

Mediation Joint Statement

**For hearing topic 081
Te Arai South and Te Arai North precinct**

(Chapter F: Precinct objectives and policies 5.50
Te Arai South and Chapter K: Precinct rules 5.50
Te Arai South)

(Chapter F: Precinct objectives and policies 5.49
Te Arai North and Chapter K: Precinct rules 5.49
Te Arai North)

Date: Friday 15 January 2016

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1. Introduction

This is a record of the mediation/discussion outcome held for this topic. It is prepared in accordance with section 134(4) and (5) of the Local Government (Auckland Transitional Provisions) Act 2010.

1.1 Mediation/discussion

Hearing Topic	081 Precincts – Te Arai North 081 Precincts – Te Arai South		
Matters for Discussion	Issues Chapter K: Tracked Changes - Precinct objectives and policies 5.49 Te Arai North and South (Attachments 2 and 3) Chapter F: Precinct Objectives and rules 5.50 Te Arai North and South (Attachments 2 and 3)		
Facilitator	Basil Morrison	File Ref:	
Where	Meeting Room 10, Level 14, 135 Albert Street, Auckland City	When	Friday 15 January 2016
IHP Staff		Time:	Meeting started 10.00am Meeting closed 1.30pm

2. Attendance of submitters

2.1 Attendance

The facilitator confirmed the attendance of submitters and further submitters at the meeting. Refer to Attachment 1 for the Parties to Mediation record.

2.2 Authority to participate in mediation

The facilitator confirmed with the submitters or their representatives that they have full authority to participate in the discussion session and where necessary can reach agreement on the matters discussed.

3. Conflicts of interest

There were no objections from the submitters at the mediation.

4. Matters for discussion

4.1 Issues

For both precincts, parties agreed to discuss the comments on the provisions (tracked changes).

4.2 Te Arai North

Subject to a final check, all parties agreed to accept the tracked changes on the Precinct objectives and policies (Without Prejudice Version 4, 15 January) and incorporate the provisions into the Unitary Plan. Points discussed as follows:

- Agree to finalise Te Arai North precinct as an accurate translation from Private Plan Change 166 (PPC166)
- Agree to send the provisions around all parties for a final check to ensure the precinct provisions are consistent with the PPC166 provisions.

4.3 Te Arai South

Ngati Manuhiri Settlement Trust (NMST)/Te Arai South Joint Venture agreed to accept in general the amended provisions supplied by the council in a tracked changes version with only a few points requiring discussion.

The Te Arai Beach Preservation Society ('the Society') raised points for discussion. The Society generally accepted the Te Arai South precinct provisions subject to the below matters being addressed:

- 1 NMST/Te Arai South Joint Venture to confirm that they will hold a public information meeting on the Te Arai South project in the Tomarata district within the next two months.
- 2 The reserve north of the precinct to incorporate approximately 100m of the eastern shoreline of Slipper Lake so as to link with the existing reserves around the perimeter of the lake and form a contiguous ecological and recreational corridor.
- 3 Easements to be a minimum of 20m wide and controlled by Auckland Council who will have the sole authority to determine the extent of any closure necessary to facilitate sand extraction or other works.

Agreement was reached on these matters as follows:

- NMST/Te Arai South Joint Venture will hold a public meeting within the next two months at Tomarata.
- When the reserve is surveyed for vesting, NMST/Te Arai South Joint Venture will invite representatives from the Society to undertake a site walk-over with NMST/Te Arai South Joint Venture to assist in determining the reserve boundary.
- The Precinct Plan will be updated to include a notation that a marginal strip applies at various locations (including Slipper Lake).
- Width of easements agreed at 20m (see Attachment 3).
- Confirmation that the way easements work is that Council will have to approve of any closure of public access in the easements that might be necessary to facilitate sand mining.

The Society then stated that they were satisfied that the remaining details of the precinct would be covered by the council. The Society then left the mediation.

Pakiri Whanau Ahi Kaa raised the following points:

- The exceptional work completed by Darby & Partners on behalf of Ngati Manuhiri and Te Uri o Hau was acknowledged
- Concerns regarding encroachment of development at Pakiri
- Concerns about narrow definition of papakainga and the Precinct Plan only showing a small area of the site for this.
- Concern around the setback of development from the beach.
- Wish to see the retention of some pine trees, rather than wholesale felling.
- Mana whenua values
- Cultural values around decision making

Te Arai South Joint Venture and Ngati Manuhiri Settlement Trust responded as follows:

- Acknowledgement of Pakiri Whanau Ahi Kaa and thanks for involvement in these discussions.
- Ngati Manuhiri and its development partners are working to address these concerns through the provisions being drafted (e.g. the large new reserve will provide a development setback from the beach).

