

BEFORE THE AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991
and the Local Government (Auckland
Transitional Provisions) Act 2010

AND

IN THE MATTER of **TOPIC 081b** Rezoning and Precincts
(Geographical Areas)

AND

IN THE MATTER of the submissions and further
submissions set out in the Parties and
Issues Report

**EVIDENCE REPORT ON SUBMISSIONS BY RYAN BRADLEY
TE ARAI SOUTH PRECINCT**

12 FEBRUARY 2016

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1. SUMMARY

- 1.1 The purpose of this Evidence Report (**Report**) is to consider submissions and further submissions to the Proposed Auckland Unitary Plan (**PAUP**) Topic 081 Rezoning and Precincts (Geographical Areas) (**Topic 081**). This Report considers submissions and further submissions received by Auckland Council (**the Council**) in relation to the Te Arai South precinct.
- 1.2 The Report includes proposals on whether, in my opinion, it is appropriate to support or not support the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.
- 1.3 The land that forms the Te Arai South precinct was purchased by Ngati Manuhiri as part of the commercial redress component of their Treaty settlement. The original purpose of the precinct as notified was to carry over some operative Auckland Council District Plan (Rodney Section) subdivision and land use development opportunities. This was to allow for the planning provisions at the time of the iwi settlement to be carried forward.
- 1.4 Since the PAUP was notified, the provisions of Private Plan Change 166 (**PPC166**) (which sought a specific subdivision outcome for the neighbouring Te Arai North precinct land) have been agreed through an Environment Court consent order. PPC166 established a subdivision mechanism on a neighbouring iwi precinct that enables new rural residential sites to be created in exchange for a large coastal reserve. In order to give effect to the RPS provisions relating to Treaty settlement land a similar approach has now been proposed for the area encompassed by the Te Arai South precinct.
- 1.5 Through mediation, parties have agreed to a set of specific precinct provisions that allow for a range of development opportunities on the site. These provisions are shown in **Attachment B** and involve the vesting of a large coastal public reserve in exchange for the subdivision of 58 additional sites, along with other activities such as sand mining, camping grounds, visitor accommodation, and papakainga.
- 1.6 In my view, it is appropriate for Te Arai South to be managed through a precinct. There are too many different elements within the Te Arai South precinct to appropriately use other methods (i.e. zone or overlay). For example, there are site specific requirements around where new sites can be located and the area of land to be vested as public reserve. From the set of tools available in the PAUP, I consider

that the detailed objective, policy and rule framework of a precinct is required to achieve the specific subdivision outcome and land use opportunities sought at Te Arai South.

- 1.7 I also note that using a precinct for Te Arai South is consistent with the RPS B.5.1 Policy 7 as proposed by the Council which states:

7. Engage with Mana Whenua on a case by case basis to discuss options for the future use and development of Treaty settlement land, including...after the relevant Claims Settlement legislation has passed, working with iwi to develop site specific plan changes to fulfil iwi aspirations and meet the objectives and policies of the Unitary Plan.

- 1.8 RPS B.5.1 also specifically notes that “*Precincts for Maori land and Treaty Settlement land*” are regulatory methods through the PAUP.
- 1.9 The main differences between the Te Arai South precinct and the relevant overlays, zone or Auckland-wide controls/ Chapter G provisions are shown in the table below.

Main precinct provision or group of changes	Difference from PAUP provisions
Subdivision enabled for a specific 58 site rural residential development in exchange for public reserve	Subdivision for rural residential development on the site is limited to a maximum of 3 sites (in-situ) and is only enabled through SEA protection/restoration (not in exchange for a large coastal reserve)
Papakainga (includes marae complex, cultural activities, tourism activities, care centres including kohunga reo, educational facilities, healthcare facilities, community facilities, spa treatment facility, and a maximum of 10 dwellings) is a Restricted Discretionary activity	Papakainga is not a defined term in the PAUP and the closest activity to the type of Papakainga development provided in the precinct is an Integrated Maori Development which is a Discretionary activity in the Auckland-wide Treaty Settlement land provisions
Camping grounds are Restricted Discretionary activities with specific assessment criteria for the Te Arai South	Camping grounds are Restricted Discretionary activities

area	
Visitor accommodation is a Restricted Discretionary activity	Visitor accommodation is a Discretionary activity
Organised Sport and Recreation is a Permitted activity	Organised Sport and Recreation is a Restricted Discretionary activity
Informal recreation is a Permitted activity	Informal recreation and leisure is a Permitted activity
Recreational trails and walkways are a Permitted activity	Recreational trails and walkways are not provided for in the underlying Rural Coastal zone and are therefore a Non-complying activity
Art Works are a Permitted activity	Art Works are a Permitted activity
Sand extraction and associated structures and infrastructure are Restricted Discretionary activities	Sand extraction and associated structures and infrastructure are not provided for in the underlying Rural Coastal zone and are therefore a Non-complying activity
Restaurants and cafes, Rural tourist and visitor activities, and retail (accessory to another activity on the site) are Restricted Discretionary activities	<p>Restaurants and cafes are Restricted Discretionary activities</p> <p>Rural tourist and visitor activities are Discretionary activities</p> <p>Retail is not provided for in the underlying Rural Coastal zone and is therefore a Non-complying activity</p>
New buildings and additions and alterations to buildings are Restricted Discretionary activities	Dwellings (one per site) are a Restricted Discretionary activity
Detailed matters for discretion and assessment criteria relating to the specific	General matters for discretion and assessment criteria for subdivision

nature of the site	
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- 1.10 Overall, I consider that the Te Arai South precinct provisions give effect to the RPS provisions that enable the development of Treaty Settlement land for social and economic development, while also still avoiding, remedying or mitigating effects on the area's significant values (notably ecology and landscape).

PART A: OVERVIEW AND BACKGROUND

2. INTRODUCTION

- 2.1 The purpose of this Report is to consider submissions and further submissions received by the Council in relation to the Te Arai South precinct.
- 2.2 The Report includes proposals on whether, in my opinion, it is appropriate to support or not support the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.
- 2.3 This Report has been prepared by Ryan Bradley and my qualifications and experience are set out in **Attachment A**.

3. CODE OF CONDUCT

- 3.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

4. SCOPE

- 4.1 I am providing planning evidence in relation to the Te Arai South precinct.
- 4.2 In preparing this statement of evidence I have relied on the Auckland-wide evidence of John Duguid to hearing Topic 080 Rezoning and Precincts (General) and Topic 081, which sets out the statutory framework, methodology, principles and section 32 evaluations used to guide the development and application of zones and precincts.

4.3 The following expert statements of evidence have been relied upon in preparing my Report:

- (a) Andrew Beer, Open Space
- (b) Simon Cocker, Landscape
- (c) Manu Bird, Ecology

4.4 This Report relies on the changes to the underlying Rural Coastal zone as proposed by the Council in Annexure A to its closing statement for hearing Topic 056 and 057 Rural Objectives and Policies & Rural Activities and Controls and also the changes to the Auckland-wide Treaty Settlement Land provisions as proposed by the Council in Attachment A to its closing statement for hearing Topic 036 Maori Land, Treaty Settlement Land and the Maori Purpose zone.

5. INTERIM GUIDANCE FROM THE PANEL

5.1 I have read the Panel's Interim Guidance, in particular in relation to:

- (a) Chapter G: General Provisions, dated 9 March 2015;
- (b) Best practice approaches to re-zoning and precincts, dated 31 July 2015;
- (c) Air Quality, dated 25 September 2015; and
- (d) Chapter G Regional and District Rules, dated 9 October 2015.

6. PAUP APPROACH TO PRECINCTS

6.1 The approach to precincts is detailed in the evidence of Mr Duguid. In particular Mr Duguid outlines the PAUP structure and the relationship between overlays, zones, Auckland-wide and precinct provisions. Mr Duguid also provides an overview of the methodology for applying precincts and the types of precincts identified in the PAUP. I have read and agree with this evidence.

Section 32 and 32AA

6.2 As outlined in the Auckland Unitary Plan Evaluation Report (**the Evaluation Report**), the Council has focussed its section 32 assessment on the objectives and provisions within the PAUP that represent significant changes in approach from those within the current operative Auckland Resource Management Act 1991 (**RMA**) policies and

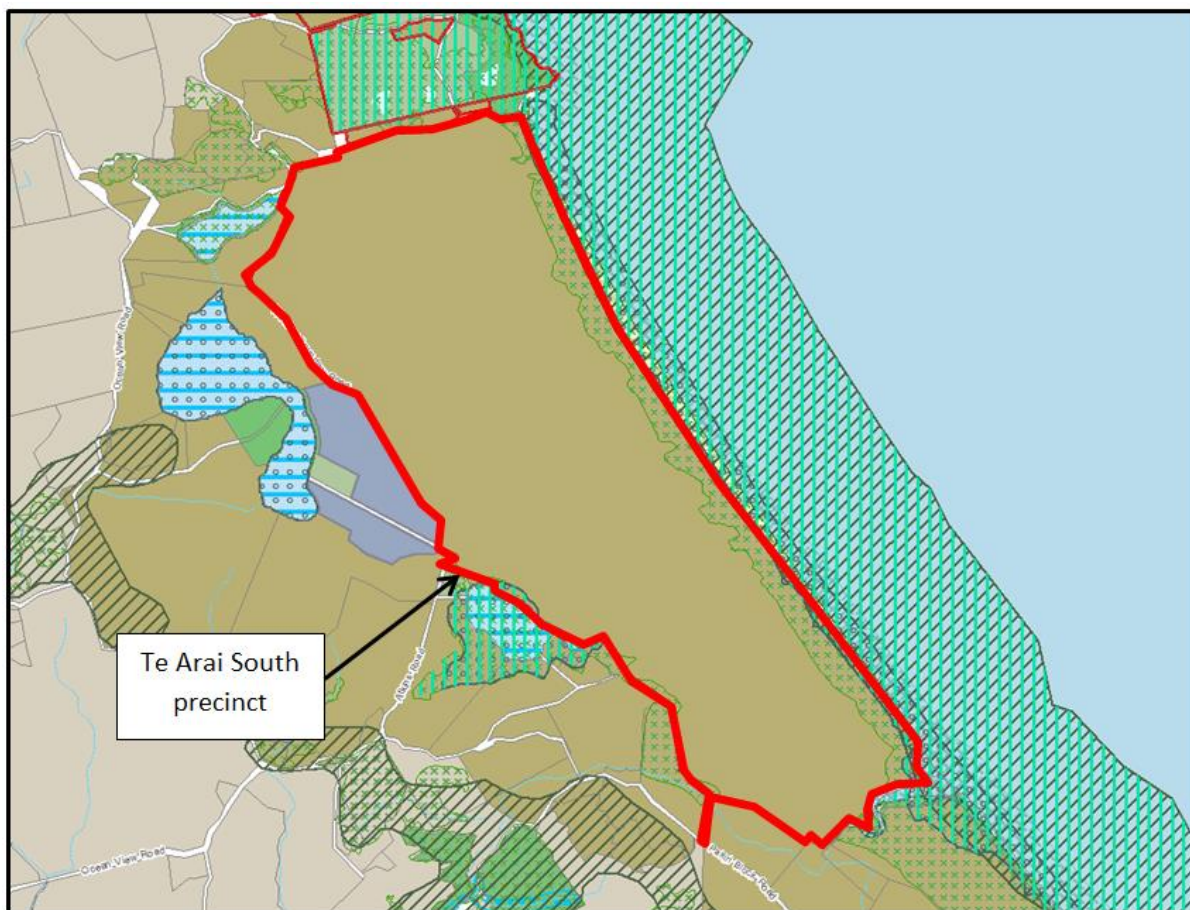
plans. Whilst the Evaluation Report applies to the entire plan, the report targets the 50 topics where the provisions represent a significant policy shift.

