehicle Crossings,</li> <li>ii. <del>DEV1-S134</del> Roads, <b>Vehicle Access, Pedestrian Walkways and Cycleways.</b></li> <li>iii. <b>DEV1-S134A Vehicle Access/Driveways</b></li> <li>iv. <b>DEV1-S134B Pedestrian Footpaths and Cycleways</b></li> <li>v. DEV1-S145 Water Supply.</li> <li>vi. DEV1-S156 Stormwater Disposal.</li> <li>vii. DEV1-S167 Wastewater Disposal.</li> <li>viii. <del>DEV-S18</del> <b>Minimum Floor Level!</b></li> </ul>	<p>2. <b>Activity status when compliance not achieved with DEV1-R2.1:</b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Residential character and amenity.</li> <li>b. Sufficient sunlight access to outdoor living spaces.</li> <li>c. Building mass, orientation and passive surveillance of the road/street.</li> <li>d. Bulk and scale effects.</li> <li>e. Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation.</li> <li>f. The extent to which the activity is consistent with the Mangawhai Hills Structure Plan.</li> <li>g. The ability to accommodate incidental activities anticipated within the Mangawhai Hills Development Area such as access, parking, manoeuvring, waste collection and landscaping.</li> <li>h. <b>The function and role of Community Hub areas A and B.</b></li> <li>i. <b>The matters of discretion of any infringed standard.</b></li> </ul>
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**Commented [MM13]:** Accept s42A Rebuttal Recommendation

**Commented [MM14]:** Slight amendment to S42A Rebuttal Recommendation.

**Commented [JC15R14]:** fine

**Commented [MM16]:** Accept s42A Rebuttal Recommendation.

<p>DEV1-R3</p>	<p>Home business</p>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. The home business occupies a maximum of 40m<sup>2</sup> gross floor area.</li> <li>b. No more than two persons who are not permanent residents of the site are employed on the site at any one time.</li> <li>c. The home business takes place entirely within a building and no goods, materials, or equipment are stored outside a building.</li> <li>d. Unloading or loading of vehicles or the receiving of customers or deliveries only occurs between 0730 and 1900 on any day.</li> <li>e. <b>The home business is located outside of any Community Hub Areas A and B</b></li> </ul>	<p>2. <b>Activity status when compliance not achieved with DEV1-R3.1.a:</b> Discretionary</p> <p>3. <b>Activity status when compliance is not achieved with DEV1-R3.1.b, c, d, e or f:</b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Residential character and amenity.</li> <li>b. Design and layout.</li> <li>c. Effects on the role and function of Commercial Zones <b>and Community Hubs.</b></li> <li>d. Transport safety and efficiency.</li> <li>e. Scale of activity and hours of operation.</li> <li>f. Infrastructure servicing.</li> </ul>

<p><b>identified on the Mangawhai Hills Structure Plan.</b></p> <p>f. <del>It</del> The <b>home business</b> complies with:</p> <ul style="list-style-type: none"> <li>i. DEV1-S101 Traffic intensity.</li> <li>ii. DEV1-S123 Vehicle Crossings.</li> <li>iii. DEV1-S134 Roads, <del>Vehicle Access, Pedestrian Walkways and Cycleways.</del></li> <li>iv. <b>DEV1-S134A Vehicle Access/Driveways</b></li> <li>v. <b>DEV1-S134B Pedestrian Footpaths and Cycleways</b></li> <li>vi. DEV1-S145 Water Supply.</li> <li>vii. DEV1-S156 Stormwater Disposal.</li> <li>viii. DEV1-S167 Wastewater Disposal.</li> </ul>	<p>g. <b>The matters of discretion of any infringed standard.</b></p>
<p><b>DEV1-R4</b>      <b>Visitor accommodation</b></p>	
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. It provides for no more than 6 guests.</li> <li>b. <b>The Visitor Accommodation is located outside of any Community Hub Areas A and B identified on the Mangawhai Hills Structure Plan.</b></li> <li>c. <del>It</del> <b>The Visitor Accommodation</b> complies with: <ul style="list-style-type: none"> <li>i. DEV1-S101 Traffic intensity.</li> <li>ii. DEV1-S123 Vehicle Crossings.</li> <li>iii. DEV1-S134 Roads, <del>Vehicle Access, Pedestrian Walkways and Cycleways.</del></li> <li>iv. <b>DEV1-S134A Vehicle Access/Driveways</b></li> <li>v. <b>DEV1-S134B Pedestrian Footpaths and Cycleways</b></li> <li>vi. DEV1-S145 Water Supply.</li> <li>vii. DEV1-S156 Stormwater Disposal.</li> <li>viii. DEV1-S167 Wastewater Disposal.</li> </ul> </li> </ul>	<p>1. <b>Activity status when compliance not achieved with DEV1-R4.1:</b> Discretionary</p>
<p><b>DEV1-R5</b>      <b>Commercial Activities, Educational Facilities and Community Facilities</b></p>	
<p>1. <b>Activity Status:</b> <del>Permitted</del> <b>Restricted Discretionary</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. The activity is located within <b>Community Hub Areas A, B, or D</b> shown on the <b>Mangawhai Hills Structure Plan</b>, or no greater than 20m, from the <b>Community Hub Area on the Mangawhai Hills Structure Plan</b>.</li> </ul>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a) <b>Character and amenity.</b></li> <li>b) <b>Design and layout.</b></li> <li>c) <b>Effects on the role and function of Commercial Zones and Community Hubs.</b></li> <li>d) <b>Transport safety and efficiency.</b></li> <li>e) <b>Scale of activity and hours of operation.</b></li> </ul>

Commented [MM17]: Accept s42A Rebuttal Recommendation

<p>b. The activity operates within a building with a maximum GFA of 250m<sup>2</sup> or within a maximum site area of 500m<sup>2</sup>.</p> <p>c. The cumulative total of commercial activities, <b>educational facilities, and community facilities</b> within <b>each hub Mangawhai Hills Development Area</b> does not exceed 1000m<sup>2</sup> net floor area.</p> <p>d. The <b>commercial activity or community facility activity</b> complies with:</p> <ul style="list-style-type: none"> <li>i. DEV1-S101 Traffic intensity.</li> <li>ii. DEV1-S123 Vehicle Crossings.</li> <li>iii. DEV1-S134 Roads, <b>Vehicle Access, Pedestrian Walkways and Cycleways.</b></li> <li>iv. <b>DEV1-S134A Vehicle Access/Driveways.</b></li> <li>v. <b>DEV1-S134B Pedestrian Footpaths and Cycleways.</b></li> <li>vi. DEV1-S145 Water Supply.</li> <li>vii. DEV1-S156 Stormwater Disposal.</li> <li>viii. DEV1-S167 Wastewater Disposal.</li> </ul> <p>e. The activity complies with Rules 13.10.27 Parking and 13.10.28 Loading.</p>	<p>f) <b>Infrastructure servicing.</b></p> <p>g) <b>Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision.</b></p> <p>h) <b>Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.</b></p> <p>i) <b>Sufficient firefighting water supply is available.</b></p> <p>j) <b>The matters of discretion of any infringed standard.</b></p> <p>2. Activity status when compliance not achieved with DEV1-R5.1: Discretionary</p>
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<b>DEV1-R5A</b>	<b>Educational Facilities</b>
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<p><b>1. Activity Status:</b> <b>Permitted-Restricted Discretionary</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. <b>The activity is located within Community Hub Area C shown on the Mangawhai Hills Structure Plan.</b></li> <li>b. <b>The cumulative total of educational facilities within Community Hub Area C shown on the Mangawhai Hills Structure Plan does not exceed 5000m<sup>2</sup> net floor area.</b></li> <li>c. <b>The activity complies with:</b> <ul style="list-style-type: none"> <li>i. <b>DEV1-S10 Traffic intensity.</b></li> <li>ii. <b>DEV1-S12 Vehicle Crossings.</b></li> <li>iii. <b>DEV1-S134 Roads.</b></li> <li>iv. <b>DEV1-S134A Vehicle Access/Driveways.</b></li> <li>v. <b>DEV1-S134B Pedestrian Footpaths and Cycleways.</b></li> <li>vi. <b>DEV1-S14 Water Supply.</b></li> </ul> </li> </ul>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a) <b>Character and amenity.</b></li> <li>b) <b>Design and layout.</b></li> <li>c) <b>Effects on the role and function of Community Hubs.</b></li> <li>d) <b>Transport safety and efficiency.</b></li> <li>e) <b>Scale of activity and hours of operation.</b></li> <li>f) <b>Infrastructure servicing.</b></li> <li>g) <b>Whether, and the extent to which, an adequate supply of water can be provided, to every allotment being created on the subdivision.</b></li> <li>h) <b>Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.</b></li> <li>i) <b>Sufficient firefighting water supply is available.</b></li> <li>j) <b>The matters of discretion of any infringed standard.</b></li> </ul>
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Commented [MM19]: Accept s42A Rebuttal Recommendation.

Commented [MM20]: Land use rule not subdivision.