Further discussion primarily between NMST/Te Arai South Joint Venture and Auckland Council around the following outstanding issues:

- Objective limiting the rural and coastal character to that in the precinct description.
- Inserting date for the two existing sites for the subdivision provision.
- Allowing existing house sites to relocate into areas A, B and C.
- Vesting and easement requirements for Area D.
- Prohibition on dogs (except for certified service dogs).
- Merging of duplicate assessment criteria for subdivision related to indigenous ecological values.
- The distance of riparian planting required along the Poutawa Stream.

Agreement reached on the appropriate re-wording (Attachment 3).

Consequential to text amendments, precinct plan to be updated to note marginal strips, Area D, and easements all the way through from the coast.

Coastal Protection Yard

The issue of the Coastal Protection Yard (which relates to avoiding hazards from potential coastal erosion) was not discussed at mediation. NMST/Te Arai South Joint Venture proposed to delete this yard in the precinct while the council proposed to retain the 200m yard control. NMST/Te Arai South Joint Venture provided evidence to support the reduction of the yard and the council agreed to discuss the matter further with NMST/Te Arai South Joint Venture following the mediation. Following further discussions between Council and NMST/Te Arai South Joint Venture (including coastal engineers) the matter has been agreed. Attachment 3 removes the Coastal Protection Yard (through the underlying zoning development controls) for the Te Arai South precinct and adds a matter of discretion/assessment criteria for buildings around the avoidance of coastal hazards.

5. Facilitator's summary of outcomes

The mediation started with a Karakia. It was agreed that Te Arai North would go first followed by the South. Auckland Council then began the session with a review of the tracked comments for Te Arai North, primarily outlining the agreed changes for the benefit of the Society (who had not previously seen the latest changes).

The marked up provisions for Te Arai North were agreed by all parties.

Te Arai Beach Preservation Society raised three matters for consideration with regard to the provisions for Te Arai South which were agreed. Following this, the Society left the mediation. Following discussion, agreement was reached on the main areas of contention in Te Arai South including vesting and easement requirements for Area D, prohibition on dogs, and the distance of riparian planting required along the Poutawa Stream.

5.1 Summary of matters agreed

Summary point	Reasons
Refer to the documents at Attachment 2 and Attachment 3.	

5.2 Summary of matters outstanding (narrowed/disagreement)

Summary point	Reasons
Refer to the documents at Attachment 2 and Attachment 3.	

5.3 Other matters


- NMST/Te Arai South Joint Venture will hold a public meeting within the next two months at Tomarata.
- Park survey work around Slipper Lake will be undertaken jointly in Te Arai South between NMST/Te Arai South Joint Venture and the Society.

6. Confirmation of Parties to Mediation record

The parties to the mediation/discussion have signed the **Parties to Mediation record** (see Attachment 1) as confirmation of the record of the outcome of mediation/discussion as recorded in the Mediation Joint Statement (and as recorded in Attachment 2 and 3).

The facilitator has reviewed the content of this Mediation Joint Statement and the Attachments and confirmed that they are a true and accurate record of the mediation session held on Friday 15 January 2016.

The **Mediation Joint Statement** will be available to all parties on the hearings page of the website within 3 days of the mediation.

