

RESOURCE MANAGEMENT ACT 1991

RODNEY TRANSITIONAL DISTRICT PLAN 1993

PROPOSED PLAN CHANGE NUMBER 105: INTRODUCTION OF THE SPECIAL 17 (TE ARAI) ZONE

Explanation

The Process

Proposed Plan Change 105 is a result of a Private Plan Change request by the Te Arai Coastal Lands Trust (formerly the Te Uri o Hau and New Zealand Land Trust, Joint Venture), under Section 73 of the Resource Management Act 1991. The Council has also publicly notified a parallel Variation (Variation 62) to the Proposed District Plan 2000 with specific provisions ensuring the Variation has no effect before this plan change is made operative.

Section 73 of the Resource Management Act 1991 allows any person to request a plan change to the Operative District Plan. Provided that adequate information on the environmental effects of any change is supplied and amongst other things, that the proposal is not frivolous or vexatious and is not contrary to sound Resource Management practice, the Council is obliged to publicly notify the request. In this case, the Council considered the proposal met the conditions and has proceeded to publicly notify the proposal. The proposal is a private proposal and not a Council one and in terms of the Resource Management Act, the proposed plan change has no legal effect until it is made operative.

The Council is not required to support or oppose the plan change (and related Variation) at this stage, but simply to publicly notify it. Council's opportunity to support or oppose the proposal comes through its right to make a submission on the proposal during the submission period and/or through its function as the body which is required to make decisions on all submissions.

The Proposal

Plan Change 105 (and the parallel Variation 62) seeks to introduce a new special zone to replace the existing zoning of the subject land located between Mangawhai Heads and Te Arai Point. The new zone seeks to enable the subject land to be developed as a coastal resort settlement. Currently the land is zoned Mangawhai-Pakiri Special Character Activity Area under the Operative District Plan 1993.

The land has been in production forest for a number of years and became part of a Treaty settlement under the Te Uri o Hau Settlement Act passed in 2002.

The zone provisions inserted by the proposed plan change provide for the development of a coastal resort settlement incorporating the following components:

Overview

- Tenure: Freehold title.
- Area of site: 616ha's (variable with MHWS).
- Location of site: Between Mangawhai Harbour and Te Arai Point.
- Catchment of site: Mangawhai.
- Length of site: 5.3km fronting Te Arai Beach.
- Width of site: 1.7km at widest.
- Current land use: Production forest owned by Joint Venture.
- Proposed land use: Visitor facilities and forest living.
- Proposed tenure: Freehold and leasehold.

Coastal Park (refer Structure Plan map attached as Annexure 2)

- Natural feature 'vegetation wedge" progressive indigenous re-vegetation.
- Public carpark (Pacific Road).
- Restricted pedestrian beach access.
- Surf lifesaving control (satellite of Mangawhai Surf Life Saving Club).
- Vegetation and dune management plan.
- Shorebird management plan.
- Community of care programme.

Forest Recreation (refer Structure Plan map)

- Forest and vegetation management.
- Forest recreation trails; walking, cycling, bridleways.
- 18 hole championship all year golf course.
- Equestrian.
- Tennis.

Forest Living (refer Structure Plan map)

A range of configurations to integrate with the landscape, capped at 650 residences with provision for and including:

- forest clusters;
- coastal homes; and
- golf homes;

All within a forest environment.

The Village (refer Structure Plan map)

Village Resort/Hotel

- Approximately 200 village homes.
- Reception/administration.
- 3-4 resort shops.
- Conference facility (small).
- Restaurant/bar.
- Health & beauty spa/gym.
- Swimming pool.
- Tennis courts.

Village Centre

- 6 shops: information centre, superette, ice cream parlour and artisans court.
- Restaurant/café.
- Community Hall (small).
- Service building (fire / forest / vegetation management).
- Village green / children's play area.
- Clubhouse – includes: golf shop, cart barn, changing rooms.

Land use percentages

- Built footprint all activities - 5% max
- Public access – open space - 75%
- Residential sites – open space - 20%

Overall density of 1 household unit per 7,000m² (0.7 ha) of total zone.

Water supply

- Individual rainwater harvesting.
- Groundwater (reticulated for The Village).
- Water retention.

Wastewater system

- Several options for have been examined and the conclusion reached that the land has sufficient on site capacity to treat and dispose of wastewater from the intended development.
- Current preferred system; SAF (Submerged Aerated Filter) and surface and subsurface drip disposal.

Fire fighting

- Fire hydrants and sprinklers in village. Mobile tanker for forest living.

Utilities

- Power, telecom, fibre – underground.

Road upgrades

- Mangawhai Road / Coal Hill Road intersection.
- Coal Hill Road / Black Swamp Road to entrance.
- Wider road network by development contribution and Council agreements.

Residents Association Management

- Design Review Board with RDC endorsed design control criteria.
- Vegetation enhancement of the coastal park.
- Forest and re-vegetation enhancement inland.
- Roads (Pacific Road public, remaining roads private).
- Community facilities.
- Wastewater facilities by service provider approved by RDC.
- Open space.
- Shorebird care.
- Coastal care.

Public Agency Management

- Coastal dune-land re-vegetation plan (establishment costs from development).
- Shorebirds.
- Beach bylaws (with some delegations to Residents Association).

Financial contributions

- Special provisions are proposed, with commitments for provision of roading, stormwater, water supply, sewerage works, reserves / recreation, and environmental enhancement, in addition to general RDC requirements.

Plan Change 105 – Schedule of Amendments

The following amendments to the Transitional District Plan 1993 (Plan Change 55) constitute Proposed Plan Change 105:

- 1 At Plan Change 55, Planning Maps, on Sheet I (R08C) DELETE the zoning “Mangawhai – Parkiri Special Character Activity Area”, AND REPLACE WITH “Special 17 (Te Arai) Zone” zoning; as set out on the revised sheet 1 R08C and Map 1 contained in Annexure 1 to this Proposed Plan Change.
- 2 At the Operative Rodney District Plan 1993 Plan Statement and District Rules, Section 11 – Special Zones add a new appendix 11M containing the Special 17 (Te Arai) zone Structure Plan map as set out in Annexure 2 to this Proposed Plan Change.
- 3 At the Operative Rodney District Plan 1993 Plan Statement and District Rules, Section 11 – Special Zones, ADD the following new zone “11.17 Special 17 (Te Arai) Zone”

11.17 SPECIAL 17 (TE ARAI) ZONE

11.17.1 Zone Issues, Objectives, Policies and Description

11.17.1.1 Issues

Issue Site Specific Issues

11.17.1.1.1

- (i) The Te Arai beach environment has high natural character and landscape values. The existing pine forest provides a background to the beach environment. Development and forestry activities must be planned, implemented and managed so as to avoid adverse effects on these values.
- (ii) Activities on the land need to respond to the natural landform of the land and avoid causing any increase in the occurrence of erosion from wind and instability of the existing dune land.
- (iii) Shore birds are known to nest at the mouth of the Te Arai Stream. The stream and its riparian margins have also been identified as ecologically significant. The protection and conservation of these areas is vital.
- (iv) Provision of access to the coast requires access through the dunes located within the margins of coastal environment. This area is subject to coastal processes and contains sensitive coastal vegetation. The dunes and vegetation need to be retained to reduce the possibility for coastal hazards, while providing for public access.

- (v) The coastal environment at Te Arai is a significant recreational resource which contributes to the wellbeing of people and communities. Opportunities to increase and enhance this recreation resource have been investigated and are provided for in a manner that is sensitive to natural character and ecological values.
- (vi) Network Utilities and roading are required to service a variety of development types and production activities. These utilities must be appropriately designed and operated.
- (vii) The location of buildings, roads, walkways, and tracks together with their design and the spaces between them, can affect the character of an area and the security, safety and health of people living or working in or visiting an area.
- (viii) The production pine forest on the Te Arai land can be subject to a fire risk that requires management to ensure that it does not become hazardous to residents or visitors.

11.17.1.2 ZONE DESCRIPTION

This Zone applies to land to the north of Te Arai Point, and provides for the development of this land into a residential and recreational land uses. The Zone provisions seek to achieve a settlement in a manner that recognises the social, environmental and cultural values at Te Arai and of Te Uri o Hau. The design, density and layout of the zone recognises and provides for these values. A structure plan for the zone is provided as Appendix 11M

The zone has a maximum of 850 Household units, leaving a high ratio of open space to built development. Development will be concentrated into a mixture of residential forms, including clusters. A Village will contain visitor accommodation, residential and small-scale commercial land uses. The remainder of the residential land use will be contained within the existing exotic forest setting. Recreational and open space areas are integrated within the landscape and structure of a managed pine forest and its coastal setting.

Using development principles and an analysis of land suitability, areas have been divided into four sub zones; Village, Forest Living, Forest Recreation, and Coastal Park. These sub zones are illustrated in the structure plan for the Zone. Environmental constraints, and the consideration of potential environment effects have influenced the activities provided for in each of the sub zones.

The Forest Living and Village sub zones contain the built development components of the Zone. The Forest Recreation provides the focus for the recreation facilities and open space for the community, and has very limited built development. The Coastal Park, has high ecological and landscape values. Accordingly, land uses are limited, as is built development.

Six development cells are illustrated on the structure plan. Development cells enable the Forest Living and the Village sub-zones, containing the majority of the built development, to be designed comprehensively at a manageable scale, through the use of outline development plans. The subdivision provisions require that an outline development plan be prepared for each of the development cells, to guide future development within that development cell.

The Zone provisions seek to achieve a settlement consistent with the environmental values of the Zone through:

- The form and layout of development;
- The sub zones to manage the effects of development and subdivision within specific locations of the Zone;
- The use of activity status to ensure that subdivision and development is assessed in the context of its proposed location;
- Establishment of the Coastal Park and a shoreline yard that collectively limits development to a minimum of 200m from the coastal marine area;
- Restrictions on the location and types of access to the beach;
- Allowing for recreation opportunities in appropriate locations;
- Vegetation management and re-vegetation to compliment the retention of the existing forest, the minimisation of erosion and fire hazard;
- Restrictions on earthworks to minimise erosion, retention of natural landform, and ensure slope stability;
- The protection of archaeological and cultural sites;
- Treatment and disposal of stormwater and renovated wastewater onsite utilising methods with low impact;
- Roof collection of water for potable supply that limits the effects of storm peak and permits the regeneration of ground water;
- Subdivision controls that promote the lot shapes that allow the orientation of buildings for maximum solar gain.

11.17.1.3 OBJECTIVES AND POLICIES

Objective Form and Layout

11.17.1.3.1.1 To enable a coastal community with a variety of residential styles, recreational opportunities, visitor accommodation and a village, in a manner that recognises the social, environmental and cultural values at Te Arai, and enables the sustainable management of resources.