<p>vii. <u>DEV1-S15 Stormwater Disposal.</u>                  viii. <u>DEV1-S16 Wastewater Disposal.</u>                  d. <u>The activity complies with Rules 13.10.27 Parking and 13.10.28 Loading.</u></p>	<p>k) <u>Connectivity and access to active open space and recreation facilities.</u>                  3. <u>Activity status when compliance not achieved with DEV1-R5A.1: Discretionary</u></p>
<p>DEV1-R6</p>	<p>Any activity not otherwise provided for</p>
<p>Activity Status: Discretionary</p>	
<p>DEV1-R7</p>	<p>Excavation and Fill</p>
<p>1. <b>Activity Status:</b> Permitted  <b>Where:</b>                  a. The excavation and fill complies with DEV1-<u>S910</u> Excavation and Fill.  <del>b. There are no earthworks located within the Landscape Protection Area identified on the Mangawhai Hills Structure Plan.</del>                  OR                  e. <u>b.</u> The excavation and fill are associated with:                  i. The repair and maintenance of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, or farm and forestry tracks.                  ii. Garden amenities, gardening or the planting of any vegetation.                  iii. The formation and maintenance of walking or cycling tracks less than 2m wide <u>outside of the native vegetation area, stream, or riparian restoration areas, identified on the Mangawhai Hills Structure Plan.</u>  <u>Advice Note 1: An archaeological Authority is required from Heritage New Zealand Pouhere Taonga prior to undertaking earthworks.</u>  <u>Advice Note 2: Earthworks are also subject to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.</u>  <u>Advice Note 3: Stormwater Management associated with earthworks shall follow good management practice equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01).</u></p>	<p>1. <b>Activity status where compliance not achieved with DEV-R7.1:</b> Restricted Discretionary  <b>Matters over which discretion is restricted:</b>                  a. Volume, extent and depth of earthworks.                  b. Effects on amenity and character and landscape values.                  c. Dust, erosion and sediment control, land instability.                  d. Effects on the margins of water bodies.                  e. Effects on the land transport network, particularly heavy vehicles and traffic generated as a result of the earthworks activity.                  f. Changes to the natural water flows and existing drainage paths are mitigated.                  g. Adjoining properties and public services are protected.                  h. Effects on the overall form, integrity and extent of the Landscape Protection Area from land modification.                  i. <u>Effects on ecological values</u>                  j. <u>The extent to which Stormwater Management associated with earthworks follows good management practice equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01)</u>                  k. <u>The matters of discretion of any infringed standard.</u>                  l. <u>Effects on cultural values.</u></p>
<p>DEV1-R8</p>	<p>Indigenous Vegetation Clearance</p>

Commented [MM21]: Give effect to policy P1.3.



<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The indigenous vegetation is not located within any of the Existing Native Vegetation areas <b>identified on</b> <del>within</del> the Mangawhai Hills Structure Plan; or</p> <p>b. The indigenous vegetation is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m<sup>2</sup> in area; or</p> <p>c. Indigenous vegetation is cleared for the following purposes:</p> <p>i. The removal is of trees that are a danger to human life or existing structures (including network utilities).</p> <p>ii. The removal is for the formation and maintenance of walking tracks less than <u>2.3 metres wide, provided that manual methods are used that do not require the removal of any indigenous tree over 300mm in girth, outside of the native vegetation area, stream, or riparian restoration areas, identified on the Mangawhai Hills Structure Plan.</u></p> <p>iii. The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth.</p> <p>iv. It is part of the operation and maintenance of network utilities.</p> <p>v. The removal is for the construction of a fire break by a fire authority.</p> <p>vi. It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or the removal is limited to naturally dead or wind thrown trees.</p>	<p>2. <b>Activity status where compliance not achieved with DEV-R8.1:</b> Restricted Discretionary</p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. Effects on the locality, particularly the character and amenity values of adjoining sites/land uses.</p> <p>b. Effects on ecological values.</p> <p>c. Effects on landscape and heritage values.</p> <p>d. Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation.</p> <p>e. The extent to which the activity is consistent with the purpose, character and amenity values of the Mangawhai Hills Development Area.</p> <p>f. The extent to which the activity is consistent with the Mangawhai Hills Structure Plan.</p> <p>g. <b><u>The matters of discretion of any infringed standard.</u></b></p> <p>h. <b><u>Effects on cultural values.</u></b></p>
<p>DEV1-R9</p>	<p><b>Noise and Temporary Activities</b></p>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 13.10.14 General Noise permitted activity standard.</p>	<p>2. <b>Activity status when compliance with DEV1-R9.1 is not achieved:</b> Discretionary</p>

- Commented [MM24]: Give effect to P1.3
- Commented [MM22]: Consistent with Earthworks Rule and clearance for tracks would require consent as agreed at hearing.
- Commented [JC23R22]: Agree

<p>b. Any temporary activity complies with rule 13.10.15 Construction Noise and Temporary Activities permitted activity standard.</p> <p>c. Wind turbines comply with rule 13.10.16 Wind Generation: Noise permitted activity standard.</p>	
<b>DEV1-R10</b>	<b>Vibration</b>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 13.10.17 Vibration permitted activity standard.</p>	<p>2. <b>Activity status when compliance with <u>DEV1.R10.1 is not achieved:</u></b> Discretionary</p>
<b>DEV1-R11</b>	<b>Hazardous Substances</b>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 13.10.21 Hazardous Substances permitted activity standard.</p>	<p>2. <b>Activity status when compliance with <u>DEV1-R11.1 is not achieved:</u></b> Discretionary</p>
<b>DEV1-R12</b>	<b>Radioactive Materials</b>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 13.10.22 Radioactive Materials permitted activity standard.</p>	<p>2. <b>Activity status when compliance with <u>DEV1-R12 is not achieved:</u></b> Discretionary</p>
<b>DEV1-R13</b>	<b>Lighting</b>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 13.10.23 Lighting and Glare permitted activity standard.</p>	<p>2. <b>Activity status when compliance with <u>DEV1-R13.1 is not achieved:</u></b> Restricted Discretionary</p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. Those matters listed in rule 13.10.23.</p>
<b>DEV1-R14</b>	<b>Signs</b>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 13.10.24 Signs permitted activity standard.</p>	<p>2. <b>Activity status when compliance with <u>DEV1-R14.1 is not achieved:</u></b> Restricted Discretionary</p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. Those matters listed in rule 13.10.24.</p>
<b>DEV1-R15</b>	<b>Vehicle Crossing</b>
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The vehicle crossing complies with DEV1-S123 Vehicle Crossing.</p>	<p>2. <b>Activity status when compliance with <u>DEV1-R15.1 is not achieved:</u></b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>

<b>DEV1-R16</b>	<b>Roads, Vehicle Access, Pedestrian Walkways and Cycleways</b>	
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. All roads, vehicle access, pedestrian walkways and cycleways comply with DEV1-S134 <u>Public Roads, DEV1-S13A Vehicle Access / Driveways and DEV1-13B Pedestrian Footpaths and Cycleways-Pedestrian and Cycle Networks.</u></p> <p>b. <u>All maintenance and upgrades to roads comply with DEV1-S13C Public Road Upgrades.</u></p>	<p>2. <b>Activity status when compliance with DEV1-R16.1 is not achieved:</b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>	
<b>DEV1-R17</b>	<b>Network Utilities</b>	
<p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. Any activity complies with rule 10.11.1 permitted activity standard.</p>	<p>2. <b>Activity status when compliance with DEV1-R17.1 is not achieved:</b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>	
<b>DEV1-R18</b>	<b>Outdoor Recreational Activities and Primary Production Activities</b>	
<p>1. <b>Activity Status:</b> Permitted</p>		

**DEV1 Subdivision Rules**

<b>DEV1-R19</b>	<b>Subdivision</b>	
<p>1. <b>Activity Status:</b> Restricted Discretionary</p> <p><b>Where:</b></p> <p>a. Proposed allotments have a minimum net site area (<del>excluding access legs</del>) of 1,000m<sup>2</sup>, except where the proposed allotment is an access allotment, utility allotment or road to vest in Council; <del>or</del></p> <p>b. <u>Proposed allotments have a minimum net site area of 3,000m<sup>2</sup>, where no connection to reticulated wastewater infrastructure or community wastewater system is available.</u></p> <p>c. <u>Any subdivision shall establish any part of</u> <del>All primary and secondary roads</del> <u>within the Site boundary are established</u> in accordance with the indicative roads shown on the Mangawhai Hills Structure Plan; <del>or</del></p> <p>d. <u>Where the full extent of the any primary or secondary road shown on the Mangawhai Hills Structure Plan is not provided within the Site, any subdivision shall establish any part</u></p>	<p>2. <b>Activity status where compliance not achieved with DEV1-R19.1 a- d:</b> Discretionary</p>	

**Commented [AN25]:** Added following Council review of recommended provisions to ensure alignment with land use rule.

**Commented [MM26]:** Refinement in response to Commissioner Hill.

<p>of the indicative primary and secondary road within the site boundary in accordance with the indicative primary and secondary road shown on the Mangawhai Hills Structure Plan.</p> <p>e. <u>Primary or secondary road connection to Moir Street is not established: a minimum 1.8m wide footpath shall be constructed along Tara Road extending from the existing footpath at 99 Tara Road to the southern most road connection from the Mangawhai Hills Development Area onto Tara Road.</u></p>	
<p>f. An active <del>or passive</del> open space area <u>is established in accordance with DEV1-S18. no less than 300m<sup>2</sup> in net site area within 500 metres of the proposed residential allotments is established.</u></p> <p>Note: This rule shall not apply where a public open space has been legally established within 500 lineal metres of the proposed allotments.</p> <p>g. <u>The site contains an indicative natural wetland, stream or indigenous vegetation identified within the Mangawhai Hills Structure Plan the subdivision shall enhance, legally protect in perpetuity and manage on an on-going basis in accordance with an Ecological Enhancement and Management Plan any natural feature, wetland, stream or indigenous vegetation. Any application under this rule shall comply with DEV1-S20 and DEV1.REQ6.</u></p>	
<p>h. <u>The site contains an area of moderate to high risk instability area identified within the Mangawhai Hills Structure Plan and the moderate to high risk instability area includes an unvegetated area or area in pasture or non-indigenous plants, the area shall be:</u></p> <ul style="list-style-type: none"> <li>i. <u>planted to an average density of 1.4m centres (5,100 stems per hectare), reducing to 1m centres (10,000 stems per hectare) in kikuyu and riparian margins and 0.5 – 1m centres in wetland environments.</u></li> <li>ii. <u>enhanced, legally protected in perpetuity and managed on an on-going basis in accordance with a 'Soil Assessment, Retirement and Rehabilitation Management Plan'. Any application under this rule shall comply with DEV1.REQ5.</u></li> </ul>	

**Commented [AN27]:** Addition of footpath rule in response to commissioners.

**Commented [JC28R27]:** It may be we have a different position on this.

A) A footpath extension from the northern end of the existing Tara Rd footpath (99 Tara) to the site access is needed regardless of what happens re road access to Moir St - just as any urban street needs a footpath on at least 1 side.