Facilitator's Name	Basil Morrison
Facilitator's Signature	
Date	

7. Attachments

7.1 Attachment 1 Parties to Mediation record

7.2 Attachment 2 Te Arai North Objectives, Policies and Rules

7.3 Attachment 3 Te Arai South Objectives, Policies and Rules

Mediation Joint Statement		Hearing topic	081 - Rezoning and Precincts (Geographical Areas) - Te Arai North Precinct and Te Arai South Precinct
Attachment 1: Parties to Mediation record		Mediation session	Friday 15 January 2016
Submission number	FullName	Representatives at mediation	Signature
5716	Auckland Council	Diana Hartley - Legal Ryan Bradley - Planning Peter Vari - Planning Andrew Beer - Policy Manu Bird - Biodiversity Jane Andrews - Ecologist Tim Lovegrove - Fauna	
4167, FS 1762	Te Arai Beach Preservation Society	Lynnette Whale Reg Whale Marie Alpe Mike Harris	
6440, FS 3136	Tara Iti Holdings NZ	Peter Hall - Planning	
864, FS 3142	Te Arai North Limited	Jim Castiglione	
861, FS 3151	Te Arai South Joint Venture/ Ngati Manuhiri Settlement Trust	Marilyn Shearer	
864, FS 3142	Te Arai North Limited	Peter Whiting	
866, FS 3728	Te Uri o Hau Settlement Trust	Paul Majurey	
6440, FS 3136	Tara Iti Holdings NZ	Tama Hovell Peter Wilson	
FS1477	Pakiri Whanau Ahi Kaa	Olivia Haddon	

N5.49 Te Arai North precinct

1 Precinct description

The Te Arai North precinct contains approximately 616ha of coastal land north of Te Arai Point, generally known as Mangawhai North Forest. The precinct formed part of the Treaty settlement between the Crown and Te Uri o Hau under the Te Uri o Hau Claims Settlement Act 2002. The land was purchased by Te Uri o Hau as part of the commercial redress component of their settlement. Appropriate use and development of the precinct land represents a significant opportunity for Te Uri o Hau, including in partnership with others, to advance its economic, cultural and social wellbeing.

The precinct exhibits high quality landscapes, biodiversity and coastal character values. The precinct seeks to protect and enhance these values while providing for a rural residential, commercial, recreation and conservation activities. The provisions seek to protect and enhance these values and secure the public's use and enjoyment of the coastal area, while ensuring the economic and cultural well-being of Mana Whenua. This is achieved 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.

To achieve these outcomes, the precinct provides for subdivision for limited rural residential sites in exchange for a significantly large area of public conservation and reserve along the coast. This reserve will form part of a more extensive network of reserve land extending to the Te Arai South Forest.

The precinct provisions require a public reserve of minimum 172 hectares to be created with subdivision. This reserve comprises the coastal dunes, a riparian margin along the Te Arai Stream and a connection between the coast and the Coal Hill Road wetland.

The precinct also provides for environmental enhancement through protection in perpetuity of existing wetland, enhancement of the dunelands and the protection and enhancement of endangered native flora and fauna.

In exchange for these public and environmental benefits, 43 new rural residential sites can be created in addition to 3 balance sites.

The precinct provisions require that the building platforms for the 43 new house sites be located in the three areas identified in order to maintain the amenity and natural character values of the surrounding land, avoid impacts on ecological and cultural heritage values of the site, including endangered shorebirds and enable a design solution which will maintain the special rural coastal character of the area.

The provisions require a comprehensive approach to site management through management plans that provide for appropriate new land uses while avoiding, remedying and mitigating effects on landscape, biodiversity, and rural coastal character values. There is a strong focus on protecting and enhancing the biodiversity values of the coastal area adjoining the precinct in these management plans, given the existence of rare and threatened species, including shorebirds.

These provisions recognise that the principles of Te Tiriti (including the principle of redress and the principle of active protection) require the council to enable the use and development of land acquired by Mana Whenua through Treaty settlement legislation.

2 Objectives

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

1. The subdivision of the Te Arai North Precinct 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 of the Precinct.

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.

3 Policies

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

1. Enable appropriate subdivision in the precinct by:
 - i. providing for subdivision in exchange for a significant coastal and riparian reserve; and
 - ii. 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. Avoid adverse effects of subdivision on threatened or at risk species.
3. 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.
4. 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. biodiversity
 - b. the creation of additional significant public reserve land
 - c. low density rural residential dwellings
 - d. the protection and enhancement of biodiversity

Precinct Rules

5.49 Te Arai North 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 5.49 Te Arai North Precinct.

1. Activity table

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

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

Activity table 5.50 Te Arai North precinct	
Activity	Activity status
Subdivision	
Subdivision for the creation of up to 43 rural residential sites in addition to the 3 sites existing at 30 September 2013	RD

2. 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 North precinct, unless otherwise specified below.

2.1 Dwellings (one per site)

1. Dwellings may not be located on any access or service lots

3. Subdivision controls

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

3.1 Controls for Subdivision for the creation of up to 43 new rural residential sites in addition to the 3 sites existing at 30 September 2013.