Policy

- 11.17.1.3.1.2
- (a) Ensure residential land use is consistent with the carrying capacity and environmental characteristics of the Special 17 (Te Arai) Zone, by limiting the total number of household units to 850.
 - (b) A variety of lot sizes and forms of development should be provided to create variation of land uses and flexibility to implement these uses within the Special 17 (Te Arai) Zone.
 - (c) Opportunities for visitors to, and recreation within, the Special 17 (Te Arai) Zone should be provided through, the design and layout of household units, the provision of a golf course, visitor accommodation, and walkway and bridle trails.

- (d) The layout of development and subdivision should provide for and respond to the existing and future forest, coastal environment, and adjoining open space, communally owned land, and walkway and bridle trails.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Provision for open space areas in the form of Forest Recreation and Coastal Park.
- The number of household units permitted within the Special 17 (Te Arai) Zone limited to 850.
- Providing for clustered household units and a variety of residential development types within Forest Living and the Village.
- Limited built development within the Forest Recreation and Coastal Park areas.
- Provision for golf course, walkway, bike and equestrian bridle trails, and pedestrian beach access.

Explanation and Reasons

Structure planning, resource studies and associated assessment of environmental effects undertaken for the Special 17 (Te Arai) Zone have identified proper limits of development. These limits have been incorporated into the structure plan and the rules for the Zone. Flexibility through the use of a variety of residential types allows for responsive solutions to avoid adverse effects on the environment. A form and layout that provides for visitor and recreation opportunities allows for the meeting of recreational needs of existing and future populations.

Objective
11.17.1.3.2.1

Amenity
To maintain and enhance amenity values within built development, recreation areas, and coastal and riparian margins in the Special 17 (Te Arai) Zone.

Policy
11.17.1.3.2.2

- (a) Subdivision and development should contribute to the amenity of Te Arai by:
- (i) Integrating subdivision and development into the pine forest and the coastal environment; and
 - (ii) Providing access to communal space, facilities, the coastal environment of Te Arai, and public open space.
- (b) Buildings should be designed and sited to:
- (i) Prevent overshadowing of adjacent outdoor living areas and buildings; and
 - (ii) Protect visual and aural privacy.
- (c) All activities should be sited, designed and operated to avoid, remedy or mitigate adverse noise and/or lighting effects on the amenity values of the area, and people.

- (d) Subdivision and development should be located, laid out and designed to minimise any adverse effects on amenity, in particular by:
- (i) Retaining the general structure of the forest and open space, with allowance for thinning of the existing pine forest with built development safely located within it;
 - (ii) Ensuring that re-vegetation and enhancement of indigenous vegetation will occur in conjunction with the modification of the pine forest with indigenous forest over time; and
 - (iii) Achieving an overall compatibility in building scale, design and form.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Providing for the Coastal Park, which includes the coastal frontage of the Te Arai beach and the riparian margin of the Te Arai Stream.
- Use of activity status and assessment criteria.
- Limiting built development within the Coastal Park.
- Limiting the points of pedestrian and vehicle accesses to the beach.
- Vegetation clearance and management rule.
- Rehabilitation and enhancement of vegetation rule.
- A variety of residential development types compatible with retaining the forest structure.
- Activity development controls.

Explanation and Reasons

These policies also seek to promote an environment of high amenity through the implementation of the built components of the Special 17 (Te Arai) Zone. The sustainability of the Special 17 (Te Arai) Zone is not only reliant on providing for the maintenance and continued functioning of natural systems, but also providing a living environment of high amenity for residents and visitors. These policies seek to address elements of amenity, which include but are not limited to, sunlight, shadowing, noise, building scale and design, and privacy.

Objective
11.17.1.3.3.1

Public Access to the Coast / Public Accessibility

To maintain and enhance public access to the coastal marine area and throughout the Special 17 (Te Arai) Zone where appropriate, taking into account the ecological and natural character values.

Policy
11.17.1.3.3.2

- (a) Subdivision and development should maintain or where possible enhance appropriate public access to the coastal marine area of Te Arai and its beach at predetermined locations.
- (b) Where public access is to be provided to the coast, measures should be implemented to prevent the degradation of the dune environment.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Provision for walkway, bike and bridle trails throughout the Special 17 (Te Arai) Zone;
- Provision for car parking and public access to the beach;

Explanation and Reasons

While public access to and along the coastal marine area is a matter of national importance (refer to section 6(d) of the Resource Management Act 1991), unrestricted access can, in instances, induce adverse environmental effects. The above policies encourage public access, where such access will not adversely affect the environment.

Objective

11.17.1.3.4.1

Natural Hazards

To ensure that development within the Special 17 (Te Arai) Zone does not exacerbate natural hazards, and to establish development that is not susceptible to natural hazards.

Policy

11.17.1.3.4.2

- (a) Subdivision or development should avoid areas susceptible to natural hazards;
- (b) The stability of the dunes in areas susceptible to coastal hazards should be maintained through the augmentation and/or provision of vegetative ground cover and shrublands, and through the implementation of dune care programmes.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Coastal Park sub-zone.
- Use of activity status and assessment criteria.
- Restrictions on earthworks.
- Restrictions on the use of retaining walls.
- Vegetation clearance and management rule.
- Rehabilitation and enhancement of vegetation rule.
- Dune care contributions.

Explanation and Reasons

Coastal environments can be susceptible to erosion if not carefully managed. The location of development away from areas susceptible to erosion can avoid the effects of coastal hazards and contributing erosion. Vegetated dunes act as a buffer against wind erosion and the energy of waves, and provide a reservoir to replace eroded foreshore sediments. Maintaining or enhancing natural systems, such as sand dunes and coastal vegetation, ensures that the continuing functioning of natural systems, reduces the risk of natural hazards.

Objective
11.17.1.3.5.1 **Natural Character**
To protect and where possible enhance the existing natural values and landform that create the natural character, and landscape values of the coastal environment of Te Arai.

Policy
11.17.1.3.5.2 (a) Development should be of a scale and intensity that minimises adverse effects on the existing natural character of the coastal area.

(b) Development should retain as far possible the existing landform, and the structure of the existing forest contained within the Te Arai Zone, while providing for rehabilitation and enhancement with indigenous vegetation.

(c) Buildings should utilise materials and colour, and be sited and designed in a way that complements amenity values, so as to ensure that they are not visible from the beach.

(d) Enhancement and rehabilitation of indigenous vegetation should be undertaken:

- (i) In the coastal margins;
- (ii) In the riparian margins; and
- (iii) With the removal of trees forming the existing pine forest;

to maintain and if possible enhance the natural character of the coastal area.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Use of activity status and assessment criteria.
- Restrictions on earthworks.
- Restrictions on the use of retaining walls.
- Vegetation clearance and management rule.
- Rehabilitation and enhancement of vegetation rule.
- Design guidelines assessing colour materials and design of buildings.
- A variety of residential development types compatible with retaining the forest structure.

Explanation and Reasons

The coastline along the length of Te Arai is of outstanding natural landscape value within the Auckland Region. The above policies promote the retention of the level of natural character of this coastline by the sensitive siting and location of development, ensuring that development and the buildings are not visually intrusive, retaining the existing landform, and promoting enhancement and rehabilitation of indigenous vegetation. Lists of appropriate native vegetation species for replanting in various locations within the Special 17 (Te Arai) Zone are listed in the general rules. Grass species for the purposes of erosion control can be planted in the intervening period between the removal of vegetation and the replanting of native vegetation.

Objective
11.17.1.3.6.1 **Tangata Whenua / Cultural Values**
To protect and provide for cultural values and Tangata Whenua's relationship with Te Arai.

Policy
11.17.1.3.6.2 Development should:

- (a) limit the destruction or damage to any site of significance to Tangata Whenua;
- (b) Recognise and allow for opportunities for restoration of associations Tangata Whenua have with, and enhancement of cultural values.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Activity Status and assessment criteria for recognising and enhancing cultural values.
- Provision of a cultural education and recreation centre.
- Ensuring protection of registered archaeological sites and developing a protocol on finding archaeological or cultural remains.

Explanation and Reasons

The development provided for under the Special (Te Arai) Zone accommodates sites and values of significance to Tangata Whenua. The policies seek to ensure that the significant sites and values identified by Maori are protected from the effects associated with development and that the heritage of Tangata Whenua is reflected within the Zone.

Objective
11.17.1.3.7.1 **Transport and Access**
To provide a safe and efficient access network with low environmental impact within the Special 17 (Te Arai) Zone.

Policy
11.17.1.3.7.2

- (a) The form and layout of development should support an integrated transport network that provides for roads, pedestrian walkways, bridle paths, and cycle tracks.
- (b) The design of the integrated transport network should consider and provide for the management of competing interests of motor vehicle users, pedestrians, cyclists and horse riders.
- (c) The transport network should consist of strategically located main routes to ensure,
 - (i) limited impact on the environment;
 - (ii) maintaining separation between sensitive natural, restoration and activity areas;
 - (iii) efficient and effective maintenance; and
 - (iv) safety.
- (d) All major roads within the Special 17 (Te Arai) Zone should be appropriately designed and lit to ensure their safe use.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Roading Standards.
- Provision for walkway, bike and bridle trails.
- Activity status and assessment criteria.

Explanation and Reasons

The management of traffic and the provision of safe and efficient access are crucial to the Special 17 (Te Arai) Zone to allow for the movement of people to and through the zone. Policies recognise these needs by providing for a varied and integrated transport and multi modal access network that is responsive to the environment and the safety and well being of people.

Objective

11.17.1.3.8.1

Energy

To ensure that opportunities are optimised for buildings to gain from passive solar energy.

Policy

11.17.1.3.8.2

- (a) The layout and design of lots should provide passive solar gain opportunities for buildings.
- (b) Development and building controls should be used to ensure that opportunities for passive solar gain of buildings are optimised.

Methods

- Subdivision development controls for the size, shape and layout of lots.
- Design of subdivision performance criteria.

Explanation and Reasons

The energy demands of buildings can be significant. This is recognised by the policies in the Special 17 (Te Arai) Zone by promoting opportunities for maximising passive solar gain by both design and layout of lots, and building controls.

Objective

11.17.1.3.9.1

Utilities / Servicing

To provide on-site utilities and servicing that have low impact and minimise adverse effects on the environment within and beyond the Special 17 (Te Arai) Zone.

Policy

11.17.1.3.9.2

- (a) Stormwater and wastewater collection, treatment, reticulation and discharge should not adversely affect the quality of groundwater and surface water existing at Te Arai.
- (b) Opportunities for conservation and efficiency in water use and reuse should be provided for.
- (c) The form and layout of development should minimise the generation of stormwater and ensure that stormwater treatment and disposal does not create adverse effects on the environment.