B) If no road access is provided to Moir St, then in this second scenario there needs to be a shared path along Tara Rd from the Moir St intersection to the site access. i.e. the existing footpath needs to be widened along its length to also take cyclists and extended north.

C) During the hearing, the possibility of forming pedestrian/ cycle access only to Moir St was raised as a possibility, either through the church land or through an alternative route, even if a road isn't possible. If a ped/ cycle link can be formed to Moir, then Tara Rd can remain just a footpath.

I think the Panel need to form a merit-based view on the outcome. This clause is the right location for the trigger rule, with the rule wording simply turning on whether tara only needs a footpath, or whether it should be a shared path if no other Moir St access is available.

**Commented [MM29]:** Changes to clarify protection of all features.

<p>Native revegetation planting <del>to a minimum of 10m from the edge of natural wetlands, intermittent and permanent streams, and indigenous vegetation identified within the Mangawhai Hills Structure Plan is established.</del></p> <p>Note: This rule shall not apply to road or track crossings over streams or wetlands.</p> <p><del>h. Any amenity landscape feature, bush area, indigenous vegetation planting is protected.</del></p> <p>i. Any area of archaeological, cultural or spiritual significance is protected.</p> <p>j. A connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the net site area of the allotment is provided.</p> <p>k. Each allotment is provided with a connection, or the ability to connect to a wireless, above ground, or underground telecommunications system.</p> <p>l. The <del>activity</del> <b>subdivision</b> complies with the following:</p> <ul style="list-style-type: none"> <li>i. <del>DEV1-S910</del> Earthworks</li> <li>ii. <del>DEV1-S112</del> Building Platforms</li> <li>iii. <del>DEV1-S123</del> Vehicle Crossings.</li> <li>iv. <del>DEV1-S14 Roads, Vehicle Access, Pedestrian Walkways and Cycleways.</del></li> <li>v. <b>DEV1-S13 Roads.</b></li> <li>vi. <b>DEV1-S13A Vehicle Access/Driveways</b></li> <li>vii. <b>DEV1-S13B Pedestrian Footpaths and Cycleways</b></li> <li>viii. <del>DEV1-S145</del> Water Supply.</li> <li>ix. <del>DEV1-S156</del> Stormwater Management.</li> <li>x. <del>DEV1-S167</del> Wastewater Management.</li> <li>xi. <b>DEV1-S18 Active Open Space.</b></li> <li>xii. <b>DEV1-S19 Stream and Wetland Restoration Planting Areas.</b></li> </ul> <p><b>Council's discretion is restricted to the following matters:</b></p> <p><del>a. The matters of discretion of any infringed standard.</del></p> <ul style="list-style-type: none"> <li>a. Subdivision layout, design, shape and range of allotment sizes, including the layout of roads and the number of rear allotments proposed.</li> <li>b. Streetscape and landscaping proposed.</li> </ul>	
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**Commented [MM30]:** If standard is infringed the proposal is discretionary.

<ul style="list-style-type: none"> <li>c. Provision of a landscape buffer strip along the Tara Road, Old Waipu Road and Cove Road frontage.</li> <li>d. The extent to which the proposal is generally in accordance with the Mangawhai Hills Structure Plan.</li> <li>e. <u>The extent to which eco-design principles and off-grid energy sources are incorporated.</u></li> <li>f. Measures and mechanisms for ownership and maintenance to protect, restore and enhance all indigenous terrestrial and freshwater biodiversity values.</li> <li>g. Within the Landscape Protection Area, integration with the identified characteristics and qualities of the area.</li> <li>h. Staged subdivision establishes and coordinates with necessary infrastructure upgrades.</li> <li>i. <u>Effects on cultural and heritage values (as defined in Chapter 17), including any consultation undertaken with Tangata Whenua as appropriate.</u></li> <li>j. <u>The extent to which a lineal open space network is provided in general accordance with the Mangawhai Hills Structure Plan.</u></li> <li>k. <u>Provision of pedestrian and cycle connectivity within lineal open space and existing native vegetation.</u></li> </ul>	
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Standards

DEV1-S1	Site coverage
<p>1. The maximum building <u>and accessory building coverage are</u> the lesser of 30% of the net site area or 500m<sup>2</sup> except where within the Landscape Protection Area <u>or Community Hub Areas A - C.</u></p> <p><u>1A. Within the Landscape Projection Area, the maximum building coverage is the lesser of 25% of the net site area or 350m<sup>2</sup> or 250m<sup>2</sup>; and</u></p> <p><u>1B. Within the Community Hub Areas A - CD, the maximum building coverage is 30% of the net site area.</u></p> <p>2. The maximum percentage of the net site area covered by impervious surfaces shall be 50%.</p> <p>3. All stormwater management for the site shall comply with any stormwater management plan approved under DEV1-REQ1 and performance standard DEV1-S15 Stormwater Management.</p>	<p><del>4. Activity status when compliance not achieved: Restricted Discretionary</del></p> <p><b>Where compliance is not achieved with DEV1-S1 Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Amenity and character of the surrounding area.</li> <li>b. The bulk and scale of the buildings, structures, and impervious surfaces.</li> <li>c. Water sensitive design and outfalls that mitigate concentrated flows.</li> <li>d. Provision of stormwater quality treatment to protect the environment from contaminants generated from the activity including appropriate stormwater quality monitoring associated with the design and construction</li> </ul>

**Commented [MM31]:** Accept s42A Rebuttal Recommendation

<p><b>Note:</b> For the purposes of DEV1-S1 water storage tanks shall not be included in the site coverage calculation.</p>		<p>stages as well as the consent holder's maintenance obligations.</p> <p>e. <b><u>The massing and dominance of buildings within the Landscape Protection Area.</u></b></p>
<b>DEV1-S2</b>	<b>Height</b>	
<p>1. The maximum height of buildings, <b><u>accessory buildings, and structures</u></b> is 8m measured from the natural ground level immediately below that part of the building, accessory building or structure <b><u>except where within the Landscape Protection Areas.</u></b></p> <p>2. Within the Landscape Protection Area <b><u>as shown on the Mangawhai Hills Structure Plan:</u></b></p> <p>a. The highest point of any buildings, accessory buildings, and structures shall <b><u>be the lesser of 8m measured from natural ground level immediately below that part of the building, or be not exceed a maximum height of 5m above natural ground level of the 'Northern Ridgeline' as shown on the Mangawhai Hills Structure Plan.</u></b></p> <p><b>Note:</b> This standard does not apply to:</p> <ol style="list-style-type: none"> <li>i. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</li> <li>ii. Architectural features (e.g., finials, spires) that do not exceed 1m in height.</li> <li>iii. Solar and water heating components provided these do not exceed the height by more than 0.5m.</li> </ol>		<p>3. <b><u>Activity status when compliance not achieved: Restricted Discretionary</u></b></p> <p><b><u>Where compliance is not achieved with DEV1-S2 Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. Amenity and character of the surrounding area.</li> <li>b. Any adverse shading, privacy, or visual dominance effects on adjacent sites.</li> <li>c. Visual intrusion of the building from beyond the site and the effect on skylines and ridgelines. ;</li> <li>d. <del>Compliance with the Mangawhai Hills Design Guidelines.</del></li> </ol>
<b>DEV1-S3</b>	<b>Height in relation to boundary</b>	
<p>1. Buildings, accessory buildings, and structures adjoining another site shall be contained within a building envelope defined by a 45 degree recession plane measured from 2.5m above existing ground level at the internal boundaries of the site, except:</p> <p>a. The following intrusions are permitted:</p> <ol style="list-style-type: none"> <li>i. Gutters and eaves by up to 600mm measured vertically;</li> <li>ii. Solar panels; and</li> <li>iii. Chimneys, poles, masts, and roof plant where each of these structures does not exceed 1m in length parallel to the boundary.</li> </ol> <p><b>Note:</b> Where the boundary adjoins a vehicle accessway to a rear site that is less than 6m in width or is secured via a legal mechanism and shared between more than one site, the recession</p>		<p>2. <b><u>Activity status when compliance not achieved: Restricted Discretionary</u></b></p> <p><b><u>Where compliance is not achieved with DEV1-S3 Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. Amenity and character of the surrounding area.</li> <li>b. Any adverse shading, privacy, or visual dominance effects on adjacent sites.</li> </ol>

