

Planning and Development Committee Agenda

18 April 2019

Urban and Services Plan Changes

Attachment 1 (A)

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

Proposed Plan Changes

Text and Maps

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City Centre Zone (CC)

Overview

Whangarei's City Centre is a focal point of the District and provides vital retail, service, business and recreational needs for residents while also providing a key destination for visitors. It is envisaged that the City Centre Zone (CC) will be a strong, enduring and consolidated area serving as a base for commercial, retail and entertainment activities. It is anticipated that significant growth and investment will occur within the CC.

Historic dispersal of retail and hospitality activities and a lack of residents have undermined the economic viability and vitality of the CC. Economic and residential growth are encouraged within the CC and development should contribute towards achieving a safe, pleasant, vibrant, diverse and high amenity environment. Activities which are not consistent with the anticipated amenity and character within the CC are required to be located outside of the CC. It is essential that the built form within the CC contributes positively to the pedestrian experience and does not compromise the amenity of the CC.

A vital aspect to the success of the CC is the presence of residents. Residential activities are encouraged within the CC as this will enhance safety, vibrancy and commercial success.

Objectives

CC-01 – Vibrancy	Enable the development of the City Centre as an attractive and vibrant place to live, work and visit with a range of residential, commercial, retail and entertainment activities.
CC-02 – Discouraged Activities	Discourage noxious activities, activities with lower amenity, and activities which cater primarily for customers in private motor vehicles.
CC-03 – Residential Activities	Promote residential activities in the City Centre.
CC-04 – Urban Design	Require high quality urban design outcomes and incentivise exemplary design.
CC-05 – Active Frontage	Prioritise pedestrians and enhance active frontages at ground floor.

Policies

CC-P1 – Character and Amenity	<p>To recognise the character and amenity values of the CC including but not limited to:</p> <ol style="list-style-type: none"> 1. A vibrant urban environment. 2. Medium to high intensity development. 3. A range of retail, commercial and business activities. 4. High levels of noise and lighting. 5. Moderate access to sunlight. 6. Presence of street trees.
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City Centre Zone (CC)

	<ol style="list-style-type: none"> Active building frontages, particularly at ground floor. On-street parking with limited off-street parking. Pedestrian and cyclist oriented.
CC-P2 – Activities	<p>To enhance the vibrancy, economic performance, walkability and amenity of the CC for residents and visitors by:</p> <ol style="list-style-type: none"> Enabling residential activities, smaller scale retail activities, offices, restaurants, cafes, bars and entertainment facilities. Avoiding rural production activities and industrial activities (except for small scale artisan industrial activities). Managing the nature, scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> Active frontage is maintained and enhanced at ground floor. Activity and building design are complementary to the CC context and retain narrow activity and site frontages. Buildings are designed to be flexible and adaptable to a range of uses and do not unduly restrict potential future uses of the site. Standalone car parking facilities and other large single use buildings at ground floor are sleeved by smaller scale commercial activities.
CC-P3 – Active Frontage	To require building design to achieve active frontage at ground floor to strengthen the interrelationship between buildings and the public realm.
CC-P4 – Residential Activities	To promote residential activities by encouraging residential units above ground floor while acknowledging that there may be a reduced level of residential amenity within the CC due to a mix of uses and late night activities.
CC-P5 – Ground Floor Residential Units	To require residential units at ground floor to be designed and constructed in a manner which protects residential amenity and active frontages.
CC-P6 – Residential Amenity	To protect residential amenity by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.
CC-P7 – Outdoor Living Courts	To mitigate adverse effects on residential amenity by providing communal outdoor living spaces where individual outdoor living courts are not practicable.
CC-P8 – Building Scale and Design	To preserve sunlight access, retain a human scale in built form and encourage transitions in height by managing building scale and design.
CC-P9 – Pedestrian-Centric Environment	<p>To create a pedestrian-centric environment by:</p> <ol style="list-style-type: none"> Managing new vehicle crossings and car parking areas to retain a safe and accessible pedestrian network.

City Centre Zone (CC)

	<ol style="list-style-type: none"> Requiring verandahs, which are limited in scale, along building frontages to create a defined building edge and provide shade and rain shelter. Requiring sufficient site frontages to: <ol style="list-style-type: none"> Avoid rear sites. Enable corner sites to be emphasised. Maintain narrow site frontages within CC.
CC-P10 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced, residential activities are provided, or where green rooves are provided.

Rules

CC-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: P Where: <ol style="list-style-type: none"> Resource consent is not required under any rule of the District Plan. The activity is not prohibited under any rule of the District Plan. 	
CC-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> The minimum building height is 3 stories. The maximum building height is 16m. 	Activity Status when compliance not achieved: D
CC-R3	Bonus Building Height	
	Activity Status: C Where: <ol style="list-style-type: none"> The maximum building height is 24m and at least one of the following is provided: <ol style="list-style-type: none"> A green roof covering at least 50% of the total roof area. 1 – 3 residential units. 	Activity Status when compliance not achieved: D

City Centre Zone (CC)

2. The maximum building height is 32m and at least one of the following is provided:

- a. A pedestrian arcade.
- b. A through-site link.
- c. More than 3 residential units.

Matters of Control:

1. Means of ensuring ongoing compliance with rule.
2. Appropriateness of through-site links and/or pedestrian arcades in terms of location, design, size, safety and accessibility.

CC-R4	Building Setbacks
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building is within 0.5m of a road boundary at ground floor for the entire length of the site frontage for any front site, except any of the following: <ol style="list-style-type: none"> a. One setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance. b. One setback of up to 6m for a maximum width of 6m to allow for a pedestrian arcade. 2. One setback adjacent to a side boundary of the site for a maximum width of 6m to allow for a through-site link. 	<p>Activity Status when compliance not achieved: D</p>

City Centre Zone (CC)

CC-R5	Building Floor-to-Ceiling Height	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The minimum interior floor-to-ceiling height is: <ol style="list-style-type: none"> a. 3.5m at ground floor. b. 2.7m above ground floor. 	<p>Activity Status when compliance not achieved: D</p>
CC-R6	Building Frontages	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 75% of the building frontage at ground floor is clear glazing. 2. At least 25% of the building frontage above ground floor is clear glazing. 3. Where the building is on a front site, the principal public entrance to the building is situated to face the road. 4. There are no roller doors (except security grills which allow views from the street into the premises) along site frontage. 	<p>Activity Status when compliance not achieved: D</p>
CC-R7	Verandahs	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building fronting a road provides a verandah: <ol style="list-style-type: none"> a. Along the entire building frontage. b. That is at least 3m above the footpath and no more than 4m above the footpath. c. That is setback at least 600mm from the kerb. 	<p>Activity Status when compliance not achieved: D</p>

City Centre Zone (CC)

- d. That has a minimum width of 1.5m, except where that would encroach on CC-R7.1(c) where the minimum width shall be to within 600mm from the kerb.
- e. That has a maximum fascia height of 0.5m.

CC-R8	Fence Along Site Frontage	
	Activity Status: P Where: 1. The fence is required by by-law or for public health and safety.	Activity Status when compliance not achieved: D
CC-R9	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: 1. The maximum height of any outdoor area of storage or stockpile is 8m. 2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding sites.	Activity Status when compliance not achieved: D
CC-R10	Artisan Industrial Activity	
	Activity Status: P Where: 1. The maximum height of any outdoor area of storage or stockpile is 8m. 2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding sites.	Activity Status when compliance not achieved: NC

City Centre Zone (CC)

CC-R11	Residential Unit	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Every 1 bedroom residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. Every residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit which does not comply with Rules CC-R11.1 – 3 shall not require the written approval of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
CC-R12	General Retail	
CC-R13	Grocery Store	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum Net Floor Area is 600m². 	<p>Activity Status when compliance not achieved: D</p>

City Centre Zone (CC)

CC-R14	Commercial Services	
CC-R15	Food and Beverage Activities	
CC-R16	Entertainment Facilities	
CC-R17	Visitor Accommodation	
	Activity Status: P	
CC-R18	Place of Assembly	
CC-R19	Recreational Facilities	
CC-R20	Care Centre	
CC-R21	Educational Facilities	
	Activity Status: P Where: 1. The activity is above ground floor. 2. The maximum Net Floor Area is 800m ² .	Activity Status when compliance not achieved: D
CC-R22	New Vehicle Crossing Over a Footpath	
	Activity Status: D	
CC-R23	Trade Suppliers	
	Activity Status: D Where: 1. The maximum Net Floor Area is 600m ² .	Activity Status when compliance not achieved: NC
CC-R24	Standalone Car Parking Facility	
CC-R25	Car Parking Space Located Between the Building Frontage and Any Road Boundary	

City Centre Zone (CC)

CC-R26	Farming
CC-R27	Supported Residential Care
CC-R28	Retirement Village Premises
CC-R29	Motor Vehicle Sales
CC-R30	Garden Centre
CC-R31	Marine Retail
CC-R32	Drive Through Facilities
CC-R33	Hire Premise
CC-R34	Service Station
CC-R35	Funeral Home
CC-R36	Emergency Service
CC-R37	Hospital
Activity Status: NC	

CC-R38	Plantation Forestry
CC-R39	Intensive Livestock Farming
CC-R40	Farm Quarrying
CC-R41	Seasonal Activity
CC-R42	General Industry
CC-R43	Manufacturing and Storage
CC-R44	Repair and Maintenance Services
CC-R45	Marine Industry
CC-R46	Waste Management Activity
CC-R47	Landfill Activity
Activity Status: Pr	

Mixed-use Zone (MU)

Overview

The Mixed-use Zone (MU) seeks to enable activities and a built form that complement the City Centre and Waterfront Zones. The MU promotes active street frontages and a range of activities which aim to enhance economic growth and are compatible with residential activities. It is anticipated that the MU will experience incremental change in built form and character as amenity is improved and non-compatible landuses are relocated to enhance amenity and walkability.

Landuse controls and urban design standards have historically been permissive within the MU. This has diminished the amenity for residents and visitors and has reduced the feasible land supply available for commercial and residential activities. Various strategic documents have identified the MU as an area of change for the following reasons:

- A reasonable level of amenity should be maintained to improve connectivity and walkability between the MU and the City Centre and Waterfront Zones.
- The area is located along key streets, such as Cameron and Bank Streets, which should have high amenity and walkability.
- Promoting and increasing residential uses within and adjacent to the City Centre is a key objective within the Urban Area. By improving amenity and increasing certainty for developers, the MU is an appropriate area to provide for high density residential use.

To enable change within the MU, a mix of uses are provided for including residential activities, commercial services, retail activities, visitor accommodation and community activities. It is intended that these activities are complementary to the City Centre and Waterfront Zones. To protect the vibrancy and viability of the City Centre and Waterfront Zones, smaller scale retail and food and beverage activities are limited.

As increased residential use is a key objective within the MU and the City Centre, it is important to enhance amenity within the MU. Activities which detract from amenity, generate high volumes of traffic or operate outside normal business hours are discouraged.

Objectives

MU-O1 – Appropriate Activities	Accommodate a range of activities that do not undermine the strength, vibrancy and viability of the City Centre or Waterfront Zones.
MU-O2 – Residential Activities	Promote residential activities and avoid activities which would materially detract from residential amenity.
MU-O3 – Urban Form	Development achieves high quality urban form that positively interacts with the public realm and is sympathetic to the surrounding environment.
MU-O4 – Walkability	Prioritise pedestrians and improve walkability within the MU.
MU-O5 – Cross Boundary Effects	Manage adverse effects in relation to amenity, noise, sunlight access, visual dominance and traffic on adjacent Living and Green Space Zones.

Mixed-use Zone (MU)

Policies	
MU-P1 – Character and Amenity	<p>To recognise the character and amenity values of the MU including, but not limited to:</p> <ol style="list-style-type: none"> 1. An active urban environment. 2. A medium to high scale of built development. 3. Moderate levels of noise during the daytime associated with traffic and commercial activities. 4. Moderate access to sunlight. 5. Active building frontages at ground floor. 6. On-street parking with limited off-street parking. 7. High presence of pedestrians and cyclists.
MU-P2 – Economic Growth	<p>To enable economic growth and employment opportunities while protecting walkability within the MU and the vitality and viability of the City Centre, Waterfront and Local Commercial Zones by:</p> <ol style="list-style-type: none"> 1. Enabling residential activities and compatible activities in terms of the nature, scale, design and hours of operation of the activity. 2. Managing and limiting cumulative effects associated with commercial sprawl outside of the City Centre, Waterfront and Local Commercial Zones and the Hīhīaua Precinct where activities may detract from or compete with these areas. 3. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. Active frontage is maintained and enhanced at ground floor. b. The activity and building design are complementary to the MU context and retain narrow activity and site frontages. c. Standalone car parking facilities and other large single use buildings at ground floor are sleeved by smaller scale commercial activities. d. Activities which cater to private motorists, such as large scale retail activities, drive through facilities and service stations, do not compromise the walkability, streetscape or amenity of the MU.
MU-P3 – Residential Activities and Amenity	<p>To encourage residential uses and protect residential amenity by:</p> <ol style="list-style-type: none"> 1. Avoiding industrial activities and rural production activities where external adverse effects cannot be mitigated. 2. Managing non-residential activities which generate high levels of noise and/or motor vehicle traffic, or operate outside normal business hours. 3. Requiring residential units to provide sufficient internal space and outdoor living spaces. 4. Managing building scale and design to limit shading and building dominance.

Mixed-use Zone (MU)

MU-P4 – Ground Floor Residential Units	To protect residential amenity and active frontages by sensitively designing residential units at ground floor with regard to aspect such as outlook, outdoor living courts and private entrances.
MU-P5 – Outdoor Living Courts	To mitigate adverse effects on residential amenity by providing communal outdoor living spaces where individual outdoor living courts are not practicable.
MU-P6 – Cross Boundary Effects	To protect amenity in adjacent Living and Green Space Zones by managing built form and requiring landscaping along shared zone boundaries.
MU-P7 – Esplanade Areas	To safeguard esplanade areas and waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.
MU-P8 – Walkability	<p>To enhance walkability and street amenity by:</p> <ol style="list-style-type: none"> 1. Managing, and where appropriate avoiding, new vehicle crossings to retain a safe and accessible pedestrian network. 2. Requiring sufficient site frontages to: <ol style="list-style-type: none"> a. Avoid rear sites. b. Enable corner sites to be emphasised. c. Maintain narrow site frontages within the MU.
MU-P9 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced or residential activities are provided.

Rules

MU-R1	Any Activity Not Otherwise Listed in this Chapter	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
MU-R2	Building Height	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum building height is 15m. 	<p>Activity Status when compliance not achieved: D</p>

Mixed-use Zone (MU)

MU-R3	Bonus Building Height	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum building height is 21m and at least one of the following is provided on-site: <ol style="list-style-type: none"> 2 or more residential units. A through-site link. <p>Matters of Control:</p> <ol style="list-style-type: none"> Means of ensuring ongoing compliance with rule. Appropriateness of through-site links in terms of location, design, size, safety and accessibility. 	<p>Activity Status when compliance not achieved: D</p>
MU-R4	Building Setbacks	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The building is within 1m of a road boundary for at least 75% of the site frontage for any front site, except any of the following: <ol style="list-style-type: none"> One setback of up to 3m for a maximum width of 2.5m to allow for a recessed pedestrian entrance. One setback adjacent to a side boundary of the site for a maximum width of 6m to allow for a through-site link. The building is set back at least: <ol style="list-style-type: none"> 3m from any Living or Green Space Zone boundary. 27m from Mean High Water Springs or the top of the bank of any river that has a width 	<p>Activity Status when compliance not achieved: D</p>

Mixed-use Zone (MU)

exceeding 3m (excluding bridges, culverts and fences).

MU-R5	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building does not exceed a height equal to 4m plus the shortest horizontal distance between that part of the building and any Living or Green Space Zone boundary. 	<p>Activity Status when compliance not achieved: D</p>
MU-R6	Building Frontages	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 65% of the building frontage at ground floor is clear glazing. 2. At least 25% of the building frontage above ground floor is clear glazing. 3. The principal public entrance to the building is situated to face the road where the building is on a front site. 4. There are no roller doors (except security grills which allow views from the street into the premises) along site frontage. 	<p>Activity Status when compliance not achieved: D</p>
MU-R7	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>

Mixed-use Zone (MU)

MU-R8	Fence Along Site Frontage	
	Activity Status: P Where: 1. The fence is required by by-law or for public health and safety.	Activity Status when compliance not achieved: D
MU-R9	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: 1. Any outdoor area of storage or stockpile complies with rules MU-R2, R4.2 and R5. 2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding sites.	Activity Status when compliance not achieved: D
MU-R10	Residential Unit	
	Activity Status: P Where: 1. Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. 2. Every 1 bedroom residential unit contains an outdoor living court of at least 4m ² and at least 1.5m depth. 3. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m ² and at least 2.4m depth. 4. Every residential unit is above ground floor.	Activity Status when compliance not achieved: RD Matters of discretion: 1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. 2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 3. Adverse effects on active frontage. Notification: Any application for a residential unit which does not comply with MU-R10.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Mixed-use Zone (MU)

MU-R11	Trade Supplier	
MU-R12	Grocery Store	
MU-R13	General Retail	
	<div>Activity Status: P</div> <div>Where:<div>1. The maximum Net Floor Area is between 250m² and 600m².</div><div>2. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.</div></div>	<div>Activity Status when compliance not achieved: D</div>
MU-R14	Commercial Services	
MU-R15	Visitor Accommodation	
MU-R16	Place of Assembly	
MU-R17	Recreational Facilities	
MU-R18	Emergency Service	
MU-R19	Educational Facilities	
	<div>Activity Status: P</div> <div>Where:<div>1. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.</div></div>	<div>Activity Status when compliance not achieved: D</div>

Mixed-use Zone (MU)

MU-R20	Any New Vehicle Crossing Over A Footpath
MU-R21	Standalone Car Parking Facility
MU-R22	Supported Residential Care
MU-R23	Retirement Village Premises
MU-R24	Drive Through Facility
MU-R25	Food and Beverage Activity
MU-R26	Entertainment Facility
MU-R27	Service Station
MU-R28	Care Centre
Activity Status: D	

MU-R29	Car Parking Space Located Between the Building Frontage and Any Road Boundary
MU-R30	Farming
MU-R31	General Industry
MU-R32	Manufacturing and Storage
MU-R33	Repair and Maintenance Services
MU-R34	Artisan Industrial Activities
MU-R35	Marine Industry
MU-R36	Motor Vehicle Sales
MU-R37	Garden Centre
MU-R38	Marine Retail
MU-R39	Hire Premise
MU-R40	Funeral Home
MU-R41	Hospital
Activity Status: NC	

Mixed-use Zone (MU)

MU-R42	Plantation Forestry
MU-R43	Intensive Livestock Farming
MU-R44	Farm Quarrying
MU-R45	Seasonal Activity
MU-R46	Waste Management Activity
MU-R47	Landfill Activity
Activity Status: Pr	

Waterfront Zone (WZ)

Overview

The Waterfront Zone (WZ) manages land use and subdivision within Whangarei's Waterfront. Whangarei's Waterfront is located on the edge of the (estuarine) Hatea River and Waiarohia Stream and is close to Whangarei's City Centre, being a significant destination for local and international visitors. The area has seen steady development since the 1990s. Today, the main uses of the area are active and passive recreation with a selection of tourism focused retail, accommodation, restaurant and entertainment facilities. These activities are complimented by a diverse range of maritime activities, defining history and a rich cultural heritage. This is reflected by replica Victorian buildings, a heritage walkway, and an iconic wave and waka sculpture. Estuarine open spaces which access the waterfront and soft landscapes framed by a pedestrian and cycle loop through the Waterfront also contribute to the area's unique character and coherent sense of place.

The WZ provides important amenity for Whangarei City, being a hub for recreation, culture and tourism. A key aspect of the WZ is ensuring that development is physically and visually connected to the waterfront, the City Centre and Green Space Zones. The built form in the WZ should be sufficient to provide for economic growth and development while also protecting view shafts of Parihaka and the waterfront, retaining a sense of openness and managing adverse effects on the adjacent Green Space and Medium-density Residential Zones.

The WZ is comprised of two distinct areas – The Waterfront Commercial Area and the Waterfront Mixed-use Area (see Appendix 1). The Waterfront Commercial Area connects the Waterfront Zone to the City Centre Zone and provides for a range of activities including small scale retail, restaurants, passive recreation and cultural activities along with artisan craft industries. The Waterfront Mixed-use Area extends along Hihiaua Peninsula, Riverside Drive and Port Road, providing for residential, commercial and community activities along with maritime industrial activities that are compatible with sensitive activities.

Objectives

WZ-O1 – Pedestrians and Cyclists	Promote a safe, accessible and vibrant waterfront, which prioritises pedestrians and cyclists.
WZ-O2 – Enabled Development	Enable the development of the Waterfront Zone as a hub for tourism, recreation, arts and cultural activities.
WZ-O3 – Land uses	Support a range of land uses that complement the City Centre Zone and are compatible with surrounding Living and Green Space Zones.
WZ-O4 – Amenity and Character	Protect and enhance the sense of place, amenity, character, cultural, heritage, ecological and recreational values unique to the Waterfront Zone.
WZ-O5 – Connections	Protect and enhance the Waterfront Zone's physical and visual connections with waterways, the coastal marine area and the City Centre.

Waterfront Zone (WZ)

WZ-O6 – Residential Activities

Promote residential activities in the Waterfront Mixed-use Area.

Policies

WZ-P1 – Character and Amenity

To recognise the character and amenity values of the Waterfront Zone including but not limited to:

1. Accessible connections to the waterfront.
2. High levels of access to sunlight.
3. Moderate levels of noise.
4. Minimal exposure to noxious odour or noise associated with marine industrial activities.
5. Ample opportunities for formal and informal social interactions.
6. Limited off-street parking.
7. Pedestrian and cyclist oriented.
8. Historical and cultural significance of the area.
9. Ecological value of the waterbodies (and their margins).

WZ-P2 – Land uses

To provide for a range of land use activities that are compatible with the context of the predominant maritime, open space, arts, culture, retail, recreation and tourism themes of the Waterfront Zone.

WZ-P3 – Subdivision and Development

To require subdivision and development to be designed, constructed and operated so that it:

1. Complements the character of the Waterfront Zone.
2. Enhances amenity values.
3. Protects cultural and historic heritage values.
4. Enables opportunities for passive surveillance.
5. Provides direct and safe pedestrian and cyclist routes.
6. Enhances the ecological value within the Waterfront Zone.

WZ-P4 – View shafts

To protect view shafts and improve walkability by providing areas for public open space and visual and physical connections (eg. cycleways, walkways and laneways) within the Waterfront Zone and to adjacent zones.

WZ-P5 – Bulk and Location

To manage the bulk and location of structures to maintain a pedestrian scale of development and an open atmosphere with ample sunlight access.

WZ-P6 – Active Frontage

To ensure buildings and structures are sufficiently set back from Mean High Water Springs to safeguard esplanade areas and manage flooding risks.

WZ-P7 – Residential Activities and Visitor Accommodation

To strengthen the interrelationship between buildings and the public realm by requiring building design to:

Waterfront Zone (WZ)

	<ol style="list-style-type: none"> 1. Provide active frontage at ground floor level. 2. Orientate entrances towards roads and waterways
WZ-P8 – Residential Activities and Visitor Accommodation	To promote a mixed-use environment by enabling appropriately designed residential activities and visitor accommodation within the Waterfront Mixed-use area.
WZ-P9 – Subdivision	<p>To enhance walkability and street amenity by requiring sufficient site frontages to:</p> <ol style="list-style-type: none"> 1. Avoid rear sites. 2. Enable corner sites to be emphasised. 3. Maintain narrow sites frontages.

Rules

WZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
WZ-R2	Building Height	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum building height is 11m. <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>
WZ-R3	Building Setbacks	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building is set back at least: <ol style="list-style-type: none"> a. 3m from any Living or Green Space Zone boundary. 	<p>Activity Status when compliance not achieved: D</p>

Waterfront Zone (WZ)

- b. 10m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Note: Any application shall comply with information requirement WZ-REQ1.

WZ-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The building is set back at least: <ol style="list-style-type: none"> 3m from any Living or Green Space Zone boundary. 10m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>
WZ-R5	Building Floor-to-Ceiling Height	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The minimum interior floor-to-ceiling height is: <ol style="list-style-type: none"> 3.5m at ground floor. 2.7m above ground floor. <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>

Waterfront Zone (WZ)

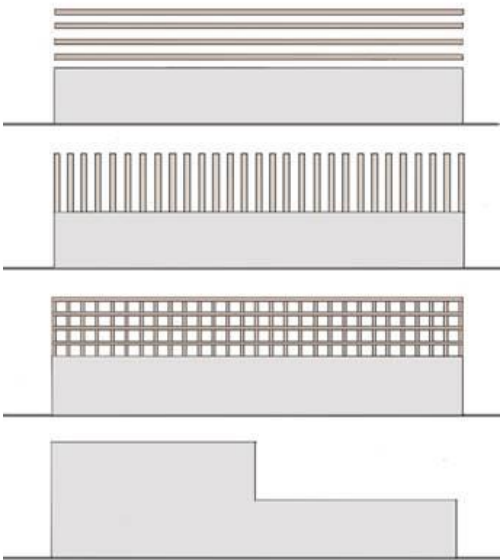
WZ-R6	Building Frontages	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 55% of the building frontage at ground floor is clear glazing. 2. At least 55% of any building face at ground floor is clear glazing where that building face is orientated towards an adjoining Green Space Zone. 3. The principal public entrance to the building is situated to face the road where the building is on a front site. 4. The principal public entrance to the building is situated to face the waterway where the building is on an site adjoining a Green Space Zone, Coastal Marine Area or waterway. <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>
WZ-R7	Building Coverage	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum building coverage does not exceed 50% of a site. <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>
WZ-R8	Fences	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any fence has a maximum height of 2m. 2. Any fence within 3m of a road boundary is at least 50% visually 	<p>Activity Status when compliance not achieved: D</p>

Waterfront Zone (WZ)

- permeable for any portion above 1m high.
- 3. Any fence within 30m of Mean High Water Springs or along a boundary shared with a Green Space Zone is at least 50% visually permeable for any portion above 1.5m high.
 - 4. Fencing is not fortified with barbed wire, broken glass or any form of electrification.

Note: Any application shall comply with information requirement WZ-REQ1.

Figure 1: Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m high



WZ-R9	Car Parking
<p>Activity Status: P</p> <p>Where:</p> <ul style="list-style-type: none">1. Any car parking spaces are located at least:<ul style="list-style-type: none">a. 2m from any road boundary, excluding garages.b. 27m from Mean High Water Springs.	<p>Activity Status when compliance not achieved: NC</p>

Waterfront Zone (WZ)

Note: Any application shall comply with information requirement WZ-REQ1.

WZ-R10	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any outdoor area of storage or stockpile: <ol style="list-style-type: none"> Complies with rules WZ-R2 – R4. Is screened from view from public places and surrounding site. <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>
WZ-R11	Artisan Industrial Activity	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum GFA of an individual activity is 300m². 	<p>Activity Status when compliance not achieved: NC</p>
WZ-R12	Principal Residential Unit	
WZ-R13	Minor Residential Unit	
Waterfront Commercial Area	<p>Activity Status: NC</p>	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Every principal residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate

Waterfront Zone (WZ)

<ul style="list-style-type: none"> b. For 2 bedrooms – 70m² c. For 3 bedrooms – 90m² d. For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. <ul style="list-style-type: none"> 2. Every 1 bedroom principal residential unit and minor residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth. 3. Every 2+ bedroom principal residential unit and minor residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. 	<p>privacy and amenity for occupants on-site.</p> <ul style="list-style-type: none"> 2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 3. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a principal residential unit or minor residential unit which does not comply with WZ-R12-R13 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
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WZ-R14	Grocery Store	
Waterfront Commercial Area	Activity Status: NC	
Waterfront Mixed-use Area	Activity Status: P Where: <ul style="list-style-type: none"> 1. The activity is located at ground floor. 2. The maximum GFA for any individual activity is 600m². 	Activity Status when compliance not achieved: D
WZ-R15	Marine Retail	
WZ-R16	Recreational Facilities	
WZ-R17	Educational Facilities	
Waterfront Commercial Area	Activity Status: NC	

Waterfront Zone (WZ)

Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located at ground floor.	Activity Status when compliance not achieved: D
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WZ-R18	Commercial Services	
Waterfront Commercial Area	Activity Status: D	
Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located at ground floor.	Activity Status when compliance not achieved: D

WZ-R19	General Retail	
WZ-R20	Food and Beverage Activity	
WZ-R21	Entertainment Facilities	
WZ-R22	Places of Assembly	
Waterfront Commercial Area	Activity Status: P Where: 1. The Gross floor Area of the individual activity does not exceed 250m ² .	Activity Status when compliance not achieved: D
Waterfront Mixed-use Area	Activity Status: P Where: 1. The activity is located at ground floor.	Activity Status when compliance not achieved: D

Waterfront Zone (WZ)

WZ-R23	Visitor Accommodation
Waterfront Commercial Area	Activity Status: D
Waterfront Mixed-use Area	Activity Status: P
WZ-R24	Marine Industry
Waterfront Mixed-use Area	Activity Status: RD Matters of Restricted Discretion: <ol style="list-style-type: none"> 1. Adverse effects from objectionable and/or noxious odour, dust or noise emissions. 2. Whether the design, scale and nature of the activity is consistent with the character and purpose of the WZ. 3. The extent to which an active frontage is provided.
Waterfront Commercial Area	Activity Status: NC
WZ-R25	General Industry
WZ-R26	Manufacturing and Storage
WZ-R27	Repair and Maintenance Services
WZ-R28	Supported Residential Care
WZ-R29	Motor Vehicle Sales
WZ-R30	Garden Centres
WZ-R31	Trade Suppliers
WZ-R32	Drive Through facilities
WZ-R33	Hire Premise
WZ-R34	Service Stations

Waterfront Zone (WZ)

WZ-R35	Funeral Home
WZ-R36	Emergency Services
WZ-R37	Care Centre
Activity Status: NC	

WZ-R38	Rural Production Activity
WZ-R39	Waste Management facility
WZ-R40	Landfill
WZ-R41	Hospital
Activity Status: Pr	

WZ-REQ1	Information Requirement
<ol style="list-style-type: none"> 1. All applications for resource consent pursuant to WZ-R2 – R10 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details: <ol style="list-style-type: none"> a. Any consultation undertaken as part of any pre-application meetings with Council (including the Council Urban Design Panel) and any mitigation measures that were recommended by Council. b. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the WZ building bulk and location standards. c. The effects on the surrounding character, amenity and safety with particular regard to building bulk, location and design and parking and transport. d. Consideration of potential effects on adjacent neighbours. e. The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on adjacent streets and public spaces or adjacent sites. <p><i>Note:</i></p> 2. <i>Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines.</i> 	

Commercial Zone (COM)

Overview

The Commercial Zone (COM) provides for a range of business activities that may not be appropriate for, or are unable to locate in higher amenity zones such as the City Centre or Local Commercial Zones. This includes activities ranging from small scale industry to commercial services, offices and trade suppliers. Often these activities may require larger sites than are available within other commercial centres and may be incompatible with the amenity expectations and purpose of other Business Zones.

Activities which adversely affect the vitality and viability of other Business Zones are not appropriate for the COM. For example, small-scale retail activities and restaurants are not appropriate as the presence of these activities, in combination with the potential for activities such as offices and entertainment facilities, may effectively create an unplanned centre and detract from established centres. Sensitive activities, such as residential activities, are also not envisaged due to the presence of incompatible industrial and commercial activities and the need to preserve land in the COM for out-of-centre commercial opportunities.

The COM is in proximity to the City Centre in areas with lower amenity levels due to existing development and activities. These areas generally have good transport access and exposure to customers. Due to the presence of pedestrians and the proximity to the City Centre, it is important to manage landuses and the design of development in the COM to contribute to an active frontage and manage adverse effects on amenity.

Objectives

COM-O1 – Appropriate Activities	Provide for commercial and small scale industrial activities that are not appropriate for the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones.
COM-O2 – Commercial Viability	Accommodate activities which do not undermine the strength, viability and vitality of the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones.
COM-O3 – Adverse Effects	Manage noxious, dangerous, offensive or objectionable effects to maintain a reasonable level of amenity, particularly at zone boundaries.
COM-O4 – Reverse Sensitivity	Restrict sensitive activities which may generate reverse sensitivity or risk effects.
COM-O5 – Amenity	Maintain, and where practicable enhance, amenity values and walkability within the COM and between other zones.
COM-O6 – Cross Boundary Effects	Manage adverse effects in relation to amenity, noise, sunlight access, visual dominance and traffic on adjacent Living and Green Space Zones.

Commercial Zone (COM)

Policies	
COM-P1 – Character and Amenity	<p>To recognise the character and amenity values of the COM including, but not limited to:</p> <ol style="list-style-type: none"> 1. A low to medium scale of built development. 2. High levels of noise during the daytime associated with traffic and commercial activities and small scale industrial activities. 3. Low to moderate levels of noxious, dangerous, offensive or objectionable odour or noise. 4. High levels of vehicle traffic, particularly during daytime hours, unless on arterial routes where traffic is high throughout the day. 5. On-street and off-street parking. 6. A low to moderate presence of active building frontages. 7. Presence of landscaping to break up impervious areas.
COM-P2 – Enabled Activities	<p>To enable a range of activities which:</p> <ol style="list-style-type: none"> 1. Are not compatible with the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones due to their scale and functional requirements and potential to generate adverse effects. 2. Are designed, located and operated to: <ol style="list-style-type: none"> a. Avoid, remedy or mitigate adverse external effects such as traffic, dust, noise and odours, especially in proximity to Living and Green Space Zones. b. Minimise any potential reverse sensitivity effects.
COM-P3 – Business Zones	<p>To protect other Business Zones by avoiding activities which detract from, or compete with, the vitality and viability of the City Centre, Mixed-use, Waterfront, Neighbourhood Commercial or Local Commercial Zones.</p>
COM-P4 – Residential Activities	<p>To manage reverse sensitivity and risk effects by avoiding the establishment of residential activities.</p>
COM-P5 – Cross Zone Boundary Effects	<p>To protect amenity within the Mixed-use, Living and Green Space Zones by:</p> <ol style="list-style-type: none"> 1. Requiring landscaping screening along zone boundaries. 2. Restricting hours of operation near zone boundaries. 3. Limiting built form to manage building dominance, sunlight access and residential amenity.
COM-P6 – Amenity	<p>To enhance walkability and streetscape amenity by requiring development to interact with the site frontage and limiting the formation of rear sites.</p>
COM-P7 – Impervious Areas	<p>To maintain and enhance amenity by managing impervious areas.</p>

Commercial Zone (COM)

COM-P8 – Esplanade Areas	To safeguard esplanade areas and waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.
COM-P9 – Subdivision	To limit the creation of small sites through subdivision by requiring minimum lot sizes and frontage widths.

