

IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision No. [2024] NZEnvC049

IN THE MATTER

of an appeal under cl 27(1) of the First  
Schedule to the Resource Management  
Act 1991 ("RMA")

BETWEEN

FLETCHER RESIDENTIAL LTD,  
THE NEIL GROUP LTD and  
MATVIN GROUP LTD

(ENV-2023-AKL-061)

Appellants

AND

AUCKLAND COUNCIL

Respondent

Court: Alternate Environment Judge L J Newhook

Hearing: In Chambers at Auckland, on the papers

Date of Decision: 20 March 2024

Date of Issue: 20 March 2024

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DECISION OF THE ENVIRONMENT COURT

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Orders made by consent that the respondent's decision of 4 May 2023 refusing to accept the appellants' plan change request is set aside; and that the respondent accept the plan change request as modified by agreement with the appellants as described in Appendix A hereto and proceed to notify it under clause 26 Schedule 1 RMA. No orders as to costs.



## REASONS

### Introduction

[1] This decision concerns a potential jurisdictional issue that arose during the Court's consideration of a consent order lodged by the parties to this appeal.

[2] Fletcher Residential Ltd, the Neil Group Ltd and Matvin Group Ltd (together referred to as the Riverhead Landowner Group) lodged a private plan change request, proposing to rezone approximately 80.5ha of land in Riverhead from Future Urban Zone to a mix of residential zones with a small Local Centre and Neighbour Centre. The Council's decision rejected the private plan change request under cl 25(4)(c) of Schedule 1 RMA, on the basis that the request or part of the request was not in accordance with sound resource management practice. The Riverhead Landowner Group appealed the Council's decision. The relief sought is:

- (a) The Decision is set aside;
- (b) The Riverhead South PC request be accepted in whole under clause 25(2)(b) of Schedule 1 of the RMA and the request be notified under clause 26 of Schedule 1 of the RMA;
- (c) Any such further or other consequential relief as the Court deems appropriate; and
- (d) Costs.

[3] The Riverhead Landowner Group and the Council held discussions about the issues on appeal and reached agreement about the basis upon which the appeal can be settled. The parties lodged a consent memorandum, seeking that the Court make orders that:

- 17.1 The Council's decision that rejected the Private Plan Change request from Fletcher Residential Limited, The Neil Group Limited and Matvin Group Limited is set aside.
- 17.2 The Council will accept the modified Private Plan Change request from Fletcher Residential Limited, The Neil Group Limited and Matvin

Group Limited as set out in Appendix A to the draft consent order accompanying this memorandum and proceed to publicly notify it.

- [4] The modifications were described in this way:
- 12.1 Approximately 6 hectares of land subject to flooding in the north-west of the private plan change area being rezoned from FUZ to the Rural - Mixed Rural Zone rather than the Residential - Mixed Housing Urban (**MHU**) Zone originally proposed and an accompanying request to move the Rural Urban Boundary in the AUP.
  - 12.2 The Residential - Mixed Housing Suburban (**MHS**) Zone (with modifications) being applied across the majority of the plan change area rather than the MHU Zone originally proposed. This will mean that buildings in the MHS zone other than in sub-precinct B will have an 8 metre height limit and the extent of the proposed Residential - Terrace Housing and Apartment Buildings (**THAB**) Zone initially proposed will be reduced.
  - 12.3 Subdivision and development that does not comply with the “staging of development with transport upgrades” Standard IX.6.1 (1) being a discretionary activity rather than a restricted discretionary activity as originally proposed. Standard IX.6.1 (1) concerns specified upgrades of the Coatesville-Riverhead Highway, which must be constructed and operational prior to occupation of a dwelling within the Riverhead Precinct.

- [5] The Court issued a minute dated 27 November 2023, raising these issues:

[2] As the Appellants and Council have agreed an amended proposal might be accepted, it is at least implicit that they also accept that the Council’s original decision was correct. It is therefore not clear on what basis the Court would set the decision aside.

[3] Having considered sch 1, cls 25 and 27, and also s 290 RMA, it is also unclear what jurisdiction the Court has to direct the Council to accept a modified request. The Court would appreciate submissions on this matter.

- [6] The parties responded by way of joint memorandum dated 1 December 2023.

## Discussion

- [7] The Council rejected the private plan change request under cl 25 of Schedule 1 to the RMA, which relevantly provides:

### 25 Local authority to consider request

- (1) A local authority shall ... decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.
- ...
- (4) The local authority may reject the request in whole or in part, but only on the grounds that—
- ...
- (c) the request or part of the request is not in accordance with sound resource management practice; ...

[8] Clause 27 of Schedule 1 to the RMA provides the right to appeal the Council's decision under cl 25(4)(c):

## **27 Appeals**

- (1) A person who requests a plan change under clause 21 may appeal to the Environment Court against a decision referred to in subclause (1A) within 15 working days of receiving the decision.
- (1A) The decisions that may be appealed under subclause (1) are decisions—
  - (a) to adopt or accept the request in part only under clause 25(2);
  - (b) to reject the request under clause 23(6);
  - (c) to deal with the request under clause 25(3);
  - (d) to reject the request under clause 25(4) in whole or in part.
- (2) The Environment Court may make such decision on any such appeal as it thinks fit.

[9] The parties rely on *Gillman Wheelans Ltd v Selwyn District Council* which, they submitted, confirms under s 290 of the RMA that at a de novo hearing the Court exercises the power, duty and discretion of the relevant Council in respect of the decision appealed.<sup>1</sup> The Court in *Gillman* held that, on a cl 27 appeal, the Court had power to confirm or cancel the decision to reject the plan change.<sup>2</sup>

[10] The parties also referred to *Malory Corporation Ltd v Rodney District Council*, where

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<sup>1</sup> *Gillman Wheelans Ltd v Selwyn District Council* (2009) 15 ELRNZ 298 at [26] (*Gillman*). See submissions dated 1 December 2023 at [9]-[15].

<sup>2</sup> *Gillman* at [32].

the High Court observed that, on administrative law principles, it was hard to see how the discretion conferred on the Environment Court on appeal under cl 27(2) could confer any discretionary power beyond that exercised by a local authority.<sup>3</sup>

[11] The parties also referred to *Orakei Point Trustee Ltd v Auckland Council*, where the Court ordered (by consent) that the Council's decision rejecting a private plan change request be set aside and that the Council accept the request and proceed to publicly notify it.<sup>4</sup>

[12] The parties submit that on appeal, the Court has the same power, duty and discretion the Council had in respect of its decision, and that the Court could confirm or cancel the Council's decision to reject the plan change request.<sup>5</sup>

[13] The parties also note that, under cl 24 of Schedule 1, the Council may (as a result of further or additional information, commissioned reports or other matters, and with the agreement of the person who made the request), modify a plan change request. On that basis, the parties submit that the Court would have the power to determine that a modified plan change should be accepted, where this was agreed to by the requestor.<sup>6</sup>

[14] I have no difficulty with the submission that if the appeal had proceeded to a hearing, the Court could confirm or cancel the Council's decision to reject the plan change request.

[15] It has however been necessary to ponder the parties' submission about cl 24. Clauses 24, 25 27 are expressed somewhat disjunctively on their face, with clause 27(1A) limiting appeals to the Court to particular strands of clauses 23 and 25. 27(1A) omits any mention of clause 24. However, subclause (2) of clause 27 describes the

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<sup>3</sup> *Malory Corporation Ltd v Rodney District Council* [2010] NZRMA 392 (HC) at [59]. See submissions dated 1 December 2023 at [16].

<sup>4</sup> *Orakei Point Trustee Ltd v Auckland Council* [2019] NZEnvC 117 at [18]. See submissions dated 1 December 2023 at [17].

<sup>5</sup> See submissions dated 1 December 2023 at [18].

<sup>6</sup> See submissions dated 1 December 2023 at [19].

discretion of the Court in broad terms and does not circumscribe jurisdiction in the manner the rights of appeal in (1A) are.

[16] It is also worth considering what the council could have done at first instance, which necessarily imports the operation of clause 24 to its consideration of matters under clause 25. It would be artificial and contrary to sensible interpretation and good practice, for the council's clause 24 power to be capable of exercise only at its first instance level but not during a later appeal, where to employ a key element of clause 24, the requestor agrees to modification of the request. "Agreement" is after all an element also underpinning a consent order.

[17] For that reason, I find that the Court has jurisdiction to direct that the Council to accept a modified plan change request agreed to by the requestor and notify it under clause 26.

## **Outcome**

[18] I make orders in the terms requested in the memoranda of the parties since they settled their differences in the appeal, in the following terms.

[19] The council's decision dated 4 May 2023 that rejected the appellants' private plan change request is set aside.

[20] The council is directed to accept the private plan change request as modified by agreement with the appellants as set out in Appendix A to this decision.

[21] As an aside, I note from the memoranda that flood hazard issues on the subject land have, at least in part, driven the modifications to zoning provisions. The merits

are not before the Court at this stage, and the council now having been ordered (with its agreement) to accept the plan change, issues about natural hazards should be considered and dealt with after promulgation of the plan change.