Methods

- Activity status and assessment criteria.
- Financial contributions.
- Provision for wastewater treatment facility and the irrigation of renovated wastewater.
- Rule for the management and disposal of stormwater.
- Provision for managed wetlands and stormwater detention ponds.
- Requirement for the collection and storage of rainwater.
- Activity development controls.

Explanation and Reasons

To ensure that all new lots can accommodate the land uses/developments provided for within the zone in an environmentally appropriate manner it is necessary to set “bottom lines” for land uses. These policies seek to avoid adverse effects of stormwater and wastewater by integrating their associated utilities into the natural systems in the Special 17 (Te Arai) Zone.

Objective

11.17.1.3.10.1

Conservation and Ecological Values

To maintain, protect, and where possible enhance the coastal environment at Te Arai, by avoiding, remedying or mitigating the adverse effects of subdivision, land use and development on native plant and wildlife values and the coastline.

Policy

11.17.1.3.10.2

- (a) Subdivision and development in the Special 17 (Te Arai) Zone should recognise and promote the preservation and enhancement of indigenous fauna populations located within the Zone.
- (b) The conservation and preservation of the two shorebird wildlife areas located on the Mangawhai spit and at the mouth of the Te Arai River are to be recognised in the development and subdivision of the Special 17 (Te Arai) Zone, particularly by way of separation distances from built elements, the access network, and re-vegetation.
- (c) Wetland areas and riparian margins are to be protected by building set backs and re-vegetation through indigenous planting.
- (d) Development and subdivision should be located, designed and constructed to ensure that adverse effects on the environmental values of local significance are, avoided, remedied or mitigated.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- The Coastal Park includes the coastal frontage of the Te Arai beach and the riparian margin of the Te Arai Stream.
- Provision made for activities for the management and protection of shore birds.
- Pre-locating the crossing of the Te Arai Stream.
- Rehabilitation and enhancement of indigenous vegetation.

Explanation and Reasons

There are natural features and fauna within the Special 17 (Te Arai) Zone that have high conservation and ecological value. These include the coastal and riparian margins, wetlands and adjoining margins, and bird species. Policies provide for the protection and enhancement of these features, with the opportunity to rehabilitate significant areas of the zone. There is also a general requirement to avoid, remedy or mitigate adverse effects on environmental values with the design, locating and construction of development and subdivision.

Objective

11.17.1.3.11.1 **Safety** To provide a safe and secure environment for residents and visitors.

Policy

11.17.1.3.11.2 (a) The form and layout of the Special 17 (Te Arai) Zone should promote a safe and secure environment for residents and visitors.

(b) The maintenance of the existing forest and progressive restoration of indigenous vegetation should be allowed to create separation between dwellings and substantive areas of forest to ensure the physical safety, natural light and fire protection for persons and property.

Methods

- Structure plan for the Special 17 (Te Arai) Zone.
- Road standards
- Activity status and assessment criteria
- Rehabilitation and enhancement vegetation
- Providing for fire fighting facilities, and the storage of water for fire fighting purposes

Explanation and Reasons

The Special 17 (Te Arai) Zone should be a safe and secure environment for residents and the public. The form and layout of development has a significant role in achieving a safe and secure environment. As the site is largely forested it is necessary that risks both to people and property from fire and wind thrown trees are minimised.

Objective

11.17.1.3.12.1 Objectives from the following chapters are also relevant:

*Section 13 – Vehicles Parking, Loading and Access
Section 14 – Subdivision and Development
Section 15 – Conservation and Environment
Section 17 – Natural Hazards
Chapter 22 – Financial Contributions and Works*

Policy

11.17.1.3.12.2 Policies from the following Chapters are also relevant:

*Section 13 – Vehicles Parking, Loading and Access
Section 14 – Subdivision and Development
Section 15 – Conservation and Environment
Section 17 – Natural Hazards
Chapter 22 – Financial Contributions and Works*

11.17.2 ZONE METHODOLOGY

Subdivision and land use within the Special 17 (Te Arai) Zone shall be in general accordance with the Te Arai Structure Plan in Appendix 11M.

11.17.3 LAND USE ACTIVITY RULES

Land use activities in the Special (Te Arai) Zone shall comply with the following:

- (a) Permitted Activities shall comply with the Special 17 (Te Arai) Zone General Rules (Rule 11.17.5), the relevant Land Use Activity Table (Rules 11.17.3.1.3, or 11.17.3.2.3, 11.17.3.3.3, or 11.17.3.4.3), Land Use Controls and Performance Standards (Rule 11.17.3.5) and any other relevant rules in the Plan.
- (b) Controlled Activities shall comply with the Special 17 (Te Arai) Zone General Rules (Rule 11.17.5), the relevant Land Use Activity Table (Rules 11.17.3.1.3, or 11.17.3.2.3, or 11.17.3.3.3, or 11.17.3.4.3), Land Use Controls and Performance Standards (Rule 11.17.3.5) and any other relevant rules in the Plan.
- (c) Any Restricted Discretionary Activities shall comply with the Special 17 (Te Arai) Zone General Rules (Rule 11.17.5) the relevant Land Use Activity Table (Rules 11.17.3.1.3, or 11.17.3.2.3, or 11.17.3.3.3, or 11.17.3.4.3), Land Use Controls and Performance Standards (Rule 11.17.3.5) and any other relevant rules in the Plan.
- (d) Permitted, Controlled Restricted Discretionary and Discretionary Activities that do not comply with the Special 17 (Te Arai) Zone General Rules in Rule 11.17.5 shall be assessed as Discretionary Activities.
- (e) Activities that do not comply with the Land Use Controls and Performance Standards (Rule 11.17.3.5) shall require a resource consent for Control Modification and shall be assessed as a Discretionary activity.
- (f) Any activity not listed in the activity table for the Forest Living, Village, Forest Recreation, and Coastal Park sub-zones, shall be assessed as a non-complying activity
- (g) Controlled Activities shall be assessed against the criteria set out in Rule 11.17.6.1 Controlled Activities Assessment Criteria and the relevant matters in Section 104 and 104A of the Act.
- (h) Restricted Discretionary Activities shall be assessed against the criteria set out in Rule 11.17.6.2 Restricted Discretionary Activities Assessment Criteria and the relevant matters in Section 104 and 104C of the Act.
- (i) Discretionary Activities shall be assessed against the assessment criteria set out in Rule 11.17.3.6.3 and the relevant matters in Section 104 and 104B of the Act.
- (j) Non-complying activities shall be assessed against the relevant matters in Section 104, 104B and 104D of the Act.

11.17.3.1 FOREST LIVING

11.17.3.1.1 DESCRIPTION

The Forest living areas provide for residential and accessory land uses within an exotic forest environment. A significant factor in determining the pattern of residential development is the use of existing forest structure and vegetation, while providing a pattern of development that enables a sense of community. Residential development types provided for include clusters of household units.

11.17.3.1.2 KEY PRINCIPLES

The key principles for Forest Living are:

- (a) Retaining the existing forest structure;
- (b) Clustering residential dwellings within the forest environment;
- (c) Separation of each of the residential clusters with forest so as to define the clusters edge.
- (d) A walking cycling and bridle path network linking household units to key features and nodes within Te Arai;
- (e) Clustering household units in a number of ways, either:
 - (i) Type A which consists of up to 8 sites containing household units grouped around a common access; or
 - (ii) Type B which consists of 10 – 15 sites containing household units grouped around a common area of open space; or
 - (iii) Type C which consists of sites containing household units contiguous with a golf fairway; or
 - (iv) Type D which consists of sites containing household units adjoining the Coastal Park.

11.17.3.1.3 FOREST LIVING LAND USE ACTIVITY TABLE

Permitted	Controlled	Restricted Discretionary
Single household unit per site	Installation, maintenance and operation of above ground network and public utilities	Place of Assembly
Home occupation for a maximum of 2 persons	Managed wetland for storm water detention and treatment purposes	The erection, addition to or alterations of buildings and accessory buildings for Restricted Discretionary Activities
Outdoor recreation	Storm water detention pond	Vegetation removal of trees >3m in height except where a vegetation management plan has been consented
Walkway, cycleway, bridle path	Water storage for fire fighting purposes	Vegetation management plan developed in accordance with Special 17 (Te Arai) Zone General Rule 11.17.5.14
Amenity, observation and viewing area		Car park with an area >200m ² (net of any vehicle access to the car park)
Fill retaining walls that are not defined as buildings		Earthworks >200m ³
Installation, maintenance and operation of underground network and public utilities		Fencing >1.2m
The erection, addition to or alterations of buildings and accessory buildings for Permitted Activities		
The erection, addition to or alterations of decks and stairs that are not defined as buildings		
*Earthworks <200m ³		
*Earthworks >200m ³ for the construction, maintenance and upgrading of public network utilities		
*Earthworks >200m ³ for the construction of swimming pools or buildings allowed as permitted activities or for which a resource consent has been granted		

Permitted	Controlled	Restricted Discretionary
*Earthworks >200m ³ for the provision of roads, vehicular and pedestrian access, and parking and loading spaces to permitted or activities for which a resource consent has been granted		
*Earthworks >200m ³ for the digging of holes for the erection of posts		
*Earthworks >200m ³ for the planting of trees and vegetation		
*Earthworks >200m ³ for the burying of water storage tanks		
*Earthworks >200m ³ for the excavation or construction of stormwater detention ponds and/or managed wetlands		
Vegetation removal or damage to trees <3m in Height		
Vegetation removal of trees for a building platform for which a resource consent has been granted, a road, or utility.		
Car park with an area <200m ² (net of any vehicle access to the car park)		
Fencing <1.2m		

* For the purposes of this rule, “volume” (m³) means the sum of cut volume plus fill volume on a site during any 12 month period.

11.17.3.2 VILLAGE

11.17.3.2.1 DESCRIPTION

The Village is the centre of Te Arai, and is illustrated in the Structure Plan as “the Village” and “the Village Centre”. It has a walkable compact form, with a central community focused core, surrounded by residential and visitor accommodation. The Village will provide services for residents in the form of shops, restaurant-café, fire fighting services, surf life saving facilities, and a community hall. The Village also provides the main pedestrian beach access and car parking, for both village residents and visitors.

11.17.3.2.2 KEY PRINCIPLES

The key principles for the Village are:

- (i) Creating a comprehensively designed focal point, with special character and identity for Te Arai;
- (ii) Providing a core of land use activities that cater for a choice in housing, community, visitor accommodation, retail and commercial land uses;
- (iii) Providing a safe and convenient movement network between activity centres within the Village, with good internal and external access for residents and visitors, which encourages movement by walking and cycling as opposed to vehicles;
- (iv) Providing a reserve network within the Village that meets the needs of residents and is adaptive to the needs of future residents;
- (v) Providing attractive streetscapes, with a pleasant and safe environment;
- (vi) Providing appropriate residential character within the built environment of the Village; and
- (vii) Acting as the main pedestrian beach access for Te Arai.

