

**BEFORE THE INDEPENDENT HEARINGS PANEL**

**IN THE MATTER OF:**                      **The Proposed Auckland Unitary Plan**

**SUBMITTER:**                              **Orewa West Investments Limited**

**SUBMISSION NO:**                      **6236**

**HEARING TOPIC:**                      **081b Orewa Countryside Precinct**

**EVIDENCE:**                              **Primary**

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**STATEMENT OF EVIDENCE BY**  
**CRAIG MCGREGOR SHEARER ON BEHALF OF OREWA WEST INVESTMENTS**  
**LIMITED**  
**February 2016**

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## **EXECUTIVE SUMMARY**

Orewa West Investments Limited (OWIL) owns land west of the ALPURT motorway interchange at Grand Drive, Orewa. This land has its own Precinct in the Proposed Auckland Unitary Plan (PAUP) – Orewa Countryside Precinct, and has an underlying zoning of Countryside Living. The land is 84 hectares in size, and consent has recently been granted for the property to be subdivided into 105 x 3,000m<sup>2</sup> lots, with the balance set out as a reserve. The size and configuration of the lots means that the Precinct when developed will be quite different in appearance from other countryside living areas with lot sizes averaging around 2 hectares.

The approved development and the Precinct provisions are an inefficient use of the land and this evidence recommends the number of lots provided for in the PAUP be increased from 84 to 300.

The land is located adjacent to, but over the motorway from and to the west of the currently developing West Orewa urban area. It gains access via the Grand Drive ALPURT motorway interchange (and approved by NZTA), has approval for the establishment of a roading network, and Watercare has confirmed there is capacity in its wastewater network in West Orewa to service 300 lots on this site. The development would be self-sufficient in water supply. Any increase in the number of lots can largely be serviced by existing infrastructure.

The Precinct achieves the criteria set out in the Panel's guidance for Precincts, as would any increase in the number of lots to be provided.

## **1. INTRODUCTION**

My name is Craig McGregor Shearer. I am the director of Shearer Consulting Limited, an environmental and planning consultancy based in the Auckland region.

### **Qualifications and experience**

- 1.1 I hold the qualification of Master of Arts in Geography from the University of Canterbury. My qualifications and experience are set out in earlier briefs of evidence to the Panel and are not repeated here.

### **Code of conduct**

- 1.2 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Consolidated Practice Note. The evidence is within

my scope of expertise. I have not omitted to consider any material facts known to me that might alter or detract from my expressed opinions.

### **Scope of evidence**

1.3 My evidence addresses 081b Orewa Countryside Precinct and covers the following:

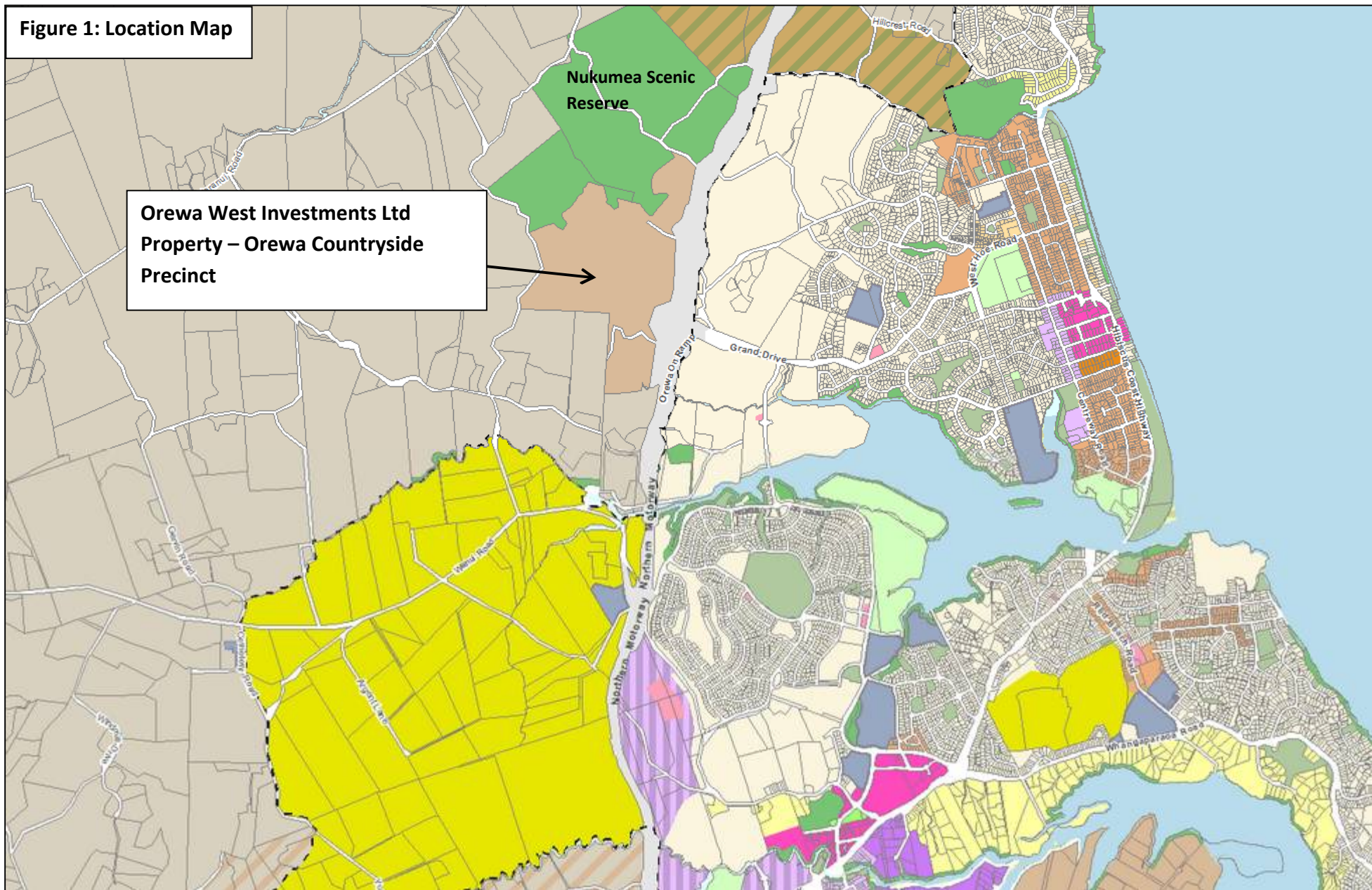
- Provides background to this submission on the OWIL property including the details of the subdivision consent granted in 2014;
- Addresses the changes requested in the submission
- Assesses the property against the guidance provided by the Panel for Precincts;
- Provides justification for increasing the number of lots provided for in the Zone to 300;
- Assesses and recommends changes to some of the Precinct Provisions, including commenting on the Council officer's report.