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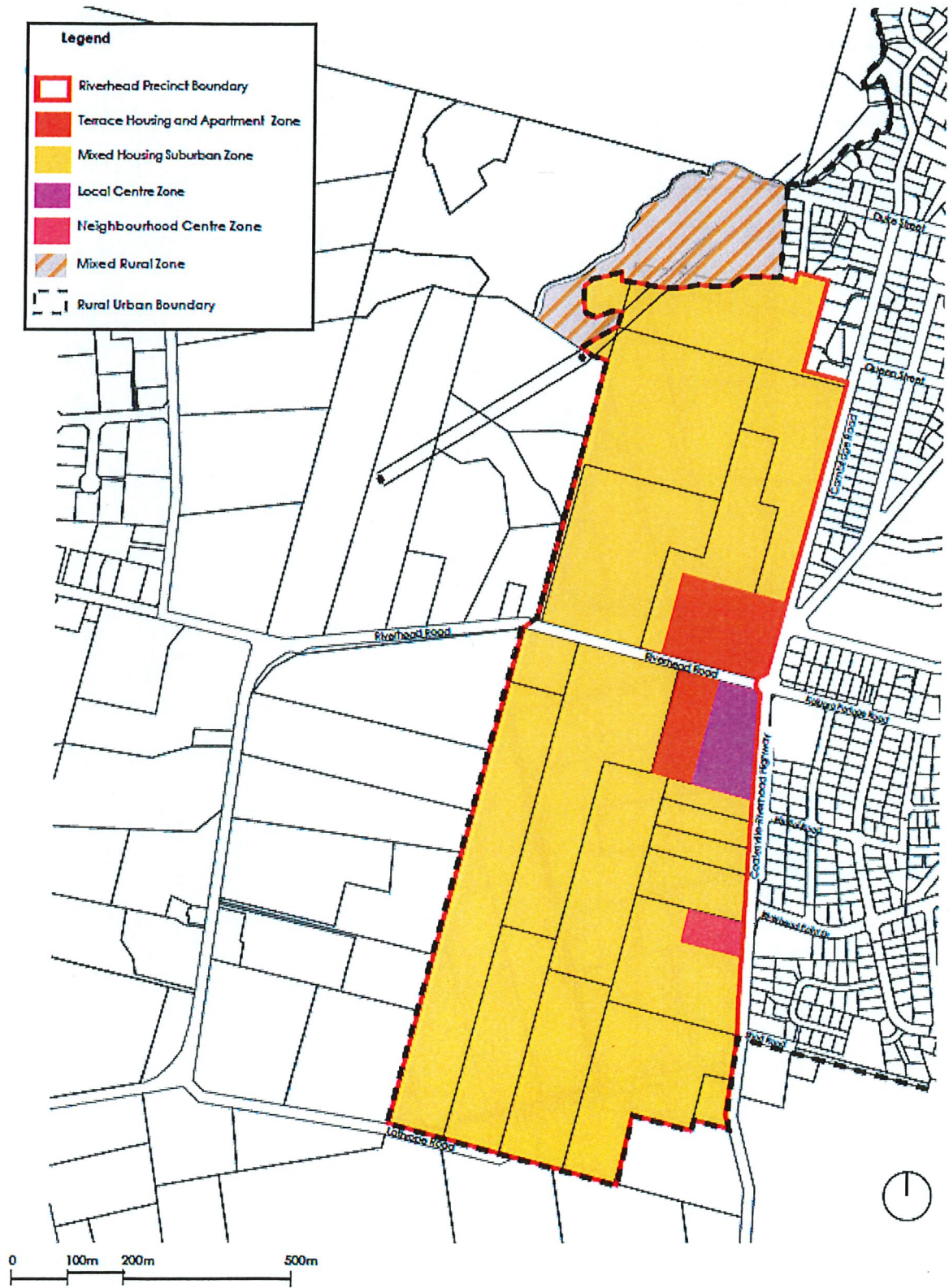
**L J Newhook**  
Alternate Environment Judge



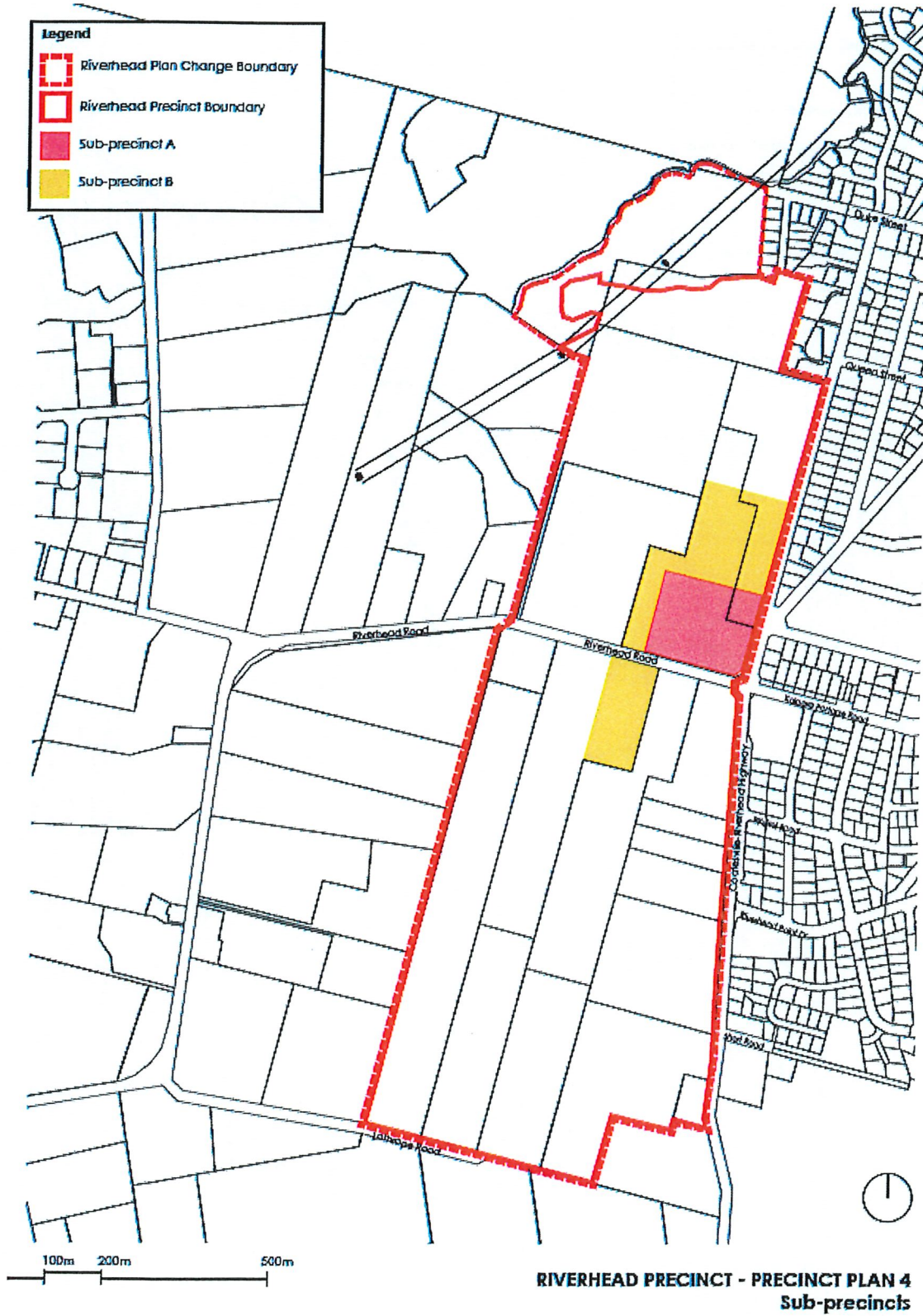
**APPENDIX A – MODIFIED PLAN CHANGE REQUEST**