Rules

COM-R1	An Activity Not Otherwise Listed in This Chapter	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
COM-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum building height is 15m. 	Activity Status when compliance not achieved: D
COM-R3	Building Setbacks	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The building is within 1m of a road boundary for at least 50% of the site frontage for any front site, excluding buildings for service stations. 2. The building is set back at least: <ol style="list-style-type: none"> a. 3m from any Living or Green Space Zone boundary. b. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	Activity Status when compliance not achieved: D

Commercial Zone (COM)

COM-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any Living or Green Space Zone boundary. 	<p>Activity Status when compliance not achieved: D</p>
COM-R5	Building Frontages	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 25% of the building frontage at ground floor is clear glazing. 2. A main public pedestrian entrance is provided within 3m of the site frontage, except for service stations where the main pedestrian entrance must be clearly visible from the site frontage. 	<p>Activity Status when compliance not achieved: D</p>
COM-R6	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The impervious area within the site does not exceed 90% of the net site area. 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>

Commercial Zone (COM)

COM-R7	Fences	
	Activity Status: P Where: <ol style="list-style-type: none"> Any fence within 2m of a road boundary is no higher than 2m. Any fence adjoining a Mixed-use, Living, Green Space Zone or road boundary is not fortified with barbed wire, broken glass or any form of electrification. 	Activity Status when compliance not achieved: D
COM-R8	Hours of Operation	
	Activity Status: P Where: <ol style="list-style-type: none"> Any activity which operates or is open for visitors, clients, deliveries or servicing outside the hours of 0600 and 2200 and is located at least 50m from a Living Zone boundary. 	Activity Status when compliance not achieved: D
COM-R9	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: <ol style="list-style-type: none"> Any outdoor area of storage or stockpile complies with rules COM-R2, R3.2 and R4. Any outdoor area of storage or stockpile is screened from view from public places and surrounding Living or Green Space Zone sites. 	Activity Status when compliance not achieved: D
COM-R10	General Industry	
COM-R11	Manufacturing and Storage	
COM-R12	Repair and Maintenance Services	
COM-R13	Artisan Industrial Activities	

Commercial Zone (COM)

COM-R14	Marine Industry	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum Net Floor Area is 1000m². 2. The activity is located at least 30m from any: <ol style="list-style-type: none"> a. Existing sensitive activity in the Mixed-use Zone. b. Living or Green Space Zone boundary. 3. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m. 	<p>Activity Status when compliance not achieved: D</p>
COM-R15	Motor Vehicle Sales	
COM-R16	Garden Centre	
COM-R17	Trade Supplier	
COM-R18	Marine Retail	
COM-R19	Drive Through Facility	
COM-R20	Hire Premise	
COM-R21	Commercial Service	
COM-R22	Service Station	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road 	<p>Activity Status when compliance not achieved: D</p>

Commercial Zone (COM)

boundary where the maximum height is 1.2m.

COM-R23	General Retail	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The retail activity is ancillary to a permitted activity on-site and is less than 100m² GFA per site; or 2. The goods sold on-site are also manufactured on-site, provided that the retailing shall be ancillary to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labeling, sorting, mixing or assembling of pre-made products. 	<p>Activity Status when compliance not achieved: NC</p>
COM-R24	Food and Beverage Activity	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum GFA of a food and beverage activity is 250m² per site. 2. The activity is not open for visitors or clients outside the hours of 0600 and 1600. 3. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m. 	<p>Activity Status when compliance not achieved: D</p>
COM-R25	Grocery Store	
COM-R26	Recreational Facility	
COM-R27	Emergency Service	
COM-R28	Educational Facilities	

Commercial Zone (COM)

Activity Status: P

Where:

1. Any site boundary which is adjoining a Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.

Activity Status when compliance not achieved: D

COM-R29	Entertainment Facility
COM-R30	Visitor Accommodation
COM-R31	Funeral Home
COM-R32	Place of Assembly
COM-R33	Care Centre
COM-R34	Hospital
Activity Status: D	

COM-R35	Rural Production Activity
COM-R36	Landfill Activity
COM-R37	Waste Management Activity
COM-R38	Residential Activity
Activity Status: NC	

Local Commercial Zone (LC)

Overview

The Local Commercial Zone (LC) provides for commercial, community and residential activities within the suburbs of Whangarei City, Ruakaka and Marsden Point. The LC is often the heart of a suburb providing a focus point for community functions and community identities. The LC services a wide area and contain activities such as supermarkets, a range of retail goods and services, small scale office activities and some community, recreation and health services.

LC is identified in suburbs with land areas that range between 2 – 6ha and varied shop sizes. Many are anchored by a traditional main street with active street frontages, high levels of pedestrian activity and links to public transport networks. A mix of on street and off street parking is provided in these larger local commercial areas, reflecting the fact that they serve a wider catchment than the Neighbourhood Commercial Zone. Opportunities exist for expansion and intensification to ensure that local commercial areas continue to meet the needs of the growing suburban populations.

LC within each major suburb are described below. It is expected that the individual characteristics of each LC area will be recognised in the preparation and assessment of any resource consent application.

Tikipunga

Tikipunga LC is located to the west of Paramount Parade. The LC area contains a mix of retail, food and beverage, and service activities, including a supermarket, post office, service station and a medical centre. Most of the shops are connected with pedestrian walkways and verandahs, with a large onsite parking area to the front of the buildings. Tikipunga Tavern is also located to the west of Paramount Parade. Community facilities, including a library, are situated within public land zoned Open Space adjoining the LC to the north.

Kensington

Kensington LC is situated around the intersection of Kensington Avenue and Kamo Road. Food and beverage, retail and service activities are prevalent, including takeaways, restaurants, cafes, postal and banking services, and a service station. A traditional strip of mainly food and beverage activities is located along the western side of Kamo Road, with an active frontage, pedestrian footpaths and verandas. Along Kensington Avenue there is a strong presence of medical service activities, including a private hospital, imaging facility and orthopedic centre.

Regent

Regent LC is situated around the intersection of Kamo Road and Manse and Donald Streets, and is in proximity to the City Centre. The LC contains two supermarkets on separate sites dominated by on-site, front of store parking. To the east of Kamo Road a more traditional strip of smaller scale retail and service activities are present with active frontages, pedestrian footpaths and verandas. Several places of assembly and a school are also located in the LC.

Kamo

Kamo LC is a compact mainstreet of buildings on, or in close proximity to, Kamo Road which provides a range of retail, service and community activities. The LC is bordered by schools, recreation areas,

Local Commercial Zone (LC)

churches and identified mining hazard areas. Food and beverage, retail and service activities are prevalent, including takeaways, restaurants, cafes, postal and banking and commercial services, and two service stations. An active frontage, pedestrian footpaths and verandas are present on both sides of Kamo Road.

Onerahi

Onerahi LC is located to the west of Onerahi Road. It contains a mix of retail, food and beverage and service activities, including a supermarket, police station, medical centre, and postal services, reflecting the more isolated nature of Onerahi. The LC is bisected by two local roads, creating physical barriers maintaining separation between the row of smaller retail shops connected with pedestrian footpaths and verandas and the supermarket and a large hotel. Recreation and community services, including a library and hall, are located on public land zoned Open Space adjacent to the LC.

Maunu

Maunu LC is located at the intersection of Tui Crescent and State Highway 14. It contains a mix of retail, food, service activities and a medical centre. The LC is bisected by a local road and State Highway 14, resulting in a physical separation of activities. A row of smaller retail and food and beverage shops are connected with pedestrian footpaths and verandas along Tui Crescent. A larger area containing restaurant, garden centre, childcare and medical care is situated to the north of State Highway 14.

Ruakaka

Ruakaka LC is situated on the corner of Marsden Point Road and Peter Snell Road opposite the Bream Bay High School. It contains a range of retail, food and beverage and service activities, including a supermarket, bank, medical centre, kindergarten and police station. Most of the shops are connected by pedestrian walkways and verandas, with a large onsite parking area to the front of the buildings. A recreational area adjoins the LC on Peter Snell Road.

Raumaunga

A large vacant area is situated at the corner of State Highway 1 and Tauroa Street. McDonalds Restaurant is the only existing activity operating within the LC.

One Tree Point/Marsden Cove

Marsden Cove LC is located at Rauiri Drive, Marsden Cove. The LC is oriented around the marina with buildings fronting the waterways. A range of retail, food and beverage and service activities exist onsite which are strongly oriented toward providing for marine activities.

Port Nikau

Vacant area providing for future LC supporting the Port Nikau redevelopment as enabled by the Port Nikau Precinct.

Local Commercial Zone (LC)

Objectives	
LC-O1 – Range of Activities	Provide a distribution of LC that provide mixed use development, including commercial, community and residential activities, while not undermining the vitality and viability of the City Centre.
LC-O2 – Urban Character and Amenity	Maintain and enhance the urban character and amenity of LC.
LC-O3 – Urban Design	Development demonstrates high quality urban form that positively interacts with the public realm and responds positively to and enhances the character of the surrounding environment.
LC-O4 – Discouraged Activities	Discourage industrial activities within the LC to maintain the LC amenity and character.
LC-O5 – Commercial Sprawl	Contain commercial activities within the LC.

Policies	
LC-P1 – Character and Amenity	<p>To maintain and enhance the character and urban amenity values of the LC including but not limited to:</p> <ol style="list-style-type: none"> 1. An active urban environment with a mix of type and scale of activities. 2. Presence of community activities, street plantings/trees and street furniture. 3. A low to medium intensity and scale of built development. 4. High levels of noise during the daytime associated with traffic and commercial activities. 5. A moderate degree of privacy for residential activities. 6. Access to daylight. 7. No/limited exposure to noxious odour or noise associated with industrial activities. 8. High levels of vehicle traffic particularly during daytime hours. 9. On-street and off-street parking.
LC-P2 – Range of Activities	<p>To enable a range of activities that will enhance the vibrancy, community focus, economic performance and amenity of the Local Commercial Zone by:</p> <ol style="list-style-type: none"> 1. Encouraging residential activities, smaller scale retail activities, offices, tourist related activities, restaurants, cafes, bars and entertainment facilities. 2. Avoiding rural production and industrial activities (excluding small scale artisan industrial activities), large department stores, bulk goods and trade related retail.

Local Commercial Zone (LC)

	<ol style="list-style-type: none"> 3. Limiting large scale, destination-based community activities which do not enhance the vibrancy of the LC. 4. Requiring non-active uses to be located above ground floor. 5. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. An active frontage is maintained at ground floor. b. The activity and building design are complementary to the LC context and retain a fine grain character. c. The building is designed to be flexible and adaptable to a range of uses and does not unduly restrict potential future uses of the site. d. Large single use buildings, activities at ground floor and standalone car parking facilities are sleeved by smaller scale commercial activities.
LC-P3 – Mixed Use	To encourage mixed use development by providing for residential activities primarily located above ground floor commercial uses.
LC-P4 – Active Frontage	To require active frontage at ground floor in building design to strengthen the interrelationship between buildings and the public realm.
LC-P5 – Ground Floor Residential Units	To require residential units at ground floor to be designed and constructed in a manner which protects residential amenity and active frontages.
LC-P6 – Residential Amenity	To protect residential amenity by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.
LC-P7 – Pedestrian-Centric Environment	<p>To create a pedestrian-centric environment by:</p> <ol style="list-style-type: none"> a. Managing new vehicle crossings and car parking areas to retain a safe and accessible pedestrian network. b. c. Requiring verandahs along building frontages to create a defined building edge and provide shade and rain shelter. d. Requiring sufficient site frontages to avoid rear sites and activate corner sites while maintaining smaller site and block sizes to retain the fine grain character of the LC.
LC-P8 – Zone Interface	To maintain the amenity and character which contributes to sense of place by managing built development and the interface between the Local Commercial Zone and Residential Zones.
LC-P9 – Discouraged Activities	To protect urban amenity by avoiding activities which have noxious, offensive, or undesirable qualities from locating within the Local Commercial Zone.

Local Commercial Zone (LC)

LC-P10 – Scale of Development	To avoid adverse effects on the Shopping Centre Zone by limiting the development of large scale commercial and retail activities such as supermarkets, large format retail and department stores.
LC-P11 – Vitality and Viability of City Centre	To avoid adverse effects on the vitality and viability of the City Centre and Mixed Use Zones by ensuring expansion of the LC is provided only at a scale appropriate to the needs of the surrounding residential areas.
LC-P12 – Water Setbacks	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.

Rules

LC-R1	An Activity Not Otherwise Listed in this Chapter	
	Activity Status: P Where: 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.	
LC-R2	Building Height	
	Activity Status: P Where: 1. The maximum height is 11m.	Activity Status when compliance not achieved: D
LC-R3	Building Setbacks	
	Activity Status: P Where: 1. The building is setback: <ol style="list-style-type: none"> 5m from a boundary that adjoins a Residential or Open Space Zone. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). Excluding buildings within the Marsden Cove LC. 2. The building is setback from 0.5m of the road boundary at ground floor for	Activity Status when compliance not achieved: D

Local Commercial Zone (LC)

the entire length of the street frontage for any front site, except:

- a. A setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.

LC-R4	Building Floor-to-Ceiling Height	
	Activity Status: P Where: 1. The minimum floor-to-ceiling height is: a. 3.5m at ground floor. b. 2.7m above ground floor.	Activity Status when compliance not achieved: D
LC-R5	Building Height in Relation to Boundary	
	Activity Status: P Where: 1. No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary adjoining a Living or Green Space Zone.	Activity Status when compliance not achieved: D
LC-R6	Building Frontages	
	Activity Status: P Where: 1. No continuous blank wall with an area greater than 25m ² is visible from site frontage. 2. At least 65% of the ground floor building frontage is clear glazing. 3. The main pedestrian entrance is provided within 3m of the site frontage, except for service stations. 4. No roller door is situated along site frontage.	Activity Status when compliance not achieved: D

Local Commercial Zone (LC)

LC-R7	Verandahs	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any building fronting a road contains a verandah: <ol style="list-style-type: none"> Along at least 90% of the frontage of the building. That is at least 3m and no more than 4m above the footpath. That has a minimum width of 1.5m and a maximum width of 2.5m. That has a maximum facia height of 0.5m. 	<p>Activity Status when compliance not achieved: D</p>
LC-R8	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The impervious area within the site does not exceed 90% of the site area. Areas is further than 5m of Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>
LC-R9	Shared Boundary with a Living or Green Spaces Zone	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any site boundary which is shared with a Living or Green Spaces Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the minimum height is 1.2m. 	<p>Activity Status when compliance not achieved: D</p>
LC-R10	Hours of Operation	

Local Commercial Zone (LC)

	Activity Status: P Where: <ol style="list-style-type: none"> Any activity which operates or is open for visitors, clients, deliveries or servicing outside of the hours of 0600 - 2200, where the activity is located closer than 50m from a boundary with a Living Zone. 	Activity Status when compliance not achieved: D
LC-R11	Any Fence	
	Activity Status: P Where: <ol style="list-style-type: none"> The fence is along a road boundary and is required by a by-law or for public health and safety. Fencing up to 2m in height within 1m of any side or rear boundary. 	Activity Status when compliance not achieved: D
LC-R12	Car Parking	
	Activity Status: P Where: <ol style="list-style-type: none"> No car parking space is located between the building frontage and road boundaries of sites. 	Activity Status when compliance not achieved: D
LC-R13	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: <ol style="list-style-type: none"> Any outdoor areas of storage or stockpile: <ol style="list-style-type: none"> Complies with rules LC-R2 – R4. Is screened from view from public places and surrounding Living or Green Spaces Zone sites. 	Activity Status when compliance not achieved: D

Local Commercial Zone (LC)

LC-R14	Residential Unit	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Any 1 bedroom residential unit provides an outdoor living court of at least 4m² and at least 1.5m depth. Any 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. Every residential unit is above ground floor. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit which does not comply with Rule LC-R14 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
LC-R15	Grocery Store	
LC-R16	Health Care Facilities	
LC-R17	Commercial Services	
LC-R18	Food and Beverage Activity	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any individual activity is less than 300m² GFA per site. 	<p>Activity Status when compliance not achieved: D</p>
LC-R19	Artisan Industrial Activities	
	<p>Activity Status: P</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: D</p>

Local Commercial Zone (LC)

1. Any individual activity is less than 300m² GFA per site.
2. The goods sold on site are also manufactured on site, provided that the retailing is ancillary to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labeling, sorting, mixing or assembling of pre-made products.
3. Any outdoor area associated with the activity is not located between the front of the building and the road.

LC-R20	Place of Assembly
LC-R21	Entertainment Facilities
LC-R22	Recreational Facilities
LC-R23	Emergency Services
LC-R24	Educational Facilities
	<div> <p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any individual activity is less than 1000m² GFA per site. 2. Any outdoor area associated with the activity is not located between the front of the building and the road. </div> <div>Activity Status when compliance not achieved: D</div>
LC-R25	Visitor Accommodation
	<div> <p>Activity Status: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The location, scale and intensity of the proposed building/s, structures, signs and lighting. 2. The number of accommodation units. 3. The provision of an active frontage and pedestrian walkability. </div> <div>Activity Status when compliance not achieved: D</div>

Local Commercial Zone (LC)

4. The location, design, layout of car parking spaces, internal access and maneuvering.
5. Urban design, amenity and character of the LC.
6. The availability and accessibility of open space and communal amenities.
7. Capacity and availability of infrastructure.
8. Road access and effects on transport, including availability of public and/or active transport options.

LC-R26	A New Vehicle Crossing Over a Footpath
Activity Status: D	
LC-R27	Supported Residential Care
LC-R28	Retirement Village
LC-R29	Care Centre
LC-R30	Drive Through Facility
LC-R31	Service Station
LC-R32	Funeral Home
LC-R33	Hospital
Activity Status: D	
LC-R34	Marine Retail
LC-R35	Motor Vehicle Sales
LC-R36	Garden Centres
LC-R37	Trade Suppliers
Activity Status: D	
Where:	
Activity Status when compliance not achieved: NC	

Local Commercial Zone (LC)

1. An individual activity has a GFA less than 300m² per site.
2. Any individual activity has an outdoor display or storage area:
 - a. Less than 500m².
 - b. Not located between the front of the building and the road.

LC-R38	Retirement Village
LC-R39	Care Centre
LC-R40	Drive Through Facility
LC-R41	Service Station
LC-R42	Funeral Home
LC-R43	Hospital
Activity Status: NC	
LC-R44	Waste Management Facility
LC-R45	Landfill
Activity Status: Pr	

Neighbourhood Commercial Zone (NC)

Overview

The Neighbourhood Commercial Zone (NC) provides for a distribution of accessible neighbourhood commercial activities that provide goods and services to meet the day to day needs of communities.

The Neighbourhood Commercial Zone is distributed throughout the urban area of Whangarei City, Ruakaka and Marsden Point. Providing a limited range of everyday goods and services, NC are small in overall land area, up to 1ha, with shop sizes generally ranging from 100 – 300m² in gross floor area.

On street parking is generally provided, with limited off street parking. Being situated within residential areas it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values. Very limited opportunities exist for expansion of these NC.

The suburbs of the Avenues, Morningside, Otangarei and Otaika do not contain a large agglomeration of existing commercial and community activities, and therefore do not have a Local Commercial Zone.

Objectives

NC-O1 – Range of Activities	Provide a distribution of commercial and community activities, while not undermining the vitality and viability of the LC.
NC-O2 – Urban Character and Amenity	Maintain and enhance the urban character and amenity of the NC.
NC-O3 – Urban Design	Development demonstrates high quality urban form that positively interacts with the public realm and responds positively to and enhances the character of the surrounding environment.
NC-O4 – Discouraged Activities	Discourage industrial activities within the NC to maintain the NC amenity and character.

Policies

NC-P1 – Character and Amenity	<p>To recognise the character and urban amenity values of the Neighbourhood Commercial Zone including but not limited to:</p> <ol style="list-style-type: none"> 3. A low density of development and built form. 4. Presence of community activities, street plantings/trees and street furniture. 5. Moderate levels of noise during the daytime associated with traffic and commercial activities. 6. A moderate degree of privacy for residential activities.
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Neighbourhood Commercial Zone (NC)

	<ol style="list-style-type: none"> 7. No/limited exposure to noxious odour or noise associated with industrial activities. 8. Moderate levels of vehicle traffic particularly during daytime hours. 9. Moderate levels of illumination. 10. On-street and off-street parking. 11. Ample access to daylight.
NC-P2 – Range of Activities	<p>To enable a range of activities that provide a distribution of small scale commercial and community services for residents by:</p> <ol style="list-style-type: none"> 1. Encouraging small scale dairies, commercial service activities and cafes. 2. Avoiding rural production and industrial activities, large scale commercial activities and destination-based community activities. 3. Enabling residential units in association with commercial and retail activities onsite. 4. Allowing home occupation where an active frontage is maintained and open to the public. 5. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. An active frontage is maintained at ground floor. b. The activity and building design are complementary to the NC context and retain a fine grain character. c. The building is designed to enhance the surrounding residential amenity.
NC-P3 – Residential Activities	To require residential units to be designed and constructed in a manner which protects residential amenity and active frontages.
NC-P4 – Pedestrian-Centric Environment	To create a pedestrian-centric environment by requiring verandahs and promoting active building frontages.
NC-P5 – Residential Amenity	To protect residential amenity by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.
NC-P6 – Zone Interface	To maintain the amenity and characteristics that contribute to sense of place by managing built development and the interface between the Neighbourhood Commercial Zone and Residential Zones.
NC-P7 – Discouraged Activities	To protect urban amenity by avoiding activities which have noxious, offensive, or undesirable qualities from locating within the Neighbourhood Commercial Zone.
NC-P8 – Water Setbacks	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.

Neighbourhood Commercial Zone (NC)

NC-P9 – Built Form

To maintain a built form that is consistent with the surrounding Residential Zones by limiting bulk and location of buildings.

Rules

NC-R1	An Activity Not Otherwise Listed in this Chapter	
	Activity Status: P Where: 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.	
NC-R2	Building Height	
	Activity Status: P Where: 1. The maximum height is 8m.	Activity Status when compliance not achieved: D
NC-R3	Building Setbacks	
	Activity Status: P Where: 1. The building is setback: a. 3m from a boundary that adjoins a Residential or Open Space Zone. b. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 1. The building is setback 0.5m from the road boundary at ground floor for the entire length of the street frontage for any front site, except: a. A setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.	

Neighbourhood Commercial Zone (NC)

NC-R4	Building Height in Relation to Boundary	
	Activity Status: P Where: 1. No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary adjoining a Living or Green Spaces Zone.	Activity Status when compliance not achieved: D
NC-R5	Building Frontages	
	Activity Status: P Where: 1. No continuous blank wall with an area greater than 25m ² is visible from site frontage. 2. At least 65% of the ground floor building frontage is clear glazing. 3. The main pedestrian entrance is provided within 3m of the site frontage. 4. No roller door is situated along site frontage.	Activity Status when compliance not achieved: D
NC-R6	Impervious Areas	
	Activity Status: P Where: 1. The impervious area within the site does not exceed 75% of the site area. 2. Areas is further than 5m of Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).	Activity Status when compliance not achieved: D

Neighbourhood Commercial Zone (NC)

NC-R7	Hours of Operation	
	Activity Status: P Where: 1. Any activity which operates or is open for visitors, clients, deliveries or servicing outside of the hours of 0600 - 2200, where the activity is located closer than 50m from a boundary with a Living Zone.	Activity Status when compliance not achieved: D
NC-R8	Any Fence	
	Activity Status: P Where: 1. The fence is along a road boundary and is required by a by-law or for public health and safety. 2. Fencing up to 2m in height within 1m of any side or rear boundary.	Activity Status when compliance not achieved: D
NC-R9	Car Parking	
	Activity Status: P Where: 1. The car parking space is not located between the building frontage and road boundaries of sites.	Activity Status when compliance not achieved: D
NC-R10	Verandahs	
	Activity Status: P Where: 1. Any building fronting a road contains a verandah: <ol style="list-style-type: none"> Along at least 90% of the frontage of the building. That is at least 3m and no more than 4m above the footpath. 	Activity Status when compliance not achieved: D

Neighbourhood Commercial Zone (NC)

- c. That has a minimum width of 1.5m and a maximum width of 2.5m.
- d. That has a maximum fascia height of 0.5m.

NC-R11	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any outdoor areas of storage or stockpile: <ol style="list-style-type: none"> Complies with rules NC-R2 – R4. Is screened from view from public places and surrounding Living or Green Spaces Zone sites. 	<p>Activity Status when compliance not achieved: D</p>
NC-R12	Residential Unit	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum density is 1 residential unit, per site. The residential unit is ancillary to a commercial service, general retail or food and beverage activity within the site. The residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Any 1 bedroom residential unit provides an outdoor living court of at least 4m² and at least 1.5m depth. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit which does not comply with the minimum internal area and outdoor living court requirements in NC-R12 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

Neighbourhood Commercial Zone (NC)

5. Any 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth.
6. No residential unit is accessed directly from the road frontage.

NC-R13	Grocery Store
NC-R14	Commercial Service
NC-R15	Health Care Facility
NC-R16	Food and Beverage
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any individual activity: <ol style="list-style-type: none"> a. Has a GFA less than 300m² per site. b. Has an outdoor area: <ol style="list-style-type: none"> i. Less than 500m². 2. Not located between the front of the building and the road. 	
<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site. 2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 3. Adverse effects on active frontage. <p>Notification:</p> <p>Any application for a residential unit which does not comply with the minimum internal area and outdoor living court requirements in NC-R12 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>	

Neighbourhood Commercial Zone (NC)

NC-R17	Visitor Accommodation	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. No more than 12 traffic-paid visitors are staying on-site at any one time. 2. No more than 2 accommodation units per 500m² are constructed or operated on site. 3. Each accommodation unit provides an outdoor living court of at least 4m² and at least 1.5m depth. 	Activity Status when compliance not achieved: D
NC-R18	Care Centre	
NC-R19	Supported Residential Care	
NC-R20	Retirement Village	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. No more than 12 patients are staying on-site at any one time. 2. No more than 2 accommodation units per 500m² are constructed or operated on site. 3. Each accommodation unit provides an outdoor living court of at least 4m² and at least 1.5m depth. 	Activity Status when compliance not achieved: D
NC-R21	Place of Assembly	
NC-R22	Recreational Facilities	
NC-R23	Educational Facilities	
NC-R24	Entertainment Facilities	
	Activity Status: D	

Neighbourhood Commercial Zone (NC)

NC-R25	General Retail Activity
	<p>Activity Status: D</p> <p>Where:</p> <ol style="list-style-type: none"> 1. An individual retail activity has a: <ol style="list-style-type: none"> a. GFA greater than 250m² per site. b. An outdoor area: <ol style="list-style-type: none"> i. Less than 500m². ii. Not located between the front of the building and the road.
	Activity Status when compliance not achieved: NC
NC-R26	Industrial Activities
NC-R27	Motor Vehicle Sales Activities
NC-R28	Marine Retail Activities
NC-R29	Garden Centres Activities
NC-R30	Trade Suppliers Activities
NC-R31	Drive Through Facilities Activities
NC-R32	Hire Premise
NC-R33	Emergency Services
NC-R34	Service Stations Activities
NC-R35	Funeral Homes Activities
NC-R36	Hospital Activities
	Activity Status: NC
NC-R37	Hospital Activities
	Activity Status: Pr

Shopping Centre Zone (SCZ)

Overview

The Shopping Centre Zone (SCZ) provides for the consolidation of predominantly large comprehensive general retail stores within existing shopping centres. Limited provision is made for supporting small scale food and beverage activities such as cafes for the comfort of visitors and employees at the shopping centre.

Shopping centres have unique characteristics, generally being a comprehensive group of retail and other commercial establishments that is planned, developed and managed as a single facility, comprising commercial multi-branded retail units and common areas.

Shopping centres are generally comparative shopping 'destinations' and collectively need large spaces for retail. As destinations, shopping centres are car-focused and require sizeable areas with suitable vehicle access and on-site parking to cater for private motor vehicles. It is essential that shopping centres are designed to be safe and pleasant for pedestrians and cyclists as well as cater to vehicular requirements to ensure a positive shopping experience.

High traffic volumes and the requirement for larger sites than are available in the City Centre and Local Centres mean that large shopping centres are usually incompatible with the anticipated amenity and character of those zones.

Shopping centres can have significant adverse effects on the vitality and functioning of other commercial or retailing centres if they are inappropriately located. This means that the extent to which shopping centres competes with the functions of other centres must be carefully managed. The SCZ is expected to remain at existing locations close to the City Centre and, if expansion of the existing shopping centres is required, to develop towards and not away from, the City Centre.

Shopping centres can have significant adverse effects on amenity and character values of neighbouring zones. These effects must be carefully managed. The SCZ is intended to provide an area within which existing large general retail stores are consolidated to manage these potential effects. It is expected that the amenity of shopping centres will improve over time to minimise the impact on other zones and to provide a better shopping experience for patrons.

The SCZ is located in urban areas where large land parcels are available within and adjacent to established shopping centres containing existing large general retail stores. The SCZ is only appropriate where local infrastructure (i.e. roads, wastewater and storm-water) has sufficient capacity to accommodate further development. The SCZ has been applied at three locations, being:

- Tarewa Shopping Centre
- Okara Shopping Centre
- Okara West Shopping Centre

Objectives

SCZ-O1 – Adverse Effects

Larger compatible general retail stores are located in consolidated shopping centres.

Shopping Centre Zone (SCZ)

SCZ-O2 – Pedestrians	A safe, pedestrian friendly and convenient shopping environment is provided.
SCZ-O3 – Centre Viability	The primacy, function and vitality of the City Centre, Local Commercial Zones and Waterfront are protected.
SCZ-O4 – Adverse Effects	Adverse effects on adjacent zones are managed.
SCZ-O5 – Urban Design	Development outcomes reflect best practice urban design.

Policies

SCZ-P1 – Shopping Centre Character	<p>To recognise the character and amenity values of the Shopping Centre Zone including:</p> <ul style="list-style-type: none"> a. An active urban environment. b. Larger general retail activities with limited food and beverage activities. c. Consolidated built form d. Availability of shared common public facilities e. Moderate intensity of development. f. Higher levels of noise. g. High levels of vehicle traffic. h. Large off-street car parking areas. i. High levels of on-site pedestrian traffic. j. Presence of landscaping to limit visual impact, reduce impervious areas and contribute to amenity within the centre.
SCZ-P2 – Consolidation	<p>To protect the City Centre and the Waterfront from the effects of commercial sprawl by:</p> <ul style="list-style-type: none"> a. Encouraging consolidation of large general retail activities at established shopping centres. b. Encouraging any extension of existing shopping centres in a direction towards the City Centre. c. Avoiding the establishment of new shopping centres.
SCZ-P3 – Range of Larger Retail	To provide for a range of larger, compatible general retail activities in a manner that does not compromise the City Centre, Local Commercial Centre, and Waterfront Zones.
SCZ-P4 – Small Scale Retail	To avoid small scale retail activities establishing in existing shopping centres where they may undermine the economic viability and primacy of the City Centre Zone.

Shopping Centre Zone (SCZ)

SCZ-P5 – Food and Beverage Activity	To provide for supporting conveniences by allowing for a limited amount of small scale food and beverage activity within the Shopping Centre Zone.
SCZ-P6 – Communal Facilities	To enhance shopper's experience within shopping centres by requiring activities to provide communal bathrooms, rubbish bins and rest areas.
SCZ-P7 – Landscaping	<p>To preserve the character and amenity of adjoining zones by requiring high quality landscaping to:</p> <ul style="list-style-type: none"> a. Enhance the character of the shopping centre. b. Soften the effects of built form.
SCZ-P8 – Building Exterior Treatment	<p>To preserve the character and amenity of adjoining zones and enhance the character and amenity of the SCZ by requiring the exterior treatment of buildings to:</p> <ul style="list-style-type: none"> a. Enhance the character of the shopping centre. b. Soften the effects of built form. c. Be sensitive to and compatible with the character and amenity of adjoining zones. d. Positively contribute to the character and amenity of adjoining Waterfront or Green Space Zones. e. Demonstrate best practice urban design
SCZ-P9 – Pedestrians and Cyclists	To improve pedestrian and cyclist circulation and connections within shopping centres and to shopping centres, by requiring building design and positioning to positively contribute to pedestrian shopping experience.
SCZ-P10 – Sunlight	To protect daylight access and outlook by managing built form adjacent to adjoining zones.
SCZ-P11 – Infrastructure	To remedy or mitigate the effects of Shopping Centre activities on the safe and efficient operation of the surrounding roading network, utility networks, and infrastructure.
SCZ-P12 – Subdivision	To protect the Shopping Centre Zone for consolidated larger retail activities by discouraging subdivision which reduces average net site area.
SCZ-P13 – Esplanades and Reserves	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.

Rules

SCZ-R1	An activity not otherwise listed in this chapter	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	

Shopping Centre Zone (SCZ)

1. Resource consent is not required under any rule of the District Plan.
2. The activity is not prohibited under any rule of the District Plan.

Note: Any application shall comply with information requirement SCZ-REQ1

SCZ-R2	Any Redevelopment	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity complies with rules SCZ-R3-7. 2. The redevelopment is internal, within the footprint of an existing building. 3. The principal entrance(s) of each retail, commercial or food and beverage unit either opens directly on to a shopping centre footpath or other pedestrian connection, or is connected to a pedestrian connection by a smaller formed pedestrian connection. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R3	Building Height	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Building height does not exceed 15m. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R4	Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building does not exceed a height equal to 3m plus the shortest 	<p>Activity Status when compliance not achieved: D</p>

Shopping Centre Zone (SCZ)

horizontal distance between that part of the building and the boundary of the adjacent site.

Note: Any application shall comply with information requirement SCZ-REQ

SCZ-R5	Building Area	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and the boundary of the adjacent site. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R6	Building Setbacks	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building is at least 3m from any Green Space Zone boundary. 2. The building is at least 27m from Mean High Water Springs. 3. The building is at least 27m from the top of the bank of any river that has a width greater than 3m. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R7	Impervious Areas (excluding bridges, culverts and fences)	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The impervious area does not cause the total impervious area for the site to exceed 85%. 	<p>Activity Status when compliance not achieved: D</p>

Shopping Centre Zone (SCZ)

2. The impervious area is not within 5m of:

- a. Mean High Water Springs
- b. The top of the bank of any river that has a width exceeding 3m.

Note: Any application shall comply with information requirement SCZ-REQ1

SCZ-R8	Commercial Services	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The Net Floor Area for the commercial service activity does not exceed 100m². 2. The total Net Floor Area of all commercial service activities does not exceed 2% of the total Net Floor Area for the shopping centre (when the commercial service activity is included). 3. The commercial service activity is in a building which also accommodates a retail activity. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R9	Food and Beverage Activities	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The Net Floor Area of any food and beverage activity does not exceed 250m². 2. The total Net Floor Area of all food and beverage activities does not exceed 5% of the total Net Floor Area for the shopping centre (when the food outlet is included). 3. The food and beverage activity is in a building that also accommodates retail activity. 	<p>Activity Status when compliance not achieved: D</p>

Shopping Centre Zone (SCZ)

4. At least 1 fixed rubbish bin is provided by each food and beverage activity.
5. Seating areas associated with food and beverage activities do not impede pedestrian use of footpaths or other pedestrian connections.