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

Subdivision for the creation of up to 43 new rural residential sites in addition to the 3 sites existing at 30 September 2013 shall comply with the following additional controls. For the purpose of this rule, the limits on sites shall not limit the creation of access or service lots.

1. The building platforms in the 43 new rural residential sites shall comply with the following:
 - a. The building platforms shall be located in the areas marked “A” “B” and “C” and identified on the **Precinct Plan** as “Areas in which New House Sites Can be Created” in the following manner:

- i. No more than 5 new building platforms shall be located in the area marked “A” of which no more than 1 building platforms shall be located in the Area marked “A1”
- ii. No more than 38 new building platforms shall be located in the area marked “B” of which no more than 5 new building platforms shall be located in the Area marked “B1”.
- iii. No more than 4 new building platforms shall be located in the area marked “C”.

Provided that:

- i. There shall be no more than 43 new building platforms created under this rule in Areas “A” “B” and “C”.
 - ii. Residential buildings in areas “A1” and “B1” shall be set back 50 metres from that part of the reserve boundary shown on the Reserve Plan as ‘reserve boundary setback’; and
 - iii. Up to 3 building platforms provided by existing entitlements may be located outside of Areas “A” “B: and “C” but not in Area D or the proposed reserve.
- b. No buildings shall be erected in the area shown on the **Precinct Plan** as Area D apart from building associated with land management or water storage facilities (e.g. fencing, pipelines, reservoirs, etc).
 - c. No minimum net site area, minimum average site size or minimum site size applies.

2. Subdivision in accordance with this rule shall comply with the following:

- a. At no cost to the administering body, the full area of public reserve of a minimum of 172 hectares and generally as shown on the **Precinct Plan**, shall be vested at issue of the title for the first house site created under this rule.
- b. The public reserve shall be subject to any fencing requirements by the administering body.
- c. The final surveyed boundaries of the public reserve shall be generally in accordance with the area identified on the **Precinct Plan** and subject to:
 - i. The reserve shall be of sufficient width to allow for a public access trail along the back of the foredunes in Lot 1 DP 453130;
 - ii. The inland reserve boundary in lot 1 DP 453130 shown on the **Precinct Plan** shall be a minimum of 200m wide from Mean High Springs with the exception of the transitional area shown near the northern boundary of Lot 1 DP 453130 and located to respect both the physical topography of the land and provide for a public access trail alignment that :
 - protects ecological values and revegetation of the foredunes and the buffer areas referred to below;
 - provides a buffer between the foredunes and the public access trail to protect the foredune structure; and
 - provides a buffer between the public access trail and the adjacent boundary of a site created under these rules.

- iii. At no cost to the administering body additional reserve may be provided in Lot 1 DP 453130 in the blue hatched area shown on the **Precinct Plan** where such reserve is required to meet the objectives above.
 - iv. At no cost to the administering body additional reserve may also be provided on lot 3 DP 453130 in the blue hatched area shown on the **Precinct Plan** where such reserve is required by the administering body to provide better connections to the existing reserve at Te Arai Point Road.
- d. The following shall be undertaken in the reserve:
- i. A public access trail alignment shall be provided for by the Applicant along the back of the foredunes from the public beach access point at the Pacific Road car park, northwards to a beach access point in the reserve near the northern boundary of Lot 1 DP 453130,
 - ii. In Lot 1, the existing public easement over Pacific Road shall be widened to an average width of at least 50 metres to provide for safe pedestrian, cycle and equestrian use. The widened public easement may be subject to realignment for better integration with the existing landform. At the Council's election, the widened public easement on Pacific Road may be vested as public road.
 - iii. Easements of sufficient width and practically located shall be provided over the reserve for conveying water, telecommunications and power including over parts of Lots 1 and 3 as generally shown on the **Precinct Plan**.
 - iv. A public access easement of up to 30 metres in width generally as shown on the **Precinct Plan** or otherwise agreed with Council or other administering body shall be provided over Lot 3 DP 453130 to connect the existing reserve on Te Arai Point Road with that part of the new reserve created on the southern side of the Te Arai Stream.
- e. The applicant shall provide written advice from the council that the area of public reserve is acceptable for public reserve purposes including access where this is necessary for the function of the public reserve to be achieved.
3. Domestic pets (including, but not limited to, cats, mustelids, dogs, goats, rabbits and rodents) are not permitted on any site created under this rule including any balance titles that are on land included in the precinct.
 4. The applicant must continue to maintain the minimum of 4.26 hectares of wetland plus a minimum 1.4 ha buffer area as identified on the **Precinct Plan** as "Protected Wetland Area" shall be protected in accordance with the following:
 - a. The applicant will provide a Comprehensive Weed and Animal Pest Control Plan. The Plan shall demonstrate how weeds and invasive plants (including climbing asparagus) and pest animals (including pest fish, feral pigs, rats, possum and mice) are to be eradicated or controlled in the protected area(s)