This evidence should be read in conjunction with that of Michael Lee, who provides evidence on the geotechnical appraisal of the land and availability of infrastructure

## **2. BACKGROUND**

- 2.1 OWIL owns land located on the western side of the ALPURT motorway interchange at the end of Grand Drive, Orewa. See Figure 1 Location Map for the location and boundaries of the property.
- 2.2 The land holding is 84 hectares in size, currently outside the Metropolitan Urban Limit and proposed RUB lines, although it borders the Orewa urban area albeit across the western side of the motorway. To the north the property is bounded by the Nukumea Scenic Reserve, to the east by the motorway. Its western boundary is a steep ridge with rural land, zoned Rural Production in the PAUP, on the western side. To the south are also rural properties (Rural Production zone) leading up from the Wainui Valley. Overall the property is distinct and separated from the neighbouring properties, with natural boundaries.
- 2.3 The land is currently grazed by dry stock (beef), covered in a mix of grass, noxious plants and native forest, and it is the only land which has direct access to the western roundabout of the Orewa interchange. It presents a prime opportunity for development because of its size as a reasonably large holding, its location close to the motorway, and the easy access to services provided in Orewa.

- 2.4 The legacy Auckland District Plan (Rodney section) zoned this land as Special 11 Zone. The Special 11 zone was originally established in 1995 by an Environment Court decision and applied to a much greater area, 253 hectares. Since that time the zone has been dissected by the motorway, with the PAUP Orewa Countryside Precinct occupying 84 hectares of the land remaining to the west of the motorway. Approximately 50 hectares of the original zone was ceded to the Department of Conservation and added to the Nukumea Scenic Reserve at the time of the development of the motorway. The balance of the 253 hectares is that land taken up by the motorway and the new urban zoned land (Special 33 zone) to the east of the motorway. This land is currently being developed for housing.
- 2.5 The OWIL property has a Countryside Living zoning in the PAUP and has its own precinct - "Orewa Countryside". Many of the Precinct provisions echo the Special 11 provisions. Under the Operative Plan the maximum number of sites is to be calculated by dividing the total area by 8,000. Therefore 105 lots are able to be subdivided in total from the 84 hectares. Note that this is more than the 84 lots suggested by Mr Paul in his evidence for Auckland Council.
- 2.6 OWIL has taken a two-pronged approach in its submissions to the PAUP.
- i. The first is to move the RUB to include its property as "future urban" and to signal it will be urbanised in the future. The submissions requesting a RUB change were presented as part of topic 016 RUB North/West to the Panel (heard by Panel members Morrison, Fuller, and Shephard, Kirikiri and Watson on the 14<sup>th</sup> of January 2016. Evidence was provided by me and Michael Lee, of Airey Consultants. We tabled plans to demonstrate that without much additional earthworking and no additional infrastructure costs, approximately 600 lots could be provided, compared to the 105 already approved, which would be a far more efficient use of the land. This is the preferred option for the use of the land.
  - ii. The alternative option is to provide for an increase in the number of lots in the Orewa Countryside Precinct to 300, from the 84 proposed in the Precinct provisions. This is OWIL's alternate, but less preferred option to which this evidence relates and to which submission 6236 relates. As I explained in my evidence on topic 016 and noted above, I consider an increase in the number of lots, to 300 lots in this instance, will lead to a more efficient use of the land as it will lead to a higher density of development than that already approved for



the property and will add no additional infrastructure costs to the region's suppliers of infrastructure.