Note: Any application shall comply with information requirement SCZ-REQ1

SCZ-R10	Retail Activities	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The retail activity occupies more than 450m² Net Floor Area. 2. The retail activity occurs in an existing building. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R11	Supermarkets	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The Supermarket occupies more than 450m² Net Floor Area. 2. The Supermarket occurs in an existing building. <p><i>Note: Any application shall comply with information requirement SCZ-REQ1</i></p>	<p>Activity Status when compliance not achieved: D</p>
SCZ-R12	Motor Vehicle Sales	
SCZ-R13	Garden Centres	
SCZ-R14	Trade Supplier Activities	
SCZ-R15	Marine Retail	
SCZ-R16	Hire Premises and Facilities	

Shopping Centre Zone (SCZ)

SCZ-R17	Entertainment Facilities
SCZ-R18	Drive-thru Facilities
SCZ-R19	Visitor Accommodation
SCZ-R20	Service Stations
SCZ-R21	Funeral Homes
Activity Status: NC	
<i>Note: Any application shall comply with information requirement SCZ-REQ1</i>	

SCZ-R22	Rural Production Activities
SCZ-R23	Industrial Activities
SCZ-R24	Community Activities
SCZ-R25	Residential Activities
Activity Status: Pr	

SCZ-REQ1	Information Requirements
<ol style="list-style-type: none"> 1. All applications for resource consent shall include an urban design assessment prepared by a suitably qualified and experienced professional which details: <ol style="list-style-type: none"> a. Any consultation undertaken with Council's Urban Design Panel and any conditions that were recommended by the Panel. b. If Council's Urban Design Panel has not been consulted, an assessment containing reasons and justification for not consulting with the Panel. c. How the proposal is consistent with best practice Urban Design. d. The effects on the character, amenity, safety and the surrounding areas, with particular regard to building bulk, location and design and parking and transport. e. Consideration of potential effects on adjacent neighbours. f. Consideration of potential effects on interaction between public and private spaces. g. Consideration of any effects on the Waterfront Zone and any Green Space zone. 	

Light Industrial Zone (LI)

Overview

The Light Industrial Zone (LI) is a key driver for the District's economy, generating a significant number of employment opportunities. The LI is located on the fringes of Whangarei city and larger suburban centres, and requires proximity to major transport corridors.

The LI provides for small scale industrial activities and retail activities that are compatible with industrial activities such as service stations, motor vehicle sales, garden centres, trade suppliers and hire premises. Supporting activities such as cafes and takeaway bars are also provided for. Other non-industrial activities are discouraged as a key principal of the LI is to preserve land for industrial and trade retail type uses.

Industrial activities range in scale and nature. Those anticipated within the LI are generally smaller in scale and carried out indoors and are unlikely to give rise to significant adverse effects beyond the site. This includes activities such as warehousing, bulk storage, light manufacturing and servicing activities. Therefore, sensitive activities are restricted within the LI and the scale, design and location of activities and buildings are managed, especially on sites bordering Living and Green Space Zones.

Objectives

LI-O1 – Industrial Activities	Industrial activities, that are not noxious or large in scale, establish and operate efficiently and effectively within the LI.
LI-O2 – Adverse Effects	Potential adverse effects on adjacent zones and the environment are avoided, remedied or mitigated.
LI-O3 – Ancillary Activities	Ancillary and supporting activities are enabled while ensuring that industrial land supply is not compromised and that the viability and vitality of other Business Zones are maintained.
LI-O4 – Reverse Sensitivity	Avoid activities that may generate reverse sensitivity effects or compromise the operation of future industrial activities within the LI.
LI-O5 – Subdivision	The supply of large allotments within the LI is preserved by managing inappropriate fragmentation from subdivision.

Policies

LI-P1 – Character and Amenity	<p>To recognise the character and amenity values of the LI including, but not limited to:</p> <ol style="list-style-type: none"> 1. High levels of noise associated with traffic and commercial activities and industrial activities. 2. Large allotments with on-site car parking. 3. Moderate levels of exposure to noxious odour, dust or noise.
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Light Industrial Zone (LI)

	<ol style="list-style-type: none"> High levels of vehicle traffic, particularly on arterial routes and during daytime hours. A low presence of active building frontages and landscaping.
LI-P2 – Industrial Activities	To manage, and where appropriate avoid, large scale industrial activities which have adverse effects on the surrounding environment, nearby sensitive activities or three waters infrastructure, which cannot be mitigated or remedied.
LI-P3 – Non-Industrial Activities	<p>To manage non-industrial activities by ensuring that they:</p> <ol style="list-style-type: none"> Are not likely to generate reverse sensitivity effects. Support, or are compatible with, the operation of industrial activities within the Zone. Ensure that the potential establishment of future industrial activities is not compromised by the nature, scale and design of activities and buildings. Do not compromise the viability and vitality of the City Centre, Waterfront, Mixed-use, Local Commercial, Neighbourhood Commercial and Shopping Centre Zones.
LI-P4 – Cross Zone Boundary Effects	To manage adverse effects of industrial activities and large scale commercial activities on more sensitive Zones by managing cross zone boundary effects, including through setbacks, building heights and landscaping.
LI-P5 – Esplanade Areas	To safeguard esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.
LI-P6 – Subdivision	To avoid the fragmentation of LI land where subdivision design and layout would not facilitate industrial and trade retail type activities.

Rules

LI-R1	An Activity Not Otherwise Listed in This Chapter	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Resource consent is not required under any rule of the District Plan. The activity is not prohibited under any rule of the District Plan. 	
LI-R2	Building Height	
	Activity Status: P	Activity Status when compliance not achieved: D

Light Industrial Zone (HI)

Where:

1. The maximum building height is 20m.

LI-R3	Building Setbacks	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building is set back at least: <ol style="list-style-type: none"> a. 2.5m from any road boundary. b. 5m from any Rural Production, Living or Green Space Zone boundary. c. 3m from any Heavy Industrial, Local Commercial or Mixed-use Zone boundary. d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>
LI-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The building does not exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any Rural Production, Living or Green Space Zone boundary. 	<p>Activity Status when compliance not achieved: D</p>
LI-R5	Fences	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Fencing adjoining a Living or Green Space Zone is not fortified with barbed wire, broken glass or any form of electrification. 	<p>Activity Status when compliance not achieved: D</p>

Light Industrial Zone (HI)

LI-R6	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: <ol style="list-style-type: none"> Any outdoor area of storage or stockpile complies with rules LI-R2 – R4. Any outdoor area of storage or stockpile is screened from view from public places and surrounding Local Commercial, Mixed-use, Living or Green Space Zone sites. 	Activity Status when compliance not achieved: D
LI-R7	General Industry	
LI-R8	Manufacturing and Storage	
LI-R9	Repair and Maintenance Services	
LI-R10	Artisan Industrial Activities	
LI-R11	Marine Industry	
	Activity Status: P Where: <ol style="list-style-type: none"> Any individual industrial activity operates within buildings and/or an outdoor area with a combined area less than 7,000m². Any site boundary which is adjoining a Rural Production, Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m. Any industrial activity is located at least 30m from any Rural Production or Living Zone boundary. 	Activity Status when compliance not achieved: RD Matters of discretion: <ol style="list-style-type: none"> Adverse effects from objectionable and/or noxious odour, dust or noise emissions. Capacity of three waters networks. Mitigation measures to manage adverse effects on adjacent Rural Production, Living or Green Space Zones.

Light Industrial Zone (HI)

LI-R12	Farming
LI-R13	Seasonal Activity
LI-R14	Motor Vehicle Sales
LI-R15	Garden Centre
LI-R16	Trade Supplier
LI-R17	Marine Retail
LI-R18	Drive Through Facility
LI-R19	Hire Premise
LI-R20	Service Station
LI-R21	Emergency Service
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any site boundary which is adjoining a Rural Production, Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m. 	
<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Adverse effects from objectionable and/or noxious odour, dust or noise emissions. Capacity of three waters networks. Mitigation measures to manage adverse effects on adjacent Rural Production, Living or Green Space Zones. 	
LI-R22	General Retail
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The activity is: <ol style="list-style-type: none"> Ancillary to an industrial activity on the site. Less than 100m² GFA per site. 	
<p>Activity Status when compliance not achieved: NC</p>	

Light Industrial Zone (HI)

LI-R23	Commercial Service	
	Activity Status: P Where: 1. The activity is: a. An ancillary activity to a permitted activity on the site. b. Less than 250m ² GFA per site.	Activity Status when compliance not achieved: D
LI-R24	Food and Beverage Activity	
	Activity Status: P Where: 1. The maximum GFA of any food and beverage activity is 250m ² per site. 2. The activity is not open for visitors or clients outside the hours of 0700 and 1600. 3. Any site boundary which is adjoining a Rural Production, Living or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m.	Activity Status when compliance not achieved with LI-R23.1-2: NC Activity Status when compliance not achieved with LI-R23.3: RD Matters of discretion: 1. Adverse effects from objectionable and/or noxious odour, dust or noise emissions. 2. Mitigation measures to manage adverse effects on adjacent Rural Production, Living or Green Space Zones.
LI-R25	Grocery Store	
LI-R26	Funeral Home	
LI-R27	Recreational Facilities	
	Activity Status: D	

Light Industrial Zone (HI)

LI-R28	Waste Management Activity
LI-R29	Landfill
LI-R30	Plantation Forestry
LI-R31	Intensive Livestock Farming
LI-R32	Farm Quarrying
LI-R33	Residential Activities
LI-R34	Entertainment Facilities
LI-R35	Visitor Accommodation
LI-R36	Place of Assembly
LI-R37	Care Centre
LI-R38	Educational Facility
LI-R39	Hospitals
Activity Status: NC	

Heavy Industrial Zone (HI)

Overview

The Heavy Industrial Zone (HI) provides for large scale industrial activities which contribute to the economic wellbeing of Whangarei and the wider Northland Region. Industrial activities in the HI generally require large allotments with few constraints, access to freight routes, separation from sensitive land uses, and protection from the development of sensitive activities and other non-industrial land uses.

Industrial activities often produce objectionable odour, dust and noise emissions and use, store or produce hazardous materials. Consequently, the HI has a lower level of amenity when compared to other Zones and often comprises large buildings, stockpiles of materials, fenced concreted yards and restricted public access to sites.

The HI is and should continue to be located away from more sensitive zones such as Living and Green Space Zones, to ensure adverse effects on sensitive activities are minimised, as well as to prevent reverse sensitivity and increased risk effects that may limit the operation and expansion of industrial activities. To support this approach, it is critical to protect industrial activities from the encroaching development of sensitive activities.

Industrial activities have potential adverse effects on the environment that must be managed. These activities should not be located in significant natural, cultural or historic areas, or the Coastal Area unless they have a functional or operational need to do so (such as ports).

While industrial activities are the primary focus within the HI, the Zone also provides for activities which are inherently a part of industrial activities, such as small scale food and beverage activities and ancillary offices and retail activities, but only to the extent that they are required to facilitate the operation of industrial activities.

Objectives

HI-O1 – Effective and Efficient Functioning	Large scale and noxious industrial activities function effectively and efficiently without constraint from non-compatible activities.
HI-O2 – Adverse Effects	Adverse effects on the natural environment and amenity of adjacent zones are managed.
HI-O3 – Ancillary Activities	Ancillary and supporting activities are controlled to ensure that industrial land supply is not compromised.
HI-O4 – Reverse Sensitivity	Activities that may compromise the operation of noxious or large scale industrial activities within the HI, or generate reverse sensitivity or increased risk effects, are avoided.
HI-O5 – Subdivision	The supply of large allotments within the HI is preserved for large scale industrial activities.

Heavy Industrial Zone (HI)

Policies	
HI-P1 – Character and Amenity	<p>To recognise and protect the character and amenity values of the HI including, but not limited to:</p> <ol style="list-style-type: none"> 1. High levels of noise and heavy traffic activity. 2. Large allotment sizes, often with restricted public access. <p>Moderate to high levels of exposure to potential nuisances such as odour and other air emissions.</p>
HI-P2 – Industrial Activities	To enable larger scale and potentially noxious or objectionable industrial activities to locate and operate in the HI without unreasonable constraint from other activities.
HI-P3 – Small Scale Industrial Activities	To manage small scale industrial activities which may compromise the land supply for larger scale industrial activities or generate cumulative effects on land fragmentation.
HI-P4 – Non-Industrial Activities	<p>To avoid non-industrial activities, including sensitive activities, except for activities that:</p> <ol style="list-style-type: none"> 1. Support and are ancillary to the operation of industrial activities within the Zone, and are necessary to be located as part of the industrial activity. 2. Would not undermine the integrity of other Business Zones. 3. Do not generate reverse sensitivity or increased risk effects. 4. Do not have the potential to hinder or constrain the establishment of activities otherwise anticipated within the HI.
HI-P5 – Surrounding Environment	To manage the visual effects on the surrounding environment by limiting building height and requiring setbacks and landscaping, while recognising the functional and operational needs of industrial activities.
HI-P6 – Esplanade Areas	To safeguard esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.
HI-P7 – Subdivision	To avoid the fragmentation of HI land where subdivision design and layout would not facilitate industrial activities.

Rules

HI-R1	Any Activity Not Otherwise Listed in This Chapter
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.

Heavy Industrial Zone (HI)

HI-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum building height is 40m. 2. No more than 25% of the net site area is occupied by buildings that exceed 20m in height. 	Activity Status when compliance not achieved: D
HI-R3	Building Setbacks	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The building is set back at least: <ol style="list-style-type: none"> a. 4.5m from any road boundary. b. 3m from any Light Industrial Zone boundary. c. 20m from any Rural Production or Green Space Zone boundary. d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	Activity Status when compliance not achieved: D
HI-R4	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Any outdoor area of storage or stockpile complies with rules HI-R2 – R3. 	Activity Status when compliance not achieved: D
HI-R5	Farming	
HI-R6	Seasonal Activity	
	Activity Status: P	

Heavy Industrial Zone (HI)

HI-R7	Industrial Activity	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any individual industrial activity operates within buildings and/or an outdoor area with a combined area greater than 7,000m². Any site boundary which is adjoining a Rural Production or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Cumulative effects resulting from the fragmentation of land suitable for large scale industrial activities. Mitigation measures to manage adverse effects on adjacent Rural Production or Green Space Zones.
HI-R8	Motor Vehicle Sales	
HI-R9	Garden Centres	
HI-R10	Trade Suppliers	
HI-R11	Marine Retail	
HI-R12	Hire Premise	
HI-R13	General Retail	
HI-R14	Commercial Services	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The activity is: <ol style="list-style-type: none"> Ancillary to an industrial activity on the site. Less than 100m² GFA per site. 	<p>Activity Status when compliance not achieved: NC</p>
HI-R15	Food and Beverage Activity	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum GFA of a food and beverage activity is 150m² per site. 	<p>Activity Status when compliance not achieved with HI-R15.1-2: NC</p>

Heavy Industrial Zone (HI)

2. The activity is not open for visitors or clients outside the hours of 0700 and 1600.
3. Any site boundary which is adjoining a Rural Production or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m.

Activity Status when compliance not achieved: with HI-R15.3: RD

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production or Green Space Zones.

HI-R16	Service Station
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any retail from a service station does not exceed 50m² GFA, excluding the retail of petrol. 2. Any site boundary which is adjoining a Rural Production or Green Space Zone is planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m.
	<p>Activity Status when compliance not achieved with HI-R16.1: NC</p> <p>Activity Status when compliance not achieved: with HI-R16.2: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Mitigation measures to manage adverse effects on adjacent Rural Production or Green Space Zones.
HI-R17	Emergency Service
	<p>Activity Status: D</p>
HI-R18	Plantation Forestry
HI-R19	Intensive Livestock Farming
HI-R20	Farm Quarrying
HI-R21	Residential Activities
HI-R22	Drive Through Facilities
HI-R23	Grocery Stores
HI-R24	Entertainment Facilities

Heavy Industrial Zone (HI)

HI-R25	Visitor Accommodation
HI-R26	Funeral Home
HI-R27	Place of Assembly
HI-R28	Recreational Facilities
HI-R29	Care Centre
HI-R30	Educational Facility
HI-R31	Hospitals
Activity Status: NC	

High Density Residential Zone (HDR)

Overview

The High-density Residential Zone (HDR) provides predominantly for higher density residential development in urban areas with few constraints and that are within easy walking distance to public open space and commercial centres. Over the foreseeable future, traditional single residential unit properties will likely remain a dominant feature within the HDR. However, incremental change can be expected with an increasing prevalence of terrace housing, semi-detached housing and detached townhouses on smaller sections.

While it is recognised that more intensive residential development has the potential to generate adverse effects on established residential environments, it can and should be well designed so that the layout and scale of housing complements established neighbourhoods. However, care has been taken not to set development controls at such a level that the feasibility of development may be unduly compromised.

It is expected that any changes to existing amenity levels resulting from further residential intensification will be gradual. Such changes will be off-set by advantages gained from increased neighbourhood activity and vitality, better population support for commercial centres, an emphasis on good quality urban design, a greater range of housing options, better utilisation of existing public facilities and infrastructure and reduced urban sprawl.

Commercial activities are discouraged in the HDR. However, some opportunities are provided for non-residential activities such as community activities, visitor accommodation, supported residential care and home occupations, while ensuring that residential amenity and character are not compromised and that the activity is sympathetic to the surrounding residential context.

Objectives

HDR-O1 –Density	Subdivision and development are consistent with the planned high density built environment and are compatible with the amenity levels of high density residential development.
HDR-O2 – Housing Capacity	Increase housing capacity, intensity and variety.
HDR-O3 – Amenity	Subdivision and development provide quality residential amenity for residents, adjoining sites and the street while acknowledging the potential for reduced on-site amenity due to increased building scale and density.
HDR-O4 – Non-Residential Activities	Residential activities remain the dominant activity in HDR and any non-residential activities are compatible with residential amenity.

High Density Residential Zone (HDR)

Policies	
HDR-P1 – Residential Activities	<p>To recognise and provide for the diverse accommodation needs of the community by:</p> <ol style="list-style-type: none"> 1. Allowing for decreased outdoor living space and landscaping provided that public open space is conveniently accessible. 2. Enabling a variety of high density housing types including terrace housing, semi-detached townhouses, compact detached townhouses and multi unit developments.
HDR-P2 – Development Scale and Design	<p>To ensure that the physical scale and design of development is sympathetic to the form and scale of existing housing, so that change is managed and adverse effects in terms of dominance, intrusion of privacy and shading are minimised.</p>
HDR-P3 – On-Site Amenity	<p>To require residential design to achieve good levels of on-site amenity by providing:</p> <ol style="list-style-type: none"> 1. Useable private outdoor living courts. 2. Sufficient access to sunlight throughout the year. 3. Adequate space to accommodate typical residential living requirements.
HDR-P4 – Outdoor Living Courts	<p>To provide for development that infringes minimum outdoor living court and sunlight access requirements only where the development is designed to minimise impacts on on-site amenity, including through communal outdoor living space.</p>
HDR-P5 – Adjacent Properties	<p>To mitigate adverse amenity effects on adjacent properties by sensitively designing residential development to:</p> <ol style="list-style-type: none"> 1. Manage the intrusion of privacy and the extent of building dominance on adjoining residential units and areas of outdoor amenity. 2. Minimise the degree of overshadowing or obstruction of sunlight penetration to any adjoining site or residential unit.
HDR-P6 – Residential Amenity and Character	<p>To manage adverse effects on residential amenity and character by requiring new developments to have regard to the way the development:</p> <ol style="list-style-type: none"> 1. Provides street activation through connection between front doors and the street. 2. Provides landscaping and planting that enhances on-site and local residential amenity, with particular regard to site frontage. 3. Avoids large continuous building facades or walls that are not articulated or broken down into smaller elements. 4. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts.

High Density Residential Zone (HDR)

	<ol style="list-style-type: none"> 5. Provides an active interface to open space on to which it fronts. 6. Is sympathetic to other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> a. Building materials and external appearance. b. Glazing treatment. c. Building bulk, scale and symmetry.
HDR-P7 – Impervious Areas	<p>To restrict impervious areas within sites in order to:</p> <ol style="list-style-type: none"> 1. Manage stormwater runoff. 2. Protect and enhance amenity values. 3. Safeguard esplanade areas and waterfront walkways.
HDR-P8 – Supported Residential Care and Retirement Village Premises	<p>To enable a range of appropriate residential activities by providing for supported residential care and retirement village premises where they are designed, located and managed to:</p> <ol style="list-style-type: none"> 1. Provide a high level of amenity for residents. 2. Ensure any adverse effects on surrounding Living and Green Space Zones are avoided. 3. Maintain the existing residential character of the surrounding environment. 4. Avoid, remedy or mitigate any adverse effects on infrastructure, including the transport network.
HDR-P9 – Non-Residential Activities	<p>To only enable non-residential activities where they:</p> <ol style="list-style-type: none"> 1. Will not detract from the vitality and viability of established commercial centres. 2. Are complementary in design, scale, nature and intensity to the residential context. 3. Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.
HDR-P10 – Comprehensive Design	<p>To encourage subdivision and landuse proposals to be undertaken concurrently as part of a comprehensive design process.</p>
HDR-P11 – Subdivision	<p>To promote design and layout of subdivision which achieves the following:</p> <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and to provide appropriate on-site amenity and privacy. 2. Where possible, lots are located so that they over-look and front roads and open spaces. 3. The creation of multiple rear sites is limited, and where practicable avoided. 4. A permeable street network where the use of cul-de-sacs is limited. 5. Connections within a development, and between developments and the public realm, are maximised.

High Density Residential Zone (HDR)

6. Opportunities for connections to public open space, services and facilities in the neighbourhood are identified and created.

Rules

HDR-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
HDR-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum building height is 11m. 	Activity Status when compliance not achieved: D
HDR-R3	Building Setbacks	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Any building is set back at least: <ol style="list-style-type: none"> a. 2m from the road boundary. b. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 2. Any habitable room of a building is set back at least 1.5m from side and rear boundaries, except where a common wall between two buildings on adjacent sites is proposed. 3. Any non-habitable building or non-habitable room of a building is set back at least: 	Activity Status when compliance not achieved: D

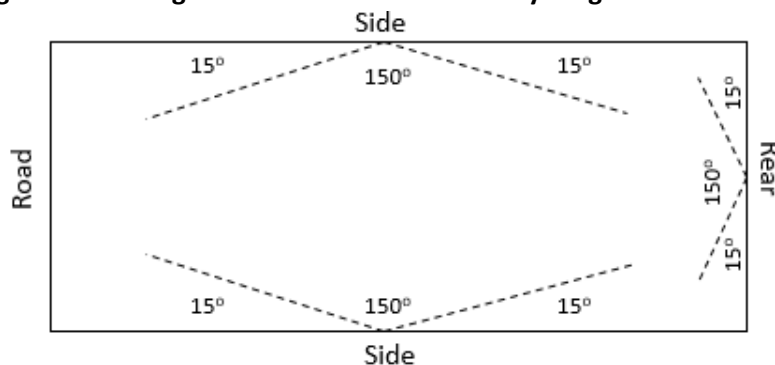
High Density Residential Zone (HDR)

- a. 1.5m from side and rear boundaries, allowing for a nil setback for a maximum building length of 7.5m on any single boundary for a maximum total building length of 10.5m on all boundaries.
- b. 2.5m from a habitable room on any other site.

HDR-R4	Building Bulk in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. A building does not result in an existing residential unit on a separate site no longer being able to comply with HDR-R5.2 or HDR-R14.2 or increase the degree of infringement for an existing residential unit. 2. Any part of a building that is greater than 3.5m in height is confined within the arms of a single 150° angle formed by two lines intersecting at a common point on any side or rear boundary such that each line forms an angle of 15° with that boundary. <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> 1. <i>HDR-R4.2 does not apply where a common wall between two buildings on adjacent sites is proposed.</i> 2. <i>Measurements for HDR-R4.2 can be taken from the furthest boundary when adjoining an access lot/access leg.</i> 	<p>Activity Status when compliance not achieved: D</p>

High Density Residential Zone (HDR)

Figure 1: Building Bulk in Relation to Boundary Diagram for HDR-R4.2



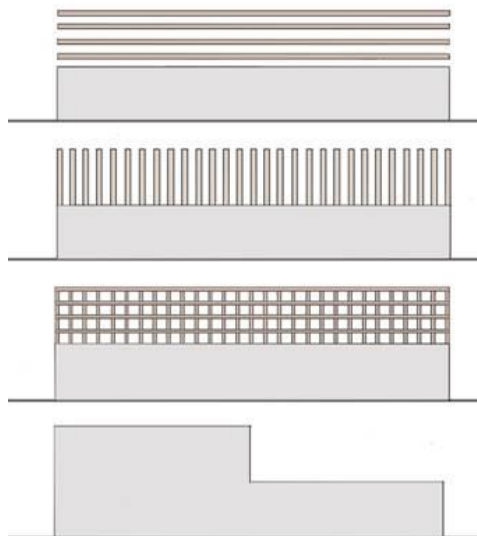
HDR-R5	Outdoor Living Court
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit: <ol style="list-style-type: none"> With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m² and at least 4m depth. With all habitable rooms above ground floor with 1 or 2 bedrooms provides an outdoor living court of at least 6m² and at least 1.8m depth. With all habitable rooms above ground with 3 or more bedrooms provides an outdoor living court of at least 10m² and at least 2.4m depth. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under HDR-R5.1. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Appropriate privacy and amenity of the occupants on-site. Sufficient sunlight access to outdoor areas and habitable rooms within the site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. <p>Notification:</p> <p>Any restricted discretionary activity under HDR-R5 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

High Density Residential Zone (HDR)

HDR-R6	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The impervious area within the site does not exceed 65% of the net site area. 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>
HDR-R7	Landscaping	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 25% of the net site area is in landscaping. 	<p>Activity Status when compliance not achieved: D</p>
HDR-R8	Fences	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any fence has a maximum height of 2m. 2. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high. 3. Any fence along a boundary shared with a Green Space Zone is at least 50% visually permeable for any portion above 1.5m high. 4. Fencing is not fortified with barbed wire, broken glass or any form of electrification except for stock exclusion purposes where abutting the Rural Production Zone. 	<p>Activity Status when compliance not achieved: D</p>

High Density Residential Zone (HDR)

Figure 2: Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m high



HDR-R9	Garages	
	Activity Status: P Where: 1. Any ground floor garage which faces the street occupies less than 40% of the site frontage.	Activity Status when compliance not achieved: D
HDR-R10	Car Parking	
	Activity Status: P Where: 1. Any car parking spaces within the site (excluding garages) are located at least 2m from any road boundary.	Activity Status when compliance not achieved: D
HDR-R11	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: 1. Any outdoor area of storage or stockpile:	Activity Status when compliance not achieved: D

High Density Residential Zone (HDR)

- a. Complies with rules HDR-R2 – R4.
- b. Is screened from view from public places and surrounding sites.

HDR-R12	Supported Residential Care	
HDR-R13	Retirement Village Premises	
	Activity Status: P Where: 1. The activity generates less than 25 traffic movements per day, per site.	Activity Status when compliance not achieved: D
HDR-R14	Principal Residential Unit	
HDR-R15	Minor Residential Unit	
	Activity Status: P Where: 1. Every principal residential unit provides an internal area (excluding garages) of at least: <ol style="list-style-type: none"> a. For 1 bedroom – 60m² b. For 2 bedrooms – 75m² c. For 3 bedrooms – 110m² d. For more than 3 bedrooms – 110m² plus 20m² for each additional bedroom. 2. Every residential unit provides a living area that can receive direct sunlight for at least 5 hours on the winter solstice. 3. There is a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit (excluding any ancillary minor residential unit) where there is a direct line of sight between the windows.	Activity Status when compliance not achieved: RD Matters of discretion: 1. The design, size and layout of buildings to provide appropriate privacy and amenity of occupants on-site. Notification: Any restricted discretionary activity under HDR-R14-R15 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

High Density Residential Zone (HDR)

HDR-R16	Retail Activity
HDR-R17	Commercial Services
HDR-R18	Food and Beverage Activity
HDR-R19	Care Centre
HDR-R20	Visitor Accommodation

<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to a residential unit on the site. 2. The principal operator of the activity is a permanent resident on the site. 3. The activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. 4. The activity generates less than 20 traffic movements per day, per site. 5. There is no car parking between the residential unit and the road. 6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity. 7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site. 8. The total area of signage is less than 0.25m², per site. 9. There is no illuminated or moving signage. 10. No more than 6 tariff-paid visitors are staying on-site at any one time. 11. Each visitor accommodation unit provides an outdoor living court of at least 6m² and at least 1.8m depth. 	<p>Activity Status when compliance with up to two of the rules is not achieved: D</p> <p>Activity Status when compliance with more than two of the rules is not achieved or when compliance with rules HDR-R16 – R20.1 – 3 is not achieved: NC</p> <p>Notification:</p> <p>Any non-complying land use activity in the HDR must be publicly notified.</p>
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High Density Residential Zone (HDR)

HDR-R21	Multi Unit Development
<p>Activity Status: RD</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity meets Rules HDR-R2 – R4 and R9. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Appropriate privacy and amenity of the occupants on-site. 2. Sufficient sunlight access to outdoor living space and habitable rooms within the site. 3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 4. The suitability of the particular area for increased residential density, including: <ol style="list-style-type: none"> a. The availability and accessibility of open space, public amenities and commercial activities in proximity. b. Capacity and availability of infrastructure. c. Road access and effects on transport, including availability of public and/or active transport options. <p>Notification:</p> <p>Any restricted discretionary activity under HDR-R21 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p> <p><i>Note: Any application shall comply with information requirement HDR-REQ1.</i></p>	<p>Activity Status when compliance not achieved: D</p>

High Density Residential Zone (HDR)

HDR-R22	Place of Assembly
HDR-R23	Emergency Services
Activity Status: D	

HDR-R24	Entertainment Facilities
HDR-R25	Service Stations
HDR-R26	Funeral Home
HDR-R27	Recreational Facilities
HDR-R28	Educational Facilities
HDR-R29	Hospital
Activity Status: NC	
Notification:	
Any non-complying land use activity within the HDR must be publicly notified.	

HDR-R30	Rural Production Activity
HDR-R31	Industrial Activities
Activity Status: Pr	

HDR-REQ1	Information Requirement
<ol style="list-style-type: none"> 1. All applications for resource consent pursuant to HDR-R21 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details: <ol style="list-style-type: none"> a. An analysis of the site in relation to its context, including: <ol style="list-style-type: none"> i. The character and scale of surrounding development including any cultural or historic heritage features. ii. The landform and topography of the site and surrounding environment. iii. The ecology and habitat of the site and surrounding environment. b. An assessment of how the proposal is consistent with best practice urban design, including: 	

High Density Residential Zone (HDR)

- i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements.
- ii. The relationship of the proposed development to public places and how the proposal responds to any issues or characteristics identified in the site analysis.
- iii. Any proposed measures to avoid or mitigate adverse effects on adjacent public places and residential sites.

- c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.

Note:

1. Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines.

Medium-density Residential Zone (MDR)

Overview

The Medium-density Residential Zone (MDR) provides predominantly for residential development within the Urban Area of Whangarei. The MDR provides for traditional suburban densities and housing forms, and is characterised by one to two storey stand-alone (detached) residential units on larger properties, consistent with an urban, medium density character. Over time, it is anticipated that the MDR will experience minimal, incremental and low impact change.

Commercial activities are discouraged in the MDR. However, some opportunities are provided for non-residential activities such as retail activities, commercial services, community activities and visitor accommodation, while ensuring that residential amenity and character are not compromised and that activities are sympathetic to the surrounding residential context.

Objectives

MDR-O1 – Density	Subdivision and development are consistent with the medium density built environment and are compatible with the amenity levels of medium density residential development.
MDR-O2 – Housing Variety	Provide for a range of allotment sizes and densities and low impact, minor residential units to provide for affordable, diverse and multi-generational living.
MDR-O3 – Amenity	Subdivision and development provide quality residential amenity for residents, adjoining sites and the street.
MDR-O4 – Non-Residential Activities	Residential activities remain the dominant activity in MDR and any non-residential activities are compatible with residential amenity.

Policies

MDR-P1 – Density and Character	<p>To achieve a medium density urban built character by:</p> <ol style="list-style-type: none"> 1. Managing the number of households that can be accommodated on each site. 2. Managing the height, bulk and form of development. 3. Requiring sufficient outdoor living space and landscaping within each site. 4. Enabling residential development on sites of an appropriate size and shape.
MDR-P2 – Development Scale and Design	To ensure that the physical scale and design of development is sympathetic to the form and scale of existing housing, so that change is

Medium-density Residential Zone (MDR)

	managed and adverse effects in terms of dominance, intrusion of privacy and shading are minimised.
MDR-P3 – On-Site Amenity	<p>To require residential activities to achieve appropriate levels of on-site amenity by providing:</p> <ol style="list-style-type: none"> 1. Useable private outdoor living courts. 2. Sufficient access to sunlight throughout the year. 3. Adequate space to accommodate typical residential living requirements.
MDR-P4 – Outdoor Living Courts	To provide for development that infringes minimum outdoor living court and sunlight access requirements only where the development is designed to minimise impacts on on-site amenity, including through communal outdoor living spaces.
MDR-P5 – Adjacent Properties	<p>To mitigate adverse amenity effects on adjacent properties by sensitively designing residential development to:</p> <ol style="list-style-type: none"> 1. Manage the intrusion of privacy and the extent of building dominance on adjacent residential units and outdoor living spaces. 2. Minimise the degree of overshadowing to any adjoining site or residential unit.
MDR-P6 – Residential Amenity and Character	<p>To manage adverse effects on residential amenity and character by requiring developments to have regard to the way the development:</p> <ol style="list-style-type: none"> 1. Provides street activation through connection between front doors and the street. 2. Provides landscaping that enhances on-site and local residential amenity, with particular regard to site frontage. 3. Avoids large continuous building facades or walls that are not articulated or broken down into smaller elements. 4. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts. 5. Provides an active interface to open space onto which it fronts. 6. Is sympathetic to other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> a. Building materials and external appearance. b. Glazing treatment. c. Building bulk, scale and symmetry.
MDR-P7 – Impervious Areas	<p>To restrict impervious areas within sites in order to:</p> <ol style="list-style-type: none"> 1. Manage stormwater runoff. 2. Protect and enhance amenity values. 3. Safeguard esplanade areas and waterfront walkways.

Medium-density Residential Zone (MDR)

MDR-P8 – Supported Residential Care and Retirement Village Premises	<p>To enable a range of appropriate residential activities by providing for supported residential care and retirement village premises where they are designed, located and managed to:</p> <ol style="list-style-type: none"> 1. Provide a high level of amenity for residents. 2. Ensure any adverse effects on surrounding Living and Green Space Zones are avoided. 3. Maintain the existing residential character of the surrounding environment. 4. Avoid, remedy or mitigate any adverse effects on infrastructure, including the transport network.
MDR-P9 – Non-Residential Activities	<p>To only enable non-residential activities where they:</p> <ol style="list-style-type: none"> 1. Will not detract from the vitality and viability of Business Zones. 2. Are complementary in design, scale, nature and intensity to the residential context. 3. Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.
MDR-P10 – Comprehensive Design	<p>To encourage subdivision and landuse proposals to be undertaken concurrently as part of a comprehensive design process.</p>
MDR-P11 – Subdivision	<p>To promote good design and layout of subdivision which achieves the following:</p> <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow adequate sunlight to outdoor living spaces, and to provide adequate on-site amenity and privacy. 2. Where possible, lots are located so that they over-look and front roads and open spaces. 3. The creation of multiple rear site is limited, and where practicable avoided. 4. A permeable street network where the use of cul-de-sacs is limited. 5. Connections within a development, and between developments and the public realm, are maximised. 6. Opportunities for connections to public open space, services and facilities in the neighbourhood are identified and created.
MDR-P12 – Density	<p>To provide a range of site sizes and densities while protecting residential character and amenity by considering increased residential density where:</p> <ol style="list-style-type: none"> 1. A mixture of housing typologies, including low-cost options, is provided. 2. The location is supportive of pedestrians, cyclists and public transport. 3. The area is in proximity to the City Centre, Mixed-use, Local Commercial or Neighbourhood Commercial Zone.

