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14 March 2016

Yu Lawyers
PO Box 96135
Balmoral
Auckland 1342

Attention: David Liu

Dear David

**Overseas Investment Act Certificate:
2182 East Coast Rd Silverdale, Auckland.**

As requested, please find attached a signed Certificate which addresses each element of Tables 1 and 2 in Schedule 1 of the Overseas Investment Act. After careful consideration of each element of Tables 1 and 2 in Schedule 1 of the Act, the Certificate records that the subject property is not sensitive under the Overseas Investment Act 2005.

I also confirm that the subject land does not include land deemed to be "Special Land" as defined by section 3 of the Overseas Investment Regulations 2005, being foreshore, seabed, riverbed or lakebed as defined in section 6(1) of the Overseas Investment Act 2005.

Enclosed are copies of locality map, Landonline Spatial Map, District Plan, Proposed Auckland Unitary Plan and copies of relevant Computer Freehold Register for your records.

Yours Sincerely

Steven Schwarz
LINZ Accredited Supplier

**CERTIFICATE FOR THE PURPOSES OF SCHEDULE ONE OF
THE OVERSEAS INVESTMENT ACT 2005**

2182 East Coast Rd Silverdale, Auckland

I, Steven Julius Schwarz, LINZ Accredited Crown Property Supplier certify that:

PART A

1. The land the subject of this certificate is:

	CT Number	Legal Description	Land District	Non-Urban Land?	District Plan Zoning	Area
(a)	CFR NA129D/11	Lot 1 DP 200971	North Auckland	No	Special Zone 35 (Hibiscus Coast Gateway) (Auckland Council District Plan - Operative Rodney Section 2011). Future Urban (Proposed Auckland Unitary Plan - notified September 2013).	18.3860 ha
(b)	CFR NA24B/87	Lot 2 DP 65609	North Auckland	No	As above	7.6410 ha
TOTAL LAND AREA						26.0270 ha

PART B – SENSITIVE LAND

	YES	NO	REF
2. The land the subject of this certificate is or includes:			
(a) Non-urban land larger than 5 hectares	☐	☒	
(b) land greater than 0.4 hectares on islands specified in Part 2 of Schedule 1	☐	☒	
(c) land on other islands (other than North or South Island, but including the islands adjacent to the North or South Island)	☐	☒	
(d) the foreshore or seabed	☐	☒	
(e) land larger than 0.4 hectares being the bed of a lake	☐	☒	
(f) land larger than 0.4 hectares held for conservation purposes under the Conservation Act 1987	☐	☒	
(g) land larger than 0.4 hectares that a district plan or proposed district plan under the Resource Management Act 1991 provides is to be used as a reserve, as a public park, for recreation purposes, or as open space	☐	☒	
(h) land larger than 0.4 hectares subject to a heritage order, or a requirement for a heritage order, under the Resource Management Act 1991 or by the Historic Places Trust under the Historic Places Act 1993	☐	☒	
(i) a historic place, historic area, wahi tapu, or wahi tapu area larger than 0.4 hectares that is registered or for which there is an application or proposal for registration under the Historic Places Act 1993	☐	☒	
3. The land the subject of this certificate is greater than 0.2 hectares and adjoins:			
(a) Foreshore	☐	☒	
4. The land the subject of this certificate is greater than 0.4 hectares and adjoins:			
(a) bed of a lake	☐	☒	
(b) land held for conservation purposes under the Conservation Act 1987 (if that conservation land exceeds 0.4 hectares in area)	☐	☒	

	YES	NO	REF
(c) any scientific, scenic, historic, or nature reserve under the Reserves Act 1977 that is administered by the Department of Conservation and that exceeds 0.4 hectares in area	☐	☒	—
(d) any regional park created under the Local Government Act 1974	☐	☒	—
(e) land that is listed, or in a class listed, as a reserve, a public park, or other sensitive area by the regulator under section 37	☐	☒	—
(f) land that adjoins the sea or a lake and exceeds 0.4 hectares and is 1 of the following types of land: • an esplanade reserve or esplanade strip (within the meaning of section 2(1) of the Resource Management Act 1991); or • a recreation reserve under the Reserves Act 1977; or • a road (as defined in section 315(1) of the Local Government Act 1974); or • a Maori reservation to which section 340 of Te Ture Whenua Maori Act 1993 applies	☐	☒	—
(g) land over 0.4 hectares that is subject to a heritage order, or a requirement for a heritage order, under the Resource Management Act 1991 or by the Historic Places Trust under the Historic Places Act 1993	☐	☒	—
(h) land over 0.4 hectares that includes a historic place, historic area, wahi tapu, or wahi tapu area that is registered or for which there is an application or proposal for registration under the Historic Places Act 1993	☐	☒	—

PART C - SPECIAL LAND:

	YES	NO	REF
5. The land the subject of this certificate is or includes:			
(a) foreshore	☐	☒	—
(b) seabed	☐	☒	—

- (c) bed of a river
(d) bed of a lake

YES NO REF
☐ ☒ ☐
☐ ☒ ☐

PART D:

6. The items marked 'yes' above are:

		Relevant Land	Adjoining Land (if relevant)
A	CT and Legal Description:		
	Comments:		

Dated at Auckland this 14th day of March 2016



Steven Schwarz

LINZ Accredited Supplier



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



Identifier **NA129D/11**
Land Registration District **North Auckland**
Date Issued **09 May 2000**

Prior References

NA1040/263 NA1344/37

State Fee Simple
Area 18.3860 hectares more or less
Legal Description Lot 1 Deposited Plan 200971

Proprietors

Edward Roy Williams, Carol June Williams, Lesley Jeanette Christian and Timothy John Goulding

Interests

Excepting all minerals within the meaning of the Land Act 1924 on or under the land (affects part)

C499364.1 Gazette Notice declaring the adjoining road to be a limited access road - 20.7.1993 at 10.22 am

10258521.1 CAVEAT BY KVEST INVESTMENT PARTNERS GROUP LIMITED - 20.11.2015 at 9:50 am

Search Copy Dated 1/12/15 2:47 pm, Page 2 of 2
Register Only



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **NA24B/87**
Land Registration District **North Auckland**
Date Issued **29 June 1971**

Prior References
NA2C/200

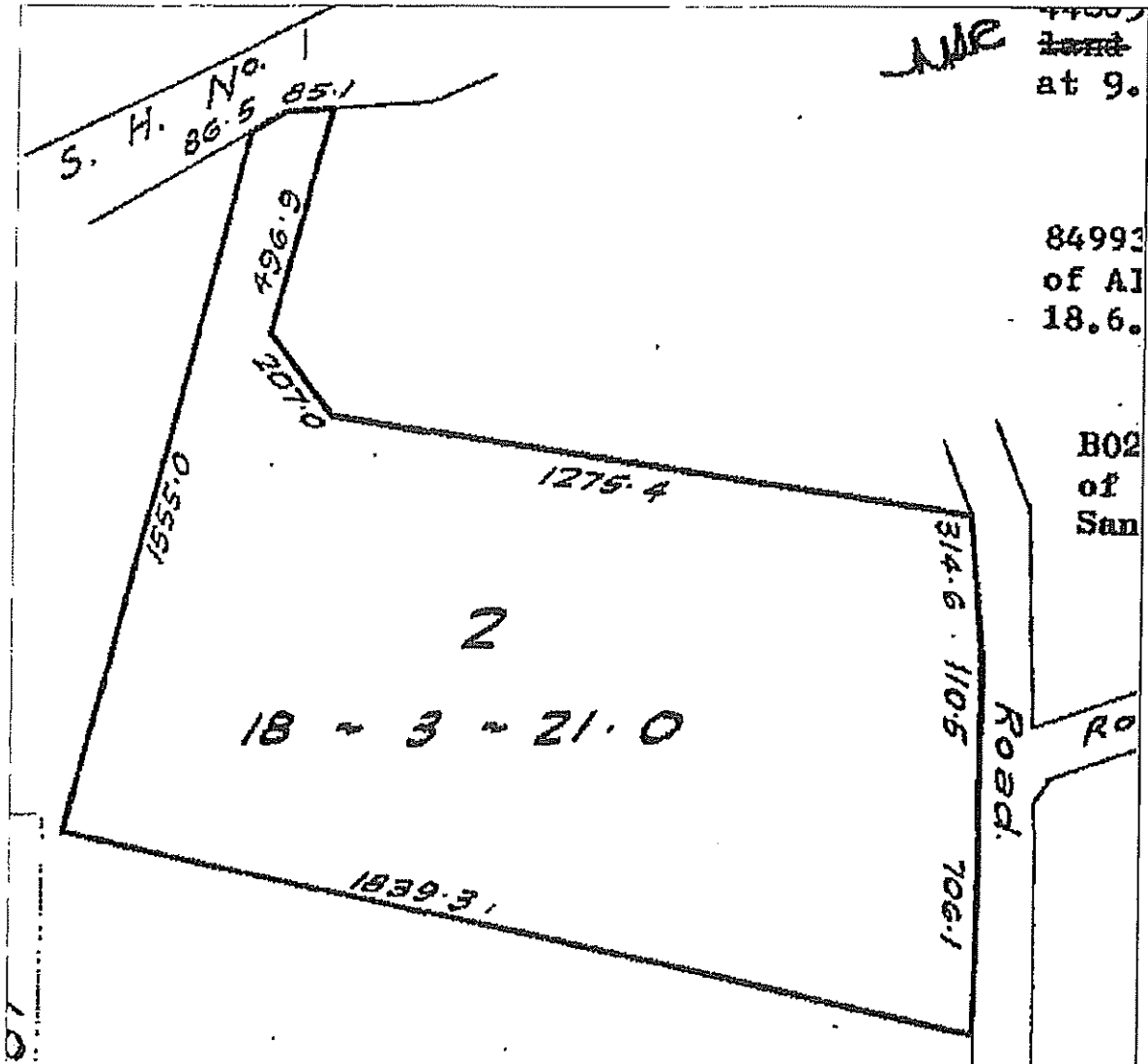
Estate	Fee Simple
Area	7.6410 hectares more or less
Legal Description	Lot 2 Deposited Plan 65609
Proprietors	
Silverdale Golf Range Limited	