11.17.3.2.3 VILLAGE LAND USE ACTIVITY TABLE

Permitted	Controlled	Restricted Discretionary
Single household unit per site	Installation, maintenance and operation of above ground network and public utilities	Visitor Accommodation
Home occupation for a maximum of 2 persons	Managed wetland for storm water detention and treatment purposes	Place of Assembly
Outdoor recreation	Storm water detention pond	The erection, addition to or alterations of buildings and accessory buildings for Restricted Discretionary Activities
Walkway, cycleway, bridle path	Water storage for fire fighting purposes	Vegetation removal of trees >3m in height except where a vegetation management plan has been consented
Amenity, observation and viewing area	Public toilet / clothes changing facility	Vegetation management plan developed in accordance with Special 17 (Te Arai) Zone General Rule 11.17.5.14
Fill retaining walls that are not defined as buildings	The erection, addition to, or alterations of buildings and accessory buildings for Controlled Activities	Restaurant
Installation, maintenance and operation of underground network and public utilities		Commercial
The erection, addition to or alterations of buildings and accessory buildings for Permitted Activities		Office
The erection, addition to or alterations of decks and stairs that are not defined as buildings		Car park with an area >200m ² (net of any vehicle access to the car park)
Fencing <1.2m		Building for fire fighting purposes
*Earthworks <200m ³		Shop
*Earthworks >200m ³ for the construction, maintenance and upgrading of public network utilities		Earthworks >200m ³
*Earthworks >200m ³ for the construction of swimming pools or buildings allowed as permitted activities or for which a resource consent has been granted		Fencing >1.2m
*Earthworks >200m ³ for the provision of roads, vehicular and pedestrian access, and parking and loading spaces to permitted or activities for which a resource consent has been granted		
*Earthworks >200m ³ for the digging of holes for the erection of posts		
*Earthworks >200m ³ for the planting of trees and vegetation		
*Earthworks >200m ³ for the burying of water storage tanks		
*Earthworks >200m ³ for the excavation or construction of stormwater detention ponds and/or managed wetlands		
Vegetation removal or damage to trees <3m in Height		
Vegetation removal of trees for a building platform for which a resource consent has been granted, a road, or utility		

Permitted	Controlled	Restricted Discretionary
Car park with an area <200m ² (net of any vehicle access to the car park)		

* For the purposes of this rule, “volume” (m³) means the sum of cut volume plus fill volume on a site during any 12 month period.

11.17.3.3 FOREST RECREATION

11.17.3.3.1 DESCRIPTION

The Forest Recreation contains the open space network for Te Arai and provides the forest context for both Forest Living and the Village. It consists of land not committed for built development. The land will provide both active and passive recreation for residents and visitors to Te Arai.

11.17.3.3.2 KEY PRINCIPLES

The key principles for Forest Recreation are:

- Provide for both passive and active recreation and associated facilities, e.g. golf, equestrian, walking and mountain biking;
- Retaining as much of the existing forest structure as is practicable while integrating indigenous re-vegetation;
- Provision of a network of, walking, bridle, mountain biking trails and paths;
- Provision of areas within the forest for the treatment and disposal of wastewater.
- Creating integrated edges between Forest Recreation, the Village, Forest Living and land use activities external to the zone.

11.17.3.3.3 FOREST RECREATION LAND USE ACTIVITY TABLE

Permitted	Controlled	Restricted Discretionary
Outdoor recreation	Installation, operation and maintenance of above ground network and public utilities	Car park with an area >200m ² (net of any vehicle access to the car park)
Walkway, cycleway, bridle path	Managed wetland for storm water detention and treatment purposes	Information and Interpretation Centre for the protection and management of shore birds
Amenity, observation and viewing area	Storm water detention pond	The erection, addition to or alterations of buildings and accessory buildings for Restricted Discretionary Activities
Fill retaining walls that are not defined as buildings	Water storage for fire fighting purposes	Place of Assembly for cultural education or recreational purposes
Installation, operation and maintenance of under ground network and public utilities	Public toilet or clothes changing facility	Wastewater treatment facility
The erection, addition to or alterations of buildings and accessory buildings for Permitted Activities	The erection, addition to or alterations of buildings and accessory buildings for Controlled Activities	Potable water treatment plant
The erection, addition to or alterations of decks and stairs that are not defined as buildings	Irrigation of renovated wastewater	Restaurant
Fencing <1.2m	Place of assembly for golf club purposes	Vegetation removal of trees >3m in height except where a vegetation management plan has been consented
*Earthworks <200m ³	Shop where it is an accessory activity to the place of assembly for golf purposes	Vegetation management plan developed in accordance with Special 17 (Te Arai) Zone General Rule 11.17.5.14

Permitted	Controlled	Restricted Discretionary
*Earthworks >200m ³ for the construction, maintenance and upgrading of public network utilities	Office where it is an accessory activity to the place of assembly for golf purposes	Earthworks >200m ³
*Earthworks >200m ³ for the construction of swimming pools or buildings allowed as permitted activities or for which a resource consent has been granted	Depot where it is an accessory activity to the place of assembly for golf purposes	Fencing >1.2m
*Earthworks >200m ³ for the provision of roads, vehicular and pedestrian access, and parking and loading spaces to permitted or activities for which a resource consent has been granted		
*Earthworks >200m ³ for the digging of holes for the erection of posts		
*Earthworks >200m ³ for the planting of trees and vegetation		
*Earthworks >200m ³ for the burying of water storage tanks		
*Earthworks >200m ³ for the excavation or construction of stormwater detention ponds and/or managed wetlands		
*Earthworks >200m ³ for the construction and maintenance of up to 18 golf holes and golf driving range, provide that such earthworks maintain the existing landform intact as far as is practicable.		
Vegetation removal or damage to trees <3m in Height		
Vegetation removal of trees for a building platform for which a resource consent has been granted, a road, or utility		
Car park with an area <200m ² (net of any vehicle access to the car park)		

* For the purposes of this rule, "volume" (m³) means the sum of cut volume plus fill volume on a site during any 12 month period.

11.17.3.4 COASTAL PARK

11.17.3.4.1 DESCRIPTION

The Coastal Park consists of coastal dune land and riparian area considered as having high ecological values. It is located along the Zones coastal frontage and includes the area identified as an outstanding natural landscape. The area also contains the Te Arai stream, riparian areas and wetlands.

11.17.3.4.2 KEY PRINCIPLES

The key principles for Coastal Park are:

- (a) Protection of the ecological values of the coastal dune land and margins, and riparian margins of the Te Arai Stream;
- (b) Provision of appropriate public access to the coast;
- (c) Retaining and enhancing native vegetation;
- (d) Retaining the landscape and coastal character of the Zone's coastal margins and foreshore;
- (e) Limiting built development.

11.17.3.4.3 COASTAL PARK LAND USE ACTIVITY TABLE

Permitted	Restricted Discretionary
Installation, operation and maintenance of under ground network and public utilities	Walkway, Cycleway, Bridle Path
	Fencing
	Public Toilet or clothes changing facility
	The erection, addition to or alterations of buildings and accessory buildings for Restricted Discretionary Activities
	Vegetation removal except where a vegetation management plan has been consented
	Amenity, observation and viewing area
	Managed Wetland for stormwater detention and treatment purposes
	Stormwater detention pond
	Car park
	Information and Interpretation Centre for the protection and management of shore birds
	Installation, operation and maintenance of above ground network and public utilities
	The erection, addition to or alterations of decks and stairs that are not defined as buildings
	Outdoor Recreation
	Irrigation of renovated wastewater
	Vegetation management plan developed in accordance with Special 17 (Te Arai) Zone General Rule 11.17.5.14
Earthworks	

11.17.3.5 LAND USE CONTROLS AND PERFORMANCE STANDARDS

As set out in Rule 11.17.3(e), Permitted, Controlled, and Restricted Discretionary activities, listed in the activity tables above, that do not comply with the controls and performance standards provided below shall require a resource consent for Control Modification and shall be assessed as a discretionary activity.

Rule

11.17.3.5.1 Maximum Height

- (a) Except in the height restriction area, as illustrated on the Structure Plan, the maximum height of any building within Forest Living, Village or Forest Recreation shall not exceed 7.5 metres.
- (b) The maximum height of buildings within the height restriction area, as illustrated on the Structure Plan, shall not exceed 4.5 metres.
- (c) The maximum height of buildings within the Coastal Park shall not exceed 4.5 metres.

Rule

11.17.3.5.2 Maximum Site Coverage

- (a) The maximum site coverage within Forest Living for either:
 - (i) Type A site - Building(s) and accessory building(s) shall not exceed 20% of the net site area to a maximum of 300m²; or
 - (ii) Type B site - Building(s) and accessory building(s) shall not exceed 100% of the net site area to a maximum of 200m²; or
 - (iii) Type C site - Building(s) and accessory building(s) shall not exceed 40% of the net site area; or
 - (iv) Type D site - Building(s) and accessory building(s) shall not exceed 40% of the net site.
- (b) The maximum site coverage within the Village shall not exceed:
 - (i) 30% for buildings located on residential and visitor accommodation sites with a minimum net site area of 1000m²; or
 - (ii) 40% for buildings located on residential and visitor accommodation sites with a minimum net site area of 600m²; or
 - (iii) 45% for buildings located on residential and visitor accommodation sites with a minimum net site area of 300m²
 - (iv) 70% for buildings located on non-residential sites.

Rule

11.17.3.5.3 Maximum Building Footprint

Within the Coastal Park a building's footprint shall not exceed 20m².

Rule

11.17.3.5.4 Yards

The following minimum yards shall apply:

- (a) Shoreline Yard 200m (from Mean High Water Springs);
- (b) Within the Village:
 - (1) For residential and visitor accommodation sites with a minimum site area of 1000m²;
 - (i) front yard 5 metres;
 - (ii) side yard 5 metres;
 - (iii) rear yard 10 metres.
 - (2) For residential and visitor accommodation sites with a minimum site area of 600m² and a maximum site area less than 1000m²;
 - (i) front yard 5 metres;
 - (ii) side yard At least 1 side yard to be 2 metres;
 - (iii) rear yard 7.5 metres.
 - (3) For residential and visitor accommodation sites with a maximum site area less than 600m²;
 - (i) front yard 2.5 metres;
 - (ii) side yard At least 1 side yard to be 2 metres;
 - (iii) rear yard 5 metres.

