

TO Warren MacLennan, Manager Planning – Regional, North, West & Islands

FROM Ben Willis, Policy Planner – Regional, North, West & Islands

DATE 10 June 2024

SUBJECT **Update requested to the Auckland Unitary Plan (Operative in Part 2016) (AUP)**



I request an update to the AUP as outlined below:

Reason for update	Section 292 approved by the court, See Attachment 1: Decision [2024] NZEnvC 081
Chapter(s)	I513 Kaipara Flats Airfield Precinct
Changes to text (shown in underline and strikethrough)	See changes below: <i>I513.4. Activity table</i> <i>The following tables specify the activity status of land use activities in the Kaipara Flats Airfield Precinct pursuant to section 9(3) and subdivision pursuant to section 11 of the Resource Management Act 1991. The zone applies but there are no rules in the zone. Auckland-wide and overlay provisions apply in this precinct unless otherwise specified below. <u>The following provisions do not apply:</u></i> <i><u>(1) Chapter D24 Aircraft Noise Overlay Activity Table D24.4.1; and</u></i> <i><u>(2) Chapter D24 Aircraft Noise Overlay Standard D24.6.1.</u></i>
Changes to diagrams	Amend I513.10.1 Kaipara Flats Airfield: Precinct plan 1 to change the sub-precinct B boundaries to reflect the surveyed residential parcels currently existing at 2, 4, 6, 8, 10, 12, 14 and 16 Turaki Lane. Shown in Attachment 2.
Changes to spatial data	Amend the extent of Kaipara Flats Airfield sub-precinct B in the AUP Viewer to align with the changes being made in the precinct plan map and as shown in Attachment 2.
Attachments	Attachment 1: Decision [2024] NZEnvC 081 Attachment 2: Proposed precinct plan Attachment 3: Before and after map of Kaipara Flats Attachment 4: Mockup corrections to text (shown in underline) Attachment 5: Corrected text

<p>Maps prepared by: Danica Torres Senior Geospatial Specialist</p>	<p>Text Entered by: Diana Luong Planning Technician</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Prepared by: Ben Willis Planner</p>	<p>Reviewed by: Peter Vari Team Leader Planning North/West</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Authorised by: Eryn Shields Acting Manager Planning - Regional, North, West & Islands</p>	
<p>Signature: </p>	

Attachment 1: Decision [2024] NZEnvC 081

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TAMAKI MAKAU**

Decision [2024] NZEnvC 081

IN THE MATTER OF

an application under s 292 of the
Resource Management Act 1991

BETWEEN

AUCKLAND COUNCIL

(ENV-2024-AKL-000051)

Applicant

Court: Environment Judge J A Smith sitting alone under s 279(1)(b) of
the Act

Hearing: On the papers
Last case event: 27 March 2024

Appearances: C L L Faesenkloet for Auckland Council

Date of Decision: 17 April 2024

Date of Issue: 17 April 2024

DECISION OF THE ENVIRONMENT COURT

A: Auckland Council is directed, under s 292 of the Resource Management Act
1991, to:

- (1) Amend the sub-precinct B boundary on I513.10.1 Kaipara Flats Airfield:
Precinct plan 1 – subdivision concept plan in accordance with Annexure A;
and
- (2) Amend the Kaipara Flats Airfield Precinct by adding the following underlined
words:



Auckland Council

I513.4. Activity table

The following tables specify the activity status of land use activities in the Kaipara Flats Airfield Precinct pursuant to section 9(3) and subdivision pursuant to section 11 of the Resource Management Act 1991. The zone applies but there are no rules in the zone. Auckland-wide and overlay provisions apply in this precinct unless otherwise specified below. The following provisions do not apply:

- (1) Chapter D24 Aircraft Noise Overlay Activity Table D24.4.1; and
- (2) Chapter D24 Aircraft Noise Overlay Standard D24.6.1.

B: There is no order as to costs.

REASONS

Introduction

[1] Auckland Council applies under s 292 of the Resource Management Act 1991 (**the Act**) for a direction by this Court to amend the I513 Kaipara Flats Airfield Precinct provisions and precinct plan in I513 Kaipara Flats Airfield Precinct in the Auckland Unitary Plan (**AUP**) to remedy the mistakes or defects.

[2] The mistakes or defects relate to the location of the boundary of sub-precinct B in I513.10.1 Kaipara Flats Airfield: Precinct plan 1 - subdivision concept plan, and the lack of a rules in the Kaipara Flats Airfield Precinct that specifies that the Aircraft Noise Overlay provisions in D24 do not apply in the Kaipara Flats Airfield Precinct.

[3] The mistake in the sub-precinct boundaries was identified when a building consent application was lodged with the Council to construct a new dwelling on Lot 8 DP 557617 (2 Turaki Lane) (**the site**).

[4] The application was supported by an affidavit of Mr Benjamin John Bazley Willis, affirmed 20 March 2024.

Kaipara Flats Airfield Precinct

[5] The Kaipara Flats Airfield Precinct applies to approximately 16.3ha of land about seven kilometres to the west of Warkworth.

[6] Dwellings are prohibited in the Airfield Sub-precinct (sub-precinct A). The Residential Sub-precinct (sub-precinct B) is intended to enable eight residential sites and associated aircraft hangars. Subdivision for the creation of more than eight

residential sites and associated aircraft hangers is a prohibited activity. The precinct provides for limited residential development, to enable aircraft enthusiasts to live in close proximity to the Kaipara Flats Airfield, and provide permanent access from individual properties adjoining the runway.

[7] Virtually all of the land within the Kaipara Flats Precinct is located within the Aircraft Noise Overlay set out in Chapter D24 Aircraft Noise Overlay.

[8] All of the residential sites in sub-precinct B are located partially within the 65dB Ldn noise boundary and partially within the 55dB Ldn noise boundary.

Historic context of the Kaipara Flats Airfield provisions

Legacy Rodney District Plan

[9] The legacy Rodney District Plan (**RDP**) 2011 applied to the Kaipara Flats Airfield prior to the AUP. The RDP included a Special 15 – Kaipara Flats Airfield zone. Rather than the two sub-precincts, the entire area was a special zone in the RDP where the subdivision of eight residential lots was required to be in general accordance with the concept plan at Appendix 12V of the RDP providing a location for eight residential lots as an Aeropark.

Proposed Auckland Unitary Plan – notified September 2013

[10] The Kaipara Flats Airfield Precinct was not included in the Proposed Auckland Unitary Plan (**PAUP**) as notified in September 2013. The PAUP, as notified, provided for all activities sensitive to aircraft noise, which includes residential dwellings, as a prohibited activity where located within the Ldn65dBA noise contour for the North Shore Airfield, Kaipara Flats Airfield and Whenuapai Airbase.

[11] Dentara Holdings Limited (with Jim Schmidt as one of two directors of Dentara Holdings Limited and the sole director of the Kaipara Aerodrome Limited) lodged a submission on the PAUP seeking the following relief:

- (a) allow for the development of housing and hangars for the eight-lot aeropark at Kaipara Flats as a Restricted Discretionary Activity;

- (b) insert additional restricted discretionary assessment criteria from the Operative Auckland Council District Plan (Rodney section) which relates to the Kaipara Flats Airfield Special zone;
- (c) delete Rule 2 Notification;
- (d) amend Activity Table 4 to allow for the subdivision of the Kaipara Flats Airfield in accordance with a concept plan as a restricted discretionary activity; and
- (e) include in Part 5 Appendices the Appendix 12V Kaipara Flats Airfield Subdivision Concept Plan and Appendix 12W Housing and Hangar Site Specific Guidelines from the Operative Auckland Council District Plan (Rodney Section).

Subdivision consent obtained by Dentara Holdings Limited

[12] In 2014, Dentara Holdings Limited obtained a subdivision consent to create eight residential lots. The consent was granted under the RDP and PAUP, with two of the residential sites (Lots 1 and 8) going beyond the extent of the concept plan in Appendix 12V of the RDP.

IHP recommendations and the Council's decision for Kaipara Flats Airfield

[13] The Independent Hearings Panel (**IHP**) recommendations provided for the Kaipara Flats Airfield precinct to be included in the AUP, with the boundaries of sub-precinct B based on the concept plan in Appendix 12V in the legacy district plan, and providing for residential dwellings outside of sub-precinct B as a prohibited activity.

[14] The Council's decision in 2016 approved that IHP recommendation. The I513 Kaipara Flats Airfield precinct provides for up to eight residential dwellings as a restricted discretionary activity within sub-precinct B. Residential dwellings outside of sub-precinct B (i.e., within sub-precinct A) are a prohibited activity.

The mistakes

[15] There are two mistakes, or defects. Mistakes have been identified in relation to the location of the boundary of sub-precinct B in I513.10.1 Kaipara Flats Airfield: Precinct plan 1 – subdivision concept plan, and the I513 Kaipara Flats Airfield Precinct and its relationship with the D24 Aircraft Noise Overlay in the AUP. The mistake, or defect, in the AUP relates to the lack of a rule in Kaipara Flats Airfield Precinct that specified that the Aircraft Noise Overlay provisions in D24 of the AUP provisions do not apply to new dwellings in the Kaipara Flats Airfield Precinct.

Mistake in I513 Kaipara Flats Airfield Precinct as it relates to the precinct boundaries

[16] The 2014 subdivision created two lots (2 and 16 Turaki Lane) that are partially within sub-precinct A and partially within sub-precinct B, because sub-precinct B was based on the RDP Appendix 12V concept plan boundaries. Development is not possible on those two lots that are partially within sub-precinct A and sub-precinct B, unless the mistake in the boundary of sub-precinct B is corrected so that these two lots fall entirely within sub-precinct B.

[17] The issue came to light when a building consent application to construct a new dwelling on Lot 8 DP 557617 (2 Turaki Lane) was considered by the Council. A Building Act section 37 certificate was attached to the building consent for the site because of a 10m side yard infringement, leading the applicant to discover the mistake in the plan. The planning consultant for the applicant contacted the Council by email dated 6 July 2023.

