
REPORT

DECISION REPORT NUMBER V51/2000
HEARING REPORT NUMBER V51/1000
HEARING DATES 7 March and 11 April 2007
SUBJECT **PROPOSED DISTRICT PLAN 2000 – REPORT FOR DISTRICT PLAN COMMITTEE**
VARIATION 51 – GULF HARBOUR TOWN CENTRE
FILE REF TP/14/4/51

PARTS OF PLAN AFFECTED

Variation 51 Gulf Harbour Town Centre

SUBMISSIONS ADDRESSED IN THIS REPORT

Submission No.	Name	Section
1003/1	Raymond A J Bolland	1.10
1003/2	Raymond A J Bolland	1.10
1004/1	Ian G Boocock	1.10
1004/2	Ian G Boocock	1.10
1001/1	Craig Daly	1.6
1000/1	Gulf Corporation	1.4
1000/2	Gulf Corporation	1.4
1000/3	Gulf Corporation	1.2
1000/4	Gulf Corporation	1.4
1000/5	Gulf Corporation	1.8
1000/6	Gulf Corporation	1.2
1000/7	Gulf Corporation	1.4
1000/8	Gulf Corporation	1.4
1000/9	Gulf Corporation	1.4
1000/10	Gulf Corporation	1.6
1000/11	Gulf Corporation	1.2
1000/12	Gulf Corporation	1.14
1000/13	Gulf Corporation	1.13
1006/1	Gulf Harbour Marine Village Residents Association ('GHMVRA')	1.6
1006/2	GHMVRA	1.6
1006/3	GHMVRA	1.2
1006/4	GHMVRA	1.5
1006/5	GHMVRA	1.5
1006/6	GHMVRA	1.3
1006/7	GHMVRA	1.4
1006/8	GHMVRA	1.6
1006/9	GHMVRA	1.4
1006/10	GHMVRA	1.4
1006/11	GHMVRA	1.4
1006/12	GHMVRA	1.9
1006/13	GHMVRA	1.11
1006/14	GHMVRA	1.10
1006/15	GHMVRA	1.5
1006/16	GHMVRA	1.6

1006/17	GHMVRA	1.7
1006/18	GHMVRA	1.5
1006/19	GHMVRA	1.7
1006/20	GHMVRA	1.4
1006/21	GHMVRA	1.10
1006/22	GHMVRA	1.12
1006/23	GHMVRA	1.12
1006/24	GHMVRA	1.8
1006/25	GHMVRA	1.7
1007/1	Gulf Harbour Marlin Trust	1.1
1007/2	Gulf Harbour Marlin Trust	1.4
1007/3	Gulf Harbour Marlin Trust	1.3, 1.4
1007/4	Gulf Harbour Marlin Trust	1.2
1007/5	Gulf Harbour Marlin Trust	1.4
1007/6	Gulf Harbour Marlin Trust	1.2
1007/7	Gulf Harbour Marlin Trust	1.4
1007/8	Gulf Harbour Marlin Trust	1.4
1007/9	Gulf Harbour Marlin Trust	1.6
1007/10	Gulf Harbour Marlin Trust	1.6
1007/11	Gulf Harbour Marlin Trust	1.3
1007/12	Gulf Harbour Marlin Trust	1.4
1007/13	Gulf Harbour Marlin Trust	1.2
1007/14	Gulf Harbour Marlin Trust	1.7
1009/1	Shane Hartley	1.1
1002/1	Peter Kennedy-Good	1.1
1008/1	Peter James & Carol Ann Richardson	1.6
1008/2	Peter James & Carol Ann Richardson	1.4
1008/3	Peter James & Carol Ann Richardson	1.4, 1.6
1005/1	Transit New Zealand	1.15
1010/1	Vision Gulf Harbour Inc	1.6
1010/2	Vision Gulf Harbour Inc	1.6
1010/3	Vision Gulf Harbour Inc	1.6
1010/4	Vision Gulf Harbour Inc	1.4
1010/5	Vision Gulf Harbour Inc	1.3
1010/6	Vision Gulf Harbour Inc	1.4
1010/7	Vision Gulf Harbour Inc	1.4
1010/8	Vision Gulf Harbour Inc	1.4
1010/9	Vision Gulf Harbour Inc	1.9
1010/10	Vision Gulf Harbour Inc	1.11
1010/11	Vision Gulf Harbour Inc	1.10
1010/12	Vision Gulf Harbour Inc	1.10

Further Submission No.	Name	Section
1007/15	Gulf Harbour Marlin Trust	1.4
1007/16	Gulf Harbour Marlin Trust	1.4
1007/17	Gulf Harbour Marlin Trust	1.2
1007/18	Gulf Harbour Marlin Trust	1.4
1007/19	Gulf Harbour Marlin Trust	1.8
1007/20	Gulf Harbour Marlin Trust	1.2
1007/21	Gulf Harbour Marlin Trust	1.4
1007/22	Gulf Harbour Marlin Trust	1.4
1007/23	Gulf Harbour Marlin Trust	1.4
1007/24	Gulf Harbour Marlin Trust	1.6
1007/25	Gulf Harbour Marlin Trust	1.2
1007/26	Gulf Harbour Marlin Trust	1.14
1007/27	Gulf Harbour Marlin Trust	1.13
1007/28	Gulf Harbour Marlin Trust	1.6
1007/29	Gulf Harbour Marlin Trust	1.1
1007/30	Gulf Harbour Marlin Trust	1.15
1007/31	Gulf Harbour Marlin Trust	1.6
1007/32	Gulf Harbour Marlin Trust	1.6

1007/33	Gulf Harbour Marlin Trust	1.2
1007/34	Gulf Harbour Marlin Trust	1.5
1007/35	Gulf Harbour Marlin Trust	1.5
1007/36	Gulf Harbour Marlin Trust	1.3
1007/37	Gulf Harbour Marlin Trust	1.4
1007/38	Gulf Harbour Marlin Trust	1.6
1007/39	Gulf Harbour Marlin Trust	1.4
1007/40	Gulf Harbour Marlin Trust	1.4
1007/41	Gulf Harbour Marlin Trust	1.4
1007/42	Gulf Harbour Marlin Trust	1.9
1007/43	Gulf Harbour Marlin Trust	1.11
1007/44	Gulf Harbour Marlin Trust	1.10
1007/45	Gulf Harbour Marlin Trust	1.4
1007/46	Gulf Harbour Marlin Trust	1.6
1007/47	Gulf Harbour Marlin Trust	1.7
1007/48	Gulf Harbour Marlin Trust	1.5
1007/49	Gulf Harbour Marlin Trust	1.7
1007/50	Gulf Harbour Marlin Trust	1.4
1007/51	Gulf Harbour Marlin Trust	1.10
1007/52	Gulf Harbour Marlin Trust	1.12
1007/53	Gulf Harbour Marlin Trust	1.12
1007/54	Gulf Harbour Marlin Trust	1.8
1007/55	Gulf Harbour Marlin Trust	1.7
1007/56	Gulf Harbour Marlin Trust	1.6
1007/57	Gulf Harbour Marlin Trust	1.4
1007/58	Gulf Harbour Marlin Trust	1.4, 1.6
1007/59	Gulf Harbour Marlin Trust	1.1
1007/60	Gulf Harbour Marlin Trust	1.6
1012/1	National Trading Company of NZ Ltd	1.3, 1.4
1012/2	National Trading Company of NZ Ltd	1.3
1012/3	National Trading Company of NZ Ltd	1.3
1008/4	Peter James & Carol Ann Richardson	1.6
1008/5	Peter James & Carol Ann Richardson	1.6
1008/6	Peter James & Carol Ann Richardson	1.6
1008/7	Peter James & Carol Ann Richardson	1.4
1008/8	Peter James & Carol Ann Richardson	1.3
1008/9	Peter James & Carol Ann Richardson	1.4
1008/10	Peter James & Carol Ann Richardson	1.4
1008/11	Peter James & Carol Ann Richardson	1.4
1008/12	Peter James & Carol Ann Richardson	1.9
1008/13	Peter James & Carol Ann Richardson	1.11
1008/14	Peter James & Carol Ann Richardson	1.10
1008/15	Peter James & Carol Ann Richardson	1.10
1008/16	Peter James & Carol Ann Richardson	1.6
1008/17	Peter James & Carol Ann Richardson	1.6
1008/18	Peter James & Carol Ann Richardson	1.2
1008/19	Peter James & Carol Ann Richardson	1.5
1008/20	Peter James & Carol Ann Richardson	1.5
1008/21	Peter James & Carol Ann Richardson	1.3
1008/22	Peter James & Carol Ann Richardson	1.4
1008/23	Peter James & Carol Ann Richardson	1.6
1008/24	Peter James & Carol Ann Richardson	1.4
1008/25	Peter James & Carol Ann Richardson	1.4
1008/26	Peter James & Carol Ann Richardson	1.4
1008/27	Peter James & Carol Ann Richardson	1.9
1008/28	Peter James & Carol Ann Richardson	1.11
1008/29	Peter James & Carol Ann Richardson	1.10
1008/30	Peter James & Carol Ann Richardson	1.5
1008/31	Peter James & Carol Ann Richardson	1.6
1008/32	Peter James & Carol Ann Richardson	1.7
1008/33	Peter James & Carol Ann Richardson	1.5