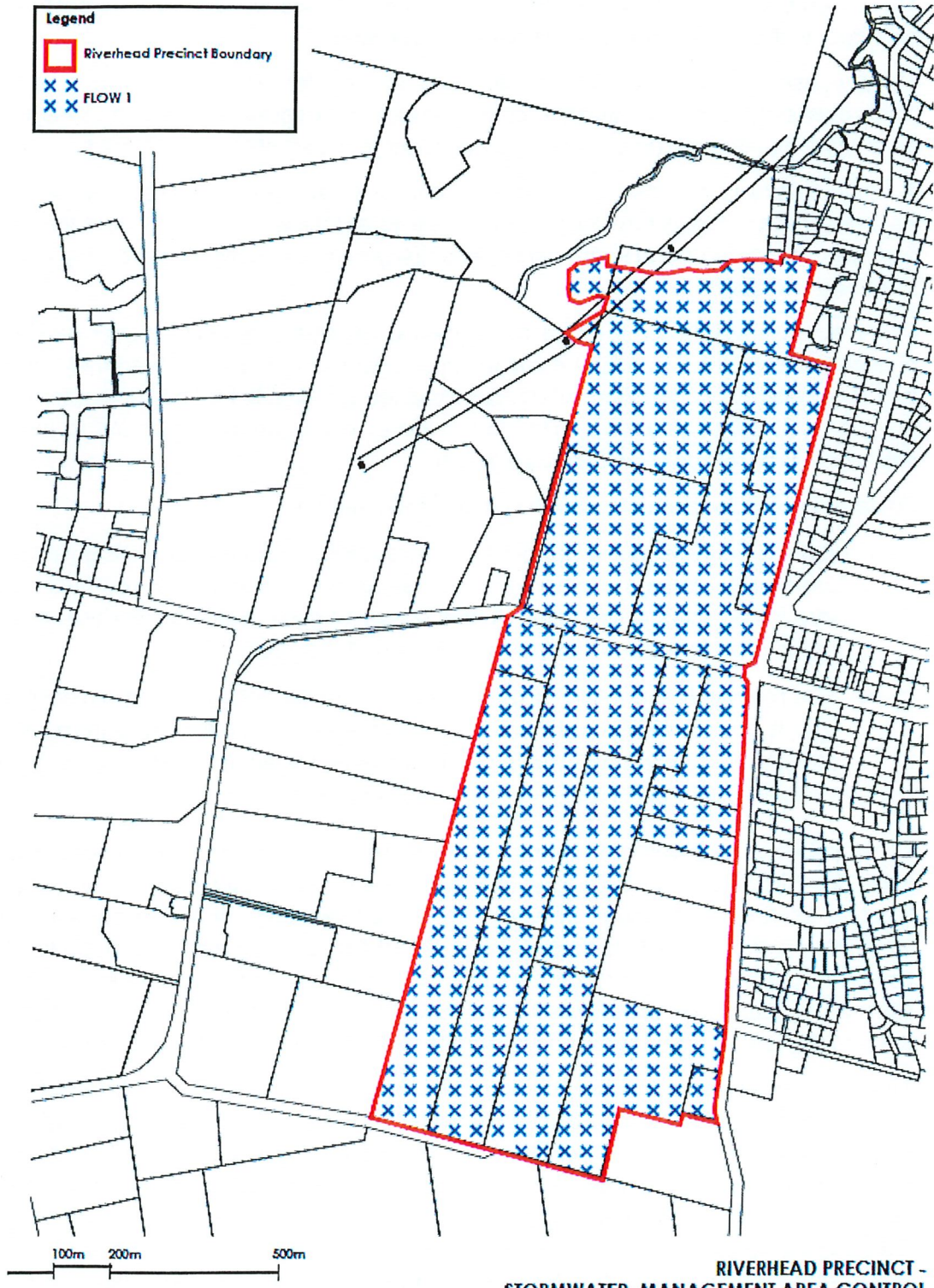
# Riverhead zoning plan



# Riverhead precinct plan



# Riverhead Stormwater Management Area Control (Flow 1)



## IX.1. Precinct description

The Riverhead Precinct applies to approximately 75.5ha of land with a contiguous boundary to the existing urban settlement of Riverhead.

The purpose of the Riverhead Precinct is to provide for the development of a new, comprehensively planned residential community as an extension to Riverhead Village that supports a well-functioning urban environment and a quality compact built form.

A Local Centre is provided at the intersection of Coatesville-Riverhead Highway and Riverhead Road. This centre will provide for the establishment of retail to meet the day to day needs of residents and some increased employment opportunities in a central location to enhance walkability.

The precinct provides for a range of residential densities, including higher residential densities close to the Local Centre and the intersection of Coatesville-Riverhead Highway and Riverhead Road. Medium residential densities are enabled in the remainder of the precinct, with height generally limited to two storey development to respond to the built character of the existing Riverhead settlement.

There are two Sub-precincts within the Riverhead Precinct:

- Sub-precinct A is zoned Residential - Terrace Housing and Apartment Building and provides for the greatest height and residential densities at a key intersection location adjacent to the Local Centre Zone and public transport facilities. A wider range of non-residential activities is provided for at ground floor.
- Sub-precinct B is zoned Residential Mixed Housing Suburban and provides for a transition in building height between Sub-precinct A and the surrounding Mixed Housing Suburban area where height has been limited to two storeys to respond to the existing built character of the Riverhead settlement.

The precinct emphasises the need for development to contribute to a unique sense of place for Riverhead acknowledging the presence of Riverhead Forest, the unnamed tributary of the Rangitopuni Stream and the surrounding rural environment, while integrating with the existing settlement at Riverhead and realising the opportunity to establish green corridors through the precinct. In particular, there is a need to manage stormwater, meet open space needs, and establish connections for all modes of transport through the precinct, and between the precinct and the existing settlement of Riverhead.

The precinct seeks to enable the transition from rural to urban development, while recognising the cultural values and relationships that Te Kawerau ā Maki, Ngāti Whātua o Kaipara and other interested iwi have with the land in Riverhead as part of the Māori cultural landscape. The wider Riverhead area is an important cross-roads to different cultural districts being situated between Te Awa Kumeū (Kumeū River) and Manga Rangitōpuni (Rangitōpuni Stream) on the productive alluvial plains between Pukeharakeke and Te Ahu (the Riverhead Forest hillcountry) and Nga Rau Pou ā Maki (the Waitākere Ranges). This wider area contains important historical kāinga, pā, ara and tōanga (travel routes), wāhi tapu, and food and resource gathering areas. This includes peacemaking areas such as Rangitōpuni between Te Kawerau ā Maki and Te Taou, important Te Kawerau pūrakau such as related to Ruarangi hāerere, and Treaty Settlement assets including the adjacent Riverhead Forest.

Cultural values and associations encompass the geological, ecological, and wāhi tupuna within and adjoining the precinct. In particular Te Tōangaroa (Kaipara Portage) which crosses east-west near the southern part of the precinct and the Papakoura Awa in the north.

The transport and other infrastructure networks within Riverhead will be progressively upgraded over time to support development in the precinct. The precinct includes provisions to ensure that the subdivision and development of land for development is coordinated with the transport and infrastructure upgrades necessary to manage potential adverse effects on the wider transport network.

The zoning of land within this precinct is Residential – Terrace Housing and Apartment Building, Residential – Mixed Housing Suburban, Business – Local Centre and Business – Neighbourhood Centre.

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

## **IX.2. Objectives**

- (1) Riverhead Precinct is a well-functioning urban environment that integrates with the existing Riverhead settlement, the natural environment and respects Mana Whenua values.
- (2) A variety of housing types and sizes are provided that respond to:
  - (a) Housing needs and demand; and
  - (b) The neighbourhood's planned built character.
- (3) Activities in the Business – Local Centre zone provide local employment opportunities and complement the function, role and amenity of the City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone.
- (4) Access to and from the precinct occurs in a safe, effective and efficient manner for all modes of transport.
- (5) Subdivision and development are coordinated with the supply of sufficient transport, water, energy and communications infrastructure.
- (6) Stormwater is managed to avoid, as far as practicable, or otherwise minimise or mitigate, adverse effects on the receiving environment.
- (7) Identified ecological values within wetland and stream habitats are protected, restored and enhanced.
- (8) Development is supported by social facilities, including education and healthcare facilities.
- (9) Te Kawerau ā Maki and Ngāti Whātua ō Kaipara (as well as any other relevant tangata whenua) cultural values and their relationship associated with the Māori cultural landscapes, including ancestral lands, water, sites, wāhi tapu, and other taonga, in the Riverhead Precinct are identified, recognised, protected, and enhanced.

### **IX.3. Policies**

#### *Land Use*

- (1) Provide for high density residential development and supporting non-residential activities compatible with residential amenity values in Sub-precinct A.
- (2) Enable a variety of housing types with a mix of densities within the precinct including attached and detached dwellings, and apartments.
- (3) Encourage appropriately-scaled office activities, including co-working spaces, to establish in the Local Centre zone to provide local employment opportunities and support the surrounding land uses in Riverhead Precinct.

#### *Transport, infrastructure and staging*

- (4) Require the occupation of buildings in the precinct to be coordinated with required transport infrastructure upgrades to minimise the adverse effects of development on the safety, efficiency and effectiveness of the surrounding road network.
- (5) Require subdivision and development in the precinct to be coordinated with the provision of sufficient stormwater, wastewater, water supply, energy and telecommunications infrastructure.
- (6) Provide for new social facilities, including education facilities, that meet the needs of the community.

#### *Street network, built form and open space*

- (7) Require the main collector roads to be generally in the location shown in IX.10.2 Riverhead: Precinct plan 2, while allowing for variation where it would achieve a highly-connected street layout that integrates with the surrounding transport network.
- (8) Require the key local roads and pedestrian connections to be generally in the location shown in IX.10.2 Riverhead: Precinct plan 2, while allowing for variation where it would achieve a highly connected street layout that integrates with the surrounding transport network.
- (9) Ensure that development provides a local road network that achieves a highly-connected street layout and integrates with the collector road network within the precinct and the surrounding transport network, and supports the safety and amenity of the open space network.
- (10) Require streets to be attractively designed and to appropriately provide for all transport modes by:
  - (a) providing for safe access for cyclists on collector roads;
  - (b) providing a level of landscaping that is appropriate for the function of the street;  
and
  - (c) providing for the safe and efficient movement of vehicles.
- (11) Provide safe connections to public transport facilities and social infrastructure such as open space and schools.

- (12) In addition to matters (a)-(c) of Policy E38.3.18, ensure that the location and design of publicly accessible open spaces contribute to a sense of place and a quality network of open spaces for Riverhead, including by incorporating natural features such as:
- (a) Wetlands and streams;
  - (b) The Beech tree identified on IX.10.2 Riverhead: Precinct plan 2, where possible; and
  - (c) Any other mature trees that are worthy of retention, where possible.
- (13) Encourage the provision of a continuous and connected multi-purpose green corridor in the locations indicatively shown on IX.10.2 Riverhead: Precinct plan 2, which achieves the following outcomes:
- (a) Integrates stormwater management, passive recreation opportunities and active transport mode connections, to promote the efficient use of land;
  - (b) Provides additional amenity for the key north-south and east-west movement networks;
  - (c) Promotes ecological linkages through the Precinct; and
  - (d) Co-locates smaller open spaces along the multi-purpose green corridor to achieve a connected network of open space.
- (14) Require development adjacent to rural zones to manage potential reverse sensitivity effects on those zones through a building setback.
- (15) Encourage higher buildings which will act as marker buildings at the Coatesville-Riverhead Highway and Riverhead intersection, support the legibility of a new centre and reinforce the role of Memorial Park as the heart of the settlement.
- (16) Encourage building heights throughout the Mixed Housing Suburban zone that:
- (a) Provide for three storey development within Sub-precinct B to enable a transition in height between the five and two storey development in the adjacent areas.
  - (b) Enable three storey development within the Mixed Housing Suburban zone where sites overlook public open space to take advantage of amenity and outlook of public open spaces and promote passive surveillance.