[18] The subdivision of the eight residential lots was consented by the Council in 2014 under the RDP and the notified PAUP. The IHP recommendations and the Council decision approving the same, resulted in the inclusion of the precinct in the AUP and the creation of sub-precinct B to provide for subdivision of eight residential lots, based on the concept plan in the legacy district plan instead of the eight-lot subdivision that had been granted in 2014.

[19] Mr Willis suggests the IHP was unlikely to be aware of the subdivision consent when it made its recommendations to the Council in 2016, and notes that the IHP

recommendations do not contain any detail or rationale for the boundary of sub-precinct B. The Council did not identify this issue when making its decisions on the IHP recommendations for the Kaipara Flats Airfield precinct either. However, the evidence provided by Council Planner, Mark Vinall, states that through mediation with Dentara Holdings Limited, it was agreed to include the new precinct for Kaipara Flats Airfield and include zone activity rules to provide for housing and hangars at Kaipara Flats Airfield as a restricted discretionary activity with associated assessment criteria, concept plan, housing and hangar guidelines.

[20] Auckland Council considers that the location of the boundary for sub-precinct B is a mistake, and that the boundary of sub-precinct B should match the surveyed boundary lines in Land Information New Zealand for the subdivision that was granted by the Council in 2014. The boundary of sub-precinct B should be amended to ensure that Lots 1 and 8 (2 and 16 Turaki Lane respectively) are wholly within the sub-precinct B boundary.

Mistake in I513 Kaipara Flats Airfield Precinct as it relates to activities sensitive to noise

[21] All of the residential sites within the Kaipara Flats Airfield Precinct are located partially within the 65dB Ldn noise boundary and within the 55dB Ldn noise boundary Aircraft Noise Overlay set out in D24 Aircraft Noise.

[22] The D24 Aircraft Noise Overlay provisions provides that new activities sensitive to aircraft noise within the 65dB Ldn noise boundary are a prohibited activity. Dwellings are included within the definition of ‘activities sensitive to aircraft noise’ in Chapter J of the AUP.

[23] Mr Willis explains in his affidavit that where a site is subject to both the I513 Kaipara Flat Precinct and D24 Aircraft Noise Overlay, Chapter C of the AUP provides guidance on how the rules are to be applied. Rule C 1.6 of the AUP provides that the activity status of an activity in an overlay takes precedence over the activity status of that activity in a precinct, unless otherwise specified by a rule in the precinct applying to the particular activity. Mr Willis considers that it is not otherwise specified in a rule in the Kaipara Flats Airfield Precinct that precinct rules take precedence over

the rules in the Aircraft Noise Overlay.

[24] The result is that a new dwelling at 2 Turaki Lane is a prohibited activity.

[25] Mr Willis consider that this is a mistake, as the Kaipara Flats Airfield Precinct is a bespoke precinct that provides for a limited number of dwellings (which are activities sensitive to aircraft noise) within sub-precinct B, including on sites within the 65dB Ldn noise boundary, as a Restricted discretionary activity. Mr Willis considers that if the mistakes are not corrected, property owners in sub-precinct B will not be able to build within the 65dB Ldn noise boundary, which would defeat the purpose and objective of the Kaipara Flats Airfield Precinct.

[26] Auckland Council considers that the Kaipara Flats Airfield Precinct should contain a specific rule excluding the D24 Aircraft Noise Overlay provisions from applying and this is the mistake in the Kaipara Flats Airfield Precinct. If this mistake is not corrected, new dwellings proposed in sub-precinct B of the Kaipara Flats Airfield Precinct that are within the 65dB Ldn noise boundary will be prohibited activities, and the Council will be unable to grant consents pursuant to s 87A(6)(b) of the Act.

Position of affected parties

[27] The landowner at the site at 2 Turaki Land is Kaipara Aerodrome Limited. Kaipara Aerodrome Limited also own all the land within sub-precinct A as well as 8 – 12 Turaki Land within sub-precinct B. Kaipara Aerodrome Limited is the applicant for the building consent. The landowner agrees that the Kaipara Flats Airfield Precinct should be amended to correct the mistakes.

[28] The site at 16 Turaki Land is also located partially within sub-precinct A because of the sub-precinct B boundary mistake. The landowner of the site at 16 Turaki Land also agrees that the Kaipara Flats Airfield Precinct should be amended to correct the mistakes.

[29] Mr Willis included correspondence from the landowners in his affidavit.

[30] In the Councils view there are no other affected parties that need to be heard in

relation to the proposal to correct the mistakes. While there are other landowners within the Kaipara Flats Airfield Precinct, these parties will benefit from the correction of the mistakes as it will enable development to occur within the Kaipara Flats Precinct as was previously intended.

Council’s power to correct a mistake in an operative plan

[31] Having identified the mistakes in the Kaipara Flats Airfield Precinct, the Council then considered the options available to correct the mistakes.

[32] The options include using clause 20A of Schedule 1 of the Act or applying to the Environment Court under s 292 of the Act. Clause 20A of Schedule 1 provides:

A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.

[33] The Council does not consider that these mistakes/errors could be considered as ‘minor’ and, as a result, clause 20A of Schedule 1 of the Act could not be used by the Council to correct the sub-precinct B boundary on I513.10.1 Kaipara Flats Airfield: Precinct plan 1 – subdivision concept plan, or the omission of a rule from the Kaipara Flats Airfield Precinct.

Legal framework

[34] Section 292 of the Act provides:

292 Remediating defects in plans

- (1) The Environment Court may, in any proceedings before it, direct a local authority to amend a regional plan or district plan to which the proceedings relate for the purpose of—
 - (a) remediating any mistake, defect, or uncertainty; or
 - (b) giving full effect to the plan.
- (2) The local authority to whom a direction is made under subsection (1) shall comply with the direction without using the process in Schedule 1.

[35] Section 292 is a “slip rule”, that should only be exercised in cases of mistake, defect or uncertainty, or to give full effect to a plan. Use of this section is not appropriate where there is opposition to the order and/or where third parties who

may be affected are unable to participate.¹ The purpose of this section is to allow the Court to make an order directing the amendment of a plan where there is an inadvertent error which can be readily corrected. This section does not empower the Court to make any substantive changes to a plan.² The power is broadly discretionary, but it does not extend to determining whether particular plan provisions are adequate or appropriate.³

[36] The Council referred to various cases where the Environment Court has made s 292 directions in the past for similar instances. One of the cases referred to is *Re Auckland Council*⁴ in which Auckland Council made an application under s 292 of the Act, seeking a direction to correct a mistake in the Dairy Flat precinct. The mistake related to the lack of a rule in the Dairy Flat precinct that specified that the Aircraft Noise Overlay provisions in D24 of the AUP provisions do not apply to new dwellings and subdivision in the Dairy Flat Precinct. The Court granted the s 292 application and directed the Council to amend the AUP. The Council submits the same amendments proposed in its s 292 application for the Dairy Flat precinct is sought here. There is no proposal to change the activity status of dwellings in sub-precinct A.

Evaluation

[37] Mr Willis has identified how the mistake in the boundary came about. The boundary of sub-precinct B does not reflect the subdivision consent granted in 2014, but instead reflects the boundaries of a concept plan in Appendix 12V of the RDP.

[38] The AUP IHP Report notes that residential activity was previously approved for people with an active interest in aviation and wanting to live on an airfield.

[39] As Mr Willis has stated, if the mistakes are not corrected, residential development cannot occur on any of the sites in the precinct as dwellings are a prohibited activity within 65dB Ldn noise boundary and the sites at 2 Turaki Land

¹ *Oxford Charter Ltd v Queenstown Lakes DC*, C065/00.

² *35 Limited v Auckland Council* [2018] NZEnvC 215, at 7; *Catholic Archdiocese of Wellington v Friends of Mount St Cemetery* [2000] NZRMA 385.

³ *Moriarty v North Shore City Council* [1994] NZRMA 433 (HC).

⁴ *Re Auckland Council* [2021] NZEnvC 137.

and 16 Turaki Lane as dwellings are a prohibited activity as a result of the sub-precinct boundary mistake.

[40] The precinct provides for residential development of up to eight sites in sub-precinct B and prohibits development outside of sub-precinct B. Correcting the mistake will mean that residential development of up to eight sites within the precinct can occur.

[41] The Court accepts Mr Willis evidence that sub-precinct B and the RDP intended to allow limited residential development in the vicinity of the airfield and prohibit such development outside that area. The error appears to have occurred in failing to utilise the 2014 subdivision boundaries but instead using an older concept plan Appendix 12V of the former Rodney District plan. This had the impact of putting 2 and 16 Turaki Lane outside the sub-precinct.

[42] I accept that this was an error by the Council in carrying over the sub-precinct into the AUP. I conclude it was oversight and not an intentional exclusion of those properties. The subdivision has now been in place for nearly 10 years and the relevant AUP provisions for over seven years.

[43] I conclude that correcting this inadvertent oversight would not be so significant that it would be inappropriate to make a direction under s 292 of the Act. There is no change in activity status, the changes are consistent with the intention of sub-precinct B, and provide clarity for plan users. They also fulfil the purpose of the subdivision granted in 2014.

[44] I am satisfied that affected landowners have been consulted. The wider community are already aware of the 2014 subdivision, and this has not given rise to concerns over the last decade. In the Council's view, there are no other affected parties that need to be heard in relation to the proposal to correct the errors. I therefore conclude that the application need not be notified to anyone else and that no further action under s 293 of the Act is required.

Outcome

[45] For the reasons above, I conclude that there are mistakes or defects relating to:

- (a) the location of the boundary of sub-precinct B in I513.10.1 Kaipara Flats Airfield: Precinct plan 1 - subdivision concept plan; and
- (b) the lack of a rules in the Kaipara Flats Airfield Precinct that specifies that the Aircraft Noise Overlay provisions in D24 do not apply in the Kaipara Flats Airfield Precinct

which should be remedied and that it is appropriate to use the powers under s 292 of the Act to do so. I am satisfied the errors were inadvertent and the consequences unintended.