**Commented [MM32]:** Accept s42A Rebuttal Recommendation.

plane shall be taken from the far side of the accessway.	
<b>DEV1-S4</b>	<b>Setbacks from internal <u>any site boundary other than a road boundary</u> ies</b>
<p>1. Buildings, accessory buildings, and structures <b><u>except within the Landscape Protection Area</u></b> shall be setback a minimum of 3m from <b><u>the boundary of any internal boundary other than a road boundary</u></b>, except:</p> <p><b><u>2. No setback is required where the building or structure shares a common wall along an internal boundary.</u></b></p> <p><b><u>3. No setback is required for accessory buildings and garages where the cumulative wall length adjacent to any internal boundary is no greater than 7m.</u></b></p> <p>a. No setback is required for <b><u>fences adjacent to internal boundaries y fences.</u></b></p> <p>b. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</p> <p><b><u>2. Within the Landscape Protection Area, Buildings, accessory buildings, and structures shall be setback a minimum of 5m from any boundary other than a road boundary, except:</u></b></p> <p>a. <b><u>No setback is required for fences adjacent to boundaries.</u></b></p> <p>b. <b><u>No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</u></b></p>	<p><b><del>2. Activity status when compliance not achieved: Restricted Discretionary</del></b></p> <p><b><u>Where compliance is not achieved with DEV1-S4 Matters of discretion are restricted to:</u></b></p> <p>a. Amenity and character of the surrounding area.</p> <p>b. Screening, planting and landscaping of the site.</p> <p>c. Privacy and visual dominance of adjacent sites.</p>
<b>DEV1-S5</b>	<b>Setback from road boundaries</b>
<p>1. Buildings, accessory buildings, and structures shall be setback a minimum of 5m from road boundaries, except where:</p> <p>a. A garage door faces the road boundary, the minimum setback shall be 5.5m.</p> <p>b. Fences or walls no more than 2m in height.</p> <p>c. Swimming pools and uncovered decks less than 1m in height above ground level.</p> <p>d. Letterboxes, clotheslines and outdoor furniture.</p> <p>e. Water tanks less than 2.7m in height above ground level.</p> <p>2. Car parking spaces shall be setback a minimum of 5m from the road boundary.</p>	<p><b><del>2. Activity status when compliance not achieved: Restricted Discretionary</del></b></p> <p><b><u>3. Where compliance is not achieved with DEV1-S5 Matters of discretion are restricted to:</u></b></p> <p>a. Amenity and character of the surrounding area.</p> <p>b. The safety and efficiency of the land transport network and private access-ways.</p> <p>c. Screening, planting and landscaping of the site.</p>
<b>DEV1-S6</b>	<b>Fencing and Landscaping</b>



<p>1. The maximum height of any fence shall be no more than 1.2m in height with 50% visual permeability, except any fence screening a service area.</p> <p>2. The maximum height of any fence screening a service area shall be no more than 1.5m in height.</p> <p>3. Each residential unit must have a landscaped area of a minimum of 20% of the site that is planted in plants, shrubs or trees, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>4. Prior to the construction of buildings within any site that adjoins Cove Road, Old Waipu Road or Tara Road, an area of vegetation planting shall be provided along the entire length (other than access) of the road boundary which is:</p> <ol style="list-style-type: none"> <li>a. 3m wide;</li> <li>b. Capable of achieving a minimum establishment height of 2m above the ground level of the road boundary; and</li> <li>c. At a density that will achieve canopy closure within 3-5 years.</li> </ol> <p>5. <b><u>Prior to the construction of buildings within the Landscape Protection Area, an area of vegetation planting shall be provided along the length of any internal boundary which is:</u></b></p> <ol style="list-style-type: none"> <li>a. <b><u>2m wide and a minimum 15m in length;</u></b></li> <li>b. <b><u>Capable of achieving a minimum establishment height of 8m above ground level; and</u></b></li> <li>c. <b><u>At a density that will achieve canopy closure within 3-5 years.</u></b></li> </ol> <p><b><u>Note: For the purposes of DEV1-S6.5 internal boundary means any allotment boundary that is shared with another residential allotment.</u></b></p> <p><b><u>6. Any subdivision of a site within the Landscape Protection Area shall establish an area of native vegetation planting within the entire extent of the Green Corridor as identified on the Mangawhai Hills Structure Plan, which is:</u></b></p> <ol style="list-style-type: none"> <li>a. <b><u>Capable of achieving a minimum establishment height of 8m above ground level; and</u></b></li> <li>b. <b><u>At a density that will achieve canopy closure within 3-5 years.</u></b></li> </ol>	<p><del>6. Activity status when compliance not achieved: Restricted Discretionary</del></p> <p><b><u>Where compliance is not achieved with DEV1-S6 Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. Amenity and character of the surrounding area.</li> <li>b. Screening, planting and landscaping of the site.</li> <li>c. The extent to which the fencing and landscaping visually connects the private front yards to the street.</li> <li>d. The extent to which privacy is provided for residential units, while enabling opportunities for passive surveillance of public places.</li> <li>e. The extent to which shading and visual dominance effects to immediate neighbours and the street are minimised.</li> <li>f. Health and safety effects.</li> </ol>
<b>DEV1-S7</b>	<b>Setbacks from natural features</b>

<p>1. Buildings, accessory buildings and structures must be setback:</p> <p>a. <del>10m from the edge of natural wetlands, intermittent and permanent streams.</del></p> <p>b. 5m from the edge of any <u>stream</u> riparian <u>restoration area planting</u>, wetland <u>restoration area planting</u>, and indigenous vegetation <u>area identified within the Mangawhai Hills Structure Plan.</u></p> <p>c. <u>5m from the edge of any existing indigenous vegetation area.</u></p> <p>i. The setbacks above do not apply to:</p> <p>ii. Ephemeral streams.</p> <p>iii. Where there is a legally formed and maintained road between the site boundary and the coastal water, lake, or river.</p> <p>iv. Fences.</p> <p>v. Infrastructure provided by a network utility operator.</p> <p>vi. Structures associated with vehicle, pedestrian or cycle network access.</p> <p>vii. <u>Letterboxes, clotheslines and outdoor furniture.</u></p>	<p><del>3. Activity status when compliance not achieved: Restricted Discretionary</del></p> <p><u>2. Where compliance is not achieved with DEV1-S7 matters of discretion are restricted to:</u></p> <p>a. The design and siting of the building or structure with respect to effects on the natural character and amenity of the waterbody.</p> <p>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the waterbody margins.</p> <p>c. Screening, planting and landscaping on the site.</p> <p>d. Natural hazard mitigation and site constraints.</p>
<p><b>DEV1-S8</b></p>	<p><b>Residential Unit Separation Distance</b></p>
<p>4. <del>Residential units must be separated:</del></p> <p>a. <del>At least 3m from any other detached residential unit within the same site; or</del></p> <p>b. <del>At least 6m from any other detached residential units where there is a private open space area located between two residential units.</del></p>	<p><del>2. Activity status when compliance not achieved: Restricted Discretionary</del></p> <p><del>Matters of discretion are restricted to:</del></p> <p>a. <del>The privacy, outlook and amenity of adjacent and adjoining sites.</del></p> <p>b. <del>Sufficient sunlight access to the outdoor living space.</del></p> <p>c. <del>Building mass, orientation and passive surveillance of the road/street.</del></p> <p>d. <del>Bulk and scale effects.</del></p> <p>e. <del>Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation.</del></p> <p>f. <del>The extent to which the activity is consistent with the Mangawhai Hills Development Area Conceptual Structure Plan.</del></p> <p>g. <del>The ability to accommodate incidental activities anticipated within the Mangawhai Hills Development Area such as access, parking, manoeuvring, waste collection and landscaping.</del></p>
<p><b>DEV1-S8</b></p>	<p><b>Exterior Finish</b></p>

<p>1. <b><u>Except within the Landscape Protection Area,</u></b>  <b><u>a</u></b> All buildings, accessory buildings or structures exteriors shall:</p> <ul style="list-style-type: none"> <li>a. Not utilize mirror glazing within their exteriors; and</li> <li>b. Include at least 70% of the total painted or galvanised external surface of buildings (excluding windows) with a colour with a reflectance value no greater than 35% and with a roof colour with a reflectance value no greater than 20%.</li> </ul> <p>2. Within the Landscape Protection Area, all buildings, accessory buildings or structures exteriors shall:</p> <ul style="list-style-type: none"> <li>a. Not utilize mirror glazing within their exteriors; and</li> <li>b. Be coloured or painted or galvanised (excluding windows) with a colour in the range of browns, greys and black, with a reflectance value no greater than 25% (provided that 2% of each exterior is exempt) and with a roof colour with a reflectance value no greater than 20%.</li> </ul>	<p><b><del>3. Activity status when compliance not achieved: Restricted Discretionary</del></b>  <b><u>Where compliance is not achieved with DEV1-S8 matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>a. Amenity and character of the surrounding area.</li> <li>b. Any adverse shading, privacy, or visual dominance effects on adjacent sites.</li> <li>c. Extent of visual intrusion of the building from beyond the site, particularly from the road and public places including the effect on skylines and ridgelines.</li> </ul> <p><b><del>d. Compliance with the Mangawhai Hills Development Area Design Guidelines.</del></b></p>
<p><b>DEV1-S9</b></p>	<p><b>Earthworks</b></p>
<p>1. The total volume of excavation or fill (<b><u>excluding excavation associated with the undergrounding of water storage tanks</u></b>) shall not exceed 500m<sup>3</sup> <b><u>100m<sup>3</sup> per 1000m<sup>2</sup> site area</u></b> within a site in any 12-month period; and</p> <p>2. The maximum height or depth of any cut or fill face shall not exceed 1.5m over a continuous distance of less than 50m within a site; <b><u>and</u></b></p> <p>3. <b><u>There are no earthworks located within the moderate to high risk instability area, native vegetation area, stream, or riparian restoration areas, identified on the Mangawhai Hills Structure plan.</u></b></p> <p>4. <b><u>There are no earthworks located within the flood extent as mapped within the 1% annual exceedance probability event detailed in Flood map in Figure 1.</u></b></p>	<p><b><del>3. Activity status when compliance not achieved: Restricted Discretionary</del></b>  <b><u>Where compliance is not achieved with DEV1-S9 matters over which discretion is restricted:</u></b></p> <ul style="list-style-type: none"> <li>a. Effects on character and amenity of the surrounding locality upon completion of earthworks.</li> <li>b. Land stability upon completion.</li> <li>c. Landscaping as necessary.</li> <li>d. Measures to manage dust, erosion and sediment control, and land instability.</li> <li>e. <b><u>Measures to manage upstream and downstream flood hazard effects</u></b></li> <li>f. <b><u>Cultural effects.</u></b></li> </ul>
<p><b>DEV1-S10</b></p>	<p><b>Traffic Intensity</b></p>
<p>1. The total traffic generated from each site shall not exceed 20 daily one-way movements, where the traffic generated by single residential unit, and construction traffic are excluded.</p>	<p><b><del>2. Activity status when compliance not achieved: Restricted Discretionary</del></b>  <b><u>4. Where compliance is not achieved with DEV1-S10 matters over which discretion is restricted:</u></b></p>