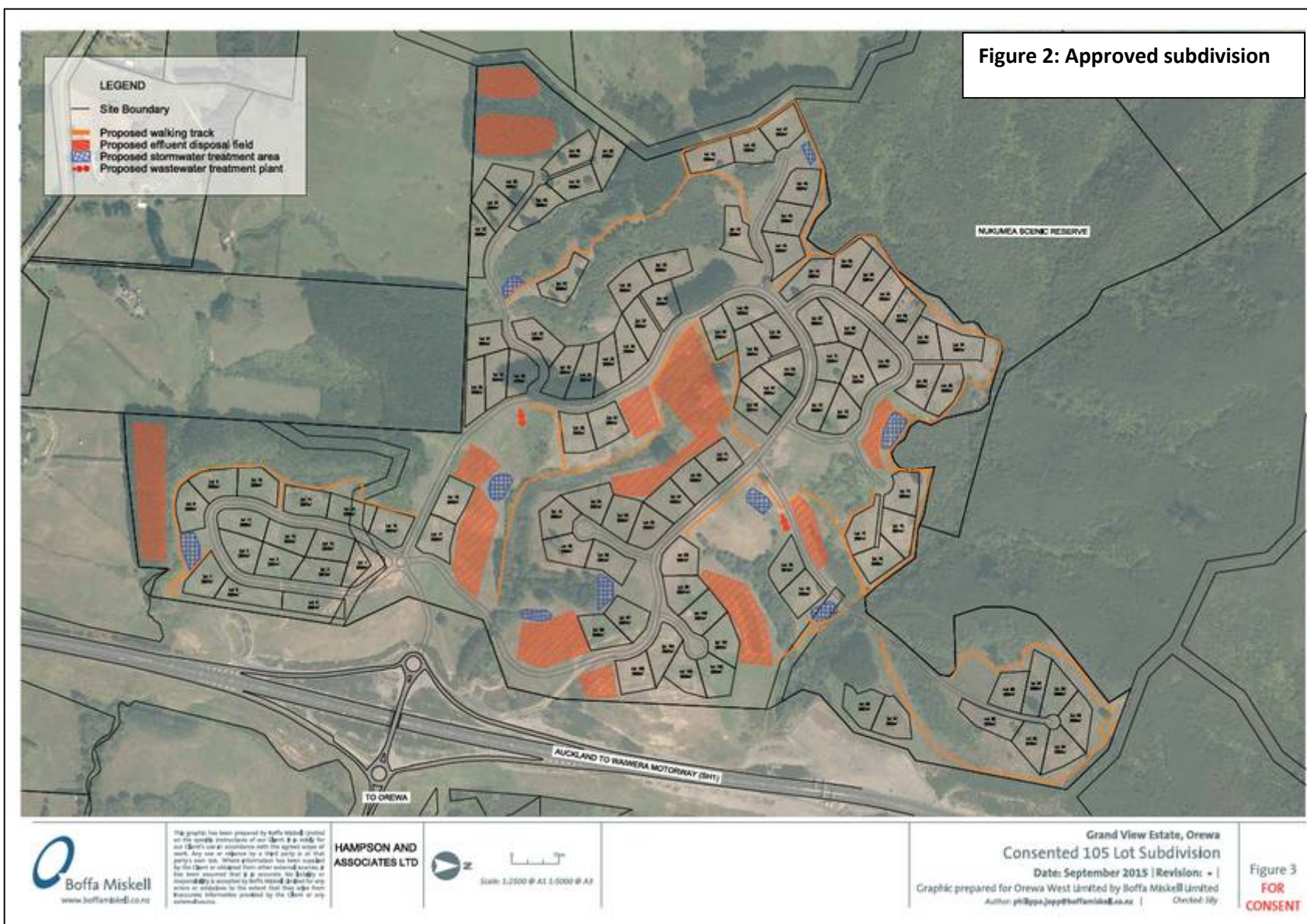
### **Subdivision - 105 lots**

2.7 In September 2014 OWIL was granted consent SLC 60745 to subdivide the property into 105 lots, in accordance with the provisions of the Special 11 Zone – see Figure 2 below setting out the form of the approved subdivision.

2.8 There are several notable features of this consent as follows:

- The 105 lots are all 3,000m<sup>2</sup> in size. This is the maximum size provided for in the Zone. The approved subdivision will have features which make it urban in nature, albeit with larger lots.
- In accordance with the zone provisions around 45 hectares will be set aside in gully areas as a reserve and held in common ownership by the lot holders; extensive native planting is provided in some of these areas to provide for ecological enhancements and to integrate with the adjacent Nukumea Scenic Reserve.
- Areas needed to be left as suitable for farming practice, so many areas not developed will in theory be used for farming, in accordance with the plan provisions.
- Access is off the motorway interchange (and approved by NZTA);
- The development of an extensive roading network, and separate walking trails;
- A community wastewater treatment plant is to be installed on site with all houses reticulated; Water is to be sourced on site;
- The development of stormwater treatment systems to treat water from roads and dwellings;
- Significant earthworks over 35 hectares and up to 800,000m<sup>3</sup> is required to achieve the required road grades, form the appropriate building platforms and other works.
- No archaeological features are present on the site, and the Cultural Impact Assessment prepared by Mana Whenua whilst supporting this conclusion identified there are still values associated with the property and with suggested mitigation supported the proposed works in principle.





- 2.9 During the development of the consent application it became clear that the scale of the works needed to achieve the intended use of the land as zoned was substantial, and the approved proposal of 105 lots would lead to a less than optimal use of the land. A theme amongst some of those consulted during the development of the proposal was that it would be better to intensify the development of the land and maximise its use.
- 2.10 The view was a greater intensity of development, with emphasis on the importance of conservation and recreation as opposed to non-viable farming of the residual land will lead to a more sustainable use of the land and better achieve the purpose of the Act.
- 2.11 This led to the submissions being prepared requesting the Panel to consider making a number of changes to the objectives, policies and rules in the provisions, to facilitate the following outcomes for the Precinct:
- This land is best considered as a “transition” area between urban to rural landholdings as opposed to a “buffer” area.
  - Farming is not an appropriate outcome for the residual balance of the land (around 45 ha) not developed – stock should be withdrawn from the gully and stream areas as they are currently causing significant damage, and plant pests (eg gorse) are prevalent in the gullies.
  - Unstable land cannot be “protected” from development but it can be engineered to ensure it is stabilised. Any level of subdivisional development will require significant earthworks.
  - There should be an emphasis on enhancing environmental values on the site when development occurs – the current land use is leading to significant degradation and there are opportunities to integrate areas retired from farming/development with the adjacent Nukumea Scenic Reserve.
  - With the level of development approved (105 lots and associated works), it makes sense to consider more fully utilising the approved infrastructure/land development by providing for an increased number of lots, up to 300, within a minimum size of 1,000m<sup>2</sup> as opposed to the 1,600m<sup>2</sup> proposed in the PAUP. I note that 1,000m<sup>2</sup> minimum lots size is provided for in the Operative District Plan (if served by a reticulated sewerage system).
- 2.12 I have read the planning evidence of Mr Paul on this topic and will comment on it later in this evidence. However overall I generally concur with his recommendation with some notable exceptions. It is the matter of providing for 300 lots which has led to the