[46] Therefore, Auckland Council is directed, under s 292 of the Act, to:

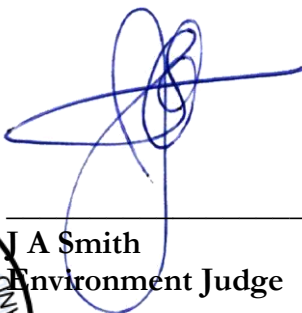
- (a) Amend the sub-precinct B boundary on I513.10.1 Kaipara Flats Airfield: Precinct plan 1 – subdivision concept plan in accordance with Annexure A; and
- (b) Amend the Kaipara Flats Airfield Precinct by adding the following underlined words:

I513.4 Activity table

The following tables specify the activity status of land use activities in the Kaipara Flats Airfield Precinct pursuant to section 9(3) and subdivision pursuant to section 11 of the Resource Management Act 1991. The zone applies but there are no rules in the zone. Auckland-wide and overlay provisions apply in this precinct unless otherwise specified below. The following provisions do not apply:

- (3) Chapter D24 Aircraft Noise Overlay Activity Table D24.4.1; and
- (4) Chapter D24 Aircraft Noise Overlay Standard D24.6.1.

[47] There is no order as to costs.



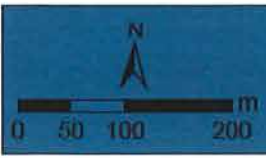
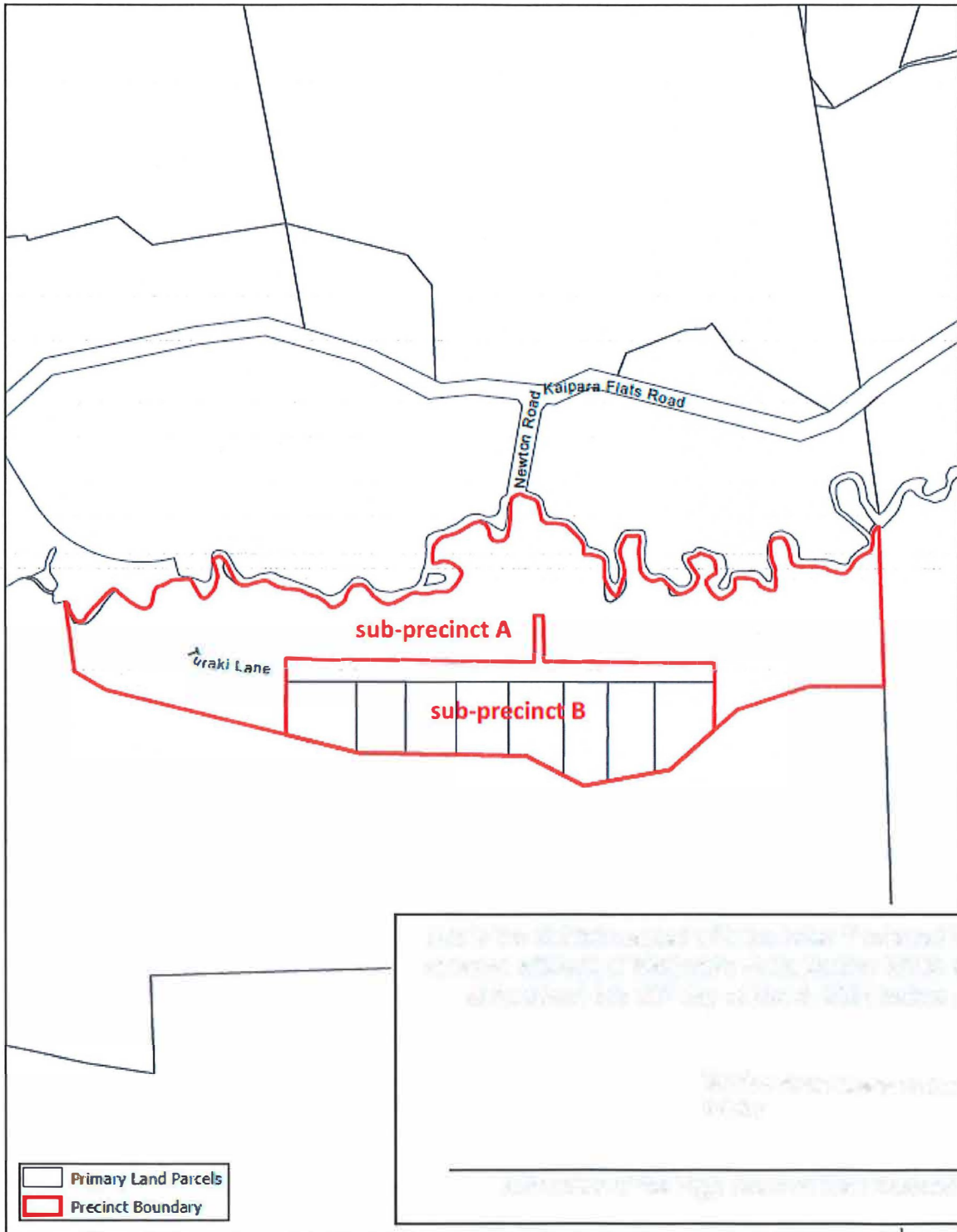
J A Smith
Environment Judge



Attachment 2: Proposed precinct plan

Annexure A

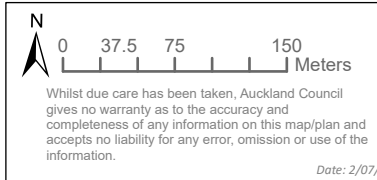
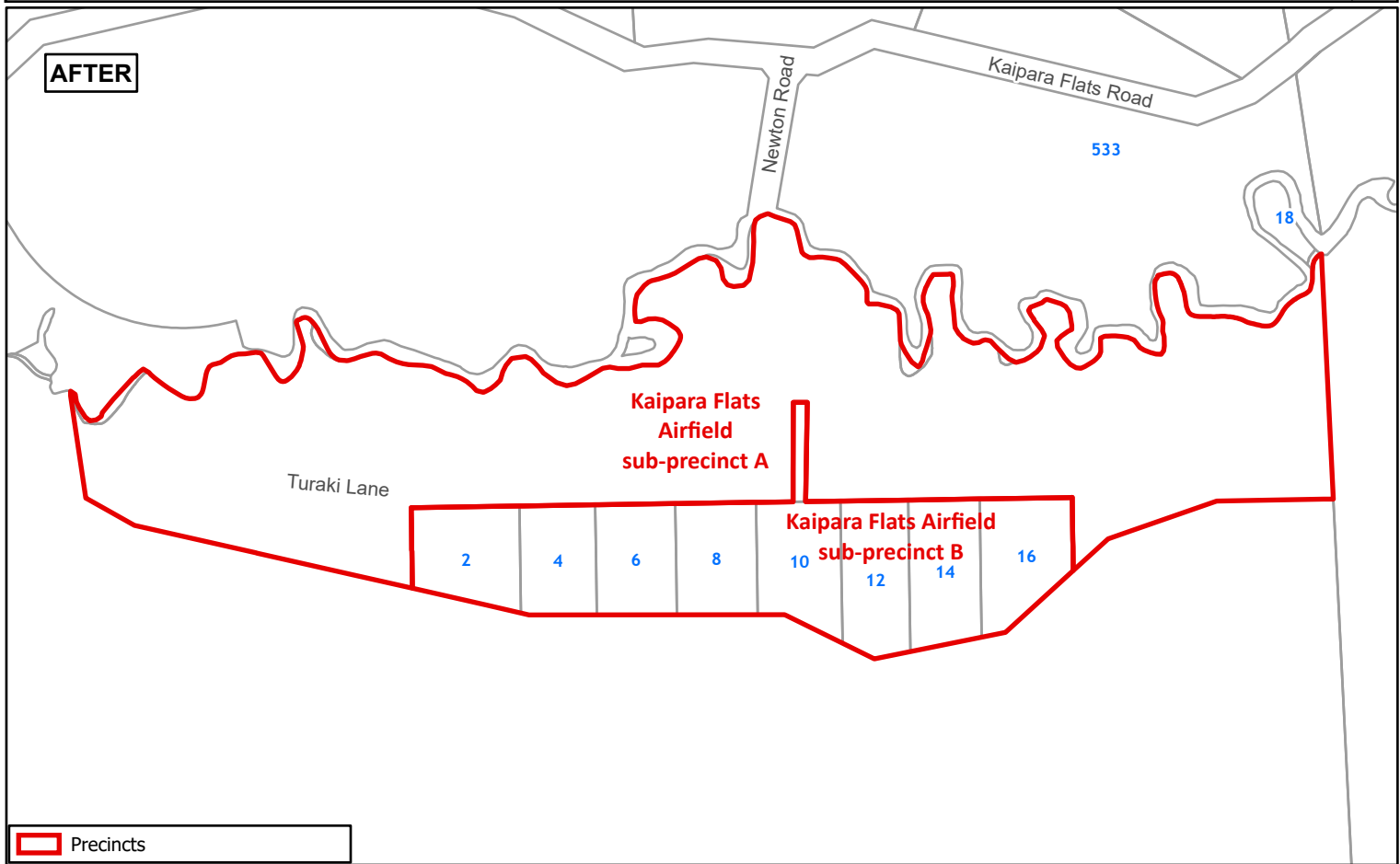
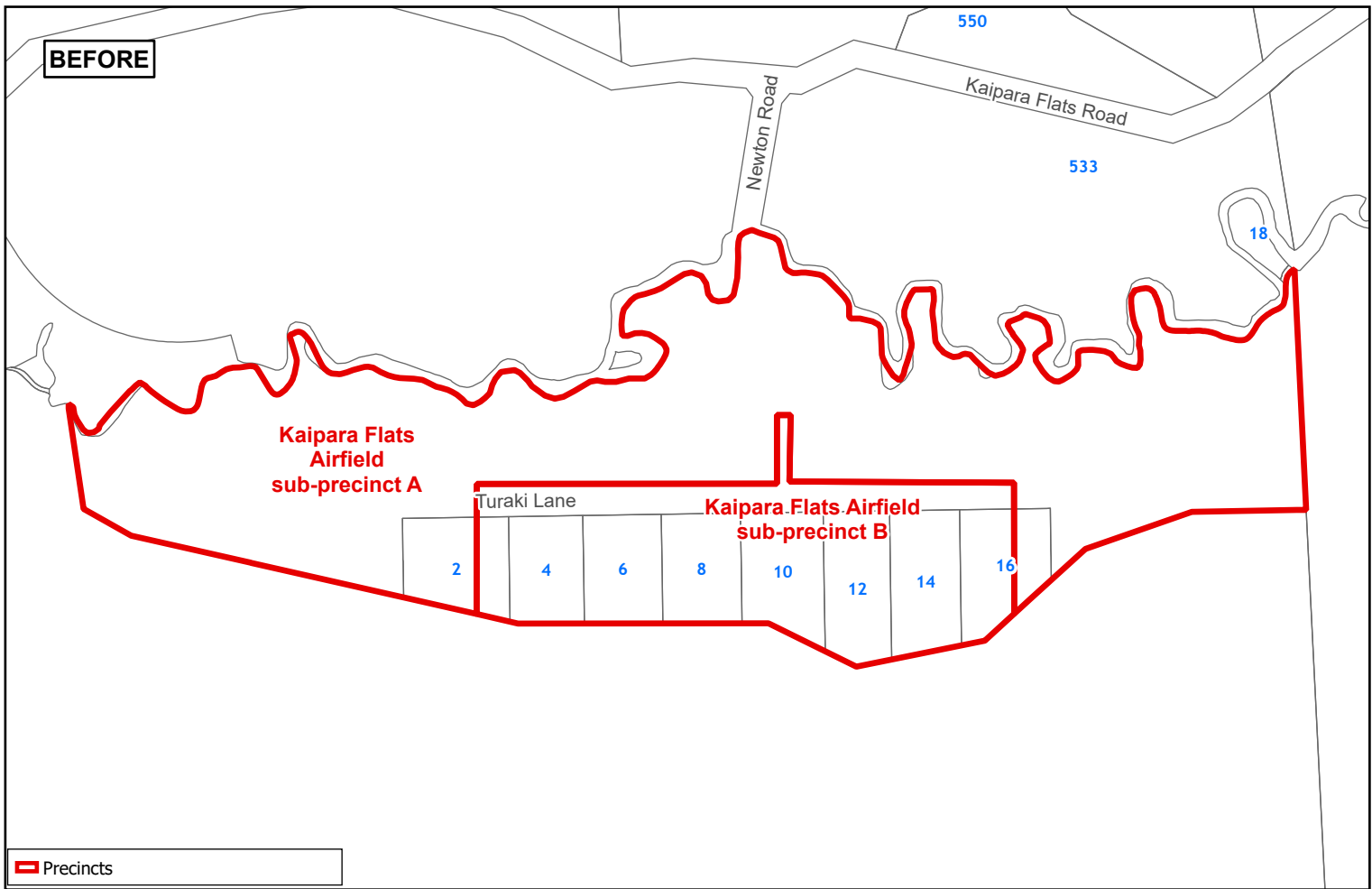
Precinct boundary