- 6.3 In relation to my proposed changes to the notified PAUP, I have assessed them in accordance with s 32AA. The precinct provisions do not reflect a major policy shift from the operative plans and have been prepared in accordance with s 32 and s 32AA.

PART B: OVERVIEW OF TE ARAI SOUTH PRECINCT

7. CONTEXT

- 7.1 The existing Te Arai South precinct applies to 753ha of coastal land south of Te Arai Point, generally known as Mangawhai South Forest. This is located on the north east coast of the Rodney Local Board area and the land is separated by the Te Arai North precinct by the regional park at Te Arai Point. A number of dune lakes lie to the west of the precinct along with a sand mining operation. 287ha of land within the precinct has been granted Crown mining permits (41970 and 41896) for sand mining. Within this, 46ha has a resource consent (LAN40301) to enable sand mining.
- 7.2 The underlying zoning of land in the Te Arai South precinct is Rural Coastal. There are no requests to change the underlying zoning. The precinct includes land which is covered by overlays including Significant Ecological Areas (**SEA**), High Natural Character (**HNC**), Outstanding Natural Features (**ONF**), and Outstanding Natural Landscape (**ONL**). Map 1 below shows the precinct location and underlying zones.



Map 1: Te Arai South precinct (showing the underlying zonings and significant overlays)

- 7.3 The precinct forms part of the Treaty settlement between the Crown and Ngati Manuhiri. The land was purchased by Ngati Manuhiri as part of the commercial redress component of their settlement. The land is within the rohe of Ngati Manuhiri.
- 7.4 The original purpose of the Te Arai South precinct was to carry over some operative Auckland Council District Plan (Rodney Section) subdivision and land use development opportunities. This was to allow for the planning provisions at the time of the iwi settlement to be carried forward.
- 7.5 Specifically, the notified provisions carry forward the rural subdivision provisions from the Auckland Council District Plan (Rodney Section) which are generally more enabling than the PAUP provisions. The Te Arai South precinct as notified provides for subdivision for the protection of natural areas, the creation of additional public reserve land, and significant enhancement planting. The precinct also carries forward some land use rules, notably providing for outdoor recreation and motorsport

activities as permitted activities (as these were permitted activities in the plantation forest land in Rodney).

8. STATUTORY FRAMEWORK

New Zealand Coastal Policy Statement

8.1 Te Arai South has a coastal location. The relevant objectives and policies of the New Zealand Coastal Policy Statement 2010 (**NZCPS**) which are of particular relevance to the provisions of the Te Arai South area include:

- (a) Objective 2: “To preserve the natural character of the coastal environment and protect natural features and landscape values...”
- (b) Objective 3: “To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment...”
- (c) Objective 4: “To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment...”
- (d) Objective 5: “To ensure that coastal hazard risks taking account of climate change, are managed...”
- (e) Objective 6: “To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development...”
- (f) Policy 6: Activities in the coastal environment
- (g) Policy 13: Preservation of natural character
- (h) Policy 14: Restoration of natural character
- (i) Policy 15: Natural features and natural landscapes
- (j) Policy 17: Historic heritage identification and protection
- (k) Policy 18: Public open space
- (l) Policy 19: Walking access
- (m) Policy 25: Subdivision, use, and development in areas of coastal hazard risk

9. REGIONAL POLICY STATEMENT

9.1 Key sections of the PAUP RPS, as proposed to be amended by the Council, which need to be considered and given effect to include the more enabling provisions for Treaty Settlement land. These are outlined in the objectives and policies in B.5.1 such as:

- (a) Objective 3 – “The relationship of Mana Whenua with Treaty settlement land is provided for, recognising:...the limited extent of commercial redress land available to provide for the economic well-being of Mana Whenua.”
- (b) Objective 4 – “The development and use of Treaty settlement land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that...commercial redress is intended to contribute to the social and economic development of Mana Whenua.”
- (c) Policy 7 – “Engage with Mana Whenua on a case-by-case basis to discuss options for the future use and development of Treaty settlement land.”
- (d) Policy 8 – “Enable the development of land acquired as commercial redress for social and economic development.”

PART C: OVERVIEW OF SUBMISSIONS

10. SUBMISSION THEMES

10.1 A total of 47 submission points have been received requesting relief in relation to the precinct.

10.2 Of the 47 submission points received:

- (a) 32 submission points seek to amend specific provisions within the context of providing greater development/more enabling provisions within the precinct.
- (b) Four submissions seek to incorporate the PPC166 provisions (for Te Arai North) into the Te Arai South precinct.
- (c) Five submission points seek to retain specific provisions.
- (d) One submission point seeks to amend the provisions in the context of reducing the amount of development enabled within the precinct.

- (e) Two submission points seek to spatially extend the area covered by the precinct.
- (f) Three incorrectly coded submissions.

10.3 Mediation sessions through the Panel process were held on December 10, 2015 and January 15, 2016. The following parties attended:

- (a) Tara Iti Holdings Limited
- (b) Te Arai South Joint Venture/ Ngati Manuhiri Settlement Trust
- (c) Ngati Manuhiri Settlement Trust
- (d) Te Arai Beach Preservation Society
- (e) Pakiri Whanua Aha Kaa

10.4 The parties agreed to a set of provisions for the Te Arai South precinct and the changes to the Te Arai South precinct that I support are set out in **Attachment B**. Since mediation I have made a number of minor changes to the agreed provisions for consistency with PAUP terminology and definitions. As the precinct provisions have changed completely from the notified precinct provisions, I have not underlined the new text as essentially this would result in all of the text being underlined.

10.5 The scope to make all the changes in **Attachment B** are derived from submission points 861-5, 861-12, 861-39, 861-40, 861-44, 861-45, 861-53, 861-56, 5805-32, 6440-29, 6440-30, 6440-33, 6440-37, 6440-40, and 6440-42.

11. INCORRECTLY CODED SUBMISSION POINTS

11.1 Submission points 5716-1240, 5716-1241, 5716-1242 from Auckland Council were incorrectly coded to the Te Arai South precinct within Topic 081. This report relies on the general matters raised by the submission points having been addressed by the Council in the primary statement of evidence of Larissa Blair Clarke to hearing Topic 081b for the Waimana Point precinct.

PART D: ANALYSIS OF SUBMISSIONS

12. PRECINCT ASSESSMENT

- 12.1 The land that forms the Te Arai South precinct was purchased by Ngati Manuhiri as part of the commercial redress component of their settlement. As previously discussed, the original purpose of the precinct as notified was to carry over some operative district plan subdivision and land use development opportunities. This was to allow for the planning provisions at the time of the iwi settlement to be carried forward.
- 12.2 It is noted that the submissions on the Te Arai South precinct in the PAUP covered a range of issues (as shown in section 9 above). However, through Panel assisted mediation submitters were able to reach agreement to amend the Te Arai South precinct provisions to enable a range of activities and subdivision for up to 58 new sites. A similar approach to subdivision enabled in the Te Arai North precinct has been adopted. The proposed Te Arai South precinct provisions are shown in **Attachment B**.
- 12.3 In my view, it is appropriate for Te Arai South to be managed through a precinct. There are too many different elements within the Te Arai South precinct to appropriately use other methods (i.e. zone or overlay). For example, there are site specific requirements around where new sites can be located and the area of land to be vested as public reserve. From the set of tools available in the PAUP, I consider that the detailed objective, policy and rule framework of a precinct is required to achieve the specific subdivision outcome sought at Te Arai South.
- 12.4 I also note that using a precinct for Te Arai South is consistent with the RPS B.5.1 Policy 7 as proposed by the Council which states:
- 7. Engage with Mana Whenua on a case by case basis to discuss options for the future use and development of Treaty settlement land, including...after the relevant Claims Settlement legislation has passed, working with iwi to develop site specific plan changes to fulfil iwi aspirations and meet the objectives and policies of the Unitary Plan.*
- 12.5 RPS B.5.1 also specifically notes that “Precincts for Maori land and Treaty Settlement land” are regulatory methods through the PAUP.

13. ANALYSIS OF PRECINCT PROVISIONS

- 13.1 The main differences between this precinct and the relevant overlays, zone or Auckland-wide controls/ Chapter G provisions are shown in the table below.

Main precinct provision or group of changes	Difference from PAUP provisions
Subdivision enabled for a specific 58 site rural residential development in exchange for public reserve	Subdivision for rural residential development on the site is limited to a maximum of 3 sites (in-situ) and is only enabled through SEA protection/restoration (not in exchange for a large coastal reserve)
Papakainga (includes marae complex, cultural activities, tourism activities, care centres including kohunga reo, educational facilities, healthcare facilities, community facilities, spa treatment facility, and a maximum of 10 dwellings) is a Restricted Discretionary activity	Papakainga is not a defined term in the PAUP and the closest activity to the type of Papakainga development provided in the precinct is an Integrated Maori Development which is a Discretionary activity in the Auckland-wide Treaty Settlement land provisions
Camping grounds are Restricted Discretionary activities with specific assessment criteria for the Te Arai South area	Camping grounds are Restricted Discretionary activities
Visitor accommodation is a Restricted Discretionary activity	Visitor accommodation is a Discretionary activity
Organised Sport and Recreation is a Permitted activity	Organised Sport and Recreation is a Restricted Discretionary activity
Informal recreation is a Permitted activity	Informal recreation and leisure is a Permitted activity
Recreational trails and walkways are a Permitted activity	Recreational trails and walkways are not provided for in the underlying Rural Coastal zone and are therefore a Non-

	complying activity
Art Works are a Permitted activity	Art Works are a Permitted activity
Sand extraction and associated structures and infrastructure are Restricted Discretionary activities	Sand extraction and associated structures and infrastructure are not provided for in the underlying Rural Coastal zone and are therefore a Non-complying activity
Restaurants and cafes, Rural tourist and visitor activities, and retail (accessory to another activity on the site) are Restricted Discretionary activities	Restaurants and cafes are Restricted Discretionary activities Rural tourist and visitor activities are Discretionary activities Retail is not provided for in the underlying Rural Coastal zone and is therefore a Non-complying activity
New buildings and additions and alterations to buildings are Restricted Discretionary activities	Dwellings (one per site) are a Restricted Discretionary activity
Detailed matters for discretion and assessment criteria relating to the specific nature of the site	General matters for discretion and assessment criteria for subdivision

- 13.2 In my view, the amended provisions for the Te Arai South precinct as agreed through Panel assisted mediation are appropriate. While the provisions are more enabling for subdivision than the underlying Rural Coastal zone, in my view this is acceptable given the environmental benefits of the new large coastal reserve as outlined in the evidence of Andrew Beer. I also note that the environmental outcomes for ecology and landscape as a result of subdivision can be appropriately managed through the specific provisions of this precinct as outlined in the evidence of Manu Bird and Simon Cocker.
- 13.3 I also consider that the more enabling provisions for sand mining are appropriate given the Crown Mineral Permits that exist for the site, the consented sand mining

operation on a portion of the site, and the quarry zone on adjacent land. I also consider that the precinct provisions regarding sand mining will result in any significant adverse effects being avoided, remedied or mitigated.

- 13.4 In my view, the other activities enabled on the site are also appropriate (Papakainga, Camping grounds, Visitor accommodation, Organised sport and recreation, Informal recreation, Recreational trails and walkways, Art works, and accessory Restaurants and cafes, Rural tourist and visitor activities, and Retail). This is because these activities will assist Ngati Manuhiri to provide for its social, economic and cultural well-being while the environmental effects can be appropriately managed through the specific provisions of this precinct (as noted in the evidence of Manu Bird and Simon Cocker).
- 13.5 Overall, I consider that the Te Arai South precinct provisions give effect to the RPS provisions that enable the development of Treaty Settlement land for social and economic development, while also still avoiding, remedying or mitigating effects on the area's significant values (notably ecology and landscape).
- 13.6 Having regard to the requirements of section 32 and 32AA of the RMA and the other statutory criteria of the RMA outlined in the evidence of Mr Duguid and the matters raised by submitters, I consider that the proposed set of provisions as marked up in **Attachment B** are appropriate. They are consistent with approaches in the rest of the PAUP and they improve the efficiency and effectiveness of the precinct in achieving its objectives and policies.