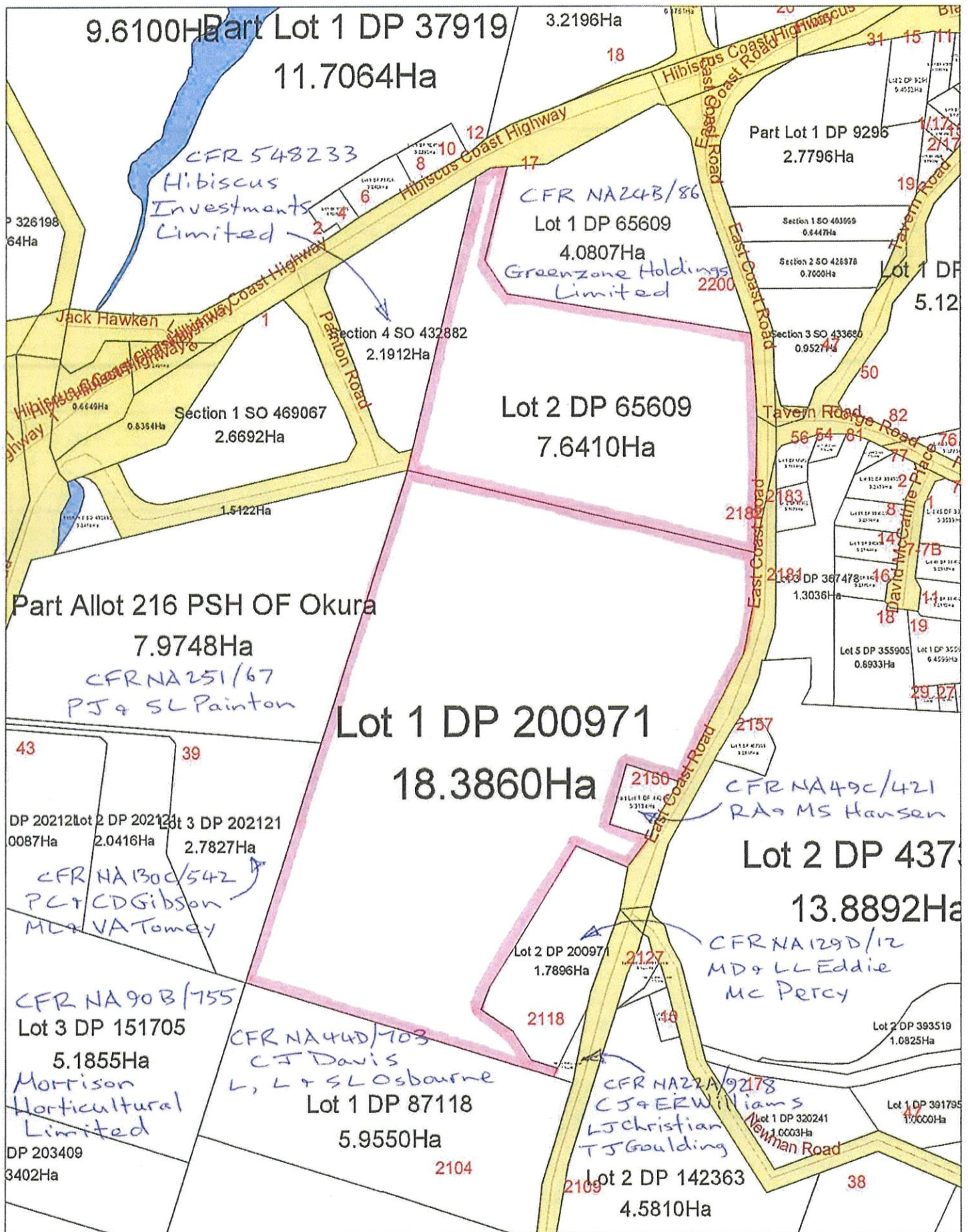
Interests

448636.1 Gazette Notice declaring pt No 1 State Highway (Awanui-Bluff) to be limited access road - 4.3.1977 at 9.41 am
C499364.1 Certificate declaring the adjoining road to be a limited access road - 20.7.1993 at 10.22 am

Identifier

NA24B/87





Spatial Map Print

Scale 1 : 5000



This data has been compiled from official records. Location of boundaries requires an analysis of all relevant information in compliance with the Survey Regulations. Attribute data requires an analysis of the appropriate legal record.



land. These include rights to airspace (to such height as is necessary for the ordinary use and enjoyment of the land and the structures upon it). This principle has been extended to modern forms of landholding, such as the stratum estate (unit titles), and the subsoil (but subject to statutory restrictions).

The Act refers to "an interest in land" – see [section 12\(a\)](#)

(http://www.legislation.govt.nz/act/public/2005/0082/lates/DLM358017.html?search=ts_act+Overseas+Investment+Act+2005+resel#DLM358017), of the Act. "Interest" is defined in section 6(1) of the Act as including a legal or equitable interest. A licence (ie. a mere permission to be on the land) is not an interest in land. However, if a "licence" gives a person exclusive possession of the land (by allowing the occupier to use and enjoy the property to the exclusion of strangers), the "licence" will be deemed to be a lease, notwithstanding the label by which the parties chose to place upon their transaction: *Fatac Limited (in Liquidation) v IRD*, CA227/01, 23 September 2002. A mining permit is not an interest in land: see [section 92\(1\) of the Crown Minerals Act 1991](#) (<http://www.legislation.govt.nz/act/public/1991/0070/lates/DLM5227221.html>).

0 Non-urban land

Non-urban land is defined in [section 6\(1\)](#) (http://www.legislation.govt.nz/act/public/2005/0082/lates/DLM356891.html?search=ts_act+Overseas+Investment+Act+2005+resel#DLM356891) of the Act as meaning:

- farm land, and
- any land other than land is both in an urban area, and used for commercial, industrial, or residential purposes.

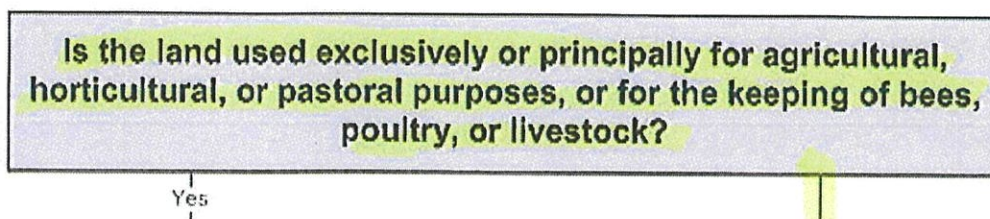
"Farm land" is defined in section 6(1) as meaning land used exclusively or principally for agricultural, horticultural, or pastoral purposes, or for the keeping of bees, poultry, or livestock.