#### *Stormwater management*

- (17) Require subdivision and development to be consistent with the water sensitive approach outlined in the supporting stormwater management plan, including:
- (a) Providing a central stormwater management treatment spine through the precinct in general accordance with the multi-purpose green corridor in the locations indicatively shown on IX.10.2 Riverhead: Precinct plan 2;
  - (b) Applying water sensitive design to achieve water quality and hydrology mitigation;
  - (c) Requiring the use of inert building materials to eliminate or minimise the generation and discharge of contaminants;

- (d) Requiring treatment of runoff from public road carriageways and publicly accessible carparks by a water quality device designed in accordance with GD01;
- (e) Requiring runoff from other trafficked impervious surfaces to apply a water sensitive approach to treat contaminant generating surfaces, including cumulative effects of lower contaminant generating surfaces;
- (f) Providing indigenous planting on the riparian margins of permanent or intermittent streams; and
- (g) Ensuring development is coordinated with sufficient stormwater infrastructure.

*Ecology*

- (18) Contribute to improvements to water quality, habitat and biodiversity, including by providing indigenous planting on the riparian margins of permanent and intermittent streams.

*Mana Whenua values*

- (19) Recognise, protect and enhance the cultural values and relationships associated with the cultural landscapes at Riverhead by:
  - (a) Including Te Kawerau ā Maki and Ngāti Whātua ō Kaipara (and any other relevant tangata whenua) in resource consenting, including through provision of cultural impact assessments or other engagement;
  - (b) Acknowledging the key views and spiritual connection identified on IX.10.1 Riverhead: Precinct plan 1 in the layout and/or design of development; in particular, sightlines to Te Ahu and Pukeharakeke, and connections to Papakoura Awa and Te Tōangaroa;
    - (i) Providing opportunities to express the relationship of Mana Whenua with the precinct through the establishment of a cultural narrative and/or art, including but not limited to:
      - (ii) The cross roads between several takiwa including Kaipara, Waitākere, Te Whenua Roa ō Kahu, and on to Waitematā;
      - (iii) Ancient footprints of the tūpuna of Te Kawerau ā Maki and Ngāti Whātua ō Kaipara;
      - (iv) Connections to the hills to the north and the awa;
      - (v) References to the natural features or resources of cultural significance;
  - (c) Identifying opportunities early to incorporate traditional names or other names put forward by Te Kawerau ā Maki and Ngāti Whātua ō Kaipara into open space areas, roads, or other community spaces;
  - (d) Taking an integrated approach to the management stormwater which protects and enhances the mauri of freshwater, in particular with regard to Papakoura Awa; and
  - (e) Ensuring the design of streets and publicly accessible open spaces incorporates Te Aranga design principles.



#### IX.4. Activity table

All relevant overlay, Auckland-wide and zone activity tables apply in this precinct except for the following:

##### All Sub-Precincts

- H4 Residential – Mixed Housing Suburban Zone:
  - H4.4.1(A3) Up to three dwellings per site
  - H4.4.1(A4) Four or more dwellings per site

##### Sub-precinct A

- H6 Residential – Terrace Housing and Apartment Buildings Zone:
  - H6.4.1(A15) Restaurants and cafes up to 100m<sup>2</sup> gross floor area per site
  - H6.4.1(A25) Healthcare facilities up to 200m<sup>2</sup> gross floor area per site

Activity Table IX.4.1 specifies the activity status of subdivision and development in the Riverhead Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

**Table IX.4.1 Activity table – Precinct-wide activities**

Activity		Activity status
<b>Development</b>		
(A1)	New buildings prior to subdivision	RD
(A2)	Infringements to IX6.2 Road Widening Setback along Riverhead Road	D
(A2A)	Buildings for up to 3 residential dwellings per site in the Mixed Housing Suburban Zone	P
(A2B)	Buildings for more than 3 residential dwellings per site in the Mixed Housing Suburban Zone that comply with Standards IX6.7. Building height within the Mixed Housing Suburban Zone, IX6.8. Height in Relation to Boundary within the Mixed Housing Suburban Zone, IX6.9. Yards within the Mixed Housing Suburban Zone	RD
<b>Subdivision</b>		
(A3)	Subdivision, including subdivision establishing private roads	RD
(A4)	Subdivision and development that does not comply with Standard IX.6.1(1) Staging of Development with Transport Upgrades	D
(A5)	Subdivision and development that does not comply with Standard IX.6.1(2)-(6) Staging of Development with Transport Upgrades	RD

(A6)	Subdivision and development that does not comply with Appendix 1: Road function and design elements table - Internal roads within Precinct, and / or Appendix 2: Road function and design elements table - External roads to the Precinct	RD
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**Table IX.4.2 Activity table – Sub-precinct A activities**

Activity		Activity status
<b>Commerce</b>		
(A7)	Restaurants and cafes up to 250m <sup>2</sup> gross floor area per site	P
(A8)	Retail up to 100m <sup>2</sup> gross floor area per site	P
<b>Community</b>		
(A9)	Healthcare facility up to 250m <sup>2</sup>	RD

#### **IX.5. Notification**

- (1) Any application for a restricted discretionary activity listed in Table IX.4.1 Activity table above, will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table IX.4.1 Activity table above and which is not listed in IX.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding on who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **IX.6. Standards**

All relevant overlay, Auckland-wide and zone standards apply in this precinct except for the following:

##### ***Precinct-wide***

- H4 Residential – Mixed Housing Suburban Zone Standards:
  - H4.6.4 Building height
  - H4.6.5 Height in relation to boundary
  - H4.6.6 Alternative height in relation to boundary
  - H4.6.7 Yards
  - H4.6.8 Maximum impervious area
  - H4.6.9 Building coverage

- H4.6.10 Landscaped area
- H4.6.11 Outlook space
- H4.6.13 Outdoor living space
- E27.6.1 – Trip Generation

All activities, except activities listed in Activity Table IX.4.1 (A2B), listed as permitted and restricted discretionary in Activity Table IX.4.1, Activity Table IX.4.2, Activity Table H11.4.1, Activity Table H12.4.1, Activity Table H6.4.1 and Activity Table H4.4.1 must comply with the following permitted activity standards.

Activities listed in Activity Table IX.4.1(A2B) are not required to comply with standards IX6.10. Building coverage within the Mixed Housing Suburban Zone, IX6.11. Landscaped area within the Mixed Housing Suburban Zone, IX6.12. Maximum impervious area within the Mixed Housing Suburban Zone, IX6.13. Outlook space within the Mixed Housing Suburban Zone, IX6.14. Outdoor living space within the Mixed Housing Suburban Zone, IX6.15. Windows to the street within the Mixed Housing Suburban Zone, H5.6.13 Daylight, H5.6.15 Front, side and rear fences and walls, and H5.6.16 Minimum dwelling size, but must comply with all the other following permitted activity standards.

### **IX.6.1. Standards**

#### **IX.6.1. Staging of development with transport upgrades**

Purpose: To manage the adverse effects of traffic on the safety and efficiency of the surrounding road network for all modes of transport by ensuring subdivision and development is coordinated with transport infrastructure.

- (1) Prior to occupation of a dwelling within the Riverhead Precinct, the following transport infrastructure must be constructed and operational:
  - (a) Upgrade of the Coatesville-Riverhead Highway / Main Road (SH16) intersection to a roundabout, as part of the SH16 Brigham Creek to Waimauku project, led by Waka Kotahi NZ Transport Agency.
  - (b) Upgrade of the Coatesville-Riverhead Highway / Old Railway Road intersection to provide a right turn bay.
  - (c) Upgrade of the Coatesville-Riverhead Highway / Riverland Road intersection to provide a right turn bay.
- (2) Prior to occupation of a building on a site with vehicle access to and/or from Coatesville-Riverhead Highway, the following road infrastructure upgrades must be constructed and operational:
  - (a) Upgrade and urbanise Coatesville-Riverhead Highway from 80m south of Short Road to the Coatesville-Riverhead Highway / Riverhead Road roundabout, including walking/cycling infrastructure, gateway treatment and public transport infrastructure in accordance with IX.10.3 Riverhead: Precinct plan 3 and IX.11.2 Appendix 2; and
  - (b) Upgrade and urbanise the Coatesville-Riverhead Highway / Riverhead Road roundabout, in accordance with IX.10.3 Riverhead: Precinct plan 3 and IX.11.2 Appendix 2.