1008/34	Peter James & Carol Ann Richardson	1.7
1008/35	Peter James & Carol Ann Richardson	1.4
1008/36	Peter James & Carol Ann Richardson	1.7
1008/37	Peter James & Carol Ann Richardson	1.12
1008/38	Peter James & Carol Ann Richardson	1.12
1008/39	Peter James & Carol Ann Richardson	1.8
1008/40	Peter James & Carol Ann Richardson	1.7
1008/41	Peter James & Carol Ann Richardson	1.1
1008/42	Peter James & Carol Ann Richardson	1.4
1008/43	Peter James & Carol Ann Richardson	1.3, 1.4
1008/44	Peter James & Carol Ann Richardson	1.2
1008/45	Peter James & Carol Ann Richardson	1.4
1008/46	Peter James & Carol Ann Richardson	1.2
1008/47	Peter James & Carol Ann Richardson	1.4
1008/48	Peter James & Carol Ann Richardson	1.4
1008/49	Peter James & Carol Ann Richardson	1.6
1008/50	Peter James & Carol Ann Richardson	1.6
1008/51	Peter James & Carol Ann Richardson	1.3
1008/52	Peter James & Carol Ann Richardson	1.4
1008/53	Peter James & Carol Ann Richardson	1.2
1008/54	Peter James & Carol Ann Richardson	1.7

ABBREVIATIONS USED IN THIS REPORT

ARPS	Auckland Regional Policy Statement
CDP	Comprehensive Development Plan
GFA	Gross floor area
GRPA	Golf Residential Policy Area
GHMVRA	Gulf Harbour Marine Village Residents' Association
Marlin	Gulf Harbour Marlin Trust
MVTCPA	Marine Village Town Centre Policy Area
MVRPA	Marine Village Residential Policy Area

1 DECISIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

1.1 Support/Opposition to Whole Variation

1.1.1 Submissions

Shane Hartley	1009/1	That the proposed changes be made as proposed (or to the same effect) to ensure integrated development of Town Centre with an appropriate scale, intensity and character.
Gulf Harbour Marlin Trust	FS1007/59	Opposes submission 1009/1
Peter Kennedy-Good	1002/1	Adopt proposed Variation 51 to RDC Plan 2000.
Gulf Harbour Marlin Trust	FS1007/29	Opposes submission 1002/1
Gulf Harbour Marlin Trust	1007/1	Withdrawal/cancellation of current Variation and Council commence meaningful consultation.
Peter James & Carol Ann Richardson	FS1008/41	Opposes submission 1007/1

1.1.2 Decision

- (i) That submissions **1002/1** and **1009/1** be **accepted in part** and further submissions **FS1007/29** and **FS1007/59** be **rejected**.
- (ii) That submission **1007/1** be **rejected** and **FS1008/41** be **accepted**.

1.1.3 Reasons for Decision

The Committee was satisfied that the Variation is needed to provide for appropriate development in the Town Centre and to make amendments to the existing provisions of the Proposed Plan for other parts of Gulf Harbour, for the purpose of clarification and efficiency.

The Committee considered legal submissions from Mr Bartlett and evidence from Mr Foster, representing Marlin, in regard to consultation on the Variation. The Committee's understanding is that s82(3) provides the Council with discretion as to what if any consultation is appropriate in any particular circumstance. The Committee is satisfied that the level of consultation that was undertaken prior to notification was appropriate, given the opportunities afforded all stakeholders to attend the monthly Gulf Harbour Steering Committee meetings and to provide the Council's consultant planner with written or verbal comments. Furthermore, Marlin's intentions for development of the Town Centre were clearly signalled when it lodged resource consent applications in August and December 2005.

Having regard to all the circumstances, the Committee does not accept that the Council has failed to comply with statutory obligations to consult. Nothing would be gained by withdrawing the Variation and undertaking another consultation process, particularly given that the RMA provides adequate opportunity for all affected parties to make submissions and be heard.

Given the overall level of support for the Variation and for reasons that are considered in detail in relation to the specific topic areas discussed below, the Committee has determined that the Variation should be adopted with the changes as outlined, in accordance with decisions on the other submissions addressed in this report.

1.1.4 Amendments to the Proposed District Plan

There are no amendments arising out of these submissions.

1.2 **Comprehensive Development Plan**

1.2.1 Submissions

Gulf Corporation	1000/3	Retain Policy 12.8.18.1.3.5 as proposed.
Gulf Harbour Marlin Trust	FS1007/17	Opposes submission 1000/3
Gulf Corporation	1000/6	Retain provision for comprehensive development plans for the Marine Village Town Centre.
Gulf Harbour Marlin Trust	FS1007/20	Opposes submission 1000/6
Gulf Corporation	1000/11	Comprehensive development plans - Maintain rule as proposed.
Gulf Harbour Marlin Trust	FS1007/25	Opposes submission 1000/11
Gulf Harbour Marine Village Residents Association	1006/3	Support requirement for comprehensive development plan.
Gulf Harbour Marlin Trust	FS1007/33	Opposes submission 1006/3
Peter James & Carol Ann Richardson	FS1008/18	Supports submission 1006/3
Gulf Harbour Marlin Trust	1007/13	Delete Rule 12.8.18.3.8.6 Comprehensive Development Plan.

Peter James & Carol Ann Richardson	FS1008/53	Opposes submission 1007/13
Gulf Harbour Marlin Trust	1007/6	Retention of "NA" (Not Applicable) status for 'Comprehensive Development Plans' in the Marine Village Town Centre.
Peter James & Carol Ann Richardson	FS1008/46	Opposes submission 1007/6
Gulf Harbour Marlin Trust	1007/4	Amend by deleting all reference to the requirement to prepare a Comprehensive Development Plan.
Peter James & Carol Ann Richardson	FS1008/44	Opposes submission 1007/4

1.2.2 Decision

- (i) That submissions **1000/3, 1000/6, 1000/11, 1006/3** and further submissions **FS1008/18, FS1008/44, FS1008/46, and FS1008/53** be **accepted**.
- (ii) That submissions **1007/4, 1007/6, 1007/13** and further submissions **FS1007/20 FS1007/25 and FS1007/33** be **rejected**.

1.2.3 Reasons for Decision

Having considered the submissions and the evidence presented at the hearing, the Committee considers that the requirement in Rule 12.8.18.3.8.6 to prepare a Comprehensive Development Plan (CDP) is necessary to ensure the integrated development of land within the remaining undeveloped areas (precincts) of Gulf Harbour in a way which ensures good connectivity for pedestrians and vehicles, appropriate open spaces and spatial distribution of buildings. By ensuring prior approval of a CDP, these relationships between and within precincts can be considered, and any staging of development can occur within an approved plan for the whole precinct.

The Committee is aware that both resource consent applications for development of the vacant land within the MVTCPA owned by Marlin are before the Environment Court. However, in the event that the Court approves one or both applications, there remain a number of possible outcomes. There is the possibility, for example, that a resource consent would be varied or not implemented. It is also conceivable that development could be undertaken by multiple parties on individual sites, or that in the future, redevelopment within the Town Centre could occur. If either of the Marlin applications does not gain consent, then a CDP is justified to achieve the objectives for the Gulf Harbour zone for any alternative development proposal, and to maintain a consistent approach to that adopted for all other undeveloped precincts within Gulf Harbour.

1.2.4 Amendments to the Proposed Plan

There are no amendments arising out of these decisions.

1.3 Quantum of Commercial and Related Floorspace

1.3.1 Submissions

Gulf Harbour Marlin Trust	1007/11	Amend Rule 12.8.18.3.8.4 Retail, Commercial and Entertainment Floorspace by changing the figure of 5000m ² to 7000m ² .
National Trading Company of NZ Ltd	FS1012/2	Opposes submission 1007/11
Peter James & Carol Ann Richardson	FS1008/51	Opposes submission 1007/11
Gulf Harbour Marine Village Residents Association	1006/6	Amend retail floorspace cap to 4000m ² .
Gulf Harbour Marlin Trust	FS1007/36	Opposes submission 1006/6
National Trading Company of NZ Ltd	FS1012/3	Supports submission 1006/6
Peter James & Carol Ann Richardson	FS1008/21	Supports submission 1006/6
Vision Gulf Harbour Inc	1010/5	Support retail floorspace 5000m ² cap and clarification of its use.
Peter James & Carol Ann Richardson	FS1008/8	Supports submission 1010/5
Gulf Harbour Marlin Trust	1007/3 (part)	Amend to read "Marine Village Town Centre Policy Area: 7000m ² of gross floor area devoted to shops (including dairies and takeaway foodbars), restaurants and entertainment facilities, plus 200 household units or visitor accommodation units" and delete the sentence which states "visitor accommodation units within the Marine Village Town Centre Policy Area are deemed to be 'household units' for the purpose of ensuring adherence to the overall limits in the amount of development permitted within Gulf Harbour".
National Trading Company of NZ Ltd	FS1012/1	Opposes submission 1007/3
Peter James & Carol Ann Richardson	FS1008/43	Opposes submission 1007/3

1.3.2 Decision

- (i) That submission **1010/5** and further submission **FS1008/8** be **accepted**.
- (ii) That submissions **1006/6**, **1007/11** and **part 1007/3**, and further submissions **FS1007/36**, **FS1012/3** and **FS1008/21** be **rejected**, and further submissions **FS1012/1**, **FS1012/2**, **FS1008/51** and **FS1008/43** be **accepted**.

1.3.3 Reasons for Decision

1.3.3.1 Quantum of Retail and Related Floorspace

The Committee is of the opinion that the provisions for development of the Town Centre should ensure that the primary function of the Town Centre as a neighbourhood centre, serving the needs of the local Gulf Harbour community, will be met. Limitations on retail and related commercial floorspace provide a robust method of meeting this objective as well as managing the distributional effects of retail activity that could otherwise have an adverse impact on centres such as Whangaparaoa Town Centre.