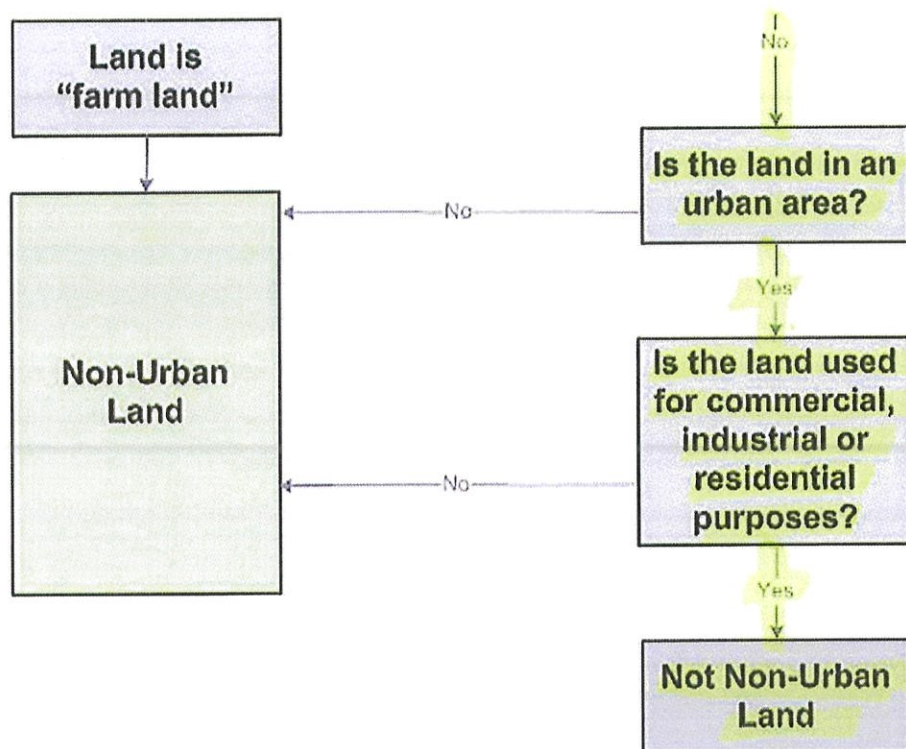
"Urban area", "commercial purposes", "industrial purposes", or "residential purposes" are not defined in the Act.

Use the following diagram to help determine if land is non-urban land.

Overseas Investment - Definition of Non-Urban Land

How to determine whether land is 'non-urban land' for the purpose of schedule 1





Identifying whether land is "in an urban area"

"Urban" is defined in the Shorter Oxford Dictionary as "of, pertaining to, or constituting a city or town; occurring in or characteristic of a city or town". Black's Law Dictionary defines "urban" as "Of or relating to a city or town; not rural".

In the majority of cases, an urban area will be characterised by:

- high population density
- small land holdings (regularly less than 0.4 hectares), and
- zoning that is compatible with high density commercial, industrial and/or residential activity.

District plans and aerial photographs are the most effective tools for assessing urban area status.

Identifying whether land is used for "commercial, industrial or residential purposes"

The land must be used for commercial, industrial or residential purposes and must be zoned accordingly in the relevant operative district plan.

0 Farm land

Land types and areas

In this document the OIO outlines its approach to assessing the land types and land area thresholds used to determine whether land is sensitive land.

On this page:

1. [Introduction \(#Introduction\)](#)
2. [Exempted interests \(#Exempted\)](#)
3. [Land \(#Land\)](#)
4. [Non-urban land \(#Non\)](#)
5. [Farm land \(#Farm\)](#)
6. [Unit-titled land / common areas \(#Unit\)](#)
7. [Associated land \(#Associated\)](#)
8. [Leases \(#Leases\)](#)
9. [Subdivisions \(#Subdivisions\)](#)
10. [Multi-story buildings \(#Multi\)](#)
11. [Identifying cultural sites, historic places & conservation land \(#Identifying\)](#)
12. [Disclaimer \(#Disclaimer\)](#)
13. [Downloads \(#Download\)](#)

Recent updates relevant to this document:

[9 November 2005: section 37 list of reserves, parks and other sensitive areas](#)
[\(http://www.linz.govt.nz/system/files/force/media/file-attachments/oio-publications-s37-list.pdf?download=1\)](http://www.linz.govt.nz/system/files/force/media/file-attachments/oio-publications-s37-list.pdf?download=1) (attachment below).

[0 Introduction](#)

Land types

This document contains advice on how to determine land types, including non-urban land and farm land. However, note that a final determination may be highly dependent on the facts of each case.

Land area

A land area threshold is used to determine whether land is sensitive (under Table 1 of [Schedule 1](#) (http://www.legislation.govt.nz/act/public/2005/0082/lates/DLM358552.html?search=ls_act_Overseas+Investment+Act+2005_resel#DLM358552) of the Overseas Investment Act 2005) or whether the adjoining land is sensitive (under Table 2 of Schedule 1 of the Act). In the majority of cases, the land area will be the area described in the computer register (title) of the land being acquired. Exceptions to this general rule may exist in cases involving leases, subdivisions, multi-story buildings and unit-titled land/common areas. As Schedule 1 includes "associated land", the definition of "associated land" in section 8 of the Act will need to be considered in calculating the relevant land area. The associated land provisions refer to "land A adjoins Land B". "Adjoins" means "touching, sharing a common boundary, touching at a point or along a boundary".

Note: In some cases, no area threshold is prescribed (for example, land that is on islands other than the islands listed in Part 2 of Table 1, or the North and South Islands; or land that contains the foreshore or seabed; or certain land in the section 37 list).

Land in a class listed as a reserve, a public park, or other sensitive area under section 37

The second table in Part 1 of Schedule 1 includes a reference to the regulator's (the OIO) list of additional properties for which the adjoining land is sensitive. [Read the list published under section 37 of the Act](#) (<http://www.linz.govt.nz/system/files/force/media/file-attachments/oio-publications-s37-list.pdf?download=1>) (attachment below).

Exempted Interests

Consent is not required to acquire interests in land that are exempted interests. "Exempted interests" are defined in section 6(1) of the Act as meaning an easement or profit a prendre. Forestry rights are deemed to be a profit a prendre: see [section 3\(1\) of the Forestry Rights Registration Act 1983](#)

(http://www.legislation.govt.nz/act/public/1983/0042/lates/DLM72494.html?search=ls_act_Forestry+rights_resel#DLM72494).

Consent is also not required to acquire certain other interests in land, such as the acquisition of any interest in land for a term of three years or less. In calculating the term of an interest in leasehold land, all renewal rights or options are included. See [section 12\(a\)\(ii\)](#)

(http://www.legislation.govt.nz/act/public/2005/0082/lates/DLM358017.html?search=ls_act_Overseas+Investment+Act+2005_resel#DLM358017) of the Act.

Land

"Land" is not defined in the Act. The Shorter Oxford Dictionary defines land as "... (in law) usually together with any other buildings, etc. above the ground and any minerals, mines, etc., beneath it". "Land" includes the physical aspects of the land, as well as the intangible rights capable of existing in

Farm land is land that is used, exclusively or principally, for agricultural, horticultural or pastoral purposes, or for the keeping of bees, poultry or livestock.

"Exclusively" means "solely", or "excluding everything else". "Principally" means "the main or most important". When determining whether land is used "principally" for agricultural, horticultural or pastoral purposes, the courts have indicated that a number of factors may be taken into account, including the intensity of agricultural use, including:

- whether the land is operated as an economically viable farming unit;
- the area of land used for farming, as opposed to another activity;
- whether farming is the main generator of the income on the property; or
- whether farming is a permitted use of the land in the relevant district plan.

Land that is used purely for lifestyle purposes (i.e. the primary purpose is as a residence) is probably not farm land. See [lifestyle properties and new migrants](http://www.linz.govt.nz/overseas-investment/applications/technical-resources/lifestyle-properties) (<http://www.linz.govt.nz/overseas-investment/applications/technical-resources/lifestyle-properties>).

Land that is used for forestry purposes is not farm land.

"Agricultural purposes" includes the cultivation of soil for the production of food products and other useful products. "Horticultural purposes" includes growing plants in gardens, greenhouses, shadehouses, orchards, vineyards or hydroponically; and "pastoral purposes" includes the grazing of livestock.

Farm land advertising

Farm land must be offered for acquisition on the open market before consent can be granted. The [Regulations](http://www.legislation.govt.nz/regulation/public/2005/0220/lates/DLM341366.html) (<http://www.legislation.govt.nz/regulation/public/2005/0220/lates/DLM341366.html>) establish the procedure and minimum standards for advertising farm land. See [standards for advertising farm land](http://www.linz.govt.nz/overseas-investment/applications/technical-resources/farm-land) (<http://www.linz.govt.nz/overseas-investment/applications/technical-resources/farm-land>).

Land held under the Unit Titles Act 2010

When determining whether land under the Unit Titles Act 2010 comes within the thresholds in Schedule 1 of the Act, calculation of the land area should be based on:

- the area of the particular unit (including both principal and accessory units) being purchased by an overseas person, and
- the area of all the common property in the development.

Under section 54(2) of the Unit Titles Act 2010, the owners of all the units are beneficially entitled to the common property as tenants in common in shares proportional to the ownership interest in their respective unit.

Google Maps 2182 E Coast Rd





This map/plan is illustrative only and all information should be independently verified on site before taking any action. Copyright Auckland Council. Boundary information from LINZ (Crown Copyright Reserved). Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information. Height datum: Auckland 1946.