- (4) For non - residential sites
 - (i) front yard 1.0 metre;
 - (ii) side yard Nil;
 - (iii) rear yard 5 metres.
- (c) Within Forest Living for either:
 - (i) front yard Type A site – 7.5 metres (where a site fronts a common access or road)
 - Type B common balance site – 10 metres;
 - Type C site – 7.5 metres;
 - Type D site – 7.5 metres.
 - (ii) side yard Type A site – 7.5 metres;
 - Type B common balance site – 10 metres;
 - Type C site – at least one side yard of 5 metres;
 - Type D site – 5 metres.
 - (iii) rear yard Type A site – 10 metres;
 - Type B common balance site – 10 metres;
 - Type C site – 7.5 metres;
 - Type D site – 10 metres.
- (d) Within Forest Recreation and Coastal Park:
 - (i) front yard 10 metres;
 - (ii) side yard 10 metres;
 - (iii) rear yard 10 metres.

Rule

11.17.3.5.5 Vehicle parking, traffic and loading

The rules in Section 13 – Vehicle Parking, Loading and Access shall apply.

Rule

11.17.3.5.6 Fencing

All fencing permitted in the Special 17 (Te Arai) Zone, shall be no higher than 1.2 metres above ground level, and shall have a post and rail, or similar construction.

11.17.3.6

LAND USE ASSESSMENT CRITERIA

Rule 11.17.3.6.1

CONTROLLED ACTIVITIES: MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA

Rule 11.17.3.6.1.1

General

General

Rule 11.17.3.6.1.1.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for a controlled activity, Council's discretion in imposing consent conditions shall be limited to the following matters:

- The effect on any proposed land uses on:
 - Natural character;
 - Natural processes;
 - Amenity;
 - Areas of special wildlife and ecological significance;
 - Areas of cultural significance.
- The location, design, scale, form, colour and materials of buildings;
- Landscaping and screening;
- The volume of earthworks undertaken on the site and the options employed in the disposal and placement of fill, and the design of the finished landform;

Rule 11.17.3.6.1.1.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for a controlled activity, Council shall have regard to the following matters:

- Whether the proposal is generally in accordance with the structure plan attached as Appendix 11M;
- The degree to which land uses effect the ability of the natural dune system to buffer events of coastal erosion;
- The degree to which the activity retains existing vegetation and the structure of the forest.
- Whether buildings and structures adversely affect the natural character of the coastal environment and the amenity of the Special 17 (Te Arai) Zone;
- The degree to which the activity will have an adverse effect on the ecology and wildlife of any area, especially in areas of high conservation value;
- Whether the proposal involves minimal earthworks and any adverse effects are remedied or mitigated;

Rule 11.17.3.6.1.2
Irrigation of Renovated Wastewater

Irrigation of Renovated Wastewater

Rule 11.17.3.6.1.2.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for the irrigation of renovated wastewater as a controlled activity, Council's discretion in imposing consent conditions shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.1.1.1;
- Effects on amenity including odours;
- Health hazards associated with irrigation of renovated wastewater.

Rule 11.17.3.6.1.2.2
Assessment Criteria

Assessment Criteria

When considering a land use consent for the irrigation of renovated wastewater as a controlled activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.1.1.2;
- Whether the irrigation of renovated wastewater poses any health effect or effect on amenity, and the methods to avoid or remedy any such effect.

Rule 11.17.3.6.1.3
Public Toilet or Changing Facility

Public Toilet or Changing Facility

Rule 11.17.3.6.1.3.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for a public toilet or changing facility as a controlled activity, Council's discretion in imposing consent conditions shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.1.1.1;
- Management and disposal of Stormwater;
- Servicing with infrastructure;

Rule 11.17.3.6.1.3.2
Assessment Criteria

Assessment Criteria

When considering a land use consent for a public toilet or changing facility as a controlled activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.1.1.2;
- Whether stormwater capture, treatment and disposal occurs, where practicable, in a manner that sees the treated water discharged in close proximity to where it falls;
- Whether proposed land uses and/or subdivision include the provision of all services, infrastructure and utilities necessary to manage environmental effects, or alternatively demonstrate how the necessary services, infrastructure and utilities are able to be provided in time to manage environmental effects.

Rule 11.17.3.6.1.5
Activities for Golf Club Purposes

Place of Assembly, Shop, Office, Depot

Rule 11.17.3.6.1.5.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for activities for golf club purposes including a Place of Assembly, Shop, Office, and Depot as a controlled activity, Council's discretion in imposing consent conditions shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.1.1.1;
- Management and disposal of Stormwater;
- Servicing with infrastructure;
- The number, location and design of all vehicle, car parking and loading facilities;
- The location of proposed buildings and the potential effect of known natural hazards on these buildings;
- The effect of any proposed buildings on adjoining land uses.

Rule 11.17.3.6.1.5.2
Assessment Criteria

Assessment Criteria

When considering a land use consent for a public toilet or changing facility as a controlled activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.1.1.2;
- Whether the scale and intensity of the development will be in keeping with the character of the sub zone in which it is located.
- Whether stormwater capture, treatment and disposal occurs, where practicable, in a manner that sees the treated water discharged in close proximity to where it falls;
- Whether proposed land uses and/or subdivision include the provision of all services, infrastructure and utilities necessary to manage environmental effects, or alternatively demonstrate how the necessary services, infrastructure and utilities are able to be provided in time to manage environmental effects.

Rule 11.17.3.6.2

**RESTRICTED DISCRETIONARY ACTIVITIES:
MATTERS FOR DISCRETION AND ASSESSMENT
CRITERIA**

Rule 11.17.3.6.2.1
General

General

Rule 11.17.3.6.2.1.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The effect on any proposed land uses on:
 - Natural character;
 - Amenity
 - Areas of special wildlife and ecological significance;
 - Areas of cultural significance;
- The location, design, scale, form, colour and materials of buildings and structures;
- Landscaping and screening;
- Integrity of the forest structure;
- The number, location and design of all vehicle, car parking and loading facilities;
- The earthworks undertaken on the site and the options employed in the disposal and placement of fill, and the design of the finished landform;
- Management and disposal of Stormwater;
- Servicing by infrastructure;

Rule 11.17.3.6.2.1.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for a restricted discretionary activity, Council shall have regard to the following matters:

- Whether the proposal is generally consistent with the structure plan attached as Appendix 11M
- Whether stormwater capture, treatment and disposal occurs, where practicable, in a manner that sees the treated water discharged in close proximity to where it falls;
- Whether buildings and structures adversely affect the natural character of the coastal environment;
- Whether land uses , including buildings and structures, adversely affect the amenity of the Special 17 (Te Arai) Zone;
- The degree to which the activity retains existing vegetation and the integrity of the forest's structure.
- The degree to which the activity provides for cultural values.
- Whether proposed land uses and/or subdivision include the provision of all services, infrastructure and utilities necessary to manage the environmental effects, or alternatively demonstrate how the necessary services, infrastructure and utilities are able to be provided in time to manage the environmental effects;
- The degree of earthworks and any adverse effects are remedied or mitigated;

Rule 11.17.3.6.2.2
Vegetation removal

Vegetation removal

Rule 11.17.3.6.2.2.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for vegetation removal as a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The effect on any proposed land uses on:
 - Natural character;
 - Amenity
 - Areas of special wildlife and ecological significance;
- Erosion and instability;
- Integrity of the forest structure.

Rule 11.17.3.6.2.2.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for vegetation removal as a restricted discretionary activity, Council shall have regard to the following matters:

- The degree to which the activity retains existing vegetation and the integrity of the forest's structure;
- The degree to which vegetation removal adversely affects the natural character of the coastal environment;
- The degree to which vegetation removal adversely affects the amenity of the Special 17 (Te Arai) Zone;
- Whether vegetation removal will adversely affect the stability of the site or neighbouring sites;
- Whether indigenous vegetation will be planted to replace the vegetation removed;
- Whether the erosion control techniques are adequate to ensure the minimisation of dust and sediment.

Rule 11.17.3.6.2.3
Car Park

Car Park

Rule 11.17.3.6.2.3.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for a car park as a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.2.1.1;
- The extent of permeable and impermeable surfaces;
- Public safety.

Rule 11.17.3.6.2.3.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for a car park as a restricted discretionary activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.6.2.1.2;
- Whether the location design, and proposed landscaping of the car park area or road will be in keeping with the scale and character of the site;
- Public safety;
- Whether the adverse effects of lighting are avoided or remedied, while maintaining a high level of public safety.

Rule 11.17.3.6.2.4
Commercial Activities

Shop, Restaurant, Commercial, Office, Places of Assembly, Depot,

Rule 11.17.3.6.2.4.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for a shop, restaurant, commercial (office), place of assembly, or depot as a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.2.1.1;
- The effect of any proposed land uses on:
 - Networks of infrastructure;
 - Adjoining land uses;
- The location of proposed buildings and the potential effect of known natural hazards on these buildings.

Rule 11.17.3.6.2.4.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for a shop, restaurant, commercial (office), place of assembly, or depot as a restricted discretionary activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.2.1.2;
- Whether the scale and intensity of the development will be in keeping with the size and character of the Village or Forest Recreation area;
- Whether the design and orientation of buildings has an active frontage to the street.

Rule 11.17.3.6.2.5
Activities in the Coastal Park

Activities in the Coastal Park

Rule 11.17.3.6.2.5.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for specified activities in the Coastal Park as a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.2.1.1;
- The effect on any proposed land uses on:
 - The continued existence, functioning and resilience of the natural processes at Te Arai Beach;
 - Areas of special wildlife and ecological significance;
- The location of proposed buildings and the potential effect of known natural hazards on these buildings;
- Formation and location of walkway, cycleway and bridle trails.

Rule 11.17.3.6.2.5.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for specified activities in the Coastal Park as a restricted discretionary activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.2.1.2;
- The degree to which land uses affect the ability of the natural dune system to buffer events and / or the process of coastal erosion;
- Whether the activity will have an adverse effect on the ecology and wildlife of any area, especially in areas of high conservation value;
- Whether the scale and intensity of the development will be in keeping with the character of the Coastal Park.

Rule 11.17.3.6.2.6
Irrigation of Renovated Wastewater

Irrigation of Renovated Wastewater

Rule 11.17.3.6.2.6.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for the irrigation of renovated wastewater as a restricted discretionary activity, Council's discretion in imposing consent conditions shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.2.1.1;
- Effects on amenity including odours;
- Health hazards associated with irrigation of renovated wastewater.

Assessment Criteria

Assessment Criteria

When considering a land use consent for the irrigation of renovated wastewater as a restricted discretionary activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.2.1.2;
- Whether the irrigation of renovated wastewater poses any health effect or effect on amenity, and the methods to avoid or remedy any such effect.