The Committee considers that the proposed quantum of permitted floorspace is generous, given that further population growth will be required to enable the Town Centre to support the level of floorspace that is now provided for. The provisions also enable a wide range of non-retail commercial activities in addition to capped retail, restaurant and entertainment activity.

The Committee has been provided with up-to-date figures of the present level of uptake of residential units and is aware that as at 19 April 2007, 1578 household units have been built or are under construction at the present time and resource consents for a further 317 household units have been issued. Another 675 household units are subject to resource consent applications leaving a further 343 household units for which no resource consent application has yet been made. Although it is not possible to predict exactly how long it will take for consented household units to become occupied dwellings, the Committee understands that the rate of development has accelerated in recent years. However, the introduction of the CDP process has also triggered a number of applications for resource consent as a precursor to allocation of development sites to individual companies. The lead time for development of these areas may be longer than suggested by the statistics that have been provided.

The Committee is mindful that non-retail commercial activity and restaurants are not significant determinants of retail distribution effects, but the current (and confusing) definitions of 'shop' and 'commercial service' make it necessary to include all 'shops' in the floorspace cap and to make additional allowances for non-retail (service) activity within the total permitted amount of floorspace. The inclusion of restaurants will enable changes of tenancy from a shop to a restaurant and vice versa without incurring significant compliance costs arising from inclusion or exclusion from the cap.

The single cap of 5000m² GFA for combined retail, restaurant and entertainment activity therefore overcomes the problems with interpretation of current definitions and, as existing visitor accommodation floorspace is now explicitly excluded from these restrictions, will enable the full 5000m² GFA to be developed for a supermarket, shops, restaurants and entertainment activities in response to market demand. There is no restriction on 'commercial services', health and welfare services, community uses, public toilets, places of assembly or offices as these activities do not create retail distributional effects. Such activities can be expected to readily establish in the Town Centre within the permitted building envelope.

The Committee is concerned that development of a greater amount of floorspace than that provided for in the Variation would require support from a catchment beyond the local Gulf Harbour area, and the increased retail and related floorspace sought by Marlin would not be consistent with the role of the Town Centre. On the other hand, a limit of 4000m² retail, restaurant and entertainment space, as requested by the GHMVRA submission, would not enable a small supermarket to establish despite this being identified as a key component of a functional neighbourhood centre.

1.3.4 Amendments to the Proposed Plan

There are no amendments arising out of these decisions.

1.4 Residential and Visitor Accommodation within the Town Centre

1.4.1 Submissions

Gulf Harbour Marlin Trust	1007/2	Amend fourth line of fourth paragraph in Issue 12.8.18.1.1.2 by deleting the word "limited" and inserting the word "appropriate".
Peter James & Carol Ann Richardson	FS1008/42	Opposes submission 1007/2
Gulf Corporation	1000/1	Delete Marine Village Town Centre Policy area from inclusion in 2913 household units cap or such other relief as will maintain residential development capacities in the Gulf Harbour zones as they existed prior to Variation 51.
Gulf Harbour Marlin Trust	FS1007/15	Supports submission 1000/1
Gulf Corporation	1000/4	Provision for residential units and household units in the MVTCPA - Delete the words after the words "visitor accommodation".
Gulf Harbour Marlin Trust	FS1007/18	Supports submission 1000/4
Gulf Corporation	1000/9	Leave the rule unchanged (i.e. no additional wording as proposed).
Gulf Harbour Marlin Trust	FS1007/23	Opposes submission 1000/9
Gulf Corporation	1000/8	Leave activity category for visitor accommodation unchanged (i.e. no additional wording as proposed).
Gulf Harbour Marlin Trust	FS1007/22	Opposes submission 1000/8
Gulf Corporation	1000/7	Retain existing activity category unaltered <u>or</u> delete references to household units within Marine Village Town Centre Policy area requiring to be within the 2913 household unit cap for Gulf Harbour or such other relief as achieves the same purpose.
Gulf Harbour Marlin Trust	FS1007/21	Opposes submission 1000/7
Gulf Corporation	1000/2	Delete this section of 12.8.18.1.3.2 that deems visitor accommodation to be a household unit.
Gulf Harbour Marlin Trust	FS1007/16	Supports submission 1000/2
Gulf Harbour Marine Village Residents Association	1006/7	Support in part. Include visitor/residential accommodation in the 2913 cap but this use be limited to existing use within the Town Centre
Gulf Harbour Marlin Trust	FS1007/37	Opposes submission 1006/7
Peter James & Carol Ann Richardson	FS1008/22	Supports submission 1006/7
Gulf Harbour Marine Village Residents Association	1006/10	Oppose in part. Limit residential accommodation to 50 units maximum, including the 38 units in the Lodge.
Gulf Harbour Marlin Trust	FS1007/40	Opposes submission 1006/10

Peter James & Carol Ann Richardson	FS1008/25	Supports submission 1006/10
Gulf Harbour Marine Village Residents Association	1006/11	Oppose in part. Eliminate visitor/residential accommodation within the Town Centre should decision be made to not include these in the 2913 cap.
Gulf Harbour Marlin Trust	FS1007/41	Opposes submission 1006/11
Peter James & Carol Ann Richardson	FS1008/26	Supports submission 1006/11
Gulf Harbour Marine Village Residents Association	1006/9	Oppose in part. Eliminate de facto long term residential occupation within the Town Centre.
Gulf Harbour Marlin Trust	FS1007/39	Opposes submission 1006/9
Peter James & Carol Ann Richardson	FS1008/24	Supports submission 1006/9
Gulf Harbour Marine Village Residents Association	1006/20	Oppose in part. Clarify that any further provision for visitor/residential accommodation within the Town Centre includes the existing 38 Lodge units.
Gulf Harbour Marlin Trust	FS1007/50	Opposes submission 1006/20
Peter James & Carol Ann Richardson	FS1008/35	Supports submission 1006/20
Gulf Harbour Marlin Trust	1007/12	Standards relating to Household Units - Amend subclause (a) by changing the figure of 100 to 200.
Peter James & Carol Ann Richardson	FS1008/52	Opposes submission 1007/12
Gulf Harbour Marlin Trust	1007/8	Change the status of 'visitor accommodation' in the Marine Village Town Centre from RD to C (controlled).
Peter James & Carol Ann Richardson	FS1008/48	Opposes submission 1007/8
Gulf Harbour Marlin Trust	1007/5	Amend first bullet point by deleting the words "within a cap of 2913 household units that applies to the whole of the Gulf Harbour Zone".
Peter James & Carol Ann Richardson	FS1008/45	Opposes submission 1007/5
Gulf Harbour Marlin Trust	1007/7	Change the status of 'household units' in the Marine Village Town Centre from RD to C (controlled).
Peter James & Carol Ann Richardson	FS1008/47	Opposes submission 1007/7
Peter James & Carol Ann Richardson	1008/2	Amend Rule 12.8.18.3.8.5 to read "The maximum number of household units and visitor accommodation units shall not exceed 100 (including existing household units or visitor accommodation units) and shall comply with Rule 12.8.18.2.1".
Gulf Harbour Marlin Trust	FS1007/57	Opposes submission 1008/2
Peter James & Carol Ann	1008/3(part)	Such further and consequential

Richardson		relief as may be necessary to give effect to this submission.
Gulf Harbour Marlin Trust	FS1007/58	Opposes submission 1008/3
Vision Gulf Harbour Inc	1010/4	Inclusion of visitor/residential accommodation in the 2913 cap to uphold infrastructure limitations.
Peter James & Carol Ann Richardson	FS1008/7	Supports submission 1010/4
Vision Gulf Harbour Inc	1010/7	Oppose in part - Limit visitor/residential accommodation to 60 units maximum, including the Lodge.
Peter James & Carol Ann Richardson	FS1008/10	Supports submission 1010/7
Vision Gulf Harbour Inc	1010/8	Oppose in part - Eliminate visitor/residential accommodation within the Town Centre should decision be made to not include these in the 2913 cap.
Peter James & Carol Ann Richardson	FS1008/11	Supports submission 1010/8
Vision Gulf Harbour Inc	1010/6	Oppose in part - Clarify that the reference to visitor accommodation includes the 38 units in the Lodge.
Peter James & Carol Ann Richardson	FS1008/9	Supports submission 1010/6
Gulf Harbour Marlin Trust	1007/3 (part)	Amend to read "Marine Village Town Centre Policy Area: 7000m ² of gross floor area devoted to shops (including dairies and takeaway foodbars), restaurants and entertainment facilities, plus 200 household units or visitor accommodation units" and delete the sentence which states "visitor accommodation units within the Marine Village Town Centre Policy Area are deemed to be 'household units' for the purpose of ensuring adherence to the overall limits in the amount of development permitted within Gulf Harbour".
National Trading Company of NZ Ltd	FS1012/1	Opposes submission 1007/3
Peter James & Carol Ann Richardson	FS1008/43	Opposes submission 1007/3

1.4.2 Residential and Visitor Accommodation within the Town Centre

- (i) That submissions **1006/9, 1007/2, 1007/3 (part), 1007/12, 1008/2, 1010/4, 1010/6** and **1010/7**, and further submissions **FS1007/57, FS1008/7, FS1008/9, FS1008/10** and **FS1008/24** be **rejected** and **FS1008/42, FS1008/43, FS1008/52, FS1012/1** and **FS1007/39** be **accepted**.
- (ii) That submission **1000/1** be **accepted** and further submission **FS1007/15** be **accepted** to the extent that the MVTCPA is not included in the 2913 household units, and that further submission **FS1007/57** be **rejected**.