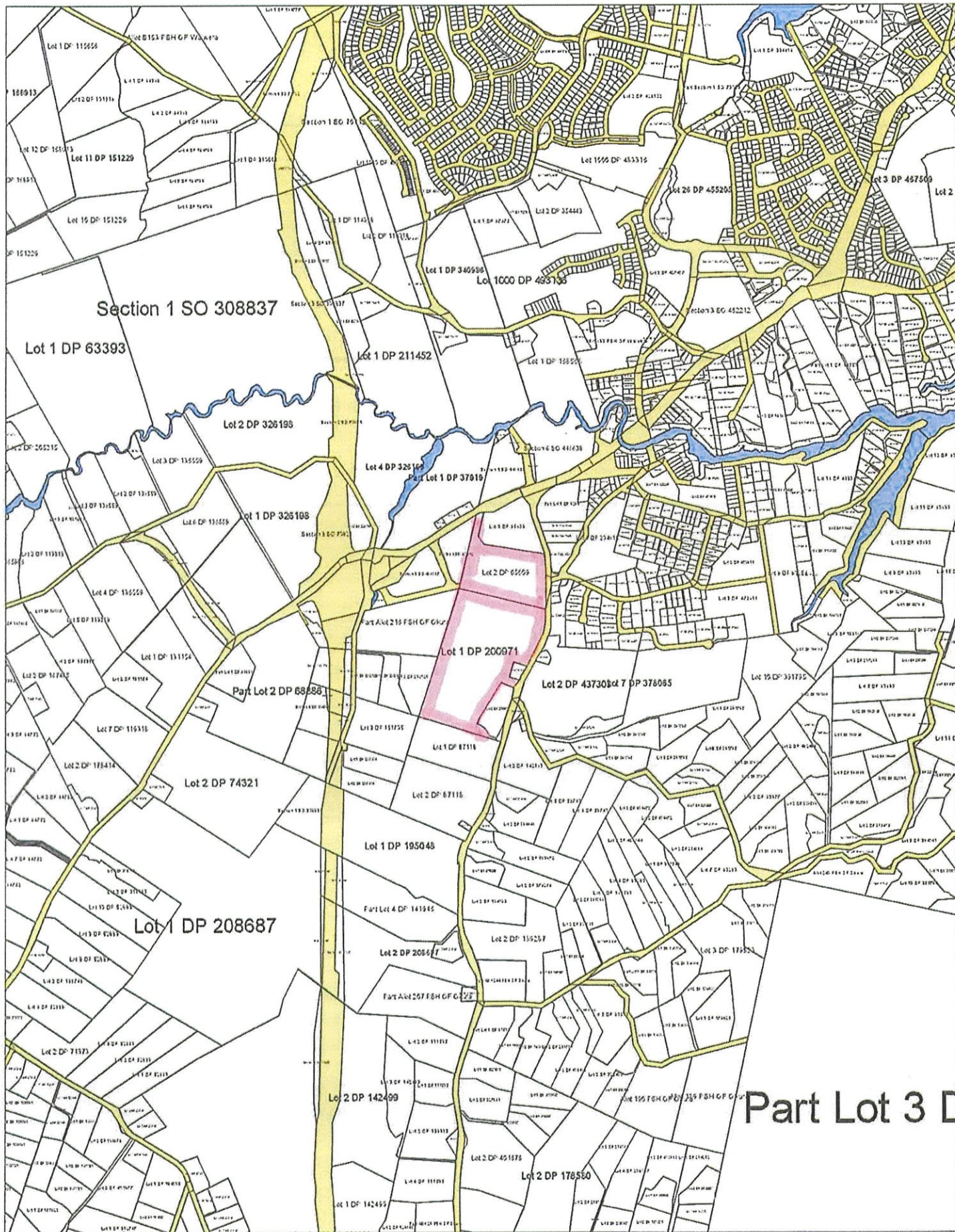
2182 East Coast Road, Silverdale



Auckland Council
Te Kaunihera o Tāmaki Makaurau

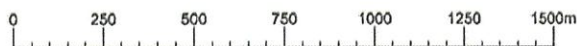
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Scale @ A4 1:5000