Rule 11.17.3.6.2.7

Wastewater Treatment Facility

Wastewater Treatment Facility

Rule 11.17.3.6.2.7.1

Matters for Discretion

Matters for Discretion

When considering a land use consent for a wastewater treatment facility as a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The general matters of discretion outlined in Section 11.17.3.6.2.1.1;
- The capacity of the of the wastewater treatment facility and the renovated wastewater disposal system to cater for the volumes of wastewater generated by development within the Special 17 (Te Arai) Zone;
- Health hazards associated with treatment of wastewater.

Rule 11.17.3.6.2.7.2

Assessment Criteria

Assessment Criteria

When considering a land use consent application for a wastewater treatment facility as a restricted discretionary activity, Council shall have regard to the following matters:

- The general assessment criteria outlined in Section 11.17.3.6.2.1.2;
- Whether the treatment of wastewater poses any health effect, and the methods to avoid or remedy any health effect;
- Whether the treatment of wastewater will adversely effect the existing amenity, including odours and air quality, of the Special 17 (Te Arai) Zone.

Rule 11.17.3.6.2.2

Earthworks

Earthworks

Rule 11.17.3.6.2.2.1
Matters for Discretion

Matters for Discretion

When considering a land use consent for earthworks as a restricted discretionary activity, Council's discretion shall be limited to the following matters:

- The effect on any proposed land uses on:
 - Natural character;
 - Amenity;
 - Areas of special wildlife and ecological significance;
 - Areas of cultural significance;
- Erosion and instability;
- Earthworks undertaken on site and the options employed in the disposal and placement of fill, and the design of the finished landform;
- Integrity of the forest structure.

Rule 11.17.3.6.2.2.2
Assessment Criteria

Assessment Criteria

When considering a land use consent application for earthworks as a restricted discretionary activity, Council shall have regard to the following matters:

- The degree to which the activity retains existing vegetation and the integrity of the forest's structure;
- Whether the erosion control techniques are adequate to ensure the minimisation of dust and sediment;
- Whether the finished landform is consistent with the surrounding landform;
- The degree to which the earthworks and the finished landform affect natural character;
- Whether vegetation removal will adversely affect the stability of the site or neighbouring sites.

Rule 11.17.3.6.3

DISCRETIONARY ACTIVITIES: MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA

When considering a land use resource consent application for a discretionary activity, in addition to the matter listed in Section 104 and 104B of the Resource Management Act 1991, Council shall have regard to the following:

- The general matters of discretion listed for restricted discretionary activities in Rule 11.17.3.6.2.1.1;
- The general assessment criteria listed for restricted discretionary activities in Rule 11.17.3.6.2.1.2;
- The extent to which the activity is consistent with the objectives and policies of listed in Section 11.17.1.3.

11.17.4 SUBDIVISION RULES

- (a) The subdivision of land within the zone shall give effect to the Special 17 (Te Arai) Zone Structure Plan and is a Restricted Discretionary Activity where the following Subdivision Controls and Performance Standards (Rule 11.17.4.1) are met, and the subdivision is consistent with any relevant Development Cell outline development plan. The subdivision of land that does not comply with the Subdivision Controls and Performance Standards (Rule 11.17.4.1) or any relevant Development Cell outline development plan shall be assessed as a Discretionary activity.
- (b) Resource consent applications for subdivision confirming the site boundaries of Forest Living, Forest Recreation, Village and Coastal Park, and confirming that at least 75% of the total land area of the Special 17 (Te Arai) Zone is contained within the boundaries of Forest Recreation and Coastal Park, shall be undertaken in conjunction with the first resource consent application for land use or subdivision in the Special 17 (Te Arai) Zone. The resource consent application shall also provide the details of any staging proposed, and any bulk titles relating to the staging. A dune and vegetation management plan shall be prepared and shall accompany the resource consent application for the subdivision of the Coastal Park.
- (c) The first resource consent application for any land use or subdivision within a development cell shall be accompanied by an outline development plan, determined for the land comprising that development cell. The outline development plan shall be developed in accordance Subdivision Controls and Performance Standards (Rule 11.17.4.1) and identify the location of all future land use for the sub zone and land comprising that development cell. All future development within that development cell shall be in accordance with its outline development plan.

There are six development cells within the Special 17 (Te Arai) Zone and these are illustrated on the Structure Plan. The sub zones within each of these development cells are:

Development Cell 1 -	Forest Living
Development Cell 2 -	Village
Development Cell 3 -	Forest Living
Development Cell 4 -	Forest Living
Development Cell 5 -	Forest Living
Development Cell 6 -	Forest Living

Where any future resource consent application for subdivision is not generally consistent with an outline development plan, a revised outline development plan, developed in accordance Subdivision Controls and Performance Standards (Rule 11.17.4.1) for the sub zones comprising that development cell, must accompany the resource consent application. The resource consent application will be assessed as a discretionary application.

- (d) The Outline Development Plan shall include details of the manner in which the following will be achieved for all the land comprising the development cell:
 - (i) Roading;
 - (ii) Location and scale of land uses;
 - (iii) Location of building areas;
 - (iv) Type and location of services and utilities;
 - (v) Provision of stormwater and control of surface runoff;
 - (vi) Recreation amenities;
 - (vii) Public access to the coast;
 - (viii) Adequate fire fighting services for both forest and residential protection;
 - (ix) Subdivision controls and performance standards (Rule 11.17.4.1).

- (e) Restricted Discretionary Activities shall be assessed against the criteria set out in 11.17.4.3.1 Restricted Discretionary Activities Assessment Criteria and the relevant matters in Section 104 and 104C of the Act.

11.17.4.1 SUBDIVISION CONTROLS AND PERFORMANCE STANDARDS

Rule

11.17.4.1.1 Forest Living Subdivision Design

Any application to subdivide land within Forest Living shall include details of the matters in which the following will be dealt with or achieved.

- (a) Forest Living key principles listed in Rule 11.17.3.1.2.
- (b) Any proposed staging of development.
- (c) Details of the vegetation to be removed
- (d) The pattern of subdivision, with sites for residential use to be grouped and arranged in the following ways:

(i) Type A

Subdivision of land into Type A sites provides for a cluster of up to 8 sites, each with a suitable building platform for a household unit, surrounding and served by a common access within a forest environment. Pedestrian linkages link the cluster with an external trail and walkway network. Subdivision of Type A sites can be achieved in two ways. Either as large single sites of 1,500 – 2,000m²; or in the alternative, smaller residential sites of up to 600m² plus a balance site held in common, that when added collectively results in an average site size of between 1,500 – 2,000m² per residential site. The following subdivision standards apply to the subdivision of Type A sites:

Subdivision Standard	Standard
Minimum site area [#]	1,500m ²
Maximum site area [#]	2,000m ²
Min site frontage (fee simple subdivision and front and corner sites only)	25m
Maximum number of sites per cluster	8
Minimum number of sites per cluster	5

[#]In the alternative, a Type A subdivision can be achieved by smaller residential sites of up to 600m², plus a balance site held in common, that when added collectively have an average site size between 1,500 – 2,000m² per residential site.

(ii) Type B

Subdivision of land into Type B sites provides for a cluster of 10 – 15 relatively small sites, each with a suitable building platform for a household unit, surrounding a central common open space (common balance lot) within the forest. Each site has a share in a common balance lot. The following subdivision standards apply to the subdivision of Type B sites :

Subdivision Standard	Standard
Minimum site area	-
Maximum site area (excluding the common balance site)	400m ²
Minimum common balance site area	1.0 Hectare
Min lot frontage (fee simple subdivision and front and corner sites only)	-
Maximum number of sties per cluster	15
Minimum number of sites per cluster	10
Minimum width of central common open space	25m

(iii) Type C

Subdivision of land into Type C sites is provided for where sites are located along the immediate edge of a golf fairway. The sites are grouped into groups of 5 – 10 sites to allow the opportunity for pedestrian access between the grouped sites to the golf course. The following subdivision standards apply to the subdivision of Type C sites:

Subdivision Standard	Standard
Minimum site area	600m ²
Maximum site area	1200m ²
Min lot frontage (fee simple subdivision and front and corner sites only)	10m
Maximum number of sites per group	10
Minimum number of sites per group	5

(iii) Type D

Subdivision of land into Type D sites is provided for where sites are located adjacent to the boundary of the Coastal Park. The sites are to be grouped into groups of 5 – 12 sites to allow the opportunity for pedestrian access between the grouped sites to the Coastal Park. The following subdivision standards apply to the subdivision of Type D sites:

Subdivision Standard	Standard
Minimum site area	1000m ²
Maximum site area	1500m ²
Min lot frontage (fee simple subdivision and front and corner sites only)	20m
Maximum number of sites per group	12
Minimum number of sites per group	5

Rule
11.17.4.1.2 Village Subdivision and Design

Rule
11.17.4.1.2.1 Village Subdivision Standards

The following subdivision standards apply to subdivision to create sites for residential use within the Village.

Subdivision Standard	Standard
Minimum site area	400m ²
Maximum site area	1200m ²
Min lot frontage (fee simple subdivision and front and corner sites only)	10m
Maximum number of sites per cluster	-
Minimum number of sites per cluster	-

Rule

11.17.4.1.2.2 Village Subdivision Design

Any application to subdivide land within the Village (illustrated as “the Village” and “the Village Centre” on the Special 17 (Te Arai) Zone Structure Plan) shall include details of the matters in which the following will be dealt with or achieved.

- (i) Village Key Principles listed in Rule 11.17.3.2.2.

Staging of development

- (ii) Any proposed staging of development

Form and layout

- (iii) The Village will have a layout that creates a residential environment with high amenity and a strong community focal point, with a strong identity, by responding to site characteristics, setting, landmarks and views, and through the street and open space network.
- (iv) The Village will have a village green as a central element and community focal point. The village green shall be accessible from Pacific Road;
- (v) The Village site layout is designed to provide for a variety of housing types, and for other compatible land uses, arranged in a way that encourages the provision of local services, and facilities while minimising land use conflicts.
- (vi) Sites within the Village are to have an appropriate area and dimensions to enable the siting and construction of a household unit and ancillary buildings that maximises solar access (including maximising sunshine in winter), and provides functional private open space, convenient vehicle access and parking.
- (vii) Site sizes within the Village are to be consistent with the function of the land use activity proposed at that location.
- (viii) The Village layout will incorporate natural and landscape features and significant vegetation;
- (ix) Within the Village blank walls or high fences to streets will be avoided, urban open spaces will be designed and located to allow local surveillance, so as to enhance personal safety.
- (x) All buildings and development within the Village are required to front streets, with access to sites provided through the use of service roads, side or rear access, front way exit or other vehicle access mechanisms.
- (xi) The Village is to have attractive streetscape settings with opportunities for landscaping, varying building setbacks, and which incorporates existing significant vegetation wherever possible.
- (xii) Garages and carports located on sites within the Village are to be arranged so that they do not dominate the streetscape.