- (iii) That submission **1000/4** be **accepted in part** and further submission **FS1007/18** **accepted in part** to the extent that Clause 12.8.18.1.4.2 deletes the reference to the MVTCPA being included in the 2913 household unit cap.
- (iv) That submission **1000/8** be **accepted in part** to the extent that the deeming provision for visitor accommodation in the Eastern Boat Harbour is removed from Rule 12.8.18.2.3, and that further submission **FS1007/22** be **rejected**.
- (v) That submissions **1000/2, 1006/11, 1000/7, 1000/9, 1007/5, 1010/8** and further submissions **FS1007/16, FS1008/11, and FS1008/26** be **accepted**, and further submissions **FS1007/21, FS1007/23, FS1007/41, and FS1008/45** be **rejected**.
- (vi) That submissions **1006/7, 1006/10, 1006/20** be **accepted in part** to the extent that existing visitor/residential accommodation is provided for as a permitted activity outside the new retail, restaurant and entertainment floorspace cap, and outside the 300 guest room cap on visitor accommodation in other Policy Areas of Gulf Harbour, that further submissions **FS1008/22, FS1008/25 and FS1008/35** be **accepted in part** and that further submissions **FS1007/37, FS1007/40 and FS1007/50** be **rejected**.
- (vii) That submission **1008/3** be **accepted in part** to the extent that consequential amendments are or may be necessary to give effect to the submission, and that further submission **FS1007/58** be **rejected**.

1.4.2.1 Reasons for Decision

Residential Activity within the Town Centre

The Committee has given a great deal of consideration to the issue of residential accommodation in the Town Centre. Gulf Harbour is unique within Rodney District, having been comprehensively planned to evolve over many years into a fully integrated community with a high level of amenity. In the main, planning policy has been predicated on the premise that residential development and the provision of public amenities would be managed without the normal restrictions or requirements that apply to individual lots under conventional zoning rules.

This approach was appropriate while the undeveloped parts of Gulf Harbour remained in a single ownership. Now that Gulf Harbour is beginning to mature, and much of the undeveloped land, including the Town Centre, has been sold to individual developers, there are pressures for development that is not in accordance with the planned vision for Gulf Harbour as a whole. There is a great deal of community concern, as reflected in the submissions on the Variation, that amenity values are being eroded or are under threat. This concern relates particularly to the Town Centre.

There are also constraints on infrastructure capacity, especially the capacity of the existing roading network, which is sensitive to increases in both residential and commercial activity. The Committee accepts that there will be increased traffic flows from additional commercial floorspace, as provided for in the Variation, which will add a small number of vehicle trips to the peak traffic flow. However, it is common ground that there would be benefits from an increased proportion of local trips, and a corresponding decrease in the proportion of traffic leaving the Peninsula.

Whilst the Committee accepts that there are policies in the Plan that support some residential activity in the Town Centre, the Committee is concerned that any further increases in residential densities within the eastern Peninsula (beyond those already provided for through current zoning) is a significant issue in terms of the implications for transportation and roading. The Council has already determined that on balance, and notwithstanding region-wide imperatives for intensification of land use in selected areas, Gulf Harbour and the eastern Whangaparaoa Peninsula are not to be developed to greater intensities until roading and transport issues can be resolved. The Committee therefore considers that it would be premature to allow for any new residential development within the MVTCPA. The Committee considers that the intensity of development in the MVRPA surrounding the Town Centre would in itself be supportive of the objectives and policies for Gulf Harbour and noted in the

evidence of Mr Reaburn, he expressed the opinion that increased intensification is not necessary to ensure a viable Town Centre.

Evidence was presented by consultants for both Marlin and Gulf Corporation that little regard should be had to past planning documents in determining how the Town Centre should be permitted to develop. The Committee has concluded, however, that considerable weight should be given to the past and current district plans which have shaped community expectations for the Town Centre, and provision of infrastructure.

Careful consideration has been given to the evidence presented by Marlin especially the expert evidence of Professor Clinton Bird on urban design matters. Professor Bird's evidence supported from an urban design perspective, a substantially different urban form from the planned vision for Gulf Harbour as reflected in the Proposed Plan's broader objectives and policies.

However, the Committee considers that apartments could have environmental effects that the objectives and policies for the Town Centre rules have not anticipated and which previous district plans, including the Proposed Plan 2000, did not permit. Apartments are typically multi-storey and their height is constrained only by the economics of construction and supply/demand. A wide range of potentially adverse environmental effects can result from tall buildings and the activities accommodated within them. The Committee was not persuaded that the outcome presented by Marlin would promote the sustainable management of natural and physical resources.

The Committee is mindful of community expectations for a low-medium rise neighbourhood centre that has been fundamental to the comprehensively planned vision for Gulf Harbour and which has been the rationale for maintaining consistency of planning policy to date.

Having had regard to the numerous and conflicting issues relating to the future of the Town Centre land, the Committee has determined that the most appropriate outcome for the Town Centre is to remove the proposed provision for additional household units and to retain the status quo in respect of household units, i.e. that they will remain as a minor component of the Town Centre if associated with and ancillary to a permitted or consented activity.

The appropriate time for reviewing the overall capacity of Gulf Harbour for additional development will be when there is more certainty as to how and when the constraints of Whangaparaoa Road are to be addressed, and following decisions as to whether Penlink will proceed.

Visitor Accommodation

Having considered the submissions and evidence on the issue of visitor accommodation in the Town Centre, the Committee is concerned that the present district plan provisions are being used to seek consent for de facto residential accommodation in the Town Centre under the guise of visitor accommodation. For the same reasons as have been given in regard to household units in the Town Centre, the Committee has determined that no additional visitor accommodation should be permitted in the Town Centre. If further visitor accommodation is required at Gulf Harbour, there is sufficient opportunity for this to be provided within the two locations specifically identified in the Outline Plan at Appendix 5 of the Planning Maps.

However, the Committee accepts that the inclusion of the existing Lodge accommodation within the existing commercial floorspace cap is an anomaly and should be rectified. Accordingly, the Variation is amended to recognise the 38 units in the Lodge as an existing permitted activity, that is specifically excluded (for the avoidance of doubt) from caps on visitor accommodation, and retail, restaurant and entertainment floorspace within the Town Centre.

1.4.2.2 Amendments to the Proposed Plan

- (i) That the proposed provision for household units in the MVTCPA in Rule 12.8.18.3.8.5, Activity Table B be deleted, and the provision for household units ancillary to a permitted or consented activity reinstated, with consequential amendments to various objectives and policies of the Plan as set out in **Attachment 1** to this report.
- (ii) That provision for visitor accommodation in the MVTCPA in Rule 12.8.18.3.8.5, Activity Table B be deleted, with the exception of the existing 38 units in the Lodge, as set out in **Appendix 1** to this report.
- (iii) Consequential amendments to various objectives and policies of the plan as set out in **Attachment 1** to this report.

1.4.3 Consent Status of Household units and Visitor Accommodation in the Town Centre

1.4.3.1 Decision

- (i) That submissions **1007/7** and **1007/8** be **rejected**, and further submissions **FS1008/47** and **FS1008/48** be **accepted**.

1.4.3.2 Reasons for Decision

Marlin's submissions 1007/7 and 1007/8 requested that household units and visitor accommodation respectively be changed from restricted discretionary status to controlled activities. Further submissions FS1008/47 and FS1008/48 from P and C Richardson opposed these submissions.

As the Committee has determined that no additional visitor accommodation, or household units other than those which are ancillary to permitted or consented activities, should be permitted in the Town Centre for the reasons set out in 1.4.2 above, their activity status in Activity Table B Rule 12.8.18.2.3 is amended in accordance with the decisions in section 1.4.2 of this report.

1.4.3.3 Amendments to the Proposed Plan

- (i) There are no amendments arising out of these decisions.

1.4.4 Activity Status of Visitor Accommodation in the Eastern Boat Harbour

1.4.4.1 Decision

- (i) That submission **1000/8 (part)** be **accepted in part** to the extent that the provisions for visitor accommodation in the Eastern Boat Harbour Policy Area be amended to remove the household unit deeming provision and that further submission **FS1007/22 (part)** be **rejected**.

1.4.4.2 Reasons for Decision

The Committee considers that the inclusion of the Eastern Boat Harbour in the rule within Activity Table B, that deems visitor accommodation to be a household unit, was unintended and incorrect. Visitor accommodation within the Eastern Boat Harbour is already limited by Policy 12.8.18.1.3.2 and Rule 12.8.18.3.3 to a combined total of 300 guest rooms in two locations "Hg" (within the MVRPA) and "Hm" (within the Eastern Boat Harbour Policy Area). The provision for visitor accommodation units on levels other than ground level in the Eastern Boat Harbour is therefore reinstated as it applied prior to the notification of Variation 51.

1.4.4.3 Amendments to the Proposed Plan

- (i) Provision for "visitor accommodation on levels other than ground level" is reinstated in Rule 12.8.18.2.3 Activity Table B as a restricted discretionary activity in the Eastern

Boat Harbour Policy Area, and the proviso that each visitor accommodation unit is deemed to be a household unit is deleted (see **Attachment 1**).