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Rules

MDR-R1	The use, storage or on-site movement of hazardous substances	
	Activity Status: P Where: 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.	
MDR-R2	Building Height	
	Activity Status: P Where: 1. The maximum building height is 8m.	Activity Status when compliance not achieved: D
MDR-R3	Building Setbacks	
	Activity Status: P Where: 1. Any habitable room of a building is set back at least: <ol style="list-style-type: none"> 4.5m from the road boundary. 3m from side and rear boundaries, allowing for one 1.5m setback. 2. Any non-habitable building or non-habitable room of a building is set back at least: <ol style="list-style-type: none"> 4.5m from the road boundary. 1.5m from any other boundary, allowing for a nil setback for a maximum building length of 7.5m on any single boundary for a maximum total building length of 10.5m on all boundaries. 2.5m from a habitable room on any other site. 3. Any building is set back at least 27m from Mean High Water Springs or the	Activity Status when compliance not achieved: D

Medium-density Residential Zone (MDR)

top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

MDR-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> No part of a building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any side or rear boundary. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i> 	<p>Activity Status when compliance not achieved: D</p>
MDR-R5	Outdoor Living Court	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Every principal residential unit: <ol style="list-style-type: none"> With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m² and at least 4m depth. With all habitable rooms above ground floor provides an outdoor living court of at least 10m² and at least 2.4m depth. Every minor residential unit: <ol style="list-style-type: none"> With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m² and at least 4m depth. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Appropriate privacy and amenity of the occupants on-site. Sufficient sunlight access to outdoor living spaces within the site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. <p>Notification:</p> <p>Any restricted discretionary activity under MDR-R5 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances</p>

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- b. With all habitable rooms above ground floor provides an outdoor living court of at least 6m² and at least 1.8m depth.
3. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under MDR-R5.1-2.

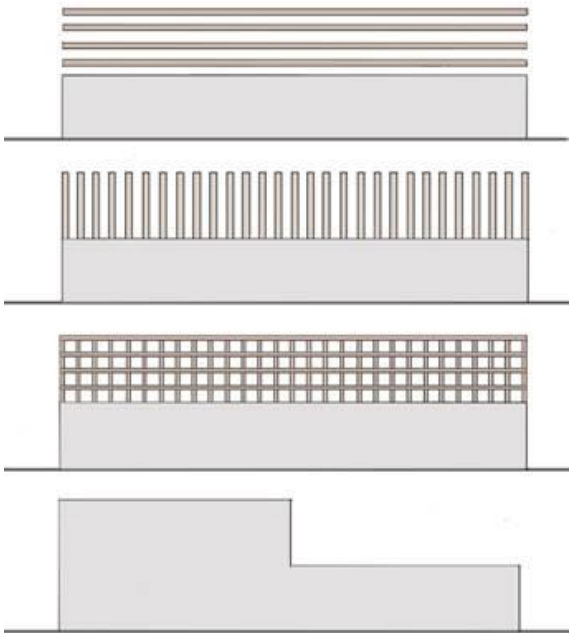
exist under section 95A(4) of the Resource Management Act 1991.

MDR-R6	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The impervious area within the site does not exceed 60% of the net site area. 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: D</p>
MDR-R7	Landscaping	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. At least 30% of the net site area is in landscaping. 	<p>Activity Status when compliance not achieved: D</p>
MDR-R8	Fences	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any fence has a maximum height of 2m. 2. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high. 	<p>Activity Status when compliance not achieved: D</p>

Medium-density Residential Zone (MDR)

- 3. Any fence along a boundary shared with a Green Space Zone is at least 50% visually permeable for any portion above 1.5m high.
- 4. Fencing is not fortified with barbed wire, broken glass or any form of electrification except for stock exclusion purposes where abutting the Rural Production Zone.

Figure 1: Examples of fences solid up to 1m and 50% visually permeable between 1m and 2m high



MDR-R9	Car Parking	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where: 1. Any car parking spaces are located at least 2m from any road boundary.	

Medium-density Residential Zone (MDR)

MDR-R10	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: <ol style="list-style-type: none"> Any outdoor area of storage or stockpile: <ol style="list-style-type: none"> Complies with rules MDR-R2 – R4. Is screened from view from public places and surrounding sites. 	Activity Status when compliance not achieved: D
MDR-R11	Supported Residential Care	
MDR-R12	Retirement Village Premises	
	Activity Status: P Where: <ol style="list-style-type: none"> The activity generates less than 25 traffic movements per day, per site. 	Activity Status when compliance not achieved: D
MDR-R13	Principal Residential Unit	
	Activity Status: P Where: <ol style="list-style-type: none"> The maximum density is 1 principal residential unit per 450m² net site area provided that one principal residential unit is permitted on a site of any size. The principal residential unit is separated by at least 3m from any other detached residential unit (excluding any ancillary minor residential unit). The principal residential unit is separated by at least 6m from any other detached residential unit where there is an outdoor living court between the residential units (excluding any ancillary minor residential unit). 	Activity Status when compliance not achieved: D <i>Note: Any application shall comply with information requirement MDR-REQ1.</i>

Medium-density Residential Zone (MDR)

MDR-R14	Minor Residential Unit	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum density is 1 minor residential unit per principal residential unit on the site. 2. The nearest distance between the minor residential unit and the principal residential unit (excluding any accessory buildings) does not exceed 15m. 3. The maximum GFA of the minor residential unit (including decking and garage areas) is 90m². 	<p>Activity Status when compliance not achieved: D</p> <p><i>Note: Any application shall comply with information requirement MDR-REQ1.</i></p>
MDR-R15	Retail Activity	
MDR-R16	Commercial Services	
MDR-R17	Food and Beverage Activity	
MDR-R18	Care Centre	
MDR-R19	Visitor Accommodation	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to a residential unit on the site. 2. The principal operator of the activity is a permanent resident on the site. 3. The activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. 4. The activity generates less than 20 traffic movements per day, per site. 5. There is no car parking between the residential unit and the road. 6. In addition to the principal operator, the activity has no more than two 	<p>Activity Status when compliance with up to two of the rules is not achieved: D</p> <p>Activity Status when compliance with more than two of the rules is not achieved or when compliance with rules MDR-R15 – R19.1 – 3 is not achieved: NC</p> <p>Notification:</p> <p>Any non-complying land use activity in the MDR must be publicly notified.</p>

Medium-density Residential Zone (MDR)

other persons engaged in providing the activity.

7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site.
8. The total area of signage is less than 0.25m², per site.
9. There is no illuminated or moving signage.
10. No more than 6 tariff-paid visitors are staying on-site at any one time.
11. Each visitor accommodation unit provides an outdoor living court of at least 6m² and at least 1.8m depth.

MDR-R20	Multi Unit Development
<p>Activity Status: RD</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity meets Rules MDR-R2 – R4. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Appropriate privacy and amenity of the occupants on-site. 2. Sufficient sunlight access to outdoor living spaces and habitable rooms within the site. 3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 4. The suitability of the particular area for increased residential density, including: <ol style="list-style-type: none"> a. The availability and accessibility of open space, public amenities and commercial activities in proximity. b. Capacity and availability of infrastructure. c. Road access and effects on transport, including availability of 	<p>Activity Status when compliance not achieved: D</p>

Medium-density Residential Zone (MDR)

public and/or active transport options.

Notification:

Any restricted discretionary activity under MDR-R20 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Note: Any application shall comply with information requirement MDR-REQ1.

MDR-R21	Place of Assembly
MDR-R22	Emergency Services
Activity Status: D	
MDR-R23	Entertainment Facilities
MDR-R24	Service Stations
MDR-R25	Funeral Home
MDR-R26	Recreational Facilities
MDR-R27	Educational Facilities
MDR-R28	Hospital
MDR-R29	Farming
Activity Status: NC	
Notification:	
Any non-complying land use activity within the MDR must be publicly notified.	

Medium-density Residential Zone (MDR)

MDR-R30	Plantation Forestry
MDR-R31	Intensive Livestock Farming
MDR-R32	Farm Quarrying
MDR-R33	Seasonal Activity
MDR-R34	Industrial Activities
Activity Status: Pr	

TRA-REQ1	Information Requirement
	<ol style="list-style-type: none"> 1. All applications for resource consent pursuant to MDR-R13.1, MDR-R14 or MDR-R20 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details: <ol style="list-style-type: none"> a. An analysis of the site in relation to its context, including: <ol style="list-style-type: none"> i. The character and scale of surrounding development including any cultural or historic heritage features. ii. The landform and topography of the site and surrounding environment. iii. The ecology and habitat of the site and surrounding environment. b. An assessment of how the proposal is consistent with best practice urban design, including: <ol style="list-style-type: none"> i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements. ii. The relationship of the proposed development to public places and how the proposal responds to any issues or characteristics identified in the site analysis. iii. Any proposed measures to avoid or mitigate adverse effects on adjacent public places and residential sites. c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. <i>Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines.</i>

Low Density Residential Zone (LDR)

Overview

The Low Density Residential Zone provides for people who wish to live in close proximity to Whangarei City and associated amenities, but prefer to live in areas that have a rural outlook, ambiance and amenity on a section large enough to achieve a high degree of privacy without being a maintenance burden. The Low Density Residential Zone is a residential zone with a rural outlook. Infrastructure and network utility operations are located within, and in proximity to this Zone.

The Low Density Residential Zone is situated on the fringes between Whangarei City Urban Zones and Rural Production Zone, where there has traditionally been a demand for this type of lifestyle. In addition to providing a rural outlook for the residential enclaves, the uninhabited areas are being preserved for their recreational or conservation potential. Some of these areas contain highly versatile soils, so the protection of these areas for their food producing potential by avoiding fragmentation and over capitalisation of the land is also expected.

The clustered low density residential enclave development pattern that is envisaged in the Low Density Zone constitutes the 'final form' of development for these areas. There is no intention that this will be a transition to a 'future urban zone'. Accordingly notwithstanding the proximity of any strictly 'urban' services (such as reticulated wastewater and water supply), Council will resist service expansion on the basis that it would constitute unplanned expansion of services beyond their predetermined limits.

Objectives

LDR-01 – Living Opportunities	Provide opportunities for people to live in close proximity to Whangarei City and associated amenities, in a manner that safeguards rural character and ecological and productive values.
LDR-02 – Character and Amenity	Preserve rural character and amenity whilst enabling low density residential development.
LDR-03 – Clusters	Maximise the extent of privacy, openness and rural outlook between residential clusters.
LDR-04 – Reverse Sensitivity	Manage reverse sensitivity where the uninhabited spaces around clusters are, or can be, used for productive agricultural or horticultural activities.
LDR-05 – Non-Residential Activities	Small scale non-residential activities are provided for where their effects are compatible with a Low Density Residential Zone.
LDR-06 – Allotment Size	Allotment sizes are no larger than necessary to provide sufficient area for dwellings, accessory buildings and curtilage.

Low Density Residential Zone (LDR)

Policies	
LDR-P1 – Rural Character and Amenity	<p>To preserve rural character and amenity whilst enabling low density residential development in a transitional zone and maintaining factors that contribute to rural character including:</p> <ul style="list-style-type: none"> a. Dominance of natural landforms with built features and roading subservient to and cohesive with these. b. A sense of spaciousness. c. Low night time light levels. d. Dominance of natural features including landforms, watercourses, and vegetation.
LDR-P2 – Earthworks	To manage the effects of soil disturbance, dust, and sediment runoff by limiting the maximum area of exposed earthworks.
LDR-P3 – Reverse Sensitivity	To manage reverse sensitivity effects by preventing sensitive activities from being located in close proximity to the boundary of a Quarry Resource Area, the Heavy Industry Zone or the Rural Production Zone.
LDR-P4 – Privacy and Sunlight	<p>To maintain amenity, avoid dominance of buildings and loss of access to sunlight, and to maintain a high level of privacy by:</p> <ul style="list-style-type: none"> a. Managing the height of buildings and the height of buildings in relation to the distance from site boundaries. b. Locating and orientating building areas to ensure each have a rural outlook.
LDR-P5 – Highly Versatile Soils	<p>To preserve the productive capacity of highly versatile soils by:</p> <ul style="list-style-type: none"> a. Limiting the extent of building coverage. b. Requiring the indefinite retention of 50% of the site. c. Requiring subdivision design and location of proposed building areas to be located on the least productive land.
LDR-P6 – Biodiversity	To preserve rural character and amenity and to enhance biodiversity by protecting areas of indigenous vegetation and habitats, and precluding earthworks or the construction of buildings or structures in identified areas.
LDR-P7 – Road Setbacks	To avoid ribbon development and maintain the rural outlook from State Highways and roads shown on the planning maps, by ensuring buildings and building areas are setback from the road boundary.

Low Density Residential Zone (LDR)

LDR-P8 – Residential Intensity and Yield of Subdivision	<p>To avoid the loss of a sense of open space and rural outlook by:</p> <ol style="list-style-type: none"> Limiting the density of residential units. Limiting the yield of subdivision to reflect a low level residential intensity of development. Requiring uninhabited spaces between residential clusters to be contiguous and protected in perpetuity.
LDR-P9 – Non-Residential Activities	To protect character and amenity by restricting the establishment of non-residential activities and ensuring that any non-residential activities and home occupations are of a design, scale and appearance that is compatible with a low density residential context.
LDR-P10 – Esplanade Areas	To protect esplanade areas and to reserve waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.
LDR-P11 – Lot Size	To minimise the amount of unproductive land use and unnecessary curtilage by requiring additional allotments to be as small as practicable.
LDR-P12 – Clustering	To consolidate built form and locate new building areas near any existing or proposed building areas so as to maximise the extent of uninhabited space between residential clusters.
LDR-P13 – Subdivision Design	<p>To design subdivision and development to preserve rural character and amenity by:</p> <ol style="list-style-type: none"> Recognizing and taking into account all site specific elements and features. Requiring the maintenance and enhancement of any existing Indigenous Vegetation and Habitats and natural waterbodies. Recognising and maintaining any Sites of Significance to Maori.
LDR-P14 – Environmental Enhancement	To consider multi-unit or infill development on those lots smaller than 2500m ² where higher densities of development are off-set by significant enhancement of natural and environmental features.
LDR-P15 – Indigenous Vegetation	To preserve rural character and amenity and to enhance biodiversity by limiting clearance of indigenous vegetation or the disturbance of land in identified significant habitats.

Low Density Residential Zone (LDR)

Rules

LDR-R1	The use, storage or on-site movement of hazardous substances	
	Activity Status: P Where: 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.	
LDR-R2	Building Height	
	Activity Status: P Where: 1. The maximum building height is 8m.	Activity Status when compliance not achieved: D
LDR-R3	Building Setback	
	Activity Status: P Where: 1. The building is set back at least: <ol style="list-style-type: none"> 20m from the boundary of a road shown on the planning maps. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 2. The building is located within 50m of: <ol style="list-style-type: none"> An existing building; or An approved building area within the Low-Density Residential Zone; or A site within a Residential Zone. 	Activity Status when compliance not achieved: D

Low Density Residential Zone (LDR)

LDR-R4	Building Height in Relation of Boundary	
	Activity Status: P Where: 1. No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary.	Activity Status when compliance not achieved: D
LDR-R5	Building Coverage	
	Activity Status: P Where: 1. No part of the building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and the site boundary.	Activity Status when compliance not achieved: D
LDR-R6	Impervious Areas	
	Activity Status: P Where: 1. The cumulative impervious areas (including buildings) is less than 1,000m ² . 2. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).	Activity Status when compliance not achieved: D
LDR-R7	Indigenous Vegetation Clearance	
	Activity Status: P Where: 1. The clearance of indigenous vegetation:	Activity Status when compliance not achieved: D

Low Density Residential Zone (LDR)

- a. Does not exceed 500m² per site within each 10 year period from [operative date].
- b. Is not within 20m of a water body.
- c. Is associated with:
 - i. Routine maintenance within 7.5m of the eaves of existing buildings:
 - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
 - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
 - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
 - iii. Pest plant removal and biosecurity works
 - iv. Vegetation removal for customary rights
 - v. Conservation planting, including planting for ecological restoration purposes.

LDR-R8	Earthworks
Activity Status: P Where: <ol style="list-style-type: none"> Within a 12 month period Less than 2000m² of exposed soil at any one time. Any cut or fill height is less than 2m. 	Activity Status when compliance not achieved: D

Low Density Residential Zone (LDR)

LDR-R9	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: 1. Any outdoor area of storage or stockpile: a. Complies with rules LDR-R2 – R5. b. Is screened from view from public places and surrounding sites.	Activity Status when compliance not achieved: D
LDR-R10	Residential Unit	
	Activity Status: P Where: 1. The maximum density will not exceed one residential unit per 5000m ² . 2. The residential unit is not constructed or located within an area previously identified as an area for indefinite retention, such as a no build, no residential or conservation covenant, consent notice or similar.	Activity Status when compliance not achieved: Rule LDR-R10.1 D Rule LDR-R10.2 Pr
LDR-R11	Sensitive Activity	
	Activity Status: P Where: 1. The Sensitive Activity is setback further than: a. 500m from a Quarry Resource Area. b. 500m from a Heavy Industry Zone c. 30m from the Rural Production Zone.	Activity Status when compliance not achieved: D

Low Density Residential Zone (LDR)

LDR-R12	Commercial Service
LDR-R13	Artisan Industrial Activities
	<p>Activity Status: P</p> <p>Where:</p> <p>1. The activity</p> <ol style="list-style-type: none"> Is ancillary to the principal residential unit on site. Does not exceed the use of 45m² GFA or 15% of the total GFA of all buildings on the site, whichever is the lesser. Has a total area of signage no greater than 0.25m², per site. Does not have illuminated or moving signage. Generates less than 20 traffic movements per day, per site. Operates or is open for visitors, clients, deliveries or servicing outside of the hours of 0600 - 2200. There is car parking located between the activity and the road. In addition to the principal operator has no more than two other persons engaged in providing the activity.
	Activity Status when compliance not achieved: D
LDR-R14	Seasonal Activities
LDR-R15	Farming
	Activity Status: P

Low Density Residential Zone (LDR)

LDR-R16	Place of Assembly
LDR-R17	Recreational Facilities
LDR-R18	Educational Facilities
LDR-R19	Supported Residential Care
LDR-R20	Retirement Village
Activity Status: D	

LDR-R21	Plantation Forestry
LDR-R22	Intensive Livestock Farming
LDR-R23	Farm Quarrying
LDR-R24	General Industry
LDR-R25	Manufacturing and Storage
LDR-R26	Repair and Maintenance Service
LDR-R27	Marine Industry
LDR-R28	Motor Vehicle Sales
LDR-R29	Garden Centres
LDR-R30	Marine Retail
LDR-R31	Drive Through Facilities
LDR-R32	Hire Premise
LDR-R33	Service Stations
LDR-R34	Funeral Home
LDR-R35	Trade Suppliers
LDR-R36	Grocery Store
LDR-R37	General Retail

Low Density Residential Zone (LDR)

LDR-R38	Food and Beverage Activity
LDR-R39	Entertainment Facilities
LDR-R40	Visitor Accommodation
LDR-R41	Care Centre
LDR-R42	Health Care Facilities
LDR-R43	Emergency Services
LDR-R44	Hospital
Activity Status: NC	

LDR-R45	Residential Unit within an Area Identified for Indefinite Retention
Activity Status: Pr	
Where:	
<ol style="list-style-type: none"> 1. The construction or location of Residential Units within an area previously identified as an area for indefinite retention, such as a no build, no residential or conservation covenant, consent notice or similar. 	

LDR-R46	Waste Management Facility
LDR-R47	Landfill
Activity Status: Pr	

Residential Zone (RES)

Overview

The Residential Zone (RES) provides for large lot, low density residential living on the periphery of the Urban Area where more intensive residential development is inappropriate. The zone forms a transition between urban density and the rural environment.

The principal focus of the RES is residential activities. Development patterns will generally be characterised by large un-serviced residential lots containing mid to large scale principal residential units, surrounded by large areas of open space. Commercial activities are actively discouraged in the RES. However, small scale non-residential activities are provided for where they are ancillary to residential activities.

Objectives

RES-O1 – Character	Maintain and enhance the low density and spacious character of the Zone.
RES-O2 – Amenity	Subdivision and development maintain on-site amenity and the amenity of adjoining RES sites.
RES-O3 – Non-Residential Activities	Residential activities remain the dominant activity in RES and any non-residential activities are compatible with residential amenity.

Policies

RES-P1 – Density and Character	To achieve a low density and spacious character by: <ol style="list-style-type: none"> 1. Managing the density of development and minimum lot sizes. 2. Managing the height, bulk and form of development. 3. Enabling residential development on allotments of a size consistent with the low-density character of the Zone and that are able to accommodate on-site wastewater treatment and disposal.
RES-P2 – Non-Residential Activities	To protect the predominately residential nature of the zone by managing the establishment of non-residential activities and ensuring that any non-residential activities are of a nature, design, scale and appearance that is compatible with a residential context.
RES-P3 – Supported Residential Care and Retirement Village Premises	To enable a range of appropriate residential activities by providing for supported residential care and retirement village premises where they are designed, located and managed to: <ol style="list-style-type: none"> 1. Provide a high level of amenity for residents. 2. Ensure any adverse effects on surrounding Living and Green Space Zones are avoided. 3. Maintain the existing residential character of the surrounding environment.

Residential Zone (RES)

	4. Avoid, remedy or mitigate any adverse effects on infrastructure, including the transport network.
RES-P4 – Impervious areas	To restrict impervious areas within sites in order to: <ol style="list-style-type: none"> 1. Manage stormwater runoff. 2. Protect and enhance amenity values. 3. Safeguard esplanade areas and waterfront walkways.
RES-P5 – Subdivision	To encourage design and layout of subdivision which achieves the following: <ol style="list-style-type: none"> 1. Lots are shaped and sized to allow generous sunlight to living and outdoor spaces, and provide high levels of on-site amenity and privacy. 2. Where possible, lots are located so that they over-look and front the road and open spaces. 3. The creation of multiple rear sites is limited, and where practicable avoided.

Rules

RES-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
RES-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum building height is 8m. 	Activity Status when compliance not achieved: D
RES-R3	Building Setbacks	
	Activity Status: P Where: <ol style="list-style-type: none"> 2. The building is set back at least: <ol style="list-style-type: none"> a. 4.5m from the road boundary. b. 3m from side and rear boundaries, allowing for one 2m setback. 	Activity Status when compliance not achieved: D

Residential Zone (RES)

- c. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

RES-R4	Building Height in Relation to Boundary	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> No part of the building exceeds a height equal to 2m plus the shortest horizontal distance between that part of the building and any side or rear boundary. <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> <i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i> 	<p>Activity Status when compliance not achieved: D</p>
RES-R5	Building Coverage	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The maximum building coverage is 25% of the net site area. 	<p>Activity Status when compliance not achieved: D</p>
RES-R6	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The impervious area within the site does not exceed 35% of the net site area, or 1,000m², whichever is the lesser. The impervious area is set back at least 5m from Mean High Water Springs or the top of the bank of any river that 	<p>Activity Status when compliance not achieved: D</p>

Residential Zone (RES)

has a width exceeding 3m (excluding bridges, culverts and fences).

RES-R7	Landscaping	
	Activity Status: P Where: 1. At least 40% of the net site area is in landscaping.	Activity Status when compliance not achieved: D
RES-R8	Fences	
	Activity Status: P Where: 1. Any fence has a maximum height of 2m. 2. Fencing is not fortified with barbed wire, broken glass or any form of electrification except for stock exclusion purposes where abutting the Rural Production Zone.	Activity Status when compliance not achieved: D
RES-R9	Car Parking	
	Activity Status: P Where: 1. Any car parking spaces are located at least 2m from any road boundary.	Activity Status when compliance not achieved: D
RES-R10	Indigenous Vegetation Clearance	
	Activity Status: P Where: 1. The clearance of indigenous vegetation: a. Does not exceed 500m ² per site within each 10 year period from [Operative Date]; and	Activity Status when compliance not achieved: D

Residential Zone (RES)

- b. Is not within 20m of a water body;
- c. or
- d. Is associated with:
 - i. Routine maintenance within 7.5m of the eaves of existing buildings:
 - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
 - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
 - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
 - iii. Pest plant removal and biosecurity works
 - iv. Vegetation removal for customary rights
 - v. Conservation planting, including planting for ecological restoration purposes.

RES-R11	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any outdoor area of storage or stockpile: <ul style="list-style-type: none"> a. Complies with rules RES-R2 – R4. b. Is screened from view from public places and surrounding sites. 	<p>Activity Status when compliance not achieved: D</p>
RES-R12	Farming	
	Activity Status: P	

Residential Zone (RES)

RES-R13	Supported Residential Care	
RES-R14	Retirement Village Premises	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The activity generates less than 25 traffic movements per day, per site. 	Activity Status when compliance not achieved: D
RES-R15	Principal Residential Unit	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum density is 1 principal residential unit, per 2,000m² net site area, provided that one principal residential unit is permitted on a site of any size. 	Activity Status when compliance not achieved: D
RES-R16	Minor Residential Unit	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum density is 1 minor residential unit per principal residential unit on the site. 2. The nearest distance between the minor residential unit and the principal residential unit (excluding any accessory buildings) does not exceed 15m. 3. The maximum GFA of the minor residential unit (including decking and garage areas) is 90m². 	Activity Status when compliance not achieved: D

Residential Zone (RES)

RES-R17	Retail Activity
RES-R18	Commercial Services
RES-R19	Food and Beverage Activity
RES-R20	Care Centre
RES-R21	Visitor Accommodation
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to a residential unit on the site. 2. The principal operator of the activity is a permanent resident on the site. 3. The activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. 4. The activity generates less than 20 traffic movements per day, per site. 5. There is no car parking between the residential unit and the road. 6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity. 7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site. 8. The total area of signage is less than 0.25m², per site. 9. There is no illuminated or moving signage. 10. No more than 6 tariff-paid visitors are staying on-site at any one time. 11. Each visitor accommodation unit provides an outdoor living court of at least 6m² and at least 1.8m depth.
	<p>Activity Status when compliance with up to two of the rules is not achieved: D</p> <p>Activity Status when compliance with more than two of the rules is not achieved or when compliance with rules RES-R17 – R21.1 – 3 is not achieved: NC</p> <p>Notification:</p> <p>Any non-complying land use activity in the RES must be publicly notified.</p>
RES-R22	Place of Assembly
	Activity Status: D

Residential Zone (RES)

RES-R23	Entertainment Facilities
RES-R24	Service Stations
RES-R25	Funeral Home
RES-R26	Recreational Facilities
RES-R27	Emergency Services
RES-R28	Educational Facilities
RES-R29	Hospitals
Activity Status: NC Notification: Any non-complying land use activity within the RES must be publicly notified.	

RES-R30	Plantation Forestry
RES-R31	Intensive Livestock Farming
RES-R32	Farm Quarrying
RES-R33	Seasonal Activity
RES-R34	Industrial Activities
Activity Status: Pr	

Precincts (PREC)

Overview

A precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes. Each precinct is provided as a different section with a unique name and purpose and includes objectives, policies and rules for that precinct.

The objectives, policies and rules of the underlying zone apply in addition to any relevant provisions of a precinct unless stated otherwise. As stated in Rule HPW-R1.2, where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the district-wide matter rules, then the activity status in the precinct takes precedence over the activity status in the zone or district-wide matter rules, whether that activity status is more or less restrictive.

PREC1 – Oil Refinery Precinct (ORP)

Overview

The Oil Refinery Precinct (ORP) applies to the land associated with the Marsden Point Oil Refinery, which is identified as regionally significant infrastructure. The ORP permits all activities that are related to the primary function of the oil refinery site. Thus, in addition to the day to day running of the refinery, the ORP provides for the needs of staff and visitors, and includes workers' accommodation.

Objectives

ORP-O1 – Regional Significance	Recognise and provide for the Marsden Point Oil Refinery as regionally significant infrastructure
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Policies

ORP-P1 – Oil Refinery Functioning	To enable the operation, maintenance and upgrading of the Marsden Point Oil Refinery by providing for activities which are related to the primary function of the oil refinery site.
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Rules

HAZ-R1	Oil Refinery Activities
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Activity Status: P

PREC2 – Hihiaua Peninsula Precinct (HPP)

Overview

Precincts (PREC)

The Hīhīāua Peninsula Precinct (HPP) enables an expanded range of mixed-use activities within a portion of the Mixed-use Zone between Dent and Herekino Streets. The activities supported by the HPP include residential units at ground floor, smaller scale retail activities, and food and beverage activities.

Objectives

HPP-O1 – Hīhīāua Peninsula

Hīhīāua Peninsula is a diverse, vibrant and attractive location to live, work and play.

Policies

HPP-P1 Enabled Activities

To support a wider range of mixed-use activities by enabling smaller scale general retail activities, and food and beverage activities.

Rules

HPP-R1

Residential Unit

Activity Status: P

Where:

1. Every residential unit provides an internal area (excluding garages) of at least:
 - a. For 1 bedroom – 45m²
 - b. For 2 bedrooms – 70m²
 - c. For 3 bedrooms – 90m²
 - d. For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom.
2. Every 1 bedroom residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth.
3. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth.

Activity Status when compliance not achieved: RD

Matters of discretion:

1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.
2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
3. Adverse effects on active frontage.

Notification:

Any application for a residential unit which does not comply with HPP-R1 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

HPP-R2

General Retail

Precincts (PREC)

Activity Status: P

Where:

1. The maximum Net Floor Area is 600m².

Activity Status when compliance not achieved: D

HPP-R3

Food and Beverage Activity

Activity Status: P

PREC3 – Port Nikau Precinct (PNP)

Overview

The Port Nikau Precinct enables the development of a liveable, mixed use environment where people can practically live, work and play within the area with a specific focus on amenity values, urban design and open space.

The following underlying zones apply in the Port Nikau Precinct:

- High-density Residential Zone
- Mixed Use Zone
- Local Commercial Zone
- Light Industry Zone
- Heavy Industry Zone
- Open Space Zone

PNP Appendix A identifies:

- Buffer and Transition Areas where incompatible land use may occur and activities are managed.
- Noise Areas 1 and 2 where noise sensitive activities and exposure to noise is managed.
- Ecological Buffer to protect the existing bird wader habitat of ecological significance along the south-western boundary of the precinct.
- Harbor Edge Shared Space where land based activities interact with water.

Objectives

PNP-O1 – Liveable Precinct

Create a liveable, mixed use environment where people can live, work and play within the Port Nikau Precinct.

PNP-O2 – Infrastructure and Services

Ensure adequate provision of infrastructure and services to meet development capacity while recognising the impacts of development on existing infrastructure networks.

Precincts (PREC)

PNP-O3 – Biodiversity	Ensure that the development of the site allows for the maintenance of existing (pre-development) ecological values.
PNP-O4 – Reverse Sensitivity	Manage reverse sensitivity effects between Zones and incompatible land use activities.
PNP-O5 – Open Space	Create a strong network of open space for recreation and public access to the coastal marine area.

Policies

PNP-P1 – Precinct	To enable development within the Port Nikau Precinct in accordance with the underlying Zones by the introduction of development controls.
PNP-P2 – Infrastructure and Services	To ensure the efficient provision of three waters infrastructure for the Port Nikau Precinct by the assessment of potential infrastructure requirements based upon the demand generated by proposed land uses.
PNP-P3 – Transport and Access	To ensure the provision of an efficient roading network, including alternative modes of transport and public transport by requiring the assessment of the development on the Port Nikau Precinct on the transport network.
PNP-P4 – Reverse Sensitivity	To avoid adverse reverse sensitivity effects of sensitive activities in close proximity to the Heavy Industry Zone by controlling activities in the Buffer and Transitional Areas.
PNP-P5 – Ecological Values	To recognise the existing bird wader habitat of ecological significance by providing a buffer along the south-western boundary of the precinct between the habitat and any proposed development.
PNP-P6 – Open Space	To provide open space, connections and access to the Coastal Marine Area by protecting the harbour edge shared space and creating pedestrian and cycle way links.
PNP-P7 – Marine Industry	To recognise the importance of marine industry and marine retail activities to the PNP, acknowledging the historical port and enabling such activities within the harbour edge shared space in the Light Industry Zone and PNP.

Rules

PNP-R1	Any Activity
	Activity Status: P
	Where:

Precincts (PREC)

1. Resource consent is not required under any rule of the District Plan under one of the following underlying zones, unless otherwise stated in the PNP:
 - a. High-density Residential Zone
 - b. Mixed Use Zone
 - c. Local Commercial Zone
 - d. Light Industry Zone
 - e. Heavy Industry Zone
 - f. Open Space Zone
2. Resource consent is required in accordance with PNP-R1.1 the application shall comply with information requirement PNP-REQ1.
3. The activity is not prohibited under any rule in the District Plan.

PNP-R2	Building Setback
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building complies with the relevant Zone setback rules except setback from Mean High Water Springs. 2. Any building not located within: <ol style="list-style-type: none"> a. The harbour edge shared space. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Provision of pedestrian and cycle assess and link along the harbour edge shared space. 2. Integration with the harbour edge shared space. 3. Design and layout of development that: <ol style="list-style-type: none"> a. Responds to the shared space and coastal marine area. b. Creates connectivity for all movement types. c. Management of stormwater. d. Maintenance of public access to shared space and coastal marine area. e. Protection of ecological values of the ecological buffer and the area adjacent to the south-western boundary of the PNP. <p>The following policies will not apply to the PNP:</p> <ol style="list-style-type: none"> a. MU-P7 Esplanade Areas b. LC-P12 Water Setbacks c. LI-P5 Esplanade Areas

Precincts (PREC)

d. HI-P6 Esplanade Areas

Note: Any application shall comply with information requirement PNP-REQ2.