- (3) Prior to occupation of a building on a site with vehicle access to and/or from Riverhead Road, the following road infrastructure upgrades must be constructed and operational:
- (a) Upgrade and urbanise Coatesville-Riverhead Highway from 80m south of Short Road to the Coatesville-Riverhead Highway / Riverhead Road roundabout, including walking/cycling infrastructure, gateway treatment and public transport infrastructure in accordance with IX.10.3 Riverhead: Precinct plan 3 and IX.11.2 Appendix 2; and
  - (b) Upgrade and urbanise the Coatesville-Riverhead Highway / Riverhead Road roundabout, in accordance with IX.10.3 Riverhead: Precinct plan 3 and IX.11.2 Appendix 2; and
  - (c) Upgrade and urbanise Riverhead Road, from the eastern boundary of 307 Riverhead Road to Coatesville-Riverhead Highway, including walking/cycling infrastructure, gateway threshold treatment, and public transport infrastructure in accordance with IX.10.3 Riverhead: Precinct plan 3.
- (4) Prior to occupation of a building on a site with vehicle access to and/or from Lathrope Road, the following road infrastructure upgrades must be constructed and operational:
- (a) Upgrade Lathrope Road between Riverhead Road and the new access point, in accordance with IX.10.3 Riverhead: Precinct plan 3 and Appendix 2; and
  - (b) Upgrade the Riverhead Road/Lathrope Road intersection to a Give-Way controlled intersection, in accordance with IX.10.3 Riverhead: Precinct plan 3 and IX.11.2 Appendix 2.
- (5) Prior to occupation of a building on a site with vehicle access to and/or from Cambridge Road, the following road infrastructure upgrades must be constructed and operational:
- (a) A new footpath on the western side of Cambridge Road between Queen Street and Riverhead Road in accordance with IX.10.3 Riverhead: Precinct plan 3;
  - (b) Upgrade and urbanise the existing carriageway of the formed portion of Cambridge Road south of Queen Street to an urban standard, in accordance IX.10.3 Precinct Plan 3;
  - (c) A new footpath on the northern side of Queen Street between Coatesville-Riverhead Highway and Cambridge Road in accordance with IX.10.3 Riverhead: Precinct plan 3; and
  - (d) An additional pedestrian crossing facility on Coatesville-Riverhead Highway between Edward Street and Princes Street.

#### **IX6.2. Road widening setback along Riverhead Road**

Purpose: To provide for the future required widening of Riverhead Road.

- (1) A 2m wide road widening setback must be provided along that part of the frontage of the land adjoining Riverhead Road shown as subject to the 'Required Road Widening' notation on the IX.10.3 Riverhead: Precinct plan 3.

- (2) The setback must be measured from the legal road boundary that existed at the year of 2022. No buildings, structures or parts of a building shall be constructed within this 2m wide setback.
- (3) Any minimum front yard setback required in the underlying zoning for the land adjoining Riverhead Road shall be measured from this 2m wide road widening setback.

#### **IX.6.3. Riparian margin**

Purpose: To contribute to improvements to water quality, habitat and biodiversity.

- (1) Riparian margins of permanent or intermittent streams must be planted either side to a minimum width of 10m measured from the top of bank of the stream, provided that:
  - (a) This rule shall not apply to road crossings over streams;
  - (b) Walkways and cycleways must not locate within the riparian planting area; and
  - (c) The riparian planting area is vested in Council or protected and maintained in perpetuity by an appropriate legal mechanism.

#### **IX.6.4. Stormwater quality**

Purpose: To ensure that stormwater is managed and treated prior to discharge to maintain and enhance the health and ecological values of the receiving environment.

- (1) Stormwater runoff from new, or redeveloped, high contaminant generating carparks, all publicly accessible carparks exposed to rainfall, and all roads must be treated with a stormwater management device(s) meeting the following standards:
  - (a) The device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
  - (b) Where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.
- (2) For all other trafficked impervious surfaces, water quality treatment in accordance with the approved stormwater management plan must be installed.
- (3) New buildings, and additions to buildings must be constructed using inert cladding, roofing, spouting and building materials that avoid the use of high contaminant yielding building products which have:
  - (a) Exposed surface(s) or surface coating of metallic zinc of any alloy containing greater than 10% zinc; or
  - (b) Exposed surface(s) or surface coating of metallic copper or any alloy containing greater than 10% copper; or
  - (c) Exposed treated timber surface(s) or any roof material with a copper-containing or zinc-containing algaecide.

### IX.6.5. Rural interface setback

Purpose: To provide a buffer between residential activities within the Precinct and the neighbouring Mixed Rural zone to mitigate reverse sensitivity effects.

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table IX.6.5.1.

**Table IX.6.5.1 Rural Interface Setback**

<b>Yard</b>	<b>Minimum depth</b>
Rear	5m where the rear boundary adjoins the Rural – Mixed Rural Zone
Side	5m where the side boundary adjoins the Rural – Mixed Rural Zone

Note 1: A side or rear yard is only required along that part of the side or rear boundary adjoining the Rural – Mixed Rural Zone.

### IX.6.6. Fences adjoining publicly accessible open space

Purpose: To ensure development positively contributes to the visual quality and interest of publicly accessible open spaces.

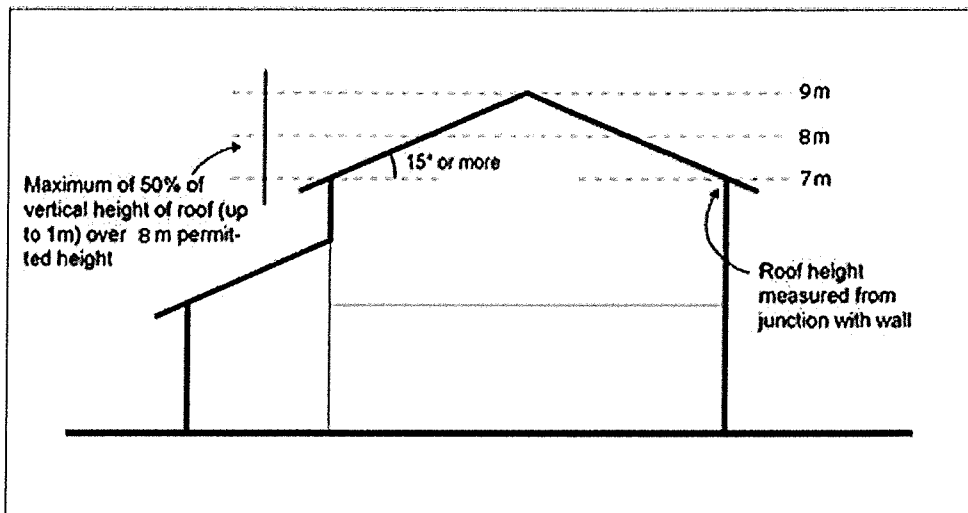
- (1) Fences, or walls, or a combination of these structures, within a side or rear yard adjoining a publicly accessible open space (excluding roads) must not exceed the heights specified below, measured from the ground level at the boundary:
  - (a) 1.2m in height, or;
  - (b) 1.8m in height if the fence is at least 50 per cent visually open.

### IX.6.7. Building height within the Mixed Housing Suburban Zone

Purpose: To manage the height of buildings to achieve an urban built character of generally two storeys, with three storey development adjoining the Terrace Housing and Apartment Building zone and the Local Centre zone to enable a transition in height between the five and two storey development in the adjacent areas.

- (1) In Sub-precinct B, Standard H5.6.4. Building height applies.
- (2) In the remainder of the Residential – Mixed Housing suburban zone, buildings must not exceed 8m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown on the following diagram:

**Figure IX 6.7.1 Building height in the Mixed Housing Suburban Zone not located within Sub-precinct B.**



#### IX6.8. Height in Relation to Boundary within the Mixed Housing Suburban Zone

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual dominance effects to immediate neighbours.

- (1) Standard H5.6.5 Height in relation to boundary applies within the Mixed Housing Suburban zone.

#### IX6.9. Yards within the Mixed Housing Suburban Zone

Purpose:

- to create a suburban streetscape character and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table IX.6.9.1 Yards below.

Table IX.6.9.1 Yards

Yard	Minimum depth
Front	2.5m
Side	1m
Rear	1m
Riparian	10m from the edge of all permanent and intermittent streams

Lakeside	30m
Coastal protection yard	10m

#### **IX6.10. Building coverage within the Mixed Housing Suburban Zone**

Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space

- (1) Standard H5.6.10(1) Building coverage applies within the Mixed Housing Suburban zone.

#### **IX6.11. Landscaped area within the Mixed Housing Suburban Zone**

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings within a generally spacious setting; and
  - to maintain the landscaped character of the streetscape within the zone.
- (1) A dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- (2) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling.

#### **IX6.12. Maximum impervious area within the Mixed Housing Suburban Zone**

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
  - to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
  - to reinforce the building coverage and landscaped area standards;
  - to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.
- (1) Standard H5.6.9 Maximum impervious area applies within the Mixed Housing Suburban zone.

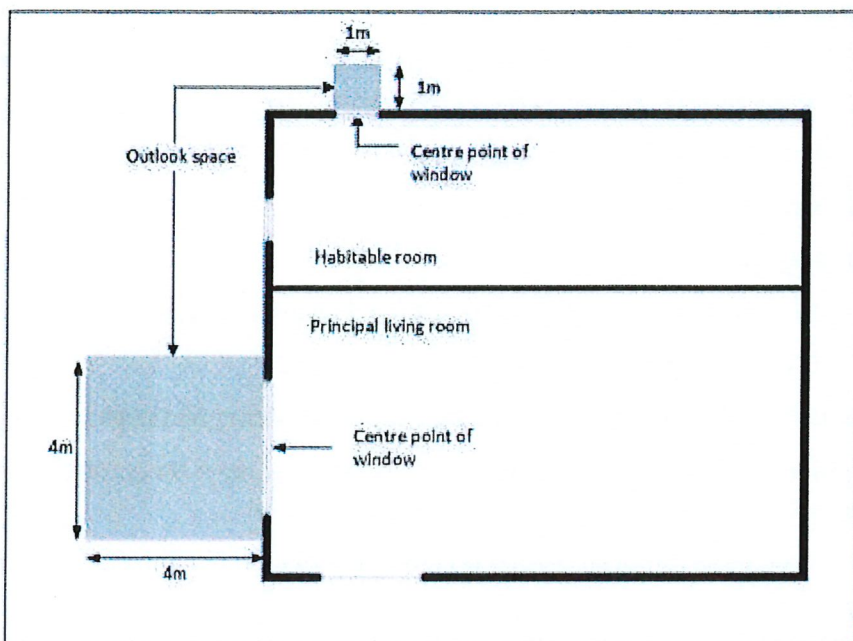
#### **IX6.13. Outlook space within the Mixed Housing Suburban Zone**

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with the daylight standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.