1.5 Activities within the Town Centre

1.5.1 Submissions

Gulf Harbour Marine Village Residents Association	1006/5	Support provision for public amenity areas.
Gulf Harbour Marlin Trust	FS1007/35	Opposes submission 1006/5
Peter James & Carol Ann Richardson	FS1008/20	Supports submission 1006/5
Gulf Harbour Marine Village Residents Association	1006/4	Support provision for commercial services, community facilities, offices, places of assembly and health and welfare services.
Gulf Harbour Marlin Trust	FS1007/34	Opposes submission 1006/4
Peter James & Carol Ann Richardson	FS1008/19	Supports submission 1006/4
Gulf Harbour Marine Village Residents Association	1006/15	Include provisions that prevent entertainment facilities with potential to be incompatible with existing residential use e.g. nightclubs and bars that operate until early hours of the morning; include controls that limit hours of operation of entertainment and licensed facilities close to residential apartments to 10 p.m.
Gulf Harbour Marlin Trust	FS1007/45	Opposes submission 1006/15
Peter James & Carol Ann Richardson	FS1008/30	Supports submission 1006/15
Gulf Harbour Marine Village Residents Association	1006/18	Entertainment facilities - Change activity status from permitted to restricted discretionary.
Gulf Harbour Marlin Trust	FS1007/48	Opposes submission 1006/18
Peter James & Carol Ann Richardson	FS1008/33	Supports submission 1006/18

1.5.2 Provision for public amenity areas

1.5.2.1 Decision

- (i) That submission **1006/5** and **FS1008/20** be **accepted**, and **FS1007/35** be **rejected**.

1.5.2.2 Reasons for Decision

The Committee considers that provision for public open space, including recognition of existing features within the Town Centre that contribute to its amenity, is fundamental to ensuring that the Town Centre will continue to develop as a high quality focal point for primarily commercial and community-based activities serving the needs of the Gulf Harbour community. The objective, supporting policy 12.8.18.1.3.5(i) and assessment criterion 12.8.18.5.3.3(a)(x) are therefore necessary and appropriate to achieve the outcomes of the Variation.

1.5.2.3 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.5.3 Commercial Services, Community Facilities, Offices, Places of Assembly and Health and Welfare Services

1.5.3.1 Decision

- (i) That submission **1006/4** and **FS1008/19** be **accepted**, and **FS1007/34** be **rejected**.

1.5.3.2 Reasons for Decision

Submission 1006/4 and FS1008/19 support the above activities in the Town Centre, whereas FS1007/34 from Marlin opposes the submission to the extent that it is inconsistent with its own submission. The only change to activities within the Town Centre is the addition of Health and Welfare Services. The Committee considers that the range of activities is appropriate to the function of the Town Centre and that no change is necessary as a result of these submissions and further submissions.

1.5.3.3 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.5.4 Entertainment Facilities

1.5.4.1 Decision

- (i) That submissions **1006/15** and **1006/18** and further submissions **FS1008/30** and **FS1008/33**, be **rejected** and further submissions **FS1007/45** and **FS1007/48** be **accepted**.

1.5.4.2 Reasons for Decision

Currently the Proposed Plan permits 'entertainment facilities', 'restaurants' and 'shops' in the MVTCPA without restriction on the activity itself, other than requiring compliance with the commercial floorspace cap of 4000m².

Entertainment facilities are defined in the Plan as "*land or buildings in which facilities are provided (at a charge to the public, or by private reservation) for:*

- *Indoor recreation and entertainment*
- *The promotion of physical health*

and may include taverns and bars, theatres, cinemas, casinos, cabarets, clubs, amusement galleries, gymnasia, sauna or figure control clinics and massage parlours".

This definition encompasses a wide range of possible activities, some of which have the potential for adverse effects arising from their hours of operation or consumption of alcohol. However, the zoning structure and relationship of the MVRPA to the Town Centre Policy Area has always envisaged that the Town Centre would provide opportunities for such activities. People choosing to live near the Town Centre are expected to be aware that there will be noise and other effects from restaurants, entertainment facilities and the like. While the Committee considers that such activities should not be completely unfettered, the overall scale of development that is proposed in the Town Centre is such that restaurants, taverns and bars will not have a catchment beyond the local area and is a further reason why it is appropriate to limit the amount of floorspace that can be utilised for these activities. The liquor licensing laws also play a part in ensuring that taverns and bars operate within acceptable limits. For the Town Centre to become a vibrant and active focal point, the Committee considers that entertainment facilities should remain as permitted activities.

1.5.4.3 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.6 Bulk and Location Provisions

Craig Daly	1001/1	Permit rezoning/plan change but limit height of buildings to 3 storeys, with restriction on coverage to ensure open space remains.
Gulf Harbour Marlin Trust	FS1007/28	Opposes submission 1001/1
Gulf Harbour Marine Village Residents Association	1006/2	Support style, character, form and roofline.
Gulf Harbour Marlin Trust	FS1007/32	Opposes submission 1006/2
Peter James & Carol Ann Richardson	FS1008/17	Supports submission 1006/2
Gulf Corporation	1000/10	Maximum height, site coverage, etc. - Maintain Rules as proposed.
Gulf Harbour Marlin Trust	FS1007/24	Opposes submission 1000/10
Gulf Harbour Marine Village Residents Association	1006/1	Support proposed 12.0m height limit.
Gulf Harbour Marlin Trust	FS1007/31	Opposes submission 1006/1
Peter James & Carol Ann Richardson	FS1008/16	Supports submission 1006/1
Gulf Harbour Marlin Trust	1007/10	Delete Rule 12.8.18.3.8.3 Height to boundary control.
Peter James & Carol Ann Richardson	FS1008/50	Opposes submission 1007/10
Gulf Harbour Marlin Trust	1007/9	Replace the words "12.0m above ground level" with "30.0m above ground level" and delete the whole of the sentence stating: "Notwithstanding this, a maximum overall height limit has been established which any new building or alterations to existing buildings must comply with. in addition, buildings should have no more than 3 storeys above ground level, with pitched roofs that are similar in form to existing buildings in the Town Centre. No flat roofs will be permitted".
Peter James & Carol Ann Richardson	FS1008/49	Opposes submission 1007/9
Gulf Harbour Marine Village Residents Association	1006/16	Delete reference to "high" rise if this relates to Town Centre; medium intensity which related to 2-3 levels, is more appropriate.
Gulf Harbour Marlin Trust	FS1007/46	Opposes submission 1006/16
Peter James & Carol Ann Richardson	FS1008/31	Supports submission 1006/16
Peter James & Carol Ann Richardson	1008/1	Amend Explanation and Reasons relating to Rule 12.8.18.3.8.1 to read "In addition, buildings should have a total of no more than three storeys above average ground level, with pitched roofs".
Gulf Harbour Marlin Trust	FS1007/56	Opposes submission 1008/1
Peter James & Carol Ann Richardson	1008/3 (part)	Such further and consequential relief as may be necessary to

		give effect to this submission.
Gulf Harbour Marlin Trust	FS1007/58	Opposes submission 1008/3
Vision Gulf Harbour Inc	1010/3	Support style, character, form and roofline.
Peter James & Carol Ann Richardson	FS1008/6	Supports submission 1010/3
Vision Gulf Harbour Inc	1010/1	Support proposed 12.0m height limit.
Gulf Harbour Marlin Trust	FS1007/60	Opposes submission 1010/1
Peter James & Carol Ann Richardson	FS1008/4	Supports submission 1010/1
Vision Gulf Harbour Inc	1010/2	Support site coverage restriction.
Peter James & Carol Ann Richardson	FS1008/5	Supports submission 1010/2
Gulf Harbour Marine Village Residents Association	1006/8	Limit site coverage to 35%, not 50% as proposed.
Peter James & Carol Ann Richardson	FS1008/23	Supports submission 1006/8
Gulf Harbour Marlin Trust	FS1007/38	Opposes submission 1006/8

1.6.1 Decision

- (i) That submissions **1000/10, 1001/1, 1006/1, 1006/2, 1010/1, 1010/2, 1010/3** and further submissions **FS1008/4, FS1008/5, FS1008/6, FS1008/17, and FS1008/16** be **accepted**, and further submissions **FS1007/24, FS1007/28, FS1007/21, FS1007/32, and FS1007/60** be **rejected**.
- (ii) That submissions **1006/8, 1006/16, 1007/9, and 1007/10** and further submissions **FS1008/23** and **FS1008/31** be **rejected** and further submissions **FS1007/46, FS1008/49, FS1008/38** and **FS1008/50** be **accepted**.
- (iii) That submission **1008/1** be **accepted** and further submission **FS1007/56** be **rejected**.
- (iv) That submission **1008/3 (part)** be **accepted** to the extent that the plan is amended as set out below and that further submission **FS1007/58** be **rejected**.

1.6.2 Reasons for Decision

The Committee accepts the need for additional controls on building bulk, location and scale in the Town Centre in order to achieve the principal objective for the Town Centre.

The introduction of rules relating to building height, site coverage and height to boundary recession planes will strengthen and clarify the intent of Policy 12.8.18.1.3.5(c). These rules essentially reinstate in a slightly modified form, the provisions that applied under previous planning instruments and which reflected a holistic conceptual design framework for Gulf Harbour. In recent years with changes in land tenure, developers have sought to maximise development opportunities on individual land parcels to the detriment of wider objectives for Gulf Harbour.

The matter of building form and scale is stated as a specific policy in 12.8.18.1.3.5 (c) of the Proposed Plan 2000. The Committee does not accept that the height limit should be increased to enable taller buildings in the Town Centre than existing development within the Centre. The proposed height limit has also been determined with regard to other development controls including the proposed site coverage provision of 50%. Overall, the controls provide a generous level of development potential for a centre that has a local neighbourhood function. For these reasons, an increase in the proposed height limit and a reduction in site coverage are not appropriate.

The Committee has determined that the proposed height to boundary control is an appropriate method of ensuring adequate light and separation distance of buildings in order to maintain privacy and outlook in relation to the established apartments to the western

boundary of the Town Centre and in relation to the boundaries of the 'Origin' site on the eastern side of Gulf Harbour Drive.