PNP-R3	Subdivision and/or Activity	
	<p>Activity Status: RD</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity increases the number of traffic movements from the PNP by 200 one way movements. 2. Any subdivision of any allotment within the PNP larger than 7500m². <p>Matters of Discretion:</p> <ol style="list-style-type: none"> 1. The impact of the proposal on adjacent and linking public roading infrastructure and networks. 2. The protection of the railway line. 3. The impact of the proposal on the intersection of State Highway and Rewa Rewa Road if the level of service is proposed to be exceeded. <p><i>Note: Any application shall comply with information requirement PNP-REQ03.</i></p>	<p>Activity Status when compliance not achieved: D</p>
PNP-R4	Commercial Activities	
	<p>Activity Status: D</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity does not front a major road. <p><i>Note: Any application shall comply with information requirement PNP-REQ1.</i></p>	<p>Activity Status when compliance not achieved: NC</p>
PNP-R5	Sensitive Activity within the Buffer Area	
PNP-R6	Residential Activity within the Transition Area	
PNP-R7	Visitor Accommodation Activity within the Buffer Area	

Precincts (PREC)

PNP-R8	Building and/or Structure within the Ecological Buffer
Activity Status: Pr	

PNP-R9	Commercial or Retail Activity within the Buffer Area
Activity Status: Pr	

Rule Requirements

PNP-REQ1	Commercial or Retail Activity within the Buffer Area
Urban Design	<p>Any application shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:</p> <ol style="list-style-type: none"> Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the relevant zone building bulk and location standards. The effects on the neighbourhood character, residential amenity, safety and the surrounding residential area, with particular regard to building bulk, location and design and parking and transport. Consideration of potential effects on adjacent neighbours. The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on adjacent streets and public spaces or adjacent residential sites. <p><i>Note: Acceptable means of compliance and best practice urban design guidance is contained within Whangarei District Council's Urban Design Guidelines.</i></p>

PNP-REQ2	Commercial or Retail Activity within the Buffer Area
Harbor Edge Shared Space	<p>Any application shall include an assessment of environmental effects prepared by a suitably qualified and experienced professional which shall contain the following information:</p> <ol style="list-style-type: none"> Context analysis, including how development will integrate with existing and future open space, pedestrian and cycleway access to and along the Coastal Marine Area. Details of the operational need of the activity to locate within the harbor edge shared space, including Coastal Marine Area access points. Urban and landscape design of the proposed activity including how it will be designed and operated to minimize disruption of the shared space. Assessment of the proposed areas of open space to be provided including the:

Precincts (PREC)

- i. Location, dimensions, and area of land.
- ii. Connections between areas of open space.
- iii. Provision of pedestrian and cycle access to and along the Coastal Marine Area.
- iv. Locations of where public access to the Coastal Marine Area.
- e. The location of proposed building areas and access, and the extent to which the proposal will mitigate adverse visual effects on the Coastal Area.

PNP-REQ3	Commercial or Retail Activity within the Buffer Area
Traffic	<p>Any application shall be accompanied by an Integrated Traffic Assessment prepared by a suitably qualified and experienced traffic engineer which provides:</p> <ul style="list-style-type: none"> i. An assessment of vehicle trip generation and distribution based on the maximum development that can take place in terms of this Precinct. The assessment shall detail the assumptions upon which the assessment is made. ii. An assessment of how the proposed development will take account existing development or approved resource consents and the impacts to and on the roading network including: <ul style="list-style-type: none"> a) Port Road from the Port Nikau Environment to the intersection with Kioreroa Road. b) Port Road from Kioreroa Road to the intersection with Okara Drive (southern intersection). c) Okara Drive from the intersection with Port Road to Porowini Ave intersection (under construction). d) Okara Drive from Porowini Avenue to Port Road (North intersection). e) Okara Drive from Port Road (North intersection) to Reyburn Street / Herekino Street intersection. f) Kioreroa Road from the intersection with Port Road to Rewa Rewa Road. g) Rewa Rewa Road from the intersection with Kioreroa Road to State Highway h) Intersection of Gumdigger Place and Kioreroa Road. <p><i>Note: The roads and intersections detailed above shall be considered to be the maximum extent of the roading network potentially affected by the development of all or part of the Port Nikau Environment and therefore any requirements for upgrading shall be the result of assessed impacts on this portion of the roading network only. Any assessment of the impacts of the roading network are to firstly consider the current level of service that the road and / or intersection is performing at, to ensure that only new effects are considered.</i></p> <ul style="list-style-type: none"> iii. An assessment of the impacts of the full development of the Port Nikau Precinct in terms of (i) above on traffic operations on existing local roads and State Highways including intersections.

Precincts (PREC)

- iv. Consideration of any current roading strategies prepared by or on behalf of the WDC and the New Zealand Transport Agency, including any relevant Regional and National Transport strategies.
- v. Consideration of alternative means of transport (e.g. public transport, provision for walking and cycling) that will reduce reliance on single occupancy motor vehicle trips.
- vi. All proposed internal roading networks, connections to existing roads and any additional new roading links external to the Port Nikau Precinct which are necessary to support the permitted levels of development identified in (i) above.
- vii. A peer review of the assessment undertaken by or on behalf of the New Zealand Transport Agency which confirms that there is sufficient capacity or planned capacity within the State Highway network to accommodate the predicted increase in traffic.
- viii. A demonstration that traffic generation by the proposed development will not cause a reduction in the existing Level of Service for traffic movements at the intersection on State Highway 1.

Open Space Zone (OS)

Overview

The Open Space Zone (OS) applies to small to medium sized local parks which are used for a variety of outdoor informal recreational activities and community uses, such as walking, running, cycling, relaxing and socialising, picnics, playing and enjoying the environment.

Generally the OS is characterised by limited buildings and structures that support the enjoyment of the public open space, such as barbeques and picnic facilities, playgrounds, skate parks, informal hard courts, shelters, toilet and changing facilities, and small-scale community buildings.

The OS consists of the following New Zealand Reserve Association Park Categories:

- Neighbourhood Parks
- Managed Recreation and Ecological Linkages
- Managed Natural Park Areas

Limiting built development and activities that are not based on recreational or community use will help to maintain the open space character and amenity value, and enable opportunities for a range of informal recreational activities to occur.

The capacity of land for passive recreational use should be carefully monitored. Additional land may be required over the next 10 years to provide for future population needs.

Objectives

OS-O1 – Informal Recreation	Provide for quality public open spaces for informal recreation and small-scale community uses.
OS-O2 – Values	Protect the amenity, cultural, historic and natural values of the OS.

Policies

OS-P1 – Providing for Community	To provide for a variety of informal recreational activities and small-scale community uses while mitigating any potential adverse effects on neighbouring residents, the community and the environment.
OS-P2 – Building and Structures	To limit the location, scale and design of buildings and structures to complement the natural, historic, cultural and recreational values and function of the OS.
OS-P3 – Protection	To protect the natural, cultural, historic and recreational values of the OS by avoiding activities that are not recreational or small scale community activities.
OS-P4 – Non-Recreation Activities	To manage non-recreation activities by ensuring that they: <ol style="list-style-type: none"> 1. Are not likely to generate reverse sensitivity effects.

Open Space Zone (OS)

	<ol style="list-style-type: none"> Support, or are compatible with, the recreation, education and place of assembly activities within the Zone. Ensure that the natural, cultural, heritage and recreational values are not compromised by the nature, scale and design of activities and buildings.
OS-P5 – Subdivision	To avoid the fragmentation of OS land where subdivision design and layout would not protect high natural, cultural, heritage and recreational values.

Rules

OS-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: P Where: <ol style="list-style-type: none"> Resource consent is not required under any rule of the District Plan, and The activity is not prohibited under any rule of the District Plan., or The activity in accordance with Section 4(3) of the RMA 1991. 	
OS-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> The maximum building height is 8m, excluding floodlights which have a maximum height of 18.5m. 	Activity Status when compliance not achieved: D
OS-R3	Building Setbacks	
	Activity Status: P Where: <ol style="list-style-type: none"> Any building complies with the minimum building setback rule of the adjoining Zone closest to the building. Any building is set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). 	Activity Status when compliance not achieved: D

Open Space Zone (OS)

OS-R4	Building Height in Relation to Boundary	
	Activity Status: P Where: 1. Any building complies with the minimum height in relation to boundary rule of the adjoining Zone closest to the building.	Activity Status when compliance not achieved: D
OS-R5	Building Coverage	
	Activity Status: P Where: 1. The coverage of all buildings does not exceed 500m ² or 15% of the net site area whichever is the lesser.	Activity Status when compliance not achieved: D
OS-R6	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: 1. Any outdoor area of storage or stockpile complies with rules OS-R2 – R4. 2. Any outdoor area of storage or stockpile is screened from view from public places and neighbouring Local Commercial, Mixed-use, Living or Open Spaces Zone sites.	Activity Status when compliance not achieved: D
OS-R7	Indigenous Vegetation Clearance	
	Activity Status: P Where: 1. The clearance of indigenous vegetation: a. Does not exceed 250m ² per site within each 10 year period from [operative date].	Activity Status when compliance not achieved: D

Open Space Zone (OS)

- b. Is not undertaken within 20m of a water body.

OR

- c. Is associated with:
 - i. Routine maintenance within 7.5m of the eaves of existing buildings:
 - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
 - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
 - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
 - iii. Pest plant removal and biosecurity works
 - iv. Vegetation removal for customary rights
 - v. Conservation planting, including planting for ecological restoration purposes.

OS-R8	Place of Assembly
OS-R9	Recreational Facilities
OS-R10	Educational Facilities
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The activity is located more than 50m from a Living Zone. Any combination of activities listed in rules OS-R8 to OS-R10 have: 	
Activity Status when compliance not achieved: D	

Open Space Zone (OS)

- a. A cumulative GFA of less than 300m² per site.
- b. Cumulative outdoor area:
 - i. Less than 500m².
 - ii. Not located between the front of the building and the road.

OS-R11	Farming
	Activity Status: P
OS-R12	Plantation Forestry
OS-R13	Intensive Livestock Farming
OS-R14	Farm Quarrying
OS-R15	Seasonal Activity
OS-R16	Industrial Activities
OS-R17	Residential Activities
OS-R18	Commercial Activities
OS-R19	Care Centre
OS-R20	Health Care Facilities
OS-R21	Emergency Services
OS-R22	Hospital
	Activity Status: NC

Sport and Active Recreation Zone (SAR)

Overview

The Sports and Active Recreation Zone (SAR) provides for large open space areas that are primarily used for organised activities including events and indoor and outdoor organised sports. These areas are actively managed and have high levels of development, public utilisation and social interaction.

The SAR includes major parks (referred to as destination parks), sports fields, hard-court areas and greens, multi-sports facilities, boat ramps, public gardens, cemeteries, community halls and some smaller areas such as civic spaces.

The SAR consists of the following New Zealand Reserve Association Park Categories:

- Sport and Recreation
- Civic Spaces
- Public Gardens
- Cemetery/Heritage

These areas can include buildings and structures such as grandstands, sports and community clubrooms, toilets and changing facilities. The high level of use and development of these areas can generate adverse effects, such as noise, traffic, and lighting, that need to be managed. Commercial activities within the SAR must be ancillary to sport and active recreational activities.

In addition to meeting local recreation and sport's needs, Whangarei is also seen as a significant venue for hosting regional and national events due in part to its regional position and population mass. The SAR seeks to ensure that these regionally significant areas achieve a high quality built form that responds to and interacts with the surrounding environment resulting in an attractive and vibrant area for residents and visitors.

The capacity of land for sport and active recreational use should be carefully monitored. Additional land may be required over the next 10 years to provide for future population needs.

Objectives

SAR-O1 – Recreation and Community Activities	Provide for a range of sport, active recreational and community activities.
SAR-O2 –Adverse Effects	Recognise the potential effects on adjacent sites and surrounding areas from sport, active recreation and community activities.
SAR-O3 – Associated Activities	Enable activities directly associated with sport and recreation that enhance the use and enjoyment of the Sports and Active Recreation Zone.

Sport and Active Recreation Zone (SAR)

Policies	
SAR-P1 – Active Recreation	To enable active recreation by providing for a range of sport, recreational and community activities, associated buildings and infrastructure.
SAR-P2 – Adverse Effects	To manage adverse effects on residents, the community and the environment, by limiting the scale and location of buildings.
SAR-P3 – Amenity	To manage the nature, scale, intensity and location of activities to ensure they are compatible with the amenity of surrounding Residential Zones.
SAR-P4 – Enabled Activities	To enhance the use and enjoyment of the SAR by enabling activities that are ancillary to sport and recreation on the site.
SAR-P5 – Non-Recreation Activities	<p>To manage non-recreational or non-active sport activities by ensuring that they:</p> <ol style="list-style-type: none"> 1. Are not likely to generate reverse sensitivity effects. 2. Support, or are compatible with, the operation of place of assembly, recreational or educational activities within the Zone. 3. Ensure that the potential establishment of future place of assembly, recreational or educational activities is not compromised by the nature, scale and design of activities and buildings. 4. Do not compromise the viability and vitality of the City Centre, Waterfront, Mixed-use, Local Commercial, Neighbourhood Commercial and Shopping Centre Zones.
SAR-P6 – Subdivision	To avoid the fragmentation of SAR land where subdivision design and layout would not facilitate place of assembly, recreational or educational activities.

Rules

SAR-R1	Any Activity Not Otherwise Listed in This Chapter
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan, and 2. The activity is not prohibited under any rule of the District Plan, or 3. The activity in accordance with Section 4(3) of the RMA 1991.

Sport and Active Recreation Zone (SAR)

SAR-R2	Building Height	
	Activity Status: P Where: 1. The movement is conducted by means of an underground pipeline.	Activity Status when compliance not achieved: D
SAR-R3	Building Setbacks	
	Activity Status: P Where: 1. Any building complies with the minimum building setback rule of the adjoining Zone closest to the building. 2. Any building is set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).	Activity Status when compliance not achieved: D
SAR-R4	Building Height in Relation to Boundary	
	Activity Status: P Where: 1. Any building complies with the minimum height in relation to boundary rule of the adjoining Zone closest to the building.	Activity Status when compliance not achieved: D
SAR-R5	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: 1. Any outdoor area of storage or stockpile complies with rules SAR-R2 – R4. 2. Any outdoor area of storage or stockpile is screened from view from public places and surrounding Local	Activity Status when compliance not achieved: D

Sport and Active Recreation Zone (SAR)

Commercial, Mixed-use, Living or Open Spaces Zone sites.

SAR-R6	Garden Centres
SAR-R7	General Retail
SAR-R8	Commercial Services
SAR-R9	Food and Beverage Activity
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is ancillary to the primary place of assembly, recreational facility or education facility within the same site. 2. The activity is located more than 50m from a Residential Zone. 3. Any combination of activities listed in rules SAR-R6 to SAR-R9 have: <ol style="list-style-type: none"> a. A cumulative GFA of less than 25% of the site area. b. Cumulative outdoor area: <ol style="list-style-type: none"> i. Less than 500m². ii. Not located between the front of the building and the road. 	
Activity Status when compliance not achieved: D	
SAR-R10	Place of Assembly
SAR-R11	Entertainment Facilities
SAR-R12	Recreational Facilities
SAR-R13	Educational Facilities
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The is located within 50m of a residential zone and does not operate outside the hours of 0800 and 2200. 	
Activity Status when compliance not achieved: D	

Sport and Active Recreation Zone (SAR)

SAR-R14	Rural Production Activity
SAR-R15	Industrial Activities
SAR-R16	Residential Activities
SAR-R17	Motor Vehicle Sales
SAR-R18	Marine Retail
SAR-R19	Drive Through Facilities
SAR-R20	Hire Premise
SAR-R21	Service Stations
SAR-R22	Funeral Home
SAR-R23	Trade Suppliers
SAR-R24	Grocery Store
SAR-R25	Visitor Accommodation
SAR-R26	Care Centre
SAR-R27	Health Care Facilities
SAR-R28	Emergency Service
SAR-R29	Hospital
Activity Status: NC	

Conservation Zone (CON)

Overview

The Conservation Zone (CON) identifies areas of open space land primarily managed for the conservation and protection of natural resources. The land is generally in Council or Department of Conservation ownership. Examples of such land include: bush reserves, headlands, natural wetlands and parts of the coastline. The CON provides for the natural, ecological, landscape, cultural and heritage values of these open spaces.

Identifying these areas helps to preserve and define Whangarei's natural character and provides a connection to our natural heritage. These open spaces play a special role in educating residents and visitors and providing recreational opportunities. Often the natural elements and unmodified nature of these areas gives them a sense of wilderness and isolation.

The CON consists of the following New Zealand Reserve Association Park Categories:

- Unmanaged natural park areas
- Unmanaged recreation and ecological linkages
- Unmanaged green space

The CON often has high ecological/biodiversity values and it is therefore appropriate to limit the scale and intensity of activities and development to ensure there are minimal adverse effects and as little modification to the environment as possible. The CON is characterised by minimal buildings and structures, largely undeveloped areas and open expanses of land. Land may have limited public access and infrastructure such as car parks, walking tracks and camp grounds.

Where buildings and improvements are proposed, they should generally relate to conservation and land management, recreation, education, and visitor information. The CON seeks to achieve a high quality built form and signage that responds to the surrounding natural environment resulting in an attractive and vibrant area for residents and visitors. Commercial activities are restricted in the CON to protect the high-quality amenity values of the natural environment.

Objectives

CON-O1 – Natural Environment	Protect and enhance the natural, ecological, landscape, cultural and heritage values of the Conservation Zone.
CON-O2 – Activities and Buildings	Buildings associated with recreational, educational, cultural and conservation activities, complement and not compromise the values and qualities of Conservation Zone.

Policies

CON-P1 – Open Spaces	To identify and protect open spaces that are managed primarily for conservation and have high natural, ecological, landscape, cultural and heritage values.
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Conservation Zone (CON)

CON-P2 – Adverse Effects	To manage adverse effects on the values and qualities of the Conservation Zone by limiting the use, location, scale, and design of buildings.
CON-P3 – Enable Appropriate Structures	To enable structures and platforms in appropriate locations to enhance visitors understanding and experience of natural, cultural and heritage values.
CON-P4 – Limiting Inappropriate Activities	To avoid, remedy and mitigate adverse effects on the values and qualities of the Conservation Zone by managing the scale and nature of activities.
CON-P5 – Manage Activities	To avoid adverse effects on amenity and character of the Conservation Zone by managing activities to ensure that they support ongoing conservation.
CON-P6 – Subdivision	To avoid the fragmentation of CON land where subdivision would not protect high natural, ecological, landscape, cultural and heritage values.
CON-P7 – Subdivision Design and Layout	To protect the natural, cultural and heritage values of the Conservation Zone by managing the design and layout of subdivision.

Rules

CON-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan, and 2. The activity is not prohibited under any rule of the District Plan, or 3. The activity in accordance with Section 4(3) of the RMA 1991. 	
CON-R2	Building Height	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum building height is 5.5m. 	Activity Status when compliance not achieved: D
CON-R3	Building Setbacks	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The building complies with the minimum building setback rule of the adjoining Zone closest to the building. 	Activity Status when compliance not achieved: D

Conservation Zone (CON)

2. The building is set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

CON-R4	Building Height in Relation to Boundary	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The building complies with the minimum height in relation to boundary rule of the adjoining Zone closest to the building. 	Activity Status when compliance not achieved: D
CON-R5	Building Gross Floor Area	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. The maximum GFA of any building is 50m². 2. The total cumulative GFA of any buildings is than 15% of the site area. 	Activity Status when compliance not achieved: D
CON-R6	Outdoor Areas of Storage or Stockpiles	
	Activity Status: P Where: <ol style="list-style-type: none"> 1. Any outdoor area of storage or stockpile complies with rules CON R2 – R5. 2. Any outdoor area of storage or stockpile is screened from view from public places and adjoining Local Commercial, Mixed-Use, Living or Open Space Zones sites. 	Activity Status when compliance not achieved: D

Conservation Zone (CON)

CON-R7	Indigenous Vegetation Clearance
<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The clearance of indigenous vegetation: <ol style="list-style-type: none"> a. Does not exceed 250m² per site within each 10 year period from [operative date]. b. Is not undertaken within 20m of a water body. <p>OR</p> <ol style="list-style-type: none"> c. Is associated with: <ol style="list-style-type: none"> i. Routine maintenance within 7.5m of the eaves of existing buildings: <ol style="list-style-type: none"> a) Including the removal of any tree where any part of the trunk is within the 7.5m distance. b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance. ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities iii. Pest plant removal and biosecurity works iv. Vegetation removal for customary rights v. Conservation planting, including planting for ecological restoration purposes. 	<p>Activity Status when compliance not achieved: D</p>

Conservation Zone (CON)

CON-R8	Farming
Activity Status: P	
CON-R9	Residential Unit
CON-R10	General Retail
CON-R11	Commercial Services
CON-R12	Food and Beverage Activities
CON-R13	Visitor Accommodation
CON-R14	Place of Assembly
CON-R15	Recreational Facilities
CON-R16	Educational Facility
Activity Status: D Where: 1. Any combination of activities listed in rules CON-R11 to CON-R16 have: a. A cumulative GFA of less than 300m ² per site. b. cumulative outdoor area: i. Less than 500m ² . ii. Not located between the front of the building and the road.	
Activity Status when compliance not achieved: NC	

Conservation Zone (CON)

CON-R17	Plantation Forestry
CON-R18	Intensive Livestock Farming
CON-R19	Farm Quarrying
CON-R20	Seasonal Activity
CON-R21	Industrial Activities
CON-R22	Supported Residential Care
CON-R23	Retirement Village
CON-R24	Motor Vehicle Sales
CON-R25	Garden Centres
CON-R26	Marine Retail
CON-R27	Drive Through Facilities
CON-R28	Trade Suppliers
CON-R29	Hire Premise
CON-R30	Service Station
CON-R31	Funeral Home
CON-R32	Grocery Store
CON-R33	Entertainment Facilities
CON-R34	Care Centre
CON-R35	Health Care Facilities
CON-R36	Emergency Services
CON-R37	Hospital
Activity Status: NC	

Airport Zone (SPA)

Overview

The Airport Zone (SPA) recognises the significance of the Whangarei Airport ("Airport") to the Whangarei District and Northland Region as regionally significant infrastructure. The Airport is a significant physical resource, and contributes to the social and economic wellbeing of Whangarei and the Northland Region, as well as to elsewhere within New Zealand as part of a national network of airports.

The Airport is situated at Onerahi on an elevated area of land overlooking the Whangarei Harbour. It is approximately 6km by road to the southeast of Whangarei's City Centre and covers an area of approximately 60ha. The Airport is comprised of aerodrome facilities as well as a range of facilities to support its regional air transport function including; a main runway and cross wind runway, taxiways and apron areas; a passenger terminal; navigation aids; and maintenance and support buildings and facilities.

The Airport plays an important role in serving local business, government, industry and tourism in Whangarei and the wider Northland Region. The Airport is located within Whangarei's urban area. Given its proximity to nearby residential land uses, there are noise, air emissions, safety and traffic issues that may arise that need to be carefully managed within the SPA and surrounding environments.

The sustainable management of the Airport requires acknowledging and allowing for the continued operation of airport activities and any ancillary activities while managing the potential adverse effects on surrounding land uses. To this end, the land comprising the SPA is subject to a designation for Aerodrome purposes which authorises a range of activities, such as aircraft movements, which are necessary to enable the ongoing operation of the Airport. An Airspace designation also restricts the intrusion of structures into the airport approach/take off paths.

It is intended that the SPA will provide for activities that are compatible with the Airport in a manner that protects the Airport from adverse effects and reserve sensitivity. Designations take priority over zoning and that any conditions or restrictions on the Aerodrome or Airspace designations will override the provisions in the SPA, should a land use or subdivision conflict arise. It is also acknowledged that the Airport may relocate in the future and it is expected that the management of land use and subdivision in the SPA will have regard to potential future uses.

Objectives

SPA-O1 – Regionally Significant Infrastructure	Recognise and provide for the operational area of Whangarei Airport as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.
SPA-O2 – Efficient and Effective Operation	Provide for the efficient and effective ongoing operation, maintenance, upgrade and development of Whangarei Airport.

Airport Zone (SPA)

SPA-O3 – Adverse Effects/Reverse Sensitivity	Manage the adverse effects (including reverse sensitivity effects) associated with Whangarei Airport which could compromise the amenity and well-being of the surrounding community.
SPA-O4 - Subdivision	Avoid fragmentation of the SPA and potential reverse sensitivity effects associated with subdivision.

Policies	
SPA-P1 – Regional Significance	To recognise the regional significance of the Airport by enabling a wide range of existing and future airport operations and activities.
SPA-P2 – Operation and Expansion	To enable the continued operation of Whangarei Airport and ancillary activities with provision for controlled growth in aircraft movements.
SPA-P3 – Amenity and Character	To manage and minimise adverse effects to surrounding residential areas' amenity and character by ensuring that all new activities and buildings in the SPA are: <ol style="list-style-type: none"> 1. Of a scale and character that is compatible with Residential Zones. 2. Sited in a location sufficiently setback from site boundaries to enable privacy, the retention of open space and access to sunlight in Residential zones.
SPA-P4 – Subdivision	To retain the airport land holding by avoiding fragmentation of airport land through in appropriate subdivision.

Rules

SPA-R1	Any Activity not otherwise listed in this chapter
Activity Status: P (Permitted)	
Where:	
<ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
SPA-R2	Landing, departure, movement, or servicing of aircraft activities
Activity Status: P (Permitted)	

Airport Zone (SPA)

SPA-R3	Access to aircraft or airport facilities	
	Activity Status: P (Permitted)	Activity Status when compliance not achieved: D (Discretionary)
	Where:	
	1. The activity requires direct or reasonable access to aircraft or airport facilities to transport goods or to provide passenger services.	
SPA-R4	Community Activities	
SPA-R5	Industrial Activities	
SPA-R6	Commercial Services	
SPA-R7	Food and Beverage Activity	
SPA-R8	General Retail	
	Activity Status: P	Activity Status when compliance not achieved: NC (Non-Complying)
	Where:	
	1. The activity is directly ancillary to airport operations.	
SPA-R9	Building Height	
	Activity Status: P (Permitted)	Activity Status when compliance not achieved: D (Discretionary)
	Where:	
	1. The maximum building height is: <ul style="list-style-type: none"> a. 10.5m; or b. 8m where located on a site adjoining a Residential or Open Space Zone. 	

Airport Zone (SPA)

SPA-R10	Building Setbacks	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> The building is setback at least: <ol style="list-style-type: none"> 4.5m from any road boundaries. 3m from the boundaries of the SPA. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
SPA-R11	Building Height in Relation to Boundary	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> The height is equal to 3m plus the shortest horizontal distance between that part of the building and any boundary adjoining any Residential or Open Space Zone. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
SPA-R12	Building Coverage	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Any building results in a total cumulative building coverage no more than 50% of the area of the total SPA. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>
SPA-R13	Impervious Areas	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> Any impervious area does not increase the cumulative total impervious area to be more than 80% of the total area of the SPA. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Airport Zone (SPA)

SPA-R14	Visitor Accommodation
SPA-R15	Residential Activities
SPA-R16	Motor Vehicle Sales
SPA-R17	Garden Centres
SPA-R18	Trade Suppliers
SPA-R19	Marine Retail
SPA-R20	Drive Through Facilities
SPA-R21	Grocery Store
SPA-R22	Hire Premise
SPA-R23	Entertainment Facilities
SPA-R24	Visitor Accommodation
SPA-R25	Service Station
SPA-R26	Funeral Home
Activity Status: NC	

SPA-R27	Rural Production Activities
Activity Status: Prohibited	

Port Zone (SPPO)

Overview

The Port Zone (SPPO) recognises the significance of the Whangarei Port (“the Port”) and its importance to the Whangarei District and the Northland Region as regionally significant infrastructure. The purpose of the SPPO is:

- To enable the ongoing and future development of the Port and any associated operational areas and facilities; and
- To provide for operations relating to the transportation of people and freight.

The SPPO only applies to the Port located at Marsden Point. The SPPO covers two areas of land –Port Operations Area A and Port Management Area B (see Appendix 1). Port Operations Area A contains and is limited to the functions and operations of the Port. Port Management Area B allows for the future expansion of the Port’s operations and currently contains some industrial activity.

The Port is currently managed and operated by Northport. The Port is a deep-water commercial port situated at the entrance to the Whangarei Harbour. It occupies a strategic location as the country’s northernmost multi-purpose port and the closest to most of New Zealand’s international markets.

The Port is a major large-scale facility that comprises a range of activities. It is an important physical resource and contributes significant social and economic benefits to people and communities of Whangarei and the Northland Region. The Port facilities also create economic growth for the region by the provision of long-term infrastructure and employment opportunities.

It is expected that there will be future expansion and development within the SPPO to respond to the future growth of the upper North Island. Flexibility to adapt and to develop the area in order to support the Port and its future operations is important. The unique operational needs and environmental effects associated with the Port necessitates a special purpose zone which is tailored to address those needs and effects.

This chapter seeks to ensure that a balance is found whereby the continued operation of the Port is enabled while ensuring that adverse effects on the environment are avoided, remedied or mitigated to an appropriate level.

Objectives

SPPO-O1 – Regionally Significant Infrastructure

Recognise and provide for the importance of the Port as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.

Port Zone (SPPO)

SPPO-02 – Current Operation and Future Development	Recognise the unique characteristics of the Port and provide for: <ol style="list-style-type: none"> 1. The efficient and effective ongoing operation of Port activities within the SPPO without undue constraints; and 2. The future development and expansion of Port operations and activities within the SPPO.
SPPO-03 – Adverse Effects	Manage the adverse effects of the Port and port activities on the environment.
SPPO-04 – Public Access to the Coastal Marine Area	Maintain, and where practicable enhance public access, use and enjoyment of the coastal marine area, provided it does not adversely affect the efficient and safe operation of the Port.
SPPO-05 – Fragmentation	Avoid fragmentation of the SPPO and potential reverse sensitivity effects associated with subdivision and land use.
SPPO-06 – Cultural Values	To recognise and provide for the relationship of Maori and their culture and traditions with their cultural landscapes in the future development and expansion of the Port.

Policies

SPPO-P1 Regional Significance	To recognise the regional significance of the Port by providing for a wide range of existing and future port operations and port activities within the SPPO.
SPPO-P2 Protection of land for Port Activities	To avoid the establishment of non-port related or sensitive activities within the SPPO unless such activities: <ol style="list-style-type: none"> 1. Demonstrate a direct requirement to establish within proximity to the Port; and 2. Do not compromise or constrain the safe and efficient operation of current and future port activities.
SPPO-P3 Adverse Effects	To manage adverse effects of the Port and associated port activities, by: <ol style="list-style-type: none"> 1. Limiting the height of buildings and outdoor storage areas to minimise adverse visual amenity effects while recognising the operational requirements of the Port; 2. Controlling adverse effects of noise and light spill while recognising the operational requirements of the Port; and 3. Managing the effects of earthworks (other than earthworks associated with flood control works) to ensure such works do not divert flood flow onto neighbouring properties or deplete flood plain storage capacity.
SPPO-P4 Public Access to the Coastal Marine Area	To manage public accessways to and along the coastal marine area by: <ol style="list-style-type: none"> 1. Recognising the need for public walking access to and along the coastal marine area; and 2. Maintaining, enhancing and developing public accessways to and along the coastal marine area.

Port Zone (SPPO)

	<p>3. Only restricting public accessways to the coastal marine area where it is necessary to:</p> <ol style="list-style-type: none"> 1. Protect public health and safety; or 2. Ensure the efficient and effective operation of the Port is not compromised.
SPPO-P5 Fragmentation	To retain large sites and land holdings by avoiding fragmentation of the SPPO through inappropriate subdivision and land use.
SPPO-P6 Cultural Values	<p>Ensure activities within the SPPO are undertaken in a manner which recognises and provides for the cultural values associated with cultural landscapes by:</p> <ol style="list-style-type: none"> 1. Limiting the height of buildings and outdoor storage areas to minimise adverse effects on cultural landscapes; and 2. Requiring an assessment of cultural values where these may be adversely affected by future development within the SPPO.

Rules

SPPO-R1	Any Activity not otherwise listed in this chapter
	Activity Status: P
	Where:
	<ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.
SPPO-R2	Port Activities
SPPO-R3	Ancillary Activities to Port Activities
SPPO-R4	Helicopter Facilities – including helicopter take-off and associated fueling and service facilities
	Activity Status: P

Port Zone (SPPO)



SPPO-R5 Building Height		
	Activity Status: P	Activity Status when compliance not achieved: D
Port Operations Area A	Where: <ol style="list-style-type: none"> 1. The maximum building height (excluding public utilities, light towers, silos, aerials, cranes, containers and tanks) is 20m. 2. The maximum height for public utilities, light towers, silos, aerials and tanks (excluding cranes and containers) is 60m. 	
Port Management Area B	<ol style="list-style-type: none"> 3. The maximum crane height is 85m. 4. The maximum height for containers is 30m. Where: <ol style="list-style-type: none"> 1. The maximum building height (excluding public utilities, light towers, silos, aerials and tanks) is 20m. 2. The maximum building height for public utilities, light towers, silos, aerials and tanks is 40m. 3. The maximum height for containers is 20m. 	

SPPO-R6 Building Setbacks	
Activity Status: P	Activity Status when compliance not achieved: D
Where:	
<ol style="list-style-type: none"> 1. Any building is set back at least: <ol style="list-style-type: none"> a. 10m from road boundaries. b. 3m from any Heavy Industrial or Light Industrial Zone boundary. c. 15m from any Open Space or Residential Zone boundary, except in the Port Operations Area A. d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences), except in the Port Operations Area A. 	

Port Zone (SPPO)

SPPO-R7 Building Height in Relation to Boundary

Activity Status: P

Activity Status when compliance not achieved: D

Where:

1. No part of a building exceeds a height equal to 3m plus the shortest horizontal distance between that part of the building and any Residential or Open Space Zone.

SPPO-R8 Outdoor Areas of Storage or Stockpiles

Activity Status: P

Activity Status when compliance not achieved: D

Where:

1. Any outdoor area of storage or stockpile complies with rules SPPO-R5 – R7.

SPPO-R9 Any new, or extension to an existing, public accessway or walkway to and along the coastal marine area

Activity Status: RD

Matters of discretion:

1. Location and design of the public accessway or walkway.
2. Degree of earthworks.
3. Effects on public safety.
4. Effects on port operations/activities.
5. Existing access to the CMA.