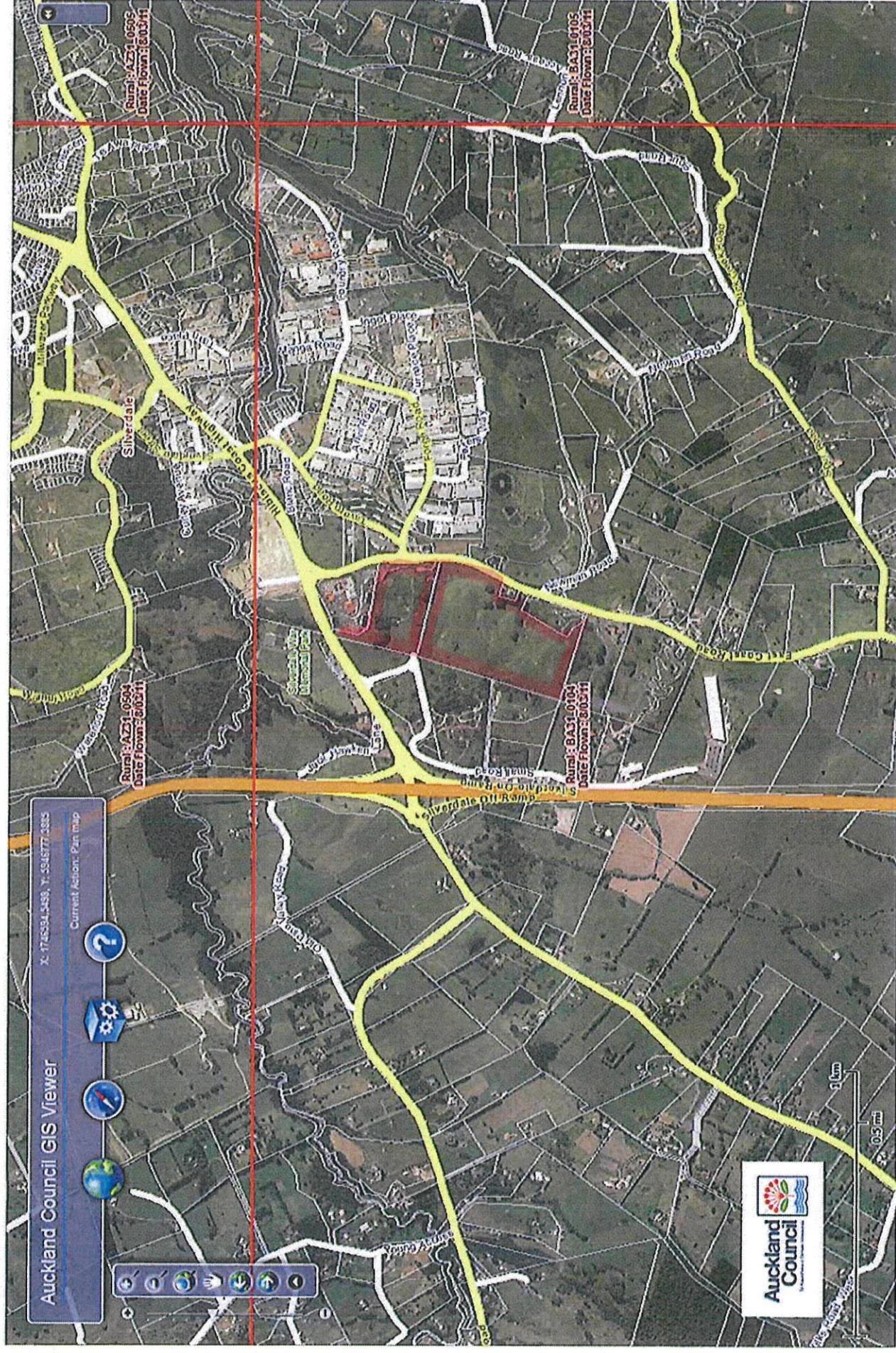


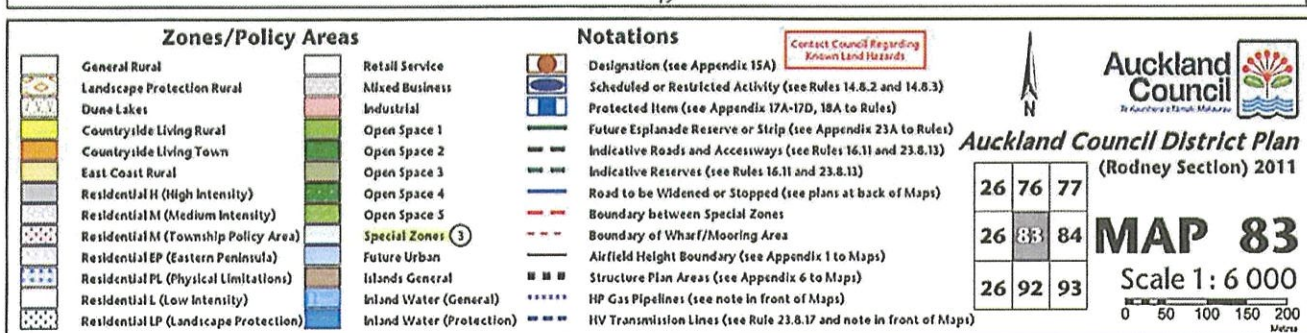
Spatial Map Print

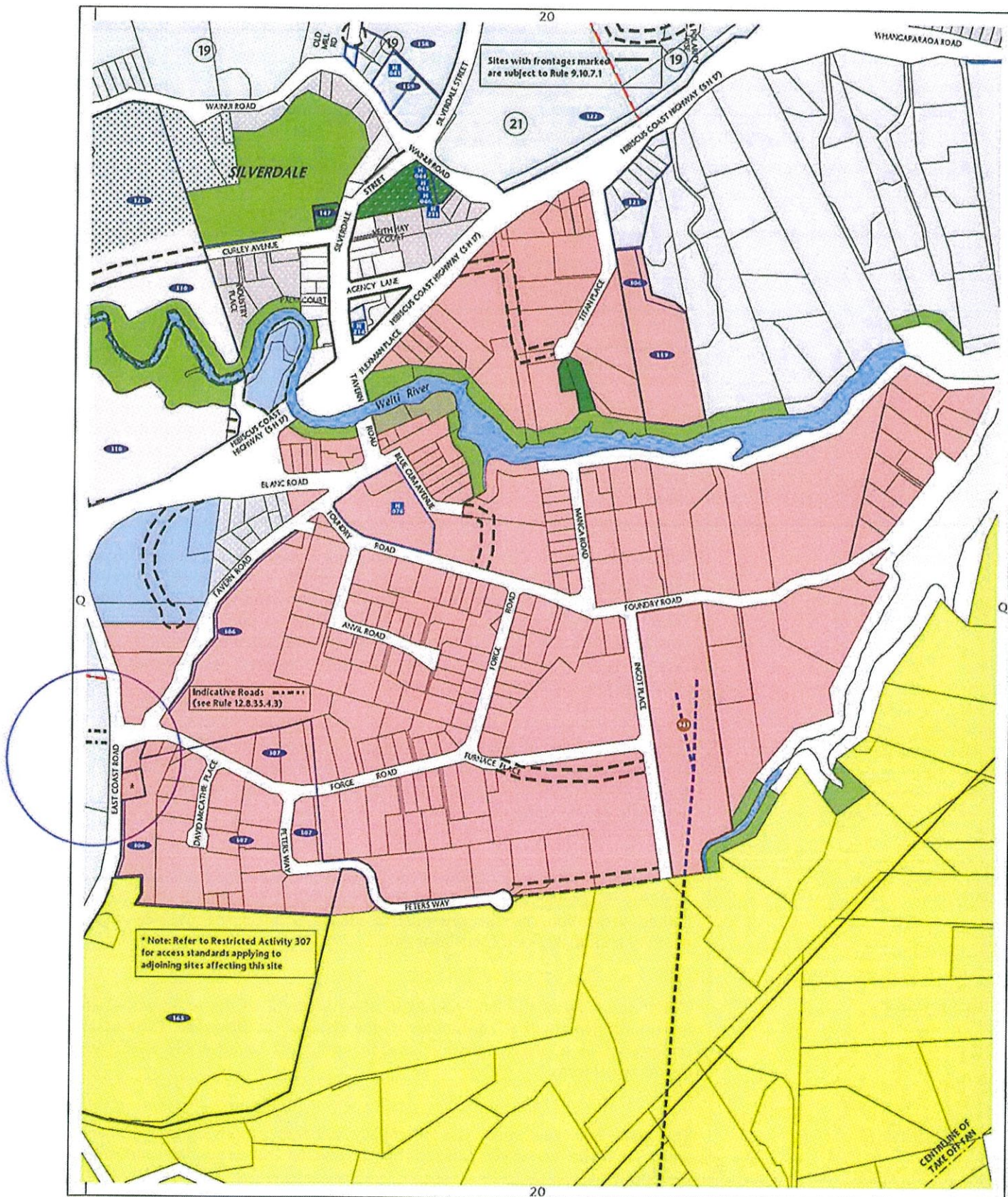
Scale 1 : 20000



This data has been compiled from official records. Location of boundaries requires an analysis of all relevant information in compliance with the Survey Regulations. Attribute data requires an analysis of the appropriate legal record.







Zones/Policy Areas		Notations	
	General Rural		Designation (see Appendix 15A)
	Landscape Protection Rural		Scheduled or Restricted Activity (see Rules 14.8.2 and 14.8.3)
	Dune Lakes		Protected Item (see Appendix 17A-17D, 18A to Rules)
	Countryside Living Rural		Future Esplanade Reserve or Strip (see Appendix 23A to Rules)
	Countryside Living Town		Indicative Roads and Accessways (see Rules 16.11 and 23.8.13)
	East Coast Rural		Indicative Reserves (see Rules 16.11 and 23.8.13)
	Residential H (High Intensity)		Road to be Widened or Stopped (see plans at back of Maps)
	Residential M (Medium Intensity)		Boundary between Special Zones
	Residential M (Township Policy Area)		Boundary of Wharf/Mooring Area
	Residential EP (Eastern Peninsula)		Airfield Height Boundary (see Appendix 1 to Maps)
	Residential PL (Physical Limitations)		Structure Plan Areas (see Appendix 6 to Maps)
	Residential L (Low Intensity)		HP Gas Pipelines (see note in front of Maps)
	Residential LP (Landscape Protection)		HV Transmission Lines (see Rule 23.8.17 and note in front of Maps)
	Retail Service		
	Mixed Business		
	Industrial		
	Open Space 1		
	Open Space 2		
	Open Space 3		
	Open Space 4		
	Open Space 5		
	Special Zones		
	Future Urban		
	Islands General		
	Inland Water (General)		
	Inland Water (Protection)		

Auckland Council

Auckland Council District Plan
 (Rodney Section) 2011

MAP 84
 Scale 1: 6 000

0 50 100 150 200
 Metres



12.8.35

SPECIAL 35 (HIBISCUS COAST GATEWAY) ZONE

The following provisions relate to the Hibiscus Coast Gateway Zone. This zone is located at Silverdale in the area bounded by State Highway 1 to the west, Hibiscus Coast Highway to the north, and East Coast Road to the east. The Zone adjoins the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zone to the south and the Special 25 (Hibiscus Coast Gateway Specialist Retail) Zone to the north east.

The zone comprises two Policy Areas the Gateway Business Policy Area and the Gateway Residential Policy Area. These are described further below in the Zone descriptions.

12.8.35.1

Issues

Issue

12.8.35.1.1

The Hibiscus Coast Gateway zone is located at the Silverdale entry to the Hibiscus Coast. The opportunity exists to create a high quality gateway experience whilst providing for a range of business and residential activities. Subdivision and development needs to be designed and staged so that it creates an attractive; functional urban landscape and visual environment, while successfully managing the operation of the transport system and other infrastructure at this important location.

Issue

12.8.35.1.2

Growth in residential and business activities is forecast for the Hibiscus Coast and this location has the potential to assist in meeting these demands and should do so without adversely affecting the viability and functioning of the Silverdale Town Centre.

Issue

12.8.35.1.3

Due to the elevated topography of the land the area is highly visible from State Highway 1. Poorly designed large footprint, low rise buildings with no or limited vegetation has the potential to adversely affect the gateway visual amenity and quality of this environment.

Issue

12.8.35.1.4

The topography of the land and its location adjacent to the motorway is an important element that contributes to the gateway at Silverdale. Earthworks undertaken in a piecemeal way have the potential to adversely affect the overall visual form.

Issue

12.8.35.1.5

The Weiti River catchment is a potentially vulnerable receiving environment which may be adversely affected by stormwater runoff during and post development.

Issue

12.8.35.1.6

The development of this land has the potential to generate adverse effects on the surrounding road network, particularly Hibiscus Coast Highway and the Silverdale motorway interchange.



Issue
12.8.35.1.7

Development of this land for business and residential activities has the potential to avoid adverse effects of development in other areas of the peninsular given its proximity to the motorway network and the Hibiscus Coast Busway Station adjoining the Hibiscus Coast Highway.

Issue
12.8.35.1.8

There is potential for reverse sensitivity effects to arise from residential land use activities establishing in close proximity to business activities within the zone and adjoining recreation and entertainment activities.

12.8.35.2

Objectives

Objective
12.8.35.2.1

To create a high quality urban environment on the southern side of the Hibiscus Coast Highway contributing to a strong sense of arrival at Silverdale.

Objective
12.8.35.2.2

To efficiently utilise the land resource by identifying specific land areas for a Gateway Business Policy Area and a Gateway Residential Policy Area with a Work/Live business overlay established around the Hibiscus Coast Busway Station

Objective
12.8.35.2.3

To achieve high quality built form and landscape outcomes within the zone that includes providing for a gradation in building height and form, from larger footprint commercial buildings to smaller footprint, residential buildings.

Objective
12.8.35.2.4

To manage the range of activities that are specifically enabled, to those business and residential land uses that can be undertaken without generating significant adverse effects on the road network and which would support the Hibiscus Coast Busway Station.

Objective
12.8.35.2.5

To ensure that the modification and development of the existing natural environment achieves high quality built form and landscape outcomes.

Objective
12.8.35.2.6

To ensure that access to the zone occurs in a safe, effective and efficient manner to appropriately manage the operation of State Highway 1, and the surrounding arterial road network, taking account of the traffic generation likely to arise from the Silverdale North, Silverdale South and other related development catchments.