The Committee agrees with the submission from P and C Richardson (1008/1) that requested clarification of the explanation and rules relating to Rule 12.8.18.3.8.1. The submitter was concerned that the wording "three storeys above ground level" was not sufficiently certain and may be interpreted as allowing either three storeys in total including the ground level, or four storeys in total (a ground level and three additional storeys). This statement is open to more than one interpretation and the Proposed Plan does not have a definition of ground level which would assist in this regard. The amendment requested by the submitter is therefore accepted.

With reference to the GHMVRA submission 1006/16 on the wording of Objective 12.8.18.1.2.7, the Committee notes that at the hearing the submitter advised that the Association accepted the explanation in the Planner's report. The Objective is beneath the heading "*In the Marine Village Residential Policy Area*" and reads: "*To allow development close to the waterways to be at higher intensities in the form of high rise development (up to ten levels) and the remainder of the area to be at medium intensity (low rise, two to three levels)*". The reference to high rise development is clearly intended to apply only to the Marine Village Residential Policy Area. Accordingly, no further amendment is necessary.

1.6.3 Amendments to the Proposed Plan

- (i) Amend Explanation and Reasons relating to Rule 12.8.18.3.8.1 to read "*In addition, buildings should have a total of no more than three storeys above average ground level, with pitched roofs*" (amendment shown underlined and in italics).

1.7 Other Matters Relating to the Town Centre

1.7.1 Submissions

Gulf Harbour Marine Village Residents Association	1006/17	Oppose in part. Include reference to "waterway" as a feature of particular value and vulnerability in Objective 12.8.18.1.2.13.
Gulf Harbour Marlin Trust	FS1007/47	Opposes submission 1006/17
Peter James & Carol Ann Richardson	FS1008/32	Supports submission 1006/17
Gulf Harbour Marine Village Residents Association	1006/25	Development close to canal wall - Introduce restriction on development and building below ground level and MHWS; require detailed engineer's reports for underground excavations.
Gulf Harbour Marlin Trust	FS1007/55	Opposes submission 1006/25
Peter James & Carol Ann Richardson	FS1008/40	Supports submission 1006/25
Gulf Harbour Marlin Trust	1007/14	Further or consequential amendments as necessary to give full effect to its submissions, including appropriately worded urban design principles.
Peter James & Carol Ann Richardson	FS1008/54	Opposes submission 1007/14
Gulf Harbour Marine Village Residents Association	1006/19	Oppose in part. Amend 'red' colour of rotunda island and clock tower on precinct plan, to protect the island from any future development other than the existing use.
Gulf Harbour Marlin Trust	FS1007/49	Opposes submission 1006/19

Peter James & Carol Ann Richardson	FS1008/36	Supports submission 1006/19
Peter James & Carol Ann Richardson	FS1008/34	Supports submission 1006/19

1.7.2 Objective 12.8.18.1.2.13 - Local Features of Particular Value

1.7.2.1 Decision

- (i) That submission **1006/17** and further submission **FS1008/32** be **rejected** and further submission **FS1007/47** be **accepted**.

1.7.2.2 Reasons for Decision

Submission 1006/17 supported the addition of references to the band rotunda and clock tower in Objective 12.8.18.1.2.13 being “*..to protect local features of particular value or vulnerability, including the band rotunda and clock tower, as the detailed design and implementation of development proceeds*” but requested that “waterway” be added as another feature of value or vulnerability. Submission FS1008/32 supported and FS1007/47 opposed the submission.

The Committee notes that at the hearing the submitters accepted the Planner’s explanation that there are references throughout the Gulf Harbour zone provisions to the importance of the waterways to the amenity of Gulf Harbour as a marine village. The Committee therefore considers that no further amendment is necessary.

1.7.2.3 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.7.3 Development in Proximity to Canal Wall

1.7.3.1 Decision

- (i) That submission **1006/25** and further submission **FS1008/40** be **rejected** and further submission **FS1007/55** **accepted**.

1.7.3.2 Reasons for Decision

Submission 1006/25 from the GHMVRA requested a restriction on any development close to the canal wall particularly development below ground level and MHWS. Submission FS1008/40 supported and FS1007/55 opposed the submission.

The Committee notes that at the hearing the submitters accepted the Planner’s explanation that excavation and development below ground level are matters covered by district-wide and region-wide plan rules relating to earthworks and ground disturbance. The Committee therefore considers that is not necessary to make specific provision within the Gulf Harbour zone rules for this issue to be addressed. The effects of rising sea levels and climate change will require a comprehensive region-wide and district-wide approach.

1.7.3.3 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.7.4 Colour Notation of Band Rotunda and Clock Tower on Precinct Plan

1.7.4.1 Decision

- (i) That submission **1006/19** and further submissions **FS1008/34** and **FS1008/36** be **accepted** and further submission **FS 1007/49** be **rejected**.

1.7.4.2 Reasons for Decision

Submission 1006/19 requested that the colour notation for the band rotunda and clock tower island be altered to ensure that the existing structures are protected, so that the island is not permitted to be used for another purpose. Marlin's further submission FS1007/49 opposed this submission to the extent that it was inconsistent with its own submission, and P and C Richardson, FS1008/34 and FS1008/36¹, supported submission 1006/19.

The submitter's concern is that the existing lease gives the tenant the ability to dismantle the island structure if desired and there is the potential in the future for a valued public amenity area to be lost. It is common ground that the island rotunda is a significant feature of the Town Centre and a drawcard to visitors and the local community alike. Currently there are no restrictions on demolition or removal of the structures, and any future use of the island would be subject to the provisions for the Marine Village Town Centre Policy Area. Within the Policy Area, any further development requires assessment of any proposed use against the Objectives and Policies as well as the Rules. These Objectives include:

Objective 12.8.18.1.2.13(b) *"To make provision for local reserves, and to protect local features of particular value or vulnerability, including the band rotunda and clock tower within the Town Centre as the detailed design and implementation of development proceeds"*.

This objective emphasises the importance of existing features and the need for additional areas of open space if additional development is contemplated. However, there are no rules which would give effect to Objective 12.8.18.1.2.13(b). The Committee therefore considers that it is appropriate to amend the activity table to make the demolition or removal of the structures a non-complying activity.

1.7.4.3 Amendments to the Proposed Plan

- (i) That the following non-complying activity be inserted into the MVTCPA column of Activity Table B Rule 12.8.18.2.3:

"Demolition or removal of any building or structure (e.g. band rotunda, clock tower) on or connected to the island in the northern waterway – NC" (alterations underlined and in italics).

1.7.5 Urban Design Principles

1.7.5.1 Decision

- (i) That submission **1007/14** be **rejected** and further submission **FS1008/54** be **accepted**.

1.7.5.2 Reasons for Decision

Submission 1007/14 from Marlin requested, in addition to acceptance of all other parts of its submission, further or consequential amendments including appropriately worded urban design principles necessary to give effect to the submission.

From the evidence presented by Marlin at the hearing, it was clear that the submitter wishes to undertake significantly more commercial and residential development within the Town Centre than is currently permitted, or proposed under the Variation. As discussed in other sections of this decision report, the Committee considers that the reasons for the proposed limits on scale and intensity of activities, and rationale for the building form as proposed in the rules, are appropriate. Assessment criteria also apply to every proposed building, and the majority of activities, that are anticipated in the Town Centre. The Committee considers that the Variation represents a comprehensive and robust method of managing the effects of further development in the Town Centre that endeavours to balance the interests of the community, residents and landowners. The Committee was of the view that urban design principles as explained in the detailed evidence of Professor Bird must be considered

¹ It appears that two further submission numbers have been allocated in support of the same primary submission.

alongside many other matters that have a bearing on an appropriate scale and form for the Town Centre. In particular, the Committee has had regard to the Centre's primary function as a neighbourhood centre serving the local population's needs in reaching its conclusion that a much more intensive urban form is inappropriate, and fundamentally challenges the underlying objectives that have predicated the development of Gulf Harbour to date.

1.7.5.3 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.8 **Accessory Buildings – Activity Table Rule 12.8.18.2.3**

1.8.1 Submissions

Gulf Corporation	1000/5	Amend new restricted discretionary activity by re-wording as follows: <i>"Accessory buildings except where associated with a single household unit"</i> .
Gulf Harbour Marlin Trust	FS1007/19	Opposes submission 1000/5
Gulf Harbour Marine Village Residents Association	1006/24	Ancillary external units - Delete provision.
Gulf Harbour Marlin Trust	FS1007/54	Opposes submission 1006/24
Peter James & Carol Ann Richardson	FS1008/39	Supports submission 1006/24

1.8.2 Decision

- (i) That submission **1000/5** be **accepted** and further submission **FS1007/19** be **rejected**.
- (ii) That submission **1006/24** be **rejected** and further submissions **FS1007/54** be **accepted** and **FS1008/39** be **rejected**.

1.8.3 Reasons for Decision

It is proposed in the Variation that *"accessory buildings not exceeding 20m² or 10% of the floor area of the principal building on the site, which ever is the lesser"*, be a restricted discretionary activity in the MVRPA and GRPA. The intention of the proposed amendment is to address an anomaly in the decision version of the Gulf Harbour module, which does not list accessory buildings as a separate activity in these Policy Areas. Accessory buildings associated with multiple household units are therefore non-complying.

In addition, the Variation also proposes to amend the existing provision for "single household units" to include *'and associated accessory buildings'* as permitted activities on sites subdivided for that activity as provided by Rule 12.8.18.7.4 which comply with the standards set out in Rule 12.8.18.3.2.2". The Committee accepts Gulf Corporation's submission, which points out that there is confusion between these two rules and that a literal interpretation would be that accessory buildings associated with single household units would be a restricted discretionary activity (and limited to 20m²).