Precinct plan



Attachment 3: Before and after map of Kaipara Flats



Kaipara Flats Precinct



Plans and Places

Attachment 4: Mockup corrections to text
(shown with underline)

I513. Kaipara Flats Airfield Precinct

I513.1. Precinct Description

This precinct consists of two sub-precincts. The Airfield Sub-precinct (Sub-precinct A) applies to the airfield. The Residential Sub-precinct (Sub-precinct B) applies to adjoining residential sites.

The purpose of the Airfield Sub-precinct is to provide for the efficient operation of the airfield, including aircraft operations, maintenance and repair of aircraft, and limited provision for commercial and industrial activities associated with aviation.

The purpose of the Residential Sub-precinct is to provide for limited residential development, with associated hangar facilities for small aircraft within the airfield site.

The zoning of land in this precinct is Special Purpose – Airports and Airfields Zone. This is a shell zone with no provisions.

I513.2. Objectives

- (1) The efficient operation of the Kaipara Flats Airfield while enabling an eight lot residential subdivision with associated hangar facilities for small aircraft.
- (2) The rural character of the Kaipara Flats Airfield area and the surrounding environment is maintained.
- (3) Aircraft operations and appropriate commercial and industrial activities associated with aviation are enabled.

Auckland-wide and overlay objectives apply in this precinct in addition to those specified above.

I513.3. Policies

Airfield Sub-precinct (Sub-precinct A)

- (1) Enable the efficient operation of the existing airfield.
- (2) Require aircraft operation and aircraft-related activities, including maintenance and repair to occur at a scale and times that do not generate significant adverse effects on those living in the surrounding area.
- (3) Require noise controls for aircraft operations to minimise adverse noise effects on those living in the surrounding area.
- (4) Require airfield activities to be screened, and or buildings or parking areas located and designed, so that to avoid, remedy or mitigate adverse amenity effects on neighbouring sites such as, glare, noise, or the visual appearance of buildings.

Residential Sub-precinct (Sub-precinct B)

- (5) Maintain the efficient operation of the Kaipara Flats Airfield while also maintaining residential character and amenity of the Residential Sub-precinct.
- (6) Limit development to eight residential lots with associated aircraft hangars and one common lot adjoining the airfield runway.
- (7) Avoid, remedy or mitigate adverse effects from flooding and building design by riparian planting and infrastructure upgrading.
- (8) Minimise effects, on the rural character within the Kaipara Flats Airfield area and its surrounding rural areas.

Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

I513.4. Activity table

The following tables specify the activity status of land use activities in the Kaipara Flats Airfield Precinct pursuant to section 9(3) and subdivision pursuant to section 11 of the Resource Management Act 1991. The zone applies but there are no rules in the zone. Auckland-wide and overlay provisions apply in this precinct unless otherwise specified below. The following provisions do not apply:

- (1) Chapter D24 Aircraft Noise Overlay Activity Table D24.4.1; and
- (2) Chapter D24 Aircraft Noise Overlay Standard D24.6.1.

Table I513.4.1 Activity Table – Airfield Sub-precinct (Sub-precinct A)

Activity		Activity status
Use		
(A1)	Activities that do not comply with standards I513.6.1.1 Noise or I513.6.1.2 Hours of Operation	NC
(A2)	Activities that do not comply with standards I513.6.1.3 to I513.6.1.8 inclusive.	RD
(A3)	Aircraft operations	P
(A4)	Aviation training facilities	P
(A5)	Facilities for aircraft arrivals and departures including control towers, waiting rooms, booking facilities and restaurants	P
(A6)	Clubrooms and recreational facilities for groups directly associated with aviation	P
(A7)	Emergency services	P
(A8)	Housing, maintenance and restoration of aircraft	P
(A9)	Business directly involved in aviation including accessory offices, plant and storage	P
(A10)	Storage and sale of aircraft fuel and lubricants for aircraft using the site	P
(A11)	Manufacture and assembly of aircraft or aircraft components, on a commercial basis	D
(A12)	Maintenance and testing of electronic equipment used in	P

	the aircraft industry for aircraft safety	
(A13)	Commercial aviation activities not otherwise specified	D
Accommodation		
(A14)	Dwellings	Pr
Development		
(A15)	New buildings	P
(A16)	Demolition of buildings	P
(A17)	External alterations or additions to buildings	P
(A18)	Internal alterations or additions to buildings	P

Table I513.4.2 Activity Table – Residential Sub-precinct (Sub-precinct B)

Activity		Activity status
Use and Development		
(A19)	Construction of dwellings and associated aircraft hangars	RD
(A20)	Dwellings and associated aircraft hangers that do not comply with I513.6.2.1 to I513.6.2.6 inclusive	D
Subdivision		
(A21)	Subdivision for eight residential sites and associated aircraft hangars	RD
(A22)	Subdivision for eight residential sites and associated aircraft hangars that does not comply with I513.6.2.5 to I513.6.2.12 inclusive	D
(A23)	Subdivision for the creation of more than eight residential sites and associated aircraft hangars	Pr

I513.5. Notification

- (1) Any application for resource consent for an activity listed in Table I513.4.1 Activity table – Airfield Sub-precinct (Sub-precinct A) and Table I513.4.2 Activity Table – Residential Sub-precinct (Sub-precinct B) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding 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\(4\)](#).

I513.6. Standards

I513.6.1. Airport Sub-precinct (Sub-precinct A)

All activities listed as a permitted activity in Table I513.4.1 Activity table – Airfield Sub-precinct (Sub-precinct A) must comply with the following standards. Auckland-wide and overlay standards also apply in this precinct unless otherwise specified.

I513.6.1.1. Noise

- (1) Airfields must operate so that the noise from aircraft operations do not exceed a day night sound level of:
- (a) L_{dn} 65dBA outside the air-noise boundary shown on the Aircraft Noise Area Overlay
 - (b) L_{dn} 55 dBA outside the outer control boundary shown on the Aircraft Noise Area Overlay.
- (2) Aircraft noise should be assessed in accordance with the New Zealand Standard on Airport Noise Management and Land Use (NZS6805:1992), except that noise levels must be calculated using the FAA Integrated Noise Model (INM), modified for local conditions if necessary, and using records of actual aircraft operations. The noise level must be calculated as a 90-day rolling average.

I513.6.1.2. Hours of operation

- (1) In accordance with the standing order inserted into the New Zealand aeronautical information publication – Visual Flight Guide, dated June 2011, flight operators using an airfield must not take off from the airfield between 10.30pm local time and morning civil twilight time (being when the centre of the rising sun’s disc is six degrees below the horizon), except in the case of emergency or compelling circumstances.