Objective
12.8.35.2.7

To ensure the development and operation of walking and cycling networks within the zone and that these connect in an effective, efficient and safe manner to the existing or proposed public transport network and other key destinations, particularly those adjacent to the zone.

Objective
12.8.35.2.8

To ensure that development occurs within an overall vegetated urban framework that provides a cohesive visual structure to the Gateway Zone.



Objective

12.8.35.2.9

To ensure that water quality in the catchment is maintained and where possible enhanced.

Objective

12.8.35.2.10

To manage the interrelationship of the Business and Residential Policy Areas with each other and the surrounding Recreation and Entertainment Zone.

Objectives from the following chapters are also relevant:

Chapter 5 – Natural Hazards

Chapter 10 – Open Space and Recreation

Chapter 14 – Scheduled Activities

Chapter 17 – Cultural Heritage

Chapter 18 – Urban Land Modification and Vegetation Removal

Chapter 19 – Utilities

Chapter 20 – Hazardous Substances and Contaminated Sites

Chapter 21 – Transportation and Access

Chapter 23 – Subdivision and Servicing



Policy
12.8.35.2.2.20

contribute to the amenity of the area whilst providing a stormwater function.

This Policy seeks to achieve Objectives 12.8.35.2.1.5, 12.8.35.2.1.9

Bulk earthworks shall be designed and managed so that the outcomes are consistent with the Silverdale South Integrated Catchment Management Plan.

This Policy seeks to achieve Objective 12.8.35.2.1.9

Note: Policies from the following chapters are also relevant:

Chapter 5 – Natural Hazards
Chapter 10 – Open Space and Recreation
Chapter 14 – Scheduled Activities
Chapter 17 – Cultural Heritage
Chapter 18 – Urban Land Modification and Vegetation Removal
Chapter 19 – Utilities
Chapter 20 – Hazardous Substances and Contaminated Sites
Chapter 21 – Transportation and Access
Chapter 23 – Subdivision and Servicing

12.8.35.3

Zone Description

The Hibiscus Coast Gateway Zone is applied to approximately 41ha of land located between East Coast Road and the Motorway (SH 1). The land is bounded in the north by Hibiscus Coast Highway and in the south by the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zone. The site is located on the urban edge of the Hibiscus Coast and forms part of the 'gateway' to the region from State Highway 1 and East Coast Road. The Hibiscus Coast Gateway Zone will therefore provide for a new "front door" to the Hibiscus Coast. Objectives, policies and rules will assist in creating a well landscaped environment complemented by sensitive, high quality design of built elements. All development within the Zone will require careful management to assist in creating a high quality gateway to the Hibiscus Coast. Due to the location of the land directly adjacent to State Highway 1 and the Hibiscus Coast Busway Station the land is ideally suited to achieve a number of regional objectives relating to the integration of transport and landuse activities, as well as providing some additional land for complementary business and residential activities within an identified growth area. The provisions of the zone seek to achieve a high quality design outcome; within a visually strong vegetated framework.

Rule 12.8.35.4

Zone Wide Rules

Rule
12.8.35.4.1

Development Concept Plans

Rule
12.8.35.4.1.1

Development Controls

(a) Any resource consent shall either:

- (i) include a Development Concept Plan for the entire Special 35 (Hibiscus Coast Gateway) Zone in which the application site is located; or



mitigated by conditions imposed on any resource consent.

Rule

12.8.35.4.3

Indicative Roads

These rules apply to both the Gateway Business Policy Area and the Gateway Residential Policy Area.

- (a) Where an indicative road shown on the Planning Maps and the Outline Plan in Appendix 21 – Figure 1 traverses land that is the subject of an application for activities or development, the developer shall form the road over the land in accordance with the lines indicated on the Planning Maps and the Outline Plan subject to Rules in 23.8.13.1.
- (b) For the avoidance of doubt, Rules 23.8.13.1.2(a) and 23.8.13.1.2(b) shall apply except for the purposes of Rule 23.8.13.1.2:
 - (i) the alignment of those indicative roads specifically identified on the Outline Plan in Appendix 21 – Figure 1 may be varied by more than 20m.
 - (ii) the alignment of the indicative Spine road extending south west from Painton Road shown on the Planning Maps and the Outline Plan in Appendix 21 – Figure 1, shall not be moved westward or eastward away from the western boundary of Lot 1 DP 200971.
- (c) Connections to the existing road network shall occur at the Key Access Points shown on the Outline Plan in Appendix 21 – Figure 1.
- (d) New roads intersecting with East Coast Road shall be formed and vested so as to connect to the indicative Spine road extending south west from Painton Road shown on Planning Maps and the Outline Plan in Appendix 21 – Figure 1.
- (e) Non-compliance with Rule 12.8.35.4.3 is a Restricted Discretionary Activity. The Matters for Discretion and Assessment Criteria are set out in Chapter 23 – Subdivision and Servicing, Rule 23.8.13.1.6 and 23.8.13.1.7.

12.8.35.5

Gateway Business Policy Area

12.8.35.5.1

Gateway Business Policy Area Objectives

Objective

12.8.35.5.1.1

To enable a mix of business and employment activities without generating adverse effects on the function of existing local town centres as community focal points.

Objective

12.8.35.5.1.2

To provide opportunities to establish residential activity in the business area within the defined Work/Live policy overlay area.

12.8.35.5.2

Gateway Business Policy Area Policies



Policy

12.8.35.5.2.1

Provide for a range of business activities complementary to the activities enabled in surrounding areas that will provide employment opportunities in close proximity to the Hibiscus Coast Busway Station and Silverdale Town Centre.

This Policy seeks to achieve Objective 12.8.35.5.1.1

Policy

12.8.35.5.2.2

Retail activity in the Business Policy area is limited so as to not adversely affect the viability of the Silverdale Town Centre, and to assist in managing traffic effects on the external roading network.

This Policy seeks to achieve Objective 12.8.35.5.1.1

Policy

12.8.35.5.2.3

Activities within the Business Policy Area shall be managed to ensure they do not generate adverse amenity effects relating to noise, odour, dust, glare or vibration at a level unacceptable for the surrounding environment.

This Policy seeks to achieve Objective 12.8.35.2.1.10

Policy

12.8.35.5.2.4

The Work/Live area shall be designed to provide opportunities for business and residential activities to co-locate on the same site; to achieve a flexible, vibrant and diverse community; and reduce the need for commuting to and from working environments; and to support the Hibiscus Coast Busway Station. The Work/Live overlay prioritises the work component with residential activities ancillary to that activity.

This Policy seeks to achieve Objective 12.8.35.5.1.2

Policy

12.8.35.5.2.5

The Business Interface Control shall provide for employment activities in buildings that have a strong and defined built and vegetative interface with State Highway 1 and Hibiscus Coastal Highway to reinforce the Gateway Concept and to provide a high quality urban environment.

This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.5

12.8.35.5.2

Gateway Business Policy Area Description

The purpose of the Business Policy Area is to provide for a range of business and employment activities to establish that will:

- (a) support the residential, passenger transport; recreation and entertainment activities;
- (b) provide employment opportunities for residents;
- (c) utilise the benefits of the close proximity of the land to State Highway 1, the Hibiscus Coast Highway; and the Hibiscus Coast Busway Station and integrate with this infrastructure
- (d) provide opportunities for people to live and work on the same site in



buildings specifically designed for that purpose;

- (e) ensure that reverse sensitivity effects are no more than minor.
- (f) ensure that business development adjoining State Highway 1 and Hibiscus Coast Highway achieves a quality built urban form within a vegetated framework.

The Work/Live overlay is part of the greater business policy area and as such seeks to prioritise the commercial function of the zone whilst allowing an ancillary residential component. Unlike Live/Work that provides for commercial activities ancillary to the residential function (often home office type activities) the Work/Live overlay can offer a much broader range of business activities as it is those activities that take precedence over the residential function.

Rule
12.8.35.5.4

Activity Rules Gateway Business Policy Area

All activities in the Gateway Business Policy Area shall comply with the following:

- (a) All Permitted Activities in Activity Table in Rule 12.8.35.5.4.1 shall comply with the Development Controls and Performance Standards in Rule 12.8.35.5.5 and any other relevant Rule in the District Plan.
- (b) All Controlled Activities in Activity Table in Rule 12.8.35.5.4.1 shall be assessed against the relevant criteria for Controlled Activities, Matters for Control and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.5.5 and any other relevant Rule in the District Plan.
- (c) All Restricted Discretionary Activities in Activity Table in Rule 12.8.35.5.4.1 shall be assessed against the relevant criteria for Restricted Discretionary Activities, Matters for Discretion and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.5.5 (except where the application is required for non-compliance with the Development Controls and Performance Standards) and any other relevant Rule in the District Plan.
- (d) All Discretionary Activities in Activity Table in Rule 12.8.35.5.4.1 shall be assessed against the criteria set out in Rule 12.8.35.5.8 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters in section 104 and 104B of the Act.
- (e) All Non-complying Activities in Activity Tables in Rule 12.8.35.5.4.1 shall be assessed against the relevant matters in Section 104 and 104D of the Act.
- (f) Except as provided for by section 95A(4) of the Act, all Controlled Activities; and Restricted Discretionary Activities marked with #, will be considered without public notification or limited notification.
- (g) Any activity not listed in the Activity Tables in Rule 12.8.35.5.4.1 is a Non Complying Activity.