14. CONSEQUENTIAL AMENDMENTS TO OTHER PARTS OF THE PAUP

- 14.1 There are no consequential amendments required to other parts of the PAUP as a result of my evidence.

15. CONCLUSIONS

- 15.1 I have considered the submissions received on the Te Arai South precinct. I consider that the amendments as set out in the proposed set of provisions, as marked up in **Attachment B** most appropriately meet the purpose of the RMA.

Ryan Bradley

12 February 2016

ATTACHMENT A: CV of Ryan Bradley**Career Summary**

2013 – 2015	Planner/Principal Planner Auckland Council
2011 – 2012	Planning Enforcement Officer London Borough of Newham
2005 – 2010	Senior Policy Planner Rodney District Council
2002 – 2005	Resource Management Planner Opus International Consultants
2001 – 2001	Planning Assistant Jenny Hudson Planning

Qualifications

2002 Auckland University Bachelor of Planning (Hons)

Affiliations

Graduate Plus Member of the New Zealand Planning Institute

ATTACHMENT B: Track changes for Te Arai South precinct

Editorial notes:

Council's proposed changes are shown in ~~strike through~~ and underline

Black text changes record amendments proposed in track changes version

Yellow highlighted text changes record amendments that are considered to be outside the scope of submissions

Grey highlighted text changes records amendments that are consequential amendments from previous hearings/evidence. Any additional changes to consequential amendments are **highlighted in pink**

Green text changes record amendments proposed and agreed to in mediation (those amendments not agreed to stay black)

Red text changes record amendments proposed in rebuttal evidence

Blue text changes record amendments proposed post hearing (e.g. right of reply)

Numbering of this precinct will be reviewed as part of the overall review of the UP numbering protocols.

NOTE: ALL THE EXISTING PRECINCT TEXT IS DELETED (STRUCKTHROUGH AT THE BOTTOM OF THIS DOCUMENT). ALL THE PRECINCT TEXT UP TO THE STRUCKTHROUGH PARTS IS NEW (BUT HAS NOT BEEN UNDERLINED TO ENABLE EASIER READING)

5.50 Te Arai South precinct

1 Precinct description

The Te Arai South precinct contains approximately 750ha of coastal land south of Te Arai Point, known as Mangawhai South Forest. The land within the precinct forms part of the Treaty settlement between the Crown and Ngati Manuhiri. The land was purchased by Ngati Manuhiri as part of the commercial redress component of their settlement. The land is within the rohe of Ngati Manuhiri. Appropriate use and development of the precinct land represents a significant opportunity for Ngati Manuhiri, including in partnership with others, to advance its economic, cultural and social wellbeing.

The precinct and surrounds exhibits high quality landscape, biodiversity, and coastal character values. The precinct provisions seek to protect and enhance these values and secure the public's on-going use and enjoyment of the coastal area and nearby lakes, while ensuring the economic, social and cultural well-being of Mana Whenua by enabling sustainable management of this Treaty settlement land through a comprehensive land management approach. The precinct seeks to enable the transition of the land from

existing unsustainable and uneconomic land uses, including production forestry, to more sustainable and economically viable land uses. It also seeks to continue and allow further utilisation of a large on-shore sand resource that is significant for the growth and development of Auckland and other regions.

To achieve these outcomes, the precinct provides for a range of appropriate land use outcomes, including subdivision for papakāinga, rural residential and other activities in exchange for a large area of public conservation and reserve along the coast. This reserve will form part of a more extensive network of reserve land extending from the Mangawhai Wildlife Reserve to the Te Arai South Forest that protects in perpetuity some 15 kilometres of coastline, plus stream margins, wetlands and ecological and conservation areas.

The precinct provisions require a public reserve as shown on the Precinct Plan to be created with subdivision. This reserve comprises the coastal dunes and a connection to Tomarata Lake and Slipper Lake.

In exchange for these public benefits, a total of 58 new house sites rural residential sites (in addition to 2 existing sites) may be created.

The precinct provisions require that the 58 new specified building areas in the rural residential sites are to be located in the three areas identified in the precinct plan in order to maintain the amenity and natural character values of the coastal environment and surrounding land, avoid impacts on ecological and cultural heritage values of the precinct and enable a design solution which will protect the rural character of the area. The rural and coastal character of the Precinct is unique given the attributes and activities above.

The precinct provisions enable the development of an area for papakāinga. The Papakāinga is intended to allow Ngati Manuhiri to undertake a range of activities within the area defined on the Precinct Plan that focus on its social, economic and cultural wellbeing.

These provisions recognise that the principles of Te Tiriti o Waitangi require the council to enable the use and development of land acquired by Mana Whenua through Treaty settlement and related legislation.

The underlying zoning of the land within the Te Arai South precinct is the Rural Coastal zone. Refer to the planning maps for the location and extent of the precinct.

2 Objective

The underlying zone and Auckland-wide objectives apply in this precinct, in addition to those specified below.

1. The use and development of the Te Arai South Precinct as Treaty Settlement land is enabled in a manner which recognises its commercial redress purposes and provides

for a transition to sustainable land uses, while avoiding as far as practicable, and where total avoidance is not practicable minimising adverse effects on the values of:

- the high value landscapes and significant natural features within and adjoining the precinct;
- significant ecological areas and biodiversity; and
- the special rural character and coastal character values

Where adverse effects on the values identified above cannot be avoided, remediation is required. Where adverse effects cannot be avoided or remediated, mitigation is required.

2. Sand mining in specific areas of the Te Arai South Precinct land occurs in a way that utilises the significant resource while avoiding, remedying or mitigating significant adverse effects.

3 Policies

The underlying zone and Auckland-wide policies apply in this precinct, in addition to those specified below.

1. Enable appropriate subdivision, use and development of the precinct by:
 - i. providing for an appropriate range of land uses to enable the precinct's transition to sustainable land use activities, limited rural residential (low density) housing, papakāinga, commercial, tourism, conservation and recreation activities;
 - ii. providing for subdivision in exchange for a significant coastal reserve and easements which connect to Tomorata Lake and Slipper Lake; and
 - iii. providing for a comprehensive approach to land management that provides for the protection and enhancement of the precinct's special features including the coastal dunes, wetlands, and biodiversity values.
2. Protect the high quality landscape by managing the quantity, location, nature and scale of buildings within the precinct.
3. Avoid adverse effects of land use and development on threatened or at risk species.
4. Protect the natural functioning of waterways and the coastal processes occurring within the precinct by limiting activities such as earthworks, bush and vegetation removal, siting of buildings, and landform modifications in close proximity to the coast and waterways

5. Through comprehensive approach to land management achieve the following outcomes:
 - a. Avoiding as far as practicable, and where total avoidance is not practicable minimising adverse effects on:
 - i. the outstanding natural features of the dunelands
 - ii. outstanding landscapes
 - iii. the natural character values of the coastline and related inland area
 - iv. significant ecological areas and riparian margins
 - v. biodiversityWhere adverse effects on the values identified above cannot be avoided, remediation is required. Where adverse effects cannot be avoided or remediated, mitigation is required.
 - b. the creation of additional significant public reserve land
 - c. low density rural residential dwellings
 - d. the protection and enhancement of biodiversity
 - e. sand mining within a specific area of the precinct that avoids, remedies or mitigates adverse effects on the surrounding land and the reserve
6. Provide for Māori cultural and commercial activities, including papakāinga.
7. Enable sand extraction activities and associated works within a specific area of the precinct, while avoiding, remedying or mitigating significant adverse effects associated with such activities. In order to meet this policy, preference will be given to sea-based transport of sand over land-based transport.
8. Require proposals for new sand extraction activities in the precinct to provide adequate information on the establishment and operation of the activity and demonstrate:
 - a. the size and scale of extraction activities, the expected length of operation and the extent of the market to be served from the extraction site.
 - b. the design and layout of the site, the access roads and supporting facilities and infrastructure such as slurry lines.
 - c. that public access through the sand mining area can be provided for between the coast and the dune lakes.
 - d. include an agreement with the council regarding the rehabilitation and handover of Area D on the **Precinct Plan** (the area where the Sand Mining area and the Reserve Area overlap).
 - e. that adequate measures will be used to:
 - i. manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses.
 - ii. manage traffic generation and maintain traffic safety, particularly measures to manage heavy vehicles entering or exiting the site. Sea-based transport of sand is a preferred method to avoid land traffic effects of sand mining.
 - iii. avoid, remedy or mitigate any effects on soil and water quality, including impacts on watercourses within the extraction site and the effects of discharges from the site into the neighbouring environment.

- iv. maintain land stability.
- v. mitigate significant adverse effects on visual and landscape values.
- vi. protect the values of identified heritage or archaeological sites, buildings, places or areas, along with Mana Whenua values.
- f. options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the sand mine, having regard to the expected life of the sand mining site.
- g. require a management plan to be prepared to address operational matters associated with sand extraction, including management of potential effects and measures to remedy, mitigate or offset these effects.

Precinct Rules

5.50 Te Arai South precinct

The underlying zoning of land within this precinct is the Rural Coastal zone. Refer to the planning maps for the location and extent of the precinct.

The provisions in Chapter I for the underlying zone and Auckland-wide provisions of Chapter H apply in this precinct unless otherwise specified below.

The rules in this section implement the objectives and policies in Chapter F, section 5 North 5.50 Te Arai South Precinct.

1. Activity table

The activity table in the underlying Rural Coastal zone applies in the Te Arai South precinct unless otherwise specified below.

The activity tables in the Auckland-wide rules apply in the Te Arai South precinct unless otherwise specified below.

Activity table 5.50 Te Arai South precinct	
Activity	Activity status
Residential	
Dwellings (one per site)	P
Papakāinga	RD
Camping grounds	RD
Visitor accommodation	RD

Community	
Organised Sport and Recreation	P
Informal Recreation	P
Recreational trails and walkways	P
Art Works	P
Industry	
Sand extraction and associated structures and infrastructure	RD
Commerce	
Restaurants and cafes	RD
Rural tourist and visitor activities	RD
Retail	RD
Development	
New buildings	RD
Additions and alterations to buildings (more than 25 per cent of the existing GFA or 250m ² whichever is the lesser)	RD
Subdivision	
Subdivision for the creation of up to 58 new rural residential sites in addition to the two sites existing at 15 January 2016	RD

2. Notification

The council will consider restricted discretionary resource consent applications for the following activities without the need for public or limited notification:

1. Papakāinga
2. Subdivision for the creation of up to 58 new rural residential sites in addition to the two sites existing at 15 January 2016.

All other activities in the Activity Table will be subject to the normal tests for notification under the relevant sections of the RMA.

3. Land use controls

The underlying zone and Auckland-wide land use controls apply in this precinct, unless otherwise specified below.

The land use controls in the underlying Rural Coastal zone apply in the Te Arai South precinct, unless otherwise specified below.

3.1 Papakāinga

1. Papakāinga must be located within the area identified on the **Precinct Plan** as “Papakāinga”.
2. Papakāinga may include, marae complex, cultural activities, tourism activities, care centres including kohunga reo, educational facilities, healthcare facilities, community facilities, spa treatment facility, and a maximum of 10 dwellings.

3.2 Restaurants and cafes, rural tourist and visitor activities and retail

1. Restaurants and cafes, rural tourist and visitor activities and retail must be an accessory activity to another activity carried out on the same site.

3.3 Sand extraction and associated structures and infrastructure

1. Other than access roads, services and the slurry line for sand extraction, sand extraction and associated structures must be located within the area identified on the Precinct Plan as “Sand mining area”.
2. Sand extraction activities must not include any blasting.