The Marine Village Residential Policy Area encompasses a wider area than the marine village centred around the existing northern waterway and there is provision for a range of housing types to be established. Although most if not all household units are provided with garages or carports when the sites are first developed, the Committee considers that deletion of the provision for accessory buildings, as requested by the GHMVRA is not appropriate. Currently there is no provision for garden sheds, small greenhouses, gazebos and the like and it is unreasonable to require non-complying activity resource consent applications for such features.

1.8.4 Amendments to the Proposed Plan

That the new restricted discretionary activity provision for accessory buildings in Rule 12.8.18.2.3 Activity Table A be amended by re-wording as follows:

"Accessory buildings ~~not exceeding 20m² or 10% of the floor area of the principal building on the site, which ever is the lesser~~ except where associated with a single household unit"
(alterations shown in strikethrough and underlined italics).

1.9 Eastern Boat Harbour

1.9.1 Submissions

Gulf Harbour Marine Village Residents Association	1006/12	Eastern Boat Harbour - Support changes that clarify the plan.
Gulf Harbour Marlin Trust	FS1007/42	Opposes submission 1006/12
Peter James & Carol Ann Richardson	FS1008/27	Supports submission 1006/12
Vision Gulf Harbour Inc	1010/9	Eastern Boat Harbour - Support changes that clarify the plan.
Peter James & Carol Ann Richardson	FS1008/12	Supports submission 1010/9

1.9.2 Decision

- (i) That submissions **1006/12** and **1010/9** and further submissions **FS1008/27** and **FS1008/12** be **accepted** to the extent that they are consistent with recommendations in relation to specific matters addressed in other submissions and further submissions on the plan.
- (ii) That further submission **FS1007/42** be **rejected**.

1.9.3 Reasons for Decision

The GHMVRA and Vision Gulf Harbour's submissions support the changes to the Eastern Boat Harbour that clarify the plan. These submissions are supported by P and C Richardson for the reason that the relief sought by the primary submitters is consistent with the reasons provided in their own submission, and opposed by Marlin to the extent that the submissions are inconsistent with its own submission.

The primary submissions from the GHMVRA and Vision Gulf Harbour do not identify the specific matters relating to the Eastern Boat Harbour that are supported. The main changes to the provisions for the Eastern Boat Harbour Policy Area include:

- The change in the provision within the Activity Table for visitor accommodation that deems visitor accommodation to be a household unit and is an inadvertent drafting error. The decision on this matter is in section 1.4.4;
- A minor amendment in 12.8.18.5.3.3 (e)(a)(ix), in enabling provision for public open space by means of legal mechanisms approved by Council. This terminology is used elsewhere in the Gulf Harbour module of the plan and is amended for consistency;
- Amendments to the Matters for Discretion and Assessment Criteria relating to additions and alterations to buildings in 12.8.18.5.4(c) (visual and acoustic privacy, signs, storage space and garbage disposal, and provision of infrastructure). Notwithstanding the Committee's decision to remove the proposed provision for additional household units in the Town Centre, the existing rule that permits household units ancillary to a permitted activity will remain. The Committee considers that the amendments to the assessment criteria remain relevant for assessment of ancillary household units and will maintain consistency in the evaluation of residential accommodation in both the Town Centre and Eastern Boat Harbour.

The further submissions are generic in nature and do not relate to the main issues in the submitters' primary submissions.

1.9.4 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.10 **Golf Course Provisions**

1.10.1 Submissions

Raymond A J Bolland	1003/2	Delete Precinct 3 from Appendix 5A or alternatively redefine Precinct 3 as not including any part of the golf course.
Raymond A J Bolland	1003/1	Add extra sentence to "visitor accommodation" paragraph of 12.8.18.1.3.11 as follows: "The District Plan does not permit visitor accommodation for the golf course to be built on the golf course itself (golf course policy area in Appendix 5A) and so it would need to be on adjoining or nearby land".
Ian G Boocock	1004/1	Add extra sentence to the "visitor accommodation" paragraph of Policy 12.8.18.1.3.11 as follows: "The District Plan does not permit visitor accommodation for the golf course to be built on the golf course itself (golf course policy area in Appendix 5A) and so it would need to be on adjoining or nearby land".
Ian G Boocock	1004/2	Delete Precinct 3 from Appendix 5A or alternatively redefine Precinct 3 as not including any part of the golf course.
Gulf Harbour Marine Village Residents Association	1006/14	Eliminate reference to visitor accommodation within Golf Course land.
Gulf Harbour Marlin Trust	FS1007/44	Opposes submission 1006/14
Peter James & Carol Ann Richardson	FS1008/29	Supports submission 1006/14
Gulf Harbour Marine Village Residents Association	1006/21	Amend Precinct Plan 3 excluding golf course land and existing buildings from Hotel site.
Gulf Harbour Marlin Trust	FS1007/51	Opposes submission 1006/21
Vision Gulf Harbour Inc	1010/12	Amend Precinct Plan 3 excluding golf course land and existing buildings from Hotel site.
Peter James & Carol Ann Richardson	FS1008/15	Supports submission 1010/12
Vision Gulf Harbour Inc	1010/11	Eliminate reference to visitor accommodation within Golf Course land.
Peter James & Carol Ann Richardson	FS1008/14	Supports submission 1010/11

1.10.2 Decision

- (i) That submissions **1003/2**, **1004/2**, **1006/21**, **1010/12**, and **1010/11** and further submissions **FS1008/14** and **FS1008/15** be **rejected** and further submission **FS1007/51** be **accepted**.
- (ii) That submissions **1003/1**, **1004/1**, **1006/14** and further submissions **FS1008/29** be **accepted in part**, to the extent that the Explanation and Reasons are amended as set out below, and that further submission **FS1007/44** be **rejected**.

1.10.3 Reasons for Decision

The submissions are concerned with two inter-related issues:

- (i) the inclusion of golf course land within Precinct 3 on the Outline Plan at Appendix 5A to the Planning Maps and
- (ii) a reference in the text of the Special 18 (Gulf Harbour) provisions of the Proposed Plan to visitor accommodation within the Golf Course.

They seek exclusion of the Golf Course land from Precinct 3, and deletion of the reference to visitor accommodation within the Golf Course. Marlin (FS1007/51) has opposed the requested alterations to the extent that they are inconsistent with its own submission. P and C Richardson (FS1008/14, FS1008/15) supported the submissions requesting the amendments thus described.

Precinct 3 of the Outline Plan at Appendix 5A to the Planning Maps incorporates land within both the MVRPA and the Golf Residential Policy Area (GRPA). The Precinct boundaries were introduced on submissions to the Proposed Plan 2000 and the only change to the Outline Plan being introduced in the Variation is the delineation of the existing MVTCPA as a new precinct, Precinct 6.

The GRPA does not permit residential development or visitor accommodation. The rationale and relevant objectives and policies relating to this (which are not changed in the Variation) include the following:

Issue 12.8.18.1.1.7 *“The Open Space of the Golf Course is essential to ‘offset’ the more intensive development in the Marine Village and Town Centre. Open space continues to be important, however, as the detailed design of development is undertaken, it is appropriate to consider what provisions should be made at a local level to set aside land for reserve purposes”.*

Objective 12.8.18.1.2.3 *“To ensure that further development in the Gulf Harbour zone maintains or enhances the contributions made to amenity values and to the quality of the environment by the key facilities which have been developed in the Zone – the Marina and waterways, and the Golf Course”.*

Objective 12.8.18.1.2.11 *“To protect the open space character, and the recreational and integrative functions, of the land on which the Golf Course is situated”.*

Policy 12.8.18.1.3.16 *“The open space, recreational and amenity values of the land on which the Golf Course is situated (being the land shown for that purpose on the Outline Plan at Appendix 5 to the Planning Maps) should be retained intact for the long term”.*

Policy 12.8.18.1.3.17 *“The boundaries of the land on which the Golf Course is situated may be adjusted, subject to agreement between the Council and the interests which own and manage the Golf Course, through the relevant Resource Management process”.*

Policy 12.8.18.1.3.18 *“Buildings directly associated with the function of the Golf Course (e.g. the Golf Club Rooms, the Tees of the driving range, a Golf School, and maintenance buildings) may be located on the Golf Course, subject however to their design and the landscape treatment of their setting mitigating any adverse effects on the amenity values and open space character of the land”.*

The notation on the Outline Plan includes the symbol “Hg” which identifies a future hotel site within the precinct. It is shown straddling Pinecrest Drive, which indicates that the hotel site may be located on either side of the road. The reason for this is that at some future date, Pinecrest Drive may be reconstructed to the east of its present alignment. Any hotel/visitor accommodation would be located fronting Pinecrest Drive and be sited within the MVRPA.

However, this is not clear from a statement in the Explanation and Reasons following Policy 12.8.18.1.3.11 (as renumbered from 12.8.18.1.3.12) in Variation 51. This states “*Visitor accommodation is planned for the Town Centre, Eastern Boat Harbour and Golf Course. This will provide commercial accommodation for visitors to Auckland who wish to use the Golf Course or the marina activities and will strengthen the contribution of Gulf Harbour to the tourism opportunities available in the Auckland Region*”.

As the objectives and policies for the Golf Course Policy Area make it clear that no visitor accommodation is to be located within the Golf Course itself, the Committee considers that it is appropriate to amend the unintended reference in the explanation to visitor accommodation being planned for the Golf Course. This can be clarified by amending the sentence to read: “*Visitor accommodation is planned for the [Town Centre], Eastern Boat Harbour and **on land adjacent to the Golf Course Policy Area***”. As visitor accommodation is not to be provided for in the Town Centre, in accordance with the Committee’s decision in Section 1.4.2, a consequential amendment to this statement is also necessary.