(d) Earthworks

(e) Landscape Elements

(f) Servicing

(g) Staging

In order to exercise control over these matters the Council will require applicants to provide:

(h) appropriate plans showing the proposed staging of the subdivision

(i) sufficient engineering and other plans to allow the Council to check the consistency of the application against the development controls and the rules in Chapter 23 – Subdivision and Servicing

12.8.35.6

Gateway Residential Policy Area

12.8.35.6.1

Gateway Residential Policy Area Objectives

Objective

12.8.35.6.1.1

To achieve a living environment with a high level of urban amenity encouraging social interaction within a landscaped environment that creates a vegetated framework for urban development; close to employment opportunities, recreation opportunities, schools, Silverdale Town Centre and public transport.

Objective

12.8.35.6.1.2

To provide for a variety of housing types, densities and site sizes in the Hibiscus Coast Gateway Residential Policy Area delivering an average net density of 25-30 household units per hectare.

12.8.35.6.2

Gateway Residential Policy Area Policies

Policy

12.8.35.6.2.1

To the extent practicable residential development shall achieve an average net density of 25-30 household units per hectare.

This Policy seeks to achieve Objective 12.8.35.6.1.2

Policy

12.8.35.6.2.2

Create a compact built form on the more gentle slopes with open space retained, and locate less dense development on the steepest slopes that are less suitable for residential development.

This Policy seeks to achieve Objective 12.8.35.6.1.1

Policy

12.8.35.6.2.3

An inter connected network of public streets and pedestrian walkways shall be provided. The use of cul de sacs in layout design shall be discouraged.

This Policy seeks to achieve Objectives 12.8.35.6.1.1, 12.8.35.6.1.3



Policy

12.8.35.6.2.4

Buildings within the Policy Area shall be sited and designed to avoid adverse effects on landscape and amenity values, having particular regard to:

- (a) Protection of the topographical form of the East Coast Road ridgeline, either through retaining its existing form, or with the location of sensitive planting and/or buildings.
- (b) The construction of well-designed and appropriately proportioned buildings that address public spaces.
- (c) Requiring the establishment of trees that will achieve a height that will ensure that buildings are viewed as sitting within a vegetated framework.

This Policy seeks to achieve Objectives 12.8.35.2.1, 12.8.35.2.3, 12.8.35.2.5, 12.8.35.6.1.1

Policy

12.8.35.6.2.5

A Development Concept Plan will be required prior to subdivision or landuse consent. This plan shall identify density targets, any staging required, road and open space networks; stormwater management areas, and servicing.

This Policy seeks to achieve Objective 12.8.35.6.1.2

Policy

12.8.35.6.2.6

Higher intensity development should locate around activity centres (e.g. shops and parks), and places of high amenity value. Such development shall be designed in a way that it helps define the street edge, providing opportunities for informal surveillance, particularly to areas of open space.

This Policy seeks to achieve Objectives 12.8.35.6.1.1, 12.8.35.6.1.3

Policy

12.8.35.6.2.7

Residential activities shall be designed to avoid, remedy or mitigate reverse sensitivity impacts between land uses.

This Policy seeks to achieve Objectives 12.8.35.2.10, 12.8.35.6.1.1

12.8.35.6.3

Gateway Residential Policy Area Description

The Gateway Residential Policy Area provides for the development of a compact neighborhood comprising a variety of housing types and site sizes. An average density of 25-30 household units per hectare is expected. The Residential Policy Area seeks to create an environment where there are both living and working opportunities in close proximity to the Hibiscus Coast Busway Station. The scale and nature of other non-residential activities within the Policy Area is limited to ensure that reverse sensitivity effects on residents will be minor.

The Gateway Residential Policy Area forms part of the backdrop to the Hibiscus Coast Gateway and as such built development will be constructed to a high standard of architectural design, including requirements for landscaping, street tree planting and open space areas.

The key outcomes for the Policy Area are:



Rule
12.8.35.6.4

- (a) A compact urban form within a vegetated framework to create park like open spaces
- (b) Comprehensively designed subdivision and development
- (c) An appropriately landscaped environment
- (d) Roads which serve as greenways as well as transport functions;
- (e) Opportunities for working from home;
- (f) Provision for higher intensities of residential development in appropriate places;
- (g) Provision for small scale non-residential activities which support function of the residential policy area.

Activity Rules Gateway Residential Policy Area

All activities in the Gateway Residential Policy Area shall comply with the following:

- (a) All Permitted Activities in Activity Tables in Rule 12.8.35.6.4.1 shall comply with the Development Controls and Performance Standards in Rule 12.8.35.10 and any other relevant Rule in the District Plan.
- (b) All Controlled Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the relevant criteria for Controlled Activities, Matters for Control and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.6.5 and any other relevant Rule in the District Plan.
- (c) All Restricted Discretionary Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the relevant criteria for Restricted Discretionary Activities, Matters for Discretion and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.6.5 (except where the application is required for non-compliance with the Development Controls and Performance Standards) and any other relevant Rule in the District Plan.
- (d) All Discretionary Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the criteria set out in Rule 12.8.35.6.7 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters in section 104 and 104B of the Act.
- (e) All Non-complying Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the relevant matters in Section 104 and 104D of the Act.
- (f) Except as provided for by section 95A(4) of the Act, all Controlled Activities; and Restricted Discretionary Activities marked with #, will be considered without public notification or limited notification.



Property Summary Report

Address

Lot 1 DP 200971, East Coast Road
Silverdale 0993

Legal Description

Lot 1 DP 200971 (18.386HA)

Precinct

Zone

Future Urban

Overlay

Built Environment: Heavy Industry Air Quality - Silverdale, Sensitive Activity Restriction

Natural Resource: Indicative Streams [i]

Natural Resource: Aquifer [rp] - Orewa Waitemata Aquifer

Natural Resource: Stormwater Management Area [rp] - SILVERDALE SOUTH, Flow 1

Disclaimer

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Property Summary Report

Address

2182 East Coast Road
Silverdale 0993

Legal Description

Lot 2 DP 65609 (7.641HA)

Precinct

Zone

Future Urban

Overlay

Infrastructure: High Land Transport Route Noise

Built Environment: Air Quality Transport Corridor Separation - Primary Arterial Routes 70m Buffer

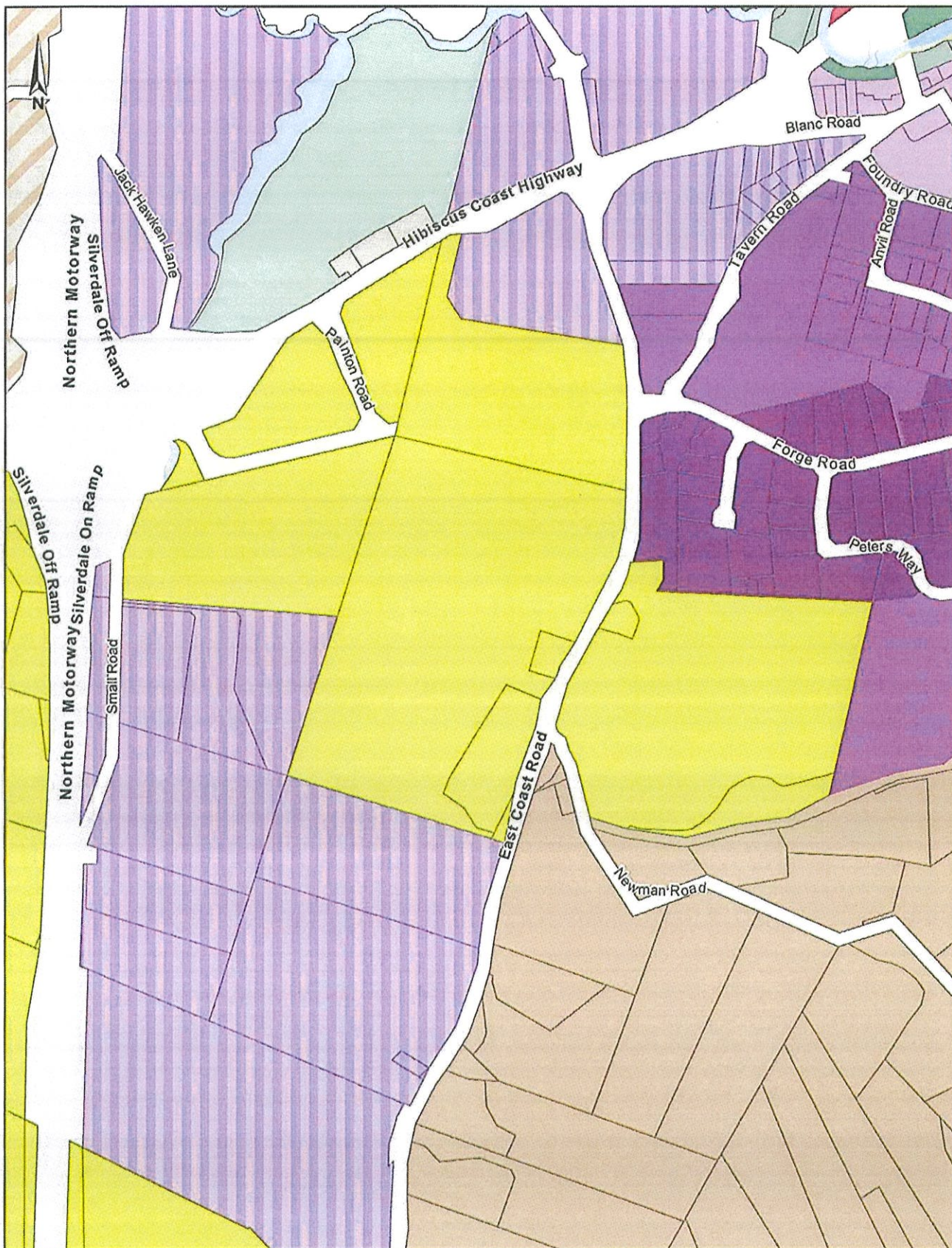
Built Environment: Heavy Industry Air Quality - Silverdale, Sensitive Activity Restriction