major difference between my evidence and that of Mr Paul. I address the appropriate number of lots in Section 3 following.

### **3 APPROPRIATE NUMBER OF LOTS**

3.1 The PAUP provisions are unusual in that the number of lots to be provided for is specified. 86 lots are provided for as a subdivision control in the Precinct provisions – the rule specifies that the number of sites “on which a dwelling may be erected must not exceed 86” – this is down from the 105 lots in the legacy plan provisions.

3.2 Consent has been granted in 2014 for the subdivision into 105 lots.

3.3 It is my view that the number of lots provided for is too restrictive and should be increased to 300, for the following reasons:

- It is an inefficient use of natural and physical resources;
- The 105 lots proposal provides for extensive new infrastructure – roading in particular which has the capacity to service more lots. In addition there is direct traffic access to the motorway interchange and Watercare has indicated there is capacity in its wastewater network if the number of dwellings is increased.
- The consented sites (105) are all 3,000m<sup>2</sup>. It would be relatively easy to divide these into 1,000m<sup>2</sup> lots;
- The land is located adjacent to the Orewa urban area. At a time when there is a deficit in houses in Auckland region, this property provides an opportunity to increase the housing stock;
- There would be an opportunity for increased environmental enhancement and integration of reserved areas with the Adjacent Nukumea Scenic Reserve
- The Precinct is “standalone”, with natural boundaries separating it from pressure to develop adjacent properties in the same way.

### **4. PANEL’S INTERIM GUIDANCE ON BEST PRACTICE APPROACHES FOR PRECINCTS**

4.1 It is my view that the OWIL submission achieves most of the criteria set out in the Panel’s guidance for precincts, dated 31 July 2015. These are assessed in the following section of my evidence.

**The purpose of the precinct is clearly stated and justified in terms of the purpose of the RMA (ie sustainable management of natural and physical resources)**

- 4.2 Changes are proposed to the precinct description (eg the removal of the need for clusters, 300 lots instead of 84) which in my view will lead to more sustainable management of natural and physical resources – a transition development with more dwellings would safeguard the natural resources of the area by providing for greater environmental enhancement, and mitigate any effects on the environment. With no additional effects and few public infrastructure costs, increased numbers of people can provide for their wellbeing as opposed to if just 84 dwellings are on the site.

**Precincts should take into account the issues debated in recent plan changes**

- 4.3 There have been no recent plan changes for this site in particular, although the site is part of the original 253 ha farm – the balance is either being urbanized (that component now to the east of the motorway), part of the motorway, or within the Nukumea Scenic Reserve. The OWIL land is the only land remaining in the zone.

**Precincts should not override an overlay**

- 4.4 The existing precinct and proposed OWIL changes do not override an overlay.

**The purpose of the precinct can't be achieved through the use of the underlying zone and Auckland wide provisions**

- 4.5 The underlying zone provisions (Countryside Living) tend to apply to zones where subdivision can occur across the site and generally with minimum lot sizes on 2ha – much larger than the Operative Plan provisions which provide for subdivision to 8,000m<sup>2</sup> average with a minimum lot size of 1,000m<sup>2</sup>. The consent granted provides sites of 3,000m<sup>2</sup> across the site. The proposed Orewa Countryside Precinct provides for subdivision in this zone down to 1,600m<sup>2</sup> lots. Thus if enacted the site will provide for a development pattern which is quite different from other Countryside Living zones.
- 4.6 The Precinct is also different from the underlying zone in that only selected parts of the site are to be developed. A large common area in the gullies is required, with this land needing to be retained in common ownership. There are development controls which reflect the potential for smaller sites – Height in relation to boundary, yards, building coverage, privacy – which are not needed in the underlying zone provisions. There are specific subdivision controls unique to this precinct – maximum number of sites, common land needing to be in shared ownership, road layout to be in general accordance with the plan (with the main road following the ridgelines).

- 4.7 In addition, the proposal by OWIL is for a greater number of lots, up to 300, and with a minimum size of 1,000m<sup>2</sup>. This is significantly different from the Countryside Living Zone, is more of what I would refer to as an urban/rural transition zone, and warrants its own precinct.

**The purpose of the zone can't be achieved through applying for a resource consent.**

- 4.8 The purpose as proposed by OWIL would be difficult to achieve through the resource consent process. The subdivision provisions currently provide for subdivision of 86 sites as a Discretionary Activity in the Countryside Living zone, but Prohibited Activity if the number of sites is any greater. Guidance is needed as a Precinct to provide for higher development density.

**When the proposal changes most of the underlying zone, a new zone should be created instead of a precinct.**

- 4.9 The underlying zone is not changed by the proposal.