3.4 Dwellings

1. No more than one dwelling per site
2. Dwellings may not be located on any access or service lots

4. Development controls

The underlying zone development controls and Auckland-wide controls apply in this precinct, unless otherwise specified below.

4.1 Yards

1. The Coastal Protection Yard does not apply

5. Subdivision controls

The subdivision controls in the Auckland wide rules - Subdivision apply in the Te Arai South precinct, unless otherwise specified below.

5.1 Controls for Subdivision for the creation of up to 58 new rural residential sites in addition to the 2 sites existing 15 January 2016.

The general controls in the Auckland wide rules - subdivision apply unless otherwise specified below.

Subdivision for the creation of up to 58 new rural residential sites in addition to the 2 sites existing at 15 January 2016 must comply with the following additional controls. For the purpose of this rule, the limits on sites must not limit the creation of access or service lots.

1. The specified building areas in the 58 rural residential sites must be located in the areas marked "A" "B" and "C" on the **Precinct Plan**.
 - a. No minimum net site area, minimum average site size or minimum site size applies.
 - b. The 2 sites and dwelling entitlements existing at 15 January 2016 may be relocated within the areas marked "A", "B" and "C" on the Precinct Plan.
2. Subdivision in accordance with this rule must comply with the following:
 - a. At no cost to the administering body, a public reserve generally as shown on the **Precinct Plan**, must be vested at issue of the title for the first rural residential site created under this rule, except as provided below.
 - b. The public reserve must be subject to any fencing requirements by the administering body. Fencing must be undertaken on the boundary of the reserve within the timeframe agreed by the administering body.
 - c. Within the reserve, the staged removal of pine trees and their replacement with native vegetation to enable recreation activities and otherwise protect and enhance SEAs and other ecological values must occur in accordance with the requirements and timeframes of the Vegetation Management Plan.
 - d. The final surveyed boundaries of the public reserve must be generally in accordance with the area identified on the **Precinct Plan**.
 - e. In the area identified on the **Precinct Plan** as Area D (where the Sand Mining area and the Reserve Area overlap), the reserve is not required to vest at the issue of the title for the first rural residential site, and may vest within one year of the completion of sand mining and associated rehabilitation within this area. Before this vesting, public access easements must be provided for at least 90% of Area D at any one time. This is to enable public access and use of any reserve area that cannot vest at the issue of the title for the first rural residential site.
 - f. The applicant must provide written advice from the council that the area of public reserve is acceptable for public reserve purposes including:
 - a. access where this is necessary for the function of the public reserve to be achieved.
 - b. the proposed landform and rehabilitation of Area D (the area where the Sand Mining area and the Reserve Area overlap) following sand mining is suitable for public access and recreational use, including a potential camping ground in the vicinity of Tomarata Lake.
3. Cats, dogs (except for police dogs, dogs used in conservation management and biosecurity and guide or companion dogs (certified as helpers of people with disabilities), mustelids, goats, rabbits and rodents and any other inappropriate

domestic pets are not permitted on any site created under this rule including any balance titles that are on land included in the precinct.

4. Prior to the creation of any site under this rule, a Comprehensive Site Management Plan (“CSMP”) must be prepared for the precinct by the applicant for council’s approval.

The CSMP must be for the precinct as a whole (except for the reserve post-vesting).

The purpose of the CSMP is to manage the use and development of the rural residential sites, Papakāinga and balance area as a whole, the protection and enhancement of archaeological, landscape and amenity values, ecological values including indigenous biota, soil conservation and reinstatement of sustainable native cover having regard to biota habitat requirements. Any vegetation removal within the proposed reserve area pre-vesting must be in accordance with the approved CSMP or as otherwise approved by council.

5. The CSMP must include the following management plans below to achieve its purpose and the CSMP:
 - a. An “Ecological Management Plan”
 - b. A “Vegetation Management Plan”
 - c. Methods to ensure that earthworks undertaken are appropriately managed, and where necessary are planted in native species to control erosion.
 - d. A plan for the management of earthworks to minimise and control sand, dust and sediment run-off from the works.
 - e. Methods to protect and manage archaeological sites during construction and thereafter, including accidental discovery protocols, and the protection of sites of significance to iwi.
6. All titles created under this rule (excluding the reserve area) must include covenants or consent notices which prohibit perpetually further subdivision for the creation of residential or rural residential sites greater than the maximum 60 lots across the precinct (excluding the area identified on the **Precinct Plan** as “Papakāinga”).
7. The provision of “Up to ten dwellings on Treaty Settlement Land” from Chapter H, Mana Whenua, Rule 2.2.1 Activity Table, does not apply to the 60 sites provided for by this rule.
8. All titles created under this rule, (excluding the reserve area but including any balance title) must include covenants which require compliance with conditions of consent, which provide for ongoing land management in accordance with the Comprehensive Site Management Plan and other land management plans required under these rules. The covenants must include a prohibition of domestic pets (including but not limited to, cats, mustelids, dogs (except for police dogs, dogs used in conservation management and biosecurity and guide or companion

dogs (certified as helpers of people with disabilities), goats, rabbits and rodents) on the sites created and balance land.

9. Easements of sufficient width and practically located must be provided over the reserve for the purpose of services, conveying water and access to sites within the precinct.
10. Public access easements of 20 metres in width must be provided generally in accordance with the indicative locations shown on the **Precinct Plan**, or in such locations as otherwise agreed with the council. The easements should be established at issue of the title for the first rural residential site created under this rule. Where easements traverse existing or proposed sand mining areas, such easements may provide for changes to the position of public accessways to allow for staging of sand mining and associated rehabilitation. The position of the easements must also be able to be moved including for the purpose of sand mining and associated rehabilitation staging in agreement with the council. The easements must provide for pedestrian, cycling, equestrian and access for vehicles required for operational and maintenance purposes associated with the reserve, or such other activities otherwise agreed with council.
11. Pest plants are not permitted in the subdivision in private gardens or any amenity plantings.
12. A full time equivalent conservation ranger must be appointed and permanently employed by the future landowners to implement the Ecological Management Plan.

6. Assessment – Restricted discretionary activities

6.1 Matters of discretion

For development that is a restricted discretionary activity in the Te Arai South precinct, the council will restrict its discretion to the matters below.

1. New buildings and additions and alterations to buildings:
 - a. building siting, design, and external appearance
 - b. rural and coastal character
 - c. visual amenity
 - d. landscape and landform modification
 - e. coastal hazards
2. Papakāinga, Camping Grounds, Visitor Accommodation, Restaurants and cafes, Rural tourist and visitor activities, and Retail
 - a. traffic volume and safety
 - b. noise
 - c. stormwater
 - d. wastewater
 - e. rural and coastal character

- f. adherence with requirements of the Comprehensive Site Management Plan
- 3. Sand extraction and associated structures and infrastructure:
 - a. traffic and access
 - b. visual and aural amenity and vibration
 - c. site rehabilitation
 - d. ecological buffers
 - e. public access
 - f. protection of indigenous ecological values
 - g. natural character of the coastal environment
 - h. impact on public reserve
- 4. Subdivision for the creation of up to 58 new rural residential sites in addition to the two sites existing at 15 January 2016:

In addition to the matters for discretion from the Auckland wide rules – subdivision, the council will restrict its discretion to the matters below:

- a. ban on inappropriate domestic pets
- b. landform modification
- c. natural quality of waterbodies
- d. location of specified building areas
- e. landscape values
- f. natural character of the coastal environment
- g. protection of indigenous ecological values
- h. threatened or at risk species, indigenous ecosystems and vegetation types that are threatened in the Auckland region
- i. vehicle access
- j. traffic
- k. stormwater
- l. pest plants
- m. sustainable land management
- n. landscape and visual amenity effects
- o. adherence with requirements of the Comprehensive Site Management Plan

6.2 Assessment criteria

For development that is a **restricted discretionary** activity in the Te Arai South precinct, the following assessment criteria apply.

- 1. **New buildings and additions and alterations to buildings**
 - a. Building siting, design, and external appearance:
 - i. The design and location of buildings, and associated works including landscape works and access works, should avoid, remedy, or mitigate adverse effects, including cumulative effects, on the landscape, visual amenity, rural character values and the remote character of the beach. The following aspects are particularly relevant:

- building bulk
 - glare or reflections off the exterior cladding or windows
 - landform modification needed for specified building areas and access
 - screening from neighbouring sites
 - views of the buildings from any public road or open space used for recreation, including the beach, coastal marine area, coastline, or regional park
 - Exterior lighting, including any street lighting, should be provided in such a way as to not be prominent, particularly against a dark background, when viewed from any public place including the coast, and not adversely affect nesting shorebirds.
- ii. All buildings should be sited and designed so they do not visually intrude on any significant ridge line or skyline or adversely affect landscape values when viewed from any road or other public land including the beach, the sea or regional park.
- iii. Building finishes, including colours and materials, should be recessive and should complement the rural and rural coastal character of the surrounding environment. The exterior finish of the building or structure has a reflectance value of, or less than, 30 per cent as defined within the BS5252 standard colour palette.
- b. Landscape and landform modification:
- i. The siting of buildings and accessory buildings should not detract from the rural and rural coastal character of the surrounding environment by responding sympathetically to natural landforms, landscape features, including where the proposal is within or adjacent to any ONL, ONC, and HNC area.
- ii. Redevelopment should not require extensive landform modification unless for the purpose of recreating natural dune forms.
- c. Coastal hazards
- i. The siting of buildings and accessory buildings should demonstrate avoidance of coastal hazards.

2. Camping Grounds, Visitor Accommodation, Restaurants and cafes, Rural tourist and visitor activities, and Retail

- a. Noise:
- i. Noise from fans, ventilators, heaters, or other machines, or from on-site activities should be adequately mitigated.
- b. Traffic volume and safety:
- i. The design and location of the buildings and operation of the activity, and the associated traffic, should avoid, remedy or mitigate adverse effects on the road network or traffic safety.
- c. Stormwater:

- i. Stormwater runoff from roof and paved areas should be discharged in a manner that is hydrologically neutral where excess flows, volumes and timing of runoff in excess of pre-development runoff, is discharged to ground through suitable storage and soakage systems.
- d. Wastewater:
 - i. Adequate wastewater capacity should be provided within the on-site wastewater system based on the design occupancy to avoid significant adverse effects on public health, water quality and amenity values and to remedy or mitigate other adverse effects.
- e. Rural and coastal character:
 - i. The operation of the activity should avoid, remedy or mitigate adverse effects on rural and coastal character.
- f. Adherence with requirements of the Comprehensive Site Management Plan:
 - i. The activity should comply with all the requirements of the Comprehensive Site Management Plan.

3. Sand extraction and associated structures and infrastructure

- a. traffic and access
 - i. The expected traffic generated by the activity should not adversely affect the safe and efficient functioning of the surrounding road network.
- b. visual amenity
 - i. Adverse effects should be mitigated through the use of screening and landscaping.
- c. Noise and vibration:
 - i. Noise and vibration from machinery, pumps and on-site activities should be adequately avoided, remedied or mitigated including through limiting the hours of operation.
- d. site rehabilitation
 - i. Methods of site rehabilitation once sand extraction has ceased should result in ecological connectivity between the dune lakes and the coastal reserve.
- e. ecological buffers
 - i. An appropriately sized and planted ecological buffer should be provided between the sand mine and dune lakes.
- f. public access
 - i. Public access should be provided/maintained between the coastal reserve and the dune lakes (refer to linkages shown on the **Precinct Plan**).
 - ii. A mechanism should be proposed (eg completion certificate from a suitably qualified expert) in which Area D (where the Sanding Mining

area and the Reserve Area overlap) is to be vested with council on completion of the sanding mining and associated rehabilitation within this area.