I513.6.1.3. Building height

- (1) Buildings must not exceed 15m in height.

I513.6.1.4. Yards

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I513.6.1.4.1 Yards below.

Table I513.6.1.4.1 Yards

Yard	Minimum depth
Front	10m from the sub-precinct boundary
Side	10m from the sub-precinct boundary
Rear	10m from the sub-precinct boundary
Riparian	10m from the edge of all other permanent and intermittent streams

I513.6.1.5. Height in relation to boundary

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level alongside and rear boundaries that adjoin an open space zone, rural zone or the Future Urban Zone.

I513.6.1.6. Storage and screening

- (1) Material must not be stored in a front yard.

- (2) Except as specified above, refuse may be stored within any building or part of a site. The refuse must be contained within a purpose made container with a secure cover, which must be screened from any adjoining residential zone or open space zone.

I513.6.1.7. Landscaping

- (1) A landscaping strip at least 2m wide must be provided along the boundary of any site that adjoins a site in the rural zones. The landscaping must:
 - (a) comprise plants, 50 per cent of which are capable of reaching at least 3m high. Trees must be of a species capable of reaching a maximum height of 6m and be not less than 1.5m high at the time of planting.
 - (b) be planted and maintained to provide an effective visual screen between the land and buildings in the sub-precinct and the adjoining land.
- (2) Landscaping along the frontage or adjacent to an access or maneuvering area or a car parking area must be provided with wheel stop barriers to prevent damage from vehicles. The wheel stop barriers must be located at least 1m from the trunk of any tree.

I513.6.1.8. Maximum impervious area

- (1) The maximum impervious area must not exceed 80 per cent of site area.

I513.6.2. Residential Sub-precinct (Sub-precinct B)

All activities listed in Table I513.4.2 Activity Table – Residential Sub-precinct (Sub-precinct B) must comply with the following standards.

I513.6.2.1. Building height

- (1) Buildings must not exceed 8m in height.

I513.6.2.2. Yards

- (1) A building or parts of a building must be set back from all boundaries by the minimum depth of 10m.

I513.6.2.3. Height in relation to boundary

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along any site boundary.

I513.6.2.4. Building coverage

- (1) Buildings (including dwellings and aircraft hangars) must not exceed 40% of the site area or up to a maximum of 1,000m², whichever is the lesser.

I513.6.2.5. Minimum floor levels and ground levels

- (1) Floor levels of habitable buildings must be not less than RL 29.6m (Reduced Level in terms of NZVD2016) through the centre of the site opposite Newton Road, based on a 900mm freeboard above the 100 year flood event and adjusted where required by the flood hydraulic grade line through the site.

- (2) The floor levels of non-habitable buildings must not be less than RL 29.2m (Reduced Level in terms of NZVD2016) through the centre of the site opposite Newton Road, based on a 500mm freeboard above the 100 year flood event and adjusted where required by the flood hydraulic line through the site.
- (3) The floor levels of outdoor amenity areas must be not less than RL 29 (Reduced Level in terms of NZVD2016) through the centre of the site opposite Newton Road, based on a 300mm freeboard above the 100 year flood event and adjusted where required by the flood hydraulic grade through the site.

I513.6.2.6. Subdivision - site sizes

- (1) Minimum average site size: 3,000m².
- (2) Maximum site size: 5,500m².
- (3) A common access lot: between 1.4 to 1.5ha in area.
- (4) The balance lot must be for the remainder of the Kaipara Flats Airfield.

I513.6.2.7. Subdivision – number of sites

- (1) The maximum number of residential sites: eight.
- (2) Only one common access lot must be created.
- (3) One balance lot for the airfield must be created.

I513.6.2.8. Consent notices

- (1) In accordance with section 221 of the RMA, the following consent notices must be attached to the titles of the residential lots:
 - (a) Prohibiting the occupiers of dwellings from complaining about noise effects resulting from aircraft operations of the Kaipara Flats Airfield.
 - (b) Advising that the site, its access from Kaipara Flats Road and along several sections of Kaipara Flats Road are subject to periodic flooding. The consent notice must confirm that each dwelling has a finished floor level 900mm above the 100 year flood event. The consent notice must advise that, because of the flooding risk, the provisions of sections 71 to 74 of the Building Act 2004 may need to be considered at the time any building consents are applied for.
 - (c) Requiring the owners of the residential lots to comply with the building design controls approved as part of the subdivision consent.

I513.6.2.9. Newton Road upgrade

- (1) Prior to the issue of a Certificate under Section 224(c) of the RMA for the residential lots, Newton Road and the bridge over the Kourawhero Stream must be upgraded to provide for 600mm of freeboard underneath the bridge during a 100-year flood event.

- (2) The cost of the upgrading of the Newton Road and the bridge over Kourawhero Stream must be paid for by the applicant/developer.
- (3) The Newton Road upgrade must be designed not to increase upstream flooding beyond levels that already occur or allow debris to back up during a flood event.

I513.6.2.10. Agreement to use airfield

- (1) The applicant must provide a legal agreement between the applicant (and subsequent owners) and the owner(s) of the Kaipara Flats Airfield, that the lots on the plan of subdivision are guaranteed access to the Kaipara Flats Airfield, for as long as the airfield remains in use. The agreement must be registered against the certificates of title for all new sites created. No subdivision shall occur until this requirement is met.

I513.6.2.11. Riparian planting

- (1) A minimum of 10 metres width along the adjoining side boundaries of the Kourawhero Stream (except in areas occupied by buildings or airfield infrastructure) must be managed and planted as a riparian margin utilising predominantly native carex and sedge species. Any proposal for more than a minor variation of this standard shall be accompanied by a riparian margin analysis of the site undertaken by an appropriately qualified person.
- (2) Riparian planting must be designed to ensure that any obstacles to flows during flood events are minimised. Native tree species such as Kahikatea, cabbage trees and Pukatea may be used in the outer edges of the margin. Willows must be removed.
- (3) Native vegetation must be for the purpose of riparian margin protection and must not be clear felled or removed. Ten % of the required native planting may be substituted with exotic specimens. Planting of native and exotic species must be in accordance with the following standards:
 - (a) a survival rate such that planting will be established to a minimum of 90% of the original density specified before the project is signed off as complete;
 - (b) a density of 1.4 metre centres (5,100 stems per hectare) reducing to 1m centres (10,000 stems per hectare) in kikuyu and wetland environments, and riparian margins;
 - (c) all plants shall be sourced from the ecological district and be appropriate for the soil, aspect, exposure and topography; and
 - (d) at the time of planting each plant shall be fertilised in accordance with the recommendations of the revegetation report submitted as part of the planting plan assessment.
- (4) A covenant providing for the permanent protection of the native vegetation in the planted area must be entered into and registered on the title.

- (5) The planted area must be kept free of stock. This requirement can be met either by providing a stock proof fence or by a covenant registered on the title requiring that no stock be kept within the Kaipara Flats Airfield site.
- (6) A riparian margins planting plan and assessment prepared by a suitably qualified person experienced in vegetation restoration, shall be submitted with applications for subdivision consent. If exotic species are to be included in the planting plan, the assessment must confirm that they will not compromise the long term sustainability of the native planting.

I513.6.2.12. Design of subdivision

- (1) The design of the subdivision must be in general accordance with Precinct plan 1 - subdivision concept plan.
- (2) The developed area of the eight residential lots, that is the raised area of the proposed subdivision to RL 29 (Reduced Level in terms of NZVD2016), being 300mm above the predicted flood level, must not be wider than 44 metres (see Precinct plan 1 - subdivision concept plan).
- (3) Upstream flooding must not be increased beyond that existing.

I513.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I513.8. Assessment – restricted discretionary activities

I513.8.1. 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 overlay and Auckland-wide provisions:

- (1) construction of dwellings and associated aircraft hangers activities
 - (a) building location and orientation;
 - (b) building design, bulk and form; and
 - (c) landscape treatment and boundary fencing.
- (2) subdivision
 - (a) general accordance with Precinct plan 1 - subdivision concept plan;
 - (b) management and maintenance of the Common Access Lot and Right of Way;
 - (c) site access for cars and aircraft;
 - (d) earthworks and land modification;
 - (e) mitigating vegetation planting;

- (f) natural hazard avoidance/mitigation;
 - (g) effects on the surrounding landscape and character;
 - (h) suitability for building and building area location, building bulk and size of site; and
 - (i) effects on the ecology of the Kourawhero Stream.
- (3) standard infringements in the Airfield Sub-precinct
- (a) Building height and height in relation to boundary:
 - (i) building scale and dominance; and
 - (ii) visual amenity and effects on neighbouring sites.
 - (b) Yards, storage and screening and landscaping:
 - (i) visual amenity and effects on neighbouring sites.
 - (c) Maximum impervious area:
 - (i) any policy which is relevant to the standard,
 - (ii) the purpose of the standard,
 - (iii) the effects of the infringement of the standard.

I513.8.2. 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 overlay and Auckland-wide provisions.

- (1) Construction of dwellings and associated aircraft hanger activities
- (a) The dwelling and hangar should be designed in accordance with the Housing and Hangar Site Specific Guidelines as set out in Table I513.8.2.1.1 Housing and hanger site specific guidelines – building elements and I513.8.2.1.2 Housing and hanger site specific guidelines – site elements.
 - (b) The scale and form of dwellings and hangars including their colour and materials should be sympathetic with the rural character in the area.
 - (c) The design, form and cladding of the dwelling or hangar should be compatible with other dwellings and hangars already developed or approved within the precinct.
 - (d) The height and location of the dwelling or hangar should not adversely affect the visual character or privacy of adjoining residential sites including admission of sunlight, visual and aural privacy, and over-dominance of buildings.

- (e) The landscape plan should provide adequate screening and/or vegetative context for the building or development.