**A precinct is not determined by existing resource consents and existing use rights, but these will be taken into account.**

- 4.10 Consent has already been granted in September 2014 for 105 lots – 19 more than in the PAUP Orewa Countryside provisions. When development occurs under this consent an extensive network of infrastructure will be available which should be more efficiently utilized. This consent and associated infrastructure should be taken into account in the Panel's determination.

**The structure should be simple – ideally no more than one layer**

- 4.11 The structure of the Orewa Countryside precinct is simple and the changes proposed by OWIL will not change that.

**Precinct boundaries should follow property boundaries**

- 4.12 The precinct boundary follows the boundary of the OWIL owned property.

**Precincts must use the definitions in the PAUP**

- 4.13 The PAUP definitions are used.

#### **4. CHANGES TO THE PRECINCT PROVISIONS PROPOSED**

- 4.1 David Paul has prepared evidence on behalf of the Council for these provisions. He has suggested a large number of changes to the Precinct provisions, some of which are out of scope, although mainly minor and technical in nature, and some in response to and in support of the submission lodged by OWIL. Most of the OWIL submission points have been accepted by him. There are however some major changes OWIL requested that he does not support.
- 4.2 The following discussion is restricted to those changes Mr Paul has recommended that we do not support or where there are other changes, within the scope of the OWIL submission that should be made to the provisions.

##### **Precinct Description**

- 4.3 105 Lots or 300: I do not support his recommendation, in response to OWIL's submission, to increase the number of lots to 105 from 84. For reasons explained in section 3 of this evidence I consider the number of lots provided for in this precinct should be increased to **300 lots**, to maximize the residential advantages the site's location provides, to efficiently use the infrastructure that will be constructed and to provide an efficient use of the natural and physical resource – to ensure land and structures are not under-utilized.

##### **Objectives and Policies**

- 4.4 Objective 4: OWIL requested Objective 4 be amended by deleting words “unstable land” as follows:

Areas of native vegetation, ~~unstable land~~ and riparian margins are protected from development.

- 4.5 The Precinct has many gullies and some slopes that are steep. The requirements for road grades to comply with Auckland Transport standards and the need to provide adequate sites for buildings means that some unstable land cannot be “protected from development”. If such land is “protected or withdrawn from development” then the Precinct provisions are unlikely to ever be given effect to. For example the roading

pattern set out in the Precinct Plan provides for roads to be constructed in areas that have unstable land. This is not uncommon with Auckland subdivisions and, as Mr Lee has pointed out in his evidence, these need to be, and can be adequately stabilized prior to development occurring.

- 4.6 New Objective 5: I support the OWIL approach of amending Objective 4 as above, and the insertion of a new Objective 5 as follows:

**5. Unstable areas are stabilized prior to development occurring.**

- 4.7 This new objective would provide direction that unstable areas can be developed, eg for roading or for building sites, but it must be first protected. I note that in his text (para 13.8) Mr Paul says he supports the addition of this new objective 5 but I note that he has not added it to his track-changed version.

- 4.8 As recommended above, Policy 1 should be amended as follows:

1. Enable the provision of up to **300** ~~86~~ sites on which a dwelling can be built within the precinct.

- 4.9 Policy 4 has been amended in response to the submission of OWIL, but Mr Paul has not grasped the intent of the changes recommended by OWIL. The policy as written in the PAUP reads as follows:

4. Avoid development on prominent ridges or knolls.

- 4.10 Clearly it is not possible to “avoid “ development on prominent ridgelines or knolls – for example the primary road in all three versions of the precinct plan – the notified one, Mr Paul’s alternate (taken from the 105 lot approved resource consent), and the 300 lots plan submitted by OWIL – is located on the most prominent ridgeline on the property. “Development” is not defined in the PAUP but the Oxford dictionary has the following definition in this context:

*the process of converting land to a new purpose by constructing buildings or making use of its resources.*

- 4.11 Clearly earthworks, road building etc is “development” so if the Precinct is to achieve its purpose Policy 4 needs to be amended. However Mr Paul’s amended version does not in my view help. It reads:

4. Avoid development or mitigate the effects of buildings on prominent ridges or knolls.

4.12 “Buildings” refers to “structures” in the PAUP amended definitions, so as worded by Mr Paul, any earthworks or other development activities such as road construction would need to be “avoided” on prominent ridges or knolls which is a direct conflict with the general subdivision layout set out in Precinct Plan 1. It is just not possible to avoid development of this type at these locations. I support the OWIL amendment of Policy 4 to read as follows:

4. Avoid **remedy or mitigate the effects of** development **of buildings** on prominent ridges or knolls.

4.13 This amended version of the policy would provide for earthworks in the knoll/ridgeline areas (as has been approved in the 105 lot consent granted) but require efforts to try and mitigate the effects buildings – dwellings in this case - can have, such as by landscaping.

4.14 OWIL requested an additional policy – 8 - be inserted to ensure any significant earthworks undertaken will minimise environmental effects. The proposal is as follows:

**Policy 8. Ensure any earthworks, site contouring, retaining or benching undertaken minimise the effects upon native vegetation, streams and wetlands, with environmental enhancement undertaken to off-set any adverse effects.**

4.15 Mr Paul in his evidence (para 13.3) says he supports submission point 16 (which relates to the proposed new policy 8) and yet he has not added it into the text. I consider that efforts in the Precinct should be taken as much as possible to protect and enhance the environmental values of the site and support the addition of the proposed new policy 8.