<p><b>2. <u>The total traffic generated from each Community Hub A – C D shall not exceed 200 daily one-way movements, where construction traffic is excluded.</u></b></p> <p><b>3. <u>Any activity infringing DEV1-S10.2 shall comply with DEV1-REQ3.</u></b></p> <p><i>Note: Trip generation for each activity is contained within Appendix 25F of this Plan.</i></p>	<p>a. The trip characteristics associated with the proposed activity.</p> <p>b. The design of features intended to ensure safety for all users of the access site, and/or intersecting roads including but not limited to vehicle occupants, vehicle riders and pedestrians.</p> <p>c. Land transport network safety and efficiency, particularly at peak traffic times (of both the activity and road network).</p> <p>d. Mitigation to address adverse effects, such as:</p> <ul style="list-style-type: none"> <li>i. Travel/trip planning and timing.</li> <li>ii. Providing alternatives to private vehicle trips.</li> <li>iii. Contributing to improvements to the road network, where appropriate.</li> <li>iv. The effect of traffic on the amenity and character of the surrounding area.</li> </ul>
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**Commented [MM33]:** In response to Commissioner Mosely

<b>DEV1-S11</b>	<b>Building platform(s)</b>
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<p><b>1. <del>Subdivision, other than an access or utility allotment, must provide a building platform on</del> Every proposed allotment <del>(other than an access or unity allotment)</del> that shall comply <del>ies</del> with the following:</b></p> <p>a. Each allotment has a shape factor, being:</p> <ul style="list-style-type: none"> <li>i. A circle with a diameter of at least 20m, exclusive of boundary setbacks; and</li> <li>ii. <b><u>Which Containing contains</u></b> a minimum 150m<sup>2</sup> building platform area that is suitable to construct a building either in accordance with NZS 3604/2011; or with specific engineering design of foundations.</li> </ul> <p>b. <b><u>All building platforms proposed in accordance with 1.a.ii <del>is</del> are:</u></b></p> <ul style="list-style-type: none"> <li><del>i. e</del> <b><u>Certified</u></b> by a geotechnical engineer as geotechnically stable and suitable for a building platform.</li> <li><del>d. Each building platform h-ii. H</del> <b><u>Has</u></b> vehicular access in accordance with DEV1-<del>S123</del> Vehicle Crossings.</li> <li><del>e.-is n</del> <b><u>iii. Not</u></b> subject to inundation in a 21% AEP storm or flood event.</li> <li><b><u>Able to accommodate A a</u></b> residential unit <del>could be built on</del> as a permitted activity in accordance with Rule DEV1-R2.</li> </ul>	<p><b>2. <u>Activity status: Restricted discretionary</u></b></p> <p><b><u>Where compliance is not achieved with DEV1-S11 matters over which discretion is restricted:</u></b></p> <ul style="list-style-type: none"> <li>a. Earthworks and fill material required for building platforms and access.</li> <li>b. Geotechnical suitability for building.</li> <li>c. The relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated.</li> <li>d. Avoidance of natural hazards.</li> <li>e. Effects on landscape and amenity.</li> <li>f. Measures to avoid storm or flood events.</li> </ul>
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<b>DEV1-S12</b>	<b>Vehicle Crossings</b>
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<p>1. New vehicle crossings on to roads controlled by the Kaipara District Council shall be designed, constructed and located in accordance with the Kaipara District Council Engineering Standards 2011, except as it relates to 5.2.10.d and 5.2.10.e of those Standards, where it shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. No vehicle crossing shall be situated within 10m of any road intersection (as measured from the meeting point of the main kerb alignments).</li> <li>b. The minimum spacing between vehicle crossings on the same side of any road shall be 2m.</li> <li>c. No more than one vehicle crossing is provided to each lot, except where a vehicle crossing is a double width crossing and serves more than one site, in which case the vehicle crossing width shall be a maximum of 7m.</li> <li>d. Formed with a sealed all-weather surface.</li> <li>e. <del>For an accessway or driveway servicing up to 6 residential units the minimum width shall be 3.0m and maximum length shall be 50m.</del></li> <li>f. <del>For an accessway or driveway servicing up to 30 residential units the minimum width shall be 5.5m.</del></li> <li>g. Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway where the access is located within 10m of an intersection road boundary.</li> <li>h. Shall serve no more than four parking spaces, should vehicles be required to reverse from a site.</li> <li>i. Shall serve no more than 30 residential units.</li> </ul>	<p><b>2. Activity status: Restricted discretionary</b></p> <p><b><u>Where compliance is not achieved with DEV1-S12 matters over which discretion is restricted:</u></b></p> <ul style="list-style-type: none"> <li>a. Adverse effects on the safe, efficient and effective operation of the land transport network.</li> <li>b. The ability to provide for emergency vehicle access.</li> <li>c. The extent and effect of any non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule(s) or standard(s).</li> <li>d. Traffic generation by the activities to be served by the access.</li> <li>e. Location, design, construction and materials of the vehicle access.</li> <li>f. Safety for all users of the access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians.</li> <li>g. Mitigation to address safety and/or efficiency, including access clearance requirements for emergency services.</li> <li>h. The extent to which the safety and efficiency of road operations will be adversely affected.</li> <li>i. The outcome of any consultation with the road controlling authority.</li> <li>j. Any characteristics of the proposed use or site that will make compliance unnecessary.</li> </ul>
<b>DEV1-S13</b>	<b>Roads, Vehicle Access, Pedestrian Walkways and Cycleways</b>
<p>1. Roads shall be located in accordance with the indicative roads shown on the Mangawhai Hills Structure Plan.</p> <p>2. Roads, <del>Pedestrian and Cycle</del> Networks shall be designed and constructed in accordance with the Kaipara District Council Engineering Standards 2011, except as they relate to the following:</p> <ul style="list-style-type: none"> <li>a. The legal and construction widths as detailed in Table 5.1 of the Kaipara District Council Engineering Standards 2011 do not apply.</li> </ul>	<p><b>3. Activity status: Restricted discretionary</b></p> <p><b><u>Where compliance is not achieved with DEV1-S13 matters over which discretion is restricted:</u></b></p> <ul style="list-style-type: none"> <li>a. Effect on sight distances or road safety.</li> <li>b. Design and carrying capacity.</li> <li>c. Adverse effects arising from construction, including amenity, vibration and noise.</li> <li>d. Traffic management while the works are being undertaken.</li> </ul>

<p>Legal and construction widths shall meet Table DEV1-1.</p> <p>b. On-street car parking detailed in 5.2.10.d of the Kaipara District Council Engineering Standards 2011. On-street parking shall be provided at a rate of 1 per 4 residential units.</p> <p><i>Note: Where private accesses are created, on-street carparking may be substituted for parking areas along the private access, provided that the access width is sufficient to accommodate a parked vehicle and general vehicle movement.</i></p>	<p>e. Adverse operational effects, particularly on sensitive activities, including effects of vibration, noise, glare and vehicle emissions.</p> <p>f. Severance and changes to drainage patterns.</p> <p>g. The benefits provided by the activity, including safety and efficiency of the transport network.</p> <p>h. Whether the works will involve reductions in the capacity of storm water systems present within the road or road reserve.</p> <p>i. Whether the works comply with all other provisions relating to activities within the Kaipara District Council Engineering Standards 2011.</p> <p>j. Management of sediment and dust, including the staging of works.</p> <p>k. The volume, extent and depth of the earthworks activities.</p> <p>l. The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site.</p> <p>m. Provision of a highly connected multi-modal transport network.</p> <p>n. The predominance of walking and cycling over vehicle access, and roading function.</p>
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<b>DEV1-S13A</b>	<b>Vehicle Access/Driveway</b>
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<p>1. <b><u>Each site shall be provided with and maintain a driveway to the following Standard:</u></b></p> <p>i. <b><u>Formed with a sealed all-weather surface. Shall provide accessway or driveways with minimum widths in accordance with Table DEV1.1.</u></b></p> <p>ii. <b><u>Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared where the access is located within 10m of an intersection road boundary or where the access is off a Primary Road.</u></b></p> <p>iii. <b><u>Shall serve no more than four parking spaces, should vehicles be required to reverse from a site.</u></b></p> <p>iv. <b><u>Shall serve no more than 30 household equivalents.</u></b></p> <p>v. <b><u>For an accessway or driveway servicing up to 6 residential units the minimum width shall be 3.0m and maximum length shall be 50m.</u></b></p>	<p>2. <b><u>Where compliance is not achieved with DEV1-S13A matters over which discretion is restricted:</u></b></p> <p>a. <b><u>Adverse effects on the safe, efficient and effective operation of the land transport network.</u></b></p> <p>b. <b><u>The ability to provide for emergency vehicle access.</u></b></p> <p>c. <b><u>The extent and effect of any non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule(s) or standard(s).</u></b></p> <p>d. <b><u>Traffic generation by the activities to be served by the access.</u></b></p> <p>e. <b><u>Location, design, construction and materials of the vehicle access.</u></b></p> <p>f. <b><u>Safety for all users of the access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians.</u></b></p>
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**Commented [JC34]:** Note rebuttal tracks re number of households off an access not picked up - merit-based difference that the Panel can simply take a view on.