- g. protection of indigenous ecological values
 - ii. The operation of the activity should avoid, remedy or mitigate adverse effects on indigenous ecological values.
- h. natural character of the coastal environment
 - i. The operation of the activity should avoid, remedy or mitigate adverse effects on rural and coastal character values of the Precinct.
- i. impact on public open space
 - i. Sand mining activities should avoid, remedy or mitigate adverse effects on nearby public open space.

4. Subdivision for the creation of up to 58 new rural residential sites in addition to the two sites existing at 15 January 2016:

In addition to the assessment criteria from the Auckland wide rules – subdivision, the following assessment criteria apply.

- a. The adequacy of measures proposed to control horses
- b. The adequacy of measures to protect shorebirds, lizards and threatened plant species, during earthworks and the construction period and thereafter.

Where the measures in (a) – (b) are not provided, the subdivision will be considered inappropriate.

- c. The subdivision should maintain the special character and amenity of the Rural Coastal zone including whether the subdivision will avoid adverse effects, including cumulative effects, on the rural character anticipated in the zone having regard to the special rural and coastal character values of the Precinct.
- d. The subdivision, including provision for access and utilities, should not require extensive landform modification and adverse effects on the landscape and amenity values of the particular area should be avoided or appropriately mitigated. Where this is not achievable, the subdivision will be considered to be inappropriate.
- e. The subdivision and site development, including provisions for access and utilities, should use the existing landform as a basis as far as is practicable so that adverse effects on the landscape and discharge of silt are avoided or appropriately mitigated.

- f. The subdivision and associated works should not have adverse effects on the natural quality of any waterbodies, including streams flowing to the sea and the sea itself.
- g. Specified building areas identified in the subdivision should allow for any house or structure to be built below the brow of any ridge or hill on which it would be sited so that the highest point of any building or structure is below the landform or any existing trees or bush screening the building site, when the site (or sites) is viewed from any public road or public land including any beach or the sea, but excluding any areas of reserve proposed to be vested or regional park. From the latter areas of reserve or regional park, specified building areas for future buildings should be integrated into the landscape as far as practicable to avoid adverse visual amenity effects. Where avoidance is not practicable, effects should be remedied or mitigated. Where this is not achievable, the specified building area/s will be considered inappropriate.
- h. Exterior lighting, including any street lighting, should be provided in such a way as to not be prominent, particularly against a dark background, when viewed from any public place including the coast, and not adversely affect nesting shorebirds.
- i. The subdivision should ensure the protection or enhancement of the high landscape values of the area having regard to the local landscape's ability to absorb change in respect of other factors, including the nature and variability of local terrain, the extent and distribution of vegetation cover, and the location and nature of existing development and structures in it.
- j. The subdivision, including the location of specified building areas, should ensure the protection or enhancement of the natural character of the coastal environment, and avoid, remedy or mitigate adverse effects on the natural landforms and vegetation cover that contribute to such character and values having regard to:
 - i. current levels of naturalness and the integrity of that part of the coastal environment; and
 - ii. screening and integration potential afforded by natural landforms and vegetation.
- k. The subdivision and development should protect and should not adversely affect in a more than minor way the natural functioning of coastal processes.
- l. The subdivision and subsequent development should not have a significant adverse effect on indigenous flora and fauna and ecological values and any such effects should be avoided or effectively mitigated including the area of land that extends down to the MHWS.
- m. Subdivision should avoid, remedy or mitigate adverse effects on: threatened or at risk species; indigenous ecosystems and vegetation types that are

threatened in the Auckland region or are naturally rare; and areas containing nationally and regionally significant examples of indigenous community types.

- n. Subdivision should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on: areas of predominantly indigenous vegetation in the coastal environment; habitats that are important during the vulnerable life stages of indigenous species; and indigenous ecosystems and habitats that are found only in the coastal environment and which are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones and saltmarsh, and ecological corridors.
- o. Vehicle access to sensitive areas should be avoided and walkway access must be limited to a small number of defined walking paths to ensure that any adverse effects on the quality and/or remote character of the precinct and beach environment and the adverse effects on the ecological values of the dunes are avoided. Vehicle access to the beach from the site must not be allowed except for emergency responses or reserve management purposes.
- p. Subdivision should retain a rural character and not create an urban character.

In circumstances where one or more of the above criteria are not met, the proposal may be considered inappropriate and the council in its discretion may refuse consent, or grant consent to a lesser number of sites, and/or to a different design of subdivision.

- q. Traffic should be managed to ensure that the local road network will function safely and efficiently when subjected to the increased traffic movements associated with any subdivision of the site.
- r. Stormwater runoff from roof and paved areas should be discharged in a manner that is hydrologically neutral where excess flows, volumes and timing of runoff in excess of pre-development runoff, is discharged to ground through suitable storage and soakage systems.
- s. Measures should be implemented to ban pest plants.
- t. The density of the proposed subdivision should provide for the sustainable land management of the precinct.
- u. The proposed subdivision should include legally binding mechanisms to ensure adherence of owners and their successors in title to the CSMP.

7. Special information requirements

- 1. Subdivision for the creation of up to 58 new rural residential sites in addition to the two sites existing at 15 January 2016**

An application for Subdivision for the creation of up to 58 new house rural residential sites in addition to the two sites existing at 15 January 2016 must be accompanied by a Comprehensive Site Management Plan ("CSMP"):

- a. The CSMP must contain the following information, in addition to any information required in the constituent plans below:
 - i. Identify the areas of the site to be developed for rural residential sites, including a landscape and visual assessment of the effects on identified natural heritage overlay values and the rural character and amenity.
 - ii. Identify the location of rural residential sites and associated specified building areas, including geotechnical information demonstrating the stability of any proposed building site.
 - iii. Identify the location of any archaeological sites.
 - iv. Identify the areas of the site to be vegetated or managed to transition from pine to native cover, and how this will be achieved.
 - v. Specify the proposed staging of the subdivision and associated vegetation management.
 - vi. Detail the legal mechanisms for achieving the purpose of the CSMP.
 - vii. Identify the location of any fencing agreed with council.
- b. The Ecological Management Plan must include the following methods to protect ecological values:
 - i. Pest and predator control and monitoring, including establishment of buffer zones on the site to protect ecological values.
 - ii. Management of people to avoid shorebird habitats, particularly during the breeding season and management and protection of shorebirds breeding in construction zones.
 - iii. Management of earthworks and construction activities to avoid shorebird habitats, particularly during the breeding season.
 - iv. Management and protection of threatened plant species and associated shorebird and native biodiversity habitat.
 - v. Mechanisms to ensure that the Ecological Management Plan and its requirements are binding on and funded by future landowners.
 - vi. Conservation management including pest control, protection of shorebirds from disturbance and habitat restoration.
 - vii. Long term monitoring and reporting on shorebird habitat.
 - viii. A full time equivalent conservation ranger must be appointed and permanently employed by the future landowners to implement the Ecological Management Plan.
- c. The Ecological Management Plan must contain the following information:
 - i. A review of current information on the status of shorebird species, and ecological values in the area;

- ii. Survey methodologies to gather baseline information on species and ecological values present, the size of populations and the state of their habitats;
 - iii. Identification of the threats to local shorebird populations and ecological values;
 - iv. Proposed methods for conservation management including pest control, protection from disturbance and habitat restoration;
 - v. Proposed methods for long term monitoring and reporting;
 - vi. Details of how the conservation ranger and other costs will be funded.
- d. The Vegetation Management Plan must include the following methods to manage vegetation on the land:
- i. The maintenance of adequate vegetative screening or landform back-drop associated with any subdivision to protect or enhance any significant landscape values of the area.
 - ii. Methods to ensure that the degree to which development associated with the subdivision would affect the natural landforms and vegetation cover that affects such character and values is minimised having regards to:
 - Current levels of naturalness of the areas in the Precinct and the integrity of that part of the coastal environment; and
 - Screening and integration potential afforded by natural landforms and existing vegetation.
 - The staged removal of pines and their replacement with native revegetation to enable recreation activities and protect and enhance SEAs or ecological values in the following areas:
 - The coastal reserve
 - A 50 metre riparian buffer extending along the Poutawa Stream from MHWS
 - iii. The Vegetation Management Plan must include the following information:
 - Estimated timeframe and details of the staged pine removal and subsequent revegetation
 - A pre-revegetation site assessment including:
 - descriptions of the ecosystems present on a plan
 - existing topography, contours, drainage, natural watercourses, vegetation cover and other significant landform or features.
 - A planting plan assessment including:
 - the location and extent of planting on a scheme plan
 - site preparation for planting
 - site planting (species to be planted, size of plants and locations for planting, density, sourcing of plants and fertilisers)
 - maintenance of planting
 - Annual monitoring programme (survival rates, size of plants, canopy closure)

2. Sand Extraction

An application for Sand Extraction and associated structures and infrastructure must be accompanied by:

A Sand Mine Management Plan with the following information:

- a. A site plan indicating:
 - i. Existing topography, contours, drainage, natural watercourses, vegetation cover and other significant landform or features.
 - ii. Site layout, general design and location of buildings and infrastructure (including any slurry pipe for offshore collection).
 - iii. Areas for extraction, storage, stockpiling, processing and distribution.
 - iv. Predicted final contours and drainage.
 - v. Boundary screening where necessary.
- b. A description of current and future operations, including:
 - i. Vegetation removal and site preparation.
 - ii. Sand extraction, processing, storage and distribution.
 - iii. Estimated volumes of sand to be extracted.
 - iv. Estimated timeframe and staging of sand to be extracted.
 - v. The proposed rehabilitation methodology.
 - vi. The method of site access, circulation and parking.
- c. A description of the methods to:
 - i. Manage the effects of dust, noise, glare and vibration on the amenity of residents in the vicinity of the sand mining site.
 - ii. Manage the effects associated with vehicle movements.
 - iii. Protect and maintain areas of ecological importance, existing watertables, outstanding landforms, geologically significant sites and archeological sites.
 - iv. Monitor and report in relation to the above matters.
 - v. Manage any interface with existing or proposed reserves, and public access easements.
 - vi. Manage the installation and operation of any slurry pipe for offshore collection
- d. An erosion and sediment control plan, including calculations to confirm compliance with best practice for sand mining associated activities including overburden removal.
- e. Any amendments to the Sand Mine Management Plan must be provided to the council and may trigger the need for a new resource consent or variation to existing consent conditions.

5.50 Te Arai South

The objectives and policies of the underlying Rural Coastal zone apply in the following precinct unless otherwise specified. Refer to planning maps for the location and extent of the precinct.

Precinct description

The Te Arai South precinct contains approximately 753ha of coastal land south of Te Arai Point, generally known as Mangawhai South Forest. The precinct forms part of the Treaty settlement between the Crown and Ngati Manuhiri. The land was purchased by Ngati Manuhiri as part of the commercial redress component of their settlement. The land is within the rohe of Ngati Manuhiri and is legally described as Lots 1-3 DP138522.

The precinct maintains some existing the subdivision and land use development opportunities. Development is to be managed in a way that continues to protect and enhance the particular values of the land. The precinct exhibits high quality landscape, biodiversity, and coastal character values. The precinct seeks to enhance these values while providing for a few rural residential, commercial, recreation and conservation activities.

Objectives

The objectives are as listed in the Rural Coastal zone except as specified below:

1. The natural, coastal, non-urban and remote character of the Mangawhai to Pakiri (J Greenwood Road) coastline and related inland area on the east coast is protected.
2. The high value landscapes and significant natural areas and features, including streams, rivers, lakes, estuaries, harbours and wetlands within the precinct are protected and enhanced wherever possible.
3. Native biodiversity is managed, protected and enhanced by avoiding, remedying or mitigating adverse effects of subdivision, land use and development.
4. Riparian margins are managed, protected and enhanced by avoiding, remedying or mitigating adverse effects of subdivision, land use and development.
5. Limited development opportunities consistent with those existing at the time the Crown and Ngati Manuhiri signed the Treaty settlement are provided.
6. The sustainable management of natural and physical resources is promoted in a manner which recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, significant sites, waahi tapu and other taonga.