### **Precinct Rules**

4.16 **Building coverage 3.3:** In the development controls OWIL sought the Building Coverage provisions be amended with the addition of another control as follows:

#### **3.3 Building coverage**

1. Building coverage must not exceed 40 per cent of the site.
2. Clause 3.3.1 excludes lots held in common ownership by at least 15 private sites

**3. Every site must have a specific building area of at least 400m<sup>2</sup> and must contain a stable, flood free platform for buildings**



4.17 In his evidence Mr Paul says he does not support this submission saying at clause 13.3 “The Auckland Wide rules – C6 Subdivision cover the issue building areas being stable and free from flooding, in particular rule 2.3.3.9 Rural zones – Countryside Living Specified building area”. In my reading of his references C6 covers regional wide objectives and policies and not rules. Assuming 2.3.3.9 refers to Rural Subdivision rules (H5), it reads as follows;

2.3.3.9.Rural Zones Minimum site area in the Mixed Rural and Rural Production Zones

a. Minimum site area: 150ha

b. Any subdivision that does not comply with clause 9(a) above shall be a prohibited activity

4.18 Mr Paul’s references do not appear to be relevant to the building areas required. In my assessment the default provisions appear to be H.5.2.3.3.1c which apply to all subdivision in the rural zones. This rules says:

1. Specified building area

a. A specified building area must be clearly identified on every site on a scheme plan of subdivision on which a building is anticipated.

b. Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include the existing dwelling, or indicate that the dwelling will be removed from the site altogether, or relocated to the specified building area for that site.

c. The specified building area must:

i. be at least 5000m<sup>2</sup>

ii. include a single area of at least 2000m<sup>2</sup> clear of all yards and 1 per cent AEP floodplain

4.19 So a building area must be at least 5,000m<sup>2</sup> with 2,000m<sup>2</sup> clear of all yards. This is not realistic for the Orewa Countryside Precinct provisions, regardless of whether the minimum lot size is 1,600m<sup>2</sup> (as in the PAUP) or 1,000m<sup>2</sup> as requested by OWIL. So in my view the proposal in 4.16 above to add a third bullet point represents a more realistic specification of the building area needed in the Orewa Countryside Precinct. The provisions should be amended accordingly.

4.20 Subdivision Controls 4.1: OWIL have requested Subdivision control 4.1 be amended as follows:

4.1 Precinct plan

1. Any subdivision must be carried out in **generally** accordance with Precinct Plan 1.

4.21 Mr Paul has rejected this submission on the basis that it provides no certainty. Subdivision is a Controlled Activity in the Plan for this zone. The reason for adding the word “generally” is that it recognizes that any development cannot be expected to comply precisely with plans in the AUP prior to any detailed technical assessments being carried out. Detailed assessments may lead to the conclusion that lot site boundaries need to be amended, the accessways may not be quite in the best location, or the subdivision configuration and number of lots may need to be amended. This detail should apply at the consent level, should be aimed at avoiding, remedying or mitigating adverse effects, and be in general accordance with the Precinct. I recommend strongly that the OWIL submission be approved.

4.22 Maximum number of sites – 4.2: The subdivision controls in the PAUP set the maximum number of sites at 84. For reasons discussed above I recommend this be adjusted to **300**, as opposed to the 105 Mr Paul suggests.

4.23 Site area and shape: The provisions say:

4.4 Site area and shape

1. Every site on which a dwelling may be erected, and which will not be connected to reticulated wastewater drainage, must:

a. be larger than 1,600m<sup>2</sup>, and

b. be smaller than 3,000m<sup>2</sup>, and

c. be capable of containing a square with sides of at least 20m located clear of any building, plus an adequate reserve area, both of which will be set aside for wastewater treatment and disposal

4.24 OWIL requested 1.a be amended to 1,000m<sup>2</sup>. Mr Paul disagreed and support 1,600m<sup>2</sup>. On reflection I partly support his view, but believe an amendment should be made to reflect the site area size in the event that a reticulated wastewater network is available. This would reflect what is in the Operative Plan. My suggested amendment is as follows:

4.4 Site area and shape

1. Every site on which a dwelling may be erected, ~~and which will not be connected to reticulated wastewater drainage,~~ must:

a. be larger than 1,600m<sup>2</sup>, **if not connected to reticulated wastewater drainage and be larger than 1,000m<sup>2</sup> if connected to reticulated wastewater drainage,** and .....

4.25 By making the above change this provides for smaller sites when a reticulated wastewater network is constructed – this reflects what is in the legacy plan.

- 4.26 Assessment - Restricted Discretionary Activities: The matters of discretion and assessment criteria for subdivision include reference to the protection of “rural character”. Subdivision is a Restricted Discretionary Activity in the zone. It is my submission that reference to rural character should be removed from the matters of discretion and assessment criteria. Mr Paul and I agree that this zone provides a “transition” between the urban activities in Orewa and rural production to the west of the Precinct. Amendments to the provisions have been made to reflect this transition role. “Rural character anticipated” is very subjective and could be interpreted differently by different consent planners. Besides, in my view this is not a “rural” zone but a zone that is in between rural production and urban uses – a transition area. I support the removal of the reference to rural character in the matters of discretion and assessment criteria and recommend they be deleted.