Table I513.8.2.1. Housing and hanger site specific guidelines – building elements

Building Element	Material	Specification	Colour
Dwelling roofs	Coloured clay tiles, slate, concrete tiles, timber shingles or coloursteel	30 to 45 degree pitch. Simple hip, gable or combination of both	Natural colour and appearance (e.g. no terracotta)
Dormers	No restriction	Symmetrical across face	NA
Skylights	No restriction	Limited to 10% of roof area	NA
Conservatories	Glass attached to house only		NA
Walls	Timber frame – brick veneer, brick bagged, block veneer plastered, timber weatherboards Solid masonry, plastered Aerated concrete block, plastered Natural stone veneer, plinth at the bottom of the wall	Natural or painted	Natural colour list
Joinery	Timber or Aluminium	Stained or painted (timber), powder coated	Natural colour list
Spouting/downs pouts	Copper, coloursteel, or other material, spouting on timber fascia boards	Material other than copper painted to match the background	Natural colour list
Garage doors	Timber or coloursteel	Stained or painted	Natural colour list
Pergolas, porch and deck railings, shutters, privacy screens	Timber or coloursteel	Stained or painted	Natural colour list
Roof items	Chimneys to hide metal flues, Chimney cowling to be screened Hot water collectors: collector panel only to be shown on the roof, hot water tank to be inside building		

Table I513.8.2.2 Housing and hanger site specific guidelines – site elements

Site Element	Specification	Notes
Yards		All 10m
Building height		Maximum of 10m
Building coverage		40% of net site area
Building orientation	Walls parallel to site boundary	Up to 10 degree skew allowed except where orientation to the north is required for passive solar gain
Roof orientation	Walls square with roof ridgelines	Up to 20% of total exterior walls exempted
Walls	Walls plumb	
Balconies	0.5m maximum cantilever over support line line of balcony	
Garage and hangar orientation	Open to side, centre, or front site	
Hangars incorporated into landscaping	Raised earth slopes and planting to minimise size and height of hangars	
Front yard fencing	If provided, 0.8m maximum height	Open (not close boarded) painted timber, stone, brick or wrought iron or similar. Up to 1.5m high gate and end posts
Side yard fencing, if desired	If provided, 0.8m maximum height from front boundary to 3m oast front building façade; from 3m behind building façade, 1.8m maximum height	Open (not close boarded) painted timber, or wrought iron or similar to a maximum of 1.8m height (where permitted); or stone or brick to a maximum of 0.8m height
Common access lot boundary fencing	Nil	

(2) subdivision

- (a) the subdivision should occur without creating adverse effects, including cumulative effects, on the rural character anticipated within the Kaipara Flats Airfield area and its surrounding rural areas;
- (b) the site size, shape, contour and access should be suitable for the intended use of the residential lots and associated aircraft hangars, and is in general accordance with Precinct plan 1 - subdivision concept plan;

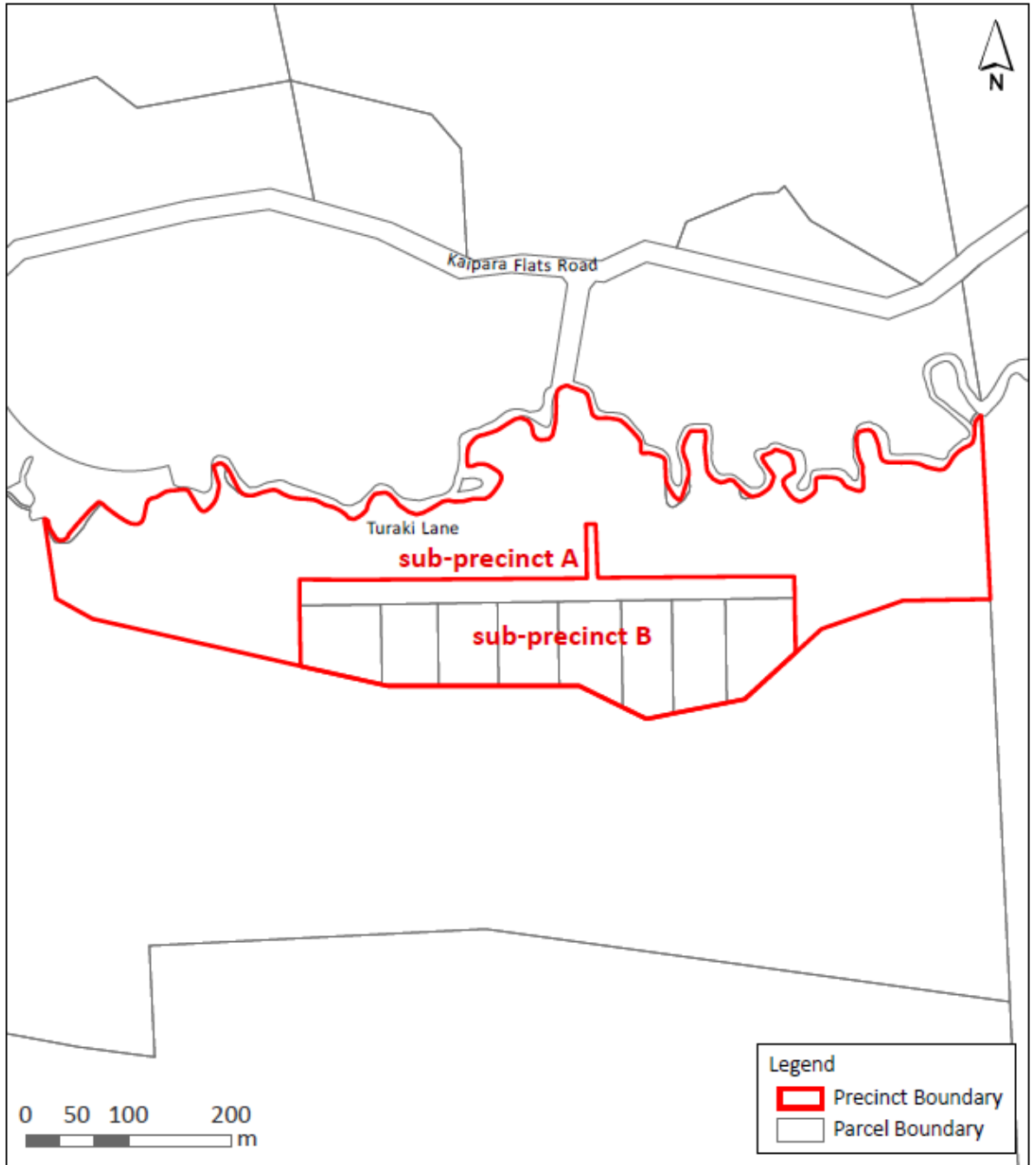
- (c) the Common Access Lot should be owned in common undivided equal shares, and have legal mechanisms in place to ensure appropriate maintenance and management of the Lot. Such legal mechanisms should include the avoidance of adverse effects from use of the Common Access Lot on each of the residential lots;
 - (d) appropriate legal mechanisms should be placed against each residential lot to ensure appropriate management of the right of way easement over the Airfield Lot;
 - (e) all weather, flood-free access should be provided to the sites, including the necessary upgrading of Newton Road and the bridge over the Kourawhero Stream in a manner that will not exacerbate upstream flooding;
 - (f) the subdivision should not initiate or exacerbate natural hazards (and offsite flooding in particular), through earthworks or access provision, or result in building areas being subject to natural hazards;
 - (g) a comprehensive landscape plan should be provided demonstrating planting that will enhance natural features of the site and surrounding area and will assist to integrate future buildings into the surrounding landscape, and screen views from Kaipara Flats Road and surrounding residential properties;
 - (h) the accessways on the common lot and for each residential site should be designed and constructed so that their surface has a low reflectivity;
 - (i) the overland flows should achieve hydrological neutrality (i.e. retain flows at pre-development levels); and
 - (j) riparian planting (existing and proposed) along the margins of the Kourawhero Stream within the subject site should enhance the visual amenity on the site and improve the ecological function of the stream, without worsening any existing flooding hazard has been provided.
- (3) standard infringements in the Airfield Sub-precinct (Sub-precinct A):
- (a) the proposed height of the building or structure should not dominate adjoining sites or adversely affect airport safety;
 - (b) the proposed building or structure should not adversely affect the visual and landscape amenity values of adjoining sites; and
 - (c) when assessing storage areas, the proposal should include methods to ensure any parts of an activity visible from any public place will be maintained in a tidy condition and whether location of by-products or refuse should be screened from public view in order to maintain a reasonable level of visual amenity.

I513.9. Special information requirements

There are no special information requirements in this precinct.

I513.10. Precinct plans

I513.10.1 Kaipara Flats Airfield: Precinct plan 1 - subdivision concept plan



Attachment 5: Corrected Text

I513. Kaipara Flats Airfield Precinct

I513.1. Precinct Description

This precinct consists of two sub-precincts. The Airfield Sub-precinct (Sub-precinct A) applies to the airfield. The Residential Sub-precinct (Sub-precinct B) applies to adjoining residential sites.

The purpose of the Airfield Sub-precinct is to provide for the efficient operation of the airfield, including aircraft operations, maintenance and repair of aircraft, and limited provision for commercial and industrial activities associated with aviation.

The purpose of the Residential Sub-precinct is to provide for limited residential development, with associated hangar facilities for small aircraft within the airfield site.

The zoning of land in this precinct is Special Purpose – Airports and Airfields Zone. This is a shell zone with no provisions.

I513.2. Objectives

- (1) The efficient operation of the Kaipara Flats Airfield while enabling an eight lot residential subdivision with associated hangar facilities for small aircraft.
- (2) The rural character of the Kaipara Flats Airfield area and the surrounding environment is maintained.
- (3) Aircraft operations and appropriate commercial and industrial activities associated with aviation are enabled.

Auckland-wide and overlay objectives apply in this precinct in addition to those specified above.