on an on-going basis. Any chemical control to be used must be suitable for the purpose and for the environment in which it is to be used.

- b. The applicant shall clearly and accurately provide a Planting Plan for the 1.4 ha wetland buffer area identified on the **Precinct Plan**.
 - c. A stockproof fence as specified in one of clauses 6, 7, or 8 of the Second Schedule of the Fencing Act 1978 shall be constructed around the perimeter of the wetland and buffer to be protected. The fence shall be a minimum of 10 metres from the wet area (except where constrained by property boundaries). No gates shall be installed in the fence.
 - d. Completion Certificate Requirement: All weed and pest control planting and fencing required by (a) – (c) above shall be completed prior to issuing the section 224(c) certificate for the first rural residential site. For the purpose of this rule “control” means weed populations are reduced to a level whereby the landowner may remove re-infestations by using chemical or non-chemical control up to three times a year.
 - e. Protection of Wetland and Buffer Area: All conditions for protection of the wetland and buffer area shall be complied with on a continuing basis by the subdividing owners and all subsequent owners and shall be the subject of consent notices to be registered under the Land Transfer Act 1952.
 - f. The wetland shall be protected in perpetuity through a covenant.
5. Prior to the creation of any site under this rule, a Comprehensive Site Management Plan (“CSMP”) shall be prepared for the precinct by the applicant for council’s approval.

In preparing the CSMP the applicant shall consult a Community Liaison Group established for Te Arai comprising Auckland Council, the Department of Conservation, the Environmental Defence Society, the Royal Forest and Bird Protection Society of NZ, Te Uri o Hau, Te Arai Beach Preservation Society, the Ornithological Society of New Zealand and the New Zealand Fairy Tern Charitable Trust.

The CSMP shall provide for management of the Precinct area (with the exception of the reserve post vesting).

The purpose of the CSMP is to manage the use and development of the rural residential sites and balance area to ensure over the site 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 shall be in accordance with the approved CSMP or as otherwise required to comply with the conditions of vesting of the proposed reserve.

6. The CSMP shall include the following management plans below to achieve its purpose and the CSMP and other management plans shall take into account and

- be consistent with the management plans prepared in accordance with conditions of resource consents relating to the golf course:
- a. A “Shorebird Management Plan” as detailed below consistent with the ecological management plan and conservation management plan required for the golf course under conditions of its resource consent.
 - b. A “Vegetation Management Plan” as detailed below.
 - c. A “Conservation Management Plan” that includes methods to protect and enhance ecological values consistent with the ecological management plan and conservation management plan required for the golf course under conditions of its resource consent and as detailed below.
 - d. Methods to ensure that earthworks undertaken are appropriately managed, and where necessary are planted in native species to control erosion.
 - e. A plan for the management of earthworks to minimise and control sand, dust and sediment run-off from the works and ensure compliance with the Soil Conservation Covenant on the land under the Crown Forests Assets Act 1989.
 - f. Methods to protect and manage archaeological sites during construction and thereafter, including accidental discovery protocols, and the protection of sites of significance to iwi.
 - g. Measures to manage that part of lot 3 adjoining the public access easement to ensure a rural and remote walking experience is maintained.
 - h. A Community Consultation Plan to provide for ongoing consultation with the Community Liaison Group on the use and management of the land in accordance with the CSMP.
7. All titles created under this rule (excluding the reserve area) shall include covenants or consent notices which prohibit perpetually further subdivision for the creation of residential or rural residential sites greater than the maximum 46 house sites.
8. All titles created under this rule, (excluding the reserve area but including any balance title) shall 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 shall include a prohibition of domestic pets (including but not limited to, cats, mustelids, dogs, goats, rabbits and rodents) on the sites created and balance land. The Queen Elizabeth the Second National Trust and the Department of Conservation shall be invited to be parties to and beneficiaries of such covenants in respect of the balance land inside and outside Areas A, B, C and D.
9. The work required in relation to the reserve under the Vegetation Management Plan shall be completed within the five years of the vesting of the reserve.
10. Pest plants are not permitted in the subdivision in private gardens or any amenity plantings.
11. A full time equivalent conservation ranger shall be appointed and permanently employed by the future landowners to implement the Shorebird Management Plan.