### **Precinct Plan**

- 4.27 The final change I recommend to the Panel is a changed Precinct Plan. I recommend the plan below as the appropriate Plan for this precinct. Mr Paul has adopted the Plan used as the 105 subdivision plan by OWIL as his version of the Precinct Plan. The Plan recommended in the OWIL submission contain 300 lots and better reflects the capability of the precinct to accommodate development whilst still protecting its role as a transition area between urban Orewa and rural Rodney. Note that there are opportunities for consent planners to require major environmental enhancements of all those areas not to be developed, including the opportunity to develop vegetation and habitat linkages with the adjacent Nukumea Scenic Reserve. There will be in excess of 40ha left as reserve in Figure 3 below. I recommend adoption of the plan below as Precinct Plan 1 (This Plan has been taken from the evidence provide by Mr Lee).

**Figure 3: Precinct Plan 1**



## 5. CONCLUSION

- 5.1 The property owned by Orewa West Investments Limited in my view is well situated to cater for an increased number of dwellings without compromising the character and values of the Orewa Countryside Precinct nor those of the adjacent properties and zones. This will lead to a more efficient use of the land and of the infrastructure to be provided to the Precinct.
- 5.2 I therefore recommend that there be an increase in the number of lots permitted in the Precinct from 84 to 300.
- 5.3 Although the provisions are largely supported, there are also consequential provisions in the Precinct that need minor changes, such as providing for development on ridgelines and knolls, and the addition of provisions aimed at protecting and enhancing the environmental values of this site.

## APPENDIX: TRACK CHANGES ADDITIONAL TO OR CONFLICTING WITH THOSE OF DAVID PAUL FOR OREWA COUNTRYSIDE PRECINCT

### 5.33 Orewa Countryside

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

#### Precinct description

The Orewa Countryside precinct covers an area of 85ha on the western edge of Orewa situated within the Countryside Living zone.

The purpose of this precinct is to provide for rural-residential activities in a cluster subdivision layout. Through this pattern of development areas of open space for farming and recreation, significant vegetation and unstable land will be preserved. It is expected that this precinct will form a buffer between urban areas in Orewa to the east and rural production activities to the west.

Development in this precinct will comprise up to **300 86** residential sites with a site size of between 1600m<sup>2</sup> - 3000m<sup>2</sup> in area grouped around common accessways, surrounded by areas of open space held in common ownership.

#### Objectives

The objectives are as listed in the Countryside Living zone except as specified below:

1. Comprehensively designed rural residential development is provided for.
2. The rural character, landscapes, and amenity values of the precinct are retained to provide a buffer between urban activities in Orewa and rural production activities to the west.
3. The balance land is preserved for farming and recreational activities.
4. Areas of native vegetation, ~~unstable land~~ and riparian margins are protected from development.
5. **Unstable areas are stabilized prior to development occurring.**

#### Policies

The policies are as listed in the Countryside Living zone except as specified below:

1. Enable the provision of up to **300 86** sites on which a dwelling can be built within the precinct.
2. Enable rural-residential subdivision based on clustering of dwellings to maintain large areas of open space for dry stock grazing and recreational activities.
3. Provide for a greater diversity of land uses and dwelling types than that allowed in the Countryside Living zone.
4. Avoid, **remedy or mitigate the effects of** development **of buildings** on prominent ridges or knolls.
5. Locate non-residential activities in a central location.
6. Locate cluster development in a configuration that protects existing native vegetation and water courses in the precinct.
7. Provide for a mix of private and communal property, and encourage the use of communal areas for farming and recreational use.

8. Ensure any earthworks, site contouring, retaining or benching undertaken minimises the effects upon native vegetation, streams and wetlands, with environmental enhancement undertaken to off-set any adverse effects.

## 5.33 Orewa Countryside

### 1. Activity table

Activity	Activity status
<b>Rural</b>	
Greenhouses less than 50m <sup>2</sup> GFA	P
Intensive farming	Pr
Pig keeping	Pr
<b>Accommodation</b>	
Dwelling on any lot held in common ownership	Pr
Boarding houses, hostels and private hotels	RD
<b>Community</b>	
Informal recreation	P
Recreational trails	P
<b>Subdivision</b>	
Any subdivision of lots held in common ownership and not listed in clause 4 below	Pr

### 2. Land use controls

1. The land use controls in the Countryside Living zone apply unless otherwise specified below.

#### 2.1 Greenhouses

1. Greenhouses must be less than 50m<sup>2</sup> GFA.
2. Any greenhouse that does not meet this control will be a prohibited activity.

#### 2.2 Boarding houses, hostels and private hotels

1. Boarding houses, hostels and private hotels accommodating not more than 9 persons inclusive of owner, family and staff will be assessed as restricted discretionary activities.

#### 2.3 Informal recreation

1. Informal recreation must not involve erection of buildings.

### 3. Development controls

1. The development controls in the Countryside Living zone apply unless otherwise specified below.



### 3.1 Height in relation to boundary

1. No part of any building may exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any site boundary.

### 3.2 Yards

Table 1

Yard	Minimum dimension
Front	4m
Side	1.2m
Rear	3m

### 3.3 Building coverage

1. Building coverage must not exceed 40 per cent of the site.
2. Clause 3.3.1 excludes lots held in common ownership by at least 15 private sites.

**3. Every site must have a specific building area of at least 400m<sup>2</sup> and must contain a stable, flood free platform for buildings.**

### 3.4 Privacy

1. Windows other than those described in clause 3.4.2 below must be located at least 1.2m (measured horizontally) from:
  - a. any site boundary, or
  - b. the wall of any building not located on the same site.
2. Any window that:
  - a. provides light to a ground floor habitable room, and
  - b. has a sill height lower than 1.5m above the floor level of the room it provides light to:
  - c. must be located at least 3m (measured horizontally) from any land not set aside exclusively for the occupiers of that dwelling, including:
    - i. common land
    - ii. common driveways on the same site
    - iii. land on other sites
    - iv. any road.