Policies

The policies are as listed in the Rural Coastal zone except as specified below:

1. Retain the remote and non-urban character of the precinct, by limiting subdivision and by discouraging extensive urban settlement or permanent activities which would draw large numbers of people to the site or introduce significant urban elements to the precinct.
2. Protect and wherever possible, enhance the high quality landscapes in the precinct; in particular the coastline, dunelands and inland backdrop from Mangawhai to Pakiri (J Greenwood Road).
3. Protect features and areas of high natural environmental value or high landscape value and wildlife habitats including riparian vegetation through controls on:
 - a. earthworks
 - b. bush and vegetation removal and
 - c. activities and subdivision.
4. Protect the high quality landscape by limiting the location, nature and scale of buildings within the precinct.

~~5. Protect the quality of water and aquatic habitat along the sea coast by limiting activities such as earthworks, bush and vegetation removal.~~

~~6. Avoid adverse effects upon streams, rivers and wetlands, and wherever possible enhance and revitalise these areas by excluding grazing animals through fencing and undertaking replanting of riparian areas.~~

~~7. Avoid adverse effects of land use and development on threatened or at risk species, indigenous ecosystems and vegetation types that are threatened or are natural.~~

~~8. Protect the natural functioning of waterways and the coastal processes occurring within the precinct by limiting activities such as earthworks, bush and vegetation removal, siting of buildings, and landform modifications in close proximity to the coast.~~

~~9. Mitigate the adverse effects of subdivision, development and land use activities by enhancing and restoring native habitats and ecosystems when it would provide the following:~~

~~a. significant linkages between significant areas of native bush, wetland, scrubland and dunelands and~~

~~b. enhancement of an area which is already significant in terms of bush or natural values or~~

~~c. significant restoration or enhancement of areas which are largely depleted, highly modified or destroyed in terms of native biodiversity and~~

~~d. compensation, mitigation or remediation to off-set the adverse effects of subdivision or development in circumstances where subdivision can occur without adverse effects on natural features, rural character, special character, or amenity values present.~~

~~10. Continue the existing rural based activities while protecting adjoining native bush, streams and rivers and wildlife habitats, and maintenance of amenity values enjoyed within the precinct.~~

~~11. Provide for uses that are appropriate to the precinct's coastal location and coastal rural character while allowing for limited commercial development opportunities and conservation and recreation outcomes.~~

~~12. Provide for limited opportunities for subdivision, where the outcomes of other precinct policies can be achieved along with:~~

~~a. the protection of significant natural areas~~

~~b. the creation of additional significant public reserve land~~

~~c. dwelling sites on Māori land~~

~~d. significant enhancement planting.~~

~~13. Encourage significant conservation and public benefit outcomes occur as a result of development of the precinct.~~

~~PART 3 REGIONAL AND DISTRICT RULES»Chapter K: Precinct rules»5 North»~~

5.50 Te Arai South

The activities, controls and assessment criteria in the underlying Rural Coastal zone and Auckland wide rules apply in the following precinct unless otherwise specified below. Refer to planning maps for the location and extent of the precinct.

Refer to clause 6 below for definitions that are specific to this precinct.

1. Activity table

1. The activities in the Rural Coastal zone apply in the Te Arai South precinct unless otherwise specified in the activity table below.

Activity	Activity Status
Accommodation	
Visitor accommodation	D
Dwellings on Maori Land	RD
Camping grounds	D
Community	
Outdoor recreation	P
Motor sport activities	P
Subdivision	
Subdivision for the protection of natural areas	RD
Subdivision for the creation of additional public reserve land	RD
Subdivision for dwellings on Maori land	RD
Subdivision for significant enhancement planting	D

2. Land use controls

1. The land use controls in the Rural Coastal zone apply in the Te Arai South precinct unless specified below.

2.1 Visitor accommodation

1. Visitor accommodation activity must not accommodate more than 30 persons.
2. Any visitor accommodation that does not meet this control will be a non-complying activity.

2.2 Dwellings on Māori land

1. The applicant must belong to the same hapu as the trustees of the associated marae.
2. Must be more than 1 dwelling and not exceeding 10 dwellings at a density not exceeding 1 dwelling per ha of net site area.
3. Dwellings must not be located within a SEA.
4. Any dwelling on Maori land that does not meet these controls will be a non-complying activity.

2.3 Camping grounds

1. Camping grounds must not exceed a cumulative maximum of 100 tent sites, caravan sites, or mobile camping vehicle sites within the precinct.
2. Camping grounds must not accommodate more than 300 people within the precinct.
3. Total buildings ancillary to camping grounds must be less than a total of 900m² GFA within the precinct.
4. Vehicle access must not be sealed.
5. Any camping ground that does not meet these controls will be a non-complying activity.

2.4 Outdoor recreation

1. Must not involve the construction of permanent hardseal track surfaces.
2. Ancillary buildings must be less than 100m² GFA per activity per site.
3. Any outdoor recreation that does not meet these controls will be a non-complying activity.

2.5 Motor sport activities

1. Must not involve the construction of permanent hardseal track surfaces.
2. Ancillary buildings must be less than 100m² GFA per activity per site.
3. Any motor sport activity that does not meet these controls will be a non-complying activity.

3. Subdivision controls

1. The subdivision controls in the Auckland wide rules — subdivision apply in the Te Arai South precinct unless otherwise specified below. Any subdivision that does not meet these controls will be a non-complying activity.
2. The scheme plan of subdivision must show a specified building area for every site on which a dwelling is anticipated. The specified building area must meet the following standards:
 - a. it must provide a minimum curtilage area of 1000m²
 - b. it must provide a maximum curtilage area of 2000m²
 - c. it must be large enough to enable a dwelling of at least 500m² GFA to be erected within in it, including its accessory buildings
 - d. it must be identified in a condition of consent and secured by way of a consent notice attached to the title of the applicable site
 - e. all development within the specified building area must achieve hydrological neutrality
3. Every application must:
 - a. provide the information requirements described in clause 4.3 below as applicable
 - b. meet the minimum protection requirements described in [appendix 11.5.9.3](#) as applicable
4. Every consent must be subject to conditions of consent that address the matters described in [appendix 11.5.9.4](#) as applicable. The council retains discretion to impose other conditions in accordance with the RMA.
5. Every consent must comply with the precinct subdivision controls and the Rural Coastal zone subdivision controls as applicable.
6. Any subdivision which does not meet these requirements is a non-complying activity.

3.1 Subdivision for the protection of natural areas

1. For any subdivision for the protection of natural areas the following applies:
 - a. The subdivision provisions in clause 3.1.1 and clause 3.1.2 below can be utilised in combination or individually. Where these clauses are used in combination the application must show that there is no overlap of the areas to be protected.
 - b. The subdivision must meet the criteria in [appendix 11.5.9.4](#).

3.1.1 Subdivision of sites for the protection of native bush and Significant Ecological Areas (SEAs)

1. The area for subdivision must be located within a SEA or meet the criteria in [appendix 11.5.9.1](#).
2. Number of sites
 - a. The number of rural residential sites created from protecting SEA's or native bush meeting the criteria in [appendix 11.5.9.1](#) must not exceed the limits specified below:

Table 1

Area of SEA or native bush or to be protected	Maximum number of rural residential sites that may be created
2.0ha — 11.9999ha	1
12.0ha — 21.9999ha	2
22.0ha — 31.9999ha	3

32.0ha — 41.9999ha	4
42.0ha — 51.9999ha	5
52.0ha — 61.9999ha	6
62.0ha — 71.9999ha	7
72.0ha — 81.9999ha	8
82.0ha — 91.9999ha	9
92.0ha — 101.9999ha	10
102.0ha — 111.9999ha	11
112.0ha — 121.9999ha	12
122.0ha — 131.9999ha	13
132.0ha — 141.9999ha	14
142.0ha — 151.9999ha	15
152.0ha — plus	16

3. Location of SEAs or native bush and specified building area

a. The SEA or native bush must be entirely within an individual parent site.

b. If the SEA or native bush is within a rural residential site:

i. any land to be used for building and access must not compromise any native vegetation

ii. if there is less than 1500m² available for building or access that is not covered in native trees, the maximum combined size of the specified building area and any access ways is 1500m²

4. Area to be protected

a. All native bush and SEA on the parent site, up to the upper limit specified in the relevant row of the table at clause 3.1.1.1, must be protected.

5. Minimum site size

a. The minimum rural residential site size is 1ha where the protected native bush or SEA sits within the balance site.

b. The minimum rural residential site size is 2.15ha (comprised of a 2ha protected area and a 1500m² specified building area and access way) where the protected native bush or SEA is to be contained within the new rural residential site.

c. The minimum balance site size is 1ha.

6. Maximum site size

a. The maximum rural residential site size is 2ha where the protected native bush or SEA remains on the balance site.

b. If the protected native bush or SEA does not remain on the parent site, the maximum rural residential site size is the protected area plus the specified building area.

7. Access and frontage

a. Each site must have a minimum road frontage of 6m. Up to five sites may gain frontage over a jointly owned access site, or right of way at least 6m wide.

8. Design

a. If more than 5 rural residential sites are created, they must be clustered in one or more groups.

b. Each group must share an access from a road.

c. Specified building areas and access ways must not be located within a SEA, native bush or wetland.

d. Each rural residential site must comply with the riparian margin protection standards in [appendix 11.5.9.3](#).

3.1.2 Subdivision of sites for protection of wetlands

1. All applications based on protecting significant wetlands meet the acceptance criteria set out in the guidelines in [appendix 11.5.9.2](#).

2. Number of sites

a. The number of rural residential sites created from protecting wetlands must not exceed the limits specified below:

Table 2

Area of wetland to be protected	Maximum total number of sites that may be created
5,000m ² — 1.9999ha	1
2.0ha — 3.999ha	2
4.0ha — 7.9999ha	3
8.0ha — 11.999ha	4
12.0ha — 15.9999ha	5
16.0ha — 19.9999ha	6
20.0ha — 24.9999ha	7
25.0+ha	8 Plus 1 additional site for each 5ha of wetland above 30ha

3. Location of protected wetland, and site for dwelling

a. The area of the wetland to be protected must either:

i. remain entirely within the balance site or

ii. be contained entirely within the rural residential site, provided that the building area for building and access (1500m²), must not require or result in the removal or destruction of native bush and trees, or compromise in any manner any other feature to be protected

4. Minimum site size

a. The minimum rural residential site size is 1ha where the protected wetland is within the balance site, or where the protected wetland is to be contained within the rural residential site.

b. The minimum balance site size is 1ha.

5. Maximum site size

a. The maximum rural residential site size is 2ha where the protected wetland is to remain on the parent site.

b. Where the protected wetland is to be contained within the rural residential site, the maximum site size is the greater of:

i. the size of the protected area together with a 1500m² specified building area and access area or

ii. 1ha.

6. Access and frontage

a. Clause 3.1.1.6 above applies.

7. Design

a. Clause 3.1.1.7 above applies.

3.2 Subdivision for the creation of additional public reserve land

1. Number of sites

a. One rural residential site may be created for every 4ha of land which is incorporated into public reserve up to a maximum of three rural residential sites from any parent site that existed on 28 November 2000.

b. The application must comply with all the requirements of clauses 3.2.2 — 3.2.6.

2. Minimum site size

a. The minimum site size is 4ha for the site to be incorporated into the existing public reserve.

b. The minimum rural residential site size 1ha.

c. The minimum site size is 1ha for the balance site.

3. Maximum site size

a. The maximum rural residential site size is 2ha.

4. Access and frontage

a. The minimum frontage width is 6m.