4. Assessment – Restricted discretionary activities

4.1 Matters of discretion

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

1. Subdivision for the creation of up to 43 new rural residential sites in addition to the 3 sites existing at 30 September 2013:

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

4.2 Assessment criteria

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

1. **Subdivision for the creation of up to 43 new house sites in addition to the 3 sites existing at 30 September 2013:**

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

- a. The adequacy of measures proposed to ban cats and dogs and other inappropriate domestic pets.

- 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.
- 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. Building platform/s 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, building platforms for future buildings should be integrated into the landscape as far as practical to avoid adverse visual amenity effects. Where avoidance is not practicable, effects should be remedied or mitigated. Where this is not achievable, the building platform/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 building platforms, 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 contributes 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 should not have a significant adverse effect on wildlife, flora and ecological values and any such effects should be avoided or effectively mitigated.
- m. The subdivision and subsequent development should not adversely affect any flora or fauna species including threatened or endangered species on the site or in the surrounding area, including the area of land that extends down to the mean high water mark.
- n. 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.
- o. 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.
- p. Vehicle access to sensitive areas should be avoided and walkway access shall 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 shall not be allowed except for emergency responses or management purposes.
- q. Subdivision should retain a rural character and not create an urban character.
- r. Measures at the time of subdivision should ensure that buildings on the new site created in area "A" on the Precinct Plan as "Areas In Which Rural

Residential New Sites Can Be Created” are not visible from Te Arai Point Road, Te Arai beach, and existing local and regional reserve land (excluding any new public reserve on land in the Precinct). Where this occurs, buildings will be considered inappropriate.

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.

- s. 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.
- t. 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.
- u. Measures should be implemented to ban pest plants.
- v. The density of the proposed subdivision should provide for the sustainable land management of the precinct.
- w. The proposed subdivision should include legally binding mechanisms to ensure adherence of owners and their successors in title to the CSMP.

5. Special information requirements

1. Subdivision for the creation of up to 43 new house sites in addition to the 3 sites existing at 30 September 2013 date

An application for Subdivision for the creation of up to 43 new house sites in addition to the 3 sites existing at 30 September 2013 date must be accompanied by a Comprehensive Site Management Plan (“CSMP”):

- a. The CSMP shall 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 house 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 building platforms, 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 Shorebird Management Plan shall recognise the critically endangered status of the New Zealand Fairy Tern/Tara Iti, and the endangered status of the Northern New Zealand Dotterel and include the following methods to protect shorebirds:
- i. Pest and predator control and monitoring, including establishment of buffer zones on the site to protect shorebird habitats.
 - 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 Shorebird 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 shall be appointed and permanently employed by the future landowners to implement the Shorebird Management Plan.
- c. The Shorebird Management Plan shall 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;
 - vii. Communication and public education plans.
- d. The Vegetation Management Plan shall include the following methods to manage vegetation on the land:

- i. The maintenance of adequate vegetative screening or land form back-drop associated with any subdivision to protect or enhance the high 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 area in the Precinct and adjoining areas and the integrity of that part of the coastal environment; and
 - Screening and integration potential afforded by natural landforms and existing vegetation.
- iii. Revegetation of the area marked “Northern Boundary Planting” on the **Precinct Plan**. Subject to obtaining agreement with the Department of Conservation, the Northern Boundary shall be fenced and planted in accordance with **Precinct Plan** to achieve a 60m corridor that connects the foreshore reserve with the wetland. Such planting may be provided on either side of the boundary.
- iv. The staged removal of pine trees and their replacement with native vegetation in the areas identified below:
 - The entire coastal section of the reserve, including the area of the reserve abutting the Te Arai stream up to a line 500 metres inland from and perpendicular to Mean High Water Springs;
 - The riparian edge, being a 50m corridor to both sides of the Te Arai stream.
- e. The Conservation Management Plan and ecological management component of such plan shall include the following methods to protect and enhance the ecological values of the precinct area:
 - i. An assessment of ecological values, a detailed scheme of protection for habitats and species of ecological significance covering all of the land, including mitigation measures, a programme for implementing such measures and methods for monitoring the impacts of any works. In particular methods to protect and enhance the following areas:
 - The coastal dunes and beach on the site between the site and Mean High Water Springs;
 - Marsden Road Wetland;
 - Harbour Road Wetland;
 - The boundary with the Mangawhai Wildlife Refuge; and
 - The Te Arai Stream Mouth.
 - ii. Methods to control invasive weed species and animal pest control on the site including methods to manage the use of pesticides.
 - iii. The demarcation and protection of the areas of ecological value on the site.