Natural Resource: Aquifer [rp] - Orewa Waitemata Aquifer

Natural Resource: Stormwater Management Area [rp] - SILVERDALE SOUTH, Flow 1

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Plan Created: 9/3/16

Unitary Plan Base Zone



Auckland Council
Te Kaitiaki o Te Hōkai

ZONING	
Residential	Single House Mixed Housing Urban Mixed Housing Suburban Terrace Housing and Apartment Buildings Large Lot Rural and Coastal Settlement
	Neighbourhood Centre Local Centre Town Centre Metropolitan Centre City Centre Mixed Use General Business Business Park Light Industry Heavy Industry
	Public Open Space - Conservation Public Open Space - Informal Recreation Public Open Space - Sport and Active Recreation Public Open Space - Community Public Open Space - Civic Spaces
Rural	Rural Production Rural Coastal Rural Conservation Mixed Rural Countryside Living
Coastal	Coastal Transition Defence General Coastal Marine [rcp] Ferry Terminal [rcp/dp] Marina [rcp/dp] Minor Port [rcp/dp] Mooring [rcp]
New Growth	Future Urban Green Infrastructure Corridor
Key to Abbreviations of Provisions	Special Purpose Strategic Transport Corridor Water [I] Indicative Coastline [I] Rural Urban Boundary [rps]
[rps] = Regional Policy Statement [rcp] = Regional Coastal Plan [rp] = Regional Plan [I] = Information only [dp] = District Plan (only used to depict dual provisions). Otherwise, District Plan is the default category, i.e. no abbreviation) [rps/rcp] (or any other combination using /) = dual provisions	

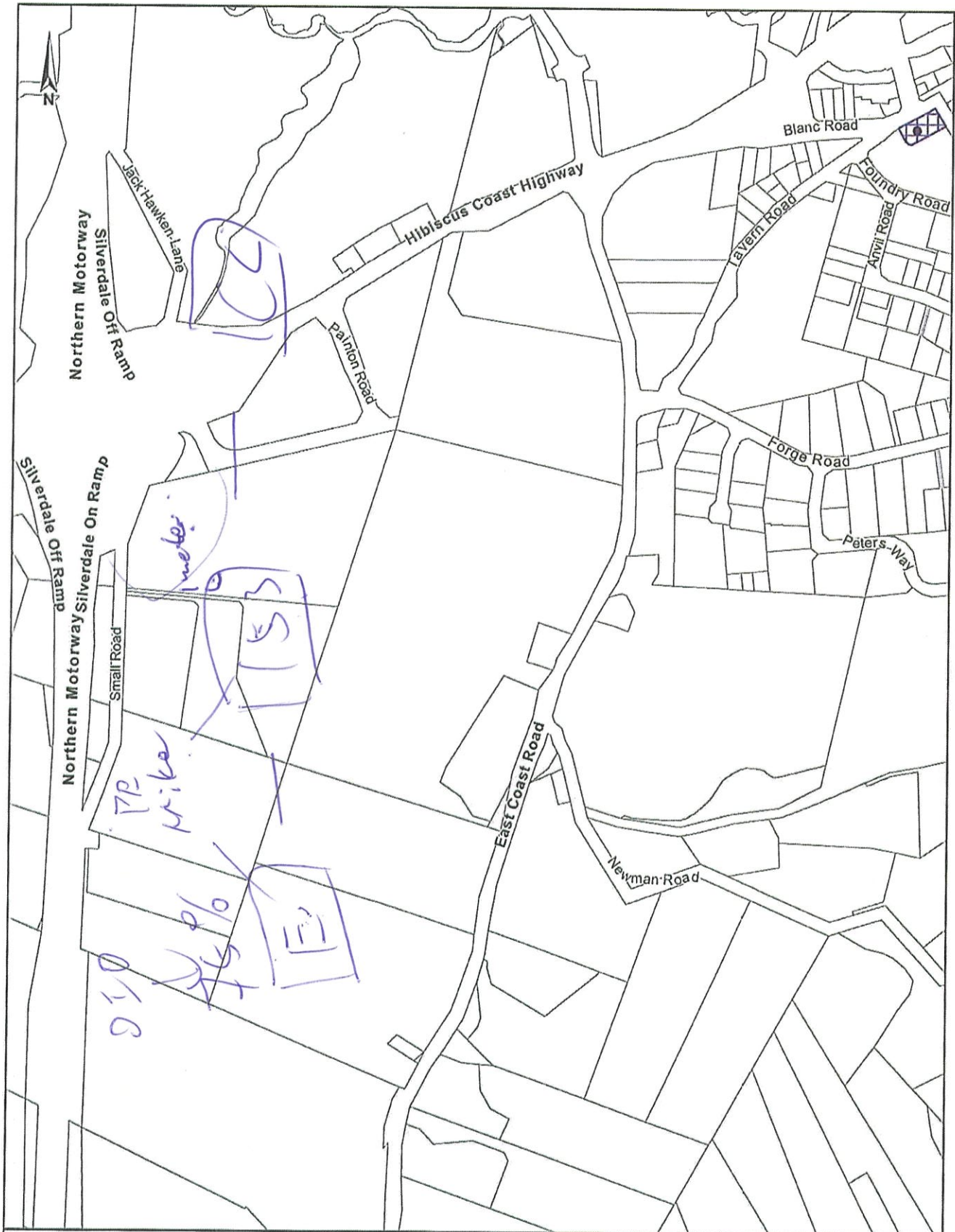
For more information refer to:
<http://www.aucklandcouncil.govt.nz/unitaryplan>

The Proposed Auckland Unitary Plan

(notified 30 September 2013)



OVERLAYS	
Natural Heritage	Precincts & Sub-Precincts Additional Height Controls Notable Trees High Outstanding Outstanding Natural Features [rps/rcp/dp] Outstanding Natural Landscape [rps/rcp/dp] Extent of Volcanic Viewshafts [rps] Blanket Height Sensitive Areas [rps/dp] To be read in conjunction with viewshaft contour layer in GIS viewer or diagrams within the text Volcanic Viewshafts & Height Sensitive Areas
	Key Retail Frontage General Commercial Frontage Additional Subdivision Controls City Centre Fringe Office Indicative Road Indicative Open Space Ridgeline Protection Air Quality Transport Corridor Separation Industry Transition Sensitive Activity Restriction Special Character Local Public Views
	Sites and Places of Significance to Mana Whenua [dp/rcp] Sites and Places of Value to Mana Whenua [dp/rcp] Historic Heritage Place [dp/rcp] Historic Heritage Extent of Place [dp/rcp] Pre 1944 Building Demolition Control Auckland Museum Viewshaft
Built Environment	Arterial Road Parking Designations Airspace Restriction Designations Airport Approach Paths Level Crossings with Sightline Controls Quarry Buffer Area Quarry Transport Route Electricity Transmission Corridor Aircraft Noise City Centre Port Noise High Land Transport Route Noise Adjacent to Level Crossings General Motorway Interchange Control
Infrastructure	Indicative Stream [I] Aquifer [rp] Natural hazards - Coastal Inundation Land [rps/rp] Marine 1 [rps/rcp] Marine 2 [rps/rcp] Natural Stream Management Area [rp] High Use Stream Management Area [rp] Natural Urban Flow 1 Flow 2 Water Supply Management Area [rp]
Natural Resources	Significant Ecological Areas Lake Management Area [rp] Stormwater Management Area [rp]



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Historic Heritage



Auckland Council
Te Kaitiaki a Māori Kōwhiri