5. Design of area for incorporation into existing public reserve

a. The land to be incorporated into an existing public reserve must be subdivided from the same parent site from which the site is subdivided.

b. The land to be incorporated into an existing public reserve must be physically suitable to support the function of the existing public reserve.

c. The applicant must provide written advice from the agency administering the existing public reserve that:

i. they accept the land to be incorporated into the existing public reserve

ii. there is appropriate access to the land to be incorporated into the existing public reserve

d. The area to be incorporated into the existing public reserve must be vested in the administering body of the reserve at no cost to that body.

6. Site design and location

a. The site and specified building area must be located so that native bush, SEA or other natural features are not removed or destroyed to provide access, create a building site or define a boundary.

b. Any site must be located so that activities within the specified building area do not unduly limit mineral extraction activities.

c. Each site created must comply with the requirements of the riparian margin protection standards in appendix 11.5.9.3.

d. Where the rural residential site contains significant native bush over 1ha in contiguous area or a SEA or a wetland over 200m² in contiguous area the subdivision consent must include a condition or conditions providing for the effective and permanent legal and physical protection of that native bush, including a permanent fence (minimum seven wire post and batten fence) capable of preventing browsing or other damage by farmed animals. The fence must be erected and maintained around the perimeter of the area of native bush or wetland to be protected.

e. Any conditions for the protection of significant native bush or a SEA or a natural feature must be complied with on a continuing basis by the subdividing land owner and subsequent owners, and must be the subject of consent notices to be registered under the Land Transfer Act 1952.

3.3 Subdivision for dwellings on Maori land

1. Rural residential sites may be created by subdividing land where the proposed rural residential site(s) will occur on Maori freehold land and only if resource consent has been granted for additional dwellings on the land and where the following requirements are met:

2. Maori land requirement

a. Subdivision must occur on Maori freehold land.

3. Design

a. The subdivision must be designed in accordance with any resource consent to establish dwellings on the parent site.

b. If more than 5 rural residential sites are created, the sites must be clustered in one or more groups.

c. Each group of clustered rural residential sites must share access from a road.

d. Any site must be located so that a dwelling can be erected upon it without unduly limiting mineral extraction activities.

4. Other requirements

a. Subdivision of Maori land must be implemented in a manner that is consistent with the relevant resource consent granted for dwellings on Maori land.

b. The applicant must belong to the same hapu as the trustees of the associated marae.

c. Access to any rural residential site must be over the remainder of the parent site of Maori land, and the owner of the rural residential site must maintain a sufficient ownership interest/shares in the parent site to enable continued legal access across the parent site to its boundary with a legal road.

5. Maximum site size

a. The maximum site size is 1ha.

3.4 Subdivision for significant enhancement planting

1. For any subdivision for significant enhancement planting, the following applies:

a. The application must meet the native revegetation planting standards described in appendix 11.5.9.3 and must also provide a valuable ecological benefit.

b. The application and the conditions of consent must address the matters described in appendix 11.5.9.5. The council retains discretion to impose other conditions in accordance with the RMA.

2. Minimum area of planting

a. The minimum area of planting is 6ha.

b. The planting must:

i. provide necessary enhancement of any existing natural areas to ensure their long term viability, health, and significance

ii. result in increases in native species diversity

iii. use natural regeneration processes to ensure that in the long term these natural regeneration processes take over

iv. provide a potentially significant and sustainable forest, wetland or shrub land that will ultimately meet the requirements of appendix 11.5.9.1 or 11.5.9.2 as applicable

c. The location of the areas of planting must (as far as practicable):

i. provide for the protection and enhancement of existing natural areas and provide robust linkages between ecological features

ii. address relevant water quality and land stability issues within the catchment

iii. provide enhancement of the long term health and viability of any existing water courses and any wetland areas

iv. ensure that any balance area contains the more productive land.

3. Number of sites

a. The number of rural residential sites created from significant enhancement planting must not exceed the limits specified below. The maximum number of sites that may be created under this clause is based on the parent site existing on 1 March 2010 or any parent site created by a subdivision for which resource consent was granted on or before 1 March 2010.

b. A single comprehensive application for subdivision consent can be made for rural residential sites provided for in clause 3.4 and sites provided for in clauses 3.1, 3.2 and 3.3. Such an application will be assessed as a discretionary activity if all development controls are complied with.

Table 3

Area of significant enhancement planting	Parent Site Size (ha)	Maximum total number of sites that may be created
6.0 ha — 11.9999 ha	8ha	1
12.0ha — 21.9999 ha	15ha	2
22.0ha — 31.9999 ha	30ha	3
32.0ha — 41.9999 ha	45ha	4
42.0ha — 51.9999 ha	60ha	5
52.0ha — 61.9999 ha	75ha	6
62.0ha — 71.9999 ha	90ha	7
72.0ha — 81.9999 ha	105ha	8
82.0ha — 91.9999 ha	120ha	9

92.0ha — 101.9999 ha	135ha	10
102.0ha — 111.9999 ha	150ha	11
112.0ha — 121.9999 ha	165ha	12
122.0ha — 131.9999 ha	180ha	13
132.0ha — 141.9999 ha	195ha	14
142.0ha — 151.9999 ha	210ha	15
152.0ha — plus	225ha plus	16

4. Location of native revegetation and site for dwelling

a. The area to be planted in native vegetation must:

- ~~i. remain entirely within the balance site~~
- ~~ii. be contained within the rural residential site, provided that the specified building area for building and access (1500m²) does not require or result in the removal or destruction of native bush and trees, compromise in any manner any other feature to be protected or~~
- ~~iii. be contained within a rural residential site adjoining the parent site and under the same ownership as the parent site.~~

5. Protection and management of revegetation planting and any associated existing natural area

a. The area to be planted, and any existing natural area which has been taken into account in determining that a valuable ecological benefit will be provided, must be legally and physically protected from any activity other than:

- ~~i. maintenance and replacement of the planting~~
- ~~ii. maintenance of the existing natural area~~
- ~~iii. activities associated with either of these activities such as pest control~~

b. The native revegetation planting standard appendix 11.5.9.3 applies to the revegetation planting.

6. Minimum site size

a. The minimum rural residential site size is 1ha where the protected revegetation area is to remain on the parent site.

b. The minimum rural residential site size is the size of the protected area plus 1500m² for building and access where the protected revegetation area is to be contained within a rural residential site.

c. The minimum balance site size is 1ha.

d. The minimum parent site size is 8ha.

7. Maximum site size

a. The maximum rural residential site size is 2ha where the protected revegetation area is to remain on the parent site.

8. Access and frontage

a. Clause 3.1.1.6 applies.

9. Design

a. Clause 3.1.1.7 applies.

10. Completion certificate

a. All planting must be completed in accordance with the approved planting plan and the planting standards set out in the native revegetation planting standard in Appendix 11.5.9.3. The survival rate must be measured no sooner than 12 months following planting. However, the survival rate may be measured earlier where the plants have grown, on average, 300mm since planting.

b. Bonds must be in place to provide for ongoing maintenance and replacement of plants where they have died or failed to thrive up to a point where 75% canopy closure has been achieved.

4. Assessment—Restricted discretionary activities

4.1 Matters of discretion

1. The council will restrict its discretion to the matters specified for the relevant restricted discretionary activities.

Table 4

	Dwellings on Maori Land	Subdivision for the protection of natural areas	Subdivision for the creation of additional public reserve land	Subdivision for dwellings on Maori land
Rural character	X	X	X	X
Earthworks	X	X	X	X
Visual amenity	X	X	X	X
Access	X	-	-	-
Parking	X	-	-	-
Landscaping	X	-	-	-
Servicing	X	-	-	-
Layout and scale	X	X	X	X
Location and design of subdivision	X	X	X	X
Legal protection	X	X	X	-
Cumulative effects	X	X	X	-
Landscape values	X	X	X	-
Natural character	X	X	X	-
Conservation area	X	X	X	-
Modification of natural systems	-	X	X	X
Maori values	-	X	X	X
Rural productivity/reverse sensitivity	-	X	X	X
Water quality	X	X	X	X
Wildlife values	X	X	X	X
Ecosystem health	-	X	X	X
Human impact	-	X	X	X
Significant ecological areas	-	X	-	-
Adverse effects on natural areas	-	X	-	-
Vegetation clearance and earthworks	-	X	-	-
Suitability as a public reserve	-	-	X	-
Public access to a public reserve	-	-	X	-
Quality and quantity of recreation resources	-	-	X	-
Appropriateness as a reserve	-	-	X	-
Entrances to legal road	-	-	X	-

Relationship of Maori	-	X	X	X
Avoiding alienation of Maori land	-	-	-	X
Intensity	-	-	-	X
Mineral extraction activities	X	X	X	X

4.2 Assessment criteria

~~1. The council will consider the relevant assessment criteria below for restricted discretionary activities in the precinct.~~

~~2. Rural character~~

~~a. Subdivision should occur without creating adverse effects, including cumulative effects, on the rural character anticipated within the precinct.~~

~~3. Earthworks~~

~~a. The site or sites should be located so that they do not require substantial earthworks or land modification to obtain access or to make an area suitable for building on.~~

~~4. Visual amenity~~

~~a. When viewed from any road, public land or the sea, the specified building area must enable all structures to be entirely below either:~~

~~i. the landform~~

~~ii. any existing native trees screening the building site.~~

~~b. The specified building area must avoid adversely affecting mature native forest that is clearly visible from public roads, public land or the sea.~~

~~c. Exterior lighting, including any street lighting, should be provided so it is not prominent, particularly against a dark background, when viewed from public land and the sea.~~

~~d. The site should be screened or the buildings sited so that the amenity values of adjoining sites are not diminished by effects such as a reduction in privacy, the glare from vehicle lights or noise from car parks and service areas.~~

~~5. Access~~

~~a. The physical location of the access point or points, and their physical characteristics such as width and surface treatment, should not adversely affect the safe and efficient operation of the surrounding road network.~~

~~b. Access and servicing should occur with minimal earthworks and landform modification so that adverse effects on the visual environment do not occur or are minimal.~~

~~6. Parking~~

~~a. Sufficient parking should be provided to meet the expected number of vehicles using the site.~~

~~7. Landscaping~~

~~a. Landscape planting or fencing and open space should be provided to enhance the amenity values of the area and mitigate the effects of buildings, car parks and service areas.~~

~~8. Servicing~~

~~a. The method and design of water supply, wastewater disposal and site drainage should ensure that no adverse effects on the environment (including the surrounding land and waters) result.~~

~~9. Layout and scale~~

~~a. The layout, character and scale of the subdivision or development should:~~

~~i. complement natural features identified in primary and secondary conservation areas in the conservation subdivision plan in [Appendix 3](#) and does not overwhelm them~~

~~ii. avoid losing or compromising the remote and non-urban character of the precinct~~

~~10. Location and design of subdivision~~

~~a. Subdivision or development should avoid:~~

~~i. adverse effects on reserve land and any open sanctuary restoration projects, including buffer areas~~

~~ii. adverse effects on significant flora and fauna habitats including habitats of threatened species~~

~~iii. adverse effects on threatened ecosystem types such as wetlands, dune systems, and coastal ecosystems~~

iv. fragmenting existing natural areas.

11. Legal protection

a. Any area of natural significance, wetlands, bush, wildlife habitat or replanted area should be permanently legally and physically protected as part of the subdivision including fencing, weed and animal pest control.

12. Cumulative Effects

a. The subdivision should not have adverse cumulative effects. Assessment of this will include whether:

- i. the effects of the proposed subdivision add to or act together with the effects of the existing environment
- ii. the effects of any subdivision that may establish in the future will add to or act together with the proposed subdivision

13. Landscape values

a. The design, layout, character and scale of the subdivision or development should:

- i. protect or enhance the high landscape values of the area
- ii. avoid adversely affecting those values in a more than minor way
- iii. avoid cumulative effects on local landscape values.

b. The local landscape's ability to absorb change should be taken into account, including:

- i. the nature and variability of local terrain
- ii. the extent and distribution of vegetation cover.