- (1) An outlook space must be provided for each dwelling as specified in this clause.
- (2) An outlook space must be provided from habitable room windows as shown in the diagram below:



- (3) The minimum dimensions for a required outlook space are as follows:
  - (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must—
  - (a) be clear and unobstructed by buildings; and
  - (b) not extend over an outlook space or outdoor living space required by another dwelling.

#### **IX6.14. Outdoor living space within the Mixed Housing Suburban Zone**

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight,

and is accessible from the dwelling.

- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—
  - (a) where located at ground level, has no dimension less than 3 metres; and
  - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (c) is accessible from the dwelling; and
  - (d) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
  - (a) is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (b) is accessible from the dwelling; and
  - (c) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
    - (ii) located directly adjacent to the unit.

#### **IX6.15. Windows to the street within the Mixed Housing Suburban Zone**

Purpose: To provide for passive surveillance while maintaining privacy for residents and users.

- (1) Any dwelling facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

#### **IX.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

#### **IX.8. Assessment – restricted discretionary activities**

##### **IX.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

- (1) Healthcare facility up to 250m<sup>2</sup>:
  - (a) Matters of discretion H6.8.1(1) apply.
- (2) For new buildings prior to subdivision; and subdivision, including subdivision establishing private roads:

- (a) Location and design of the collector road, key local roads and connections with neighbouring sites to achieve an integrated street network, and appropriately provide for all modes;
  - (b) Provision of cycling and pedestrian networks;
  - (c) Open space network;
  - (d) Stormwater and flooding effects;
  - (e) Servicing;
  - (f) Trees;
  - (g) The effects on cultural values and Māori Cultural Landscape values; and
  - (h) Matters of discretion IX.8.1(1)(a)-(g) apply in addition to the matters of discretion in E38.12.1.
- (3) For four or more dwellings on a site:
- (a) The effects on the neighbourhood character, residential amenity, safety, and the surrounding residential areas from all of the following
    - (i) Building intensity, scale, location, form and appearance;
    - (ii) Traffic; and
    - (iii) Location and design of parking and access.
  - (b) All of the following standards:
    - (i) Standard IX.6.10. Building coverage within the Mixed Housing Suburban Zone;
    - (ii) Standard IX.6.11. Landscaped area within the Mixed Housing Suburban Zone;
    - (iii) Standard IX.6.12. Maximum impervious area within the Mixed Housing Suburban Zone;
    - (iv) IX.6.13. Outlook space within the Mixed Housing Suburban Zone;
    - (v) Standard IX.6.14. Outdoor living space within the Mixed Housing Suburban Zone;
    - (vi) Standard IX.6.15. Windows to the street within the Mixed Housing Suburban Zone; and
    - (vii) Standard H5.6.13 Daylight;
    - (viii) Standard H5.6.15 Front, side and rear fences and walls; and
    - (ix) Standard H5.6.16 Minimum dwelling size.
  - (c) Infrastructure and servicing.
- (4) For occupation of dwellings that does not comply with Standard IX.6.1.(2)-(6) Staging of development with transport upgrades, Appendix 1: Road function and design elements table - Internal roads within Precinct, and / or Appendix 2: Road function and design elements table - External roads to the Precinct:

- (a) Effects of traffic generation on the safety and operation of the surrounding road network;
  - (b) Effects on pedestrian and cyclist connectivity and safety; and
  - (c) Effects on public transport.
- (5) For development that does not comply with Standard IX6.3. Riparian margins:
- (a) Effects on water quality and stream habitat.
- (6) For development that does not comply with Standard IX6.4. Stormwater quality:
- (a) Matters of discretion E9.8.1(1) apply.
- (7) For development that does not comply with Standard IX6.5. Rural interface setback:
- (a) Reverse sensitivity effects.
- (8) Infringement of Standard IX.6.6. Fences adjoining publicly accessible open space:
- (a) Effects on the amenity and safety of the open space.
- (9) Infringement of Standard IX6.7. Building height within the Mixed Housing Suburban Zone:
- (a) Within Sub-precinct B:
    - (i) Matters of discretion H5.8.1(2)(a) apply.
  - (b) Within the remainder of the Mixed Housing Suburban zone:
    - (i) The design and layout of buildings and development insofar as it affects the existing and future amenity values of open spaces; any policy which is relevant to the standard;
    - (ii) the purpose of the standard;
    - (iii) the effects of the infringement of the standard;
    - (iv) the effects on the planned built character of the zone;
    - (v) the effects on the amenity of the neighbouring sites;
    - (vi) the effects of any special or unusual characteristic of the site which is relevant to the standard;
    - (vii) the characteristics of the development; and
    - (viii) any other matters specifically listed for the standard.
- (10) Infringement of Standard H6.5.5. Building height:
- (a) Matters of discretion H6.8.1(4) apply.
- (11) Infringement of Standard H11.6.1. Building height:
- (a) Matters of discretion H11.8.1(8) apply.
- (12) Infringement of Standard IX6.8. Height in Relation to Boundary within the Mixed Housing Suburban Zone:
- (a) any policy which is relevant to the standard;

- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (d) the effects on the planned built character of the zone;
- (e) the effects on the amenity of the neighbouring sites;
- (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (g) the characteristics of the development; and
- (h) any other matters specifically listed for the standard.

(13) Infringement of Standard IX6.9. Yards within the Mixed Housing Suburban Zone; IX6.10. Building coverage within the Mixed Housing Suburban Zone; IX6.11. Landscaped area within the Mixed Housing Suburban Zone; IX6.12. Maximum impervious area within the Mixed Housing Suburban Zone; IX6.13. Outlook space within the Mixed Housing Suburban Zone; IX6.14. Outdoor living space within the Mixed Housing Suburban Zone; IX6.15. Windows to the street within the Mixed Housing Suburban Zone:

- (a) Matters of discretion H5.8.1(4) apply.

#### **IX.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

- (1) Healthcare facility up to 250m<sup>2</sup>:
  - (a) Assessment criteria H6.8.2(1) apply.
- (2) For new buildings prior to subdivision, and subdivision, including subdivision establishing private roads:

##### *Māori cultural landscape values*

- (a) The extent to which Māori cultural landscape values and associations of Te Kawerau ā Maki and Ngāti Whātua ō Kaipara (as well as any other relevant tangata whenua) with land and water are recognised and provided for including but not limited to:
  - (i) The key views and spiritual connection identified on IX.10.1 Riverhead: Precinct plan 1;
  - (ii) The cross roads between several takiwa including Kaipara, Waitakere, Te Whenua Roa o Kahu, and on to Waitemata;
  - (iii) Ancient footprints of the tūpuna of Te Kawerau ā Maki and Ngāti Whātua ō Kaipara;
  - (iv) Connections to the hills to the north and the awa;
  - (v) Freshwater quality; and
  - (vi) Mauri, particularly in relation to freshwater.

- (b) The ability to incorporate mātauranga Māori and tikanga Māori, recognising and providing for the outcomes articulated by Mana Whenua;
- (c) Whether consideration of practicable alternative methods, locations or designs that would avoid or mitigate the impact on the identified Māori cultural landscape values;
- (d) The extent to which streets and public open spaces recognise the relationship of Mana Whenua with the Māori cultural landscape including through:
  - (i) The incorporation of design elements, art works, naming and historical information to reflect the values and relationship mana whenua have with the Riverhead area;
  - (ii) Locating and orientating streets and public open spaces to reference and respect the Māori cultural landscape values identified in IX.10.1 Riverhead: Precinct plan 1 where practicable;
  - (iii) Indigenous landscaping, vegetation and design including removal and replanting; and
  - (iv) Maintenance of views and connections to and between important sites, places and areas, wāhi tapu and other taonga.

*Location of roads*

- (e) Whether the collector road, key local road and key pedestrian connections are provided generally in the location shown on IX.10.2 Riverhead: Precinct Plan 2 to achieve a highly connected street layout that integrates with the surrounding transport network. An alternative alignment that provides an equal or better degree of connectivity and amenity within and beyond the precinct may be appropriate, having regard to the following functional matters:
  - (i) The presence of natural features, natural hazards or contours and how this impacts the placement of roads;
  - (ii) The need to achieve an efficient block structure and layout within the precinct suitable to the proposed activities; and
  - (iii) The constructability of roads and the ability for it to be delivered by a single landowner.
- (f) Whether a high quality and integrated network of local roads is provided within the precinct that has a good degree of accessibility and supports a walkable street network. Whether roads are aligned to provide visual and physical connections to open spaces, including along the stream network, where the site conditions allow.

*Design of roads*

- (g) Whether the design of new collector and local roads accord with the road design details provided in IX.11.1 Appendix 1.
- (h) Whether the layout of the street network provides a good degree of accessibility and supports a walkable street network. As a general principle,

the length of a block should be no greater than 200m, and the perimeter of the block should be no greater than 600m.