SPPO-R10 Sea-Farers Mission and Managers Accommodation

Activity Status: RD

Matters of discretion:

1. Location.
2. Ground floor area.
3. Reverse sensitivity effects.

Port Zone (SPPO)

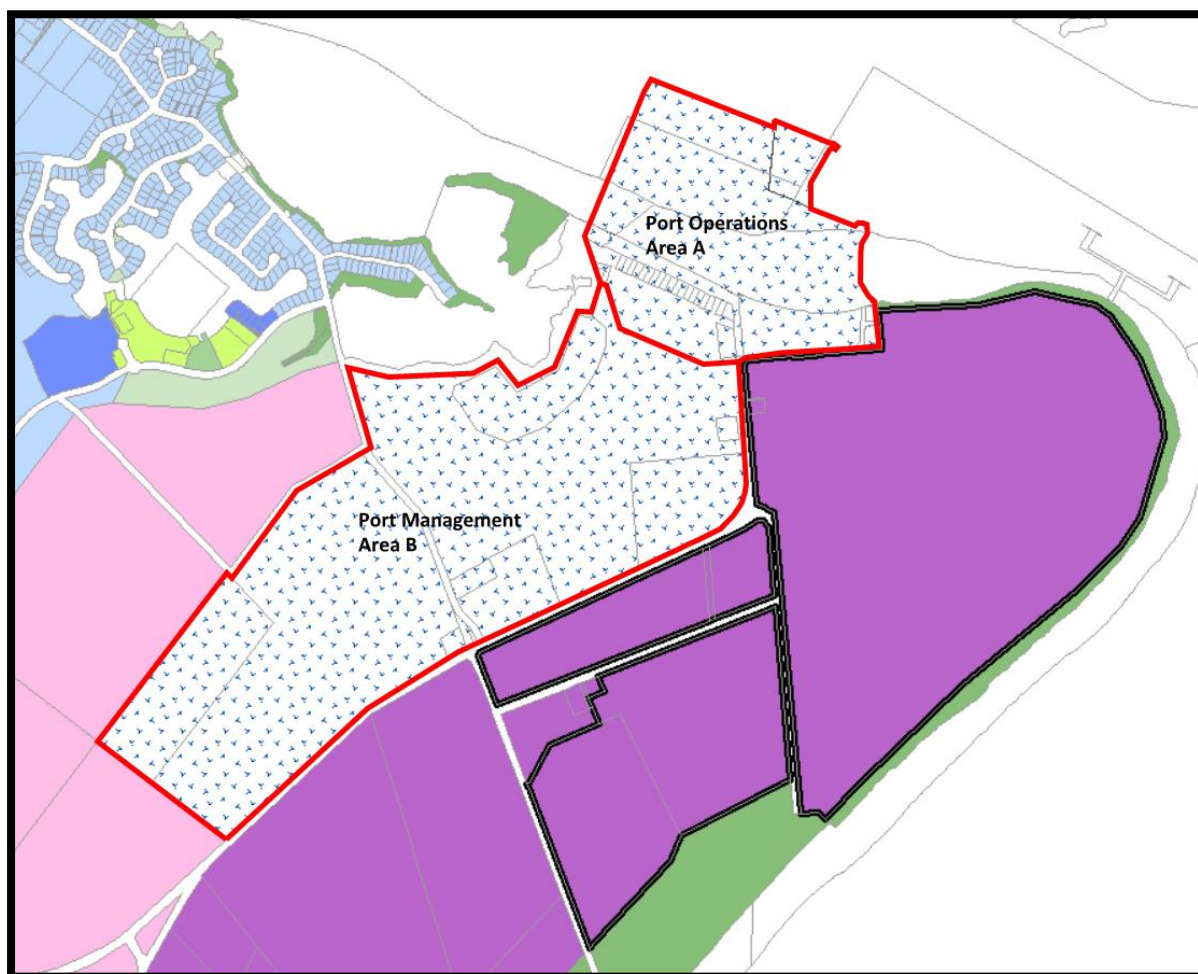
SPPO-R11	Manufacturing and Storage Activities (excluding storage for port activities)
SPPO-R12	Repair and Maintenance Services
SPPO-R13	Marine Industry
SPPO-R14	Artisan Industrial Activities
SPPO-R15	General Industry
Port Management Area B	<p>Activity Status: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Ability to relocate the activity and/or building. 2. Duration of the activity. 3. Nature of the activity. 4. Compatibility of activity with port operations and port activities. 5. Effects on port operations and activities and whether they will remain viable in the long term. 6. Size and location of the activity and/or building.
Port Operations Area A	<p>Activity Status: NC (Non-Complying)</p>

SPPO-R16	Residential Activities
SPPO-R17	Community Activities
SPPO-R18	Commercial Activities
SPPO-R19	Waste Management Facilities
SPPO-R20	Landfill
SPPO-R21	Rural Production Activities
Activity Status: NC	

Port Zone (SPPO)

Appendix 1 – Port Operations Area A and Port Management Area B Image

Figure 1: Port Operations Area A and Port Management Area B areas subject to rules SPPO-R1 to SPPO-R21 delineated by the red lines on the image below.



Hazardous Substances (HAZ)

Overview

Hazardous substances are used in many industries and activities in the District. Activities involving hazardous substances have positive effects by providing products and services, but also create risks to those who use them and the surrounding environment. The risks arise from the possible accidental release, fire or explosion of these hazardous substances.

Inadequate storage and location of hazardous substances are the main areas of concern. Where hazardous facilities are located next to coastal waters, waterways, above aquifers, or close to environmentally sensitive areas such as indigenous wetlands or residential areas, the issue of unintentional release of hazardous substances is of special concern. Possible adverse effects of hazardous substances upon the environment include:

- Contamination of water, soil and air.
- Short and long-term damage to ecosystems.
- Accumulation of persistent substances in the bodies of humans and animals, resulting in damage to their health and well-being, including spiritual values held by tangata whenua.

This chapter manages the use, development or protection of land so as to prevent adverse effects from facilities using, storing, transporting or disposing of hazardous substances. Management of the hazardous substances in a wider sense is the function of the Hazardous Substances and New Organisms Act 1996.

Objectives

HAZ-O1 – Adverse Effects

Protection of the environment from the adverse effects and risks, from activities involving the use, storage, manufacture, transport and disposal of hazardous substances.

Policies

HAZ-P1 – Location

To ensure that hazardous substances are stored and used in locations where any adverse effects on human health, the surrounding natural and physical resources, and ecosystems, and surrounding land use activities are avoided, remedied or mitigated.

HAZ-P2 – Design of Facilities

To ensure that activities involving the use or storage of hazardous substances are designed, constructed and managed to avoid the risk of fire and explosion, and to protect human and environmental health.

HAZ-P3 –Transportation

To ensure that the transportation of hazardous substances is undertaken in a manner that reduces the risk of accidental leaks and spills.

Hazardous Substances (HAZ)

HAZ-P4 – Disposal

To dispose of hazardous substances waste at specialised facilities to avoid inappropriate release into the environment.

Rules

HAZ-R1

The use, storage or on-site movement of hazardous substances

All Zones

Activity Status: P

Activity Status when compliance not achieved: D

Where:

1. The use, storage or on-site movement of hazardous substances complies with the conditions for permitted activities in Appendix 8 of the District Plan.

HAZ-R2

The movement of hazardous substances between sites

All Zones

Activity Status: P

Activity Status when compliance not achieved: D

Where:

1. The movement is conducted by means of an underground pipeline.

Hospital Zone (SPH)

Overview

The Hospital Zone (SPH) recognises the significance of the facilities at the Whangarei Hospital (“Hospital”) site, and their importance to the Whangarei District and to the Northland Region as regionally significant infrastructure. The purpose of the SPH is to provide for the ongoing operation of the Hospital, its future development and redevelopment, including associated residential care facilities.

The Hospital is strategically located on approximately 23.5ha of land on the southern side of State Highway 14 in the Maunu area of Whangarei City. It is bordered by Open Space and Residential Zones and has potential for further greenfield development.

The Hospital is the most significant medical facility within the Northland Region. It is expected that there will be further development within the SPH to cater for expanding populations within both Whangarei District and the wider Northland Region. A wide range of health-related services is expected as the Hospital responds to meet the needs of the expanding populations. New and expanded buildings and facilities are expected within the Hospital site to provide the necessary services for both inpatients and outpatients and also for community health care services.

The environment within the SPH is unique as the Hospital must operate continuously and without interruption. Emergency services and helicopter services need to access the Hospital at any time, resulting in higher levels of lighting and noise (particularly during the night) than in other Urban Areas. The Hospital is a ‘significant destination’ for patients, staff, visitors and the community. Traffic movements are currently at high volumes and are expected to increase as the Hospital expands. This has the potential to impact on the surrounding roading networks.

Some activities may be sensitive to the external effects of activities occurring within the SPH. Some activities proposed outside of the SPH may not be compatible with, or may present a risk of reverse sensitivity to, activities required to occur within the SPH. It is anticipated that such sensitive activities will be carefully managed during their establishment, and that development within the SPH will have regard to the potential adverse effects which may arise beyond the site.

Objectives

SPH-O1 – Current and Future Development

Enable and provide for:

1. The effective operation, expansion and future development of the Hospital within the SPH and;
2. A range of hospital activities to meet the needs of the Whangarei District and the Northland Region as population and health demands grow.

SPH-O2 – Managing Adverse Effects

Manage adverse effects from the provision of hospital activities on the surrounding environment.

Hospital Zone (SPH)

SPH-O3 – Regionally Significant Infrastructure	Recognise and provide for the importance of Whangarei Hospital as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.
SPH-O4 – Subdivision	Avoid fragmentation of the SPH associated with inappropriate subdivision.

Policies	
SPH-P1 – Regional Significance	To recognise the regional significance of Whangarei Hospital by providing for a wide range of existing and future hospital activities within the SPH.
SPH-P2 – Protection of Land for Hospital Activities	To avoid the establishment of activities not related to hospital activities within the SPH unless such activities: <ol style="list-style-type: none"> 1. Demonstrate a direct requirement to establish within the SPH; and 2. Do not compromise or limit the safe and efficient operation of current and future hospital activities.
SPH-P3 – Industrial Activities	To avoid the establishment of industrial activities within the SPH, unless they are medical research facilities.
SPH-P4 – Adverse Effects	To manage adverse effects on the surrounding environment by controlling development at the interface between the SPH and adjoining zones.
SPH-P5 – Buildings & Structures	To recognise that the efficient operational requirements of Whangarei Hospital may require buildings and structures that are of a larger height and bulk when compared to the surrounding environment.
SPH-P6 – Subdivision	To avoid fragmentation associated with inappropriate subdivision by: <ol style="list-style-type: none"> 1. Retaining large sites and landholdings within the SPH; and 2. Only enabling subdivision within the SPH where it is required to meet the operational requirements of the Hospital.

Rules – Landuse

SPH-R1	Any activity not otherwise listed in this chapter. Activity Status: P (Permitted) Where: <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.
SPH-R2	Hospital activities Activity Status: P

Hospital Zone (SPH)

SPH-R3	Visitor Accommodation	
	Activity Status: P	Activity Status when compliance not achieved: NC (Non-Complying)
	Where:	
	1. The visitor accommodation is an ancillary activity to the hospital for the purposes of non-permanent accommodation for hospital staff, patients or family.	
SPH-R4	Commercial Services	
SPH-R5	Food and Beverage Activity	
SPH-R6	Place of Assembly	
SPH-R7	Emergency Services	
SPH-R8	Educational Facilities	
	Activity Status: P	Activity Status when compliance not achieved: NC
	Where:	
	1. The activity is directly ancillary to the hospital.	
SPH-R9	Building Height	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. The maximum height is 32m.	
SPH-R10	Building Height in Relation to Boundary	
	Activity Status: P	Activity Status when compliance not achieved: D
	Where:	
	1. The height is equal to 3m plus the shortest horizontal distance between that part of the building and any site boundary adjoining any Residential or Open Space Zone.	

Hospital Zone (SPH)

SPH-R11	Building Setbacks	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> The building is setback at least: <ol style="list-style-type: none"> 4.5m from any road boundaries. 3.0m from any Residential and Open Space Zones. 27m from mean high water springs or the top of the bank of any river that has a width exceeding 3m, excluding bridges, culverts and fences. 	<p>Activity Status when compliance not achieved: D</p>
SPH-R12	Building Coverage	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any building results in the total cumulative building coverage being no more than 60% of the area of the SPH. 	<p>Activity Status when compliance not achieved: D</p>
SPH-R13	Impervious Areas	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any impervious area does not increase the cumulative total impervious area to be more than 80% of the area of the SPH. 	<p>Activity Status when compliance not achieved: D</p>
SPH-R14	Fences	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any fence is less than 2m in height within 10m of a road boundary or boundary of a Residential or Open Space Zone. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Hospital Zone (SPH)

SPH-R15	Parking
Activity Status: P	Activity Status when compliance not achieved: RD (Restricted Discretionary)
Where:	Matters of discretion:
<ol style="list-style-type: none"> Any parking space is not within 50m of an adjoining zone. Any formed parking space is not within 2m of a road boundary. 	<ol style="list-style-type: none"> Traffic safety. Amenity effects on adjoining residential properties.

SPH-R16	Care Centres
Activity Status: RD	
Matters of discretion:	
<ol style="list-style-type: none"> Traffic. Parking Hours of operation Noise 	

SPH-R17	Residential Activities
SPH-R18	Retail Activities
SPH-R19	Entertainment Facilities
SPH-R20	Service Stations
SPH-R21	Funeral Home
SPH-R22	Recreational Facilities
SPH-R23	Rural Production Activities
Activity Status: NC	

SPH-R24	Industrial Activities (excluding medical research facilities)
Activity Status: Pr (Prohibited)	

Strategic Direction (SD)

Overview

This chapter contains the key strategic approach to development that will address significant resource management issues of importance to the District. The chapter contains overarching objectives and policies that will guide decision making at a strategic level in relation to urban and rural development, the management of open space and regionally significant industries. It also sets out how Maori Resource management provisions in Part 2 of the RMA will be implemented through the plan.

Significant issues for the District that are addressed by the plan include the following:

- Managing growth and development;
- Managing existing and future development in areas subject to environmental risks;
- Protection of natural heritage (landscapes, biodiversity and natural features);
- Issues of significance to Mana Whenua;
- Protection of built and cultural heritage;
- Cumulative effects of development on the coastal environment;
- Fragmentation of the rural environment;
- The efficient development and maintenance of infrastructure

The following Objectives and Policies apply when changing and implementing the District Plan. They should be read in addition to the objectives and policies in the relevant zone, as well as any District wide provisions that apply.

Objectives

SD-O1 – Range of Zones	Provide for differing character and amenity values by having a range of Zones with differing expectations.
SD-O2 – Rural and Urban Areas	Protect the range of amenity values and characteristics in the Rural Area and the Urban Area.
SD-O3 – Growth	Accommodate future growth through urban consolidation of Whangarei City, existing suburban nodes and rural villages, to avoid urban development sprawling into productive rural areas.
SD-O4 – Sense of Place	Identify and protect buildings, sites, features and areas which are valued by the community and contribute to the District's unique identity and sense of place.
SD-O5 – Incompatible Activities	Avoid conflict between incompatible land use activities from new subdivision and development.

Strategic Direction (SD)

SD-O6 – Indigenous Biodiversity	Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity.
SD-O7 – Reticulated Infrastructure	Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner and co-ordinate new land use and development with the establishment or extension of infrastructure and services.
SD-O8 – Cultural Values	Ensure that growth and development takes into account Maori cultural values.
SD-O9 – Land Use and Transport Planning	Maintain and enhance accessibility for communities and integrate land use and transport planning.
SD-O10 – Hazards	Minimise the risks and impacts of natural hazard events on people, property and infrastructure.

Objectives – Urban Area

SD-O11 – Residential and Business Demand	Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.
SD-O12 – Urban Design	Promote safe, compact, sustainable and good quality urban design that responds positively to the local context.
SD-O13 – Unanticipated Activities	Manage, and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the zone.

Objectives – Rural Area

SD-O14 – Productive Functions	Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.
SD-O15 – Rural Area Land Uses	Provide for a range of appropriate land uses in the Rural Area, including rural production activities, residential, rural residential, rural lifestyle, commercial, industrial, strategic rural industries, activities ancillary to farming or forestry and mineral extraction activities in appropriate areas.
SD-O16 – Viability of Productive Functions	Avoid adverse effects on the viability of the productive functions of rural land in the Rural Area resulting from ad hoc or scattered residential, rural residential and rural living subdivision and development.
SD-O17 – Rural Living	Consolidate rural living subdivision and development by zoning appropriate areas as RLZ.

Strategic Direction (SD)

SD-O18 – Rural Residential Development	Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.
SD-O19 – Rural Villages	Provide for managed growth of rural villages.

Objectives – Open Space Area

SD-O20 – Sufficient Open Space	Subdivision and development are consistent with the planned high density built environment and are compatible with the amenity levels of high density residential development.
SD-O21 – Range of Open Space	Increase housing capacity, intensity and variety.

Objectives – Regionally Significant Infrastructure

SD-O22 – Recognised Benefits	Subdivision and development are consistent with the planned high density built environment and are compatible with the amenity levels of high density residential development.
SD-O23 – Adverse Effects	Increase housing capacity, intensity and variety.

Policies

SD-P1 – Range of Zones	To manage effects on character and amenity values by providing for a range of Zones with differing expectations.
SD-P2 – Incompatible Land Uses	To manage the establishment and location of new activities to avoid conflicts between incompatible land uses.
SD-P3 – Natural Hazards	To avoid increasing the risk of natural hazards on people and property by: <ol style="list-style-type: none"> 1. Avoiding zoning land for more intensive development within identified hazard prone areas. 2. Avoiding locating regionally significant and critical infrastructure within identified hazard zones unless there is a functional or operational need for its location.
SD-P4 – Amenity	To ensure that the scale and nature of new land use activities are consistent with the existing level of amenity and the stated overview for the relevant zone.

Strategic Direction (SD)

SD-P5 – Sustainable Infrastructure	To avoid adverse effects on the sustainable provision of infrastructure by ensuring that all subdivision and land use is appropriately designed, located and constructed.
SD-P6 – Urban Expansion	<p>To avoid inappropriate urban expansion by:</p> <ol style="list-style-type: none"> 1. Ensuring that urban development occurs: <ol style="list-style-type: none"> a. In a planned and coordinated manner. b. Where appropriate infrastructure and services can be provided. 2. Requiring new urban development to be consolidated within or adjacent to Urban Areas and rural villages. 3. Avoiding urban development sprawling into the Rural Area.
SD-P7 – Transport System	<p>To manage an effective and efficient transport system by:</p> <ol style="list-style-type: none"> 1. Integrating and coordinating transport and land use planning. 2. Improving access to alternative transport options. 3. Enhancing the walkability of neighbourhoods.

Policies – Urban Area

SD-P8 – Housing and Business Capacity	<p>To ensure that there is sufficient residential and business development capacity by zoning land where Development is feasible and:</p> <ol style="list-style-type: none"> 1. Is serviced with development infrastructure; or 2. Funding for development infrastructure is identified in the Long Term Plan.
SD-P9 – Alternative Modes of Transport	To support alternative modes of transport by promoting higher residential densities around nodes of suburban development and public transport infrastructure.
SD-P10 – Urban Design	To protect character and amenity by managing built form and encouraging best practice urban design.

Policies – Rural Area

SD-P11 – Residential Activities	To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.
SD-P12 – Development Scale and Design	To manage the cumulative effects of onsite wastewater discharge in the RVRZ, RLZ and RUEZ by requiring site specific design and any other evidence and/or mitigation measures necessary to demonstrate that the effects of wastewater disposal can be adequately addressed.

Strategic Direction (SD)

Policies – Open Space Area

SD-P13 – Open Space Linkages	To increase the functionality and effectiveness of the open space network by ensuring that linkages are created between new and existing areas of open space through subdivision design.
SD-P14 – Range of Open Space Zones	To identify and manage the range of Open Space Zones to provide for active sport and recreation, conservation and open space.

Policies – Regionally Significant Infrastructure

SD-P15 – Benefits of Regionally Significant Infrastructure	To have regard to the social, economic and cultural benefits of Regionally Significant Infrastructure by enabling the ongoing operation, maintenance and upgrading of Regionally Significant Infrastructure where adverse effects can be avoided, remedied or mitigated.
SD-P16 – Adverse Effects of New Regionally Significant Infrastructure	<p>To manage adverse effects created by new network utilities and Regionally Significant Infrastructure by:</p> <ol style="list-style-type: none"> 1. Allowing adverse effects that have been avoided remedied and mitigated to the extent that they are no more than minor; and 2. Ensuring damage to or loss of the relationship of iwi with ancestral sites, sites of significance, wāhi tapu, customary activities and or taonga is avoided or otherwise agreed to by the affected iwi or hapū.
SD-P17 – Adverse Effects of Existing Regionally Significant Infrastructure	<p>To manage adverse effects from the operation, maintenance and upgrading of existing network utilities and Regionally Significant Infrastructure by:</p> <ol style="list-style-type: none"> 1. Allowing adverse effects that are not significant while the maintenance or upgrading is being undertaken. 2. Requiring that any permanent adverse effects are the same or similar to the adverse effects that existed before the maintenance or upgrading was undertaken.

Policies - Zoning

SD-P18 – Resource Areas	To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and sites of significance to Maori from inappropriate subdivision and development by mapping resource areas, and applying rules to protect the values, attributes, characteristics and qualities of these areas.
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Strategic Direction (SD)

SD-P19 – Special Purpose Zones	To provide for specific activities or areas where special circumstances apply by identifying and zoning areas as Special Purpose Zones.
SD-P20 – City Centre Zone	<p>To ensure that the viability, vibrancy and activity of the City Centre is maintained and enhanced by applying the City Centre Zone to a limited area:</p> <ol style="list-style-type: none"> 1. In the core of Whangarei City where a consolidated centre is maintained. 2. With high amenity values and active frontages at ground floor. 3. Where existing uses and development support a vibrant and pedestrianised environment.
SD-P21 – Shopping Centre Zone	<p>To provide for compatible larger general retail activities by applying the Shopping Centre Zone where:</p> <ol style="list-style-type: none"> 1. The combined existing net retail area exceeds 2000m². 2. The net floor area for existing retail activities has a minimum average of 450m². 3. Three or more existing retailers are located at a single existing 'destination' shopping centre. 4. Multiple brands are present. 5. The shopping centre can be planned, managed and developed as a single facility. 6. Shared common public facilities (such as parking, restrooms, rest areas, pedestrian network) are provided. 7. The City Centre Zone is within 1km of the shopping centre.
SD-P22 – Commercial Zone	<p>To provide for a mix of commercial, business and small scale industrial activities without materially reducing the economic potential of other Business Zones by applying the Commercial Zone in locations where:</p> <ol style="list-style-type: none"> 1. There is a range of existing commercial, business and small scale industrial activities. 2. Good transport access is available. 3. The area is within 1km of the City Centre Zone. 4. There is a low to moderate presence of active frontages at ground floor. 5. There is a low presence of residential and retail activities. 6. The criteria for other Business Zones are not met.
SD-P23 – Mixed-use Zone	<p>To improve the amenity adjacent to the City Centre and provide opportunities for residential activities while minimising potential reverse sensitivity conflicts by providing for the Mixed-use Zone in locations that:</p> <ol style="list-style-type: none"> 1. Are adjacent to the City Centre Zone. 2. Are adjacent or in proximity to key arterial transport routes or the Waterfront Zone. 3. Have an existing presence of active frontages at ground floor.

Strategic Direction (SD)

	<p>4. Have an existing level of amenity that is compatible with residential activities.</p>
SD-P24 – Light Industrial Zone	<p>To provide for small scale industrial activities and larger scale trade retail activities by providing for the Light Industrial Zone in locations that:</p> <ol style="list-style-type: none"> 1. Contain an existing range of industrial and large scale retail activities. 2. Are in proximity to major transport routes. 3. Enable adverse effects on proximate Living and Green Space Zones to be avoided. 4. Have minimal existing active frontages at ground floor. 5. Have a supply of medium to large sized sites. <p>Are in proximity to key resources and infrastructure.</p>
SD-P25 – Heavy Industrial Zone	<p>To enable noxious and large scale industrial activities to operate, expand and establish by providing for the Heavy Industrial Zone in locations that:</p> <ol style="list-style-type: none"> 1. Contain an existing presence of large scale industrial activities. 2. Are in proximity to major transport routes. 3. Are not adjacent to Living Zones. 4. Have no existing active frontages at ground floor. 5. Have an existing supply of large sized sites. 6. Are in proximity to key resources and infrastructure. 7. Will not compromise significant natural, historical or cultural features.
SD-P26 – Local Commercial Zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the Local Commercial Zone in locations that:</p> <ol style="list-style-type: none"> 1. Contain a range of existing small scale commercial and community activities to support the surrounding residential community. 2. Have predominately active street frontages and strong pedestrian networks. 3. Are not identified as hazard prone. 4. Are not located within 500m of the City Centre Zone and maintain the viability of the City Centre Zone. 5. Have an identified demand for business, service and community activities for the surrounding residential community. 6. Occupy a maximum total contiguous land area not exceeding 6ha.
SD-P27 – Neighbourhood Commercial Zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the Neighbourhood Commercial Zone in locations that:</p> <ol style="list-style-type: none"> 1. Contain a range of existing small scale commercial and community activities to support the surrounding residential community. 2. Have predominately active street frontages and strong pedestrian networks. 3. Occupy a maximum total contiguous land area not exceeding 1ha.

Strategic Direction (SD)

SD-P28 – Waterfront Zone	<p>To provide a mixed-use environment while protecting and promoting the maritime, open space, recreation and tourism themes of the Waterfront by applying the Waterfront Zone in locations:</p> <ol style="list-style-type: none"> 1. Adjacent to the Open Space Zone, Hatea River or Waiarohia Stream. 2. In proximity to the Hatea Loop Walkway. 3. That are well well connected to convenient transport routes and major facilities.
SD-P29 – Airport Zone	<p>To recognise and provide for Whangarei Airport as regionally significant infrastructure by applying the Airport Zone in locations where there is a functional need to support airport operations.</p>
SD-P30 – Hospital Zone	<p>To recognise the regionally significant nature of the Whangarei Hospital and provide for the wide range of existing and future medical facilities and supported activities by applying the Hospital Zone in the locations of Whangarei Hospital and associated medical facilities.</p>
SD-P31 – Medium-density, High-density and Residential Zones	<p>To provide for a range of residential activities to accommodate the population growth of Whangarei District by applying:</p> <ol style="list-style-type: none"> 1. The Medium-density Residential Zone in locations that: <ol style="list-style-type: none"> a. Are contiguous with existing Living Zones in Whangarei City or Ruakaka/Marsden Point. b. Feature sufficient roading access to accommodate increased development. c. Are not identified as hazard prone. d. Do not comprise highly versatile soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character, significant indigenous vegetation or high concentrations of archaeological sites. e. Are serviced by Council’s reticulated three waters infrastructure with sufficient capacity available. f. Will not materially increase the potential for reverse sensitivity effects in the Rural Area. g. Will not compromise the rural character of an area. 2. The High-density Residential Zone in locations that: <ol style="list-style-type: none"> a. Meet the criteria under SD-P31.1. b. Are in proximity to commercial centres and sufficient Green Space Zones. c. Are feasible for higher density residential development. 3. The Residential Zone in locations that:

Strategic Direction (SD)

	<ul style="list-style-type: none"> a. Are contiguous with existing Living Zones on the fringe of Whangarei City. b. Are not identified as significantly hazard prone. c. Do not comprise highly versatile soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character, significant indigenous vegetation or high concentrations of archaeological sites. d. Do not compromise the future expansion of urban growth. e. Will not materially increase the potential for reverse sensitivity effects in the Rural Area. f. Will not compromise the rural character of an area. <p>4. The Low Density Residential Zone in locations that:</p> <ul style="list-style-type: none"> a. Are contiguous with Residential Zones and Rural Urban Expansion Zone on the fringe of Whangarei City. b. Are predominantly of rural character. c. Are not identified as significantly hazard prone. d. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation. e. Have existing low density of clustered residential development with a rural outlook. f. Do not compromise the future expansion of urban growth. g. Will not materially increase the potential for reverse sensitivity effects in the Rural Area. h. Will act as a transition from the Urban Area to the Rural Area.
SD-P32 – Conservation Zone	<p>To protect and enhance natural, ecological, landscape, cultural and heritage values of the District by applying the Conservation Zone in locations primarily publicly owned and operated, and:</p> <ul style="list-style-type: none"> 1. Categorised as the following New Zealand Reserve Association categories - unmanaged natural park areas, unmanaged recreation and ecological linkages, and unmanaged green space. 2. That plays a special role in educating residents and visitors and providing recreation opportunities. 3. Where generally, the natural elements and unmodified nature of the area gives it a sense of wilderness and isolation. 4. That help to preserve and define Whangarei's natural character and provide a connection to our natural heritage. 5. Where the management emphasis for the area is the conservation and protection of natural resources. 6. Where levels of development, facilities and management range from none to medium. 7. Where there are minimal buildings and structures, ensuring a largely undeveloped area and open expanse of land.

Strategic Direction (SD)

<p>SD-P33 – Sport and Active Recreation Zone</p>	<p>To provide for a range of sport and active recreation opportunities by applying the Sport and Active Recreation Zone in locations primarily publicly owned and operated, and:</p> <ol style="list-style-type: none"> 1. Categorised as the following New Zealand Reserve Association Park Categories: sport and recreation, civic spaces, public gardens, and cultural heritage. 2. Primarily used for organised activities including events and indoor and outdoor organised sports. 3. Containing cultural and historical buildings and provide for heritage conservation. 4. Area used for commemoration, mourning and remembrance. 5. Containing gardens developed to a high standard with collections of plants and landscaping for relaxation, contemplation, education, amenity/intrinsic value. 6. Used by local, district and regional population and visitors, includes venues for regional and national events. 7. That have a medium to high levels of development, facilities and management. 8. That contain buildings and structures to support active recreation, and or civic recreation, such as grandstands, sports and community buildings, toilets and changing facilities.
<p>SD-P34 – Open Space Zone</p>	<p>To establish a network of quality open spaces providing for informal recreation by applying the Open Space Zone in locations primarily publicly owned and operated, and:</p> <ol style="list-style-type: none"> 1. Categorised as the following New Zealand Reserve Association Park Categories: neighbourhood green space, managed recreation and ecological linkages, and managed natural park areas. 2. Primarily used for outdoor informal recreation and community use. 3. Used predominately by local residents. 4. Where levels of development, facilities and management range from low to medium. 5. Featuring limited buildings and structures that support the use of the public space, such as barbeques and picnic facilities, playgrounds, skate parks, informal hard courts, shelters, toilet and changing facilities, and small-scale community buildings. 6. Where expected social interaction within the area is medium levels.
<p>SD-P35 – Rural Production Zone</p>	<p>To identify areas as Rural Production Zone to provide for, the protection of productive rural land resources to enable a diverse range of rural production activities, activities that support rural production activities and rural communities; and to maintain biodiversity and rural character where:</p> <ol style="list-style-type: none"> 1. There is a prevalence of: <ol style="list-style-type: none"> a. Existing production land use. b. Significant ecological and biodiversity values, such as indigenous bush and wetlands.

Strategic Direction (SD)

	<ol style="list-style-type: none"> 2. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development. 3. An area is not: <ol style="list-style-type: none"> a. Located on the fringe of Whangarei City between the urban and rural environments. b. Suitable to provide for the future reticulated expansion of the Whangarei City Residential Zones. c. The criteria for the Rural Urban Expansion Zone and the Rural Living Zone are not met.
SD-P36 – Rural Living Zone	<p>To identify areas as Rural Living Zone to provide for a variety of rural living opportunities in the District without materially reducing the potential of the Rural Area for productive use of land by providing for the Rural Living Zone in locations that:</p> <ol style="list-style-type: none"> 1. Have an existing average allotment density between 2 and 4ha. 2. Demonstrate a predominantly rural living character. 3. Are not identified as hazard prone area. 4. Are not identified as an Outstanding Natural Landscape or Feature, Significant Indigenous Vegetation or Habitat, or an Outstanding Natural Character Area. 5. Do not gain direct access from an unsealed through road with significant volumes of traffic. 6. Are located within close proximity to community facilities, such as schools. 7. Are not located in close proximity to existing reticulated infrastructure. 8. Will not materially increase the potential for reverse sensitivity effects in the Rural Area. 9. Do not materially reduce the potential for soil-based rural production activities on land with highly versatile soils or land with established rural production activities.
SD-P37 – Strategic Rural Industries Zone	<p>To identify the Strategic Rural Industries Zone in locations where established Strategic Rural Industries operate and to limit the addition of new locations through the statutory plan change process where it can be demonstrated that activities:</p> <ol style="list-style-type: none"> 1. Are consistent with the District Plan definition of 'Strategic Rural Industries'. 2. Have valid operational reasons to require a SRIZ. 3. Contribute positively to the economy of the District. 4. Provide local employment opportunities. 5. Can meet and fund local infrastructure requirements. 6. Incorporate appropriate mitigation and management methods designed to ensure environmental effects are acceptable in the area in which the activities are proposed to be located.

Strategic Direction (SD)

SD-P38 – Rural Village Zone	<p>To identify areas suitable for consolidated residential (RVRZ), commercial (RVCZ) and industrial (RVIZ) development within rural villages in locations that:</p> <ol style="list-style-type: none"> 1. Are contiguous with existing Rural Village Zone. 2. Are predominantly comprised of land uses and character consistent with the Rural Village Zone. 3. Are not identified as hazard prone. 4. Do not comprise high Land Use Capability Class soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character or significant indigenous vegetation. 5. Are located in close proximity to existing reticulated infrastructure. 6. Do not compromise the long-term development potential of the rural village. 7. Have an identified demand for residential and/or commercial land to meet the projected growth requirements over the lifespan of the District Plan.
SD-P39 – Rural (Urban Expansion) Zone	<p>To identify areas as Rural Urban Expansion Zone that:</p> <ol style="list-style-type: none"> 1. Are contiguous with Residential Zones on the fringe of Whangarei City. 2. Are predominantly comprised of existing rural residential character. 3. Legitimise the zoning of existing clusters of rural residential development. 4. Are not identified as significantly hazard prone. 5. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation. 6. Have existing lot density of less than 2 hectares. 7. Are predominately suitable for future reticulated urban expansion of Whangarei City. 8. Do not compromise the future expansion of urban growth. 9. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.

Subdivision (SUB)

Overview

Subdivision is the process of dividing a site or building into one or more additional sites or units, or changing an existing boundary location. The way a site is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but also impacts on adjacent sites and the future use of the land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed.

Large-scale and greenfield subdivisions should be designed in an integrated a way that contributes to sense of place, supports connectively to the surrounding neighbourhood, and provides well-designed, accessible, sunny and safe open spaces.

Subdivision of land within overlays (Resource Areas) is subject to additional subdivision rules and standards in the relevant overlay chapter (e.g. Outstanding Natural Features and Landscapes, Historic Heritage, Coastal Area, Natural Hazard Areas).

Provision of infrastructure and services with the subdivision of land is achieved by compliance with district wide chapters such as Transport and Three Waters.

Māori land is exempt from the subdivision provisions of the Act and must be undertaken through the Māori Land Court.

Objectives

SUB-O1 – Zone, Overlay and District Wide Objectives	Land is subdivided to achieve the objectives of each relevant zone, overlays and district wide provisions.
SUB-O2 – Natural Features	Subdivision provides for the protection and enhancement of the District's: <ul style="list-style-type: none"> a. Highly versatile soils b. Outstanding Natural Features c. Outstanding Natural Landscapes d. Coastal Area e. High Natural Character f. Outstanding Natural Character g. Significant Natural Areas h. Sites of Significance to Maori i. Historic Heritage
SUB-O3 – Community Needs	Land is subdivided in a manner that provides for the needs of the community.
SUB-O4 – Infrastructure	Subdivision and development provides for the efficient and orderly provision of services and infrastructure.
SUB-O5 – Minimise Adverse Effects	Subdivision is designed to minimise any adverse effects on the environment and occurs in a sequenced and coherent manner.