14. Natural Character

a. The subdivision or development, including the location of building platforms, should not adversely affect the natural character of the coastal environment.

b. Subdivision should avoid affecting the natural landforms and vegetation cover that affect such character and values including:

- i. current levels of naturalness and the integrity of that part of the coastal environment
- ii. screening and integration potential afforded by natural landforms and vegetation.

15. Conservation areas

a.

i. Areas identified for protection in the primary and secondary conservation areas in the conservation subdivision plan in [Appendix 3](#) should not be removed.

ii. If they are to be removed, the adverse effects of this should be avoided, remedied or mitigated.

16. Modification of natural systems

a. The subdivision and development should not result in adverse effects on natural dune systems or river or stream margins.

b. If those effects arise, they should be effectively remedied or mitigated.

17. Maori values

a. The activity should not adversely affect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

18. Rural Productivity/Reverse sensitivity

a. The location, design or density of the sites in the proposed subdivision should not adversely impact on:

- i. the productivity or management of established rural production activities
- ii. the ability of neighbouring sites to establish permitted rural production activities.

19. Water quality

a. The works and development associated with the subdivision should not adversely impact on the natural quality of any water body.

20. Wildlife values

a. Effective buffers and setbacks between development and natural areas and wildlife habitats should be provided to avoid significant adverse effects on ecological and wildlife values.

21. Ecosystem health

a. The subdivision and subsequent development should not adversely affect significant ecological values, wildlife or vegetation:

- i. existing on the site
- ii. in the surrounding areas

iii.in the area of land that extends down to the mean high water mark.

22.Human impact

a.Vehicle access to ecologically sensitive areas should be avoided.

b.Walkway access should ensure that the human impacts on the quality and remote character of the environment and especially on threatened or endangered species is avoided.

23.Significant natural areas

a.The subdivision proposed for the protection of a SEA should be undertaken in such a manner and at such times as to have no adverse effect, or minimum adverse effect on the ecology and wildlife of the area and in particular, where relevant:

i.nesting, feeding and breeding of species

ii.biological processes

iii.connections between ecosystems

iv.the diversity of species

v.the habitat of threatened or protected species

vi.cumulative effects.

24.Adverse effects on natural areas

a.The resultant adverse effects on the natural areas of subdivision should be avoided, remedied or mitigated.

25.Vegetation clearance and earthworks

a.The clearance of vegetation and earthworks in areas identified for protection should be avoided.

26.Suitability as a reserve The proposed areas for incorporation into public reserves should be physically suitable for the purpose for which the reserve is created.

27.Public access to reserves

a.The area for incorporation into the public reserve should be held as reserve which is able to be accessed by the public at large (subject to the Reserves Act 1977).

28.Quality and quantity of recreation resources

a.The proposed additional reserve area should make an appreciable improvement to the quality or quantity of the public recreation resource available within the precinct.

29.Appropriateness as a reserve

a.The proposed area for incorporation into the public reserve should be of an appropriate size, shape, and contour to enable the intended function of the reserve to be achieved.

30.Entrances to legal road

a.The arrangement of any proposed residential sites should not lead to a proliferation of entrances on any legal road.

31.Relationship of Maori

a.The subdivision should provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

32.Avoiding alienation of Maori land

a.The subdivision should assist in avoiding the unnecessary alienation of Maori land.

33.Intensity

a.The arrangement and intensity of sites should not prevent or inhibit the ability of neighbouring sites to be used for rural productive purposes.

34.Mineral extraction activities

a.Sites should be located so that a dwelling can be erected upon them without unduly limiting mineral extraction activities.

5. Special information requirements

1.All applications for subdivision and dwellings must include a report from a suitably qualified person that:

a.contains the information requirements described in [appendix 11.5.9.3](#) as applicable

b.defines on a scheme plan any area to be protected as wetland and/or native bush

c.confirms that all areas to be protected achieve the requirements contained in the relevant [appendix 11.5.9.1-5](#)

d.confirms that the subdivision (including planting, layout of lots, building platforms and access) can be integrated into the landscape following a detailed landscape and visual assessment
e.identifies each specified building area on the ground before the proposed plan of subdivision is submitted for approval. This must be shown on all plans of proposed subdivision submitted for approval including the plan submitted for deposit, and its existence must be noted on the title for each site pursuant to a consent notice under s. 221 of the RMA, or similar mechanism.

2.Subdivision of sites for the protection of natural areas

a.Any application for subdivision made in reliance on clause 3.1.1 or 3.1.2 must include the following information requirements:

i.A report from a suitably qualified person:

- addressing the information requirements contained in [appendix 11.5.9.1](#) as applicable

- clearly defining on a scheme plan the area defined as wetland and the area defined as native bush. The areas must not overlap and each will need to satisfy the clauses and assessment criteria in its own right to enable a subdivision.

ii.The area defined as wetland must include both the wetland itself and its associated riparian area.

iii.Where any wetland adjoins an area of native bush, the width of the riparian area around the perimeter of the wetland must be 20m. This riparian area must be included in the wetland area and excluded from the area defined as native bush.

b.Subdivision of sites for the protection of significant wetlands

i.In addition to the information required in clause 4.3.1, any application for subdivision made in reliance on clause 3.1.2 must also include an assessment of the wetland undertaken by a suitably qualified person confirming that the wetland meets the acceptance criteria set out in the guidelines in [appendix 11.5.9.2](#).

3.Subdivision for the creation of additional public reserve land

a.Any application for subdivision made in reliance on clause 3.2 must include written evidence from the agency administering the existing public reserve confirming that:

i.the area to be incorporated into the existing public reserve is acceptable for public reserve purposes, including access, where this is necessary for the function of the public reserve to be achieved

ii.the agency agrees to acquire and administer the land as public reserve.

4.Subdivision for significant enhancement planting

a.Any application for subdivision made in reliance on clause 3.4 must include the information requirements in [appendix 11.5.9.5](#).

6. Definitions

High value ecological buffer

Land at least 50m wide from existing indigenous vegetation edges surrounding (to the extent practicable):

- mature terrestrial indigenous vegetation totalling at least 4ha in area
- regenerating indigenous vegetation totalling at least 10ha in area or
- an indigenous wetland at least 0.5ha in area

High value ecological connection

A continuous connection at least 40m wide (and preferably more than 100m) that joins at least 10ha of indigenous terrestrial vegetation or at least 0.5ha of indigenous wetland vegetation. The connection must consist of:

- areas of similar mature indigenous vegetation
- one area of mature indigenous vegetation and one area of regenerating vegetation developing into vegetation similar the mature area or
- two areas of different types of mature vegetation along an environmental gradient such as a topographical gradient or salinity gradient

High value riparian planting

Riparian planting along at least 200m of a perennial natural watercourse and providing uninterrupted indigenous

~~vegetation. It must be at least 20m wide on each side of the watercourse and otherwise comply with Appendix 3.~~

Maori freehold land

~~As defined under the Te Ture Whenua Maori Act 1993~~

Native bush

~~Areas of vegetation with both a substantially intact canopy and:~~

~~• a regenerating understory or~~

~~• containing features which meet the acceptance criteria for native bush in the guidelines for the field assessment of native bush in Appendix 1.~~

~~Native trees planted as a forest crop are not native bush.~~

Rural residential site

~~The site being created, which must comply with all relevant development controls.~~

Outdoor recreation

~~Any use of land for public and/or private leisure, sporting and recreational activities including horse trekking and dog sled racing but excluding motorsports.~~

Regenerating vegetation

~~Vegetation at least 1.5m high, containing emerging canopy species and having minimum long term weed management requirements as specified in Appendix 5.~~

Valuable ecological benefits

~~Valuable ecological benefits means a high value ecological buffer, high value ecological connections, high value riparian planting and/or regenerating vegetation.~~

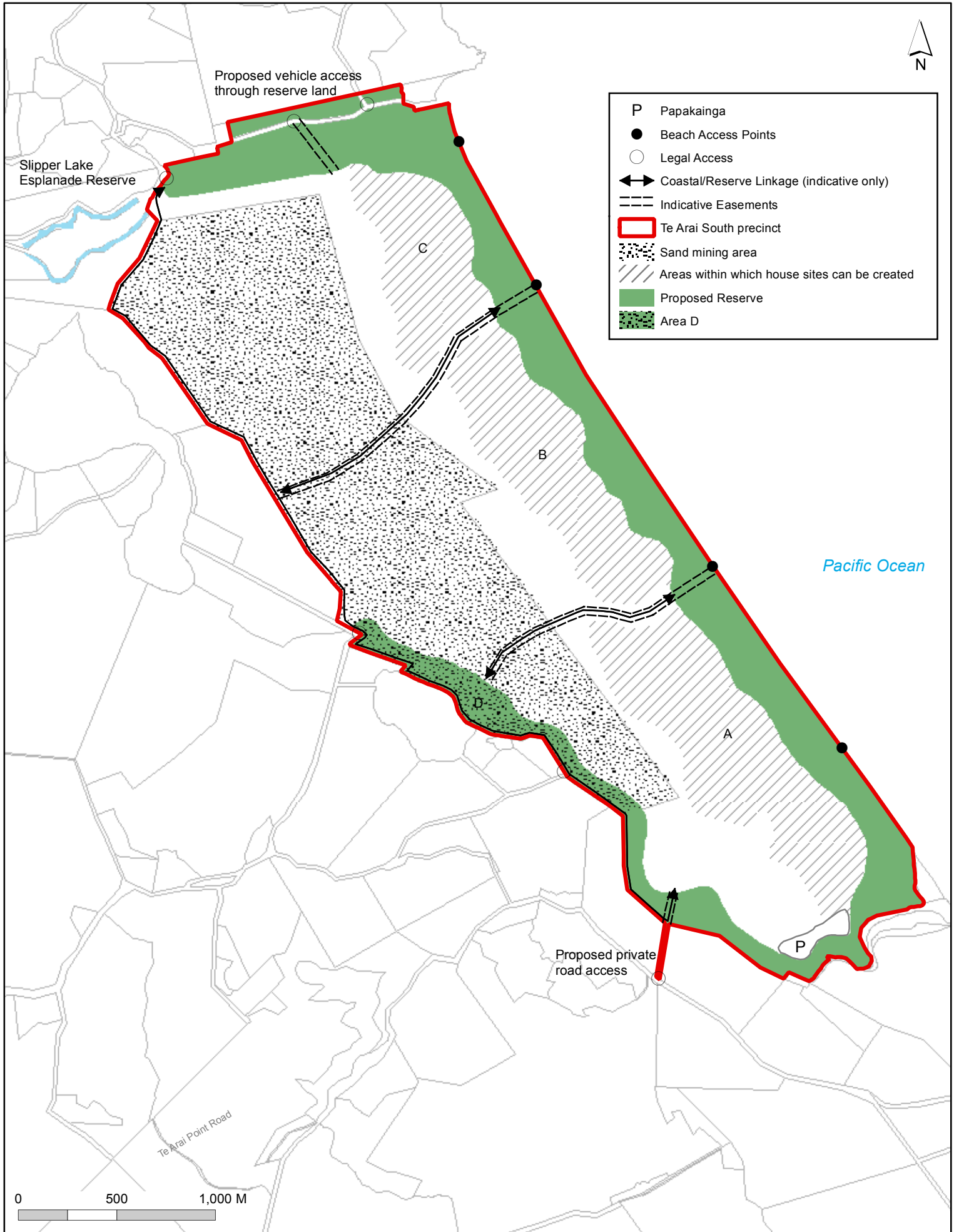
Wetland

~~Permanently or intermittently wet areas, shallow water, and land margins that:~~

~~• support a natural ecosystem of plants and animals that are adapted to wet conditions and~~

~~• meet the requirements of guidelines for the field assessment of wetlands set out in Appendix 2.~~

~~Areas of pasture or areas located in the coastal marine area are not wetland.~~



Te Arai South : Precinct plan 1