<p>vi. <u>For an accessway or driveway servicing up to 30 residential units the minimum width shall be 5.5m.</u></p> <p>vii. <u>Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway where the access is located within 10m of an intersection road boundary.</u></p> <p>viii. <u>Shall serve no more than four parking spaces, should vehicles be required to reverse from a site.</u></p> <p><u>Note: Accesses serving more than 30 household equivalents shall be treated as road under DEV1-S13.</u></p>	
<p><b>DEV1-S13B Pedestrian Footpaths and Cycleways</b></p>	
<p>1. <u>Pedestrian footpaths and cycleways shall be located in accordance with the indicative 3m shared path and roadside footpaths shown on the Mangawhai Hills Structure Plan.</u></p> <p>2. <u>Pedestrian footpaths and cycleways networks shall be designed and constructed in accordance with Table DEV1.1.</u></p>	<p>3. <u>Where compliance is not achieved with DEV1-S13B matters over which discretion is restricted:</u></p> <p>a. <u>Whether safe and connected active transport networks will be achieved from the subdivision or development to established footpath and cycling facilities.</u></p> <p>b. <u>Adverse effects on the safe, efficient and effective operation of the land transport network.</u></p> <p>c. <u>Location, design, construction and materials of the footpath and cycleway.</u></p> <p>d. <u>Whether alternative pedestrian trails and cycleways provide enhanced connectivity and linkages throughout the site and to the surrounding road network</u></p>
<p><b>DEV1-S13C Public Road Upgrades</b></p>	
<p>1. <u>All construction and works on a Public Road shall comply with the Transport Network Performance Standards listed in Chapter 11</u></p>	<p>2. <u>Where compliance is not achieved with DEV1-S13C matters over which discretion is restricted:</u></p> <p>a. <u>The matters listed in Rule 11.10</u></p>
<p><b>DEV1-S14 Water Supply</b></p>	
<p>1. Where a Council water supply is available and utilised:</p> <p>a. All allotments are provided, within their net site area, with a connection to the Council water supply.</p> <p>b. All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p>	<p>3. <u>Where compliance is not achieved with DEV1-S14 matters over which discretion is restricted:</u></p> <p>a. Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision.</p>

<p>2. Where a <b>public Council water</b> supply is not available or utilised, water supplies to all <b>developments new allotments or new land use activity</b> shall meet the requirements in Table DEV1-2.</p> <p>3. <b><u>Any allotment or residential unit shall be supplied with water for the purpose of firefighting, at least 10,000 litres of water from sources that are:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Within 90 metres of an identified building platform on each lot or the residential unit; and</u></b></li> <li>• <b><u>Existing or likely to be available at a time of development of the lot; and</u></b></li> <li>• <b><u>Accessible and available all year round; and</u></b></li> </ul> <p><b>Note: Sources may be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</b></p>	<p>b. Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.</p> <p>c. Sufficient firefighting water supply is available.</p> <p><b><i>Note: For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• Within 90 metres of an identified building platform on each lot; and</i></b></li> <li><b><i>• Existing or likely to be available at a time of development of the lot; and</i></b></li> <li><b><i>• Accessible and available all year round; and</i></b></li> <li><b><i>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</i></b></li> </ul>
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<b>DEV1-S15</b>	<b>Stormwater Disposal</b>
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<p>1. All allotments shall be provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surface, in such a way as to mitigate any adverse effects of stormwater runoff on the receiving environment by providing:</p> <ul style="list-style-type: none"> <li>a. Retention (volume reduction) of a minimum of 5mm runoff depth for all impermeable surfaces.</li> <li>b. Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year Average Recurrence Interval (ARI), 24-hour rainfall event with climate change minus any retention volume provided for all impermeable surfaces.</li> <li>c. <b><u>Detention of peak post-development to peak pre-development (grassed state) for the 100 Year Average Recurrence Interval (ARI), 24-hour rainfall event with the climate change adjustment</u></b></li> <li>d. Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011 <b><u>and Auckland Region Guidance Document GD05.</u></b></li> </ul>	<p>2. <b><u>Where compliance is not achieved with DEV1-S15 matters over which discretion is restricted:</u></b></p> <ul style="list-style-type: none"> <li>a. Whether there is sufficient control of water-borne contaminants, litter and sediment.</li> <li>b. Whether there is sufficient land available for disposal of stormwater.</li> <li>c. Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotments.</li> <li>d. Whether and the extent to which measures are necessary in order to give effect to any drainage.</li> <li>e. Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including water sensitive design principles are effective.</li> <li>f. Whether and the extent to which the stormwater infrastructure within the subdivision, is able to link with existing disposal systems outside the subdivision.</li> <li>g. Whether and the extent to which the development meets the relevant performance standards, <del>or</del> the Kaipara District Council Engineering Standards 2011 <del>or</del> <b>and</b> the Mangawhai Hills Development Area Stormwater Management Plan.</li> <li>h. The extent to which run-off from a developed catchment is discharged back into its natural</li> </ul>
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	<p>catchment.</p> <ul style="list-style-type: none"> <li>i. The applicability of retention to be provided within a 72-hour period.</li> <li>j. The extent to which inert building materials are to be utilised (e.g., inert roof material).</li> <li>k. <b><u>Whether and the extent to which risks and impacts of natural hazard events, including providing for climate change, are minimised.</u></b></li> <li>l. <b><u>Whether and the extent to which stormwater is managed in accordance with the Auckland Region Guidance Document GD05.</u></b></li> </ul>
<b>DEV1-S16</b>	<b>Wastewater Disposal</b>
<ol style="list-style-type: none"> <li>1. Where a Council reticulated wastewater system is available and utilised: <ol style="list-style-type: none"> <li>a. The Council <b><u>reticulated</u></b> wastewater system can be extended to serve the subdivision; and</li> <li>b. All allotments are provided, within their net site area, with a connection to the Council reticulated wastewater system; and</li> <li>c. <b><u>The Any extension to Council</u></b> reticulated wastewater system is designed and constructed in accordance with the specific requirements of the Council <b><u>reticulated</u></b> wastewater system; and</li> <li>d. All <b><u>wastewater</u></b> pipelines vested with Council shall be protected by an Easement in favour of Council.</li> </ol> <p style="text-align: center;">Or</p> </li> <li>2. Where a community wastewater system is proposed: <ol style="list-style-type: none"> <li>a. <del>†</del>The system shall be designed in accordance with <b><u>AS/NZS1547:2008 AS/NZS 1547:2012</u></b> "Onsite Wastewater Management Standards" or in accordance with AS/NZS 1546.3:2008 "On-site domestic wastewater treatment Units – Aerated wastewater treatment systems; <b><u>and</u></b></li> <li>b. <b><u>All allotments are provided, within their net site area with a connection to the community wastewater system.</u></b></li> </ol> <p style="text-align: center;">Or</p> </li> <li>3. Where no Council <b><u>reticulated wastewater</u></b> system or community wastewater system is available or utilised, <b><u>any proposed activity shall be serviced via an onsite system and</u></b> the system shall be designed in accordance with <b><u>AS/NZS1547:2008 AS/NZS 1547:2012</u></b> "Onsite Wastewater Management Standards".</li> </ol>	<p><b><u>4. Where compliance is not achieved with DEV1-S16 Activity status: Restricted discretionary matters over which discretion is restricted:</u></b></p> <ol style="list-style-type: none"> <li>a. Whether the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed subdivision.</li> <li>b. Availability of land for wastewater disposal on site.</li> <li>c. Compliance with the provisions of the Kaipara District Council Engineering Standards 2011 where new reticulation is proposed.</li> <li>d. Capacity of existing wastewater treatment and disposal system, to which the outfall will be connected.</li> <li>e. Provision of a reticulated system with a gravity outfall is provided, or where not practical, provision of alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems.</li> <li>f. Where a reticulated system is not available, or a connection is impracticable, provision of a suitable wastewater treatment or other disposal systems.</li> <li>g. <b><u>Cultural effects.</u></b></li> </ol>

DEV1-S17		Minimum Floor Level
1. Where a Habitable Building is proposed, <u>the Habitable Building shall have a minimum:</u>	<ol style="list-style-type: none"> <li><del>Habitable buildings shall have a minimum</del> Floor level of 3.5m above mean sea level (Reference One Tree Point Datum).</li> <li><del>Habitable buildings shall have a minimum</del> Freeboard level of 500mm above 100-year ARI (climate change adjusted)</li> </ol>	<p><b>3. Where compliance is not achieved with DEV1-S17 Activity status: Restricted discretionary matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>Whether the size, location and design of the proposed building has sufficient height clearance to mitigate the risk of being affected by inundation, and has the structural integrity to withstand inundation.</li> <li>Whether the building will perform safely under hazard conditions for the life of the structure.</li> </ol>
2. Where a building contains a <del>c</del> Commercial <del>a</del> Activity or <del>is a n</del> Non-habitable <del>b</del> Building it shall have a minimum:	<ol style="list-style-type: none"> <li>Floor level of 3.3m above sea level (Reference One Tree Point Datum).</li> <li>Freeboard level of 300mm above 100-year ARI (climate change adjusted).</li> </ol>	
DEV1-S18		Active Open Space
1. <u>All residential allotments shall be located within 400m<sup>2</sup> of an active open space area.</u>	<p><b><u>No matters of discretion as subdivision defaults to Discretionary Activity if compliance is not achieved with DEV1-S18.</u></b></p>	
2. <u>Any active open space area shall be no less than 300m<sup>2</sup> in area.</u>		
3. <u>All active open spaces shall include flat open spaces suitable for a range of informal recreational activities.</u>		
DEV1-S19		Stream and Wetland Restoration Planting Areas
1. <u>All wetland restoration and stream riparian restoration areas as identified on the Mangawhai Hills Structure Plan shall be planted to a minimum of 10m from the edge of natural wetlands, intermittent and permanent streams.</u>	<p><b><u>No matters of discretion as subdivision defaults to Discretionary Activity if compliance is not achieved with DEV1-S19.</u></b></p>	