- iv. Identification and protection of any nests of 'Threatened or At-Risk shorebirds'.

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 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 building platforms in the rural residential sites are to be located in the three areas identified 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 Objectives

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.

3. Development controls

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

3.1 Yards

1. The Coastal Protection Yard does not apply

4. 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.

4.1 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.

4.2 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.

4.3 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 Mine”.
2. Sand extraction activities must not include any blasting.

4.4 Dwellings (one per site)

1. Dwellings may not be located on any access or service lots

5. Subdivision controls

The subdivision controls in the Auckland wide rules - Subdivision applies 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 applies 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 shall comply with the following additional controls. For the purpose of this rule, the limits on sites shall not limit the creation of access or service lots.

1. The building platforms in the 58 rural residential sites shall 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 shall comply with the following:
 - a. At no cost to the administering body, a public reserve generally as shown on the **Precinct Plan**, shall 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 shall be subject to any fencing requirements by the administering body. Fencing shall 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 shall occur in accordance with the requirements and timeframes of the Vegetation Management Plan.
 - d. The final surveyed boundaries of the public reserve shall 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 shall 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 shall 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”) shall be prepared for the precinct by the applicant for council’s approval.

The CSMP shall 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 shall be in accordance with the approved CSMP or as otherwise approved by Council.

5. The CSMP shall 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) shall 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, shall 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) shall 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 shall 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 shall 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 shall 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 shall also able to be moved including for the purpose of sand mining and associated rehabilitation staging in agreement with the council. The easements shall 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 shall 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 building platforms
- 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 building platforms 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. Building platform/s 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, building platforms 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 building platform/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 building platforms, 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 mean high water mark.
- 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 shall 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 shall 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 shall 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 building platforms, 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 shall 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 shall be appointed and permanently employed by the future landowners to implement the Shorebird Management Plan.
- c. The Ecological Management Plan shall 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 shall 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 shall 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.



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KEY:

	Reserve in accordance with PC166		Easements
	Northern Boundary Planting		Area A1 and Area B1
	Protected Wetland Area		Area D
	Beach Access Points		Areas within which house sites can be created in accordance with Plan Change 166 (43 total sites)
	Reserve Boundary Setback		

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SCALE: 1:10,000 (A1), 1:20,000 (A3)

 CONSULTANTS:

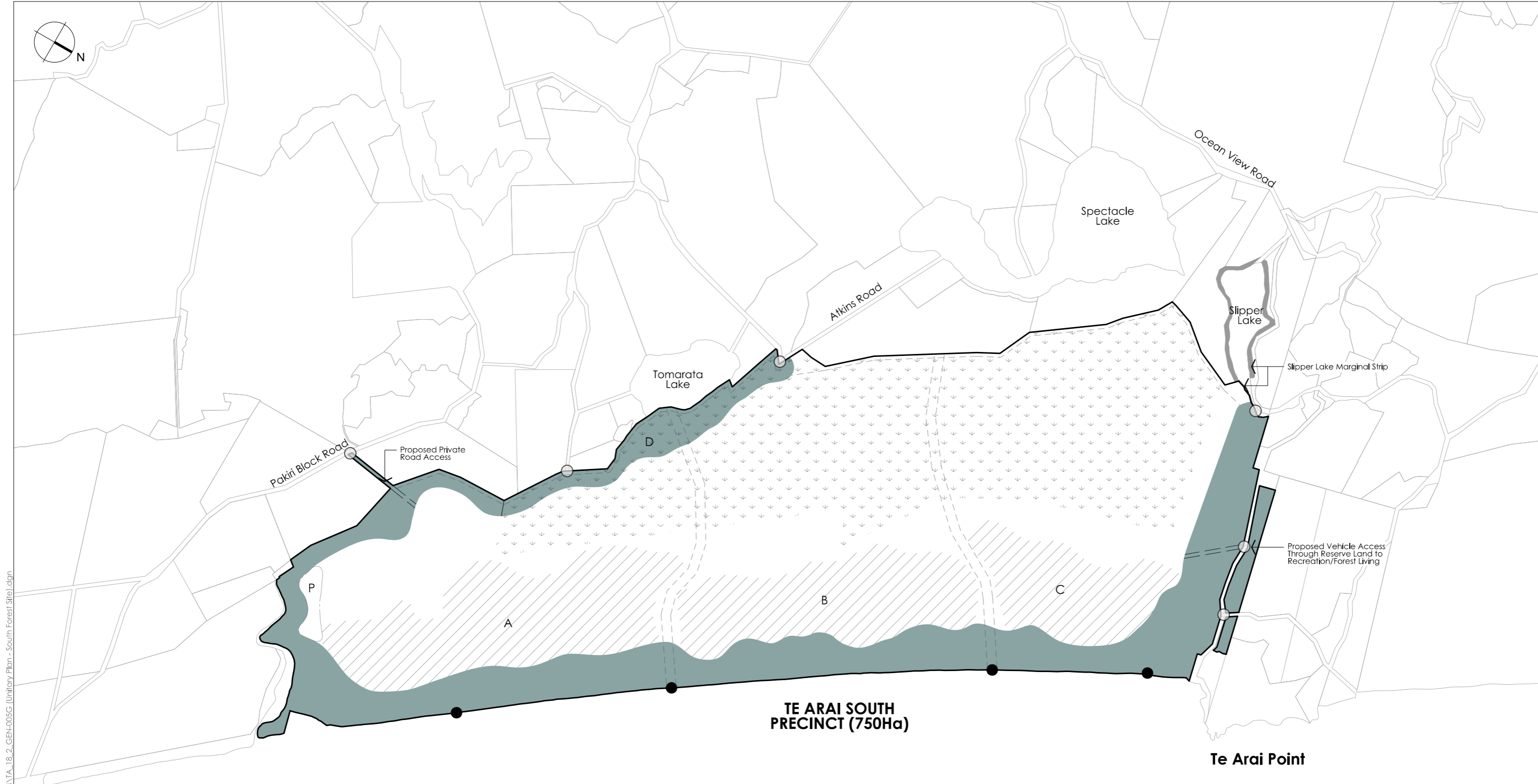
NOTES:

REVISION:

NO	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	Unitary Plan Submission	28.02.14	ZC	JC	DT
A	PC166 Revisions	18.09.14	ZC	JC	DT
B	Updated PC166 Plan Revisions - For Mediation	09.12.15	ZC	DT	JD
C	For Final Issue	27.01.16	ZC	PW	JD

TE ARAI NORTH PRECINCT PLAN

PLAN STATUS: UP SUBMISSION TA_18_2 JOB CODE: GEN-004 DRAWING NO: REV:



**TE ARAI SOUTH
PRECINCT (750Ha)**

Te Arai Point

Pacific Ocean

KEY:

- Reserve
- Papakainga
- Beach Access Points
- Legal Access
- Private Road Access Easements
- Public Access Easements
- Mineral Extraction
- Reserve Area D
- Areas within which house sites can be created under Unitary Plan

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SCALE: 1:10,000 (A1), 1:20,000 (A3)



CONSULTANTS:

NOTES:

REVISION:

NO	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	Unitary Plan Submission	28.02.14	ZC	JC	DT
A	Submission Revisions	18.09.14	ZC	JC	DT
B	Submission Revision	25.08.15	ZC	JC	DT
C	Revision For Further Discussion	12.11.15	ZC	JC	DT
D	For Mediation	09.12.15	ZC	DT	JD
E	For Mediation	21.01.16	ZC	DT	-
F	For Final Issue	27.01.16	ZC	PW	JD
G	For Final Issue (with minor edits from AC)	28.01.16	ZC	PW	JD

**TE ARAI SOUTH
PRECINCT PLAN**

PLAN STATUS: **UP SUBMISSION TA_18_2** JOB CODE: GEN-005 DRAWING NO: GEN-005 REV: **G**