Subdivision (SUB)

Policies	
SUB-P1 – Zone, Overlay and District Wide Policies	<p>To enable subdivision where it meets the relevant zone, overlay and district wide policies, where subdivision and development is designed to :</p> <ol style="list-style-type: none"> Reflect the patterns of development that are compatible with and reinforce the role, function and predominant character of the zone. Maintain the integrity of the zone with lot sizes sufficient to accommodate intended land uses. Respond positively to and is integrated with the surrounding context. Appropriately avoid, Remedy or Mitigate adverse effects on: <ol style="list-style-type: none"> Outstanding Natural Features Outstanding Natural Landscapes Coastal Area High Natural Character Outstanding Natural Character Sites of Significance to Maori Historic Heritage
SUB-P2 – Existing Development	<p>To provide for subdivision:</p> <ol style="list-style-type: none"> Around existing development. Where it enables creation of sites for uses that are in accordance with an approved land use resource consent. Where there is compliance with district wide, overlay and zone rules.
SUB-P3 – Boundary Adjustment	<p>To provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with district-wide, overlay and zone rules.</p>
SUB-P4 - Minor Residential Unit	<p>To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum lot size and residential density.</p>
SUB-P5 – Infrastructure	<p>To achieve efficient and effective provision of services and infrastructure by ensuring subdivision is capable of being provided with adequate services and infrastructure.</p>

Subdivision (SUB)

Rules

SUB-R1	Any Subdivision
	<ol style="list-style-type: none"> 1. Shall comply with all relevant Overlay, Resource Area and District Wide subdivision and land use rules. 2. Shall comply with all relevant Matters of Control and Matters of Discretion detailed in the How to Use the Plan Chapter. 3. In the following Zones, shall refer to the relevant zone chapter for subdivision rules: <ol style="list-style-type: none"> a. Rural Production Zone b. Rural Living Zone c. Rural Village Zone d. Strategic Rural Industry Zone e. Ruakaka Equine Zone f. Marsden Primary Centre

SUB-R2	Any Subdivision	
	Activity Status: C Where:	Activity Status when compliance not achieved: D
All Zones	<div>1. The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Maori or area of historic heritage is entirely within one of the allotments produced by the subdivision.</div> <div>2. The land contains existing buildings and the boundaries of the proposed allotments result in compliance with the relevant zone permitted activity building setback, building coverage, impervious surface and height in relation to boundary rules.</div>	
All zones other than RUEZ, RLZ, RPZ, SRIZ, HI and LI	<div>3. Any allotment is provided with an underground connection or easements to secure connection to a reticulated electrical supply system at the boundary.</div>	
RUEZ	<div>4. Any allotment is provided with a connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the net site area.</div>	
RPZ & RLZ	<div>5. Any allotment is provided with the ability to connect, or easements to</div>	

Subdivision (SUB)

SRIZ,

RVCZ,

RVIV, HI,

LI

ALL Zones

All Zones

secure the ability to connect, to an electrical supply system at the boundary.

6. Any allotment is provided with a connection to a reticulated electrical supply system at the boundary; and
7. The electrical supply is underground where new roads are to be formed within the subdivision or the existing electrical supply is underground.
8. A below ground electrical supply system is provided where the subdivision is within an Outstanding Landscape Area or Outstanding Natural Character Area.
9. The most efficient route for electrical supply to any allotment(s) is across other allotments or other land owned by the subdivider, and easements are provided to secure the route.

Matters over which control is reserved:

1. Matters listed in the HPW Chapter.

SUB-R3

Subdivision in the Low Density Residential Zone

Activity Status: C

Where:

1. 50% of the total allotment area (excluding public road, access ways and impervious areas) shall be retained indefinitely:
 - a. By legal protection such as covenant, consent notice or encumbrance that precludes building principal residential units and minor residential units.
 - b. As a contiguous area.
2. The maximum allotment size does not exceed 2500m², except that:
 - a. 1 allotment may be larger

Activity Status when compliance not achieved: D

Subdivision (SUB)

- b. Any allotment may be larger where that allotment in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction.
- 3. Every allotment connected to a reticulated sewerage system has a minimum net site area of at least 500m².
- 4. The yield of a subdivision shall not exceed one allotment per 5000m² of net site area.
- 5. Every allotment shall identify a building area within 50m of an existing building or proposed building area within the Low Density Residential Zone.
- 6. Every allotment contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the zone rules.
- 7. Every allotment can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters over which control is reserved:

- 1. Matters listed in the HPW chapter.

SUB-R4	Subdivision in the Residential Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ul style="list-style-type: none"> 1. Every allotment: <ul style="list-style-type: none"> a. Contains an identified building area of at least 100m² within which a residential unit can be built so that there is compliance as a permitted activity with the Residential Zone rules. b. Has a net site area of at least 2000m². 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

- c. Can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters over which control is reserved:

- 1. Matters listed in the HPW chapter.

SUB-R5	Subdivision in the Medium Density Residential and Neighbourhood Commercial Zone	
<p>Activity Status: C</p> <p>Where:</p> <ul style="list-style-type: none"> 1. Every allotment: <ul style="list-style-type: none"> a. Has a net site area of at least 450m². b. Has a minimum frontage width of 14m. c. Can contain a circle with a diameter of 14m, or a square of at least 12m by 12m. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. The likely location of future buildings and their potential effect on the amenity of the locality. 3. The location and design of allotments to enable efficient use of land. 	<p>Activity Status when compliance not achieved: D</p>	
SUB-R6	Subdivision in the High Density Residential Zone	
<p>Activity Status: C</p> <p>Where:</p> <ul style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m². 2. Every allotment: <ul style="list-style-type: none"> a. Has a net site area of at least 300m². 	<p>Activity Status when compliance not achieved: D</p>	

Subdivision (SUB)

- b. Has a minimum frontage width of 12m.
- c. Can contain a circle with a diameter of 12m, or a square of at least 10m by 10m.

Matters over which control is reserved:

- 1. Matters listed in the HPW Chapter.
- 2. The likely location of future buildings and their potential effect on the amenity of the locality.
- 3. The location and design of allotments to enable efficient use of land.

SUB-R7	Subdivision in the City Centre, Mixed Use, Waterfront or Local Commercial Zones	
	<p>Activity Status: C</p> <p>Where:</p> <ul style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m². 2. Every allotment has a: <ul style="list-style-type: none"> a. Net site area not less than 100m². b. Frontage no less than 6m, or 12m in the case of a corner allotment. c. Frontage no greater than 30m, or 60m in the case of a corner allotment. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> 1. Matters listed in the HPW Chapter. 2. Physical and visual linkages provided between allotments and surrounding public places. 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

SUB-R8	Subdivision in the Commercial Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m². 2. Every allotment has a: <ol style="list-style-type: none"> a. Net site area not less than 300m². b. Frontage no less than 15m, or 30m in the case of a corner allotment. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in the HPW chapter. 	<p>Activity Status when compliance not achieved: D</p>
SUB-R9	Subdivision in the Light Industry Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment has a net site area greater than 500m². <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in SUB-R2. 2. The location and design of allotments to ensure that they are suitable for future industrial activities. 	<p>Activity Status when compliance not achieved: D</p>
SUB-R10	Subdivision in the Light Industry Zone	
	<p>Activity Status: C</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Every allotment has a net site area greater than 8000m². <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> 1. Matters listed in the HPW Chapter. 2. The location and design of allotments to ensure that they are suitable for future industrial activities. 	<p>Activity Status when compliance not achieved: D</p>

Subdivision (SUB)

SUB-R11	Subdivision by way of boundary adjustment in the Open Space, Sport and Active Recreation and Conservation Zones	
	Activity Status: C Where: 1. No additional allotments are created. Matters over which control is reserved: 1. Matters listed in HPW Chapter.	Activity Status when compliance not achieved: D
SUB-R12	Subdivision in the Shopping Centre, Port, Airport or Hospital Zones	
	Activity Status: D	
SUB-R13	Subdivision within areas subject to a 'no residential unit' restriction	
Low Density Residential Zone	Activity Status: Pr Where: 1. Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential unit and minor residential unit.	

Transport (TRA)

Overview

The transport network in Whangarei is essential in facilitating the accessibility and efficient functioning of the District and the Region. The transport network includes public and private roads, access ways, service lanes, active and public transport lanes and on and off site parking and loading areas. The network provides for the movement of people and goods throughout the District, creates a service corridor for network utility operators, and is a public space that people can identify with and use to interact. The transport vision for Whangarei is a safe and efficient transport network that promotes a range of transport choices and supports the vitality and liveability of the District.

Historic scattered patterns of development have led to a high dependency on private motor vehicles for transportation needs and have caused inefficiencies in providing transport network improvements. Similarly, ad hoc development has often led to fragmented and inefficient transport infrastructure. The interrelationship between transport and land use planning is therefore fundamental to achieving Whangarei's transport vision.

Whangarei's future growth expectation is for consolidated urban development. Planning for growth in a consolidated manner allows transport priorities to be established and transport infrastructure to be more efficiently provided. Consolidated development and responsible landuse planning can also promote a variety of transport methods, including walking, cycling and public transport, and can help reduce the reliance on private motor vehicles within the District.

While the District Plan promotes alternative modes of transportation and reduce dependency on private motor vehicles, there are positive effects in providing mobility through private motor vehicle usage. Therefore, it is important to establish clear standards and expectations for the transport network, and promote its safe, efficient, accessible and convenient use. Where potential future transport infrastructure needs are identified, indicative roads and strategic road protection areas are mapped to provide for and safeguard future transport needs.

The establishment, maintenance and use of transport network assets such as parking areas, footpaths, cycleways and roads can cause adverse effects on the surrounding environment such as reducing amenity values, increasing impervious surfaces and increasing noise levels. The transport network and transport infrastructure can contribute positively or negatively to an area. Therefore, urban design should be considered when constructing transport network assets while also balancing Whangarei's practical transportation needs.

Parking and loading management is crucial to the safe and efficient functioning of the transport network. It is important that parking and loading is provided and managed in a manner that supports the efficient use of land and is compatible with surrounding amenity. Car parking can also be managed to have an influence on reducing private motor vehicle use.

The safe and efficient operation of the transport network can be adversely affected by adjacent landuse activities, development and subdivision. Activities or subdivisions which may result in too many accesses or may generate higher amounts of traffic than anticipated must be well integrated with the transport network to manage adverse effects.

Transport (TRA)

Objectives	
TRA-O1 – Transport Network	Provide and maintain a safe, efficient, accessible and sustainable transport network while avoiding, remedying or mitigating adverse effects on the environment, adjoining landuses and the surrounding amenity and character.
TRA-O2 – Integrate Transport and Landuse Planning	Integrate landuse and transport planning to ensure that landuse activities, development and subdivision maintain the safety and efficiency of the transport network.
TRA-O3 – Active and Public Transport	Encourage and facilitate active transport and public transportation.
TRA-O4 – Safety and Efficiency	Provide suitable and sufficient vehicle crossings, access, parking, loading and manoeuvring areas that contribute to the safe and efficient functioning of the transport network.
TRA-O5 – Urban Design	Design and locate transport infrastructure in a manner which contributes to amenity and quality urban design outcomes.
TRA-O6 – Future Growth	Ensure that future growth can be supported by appropriate transport infrastructure.

Policies	
TRA-P1 – Design, Construction and Maintenance	<p>To design, construct and maintain roads, cycleways, walkways, car parks and pedestrian access in a manner that:</p> <ol style="list-style-type: none"> 1. Provides a safe and efficient transport network. 2. Enables and balances the provision of network utility infrastructure and streetscape amenity including lighting and landscaping. 3. Has regard to the future capacity and growth of the transport network. 4. Is multi-modal and accommodates a range of users where appropriate. 5. Avoids no exit roads where through roads and connected networks can be designed, particularly in commercial and industrial areas. 6. Provides pedestrian access to connect roads and public spaces where they would offer a significantly shorter walking route. 7. Ensures access to multiple allotments is constructed to an acceptable standard and vested as a public road where appropriate. 8. Appropriately manages stormwater to ensure the risk of flooding is not increased and water quality is maintained.
TRA-P2 – Roads	<p>Only allow new public roads or major roading upgrades to public roads where the location and design of the road:</p> <ol style="list-style-type: none"> 1. Provides for the needs of all users, as appropriate for the surrounding environment and the function of the road within the transport network hierarchy.

Transport (TRA)

	<ol style="list-style-type: none"> Minimises adverse effects on surrounding sensitive activities, including severance effects and streetscape amenity. Maintains or enhances the safety and efficiency of the transport network. Does not compromise, and where possible provides, connections to surrounding areas, particularly for buses, pedestrians, and cyclists. Provides sufficient area for landscaping and tree planting in appropriate areas while balancing the need to maintain safety and provide underground services and footpaths. Contributes to positive urban design outcomes within the Urban Area.
TRA-P3 – Transport Network Capacity	<p>To manage the scale and design of subdivision and development by:</p> <ol style="list-style-type: none"> Ensuring that there is sufficient capacity within the transport network to cater for the proposal. Requiring upgrades and/or extensions to the transport network which are attributed to the impacts of the subdivision or development at the cost of the subdivider or developer.
TRA-P4 – Integrated Transport Assessments	<p>To avoid remedy or mitigate adverse effects on the adjacent and wider transport network by requiring Integrated Transport Assessments for large scale developments and subdivisions.</p>
TRA-P5 – Active Transport	<p>To promote active transport by facilitating cycle and pedestrian connectivity within new subdivisions and developments and, where appropriate, to existing developments, reserves and other public spaces.</p>
TRA-P6 – Dust Nuisances	<p>To avoid dust nuisances in the Urban Area and improve amenity and accessibility by implementing formation standards for access and parking whilst managing stormwater.</p>
TRA-P7 – Access and Intersections	<p>To ensure that access and intersections are designed and located so that:</p> <ol style="list-style-type: none"> Good visibility is provided. Vehicle manoeuvres are accommodated. They are sufficiently separated so as not to adversely affect the free flow of traffic.
TRA-P8 – Vehicle Crossings and Access	<p>To require vehicle crossings and associated access to be designed and located to protect amenity and ensure safe and efficient movement to and from sites for vehicles, pedestrians and cyclists by managing:</p> <ol style="list-style-type: none"> Separation distances between vehicle crossings. Separation distances from intersections, railway crossings and pedestrian crossing facilities. Vehicle crossing sight distances. The number of vehicle crossings per site. The design, formation and construction standards of crossings and access.

Transport (TRA)

TRA-P9 – Car Parking	<p>To allow for reduced on-site parking spaces where appropriate based on:</p> <ol style="list-style-type: none"> 1. Surrounding transport infrastructure. 2. Proximity to the City Centre, Local Commercial or Neighbourhood Commercial Zones. 3. The provision of additional amenities on-site. 4. The ability to mitigate car parking spillover effects.
TRA-P10 – Parking and Loading	<p>To require parking and loading areas and access to be designed and located to ensure safe movement on-site and safe ingress and egress of vehicles, pedestrians and cyclists by managing:</p> <ol style="list-style-type: none"> 1. Parking and loading space dimensions and gradient. 2. The location and identification of car parking and loading spaces. 3. Manoeuvring space within the site. 4. The formation and construction standards of parking areas. 5. The design and layout of parking areas.
TRA-P11 – Bicycle Parking	<p>To require bicycle parking spaces and end-of-trip facilities for activities with high numbers of employees, students or residents.</p>
TRA-P12 – Charging Stations	<p>To reduce emissions and enhance the sustainability of Whangarei's transport network by requiring:</p> <ol style="list-style-type: none"> 1. Electric vehicle charging stations where high numbers of on-site car parking spaces are provided. 2. Underground electrical conduit for new large car parking areas.
TRA-P13 – Landscaping	<p>To require landscape planting where on-site car parking is provided to improve visual amenity, accessibility and stormwater management.</p>
TRA-P14 P14 – Indicative Roads and Strategic Road Protection Areas	<p>To identify indicative roads and strategic road protection areas based on long term growth projections, and to require development and subdivision to have regard to effects on any indicative road or strategic road protection area.</p>
TRA-P15 – Transport Network Hierarchy	<p>To identify and apply a transport network hierarchy to ensure that the functions of transport network assets are recognised and protected in the management of landuse and subdivision.</p>

Rules

TRA-R1	Any Activity Not Otherwise Listed in This Chapter
All Zones	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.

Transport (TRA)

Parking		
TRA-R2	Required Spaces and Dimensions	
All Zones	Activity Status: P Where: 1. All off-street car parking spaces, loading spaces, bicycle parking spaces, end-of-trip facilities and associated manoeuvring areas are provided and constructed in accordance with Appendix 1.	Activity Status when compliance not achieved: D
TRA-R3	Location and Identification	
All Zones	Activity Status: P Where: 2. All car parking spaces and loading spaces are: <ul style="list-style-type: none"> a. Not located on any footpath, access, manoeuvring or outdoor living court area. b. Not located within any Strategic Road Protection Area. c. Permanently marked or delineated, except in the case of any residential unit which is not part of a multi unit development. 	Activity Status when compliance not achieved: D
TRA-R4	Gradient	
All Zones	Activity Status: P Where: 1. All car parking spaces, loading spaces and associated manoeuvring areas do not have a gradient steeper than: <ul style="list-style-type: none"> a. 1 in 16 for surfaces at 90° to the angle of the parking. b. 1 in 20 for surfaces parallel to the angle of the parking. 	Activity Status when compliance not achieved: D

Transport (TRA)

Vehicle Crossings and Access		
TRA-R5	Design and Location	
All Zones	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any vehicle crossing and access is provided and constructed in accordance with Appendix 2. The vehicle crossing is not fronting a National or Regional road. Any unused vehicle crossings are reinstated to match the existing footpath and kerbing. <p><i>Note:</i></p> <ol style="list-style-type: none"> A vehicle crossing permit may be required. 	Activity Status when compliance not achieved: D
TRA-R6	Setbacks	
All Zones	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any new vehicle crossing is located at least: <ol style="list-style-type: none"> 30m from a railway level crossing. 8m from a dedicated pedestrian crossing facility (e.g. pedestrian crossing, mid-block pedestrian signals, refuge islands and traffic signaled intersections). 2m from a separate vehicle crossing. 	Activity Status when compliance not achieved: D
Manoeuvring Space		
TRA-R7	Requirements for On-Site Manoeuvring Space	
All Zones	<p>Activity Status: P</p> <p>Where:</p>	Activity Status when compliance not achieved: D

Transport (TRA)

1. All car parking, loading spaces and associated manoeuvring areas provide sufficient on-site manoeuvring space:
 - a. To ensure that no vehicle is required to reverse either onto, or off, the site except for front sites where:
 - i. Access is gained from an Access or Low Volume Road; and
 - ii. Less than 3 car parking spaces are required under Appendix 1 on-site.
 - b. That enables vehicles occupying a car parking space or loading space to have ready access to the road at all times, without needing to move any other vehicles occupying other car parking spaces or loading spaces, except for:
 - iii. Staff parking areas associated with an individual activity; or
 - iv. Parking for vehicles being serviced at a Repair and Maintenance Service.
 - c. To ensure that that vehicles using or waiting to use fuel dispensers, ticket vending machines, remote ordering facilities and devices, entrance control mechanisms, or other drive-through facilities do not queue into the adjoining road or obstruct entry to or exit from the site.
 - d. For every car parking space, to accommodate the 90th percentile car tracking curves in Figure TRA 1 so that only one reverse manoeuvre is required to manoeuvre in or out of any car parking space.

Transport (TRA)

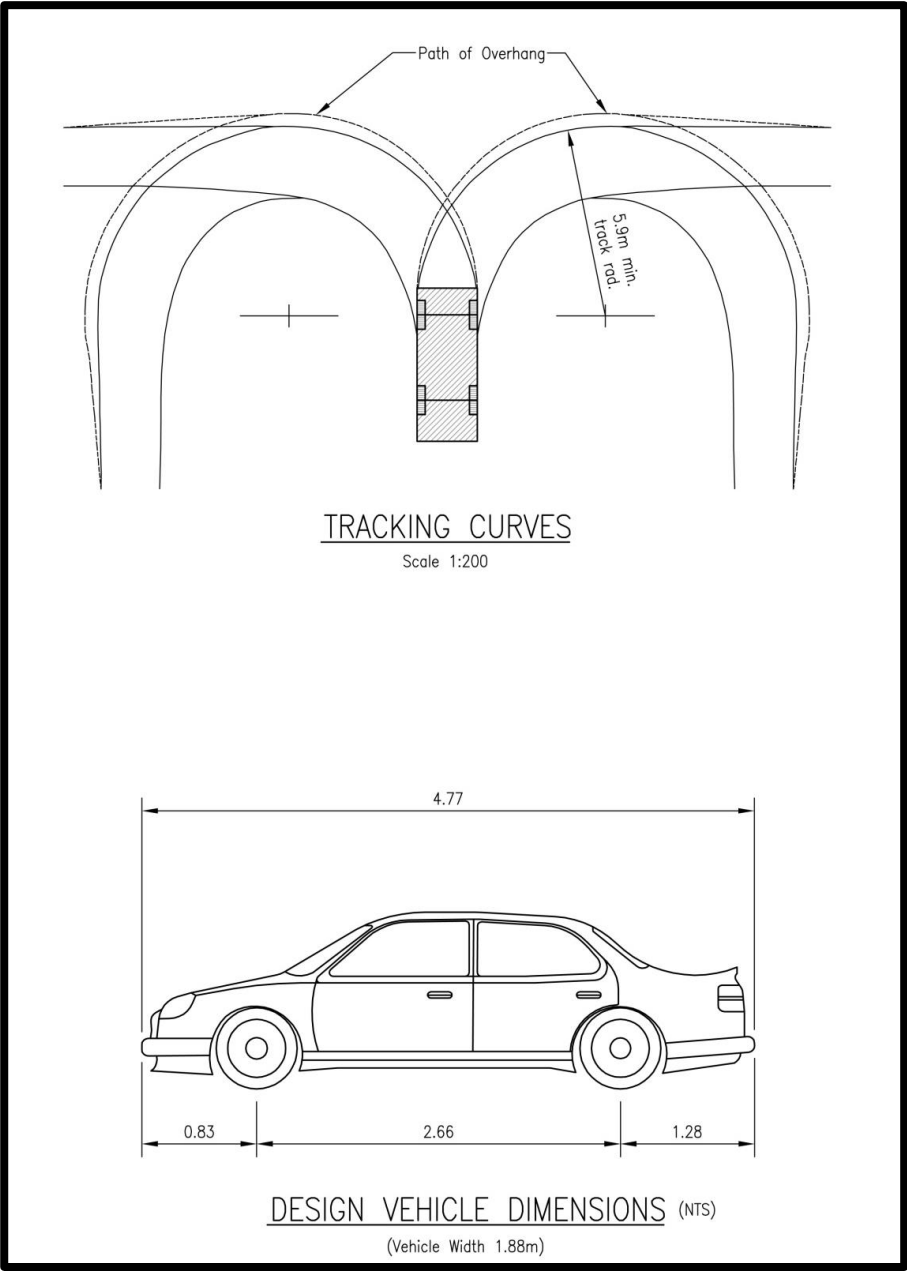
- e. For every loading space, to comply with the tracking curves set out in the NZTA guidelines: RTS 18: NZ on-road tracking curves for heavy vehicles (2007) so that only one reverse manoeuvre is required to manoeuvre in or out of any loading space.

Note:

1. *Acceptable means of compliance with access, parking and manoeuvring design can be found in the Whangarei District Council Engineering Standards.*

Transport (TRA)

Figure TRA 1: Standard Car Tracking Curve



Note: The turning radius shown is the minimum and is not appropriate for speeds greater than 10km/hr.

Sealing and Formation Standards		
TRA-R8	Crossings, Access and Parking Areas	
All Zones	Activity Status: P Where:	Activity Status when compliance not achieved: D

Transport (TRA)

1. Any vehicle crossing accessing a sealed road is sealed for a minimum distance of 10m from the road boundary to a standard not less than that of the adjoining road surface.
2. On-site access and parking areas (including loading and manoeuvring areas) are formed, drained and sealed with a permanent all-weather surface in the following instances:
 - a. Urban Zone sites.
 - b. Rural (Urban Expansion) Zone sites with an area less than 2,000m².
 - c. Rural Village Zone sites.
 - d. Strategic Rural Industries Zone sites.
 - e. Any accessway serving more than 5 principal residential units.
 - f. Where the gradient exceeds 12.5%.

Strategic Road Protection Areas and Indicative Roads

TRA-R9	Setbacks	
All Zones	Activity Status: P Where: <ol style="list-style-type: none"> 1. All buildings are set back at least 0.5m from strategic road protection area as detailed in Appendix 4. 2. Sensitive activities at ground floor are set back at least 2m from a strategic road protection area as detailed in Appendix 4. 3. No buildings are located within 10m of an indicative road as shown on the Planning maps. 	Activity Status when compliance not achieved: D

Transport (TRA)

Landscaping		
TRA-R10	Road Boundary Landscaping	
All Zones except for the Heavy Industrial and Strategic Rural Industries Zones	Activity Status: P Where: <ol style="list-style-type: none"> Any ground level car parking areas, except those associated with a residential activity, between a building and the road boundary provide a minimum 2m wide landscaping strip with a minimum plant height of 0.9m and a maximum plant height of 1.15m (excluding any tree planting) between the parking area and the road boundary (excluding any area for vehicle crossings). 	Activity Status when compliance not achieved: D
TRA-R11	Landscaping Within Parking Areas	
All Zones except for the Heavy Industrial and Strategic Rural Industries Zones	Activity Status: P Where: <ol style="list-style-type: none"> Any ground level car parking areas: <ol style="list-style-type: none"> Of 20 – 200 car parking spaces provides landscaping within or adjacent to the parking area to a minimum of 10% of the total parking area. Of more than 200 car parking spaces provides landscaping within or adjacent to the parking area to a minimum of 15% of the total parking area. 	Activity Status when compliance not achieved: D
TRA-R12	Tree Planting Within Parking Areas	
All Zones except for the Heavy Industrial and Strategic Rural	Activity Status: P Where: <ol style="list-style-type: none"> Any parking area where at least 20 car parking spaces are required by Appendix 1 provides at least 1 tree 	Activity Status when compliance not achieved: D

Transport (TRA)

Industries Zones	<p>within or adjacent to the parking area for every 20 car parking spaces with:</p> <ol style="list-style-type: none"> A tree species with a minimum height of 4m and minimum canopy shade coverage of 30m² at 20 years. A root area with a minimum area of 9m² and a minimum dimension of 3m and minimum depth of 1m.
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Compliance Standards for Rules TRA-R10 – R12:

- For the purpose of calculating total parking area, only the areas used for parking spaces and access aisles along parking spaces shall be included. Not included in the parking area calculation are service roads, pedestrian footpaths, loading/unloading areas, and perimeter landscape areas.*
- TRA-R10-R12 do not apply to multi-storey standalone car parking facilities.*

Note for Rules TRA-R10 – R12:

- Further guidance on best practice landscaping in car parks is contained in Whangarei's Urban Design Guidelines.*

Electric Vehicle Charging Stations

TRA-R13 Number Requirements

All Zones	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> Any parking area where 50 or more car parking spaces are required by Appendix 1 provides at least 1 electric vehicle charging station per every 50 required car parking spaces. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <i>Any electric vehicle parking space associated with the charging stations</i> 	<p>Activity Status when compliance not achieved: D</p>
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Transport (TRA)

counts towards the total number of required parking spaces in Appendix 1.

Subdivision		
TRA-R14	Subdivision	
	Activity Status: C	Activity Status when compliance not achieved: D
	Where:	
All Zones	1. The site does not contain an indicative road or a strategic road protection area.	
All Zones	2. Subdivision results in all sites having access and crossings which comply with TRA-R5 – R6.	
Rural (Urban Expansion) Zone	3. Subdivision results in: <ul style="list-style-type: none"> a. A shared access which serves no more than 3 allotments or 3 principal residential units. b. No more than 1 right of way being created. 	
All Zones except for the Rural (Urban Expansion) Zone	4. Subdivision results in a shared access which serves no more than 8 allotments or 8 principal residential units.	
	Matters of Control:	
	1. The need for forming, upgrading or extending roads in the vicinity due to increased traffic from the subdivision.	
	2. The need for traffic control measures on roads due to increased traffic from the subdivision.	
	3. The need for footpaths, kerb and channel on roads in the vicinity, including for stormwater management.	
	4. The adequacy of the access for the anticipated use.	
	5. The ability of the access to contain required services.	
	6. Traffic safety and visibility.	
	7. The need for acceleration and deceleration lanes.	
	8. Type, frequency and timing of traffic.	

Transport (TRA)

9. Access design, and number and location of vehicle crossings.
10. Design and construction of any bridges or culverts.
11. The construction and maintenance of new vehicle crossings or alterations to existing vehicle crossings where proposed as part of the subdivision.
12. The provision, location, design, capacity, connection, upgrading, staging and integration of transport infrastructure.
13. Pedestrian connections to public roads from existing reserves and/or pedestrian accessways, especially where the connection will provide a significantly shorter walking distance.
14. Design of pedestrian connections to ensure ease of use, accessibility and safety.
15. In the Rural (Urban Expansion) Zone, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future transport infrastructure.

Notes:

1. Refer to Rules TRA-R15 – R16 for any Integrated Transport Assessment Requirements as part of a subdivision.
2. Acceptable means of compliance can be found in the Whangarei District Council Engineering Standards.

Integrated Transport Assessments

TRA-R15 Restricted Discretionary Integrated Transport Assessments

All Zones Activity Status: RD

Where:

1. Any activity (or activities) that requires an increase of more than 50 car parking spaces in accordance with Appendix 1 within a parent allotment or allotments that existed at [Operative Date].
2. Any subdivision of an allotment that existed at [Operative Date] where the area of the parent allotment is equal to or larger than:

Transport (TRA)

- a. 1,000m² within the Rural (Urban Expansion) Zone where any allotment will be connected to Council reticulated water, wastewater and stormwater services.
- b. 5,000m² within the High-density Residential Zone.
- c. 1ha within the Medium-density Residential Zone or Rural Village Residential Zone.
- d. 4ha within the Residential Zone.
- e. 6ha within the Low-density Residential Zone.

Matters of discretion:

1. Effects on the sustainability, safety, efficiency, effectiveness and convenience of the adjacent transport network.
2. Required improvements, alterations or extensions to the adjacent transport network to mitigate adverse effects.
3. The need for pedestrian and cyclist connections to adjacent destinations.
4. Adverse effects on streetscape and amenity.
5. Recommendations and proposed mitigation measures of the Integrated Transport Assessment.

Compliance Standard:

1. TRA-R15 does not apply for any allotment where consent has previously been granted for the allotment under Rule TRA-R15.

Note: Any application shall comply with information requirement TRA-REQ1.

TRA-R16	Discretionary Integrated Transport Assessments
All Zones	<p>Activity Status: D</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any activity (or activities) that requires an increase of more than 100 car parking spaces in accordance with Appendix 1 within a parent allotment or allotments that existed at [Operative Date]. 2. Any subdivision of an allotment that existed at [operative date] where the area of the parent allotment is equal to or larger than: <ol style="list-style-type: none"> a. 1ha within the High-density Residential Zone. b. 2.5ha within the Medium-density Residential Zone or Rural Village Residential Zone. c. 8ha within the Residential Zone. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> 1. TRA-R16 does not apply for any allotment where consent has previously been granted for the allotment under Rule TRA-R16. <p><i>Note: Any application shall comply with information requirement TRA-REQ2.</i></p>

Transport (TRA)

TRA-R17	Construction of Any New Public Road or Service Lane
TRA-R18	Any Major Roothing Alteration to an Existing Public Road
All Zones	Activity Status: D <i>Note: Any application shall comply with information requirement TRA-REQ3.</i>

Rule Requirements

TRA-REQ1	Information Requirement
	<ol style="list-style-type: none"> 1. Any application pursuant to TRA-R15 shall include an Integrated Transport Assessment prepared by a suitably qualified professional, and shall include the following: <ol style="list-style-type: none"> a. A description of the site characteristics, existing development, existing traffic conditions and trip generation, adjacent landuses, proposed activity and its intensity. b. An assessment of the features of the existing transport network, including the following where relevant to the proposal: <ol style="list-style-type: none"> i. Existing access arrangements, on-site car parking and crossing locations. ii. Existing internal vehicle and pedestrian circulation. iii. Existing walking and cycling networks. iv. Existing public transport service routes and frequencies including bus stops and lanes. v. Hours of operation for non-residential activities. vi. The adjacent transport network road hierarchy and the safety of the transport network in the immediate vicinity including crash history if relevant. c. A description of the estimated number of trips which will be generated by each transport modes (public transport, walking, cycling and private vehicles, including heavy vehicles). d. An assessment of the suitability of the proposal for all users within the development and connecting to the adjacent transport network. This shall include assessments of: <ol style="list-style-type: none"> i. The accessibility of the development for public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes to the nearest bus stop. ii. The accessibility of the development for pedestrians and cyclists and how the design of the development will encourage walking and cycling to nearby destinations such as reserves, other public spaces and commercial or community facilities. iii. Any safety implications that may detract from walking or cycling to/from the development.

Transport (TRA)

- iv. The accessibility of the development by private motor vehicles and the suitability of the proposed access and use of the site with respect to the efficient and effective functioning of the transport network.
- e. An evaluation of the effects of the development on the adjacent transport network, including:
 - i. Impacts on the operation of public transport infrastructure, and any vehicle and pedestrian/cyclist conflicts likely to arise from vehicle movements to and from the development.
 - ii. The impacts that any additional vehicle movements are likely to have on the capacity of the road network.
 - iii. For heavy vehicle trips per day, whether there are any effects from these trips on roading infrastructure.
 - iv. Where the development will directly impact the state highway, a summary of consultation with the New Zealand Transport Agency.
 - v. The impacts of construction traffic where a development will require a significant amount of construction work.
- f. An assessment of how the transport network will be designed to accommodate infrastructure and services, stormwater, lighting, landscaping and street trees. For larger scale non-residential developments this should include consideration of underground electrical supply system for electric vehicle charging stations.
- g. Identification of any necessary mitigation measures that will be required to address any impacts on the transport network, including:
 - i. Potential mitigation measures needed both within the proposed development and on the transport network surrounding the development including any improvements, alterations or extensions to the transport network.
 - ii. Any mitigation required to achieve convenient and safe operation of access points and loading areas for all users.
 - iii. How the design and layout of the proposed activity maximises opportunities, to the extent practical, for travel other than by private car.
 - iv. Where appropriate, the use of Crime Prevention Through Environmental Design principles and techniques to mitigate any safety issues for pedestrians or cyclists.
 - v. A description of measures that will be put in place to mitigate against the effects of the construction process.
 - vi. A summary of the ITA including key findings and implications that the development will have for transport including any proposed mitigation measures.

Note:

1. For further guidance on Integrated Transport Assessments refer to Appendix A of New Zealand Transport Agency Research Report No.422, "Integrated Transport Assessment Guidelines", Abley et al, November 2010.

Transport (TRA)

TRA-REQ2	Information Requirement
	<ol style="list-style-type: none"> 1. Any application pursuant to TRA-R16 shall include an Integrated Transport Assessment prepared by a suitably qualified professional, and shall include the following: <ol style="list-style-type: none"> a. The details required under TRA-REQ1. b. An overview of the transport implications of existing landuses and any landuse characteristics that affect the proposal, in the wider surrounding area that will affect assessment of the proposal. This shall consider projected growth predictions and predicted annual average daily traffic. c. An assessment of the traffic volumes on the surrounding transport network near the development and any intersections that will be affected by the proposal. Include consideration of the existing peak-hour congestion near the site, level of service, turning volumes, and comparisons between peak and interpeak conditions. d. A description of any proposed transport upgrades or changes within the vicinity of the proposed development such as known intersection or road upgrades, cycle infrastructure, parking restrictions or public transport upgrades or changes. If the proposed development is to be staged this description shall consider how the proposal will correspond with planned transport upgrades. e. An assessment of the proposal's consistency with relevant strategic documents including the Blue/Green Network Strategy for Whangarei City, the Walking and Cycling Strategy and the Whangarei Transport Strategy. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. For further guidance on Integrated Transport Assessments refer to Appendix A of New Zealand Transport Agency Research Report No.422, "Integrated Transport Assessment Guidelines", Abley et al, November 2010.