The Committee does not consider it necessary to delete the Golf Course from Precinct 3, as a Comprehensive Development Plan is required prior to any development within the Precinct, which should have regard to any planned or future facilities within that part of the Golf Course and which may include realignment of Pinecrest Drive.

1.10.4 Amendments to the Proposed Plan

- (i) That the Explanation and Reasons following Policy 12.8.18.1.3.11 (as renumbered from 12.8.18.1.3.12) in Variation 51 be reworded as follows:

“Visitor accommodation is planned for the ~~Town Centre~~, Eastern Boat Harbour and on land adjacent to the Golf Course Policy Area” (alterations shown in strikethrough, and underlined in italics).

1.11 Recreation Policy Area

1.11.1 Submissions

Gulf Harbour Marine Village Residents Association	1006/13	Rezoning Recreation/School zone - Make provision to allocate equivalent suitable land for recreational purposes elsewhere within the Gulf Harbour zone.
Gulf Harbour Marlin Trust	FS1007/43	Opposes submission 1006/13
Peter James & Carol Ann Richardson	FS1008/28	Supports submission 1006/13
Vision Gulf Harbour Inc	1010/10	Rezoning Recreation/School zone - Make provision to allocate equivalent suitable land for recreational purposes elsewhere within the Gulf Harbour zone
Peter James & Carol Ann Richardson	FS1008/13	Supports submission 1010/10

1.11.2 Decision

- (i) That submissions **1006/13** and **1010/10** and further submissions **FS1008/28** and **FS1008/13** be **rejected**, and **FS1007/43** be **accepted**.

1.11.3 Reasons for Decision

Within Gulf Harbour, there is only one site classified as a Recreation Policy Area and this is now occupied by Wentworth College pursuant to a resource consent. As a result of submissions to the Proposed Plan, the range of activities within the Policy Area was amended to reflect the establishment of the College. The Variation renames the Policy Area to align with these amendments. The Committee acknowledges the submitters' concerns regarding provision of suitable land for recreational purposes, as there is no other Recreation Policy Area land in Gulf Harbour and much of the reserve fronting Gulf Harbour Drive and Laurie Southwick Parade is used by the College for its playing fields. Future development of land within the Medium and Low Intensity Residential Policy Areas is required to provide neighbourhood reserves, but reserves are not required within the Golf Residential, Town Centre, Eastern Boat Harbour or Marine Village Residential Policy Areas. Development in these areas is offset by the open space provided by the Golf Course. However, the objectives and policies for the Eastern Boat Harbour and amendments to the provisions for the Town Centre seek to ensure that adequate areas of publicly accessible open space are provided at the time that development occurs, although these may remain in private ownership.

1.11.4 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.12 **Provision for Hostels, Hotels and Childcare in the Marine Village Residential Policy Area**

1.12.1 Submissions

Gulf Harbour Marine Village Residents Association	1006/23	Marine Village Residential Policy Area - provision for childcare - no amendment requested.
Gulf Harbour Marlin Trust	FS1007/53	Opposes submission 1006/23
Peter James & Carol Ann Richardson	FS1008/38	Supports submission 1006/23
Gulf Harbour Marine Village Residents Association	1006/22	Marine Village Residential Policy Area - provision for hostels and hotels - no amendment requested.
Gulf Harbour Marlin Trust	FS1007/52	Opposes submission 1006/22
Peter James & Carol Ann Richardson	FS1008/37	Supports submission 1006/22

1.12.2 Decision

- (i) That submissions **1006/22** and **1006/23**, and further submissions **FS1008/37** and **FS1008/38** be **rejected**, and **FS1007/52** and **FS1007/53** **accepted**.

1.12.3 Reasons for Decision

The submissions by the Gulf Harbour Marine Village Residents Association supported by P and C Richardson and opposed by Marlin, stated their concern over the provision for Hostel and Hotel provisions, and childcare for up to 10 children, in the Marine Village Residential Policy Area. The submitters considered this to be inconsistent with the design and parking provisions allowed for in the area. The submitters have not stated the decision they wish the Committee to make, but it is implicit that they seek deletion of these activities from the Policy Area.

Submissions relating to the MVRPA are beyond the scope of this variation, which has as its main focus the Town Centre. Proposed amendments to other parts of the Gulf Harbour zone are intended to address anomalies rather than review all aspects of the provisions.

1.12.4 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.13 Height Limit for Hotel “Hm”

1.13.1 Submissions

Gulf Corporation	1000/13	Retain the 22 metre height requirement for Hotel "Hm" and clarify other provisions as necessary to refer to this exception to the standard 5 storey expectation.
Gulf Harbour Marlin Trust	FS1007/27	Opposes submission 1000/13

1.13.2 Decision

- (i) That submission **1000/13** be **accepted** and further submission **FS1007/27** be **rejected**.

1.13.3 Reasons for Decision

Gulf Corporation’s submission stated that it is generally satisfied with the height limit of 5 storeys for buildings in the Eastern Boat Harbour reasons but considered that flexibility for the height of a hotel building within the Eastern Boat Harbour, to allow up to 22m, would be desirable.

In its deliberations on Gulf Corporation’s submissions on the Proposed Plan 2000, considerable thought was given by the Committee to the overall form of development that would be appropriate within the Eastern Boat Harbour, having regard to the evidence provided by the submitter in support of its vision for a ‘Portofino’ style development. Relocation of the hotel (now ‘visitor accommodation’) site from the southern to the eastern edge of the boat harbour, as sought by the submitter, was accepted by the Committee as this was seen as facilitating a dynamic and interesting, visitor-orientated boat harbour. The Committee was concerned that the provisions in the plan needed to ensure this vision was realised and a rule restricting the height of buildings was imposed accordingly. However, an element of flexibility was considered necessary to provide scope for good architectural and urban design, hence the adoption of a height limit based on number of storeys rather than fixed by reference to the number of metres above ground level.

The Committee accepts that an exception for one specific activity will not have adverse effects that have not already been anticipated, as the provisions in the plan have signalled a taller hotel building for a considerable period of time. The maximum permitted height is therefore reinstated at 22m for the “Hm” site within the Eastern Boat Harbour. However, the Committee wishes to ensure that variation in building height is achieved throughout the Eastern Boat Harbour precinct and consequential amendments are therefore necessary to make this clear.

1.13.4 Amendments to the Proposed Plan

- (i) That the following amendments be made to Rule 12.8.18.3.4 clause (b) (Buildings in the Eastern Boat Harbour Policy Area):

(a) Visitor Accommodation

“The maximum building height for visitor accommodation in the locations identified as *“Hm” and “Hg”* on the Outline Plan at Appendix 5 to the Planning Maps shall be 22 metres” (alterations shown underlined, in italics)

(b) Buildings in the Eastern Boat Harbour Policy area

Other than as provided for in 12.8.18.3.4(a), the maximum building height in the Eastern Boat Harbour Policy Area shall be five storeys (alterations shown underlined, in italics)

- (ii) That the following consequential amendment be made to the Explanation and Reasons for Rule 12.8.18.3.4 clause (b): “...sustainability of the environment. An exception has been made to the maximum height limit for a single building in the Eastern Boat Harbour to accommodate a hotel or similar type of visitor accommodation (which may be up to 22m above ground level) and to enable variation in the heights of buildings within the precinct. However, whilst a maximum building height of 5 storeys for other buildings in the precinct has been stipulated, variation in building heights to include developments of 1 – 4 storeys is expected, and may be required as a condition of Comprehensive Development Plan and/or resource consent approval”.

1.14 Assessment Criteria for Restricted Discretionary Activities

1.14.1 Submissions

Gulf Corporation	1000/12	Delete proposed assessment criterion (w) relating to infrastructure.
Gulf Harbour Marlin Trust	FS1007/26	Opposes submission 1000/12

1.14.2 Decision

- (i) That submission **1000/12** and further submission **FS1007/26** be rejected.

1.14.3 Reasons for Decision

Evidence was presented on behalf of Gulf Corporation that the development capacity has remained substantially unchanged and infrastructure has been provided recognising the location and scale that may be possible. It would therefore be inappropriate for the Council to now reserve discretion which may result in changes to major infrastructure, including roading, being required.

The Committee considers that it is necessary for the Council to have wide scope for assessing infrastructure capacity including roading (or changes to existing roads) and the ability of any particular development to provide appropriate services. It is also necessary that the supply of infrastructure is provided commensurate with the rate of growth. It would not have been prudent for the Council to commit to capital expenditure substantially in excess of that required beyond the predicted demand period. Additional development has been provided for at Gulf Harbour with the introduction of new provisions for the Eastern Boat Harbour. There are likely to be other areas within Gulf Harbour where upgrades of existing infrastructure are necessary, which make it necessary for the Council to exercise its discretion in regard to both the capacity of infrastructure and connections to existing systems. The location and scale of some types of development and the variations in density that are possible within the MVRPA, are examples of situations where the specific effects of development on infrastructure need to be assessed.

1.14.4 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.

1.15 Miscellaneous Matters

1.15.1 Submissions

Transit New Zealand	1005/1	Neither supports nor opposes Variation. Proposed change will not have adverse effect on State Highway and increase in traffic will be insignificant.
Gulf Harbour Marlin Trust	FS1007/30	Opposes submission 1005/1

1.15.2 Decision

- (i) That submission **1005/1** be **accepted** and further submission **FS1007/30** be **rejected**.

1.15.3 Reasons for Decision

The Committee appreciates that Transit has commented on the Variation although the submission did not seek any amendment to the Proposed Variation. Marlin's 'pro forma' further submission opposed Transit to the extent that it was inconsistent with its own submission.

1.15.4 Amendments to the Proposed Plan

There are no amendments arising out of these submissions.