#### Information Requirements

DEV1-REQ1	Stormwater Management
Any subdivision consent application shall be supported by a detailed stormwater assessment report prepared by a suitably qualified engineer to confirm that the proposal will achieve the following:	
<ol style="list-style-type: none"> <li>Treatment of the Water Quality Volume (WQV) or Water Quality Flow (WQF) from all contaminant generating impermeable surfaces by a water quality device for the relevant contaminants.</li> <li>Retention (volume reduction) of a minimum of 5mm runoff depth for all impermeable surfaces.</li> </ol>	

3. Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year ARI, 24-hour rainfall event minus any retention volume provided for all impermeable surfaces.
4. Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011.
5. **Acceptable site stability as a result of any stormwater disposal.**

**Note 1:** Within the Mangawhai Hills Development Area, 1/3 of the 2 Year ARI rainfall event runoff volume is to be used as the Water Quality Volume (WQV) when designing a treatment device, and 10mm/hour is to be used as the Water Quality Flow (WQF).

**Note 2:** Within the Mangawhai Hills Development Area, good management practice for stormwater management is equivalent to those set out in the guideline document, *Stormwater Management Devices in the Auckland Region (GD01)*.

<b>DEV1-REQ2</b>	<b>Integrated Transport Assessment – Subdivision and Roading</b>
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1. Any subdivision consent application that involves a new Road (which is to be publicly vested) shall be supported by an Integrated Transport Assessment and Safe System Assessment prepared by a suitably qualified engineer, which shall include:
  - a. A description of the proposed activity, the purpose and intended use of the ITA, and an outline of any previous discussions with the relevant road controlling authorities.
  - b. A description of location, site layout, existing use and consents (if any), adjacent and surrounding land use.
  - c. A description of the existing access and service arrangements and on-site car parking. A description of the surrounding transport network (including hierarchy, traffic volumes, crash analysis, congestion and intersections). A description of passenger transport modes and accessibility, walking and cycling networks.
  - d. Consideration of other developments and land use and transport network improvements (including passenger transport, walking and cycling).
  - e. Details on the existing trip generation, modal split, and assignment of trips to the network.
  - f. A description of the proposal (including site layout, operational hours, vehicle access, on site car parking and drop off, and internal vehicle and pedestrian circulation). A description of any construction management matters. A description of what end of journey facilities are proposed.
  - g. A description of the trip generation, modal split, trip assignment to the network, trip distribution and trip type proportions of the proposal. Consideration of future traffic volumes and trip generation.
  - h. If relevant validated and comprehensive transportation forecasts are not available, the assessment should consider expected traffic conditions over a 5-year period and the sensitivity of assessment conclusions to changes in traffic conditions.
  - i. An assessment of safety, efficiency, environmental, accessibility, integration and economic effects (including sensitivity testing). A specific assessment of the safety and efficiency of the transport network and consistency with the Mangawhai Hills Structure Plan **including:**
    - **Tara Road and Moir Road;**
    - **Tara Road and Garbolino Road;**
    - **Tara Road and Cove Road;**
    - **Cove Road and Old Waipu Road; and**
    - **Moir Road and Ulrich Drive.**

- j. Details of any mitigating measures and revised effects, including measures to encourage other modes. Travel planning and travel demand management measures and sensitivity testing mitigations.
- k. Review against District Plan objectives, policies and rules.
- l. An assessment of effects and conclusion of effects. Confirmation of the suitability of the location of the proposal.
- m. Proposed conditions (if any) and proposed timing and implementation of necessary road connections and wider road network upgrades.
- n. A Safe System Assessment that is appropriate to the scale of the subdivision or development proposed.

**DEV1-REQ3 Integrated Transport Assessment**

**1. Any consent application for an activity that infringes DEV1-S10.2 shall be supported by an Integrated Transport Assessment prepared by a suitably qualified engineer, which shall include:**

- a. **A description of the proposed activity, the purpose and intended use of the ITA, and an outline of any previous discussions with the relevant road controlling authorities.**
- b. **A description of location, site layout, existing use and consents (if any), adjacent and surrounding land use.**
- c. **A description of the existing access and service arrangements and on-site car parking. A description of the surrounding transport network (including hierarchy, traffic volumes, crash analysis, congestion and intersections). A description of passenger transport modes and accessibility, walking and cycling networks.**
- d. **Consideration of other developments and land use and transport network improvements (including passenger transport, walking and cycling).**
- e. **Details on the existing trip generation, modal split, and assignment of trips to the network.**
- f. **A description of the proposal (including site layout, operational hours, vehicle access, on site car parking and drop off, and internal vehicle and pedestrian circulation). A description of any construction management matters. A description of what end of journey facilities are proposed.**
- g. **A description of the trip generation, modal split, trip assignment to the network, trip distribution and trip type proportions of the proposal. Consideration of future traffic volumes and trip generation.**
- h. **If relevant validated and comprehensive transportation forecasts are not available, the assessment should consider expected traffic conditions over a 5-year period and the sensitivity of assessment conclusions to changes in traffic conditions.**
- i. **An assessment of safety, efficiency, environmental, accessibility, integration and economic effects (including sensitivity testing). A specific assessment of the safety and efficiency of the transport network, and consistency with the Mangawhai Hills Structure Plan.**
- j. **Details of any mitigating measures and revised effects, including measures to encourage other modes. Travel planning and travel demand management measures and sensitivity testing mitigations.**
- k. **Review against District Plan objectives, policies and rules.**
- l. **An assessment of effects and conclusion of effects. Confirmation of the suitability of the location of the proposal.**
- m. **Proposed conditions (if any) and proposed timing and implementation of necessary road connections and wider road network upgrades.**
- n. **A Safe System Assessment that is appropriate to the scale of the development proposed.**

<b>DEV1-REQ4</b>	<b>Landscape Protection Area Landscape Evaluation</b>
<p>1. <b><u>Any consent application for an activity that infringes DEV1-S1.1, DEV1-S1.1A, DEV1-S2.2A, DEV1-S4.2, DEV1-S6.5, DEV1-S6.6 or DEV1-S8.2 shall be supported by a site or property-specific landscape evaluation shall be submitted with all consent applications that for subdivision, use or development within the Landscape Protection Area.</u></b> The landscape evaluation shall:</p> <p>a. Document how potential adverse effects are to be avoided on the characteristics and qualities of the Landscape Protection Area;</p> <p>b. Clearly identify where the avoidance of adverse effects is not considered practicable and record the nature and scale of those effects;</p> <p>c. Demonstrate how unavoidable adverse effects will be remedied or mitigated; and</p> <p>d. Demonstrate any ways in which the proposal may conserve or heighten the characteristics and qualities of the Landscape Protection Area through a comprehensive approach to landscape analysis and project design</p>	
<b>DEV1-REQ5</b>	<b><u>Moderate to high risk instability area Soil Assessment, Retirement and Rehabilitation Management Plan</u></b>
<p>1. <b><u>Any subdivision consent application that is on a site that contains areas identified as moderate to high risk instability shown on the Mangawhai Hills Structure Plan shall be supported by a Soil Assessment, Retirement and Rehabilitation Management Plan, prepared by a suitably qualified soil scientist or engineer with input from a suitably qualified ecologist or landscape architect, which shall include:</u></b></p> <p>a. <b><u>An assessment of the suitability of the existing conditions of the site and land to be retired and rehabilitated including the following:</u></b></p> <ul style="list-style-type: none"> <li>i. <b><u>Topography and slope analysis;</u></b></li> <li>ii. <b><u>Existing vegetation;</u></b></li> <li>iii. <b><u>Hydrology;</u></b></li> <li>iv. <b><u>Soil analysis;</u></b></li> <li>v. <b><u>Any factors that will influence the successful implementation of the area to be retired and rehabilitated.</u></b></li> </ul> <p>b. <b><u>An Enhancement and Management Plan setting out (to the extent relevant to the proposal):</u></b></p> <ul style="list-style-type: none"> <li>i. <b><u>The key protection and enhancement objectives and outcomes to be met, including the qualities and characteristics of the environmental protection area that are to remain protected in perpetuity</u></b></li> <li>ii. <b><u>The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to:</u></b> <ul style="list-style-type: none"> <li>• <b><u>Weed control.</u></b></li> <li>• <b><u>Pest animal control.</u></b></li> <li>• <b><u>Pest organism control, including kauri dieback disease and myrtle rust.</u></b></li> <li>• <b><u>Re-vegetation and restoration opportunities.</u></b></li> <li>• <b><u>Fencing plan.</u></b></li> <li>• <b><u>Fire risk management.</u></b></li> </ul> </li> </ul>	

- Access limitations.
- Nutrient and sediment control.

iii. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.

iv. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.