*Open space network*

- (i) Whether open spaces are provided in the locations generally consistent with the indicative locations shown on IX.10.2 Riverhead: Precinct plan 2.
- (j) Neighbourhood and suburb parks should have adequate street frontage to ensure they are visually prominent and safe.
- (k) Whether multi-purpose green corridors are provided in a manner consistent with Policy IX.3(13).

*Trees*

- (l) Whether the Beech Tree identified on IX.10.2 Riverhead: Precinct plan 2, is retained where possible.

*Stormwater and flooding*

- (m) Whether development is in accordance with the approved Stormwater Management Plan and Policies E1.3(1)-(14).
- (n) The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation and integration with the surrounding environment.
- (o) Whether the proposal ensures that development manages flooding effects upstream or and downstream of the site and in the Riverhead precinct so that the risks to people and property (including infrastructure) are not increased for all flood events, up to a 100-year ARI flood event.
- (p) The location, size, design and management of any interim flood attenuation areas that may be necessary to ensure that development does not increase flooding risks prior to upgrades of culverts.

*Servicing*

- (q) Whether adequate water supply and wastewater infrastructure is provided at the time of subdivision or development.
- (3) For four or more dwellings on a site:
- (a) The extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:
    - (i) Standard IX6.10. Building coverage within the Mixed Housing Suburban Zone;
    - (ii) Standard IX6.11. Landscaped area within the Mixed Housing Suburban Zone;
    - (iii) Standard IX6.12. Maximum impervious area within the Mixed Housing Suburban Zone;
    - (iv) Standard IX6.13. Outlook space within the Mixed Housing Suburban Zone;

- (v) Standard IX6.14. Outdoor living space within the Mixed Housing Suburban Zone;
  - (vi) Standard IX6.15. Windows to the street within the Mixed Housing Suburban Zone;
  - (vii) Standard H5.6.13 Daylight;
  - (viii) Standard H5.6.15 Front, side and rear fences and walls; and
  - (ix) Standard H5.6.16 Minimum dwelling size.
- (b) The extent to which the development contributes to a variety of housing types at higher densities in the zone and is in keeping with the neighbourhood's planned built character of predominantly two storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.
- (c) The extent to which development achieves attractive and safe streets and public open space by:
- (i) providing doors, windows and/or balconies facing the street and public open spaces.
  - (ii) minimising tall, visually impermeable fences.
  - (iii) designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.
  - (iv) optimising front yard landscaping.
  - (v) providing safe pedestrian access to buildings from the street.
  - (vi) minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings as viewed from streets or public open spaces.
- (d) The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites;
- (e) The extent to which dwellings:
- (i) Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling.
  - (ii) Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space.
  - (iii) Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.
  - (iv) Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screens from streets and public open spaces.



- (f) The extent to which outdoor living space:
    - (i) Provides for access to sunlight.
    - (ii) Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.
    - (iii) When provided at ground level, is located on generally flat land or otherwise functional.
  - (g) refer to Policy H5.3(7); and
  - (h) infrastructure and servicing:
    - (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
    - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.
- (4) For development and subdivision that does not comply with Standard IX.6.1(2)-(6) Staging of Development with Transport Upgrades, Appendix 1: Road function and design elements table - Internal roads within Precinct, and / or Appendix 2: Road function and design elements table - External roads to the Precinct:
- (a) A proposal that does not comply with IX.6.1 Staging of development with transport upgrades will be assessed in terms of the matters below, as informed by an Integrated Transport Assessment.
  - (b) Whether the proposal is in accordance with Policy IX.3(4) in addition to any relevant AUP policy that is within the scope of the matters of discretion in IX.8.1(3).
  - (c) Whether safe connections can be achieved to public transport services, schools and community facilities within Riverhead.
  - (d) The extent to which public transport facilities on Coatesville Riverhead Highway fronting the Precinct are of a high standard including shelter, hardstand and seating.
  - (e) The extent to which localised intersection widening will allow for safe, protected active-mode facilities and bus stop infrastructure on Coatesville-Riverhead Highway. The extent to which localised intersection widening will allow for safe, protected active-mode facilities on Riverhead Road.
  - (f) Whether the transport network at key intersections within Riverhead can operate safely and efficiently during the inter-peak period, with an overall intersection Level of Service (LOS) no worse than LOS D. The key intersections to consider include Coatesville Riverhead Highway/Riverhead Road, Coatesville Riverhead Highway/Riverhead Point Drive and Riverhead Road/Lathrope Road.
  - (g) The extent to which safety improvements have been implemented at the Coatesville Riverhead Highway/SH16 intersection.

- (h) The extent to which interim transport upgrades which achieve (a) – (g) will contribute towards the final transport upgrade.
- (5) For development that does not comply with Standard IX.6.3. Riparian planting:
  - (a) Whether the development is consistent with Policy IX.3(18).
- (6) For development that does not comply with Standard IX.6.4. Stormwater quality:
  - (a) Assessment criteria E9.8.2(1); and
  - (b) Whether the proposal is in accordance with the approved Stormwater Management Plan and Policies E1.3(1)-(10) and (12)-(14).
- (7) For development that does not comply with Standard IX.6.5. Rural interface setback:
  - (a) Refer to Policy IX.3(13).
- (8) Infringement of Standard IX.6.6 Fences adjoining publicly accessible open space:
  - (a) Whether the proposal positively contributes to the visual quality and interest of the adjoining open space, while providing an adequate degree of privacy and security for the development.
- (9) Infringement of Standard IX.6.7. Building height within the Mixed Housing Suburban Zone:
  - (a) Refer to Policy IX.3(16);
  - (b) For sites within Sub-precinct B, assessment criteria H5.8.2(4) apply;
  - (c) For sites within the remainder of the Residential – Mixed Housing Suburban zone, assessment criteria H4.8.2(5) apply.
- (10) Infringement of Standard H6.6.5: Building height:
  - (a) Refer Policy IX.3(15); and
  - (b) Assessment criteria H6.8.2(5) apply.
- (11) Infringement of Standard H11.6.1: Building height:
  - (a) Refer Policy IX.3(15); and
  - (b) Assessment criteria H11.8.2(8)(a) apply.
- (12) Infringement of Standard IX.6.8. Height in Relation to Boundary within the Mixed Housing Suburban Zone:
  - (a) Assessment criteria H4.8.2(6) apply.
- (13) Infringement of Standard IX.6.9. Yards within the Mixed Housing Suburban Zone:
  - (a) Assessment criteria H5.8.2(9) apply.
- (14) Infringement to Standard IX.6.10. Building coverage within the Mixed Housing Suburban Zone:
  - (a) Assessment criteria H5.8.2(11) apply.
- (15) Infringement to Standard IX.6.11. Landscaped area within the Mixed Housing Suburban Zone:

- (a) Assessment criteria H5.8.2(12) apply.
- (16) Infringement of Standard IX6.12. Maximum impervious area within the Mixed Housing Suburban Zone:
- (a) Assessment criteria H5.8.2(10) apply.
- (17) Infringement of Standard IX6.13. Outlook space within the Mixed Housing Suburban Zone:
- (a) Assessment criteria H5.8.2(13) apply.
- (18) Infringement of Standard IX6.14. Outdoor living space within the Mixed Housing Suburban Zone:
- (a) Assessment criteria H5.8.2(15) apply.
- (19) Infringement of Standard IX6.15. Windows to the street within the Mixed Housing Suburban Zone:
- (a) The extent to which the glazing:
- (i) Allows views to the street and/or accessways to ensure passive surveillance; and
  - (ii) Provides a good standard for privacy of occupants.

#### **IX.9 Special information requirements**

(1) Riparian planting plan

An application for land modification, development and subdivision which adjoins a permanent or intermittent stream must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants. Plant species should be native.

(2) Consultation with Waka Kotahi NZ Transport Agency

An application for development, excluding construction activities, which occurs prior to the upgrade of the Coatesville-Riverhead Highway / Main Road (SH16) intersection must be accompanied by a description of consultation undertaken with Waka Kotahi NZ Transport Agency and the outcomes of this consultation.

(3) Large or highly visible commercial or community focused buildings

Design of large or highly visible commercial or community focused buildings or structures or infrastructure shall provide opportunity to Te Kawerau ā Maki and Ngāti Whātua ō Kaipara to integrate cultural design elements.