Movement Network

- (xiii) The focal point (centre) for local community and retail facilities within the Village is to be located within reasonable walking distances (500 metres) for the majority of residents residing in the Village.
- (xiv) The street network within the village is to be designed and laid out to provide a high level of legibility for pedestrians and vehicles.
- (xv) The Village street network is to provide a high level of internal accessibility to the Village focal point (centre) and good external connections for local vehicle movements, in conjunction with a traffic management system that restrains vehicle speed and deters through traffic within the Village.

- (xvi) Street layout and site density within the Village shall be designed to reduce local vehicle travel distances, encourage walking and cycling to daily activities, and facilitating use of solar energy.
- (xvii) The pedestrian network within the Village is to be safe, attractive, efficient, located largely along streets fronted by houses, and suitable for walking on barefoot.

Reserve Network

- (xviii) The Village is to contain a network of neighbourhood open space that will contribute to the legibility and character of the development, and provide for a range of informal and passive recreation activities.
- (xix) The relationship of any reserve, within the Village, to the surrounding street and site layout should be such that the personal safety, surveillance and convenience of users is promoted i.e. be fronted by roads on at least two boundaries, avoiding high, visually impermeable fences on boundaries;
- (xx) Identification of areas for public car parking, including on street parking, with regard to amenity values.
- (xxi) Details of the vegetation to be removed and/or retained.

Public Access to the Coast

- (xxii) The Village is to act as the main access for pedestrian access to the coastal marine area within Te Arai, by providing car parking, and pathways at appropriate locations.

11.17.4.3

SUBDIVISION ASSESSMENT CRITERIA

Rule 11.17.4.3.1

**RESTRICTED DISCRETIONARY ACTIVITIES:
MATTERS FOR DISCRETION AND ASSESSMENT
CRITERIA**

Rule 11.17.4.3.1.1

Matters for Discretion

Matters for Discretion

When considering a subdivision consent for a restricted discretionary activity, Council’s discretion shall be limited to the following matters:

- Site size, shape and layout;
- Natural hazard avoidance/mitigation;
- Suitability for building, and building area, location and size within a site;
- Open Space provision;
- Public Access;
- Tree and bush removal/protection;
- The effect on:
 - Natural character;
 - Amenity;
 - Areas of special wildlife and ecological significance;
 - Areas of cultural significance;
- The number, location and design of all vehicle, car parking and loading facilities;
- The earthworks undertaken on the site and the options employed in the disposal and placement of fill, and the design of the finished landform;
- Management and disposal of Stormwater;
- Servicing with infrastructure.

Rule 11.17.4.3.1.2
Assessment Criteria

Assessment Criteria

When considering a subdivision consent application for a restricted discretionary activity, Council shall have regard to the following matters:

- Whether the proposal is generally consistent with the structure plan attached as Appendix 11M;
- Whether the sites are located so that they do not require substantial earthworks or land modification to obtain access or any building area;
- Whether the subdivision will exacerbate natural hazards, through earthworks or access provision, or result in building areas which are subject to natural hazards;
- Whether the site size, shape, contour and access are suitable for the intended purpose of the Zone;
- Whether the proposed open space, including walking tracks and associated car parks are sufficient to ensure that public access to the coastal marine area is maintained or enhanced;
- Whether stormwater capture, treatment and disposal occurs, where practicable, in a manner that sees the treated water discharged in close proximity to where it falls;
- Whether the location and arrangement of sites will adversely affect the natural character of the coastal environment;
- Whether location and arrangement of sites adversely affect the amenity of the Special 17 (Te Arai) Zone;
- The degree to which the subdivision retains existing vegetation and the structure of the forest;
- The degree to which the subdivision provides for cultural values;
- Whether proposed subdivision include the provision of all services, infrastructure and utilities necessary to manage the environmental effects, or alternatively demonstrate how the necessary services, infrastructure and utilities are able to be provided in time to manage the environmental effects;
- The degree to which the proposal involves earthworks and any adverse effects are remedied or mitigated;
- Whether proposed or subdivision detrimentally affect the safe and efficient operation of any public road.

11.17.5 Special 17 (Te Arai) Zone General Rules

Permitted, Controlled, Restricted Discretionary, and Discretionary Activities that do not comply with the Special 17 (Te Arai) Zone General Rules shall be assessed as Discretionary Activities. Discretionary activities shall be assessed against the relevant matters set out in Rule 11.17.3.6.3

Rule 11.17.5.1 All land use and subdivision shall be undertaken in general accordance with Te Arai Structure Plan in Appendix 11M.

Rule 11.17.5.2 The total number of household units shall not exceed 850 within the zone. For purposes of clarity and implementing this rule, a single visitor accommodation unit containing a kitchen, shall be equivalent to a single household unit.

Rule 11.17.5.3 Land use and subdivision consent applications may be submitted for staged development.

Rule 11.17.5.4 A golf course shall be constructed and completed before the occupation of the first household unit.

Rule 11.17.5.5
Mix of Household Units

Mix of Household Units

The number of household units constructed within Forest Living shall not exceed 650.

Rule 11.17.5.6
Roads and Access

Roads, Access and Parking

(a) All roads within the Special 17 (Te Arai) Zone, dependent on their classification shall comply with standards prescribed in the table below.

Road Category	Max Carriageway Width	Minimum Setback from Centre of Carriageway
1 st Order	7 metres	10 metres
2 nd Order	6 metres	10 metres
3 rd Order	6 metres	7.5 metres
4 th Order	5.5 metres	7.5 metres

(b) All 3rd and 4th order roads in the Village sub-zone of the Special 17 (Te Arai) Zone shall have a 1.5 metre wide footpath.

(c) All setbacks from carriageways shall be kept free of built development and landscaped in accordance with the vegetation rehabilitation and enhancement rule.

- (d) Swale drains shall be used to manage and dispose of stormwater associated with road carriageways. The treatment of discharge of stormwater from roads shall be consistent with Auckland Regional Council's Low Impact Design Manual TP124, or Stormwater Management Devices: Design Guidelines Manual TP10.
- (e) Roads shall be formed, paved to a permanent dust free surface.
- (f) The development controls and performance standards in Rule 13.2 of the District Plan shall apply for site access, on- site parking, loading areas, parking and loading, and vehicle queuing.
- (g) Pacific Road and car park shall be a public road vested in Council.

Rule 11.17.5.7

Outdoor Lighting

Outdoor Lighting

In order to preserve the night time ambiance of the coastal location and to ensure that light spill, and "night sky pollution" is kept to a minimum, while maintaining the need for safety and security, lighting shall be provided to achieve the following:

General

- Low intensity light sources are to be used in all exterior applications;
- The use of hoods, louvers, snoots and other attachments designed to direct light and minimise light spill are to be provided.
- Light sources are to be incandescent, halogen or other white light. No sodium vapour or other light is permitted;
- Floodlighting of buildings or their surrounds is not permitted.

Street lighting

- Overhead lighting is permitted where pedestrian and vehicular traffic meet to achieve safety requirements. Overhead lighting with limited light spill to be chosen;
- In all other cases low level bollard lighting shall be provided.

Rule 11.17.5.8

Onsite Water Supply

Onsite Water Supply

Rule 11.17.5.8.1

All potable water shall be supplied using rain water collection and on site tanks with the exception of the Golf Course, Visitor Accommodation, and commercial activities, that may have their supply supplemented by groundwater.

Rule 11.17.5.8.2

Where on site tanks are to be used to supply potable water, the following minimum storage capacities must be supplied:

- (a) Every household unit shall have a storage capacity equal to or exceeding 25m³ (25,000 litres) provided on either an individual or collective basis;
- (b) All water storage tanks shall be buried or screened from view.

Explanation and Reasons

The collection of rainwater by roof catchment and its storage is required to create a potable water supply. The collection of rainwater also has a significant role to play on the management of stormwater within the Zone. The roof catchment areas have been developed with reference to the soakage areas associated with each household unit. The recommended tank size allow for the supply of potable water, and lessens storm peak flows from roofs.

Rule 11.17.5.9

Stormwater

Stormwater

- (a) On site soakage areas shall be provided where household units are to be developed, composed of entirely permeable surfaces, and equal to or exceeding the following requirements:
 - an on site soakage area of 38m² per lot shall be provided for lots with areas greater than 1,000m²;
 - an on site soakage area of 21m² per lot shall be provided for lots with areas 600 – 800m²;
 - an on site soakage area of 17m² per lot shall be provided for lots with areas 400 – 600m²;
 - an on site soakage area of 10m² per lot shall be provided for lots with areas 250 – 400m²;
- (b) The piping of stormwater shall be minimised as is practically possible to allow for the absorption of stormwater close to the source where the rainfalls lands.
- (c) Overflows from roof catchment and storage tanks shall be directed into on site soakage areas.
- (d) The treatment of discharge of stormwater shall be consistent with Auckland Regional Council's Low Impact Design Manual TP124, or Stormwater Management Devices: Design Guidelines Manual TP10.

Explanation and Reasons

The size of onsite soakage areas has been calculated to absorb stormwater runoff from impervious surfaces on each lot as well as overflows from potable water storage tanks. They provide a means for lessening storm peak flows and for the absorption of stormwater close to the source where the rainfall lands.

Rule 11.17.5.10

Yards to remain unobstructed by buildings

Yards to remain unobstructed by buildings

All yards shall remain unobstructed by buildings or structures except as provided for below.

(a) The following can be built in any yard within the Te Arai Special 17 (Te Arai) Zone.

- (i) Decks, unroofed terraces, landings, steps or ramps with a maximum height of 1.0 metres provided they do not prevent vehicular access to a required parking space;
- (ii) Fascia, gutters, down pipes, and eaves; masonry chimney backs, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services; light fittings, electricity or gas metres, aerials or antennae, pergolas or sun blinds provided they do not encroach into the yard by more than 0.3 metres;
- (iii) Swimming Pools and water tanks provided that they are below ground level.

(b) The following can be built in the shoreline yard within the Te Arai Special 17 (Te Arai) Zone, observation decks with a maximum height of 1 metre, and Public toilets or clothes changing facilities with a maximum height of 4.5 metres.

Rule 11.17.5.11

Earthworks

Earthworks

(a) With the exception of roads and utilities, no earthworks shall be undertaken on land with a slope equal or greater than 15°, without an approved resource consent for a discretionary activity.

(b) Sediment shall not be extracted and removed from the area that extends 75m inland (or westward) from mean high water springs, without an approved resource consent for a discretionary activity.