## 4. Subdivision controls

1. The subdivision controls in the Auckland wide - subdivision rules apply in the Orewa Countryside precinct unless otherwise specified below.
2. Any subdivision that does not comply with the controls is a non-complying activity unless specified below.

### 4.1 Precinct plan

1. Any subdivision must be carried out **generally** in accordance with Precinct Plan 1.

### 4.2 Maximum number of sites

1. The number of sites:
  - a. on which a dwelling may be erected must not exceed **300 86** within the precinct
  - b. which will be owned in common must not exceed 2 per scheme plan of subdivision
  - c. which are residual are limited to 1 per scheme plan of subdivision.

#### 4.3 Share of common land

1. Every site on which a dwelling may be erected must retain an undivided share in a commonly owned site.

#### 4.4 Site area and shape

1. Every site on which a dwelling may be erected, ~~and which will not be connected to reticulated wastewater drainage~~, must:
  - a. be larger than 1,600m<sup>2</sup> **if not connected to reticulated wastewater drainage, and be larger than 1,000m<sup>2</sup> if connected to reticulated wastewater drainage**, and
  - b. be smaller than 3,000m<sup>2</sup>, and
  - c. be capable of containing a square with sides of at least 20m located clear of any building, plus an adequate reserve area, both of which will be set aside for wastewater treatment and disposal.
2. Every site that will be owned in common must be larger than 4ha, and not bisected by any legal road.
- 3 Every residual site must be larger than 50ha.

#### 4.5 Design and Orientation

1. The layout of roads and private sites must be in general accordance with Precinct Plan 1.
2. A scheme plan of subdivision that includes sites owned in common must provide that the common sites must be owned jointly by at least 15 private sites available for individual ownership and development.
3. Any area for future development must be held in a site which is capable of further subdivision in accordance with Precinct Plan 1, and these rules.

#### 4.6 Access

1. No more than 5 sites may gain road access over a joint access lot or right of way.
2. Vehicle crossings must meet the minimum widths below:

Table 2

Number of sites serviced	Minimum width
Up to 3	3.7m
4 or 5	6m

#### 5. Assessment - Restricted discretionary activities

##### 5.1 Matters of discretion

The council will restrict its discretion to the matters below in addition to the matters specified in the underlying zone and Auckland-wide subdivision rules.

1. Boarding houses, hostels and private hotels accommodating not more than nine persons inclusive of owner, family and staff:
  - a. rural character

b. landscape

c. visual impact.

2. Subdivision

~~a. rural character~~

b. site size and shape

c. site layout

d. visual amenity and landscape

e. natural hazards and earthworks

f. road safety.

## **5.2 Assessment criteria**

The council will consider the relevant assessment criteria below, in addition to the criteria specified for the activities in the underlying zone and the Auckland-wide subdivision rules.

1. Boarding houses, hostels and private hotels accommodating not more than nine persons inclusive of owner, family and staff.

a. Rural character

i. The scale and form of buildings and structures, including their colour and materials, should complement the existing rural character within the precinct, and scale and form of buildings and structures should be consistent with that of existing buildings on the same site.

ii. Landscape

b. Buildings or structures should be sited so that they do not require extensive landform modification, but use the existing landform as far as is practicable, to minimise adverse effects on landscape and discharges of silt.

c. Visual impact

i. 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.

2. Subdivision

~~a. Rural character~~

~~i. The particular subdivision should occur without creating adverse effects on the rural character anticipated within Orewa Countryside precinct.~~

b. Site size and shape

i. The site size, shape, contour and access should be suitable for the intended activities proposed.

c. Site layout

i. The subdivision should provide each cluster of lots with a strong and positive identity, by responding to site characteristics, setting, landmarks and views, and through the design of movement and open space networks.

ii. The subdivision should reinforce neighbourhood identity by clustering lots in conjunction with focal points for the local community.

iii. Sites should take advantage of the topography taking into account views and accessibility.

iv. The layout of sites should involve minimum disturbance to existing native vegetation and significant ecological areas.

v. Sites should be clustered to encourage the efficient provision of utilities to groups of sites, rather than to sporadic or isolated sites.

d. Landscape and Visual Amenity

i. The site or sites should be located so that a dwelling can be erected on it or them without significantly detracting from any features on the site which require protection, or from the visual amenity values present in the vicinity of the site.

ii. The building area should not be on a prominent ridge, knoll or skyline, where the erection of buildings would dominate the landscape or detract from the visual amenity values in the area.

e. Natural Hazards and Earthworks

- i. The subdivision should not exacerbate natural hazards, through earthworks or access provision, or result in building areas subject to natural hazards.
- ii. Adequate services, including utilities, should be provided for the sites created.
- iii. The site or sites should be located so that substantial earthworks or land modification to obtain access or any building area are not required.
- f. Road safety
  - i. Adequate road access should be provided, and no significant adverse effects on the safety and efficiency of the public roading network should result.

## 6. Assessment - Development control infringements

### Matters of discretion

In addition to the general matters set out in clause 2.3 of the general provisions and the specific matters set out for the infringement in the Countryside Living zone, the council will restrict its discretion to the matters below for the relevant development control infringement.

Infringement	Visual privacy	Road safety
Privacy	X	

### Assessment criteria

- 1. Privacy
  - a. Windows should be located to avoid any loss of privacy resulting from the proximity to adjacent sites and dwellings.

## 6. Precinct plan

### Precinct Plan 1



## Precinct Plan 1