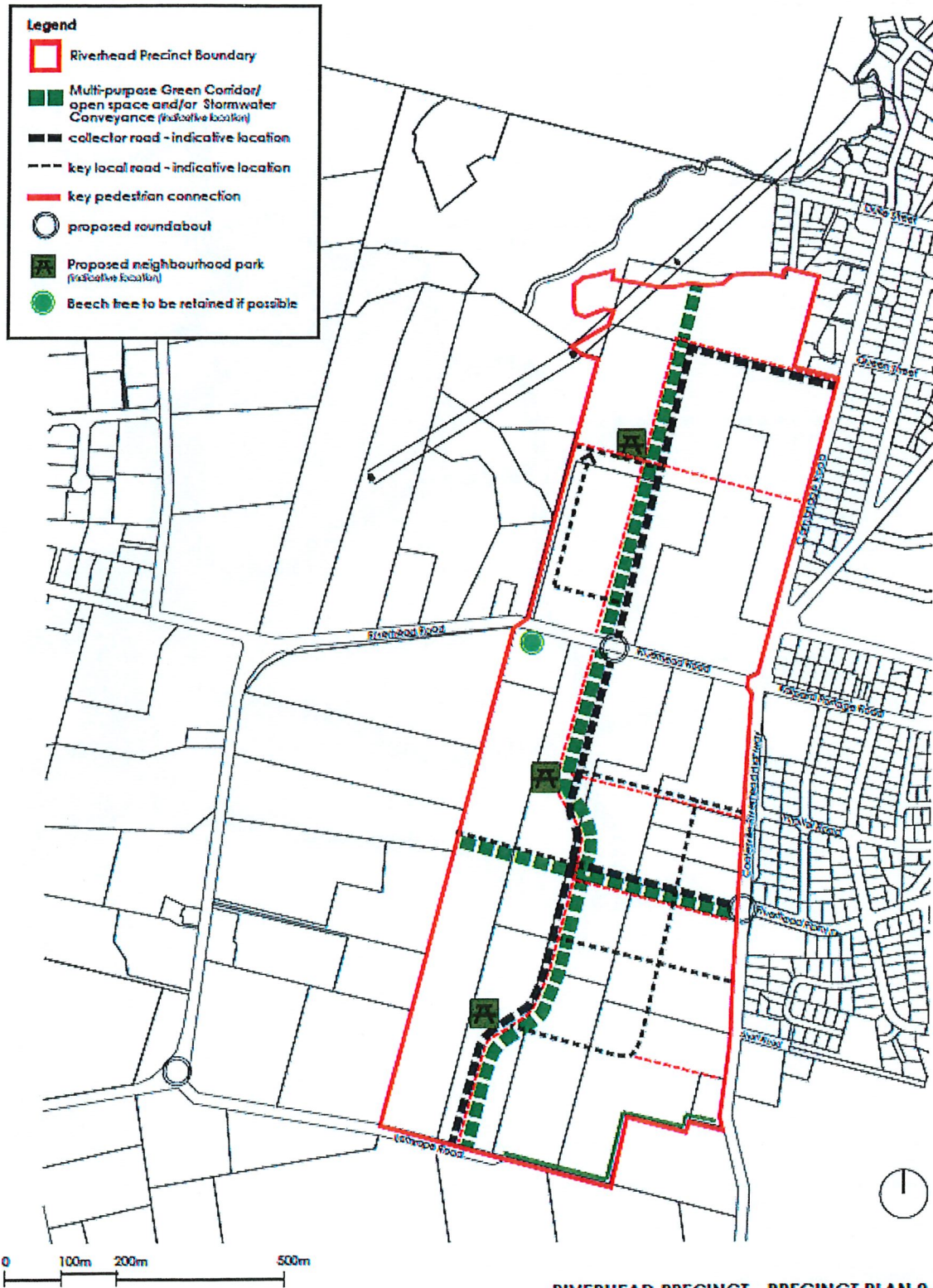
(4) Archaeological assessment

An application for land modification on 22 Duke Street must be accompanied by an archaeological assessment, including a survey. The purpose of this assessment is to evaluate the effects on archaeological values associated with the Waitemata Flour Mill/Riverhead Paper Mill site R10\_721 prior to any land disturbance, and to confirm whether the development will require an Authority to Modify under the Heritage New Zealand Pouhere Taonga Act 2014.



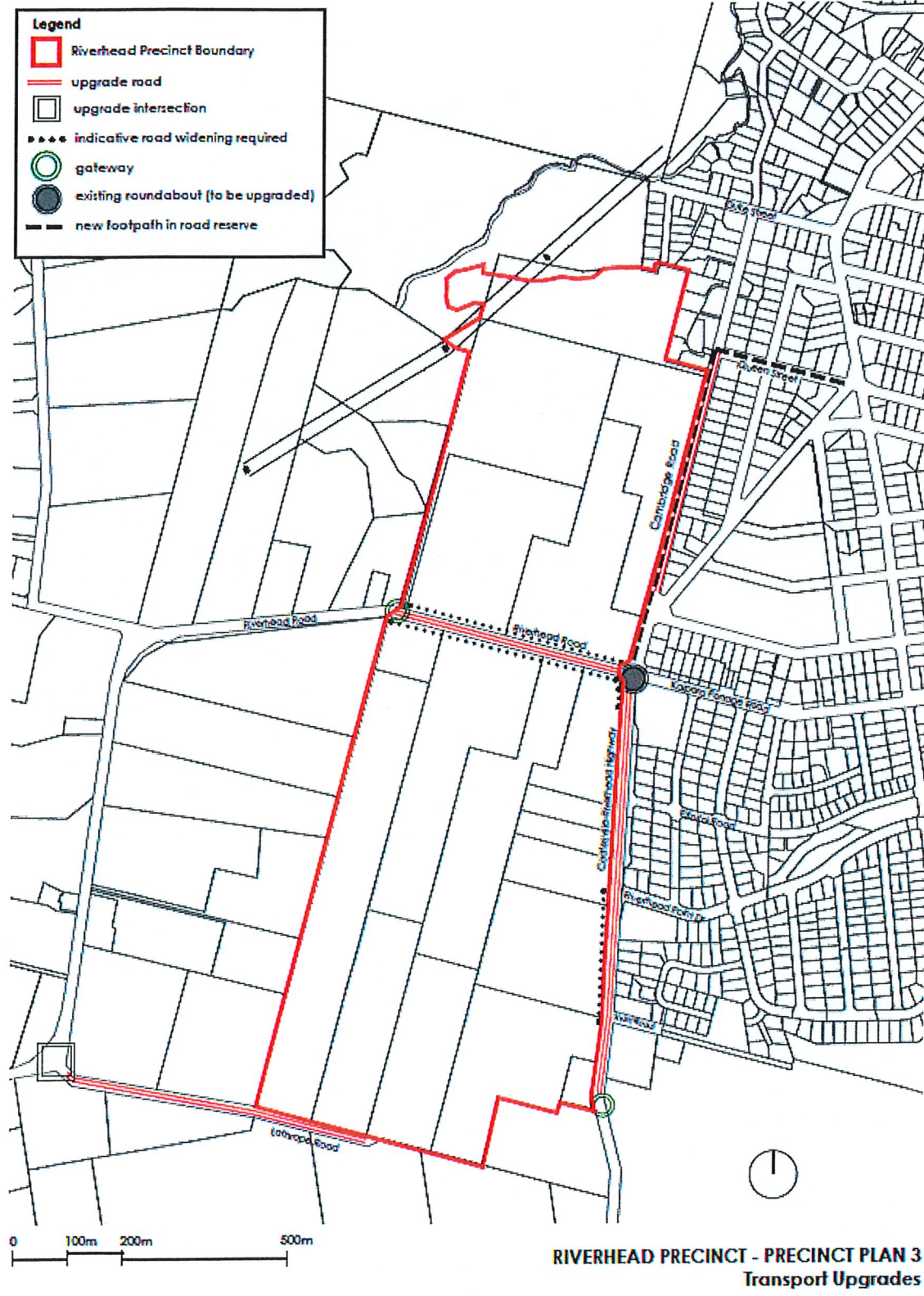


## IX.10.2 Riverhead: Precinct plan 2



**RIVERHEAD PRECINCT - PRECINCT PLAN 2**  
**Structural Elements**

### IX.10.3 Riverhead: Precinct plan 3



**IX.11. Appendices**

**IX.11.1 Appendix 1 : Road function and design elements table – Internal roads within Precinct**

Road Description	Proposed Role and Function of Road in Precinct Area	Minimum Road Reserve	Total Number of Lanes	Speed Limit (Design)	On-Street Parking	Access Restrictions	Cycle Provision	Pedestrian Provision	Street Trees	Bus Provision
<b>Collector Road</b> (without adjacent reserve)	Collector Road (Type 1)	25m	2	40 km/h	Optional	No	Yes Separated on both sides	Yes Both sides	Trees each side	Yes
<b>Collector Road</b> (with adjacent reserve which includes a shared path alongside (but outside) road reserve)	Collector Road (Type 1)	21m	2	40 km/h	Optional	No	Yes Separated on both sides	Yes One side (not required on reserve side)	Trees each side	Yes
<b>Local Roads</b>	Local Road (Type 2)	18m	2 (on-street parking with staggered yellow lines)	30 km/h	Optional	No	No	Yes Both sides	Trees each side	No



IX.11.2 Appendix 2: Road function and design elements table – External roads to the Precinct

Road Description	Proposed Role and Function of Road	Minimum Road Reserve	Total Number of Lanes	Speed Limit (Design)	On-Street Parking	Access Restrictions	Cycle Provision	Pedestrian Provision	Street Trees	Bus Provision
Coatesville-Riverhead Highway Between Kaipara Portage Road and Riverhead Point Drive	Arterial Road	Existing width (varies) plus localised intersection widening	2	50	No	Yes	Yes Separated on both sides	Yes	Yes	Yes
Coatesville-Riverhead Highway From Riverhead Point Drive to 80m south of Short Road	Arterial Road	Existing with localised widening on the western boundary to allow for intersections and tie-in works for the future shared path on Coatesville-Riverhead Highway, south of Short Road.	2	50	No	Yes	Yes Separated on both sides	Yes	Yes Western side only	Yes

Road Description	Proposed Role and Function of Road	Minimum Road Reserve	Total Number of Lanes	Speed Limit (Design)	On-Street Parking	Access Restrictions	Cycle Provision	Pedestrian Provision	Street Trees	Bus Provision
<b>Riverhead Road</b> From the eastern boundary of 307 Riverhead Road to Coatesville-Riverhead Highway	Arterial Road	24m, with 2m side plus localised intersection widening	2	50	No	No	Yes Separated on both sides	Yes	Yes	No
<b>Lathrope Road</b>	Local Road	Existing width (20m)	2	50	No	No	No	Yes Northern side only	No	Yes