I513.3. Policies

Airfield Sub-precinct (Sub-precinct A)

- (1) Enable the efficient operation of the existing airfield.
- (2) Require aircraft operation and aircraft-related activities, including maintenance and repair to occur at a scale and times that do not generate significant adverse effects on those living in the surrounding area.
- (3) Require noise controls for aircraft operations to minimise adverse noise effects on those living in the surrounding area.
- (4) Require airfield activities to be screened, and or buildings or parking areas located and designed, so that to avoid, remedy or mitigate adverse amenity effects on neighbouring sites such as, glare, noise, or the visual appearance of buildings.

Residential Sub-precinct (Sub-precinct B)

- (5) Maintain the efficient operation of the Kaipara Flats Airfield while also maintaining residential character and amenity of the Residential Sub-precinct.
- (6) Limit development to eight residential lots with associated aircraft hangars and one common lot adjoining the airfield runway.
- (7) Avoid, remedy or mitigate adverse effects from flooding and building design by riparian planting and infrastructure upgrading.
- (8) Minimise effects, on the rural character within the Kaipara Flats Airfield area and its surrounding rural areas.

Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

I513.4. Activity table

The following tables specify the activity status of land use activities in the Kaipara Flats Airfield Precinct pursuant to section 9(3) and subdivision pursuant to section 11 of the Resource Management Act 1991. The zone applies but there are no rules in the zone. Auckland-wide and overlay provisions apply in this precinct unless otherwise specified below. The following provisions do not apply:

- (1) Chapter D24 Aircraft Noise Overlay Activity Table D24.4.1; and
- (2) Chapter D24 Aircraft Noise Overlay Standard D24.6.1.

Table I513.4.1 Activity Table – Airfield Sub-precinct (Sub-precinct A)

Activity		Activity status
Use		
(A1)	Activities that do not comply with standards I513.6.1.1 Noise or I513.6.1.2 Hours of Operation	NC
(A2)	Activities that do not comply with standards I513.6.1.3 to I513.6.1.8 inclusive.	RD
(A3)	Aircraft operations	P
(A4)	Aviation training facilities	P
(A5)	Facilities for aircraft arrivals and departures including control towers, waiting rooms, booking facilities and restaurants	P
(A6)	Clubrooms and recreational facilities for groups directly associated with aviation	P
(A7)	Emergency services	P
(A8)	Housing, maintenance and restoration of aircraft	P
(A9)	Business directly involved in aviation including accessory offices, plant and storage	P
(A10)	Storage and sale of aircraft fuel and lubricants for aircraft using the site	P
(A11)	Manufacture and assembly of aircraft or aircraft components, on a commercial basis	D
(A12)	Maintenance and testing of electronic equipment used in	P

	the aircraft industry for aircraft safety	
(A13)	Commercial aviation activities not otherwise specified	D
Accommodation		
(A14)	Dwellings	Pr
Development		
(A15)	New buildings	P
(A16)	Demolition of buildings	P
(A17)	External alterations or additions to buildings	P
(A18)	Internal alterations or additions to buildings	P

Table I513.4.2 Activity Table – Residential Sub-precinct (Sub-precinct B)

Activity		Activity status
Use and Development		
(A19)	Construction of dwellings and associated aircraft hangars	RD
(A20)	Dwellings and associated aircraft hangers that do not comply with I513.6.2.1 to I513.6.2.6 inclusive	D
Subdivision		
(A21)	Subdivision for eight residential sites and associated aircraft hangars	RD
(A22)	Subdivision for eight residential sites and associated aircraft hangars that does not comply with I513.6.2.5 to I513.6.2.12 inclusive	D
(A23)	Subdivision for the creation of more than eight residential sites and associated aircraft hangars	Pr

I513.5. Notification

- (1) Any application for resource consent for an activity listed in Table I513.4.1 Activity table – Airfield Sub-precinct (Sub-precinct A) and Table I513.4.2 Activity Table – Residential Sub-precinct (Sub-precinct B) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding 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\(4\)](#).

I513.6. Standards

I513.6.1. Airport Sub-precinct (Sub-precinct A)

All activities listed as a permitted activity in Table I513.4.1 Activity table – Airfield Sub-precinct (Sub-precinct A) must comply with the following standards. Auckland-wide and overlay standards also apply in this precinct unless otherwise specified.

I513.6.1.1. Noise

- (1) Airfields must operate so that the noise from aircraft operations do not exceed a day night sound level of:
- (a) L_{dn} 65dBA outside the air-noise boundary shown on the Aircraft Noise Area Overlay
 - (b) L_{dn} 55 dBA outside the outer control boundary shown on the Aircraft Noise Area Overlay.
- (2) Aircraft noise should be assessed in accordance with the New Zealand Standard on Airport Noise Management and Land Use (NZS6805:1992), except that noise levels must be calculated using the FAA Integrated Noise Model (INM), modified for local conditions if necessary, and using records of actual aircraft operations. The noise level must be calculated as a 90-day rolling average.

I513.6.1.2. Hours of operation

- (1) In accordance with the standing order inserted into the New Zealand aeronautical information publication – Visual Flight Guide, dated June 2011, flight operators using an airfield must not take off from the airfield between 10.30pm local time and morning civil twilight time (being when the centre of the rising sun’s disc is six degrees below the horizon), except in the case of emergency or compelling circumstances.

I513.6.1.3. Building height

- (1) Buildings must not exceed 15m in height.

I513.6.1.4. Yards

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I513.6.1.4.1 Yards below.

Table I513.6.1.4.1 Yards

Yard	Minimum depth
Front	10m from the sub-precinct boundary
Side	10m from the sub-precinct boundary
Rear	10m from the sub-precinct boundary
Riparian	10m from the edge of all other permanent and intermittent streams

I513.6.1.5. Height in relation to boundary

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level alongside and rear boundaries that adjoin an open space zone, rural zone or the Future Urban Zone.

I513.6.1.6. Storage and screening

- (1) Material must not be stored in a front yard.

- (2) Except as specified above, refuse may be stored within any building or part of a site. The refuse must be contained within a purpose made container with a secure cover, which must be screened from any adjoining residential zone or open space zone.

I513.6.1.7. Landscaping

- (1) A landscaping strip at least 2m wide must be provided along the boundary of any site that adjoins a site in the rural zones. The landscaping must:
- (a) comprise plants, 50 per cent of which are capable of reaching at least 3m high. Trees must be of a species capable of reaching a maximum height of 6m and be not less than 1.5m high at the time of planting.
 - (b) be planted and maintained to provide an effective visual screen between the land and buildings in the sub-precinct and the adjoining land.
- (2) Landscaping along the frontage or adjacent to an access or maneuvering area or a car parking area must be provided with wheel stop barriers to prevent damage from vehicles. The wheel stop barriers must be located at least 1m from the trunk of any tree.

I513.6.1.8. Maximum impervious area

- (1) The maximum impervious area must not exceed 80 per cent of site area.

I513.6.2. Residential Sub-precinct (Sub-precinct B)

All activities listed in Table I513.4.2 Activity Table – Residential Sub-precinct (Sub-precinct B) must comply with the following standards.

I513.6.2.1. Building height

- (1) Buildings must not exceed 8m in height.

I513.6.2.2. Yards

- (1) A building or parts of a building must be set back from all boundaries by the minimum depth of 10m.

I513.6.2.3. Height in relation to boundary

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along any site boundary.

I513.6.2.4. Building coverage

- (1) Buildings (including dwellings and aircraft hangars) must not exceed 40% of the site area or up to a maximum of 1,000m², whichever is the lesser.

I513.6.2.5. Minimum floor levels and ground levels

- (1) Floor levels of habitable buildings must be not less than RL 29.6m (Reduced Level in terms of NZVD2016) through the centre of the site opposite Newton Road, based on a 900mm freeboard above the 100 year flood event and adjusted where required by the flood hydraulic grade line through the site.

- (2) The floor levels of non-habitable buildings must not be less than RL 29.2m (Reduced Level in terms of NZVD2016) through the centre of the site opposite Newton Road, based on a 500mm freeboard above the 100 year flood event and adjusted where required by the flood hydraulic line through the site.
- (3) The floor levels of outdoor amenity areas must be not less than RL 29 (Reduced Level in terms of NZVD2016) through the centre of the site opposite Newton Road, based on a 300mm freeboard above the 100 year flood event and adjusted where required by the flood hydraulic grade through the site.

I513.6.2.6. Subdivision - site sizes

- (1) Minimum average site size: 3,000m².
- (2) Maximum site size: 5,500m².
- (3) A common access lot: between 1.4 to 1.5ha in area.
- (4) The balance lot must be for the remainder of the Kaipara Flats Airfield.

I513.6.2.7. Subdivision – number of sites

- (1) The maximum number of residential sites: eight.
- (2) Only one common access lot must be created.
- (3) One balance lot for the airfield must be created.

I513.6.2.8. Consent notices

- (1) In accordance with section 221 of the RMA, the following consent notices must be attached to the titles of the residential lots:
 - (a) Prohibiting the occupiers of dwellings from complaining about noise effects resulting from aircraft operations of the Kaipara Flats Airfield.
 - (b) Advising that the site, its access from Kaipara Flats Road and along several sections of Kaipara Flats Road are subject to periodic flooding. The consent notice must confirm that each dwelling has a finished floor level 900mm above the 100 year flood event. The consent notice must advise that, because of the flooding risk, the provisions of sections 71 to 74 of the Building Act 2004 may need to be considered at the time any building consents are applied for.
 - (c) Requiring the owners of the residential lots to comply with the building design controls approved as part of the subdivision consent.

I513.6.2.9. Newton Road upgrade

- (1) Prior to the issue of a Certificate under Section 224(c) of the RMA for the residential lots, Newton Road and the bridge over the Kourawhero Stream must be upgraded to provide for 600mm of freeboard underneath the bridge during a 100-year flood event.