- (c) Where earthworks are conducted within the Special 17 (Te Arai) Zone, ground cover consistent with Rule 11.17.5.15 Vegetation Rehabilitation and Enhancement shall be planted to reinstate any remaining disturbed and/or modified area in the next planting season. Ground cover consisting of grasses shall be planted within 1 month following the completion of the earthworks. The ground shall be protected from wind erosion from the first disturbance, during, and in the intervening period between the earthworks ceasing and the planting of the ground.

Note: *Registered archaeological sites shall not be disturbed, modified, altered or destroyed unless the necessary authority has been obtained from the New Zealand Historic Places Trust*

Protocols relating to the discovery of koiwi, taonga and archaeological sites should be developed and included within the consent conditions of any resource consent granted.

Explanation and Reasons

The earthworks general rules seek to minimise the effects of wind erosion, effects on the dune landform as a result of earthwork activities. The areas for built development avoid areas with slopes greater than 15° as is practically possible. The emphasis of the earthworks rule is minimise earthworks and the possibility for wind erosion.

Rule 11.17.5.12
Retaining Walls

Retaining Walls

Only fill retaining walls are to be constructed. Cut retaining walls are not permitted. Fill retaining walls shall:

- (a) Only be used to form a stable building platform for buildings, parking area or driveway. Their length should be kept to a minimum and where practically possible a batter slope no greater than 15° should be used.
- (b) Have maximum height of 0.5 metres above natural pre-worked ground level;
- (c) Be constructed of recessive materials and shall be screened by vegetation or a ground batter slope.

Explanation and Reasons

Retaining walls have the potential to have adverse effects on the existing landform stability and create adverse visual effects. The rules above seek to minimise the use of, size and views of retaining walls.

Rule 11.17.5.13

Public access across fore dune Public access across fore dune

Where public pedestrian access to the Te Arai beach is to be provided across the fore dune within the Coastal Park, the points of access shall be limited to those identified on the structure plan for the Special 17 (Te Arai) Zone and clearly defined upon any land use consent application lodged. Sand ladders or similar pathways shall be constructed on the seaward face of the fore dune to provide the required access.

Rule 11.17.5.14

Vegetation Removal and Management

Vegetation Removal and Management

- (a) A vegetation management plan can be applied for as a restricted discretionary activity for a specified area. The resource consent application will need to detail the area to which the vegetation management plan will apply, and the conditions under which vegetation will be removed. The resource consent application will be assessed against the assessment criteria in Rule 11.17.3.6.2.2.1 (Vegetation Removal).
- (b) Where vegetation has been removed within the Special 17 (Te Arai) Zone, where appropriate, ground cover consistent with Rule 11.17.5.15 Vegetation Rehabilitation and Enhancement shall be planted to reinstate the disturbed and/or modified area in the next possible planting season. The ground cover consisting of grasses shall be planted within 1 month following the vegetation removal. The ground shall be protected from wind erosion in the intervening period between the vegetation removal operation ceasing and the planting of the ground cover.

Explanation

The assessment criteria for vegetation removal is contained within Rule 11.17.3.6.2.2.

Rule 11.17.5.15

Vegetation Rehabilitation and Enhancement

Vegetation Rehabilitation and Enhancement

The planting of any vegetation within the Special 17 (Te Arai) Zone shall be limited to pine or native species suited to their proposed location.

A list of recommended pine and native vegetation is provided in the table below by location.

Location	Recommended Vegetation	
Frontal Fore dune	Pingao	Spinifex
Dune Swale	Flax Ngaio Karo Pohutukawa Totara Karaka	Puriri Taraire Manuka Kanuka Coastal Coprosma Taupata
Back dune and adjoining inland area	Pohutukawa Karaka Kohekohe Kowhai Puriri Taraire Cabbage Tree Kanuka Totara Coastal Coprosma	Flax Houpara Karamu Mahoe Manuka Mapou Karo Ngaio Astelia Taupata
Lowland Gullies and Valley Systems	Kahikatea Kauri Rimu Totara Kohekohe Puriri Taraire Kanuka Karaka Pinus radiata	Rewarewa Tawa Mahoe Mapou Lancewood Pigeonwood Rangoria Carex Matai
Inland Areas	Karamu Cabbage Tree Broadleaf Kanuka Manuka Pohutukawa Karo	Kohuhu Mahoe Flax Totara Puriri Kowhai Pinus radiata

Explanation and Reasons

Vegetation rehabilitation and enhancement are triggered by the following rules:

- *Site re-establishment after earthworks (Rule 11.17.5.11)*
- *Vegetation Removal and Management (Rule 11.17.5.14)*
- *Establishing of roads and their set backs (Rule 11.17.5.6)*

The vegetation rehabilitation and enhancement rule seeks to replace the existing production forest over the long term, and establish a indigenous forest on the land within the Special 17 (Te Arai) Zone. There are three triggers for the planting of indigenous vegetation or pine, site re-establishment after earthworks, harvesting of pines and, the establishment of road set backs.

Those persons undertaking earthworks or establishing roads will carry out the planting of indigenous vegetation or pine depending on location. A Residents Association comprising of residents of the Te Arai is expected to undertake the management and harvesting of the pine trees. The General Rules for harvesting the pine trees, and vegetation rehabilitation and enhancement should provide guidance for management of the pine forest.

Rule 11.17.5.15
Financial Contributions

Financial Contributions, Works and Maintenance Agreements

- (a) Before the granting of the first resource consent under the Special 17 (Te Arai) Zone an agreement on the establishment responsibility, amount and allocation of establishment costs, design, timing, and vesting between the Council and the Developer shall be determined for the items within, and in terms of the table below.

Item	Financial Contributions and Works		Operation and Maintenance Responsibility ²
	Establishment Responsibility	Council Cost Share ¹	
Roading			
External Roads ³			
Coal Hill Road	Council	To be determined	Council
Black Swamp Road (to Rodney District Council Boundary)	Council	To be determined	Council
Wider network	Council	To be determined in accordance with Rule 22.9 Financial Contributions and Works for Roding	Council
Internal Roads & Parking			
Principal (Pacific Rd) Roads	Developer	None	Council (Vested)
Secondary Roads	Developer	None	RA
Local Roads	Developer	None	RA
Stream bridge	Developer	None	RA
Car parking (Pacific Rd)	Developer	None	Council (Vested)

Item	Financial Contributions and Works		Operation and Maintenance Responsibility ²
	Establishment Responsibility	Council Cost Share ¹	
Stormwater			
Swales and piping	Developer	None	Developer first 5yrs then RA
Water Supply (Village Resort Only)			
Bores	Developer	None	Resort
Reticulation	Developer	None	Resort
Treatment plant & storage	Developer	None	Resort
Fire storage tanks	Developer	None	RA
Fire fighting plant	Developer	None	RA
Sewerage / Wastewater Treatment			
Reticulation	Developer	None	Council (Staged to Vest)
Pump Stations	Developer	None	Council (Vest)
Treatment plant	Developer	None	Council (Vest)
Disposal irrigation	Developer	None	Council (Vest)
Item	Financial Contributions and Works		Operation and Maintenance Responsibility ²
	Establishment Responsibility	Council Cost Share ¹	
Reserves/Recreation			
Surf lifesaving platform	Developer	None	Surf Life Saving Club (Transferred)
Coastal walkway fences & beach access	Developer	None	Council (Vested)
Internal pedestrian and cycle ways	Developer	None	RA
Stables and equestrian trail	Developer	None	RA
Beach care foredune incentive (10 years)	Developer	None	Council (Monetary grant for 10 years)
Village green & childrens play	Developer	To be determined	Council (Vested)
Golf course	Developer	None	Golf Club (Transferred)
Pools, tennis, child play (2 area) nth/sth	Developer	None	RA
Wider network – sports fields and community facilities	Council	To be determined in accordance with Rule 22.14 - Financial Contributions and Works for Sports fields, and Rule 22.15 – Financial Contributions and Works for Community Facilities	Council

Item	Financial Contributions and Works		Operation and Maintenance Responsibility ²
	Establishment Responsibility	Council Cost Share ¹	
Environmental Enhancement			
Fencing, veg buffer, wildlife areas	Developer	None	RA
Rehabilitation wetlands (10)	Developer	None	RA
Enhancement rehab planting:			
- 100ha of Coastal Park	Developer	None	Developer 5y then Council(s)
- 200 ha inland	Developer	None	RA
Shorebird (Fairy Tern) Trust ⁴	Developer invest	None	Partnership DOC/RA/TUOH/RDC

For the above table:

TUOH - Te Uri o Hau Settlement Trust

Developer - Te Arai Coastal Lands Trust (TACLT)

Council - Rodney District Council

RA - Residents Association (all landowners)

Resort - Resort to be established within the Village

Club - Golf Club

Foot Notes:

Note 1: A separate legal agreement will commit the subdivider/developer and/or their successors to costs and shares of costs with the Council.

Note 2: Council maintenance (by rates). Where ongoing maintenance is undertaken by the RA (by levy on residents) an offset on rates may be sought.

Note 3: A separate agreement with Kaipara District Council will set financial contribution agreements on roads, boat launching and harbour management within that district.

Note 4: The shorebird trust is in addition to predator control and management commitments to DOC, design and layout for shorebird protection, a dune management plan, a vegetation management plan and related requirements under the Special 17 (Te Arai) Zone.

- (b) All land use and subdivision undertaken within the Special 17 (Te Arai) Zone shall be subject to the provisions of Chapter 22 - Financial Contributions except that no financial contribution shall be payable for:
 - (i) Sewerage under Rules 22.10.2, 22.10.3, 22.10.4, 22.10.5, 22.10.6 and 22.10.7;
 - (ii) Water supply under Rules 22.11.2, 22.11.3, 22.11.4, 22.11.5, 22.11.6 and 22.11.7;
 - (iii) Stormwater under Rules 22.12.2, 22.12.3, 22.12.4, 22.12.5, 22.12.6 and 22.12.7;
 - (iv) Neighbourhood reserves under Rule 22.13;
 - (v) Business area amenity facilities under Rule 22.16;
 - (vi) Public parking facilities under Rule 22.17.
- (c) Before granting the first resource consent under the Special 17 (Te Arai) Zone, an agreement on the operation and maintenance costs and vesting of the items in the above table and in the terms set out in the table, shall be determined between the Council and the Developer.

ANNEXURE 1

AMENDED OPERATIVE PLAN CHANGE 55 MAP SHEET 1 (R08C) AND MAP 1 – 4 ILLUSTRATING THE EXTENT OF THE SPECIAL 17 (TE ARAI) ZONE

ANNEXURE 2

DISTRICT RULES - SPECIAL ZONES - APPENDICES

APPENDIX 11M: SPECIAL 17 (TE ARAI) ZONE STRUCTURE PLAN MAP
(See Rule 11.17.1.2)