**DEV1-REQ6**

**Ecological Assessment**

2. Any subdivision consent application shall be supported by an Ecological assessment prepared by a suitably qualified ecologist which:
- a. Identifies, delineates and classifies all ecological features on site including, water courses, wetland habitats and indigenous vegetation;
  - b. Assess the potential ecological constraints to development and opportunities for restoration and ecological enhancement
  - c. Considers requirements under the National Policy Statement for Indigenous Biodiversity (2023).
  - d. Identifies the necessary extent and location of revegetation planting within the Additional Native Revegetation Area identified on the Mangawhai Hills Structure Plan.
  - e. Is supported by an Ecological Planting, Restoration and Management Plan that ensures that existing natural features and ecological values on site are appropriately enhanced, protected and maintained as a part of site development. This shall address the following:

The Ecological Planting, Restoration and Management Plan ~~planting plan~~ for proposed revegetation planting ~~which shall~~ considers and identify ~~ies~~:

- i. The appropriateness and practicability of the proposed planting:
  - a) To be native vegetation which is sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography;
  - b) To reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession.
- ii. The ecological district of the site.
- iii. The characteristics of the soil (i.e., clay, silt, loam etc.).
- iv. Soil drainage.
- v. Topography of the area to be planted.
- vi. Aspect of the area to be planted.
- vii. Exposure of site to wind, frost, sunlight and salt spray.
- viii. Presence of plant and animal pests.
- ix. Any restrictions on planting, such as safety or existing access issues etc.
- x. The purpose of the planting in relation to the surrounding environment (including buffering, corridors, linkages).
- xi. The location and extent of planting.
- xii. Site preparation for planting, including stock-proof fencing of planting areas, weed and animal pest control.
- xiii. Site planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants.
- xiv. Maintenance plan of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and a management plan for animal and plant pest control.

<p>a. An assessment of the effects of the potential development on the environmental protection area.</p> <p>b. <b>An assessment of the effects of domestic cats and dogs on ecological values</b></p> <p>c. A <b>management</b> plan that specifies the protection measures proposed to ensure the indigenous vegetation remain protected in perpetuity, that includes how all of the following matters will be implemented prior to the Council issuing section 224(c) certificate.</p> <p><b>d. As appropriate and necessary a bat survey and maintenance plan.</b></p> <p>xv. The establishment of secure stock exclusion.</p> <p>xvi. The maintenance of plantings, which must occur until the plantings have reached 80% canopy closure. Forest diversity planting (typically at Year 4 of the project) will have occurred. The survival rate must ensure a minimum 90% of the original density and species.</p> <p>xvii. The maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth.</p> <p>xviii. The maintenance of indigenous vegetation must ensure animal and plant pest control occurs.</p> <p>3. Any subdivision consent application that involves earthworks shall be supported by details of any excavation and fill associated with the subdivision, including erosion and sediment control measures in accordance with best practice.</p>
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Note 1: Within the Mangawhai Hills Development Area, good management practice for erosion and sediment control measures is equivalent to those set out in the guideline document, 2016/05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. Incorporating amendment 2, 20

Commented [JC35]: agree

**Table DEV1.1 Mangawhai Hills Development Area Road, Private Way, Cycle Way and Property Access Legal and Construction Widths**

Road Hierarchy	Minimum Legal Width	Minimum Formation Width	Minimum Cycleway / Footpath Width	Surface	Maximum Design Speed	Minimum Radius (m)	Minimum SSD (m)	Maximum Grade
Private access serving up to 6 units/lots and less than 50m in length	3.6m except every 50m has	3m	0.5m (one side only where footpath is not provided separately)	seal	30km/h	6m subject to vehicle tracking for anticipated design vehicle		50 <del>20</del> %
Private Accessway serving 7-30 units/lots (not vested) or serving up to 6 that is over 50m in length	9.5m	5.5m (no on street parking)	<del>1.4</del> 0.5m (one side only where footpath is not provided separately)	seal	30km/h	6m subject to vehicle tracking for anticipated design vehicle	30m*	<del>20</del> 12.5% <i>Note: transition between two gradients shall not exceed 12.5%. if they do, separate transition</i>

Commented [JC36]: As per above comment re number of households off an access

								<i>gradient must be provided over a length no less than 2m.</i>
<b>Local / Secondary Road</b>	<b>16m</b>	6.0m + indented parking bays	1.4m (one side only)	<b>Seal</b>	<b>40km/h</b>	<b>10m</b>	<b>40m</b>	<b>12.5%</b>
<b>Primary Road</b>	<b>20m</b>	6.5m + indented parking bays	<b>≥ 1.4m footpath on one side only and a 3m shared path on the other.</b>	<b>Seal</b>	<b>50km/h</b>	<b>10m</b>	<b>40m</b>	<b>12.5%</b>
<b>Gravel pathways</b>			Minimum 1.5m formation maximum 3m formation					
<b>Nature trails</b>			minimum 1m maximum 2m					
<b>Shared Paths</b>			Minimum 3m					

**Table Notes:**

(1). The legal width shall be sufficient for the carriageway (including widening on curves), cul-de-sacs, footpaths and cycleways (where appropriate), parking (where appropriate), public utilities, drainage facilities, grassed Berms, Swale Drains, amenity planting, sight benching and street furniture. Roads to vest shall have sufficient legal width for planned future development. Refer to Kaipara District Council Engineering Standards 2011, clause 5.2.4.

(2). Carriageway width is exclusive of Berms, kerb concrete and parking. Carriageway widths should be increased by up to 1.0m where there is a high proportion of heavy traffic. Additional widening is required on curves in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.5. Passing bays are required on single lane carriageways in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.5.

(3). Carriageway surface shall be sealed in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.6.

(4). Design speeds are based on rolling terrain typical in Kaipara District. Higher design speeds should be considered in flatter terrain.

(5). Safe stopping sight distances marked \* have been increased to provide for two vehicles approaching each other on a single lane carriageway to stop before colliding. If a two lane carriageway is proposed for access ways serving 1 to 6 lots, sight distances may be reduced accordingly. K value is the length of vertical curve (m) divided by the algebraic difference in gradients (%).

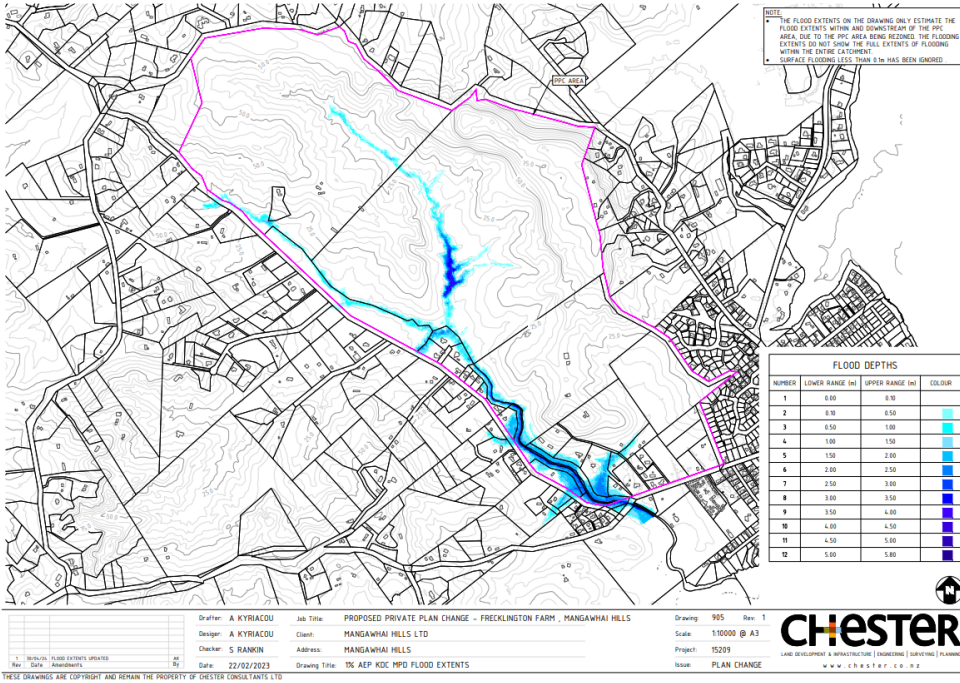
(6). Where there is potential for further development under the District Plan, the horizontal and vertical geometry and legal width shall provide for the Ultimate Development.



Table DEV 1-2: Recommended [Potable Water Supply Tank](#) Volumes for On-site Residential Supply

Roof Catchment (m <sup>2</sup> )	Bedrooms				
	1	2	3	4	5
100	20m <sup>3</sup>	50m <sup>3</sup>			
120	15m <sup>3</sup>	35m <sup>3</sup>			
140	10m <sup>3</sup>	30m <sup>3</sup>	75m <sup>3</sup>		
160		20m <sup>3</sup>	60m <sup>3</sup>		
180			50m <sup>3</sup>	75m <sup>3</sup>	
200			45m <sup>3</sup>	65m <sup>3</sup>	
220			35m <sup>3</sup>	55m <sup>3</sup>	90m <sup>3</sup>
240			30m <sup>3</sup>	50m <sup>3</sup>	80m <sup>3</sup>
260			30m <sup>3</sup>	45m <sup>3</sup>	70m <sup>3</sup>
280				40m <sup>3</sup>	65m <sup>3</sup>
300				35m <sup>3</sup>	60m <sup>3</sup>

Figure 1 – Flood Map



**Definitions**

The standard definitions of the National Planning Standards shall apply to the Mangawhai Hills Development Area Provisions.

**Appendix 1 – Mangawhai Hills Structure Plan**