- (2) The cost of the upgrading of the Newton Road and the bridge over Kourawhero Stream must be paid for by the applicant/developer.
- (3) The Newton Road upgrade must be designed not to increase upstream flooding beyond levels that already occur or allow debris to back up during a flood event.

I513.6.2.10. Agreement to use airfield

- (1) The applicant must provide a legal agreement between the applicant (and subsequent owners) and the owner(s) of the Kaipara Flats Airfield, that the lots on the plan of subdivision are guaranteed access to the Kaipara Flats Airfield, for as long as the airfield remains in use. The agreement must be registered against the certificates of title for all new sites created. No subdivision shall occur until this requirement is met.

I513.6.2.11. Riparian planting

- (1) A minimum of 10 metres width along the adjoining side boundaries of the Kourawhero Stream (except in areas occupied by buildings or airfield infrastructure) must be managed and planted as a riparian margin utilising predominantly native carex and sedge species. Any proposal for more than a minor variation of this standard shall be accompanied by a riparian margin analysis of the site undertaken by an appropriately qualified person.
- (2) Riparian planting must be designed to ensure that any obstacles to flows during flood events are minimised. Native tree species such as Kahikatea, cabbage trees and Pukatea may be used in the outer edges of the margin. Willows must be removed.
- (3) Native vegetation must be for the purpose of riparian margin protection and must not be clear felled or removed. Ten % of the required native planting may be substituted with exotic specimens. Planting of native and exotic species must be in accordance with the following standards:
 - (a) a survival rate such that planting will be established to a minimum of 90% of the original density specified before the project is signed off as complete;
 - (b) a density of 1.4 metre centres (5,100 stems per hectare) reducing to 1m centres (10,000 stems per hectare) in kikuyu and wetland environments, and riparian margins;
 - (c) all plants shall be sourced from the ecological district and be appropriate for the soil, aspect, exposure and topography; and
 - (d) at the time of planting each plant shall be fertilised in accordance with the recommendations of the revegetation report submitted as part of the planting plan assessment.
- (4) A covenant providing for the permanent protection of the native vegetation in the planted area must be entered into and registered on the title.

- (5) The planted area must be kept free of stock. This requirement can be met either by providing a stock proof fence or by a covenant registered on the title requiring that no stock be kept within the Kaipara Flats Airfield site.
- (6) A riparian margins planting plan and assessment prepared by a suitably qualified person experienced in vegetation restoration, shall be submitted with applications for subdivision consent. If exotic species are to be included in the planting plan, the assessment must confirm that they will not compromise the long term sustainability of the native planting.

I513.6.2.12. Design of subdivision

- (1) The design of the subdivision must be in general accordance with Precinct plan 1 - subdivision concept plan.
- (2) The developed area of the eight residential lots, that is the raised area of the proposed subdivision to RL 29 (Reduced Level in terms of NZVD2016), being 300mm above the predicted flood level, must not be wider than 44 metres (see Precinct plan 1 - subdivision concept plan).
- (3) Upstream flooding must not be increased beyond that existing.

I513.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I513.8. Assessment – restricted discretionary activities

I513.8.1. 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 overlay and Auckland-wide provisions:

- (1) construction of dwellings and associated aircraft hangers activities
 - (a) building location and orientation;
 - (b) building design, bulk and form; and
 - (c) landscape treatment and boundary fencing.
- (2) subdivision
 - (a) general accordance with Precinct plan 1 - subdivision concept plan;
 - (b) management and maintenance of the Common Access Lot and Right of Way;
 - (c) site access for cars and aircraft;
 - (d) earthworks and land modification;
 - (e) mitigating vegetation planting;

- (f) natural hazard avoidance/mitigation;
 - (g) effects on the surrounding landscape and character;
 - (h) suitability for building and building area location, building bulk and size of site; and
 - (i) effects on the ecology of the Kourawhero Stream.
- (3) standard infringements in the Airfield Sub-precinct
- (a) Building height and height in relation to boundary:
 - (i) building scale and dominance; and
 - (ii) visual amenity and effects on neighbouring sites.
 - (b) Yards, storage and screening and landscaping:
 - (i) visual amenity and effects on neighbouring sites.
 - (c) Maximum impervious area:
 - (i) any policy which is relevant to the standard,
 - (ii) the purpose of the standard,
 - (iii) the effects of the infringement of the standard.

I513.8.2. 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 overlay and Auckland-wide provisions.

- (1) Construction of dwellings and associated aircraft hanger activities
- (a) The dwelling and hangar should be designed in accordance with the Housing and Hangar Site Specific Guidelines as set out in Table I513.8.2.1.1 Housing and hanger site specific guidelines – building elements and I513.8.2.1.2 Housing and hanger site specific guidelines – site elements.
 - (b) The scale and form of dwellings and hangars including their colour and materials should be sympathetic with the rural character in the area.
 - (c) The design, form and cladding of the dwelling or hangar should be compatible with other dwellings and hangars already developed or approved within the precinct.
 - (d) The height and location of the dwelling or hangar should not adversely affect the visual character or privacy of adjoining residential sites including admission of sunlight, visual and aural privacy, and over-dominance of buildings.

- (e) The landscape plan should provide adequate screening and/or vegetative context for the building or development.

Table I513.8.2.1. Housing and hanger site specific guidelines – building elements

Building Element	Material	Specification	Colour
Dwelling roofs	Coloured clay tiles, slate, concrete tiles, timber shingles or coloursteel	30 to 45 degree pitch. Simple hip, gable or combination of both	Natural colour and appearance (e.g. no terracotta)
Dormers	No restriction	Symmetrical across face	NA
Skylights	No restriction	Limited to 10% of roof area	NA
Conservatories	Glass attached to house only		NA
Walls	Timber frame – brick veneer, brick bagged, block veneer plastered, timber weatherboards Solid masonry, plastered Aerated concrete block, plastered Natural stone veneer, plinth at the bottom of the wall	Natural or painted	Natural colour list
Joinery	Timber or Aluminium	Stained or painted (timber), powder coated	Natural colour list
Spouting/downs pouts	Copper, coloursteel, or other material, spouting on timber fascia boards	Material other than copper painted to match the background	Natural colour list
Garage doors	Timber or coloursteel	Stained or painted	Natural colour list
Pergolas, porch and deck railings, shutters, privacy screens	Timber or coloursteel	Stained or painted	Natural colour list
Roof items	Chimneys to hide metal flues, Chimney cowling to be screened Hot water collectors: collector panel only to be shown on the roof, hot water tank to be inside building		

Table I513.8.2.2 Housing and hanger site specific guidelines – site elements

Site Element	Specification	Notes
Yards		All 10m
Building height		Maximum of 10m
Building coverage		40% of net site area
Building orientation	Walls parallel to site boundary	Up to 10 degree skew allowed except where orientation to the north is required for passive solar gain
Roof orientation	Walls square with roof ridgelines	Up to 20% of total exterior walls exempted
Walls	Walls plumb	
Balconies	0.5m maximum cantilever over support line line of balcony	
Garage and hangar orientation	Open to side, centre, or front site	
Hangars incorporated into landscaping	Raised earth slopes and planting to minimise size and height of hangars	
Front yard fencing	If provided, 0.8m maximum height	Open (not close boarded) painted timber, stone, brick or wrought iron or similar. Up to 1.5m high gate and end posts
Side yard fencing, if desired	If provided, 0.8m maximum height from front boundary to 3m oast front building façade; from 3m behind building façade, 1.8m maximum height	Open (not close boarded) painted timber, or wrought iron or similar to a maximum of 1.8m height (where permitted); or stone or brick to a maximum of 0.8m height
Common access lot boundary fencing	Nil	

(2) subdivision

- (a) the subdivision should occur without creating adverse effects, including cumulative effects, on the rural character anticipated within the Kaipara Flats Airfield area and its surrounding rural areas;
- (b) the site size, shape, contour and access should be suitable for the intended use of the residential lots and associated aircraft hangars, and is in general accordance with Precinct plan 1 - subdivision concept plan;

- (c) the Common Access Lot should be owned in common undivided equal shares, and have legal mechanisms in place to ensure appropriate maintenance and management of the Lot. Such legal mechanisms should include the avoidance of adverse effects from use of the Common Access Lot on each of the residential lots;
 - (d) appropriate legal mechanisms should be placed against each residential lot to ensure appropriate management of the right of way easement over the Airfield Lot;
 - (e) all weather, flood-free access should be provided to the sites, including the necessary upgrading of Newton Road and the bridge over the Kourawhero Stream in a manner that will not exacerbate upstream flooding;
 - (f) the subdivision should not initiate or exacerbate natural hazards (and offsite flooding in particular), through earthworks or access provision, or result in building areas being subject to natural hazards;
 - (g) a comprehensive landscape plan should be provided demonstrating planting that will enhance natural features of the site and surrounding area and will assist to integrate future buildings into the surrounding landscape, and screen views from Kaipara Flats Road and surrounding residential properties;
 - (h) the accessways on the common lot and for each residential site should be designed and constructed so that their surface has a low reflectivity;
 - (i) the overland flows should achieve hydrological neutrality (i.e. retain flows at pre-development levels); and
 - (j) riparian planting (existing and proposed) along the margins of the Kourawhero Stream within the subject site should enhance the visual amenity on the site and improve the ecological function of the stream, without worsening any existing flooding hazard has been provided.
- (3) standard infringements in the Airfield Sub-precinct (Sub-precinct A):
- (a) the proposed height of the building or structure should not dominate adjoining sites or adversely affect airport safety;
 - (b) the proposed building or structure should not adversely affect the visual and landscape amenity values of adjoining sites; and
 - (c) when assessing storage areas, the proposal should include methods to ensure any parts of an activity visible from any public place will be maintained in a tidy condition and whether location of by-products or refuse should be screened from public view in order to maintain a reasonable level of visual amenity.

I513.9. Special information requirements

There are no special information requirements in this precinct.

I513.10. Precinct plans

I513.10.1 Kaipara Flats Airfield: Precinct plan 1 - subdivision concept plan