TRA-REQ3	Information Requirement
	<ol style="list-style-type: none"> 2. Any application pursuant to TRA-R17 – R18 shall include a detailed assessment including the following: <ol style="list-style-type: none"> a. The details required under TRA-REQ2. b. A roading layout plan, including: <ol style="list-style-type: none"> i. The provision of landscaping and street trees. ii. The provision of on-street parking. iii. The provision of street lighting and amenities (e.g. benches, bus shelters, etc.). iv. Geometric design. v. Drainage design. vi. Road marking and signage.

Transport (TRA)

- vii. Traffic calming devices.
 - viii. Utility service locations.
 - ix. Sight distance plans.
 - x. Clear distinction between public and private assets.
- c. Consideration of the sufficiency of space within the legal road reserve for proposed and potential future street trees, landscaping and/or underground and overhead services and structures.
- d. An assessment of traffic volumes and vehicle operating speeds.
- e. An assessment of how the road design is compatible with the character and amenity of the surrounding environment taking into account urban design and Crime Prevention Through Environmental Design principles.

TRA – Appendix 1

Appendix 1A. Minimum On-site Car and Bicycle Parking Requirements

Car parking and bicycle parking spaces shall be provided on-site in accordance with Table TRA 1 for sites outside of the car parking exemption area detailed in Appendix 1F.

Table TRA 1. Minimum on-site car and bicycle parking requirements

Activity		Required Car Parking Spaces	Required Bicycle Parking Spaces
Residential Activities			
Principal Residential Unit		1 per unit within the High-density Residential Zone 1 per 1 – 2 bedroom unit in all other Zones 2 per 3+ bedroom unit in all other Zones	Nil
Minor Residential Unit		1 per unit	Nil
Multi-unit development		1 per unit within the High-density Residential Zone 1 per studio or single bedroom unit in all other zones 2 per two or more bedroom residential units in all other zones, Plus 1 visitor car parking space for every 4 residential units provided.	Long stay: 1 per unit without a dedicated garage
Supported Residential Care Home		0.3 spaces per bed	Long stay: 1 per employee
Commercial Activities			
Retail	Motor Vehicle Sales	1 per 20 vehicle display spaces, Plus 1 per additional 50m ² GFA	Long stay: 1 per 15 employees
	Trade Suppliers, Garden Centres, Marine Retail and Hire Premises	1 per 60m ² GFA, Plus 1 per 100m ² of outdoor storage	
	Grocery Store	1 space per 25m ² GFA	Long stay: 1 per 5 employees Short stay: 1 per 400m ² GFA
	Other Retail (less than 600m ² GFA)	1 space per 30m ² GFA	
	Other Retail (greater than 600m ² GFA)	1 space per 60m ² GFA	
Food and Beverage		1 space per 20m ² GFA and outdoor seating area.	Long stay: 1 per 10 employees Short stay: 1 per 350m ² GFA
Commercial Services and Funeral Homes		1 space per 50m ² GFA	Long stay: 1 per 10 employees Short stay: 1 per 400m ² GFA

TRA – Appendix 1

Activity		Required Car Parking Spaces	Required Bicycle Parking Spaces
Service Stations		1 space per 30m ² GFA for service station retail space	Long stay: 1 per 15 employees
Visitor Accommodation		1 space per bedroom	
Entertainment Facilities		1 per 5 persons the facility is designed to accommodate for facilities with a specified number of seats or occupants. For all other facilities, 5 spaces per 100m ² GFA	Long stay: 1 per 10 employees Short-stay: 2 parks plus 1 per 1000m ² GFA
Industrial Activities			
Industrial activities	Repair and Maintenance Services	4 per repair/lubrication bay, Plus 1 per additional 50m ² GFA	Long stay: 1 per 30 employees
	Manufacturing and Storage	1 space per 100m ² GFA plus 1 space per 100m ² outdoor storage and display	
	Other industrial activities	1 per 50m ² GFA, or 0.7 per employee (where the number of staff is known), whichever results in requiring a lower amount of on-site parking	
Oil Refinery Precinct (if activity not stated above)		1 Permanent parking space per employee on-site at any time, provided that during periods of shut downs and maintenance when extra parking is required, this does not have to be permanently marked but must be provided on-site.	Nil
Port Zone		0.75 parking spaces per employee engaging in port-related activities on-site at any time, provided that during periods of shut downs and maintenance when extra parking is required this does not have to be permanently marked but must be provided.	
Fonterra Kauri Milk Processing Site		Nil	
Community Activities			
Place of Assembly		1 per 5 persons the facility is designed to accommodate for facilities with a specified number of seats or occupants. For all other facilities, 5 spaces per 100m ² GFA	Long stay: 1 per 15 employees Short-stay: 2 parks plus 1 per 1000m ² GFA
Recreation Facilities		15 spaces per hectare, or 0.2 per person the facility is designed to accommodate	Short-stay: 3 parks plus 3 per ha
Emergency Services		1 per employee	Nil
Care Centre		0.10 per child or other person, other than staff plus 0.5 per employee	Long stay: 1 per 15 employees
Hospital		1 space per 2 beds plus 1 per 2 employees	Long stay: 1 per 15 employees

TRA – Appendix 1

Activity		Required Car Parking Spaces	Required Bicycle Parking Spaces
Educational Facilities	Primary and Secondary Schools	1 space per 2 employees, plus: 1 space per 25 students (primary) 1 space per 50 students (secondary)	Long stay: 1 per 15 employees, plus: Short stay: 1 per 20 students
	Tertiary Facilities	1 space per 2 employees, plus 1 space per 8 students	Long stay: 1 per 15 employees, plus: Short stay: 1 per 15 students
	Pre-school and Childcare Facility	1 space per 10 children, plus 1 per 2 employees	Long stay: 1 per 5 employees
Rural Activities			
Forestry		1 per 2 employees on-site	Nil
Other Rural Production Activities		Nil	
Other			
Mineral Extraction		4 per 5 employees on-site	Nil
Boat Sheds, Marinas, Moorings		0.5 per berth or craft to be accommodated	Nil
Rural Centre Service Activity		1 space per 30m ² GFA	Long stay: 1 per 10 employees Short stay: 1 per 300m ² GFA

Compliance Standards:

1. Short stay bicycle parking space shall not be required in the City Centre Zone.
2. Where there are multiple activities on the site and each activity requires vehicle parking, the total vehicle parking shall be the combined total requirement for all activities (not including any reduction factor under Appendix 1E).
3. If any activity is not represented above, the activity closest in nature to the new activity shall be used, or where there are two or more similar activities in the table above, the activity with the higher parking rate shall apply.

Note:

1. Where parking is provided, the Building Code requires parking spaces to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility –Buildings and Associated Facilities (NZS 4121:2001).

TRA – Appendix 1

Appendix 1B. Maximum On-site Car Parking in Parking Exemption Area

Any activity located in the Car Parking Exemption Area identified in Appendix 1F shall provide no more on-site car parking spaces than those specified in Table TRA 2.

Table TRA 2. Maximum on-site car parking in parking exemption area

Activity	Maximum Car Parking Spaces
Residential Unit	Maximum: 1 per unit
Visitor Accommodation	Maximum: 1 per 2 units
Commercial Service	Maximum: 1 per 50m ² GFA

TRA – Appendix 1

Appendix 1C. Minimum On-site Loading Space Requirements

Loading spaces shall be provided on-site in accordance with Table TRA 3 for sites outside of the car parking exemption area detailed in Appendix 1F.

Table TRA 3. Minimum on-site loading space requirements

Activity Class	GFA Threshold	Loading Space Requirement
Industrial and Retail Activities (goods handling activities)	Up to 300m ²	Nil
	Greater than 300m ² up to 5,000m ²	1
	Greater than 5,000m ² up to 10,000m ²	2
	Greater than 10,000m ²	3 spaces plus 1 space for every additional 10,000m ²
Commercial Services, Visitor Accommodation, Hospitals and Other Activities not included above.	Up to 2,000m ²	Nil
	Greater than 2,000m ² up to 20,000m ²	1
	Greater than 20,000m ² up to 50,000m ²	2
	Greater than 50,000m ²	3 spaces plus 1 space for every additional 25,000m ²

Compliance Standards:

1. Where there are multiple activities on the site and each activity requires loading spaces, the total loading spaces shall be the combined total requirement for all activities.
2. The minimum dimensions of loading spaces shall be:
 - a. For industrial activities – 11m long and 3.5m wide
 - b. For all other activities – 9m long and 3.5m wide
 - c. For any loading spaces designed to accommodate articulated vehicles – 18m long and 3.5m wide

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Appendix 1D. Minimum End-of Trip Facilities Requirements

Where long stay bicycle parking spaces are provided, end-of-trip facilities shall be provided on-site in accordance with Table TRA 4.

Table TRA 4. Minimum on-site end-of-trip facilities requirements

Number of long stay bicycle parking spaces on-site	Minimum number of showers	Minimum number of changing rooms
5 – 50	2	2
50 – 100	4	
Every additional 100 spaces	2 additional	

TRA – Appendix 1

Appendix 1E. Minimum On-site Car Parking Reduction Factors

Any activity which meets any of the reduction factors detailed in Table TRA 5 is permitted to reduce the required on-site car parking spaces accordingly.

Table TRA 5. Minimum on-site car parking reduction factors

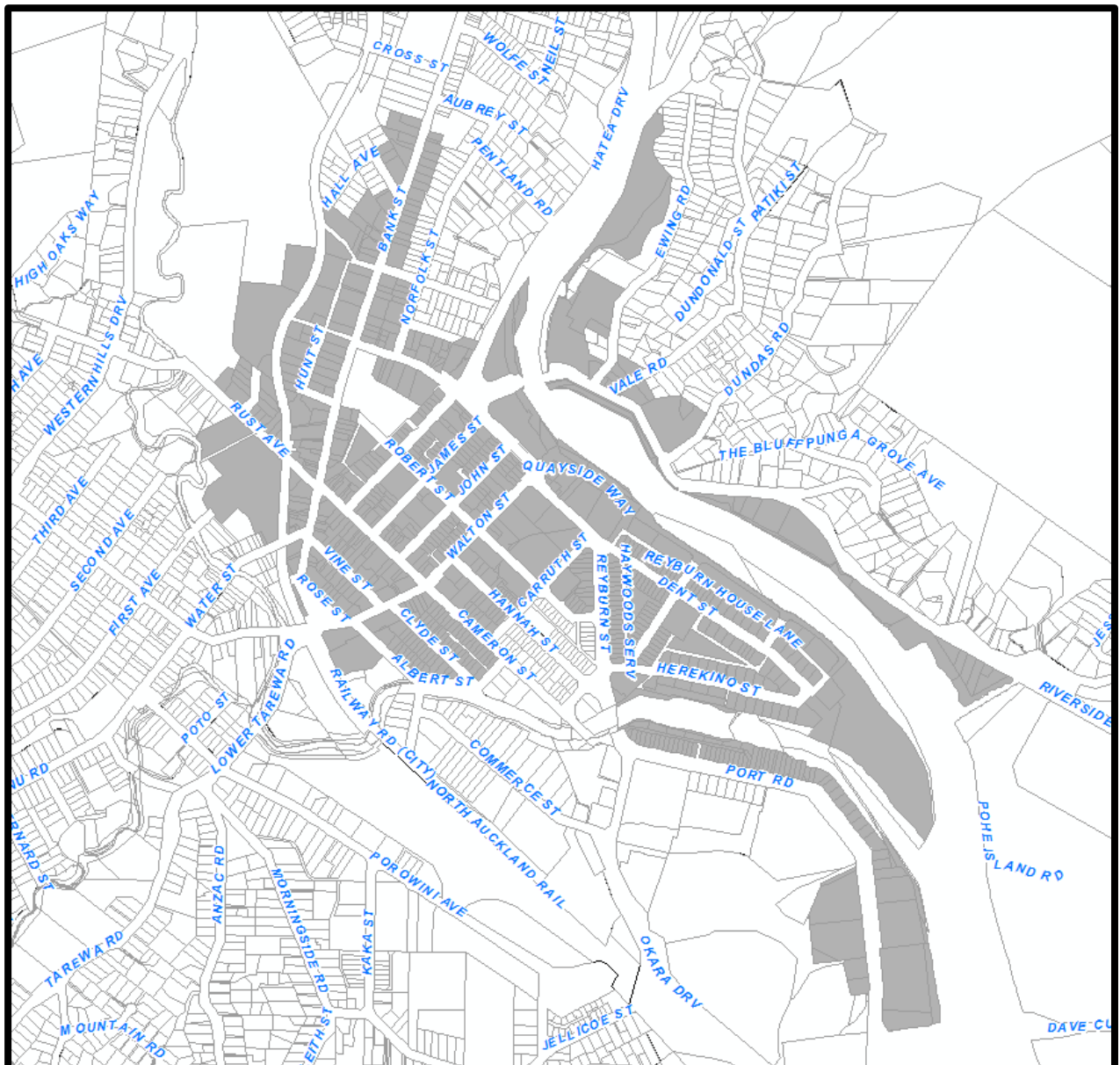
Parking Reduction Factor		Permitted Minimum Parking Requirement Reduction
1	Located within a 200m walk of a public transport stop with a frequency of at least 30 minutes on weekdays between 7am and 6pm.	0 to 50m: up to 10% reduction per service 51m to 125m: up to 6% reduction per service 201m to 400m: up to 2% reduction per service; Up to a maximum of 20% if in proximity to multiple stops.
2	Located within a 400m walk from a car parking lot containing at least 50 car parking spaces that are available for use by the public.	0 to 50m: up to 10% reduction 51m to 200m: up to 6% reduction 201m to 400m: up to 2% reduction
3	Located within a 400m walk of a City Centre parking exemption zone (Appendix 1E) or a Local Commercial or Neighbourhood Commercial Zone.	0 to 50m: up to 10% reduction 51 to 200m: up to 6% reduction 201 to 400m: up to 2% reduction
4	Located within 1.2km of a designated cycle route.	0 to 150m: up to 10% reduction: 151m to 600m: up to 6% reduction 601m to 1200m: up to 2% reduction
5	Developments that contain a mix of both residential activities and activities where people are employed on-site.	Up to 5% reduction
6	Bicycle parking spaces are provided on-site beyond the requirements under Rule TRA-R2.	1 less car parking space per 5 bicycle parking spaces provided, up to a total of 2 less car parking spaces
7	Internal landscaping is provided within the parking area or immediately adjacent to the parking area beyond the requirements under Rule TRA-R11.	1 less car parking space per 25m ² of landscaping provided, up to a total of 2 less car parking spaces

Compliance Standard:

1. Where an activity meets multiple parking reduction factors, the minimum parking reduction bonuses may be added together up to a total reduction of 30%.

Appendix 1F. Car Parking and Loading Space Exemption Areas

Figure TRA 2. Car parking and loading space exemption area

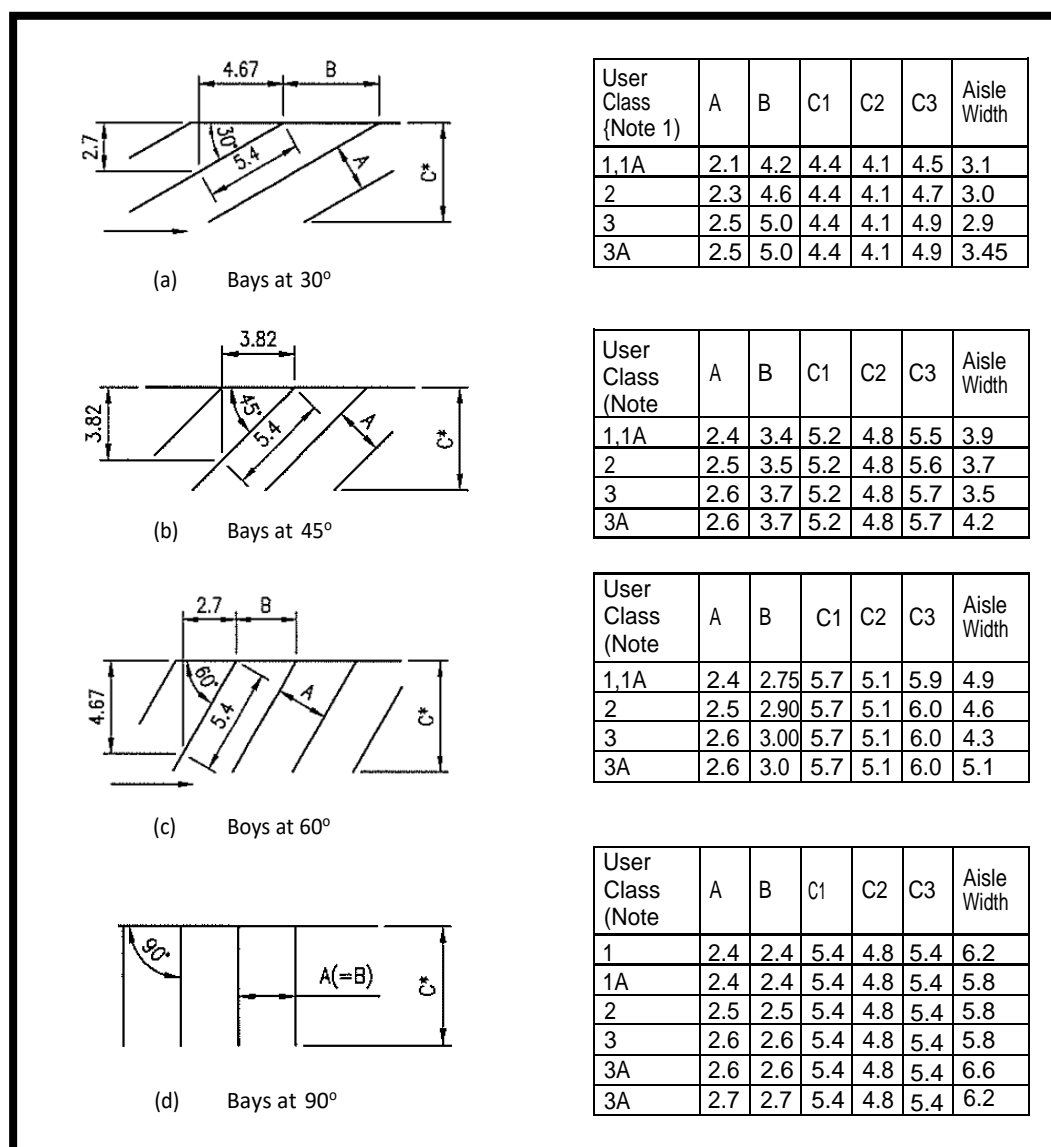


TRA – Appendix 1

Appendix 1G. Minimum Car Parking Space Dimensions

Any car parking space shall comply with the minimum dimensions in Figures TRA 3 and TRA 4:

Figure TRA 3. Minimum car parking space dimensions (in metres) for angled parking spaces



Note:

1. Parking space dimensions will vary for mobility car park spaces.

Compliance Standards:

1. Dimension C is selected as follows:

C1 - Where parking is to a wall or high kerb not allowing any overhang.

C2 - Where parking is to a low kerb which allows 600mm overhang.

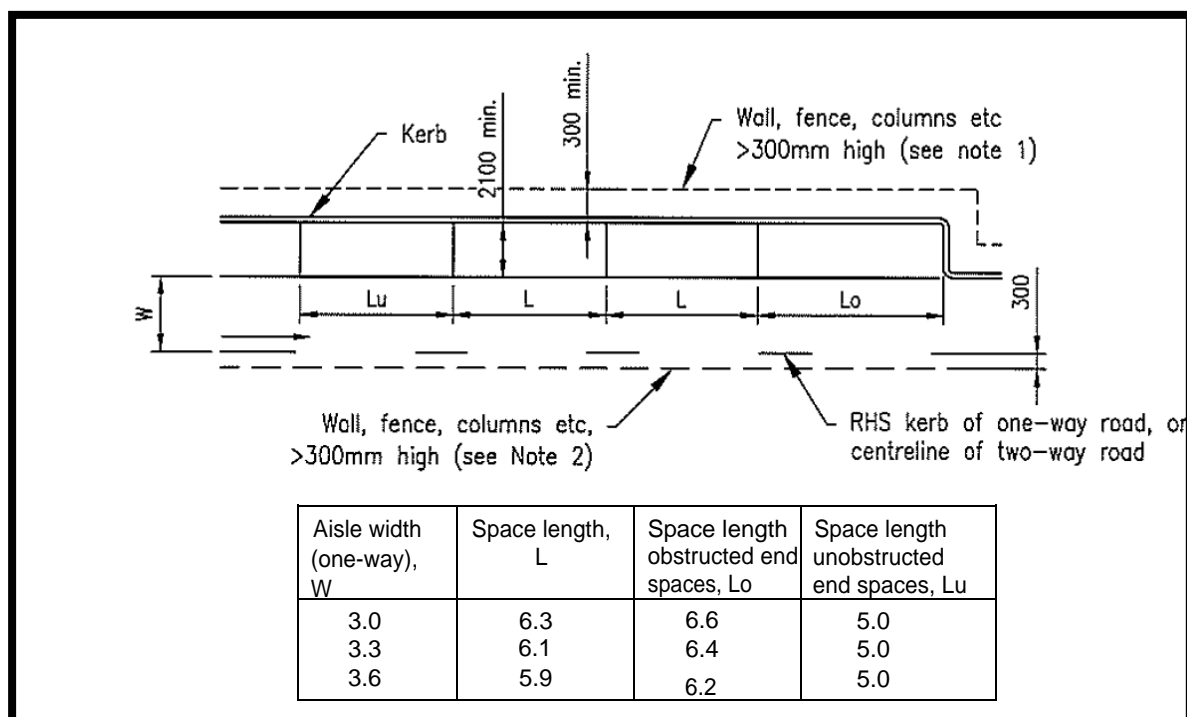
C3 - Where parking is controlled by wheel stops installed at right angles to the direction of parking, or where the ends of parking spaces form a saw tooth pattern.

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2. Classifications of off-street car parking facilities are as follows (the two Class 3A options given for 90° parking are alternatives of equal standing):

User Class	Required Door Opening	Required Aisle Width	Examples of Uses
1	Front door, first stop	Minimum for single manoeuvre entry and exit	Employee and commuter parking (generally, all-day-parking).
1A	Front door, first stop	Three-point turn entry and exit into 90° parking spaces only. Otherwise as for User Class 1	Residential, domestic and employee parking.
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking).
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospitals and medical centres.
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit.	Short term, high turnover parking at shopping centres.

Figure TRA 4. Minimum car parking space dimensions (in metres) for parallel parking spaces



Compliance Standards:

- Spaces shall be located at least 300mm clear of obstructions higher than 150mm such as walls, fences and columns.

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2. *Where the opposite side of the aisle is bounded by obstructions higher than 150mm, Dimension W shall be increased by at least 0.3m.*
3. *If a single space is obstructed at both ends, a further 0.3m shall be added to dimensions in this column.*
4. *Where the aisle is two-way, but parking is on one side only, its width shall be increased by 3.0m minimum.*
5. *Where parallel parking is provided on both sides of a two-way aisle, the aisle widths shown shall be provided on each side of the aisle centre line.*
6. *For parallel parking on both sides of a one-way aisle the aisle width shall be at least twice that shown.*

TRA – Appendix 2

Appendix 2A. Vehicle Crossings Per Site

The number of vehicle crossings per site shall not exceed those stated in Table TRA 6.

Table TRA 6. Maximum number of vehicle crossings per site

Site Frontage (m)	Hierarchy Class of Road Frontage				
	Low Volume	Access	Secondary Collector	Primary Collector	Arterial
0 - 16	1	1	1	1	1
17 - 60	2	2	1	1	1
61 -100	3	3	2	1	1
>100	3	3	3	2	1

Compliance Standards:

1. Where a site has frontage to more than one road, the vehicle entrance must be onto the road that has the lower class in the transport network hierarchy.
2. Where there is more than one road frontage, the frontage measurement will only apply to the road front approved for gaining entrance.
3. Service stations are permitted to provide two crossings per site.
4. Paddock entrances in the Rural Production or Rural Living Zones, with less than 10 vehicle movements per month, are exempt from the maximum number of vehicle crossings per site detailed in Table TRA 6.

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Appendix 2B. Vehicle Crossing Distances from Intersections

Any vehicle crossing shall comply with the minimum distance from intersections as stated in Table TRA 7. Distances are measured along the centreline of the frontage road from the centreline of the vehicle Crossing to the edge of the carriageway of the intersecting road.

Table TRA 7. Minimum distance of vehicle crossing from intersections

Intersection Road Classification (distance in meters)			
Frontage Road	National, Regional & Arterial	Primary & Secondary Collector	Access & Low Volume
Speed Limit 50km/hr			
Arterial	70	55	35
Primary & Secondary Collector	40	40	20
Access & Low Volume	25	25	10
Speed Limit Over 50km/hr			
Arterial	180	180	90
Primary & Secondary Collector	75	60	60
Access & Low Volume	75	60	60

TRA – Appendix 2

Appendix 2C. Vehicle Crossings Sight Distances

Any vehicle crossing shall comply with the minimum sight distance requirements as stated in Table TRA 8. Sight lines shall be contained within the road reserve.

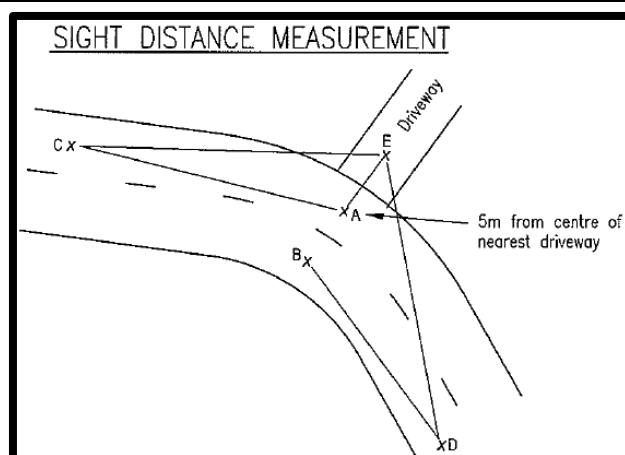
Table TRA 8. Minimum vehicle crossing sight distances

Posted Speed Limit (km/hr)	Minimum sight distance (m)		
	Frontage Transport Corridor Classification		
	Access & Low Volume	Primary & Secondary Collector	Arterial & Regional
40	45	50	90
50	60	70	120
60	85	90	150
70	105	120	185
80	135	145	220
90	160	175	265
100	195	210	305

Compliance Standards:

1. Access road sight distances are calculated based upon Approach Sight Distance (ASD) with Reaction Time (RT) of 1.5 seconds.
2. Collector road sight distances are calculated based upon ASD with RT of 2 seconds.
3. Arterial and Regional road sight distances are calculated based upon Safe Intersection Sight Distance (SISD) with RT of 2 seconds.
4. There shall be lines of clear sight from the driver's eye height (1.15m above ground level) along the lines detailed below:

Lines AC and BD (see diagram below)	All vehicle crossings on all roads.
Lines EC and ED (no permanent obstructions, exclude parked vehicles which might obstruct these sight lines).	All vehicle crossings on arterial, collector, access and low volume roads.
Lines EC and ED (no obstructions, parked vehicles not excluded).	All vehicle crossings on regional roads.
Points C and D are established by measuring the sight distance from Table TRA 8 along the centre of the appropriate lane from points A and B. For practical purposes A and B can be taken as opposite the centre of the driveway.	



TRA – Appendix 2

Appendix 2D. Performance Standards for Private Access

Private access shall be designed and constructed in accordance with Table TRA 9.

Table TRA 9. Private access requirements

Number of Principal Residential Units	Maximum length	Minimum Legal Width (m)	Minimum Carriageway Width (m)			Footpath Width (m)	Maximum gradient	Crossfall
			Unsealed shoulder	Surfacing width	Total			
Urban								
2 - 4	50m	4.0	-	1 x 3.0	3.0 ¹	-	12.5% for the first 5m from the road boundary and 22.2% for the remainder restricted to straight sections	3%
5 - 8	100m	6.0	-	1 x 4.5	4.5	1 x 0.95		
Rural								
2	-	4.0	2 x 0.25	1 x 3.0	3.5 ¹	-	12.5% for the first 5m from the road boundary and 22.2% for the remainder	3% where sealed; 6% where unsealed
3 - 5		6.0	2 x 0.25	1 x 4.0	4.5			
6 - 8		10.0	2 x 0.25	2 x 2.75	6.0			

Notes:

- "Urban" includes sites within:
 - The Rural (Urban Expansion) Zone where the net site area is less than 2000m².
 - Any Urban Area Zone.
 - The Rural Village, Strategic Rural Industries or Ruakaka Equine Zones.
 - Any Green Space Zone adjacent to any of the above.
- "Rural" includes sites within:
 - The Rural (Urban Expansion) Zone where the net site area is equal to or greater than 2000m².
 - The Rural Production or Rural Living Zones
 - Any Green Space Zone adjacent to any of the above.
- The New Zealand Fire Service Firefighting Supplies Code of Practice SNZ PAS 4509:2008 and NZ Building Code C/AS1 contain guidance on an adequate access to water supply for firefighting purposes.

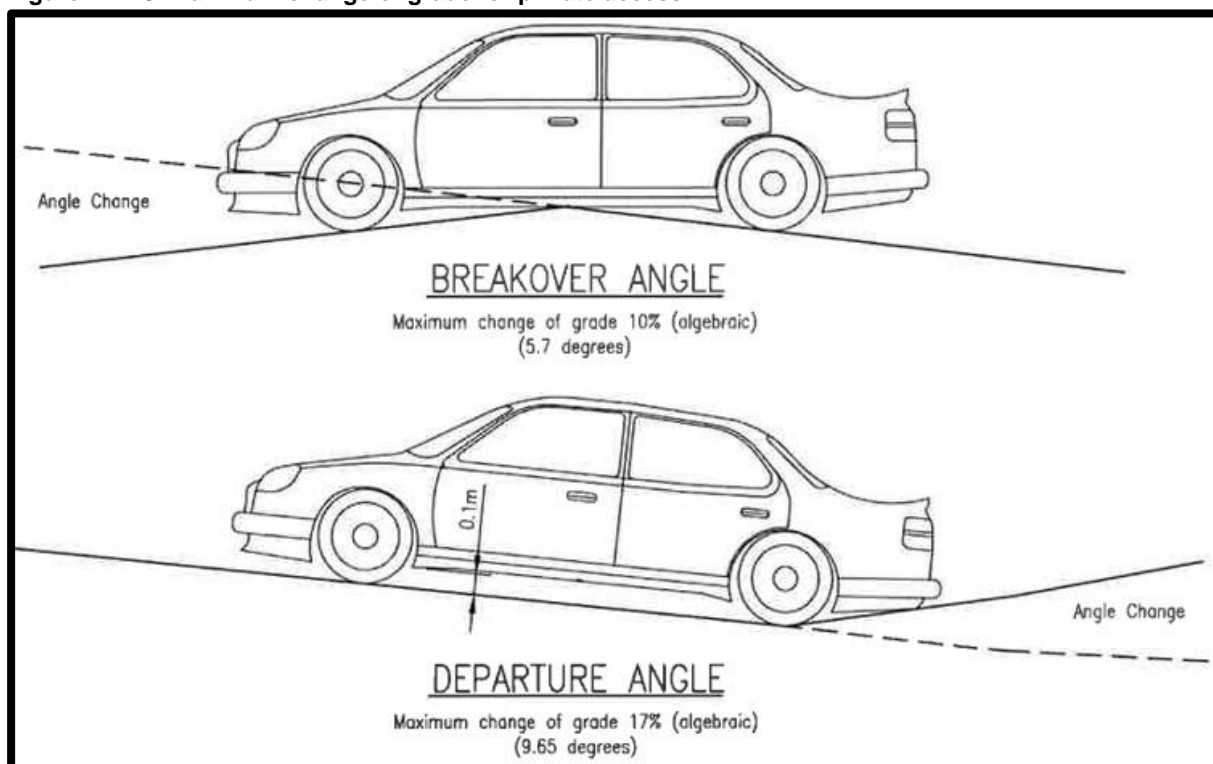
Compliance Standards:

- Where a public sewer pump station or fire hydrant is located within, or accessed via a private accessway, the minimum total carriageway width shall be 4.0m.

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2. Where a private accessway contains public wastewater reticulation the legal width shall be increased by 1.11m.
3. Where a private accessway contains public water reticulation the legal width shall be increased by 0.6m.
4. For curved private accesses, the gradient is measured along the inside radius.
5. The maximum change of grade for a breakover angle on any private access is 10% and the maximum change of grade for a departure angle on any private access is 17% - see Figure TRA 5 below.

Figure TRA 5. Maximum change of grade for private access



TRA – Appendix 3

Appendix 3. Transport Network Hierarchy

Whangarei's roads have been classified into a hierarchy to define their purpose and expectation within the transport network. The hierarchy is two-tiered. The first tier is the One Network Road Classification, which aligns with the national system, and is shown on the Planning Maps. The second tier comprises regionally significant transport infrastructure as identified in the Regional Policy Statement for Northland 2016. The tiers overlap as some roads are classified under multiple tiers. A description of each category of the hierarchy is set out in Table TRA 12.

Table TRA 12. Transport network hierarchy

Classification	Expectation
<i>Tier 1: One Network Road Classifications</i>	
National (High Volume)	Roads that make the largest contribution to the social and economic wellbeing of New Zealand by connecting major population centres, major ports or international airports and have high volumes of heavy commercial vehicles or general traffic.
Regional	Regional roads make a major contribution to the social and economic wellbeing of a region and connect to regionally significant places, industries, ports or airports. They are also major connectors between regions and in urban areas may have substantial passenger transport movements.
Arterial	Arterial roads make a significant contribution to social and economic wellbeing, link regionally significant places, industries, ports or airports and may be the only route available to some places within the region (i.e. they may perform a significant lifeline function). In urban areas, they may have significant passenger transport movements and numbers of cyclists and pedestrians using the road.
Primary Collector	Primary Collectors are locally important roads that provide a primary distributor/collector function, linking significant local economic areas or areas of population. They may be the only route available to some places within the region and in urban areas they may have moderate passenger transport movements and numbers of cyclists and pedestrians using the road.
Secondary Collector	Secondary Collectors are roads that provide a secondary distributor/collector function, linking local areas of population and economic sites and may be the only route available to some places within this local area.
Access	Access includes all other roads. Low volume roads within this category will fall into the low volume subset.
Low Volume	All other roads are classed as low volume.
<i>Tier 2: Regionally Significant</i>	
Strategic Tourist Routes	The tourism routes support tourist related transport users in the District. Tourism routes should positively add to visitors' impressions of the District. Rest areas and amenities are important on Tourism Routes.
Strategic Freight Routes	Freight routes support freight movements into and out of the District. Two freight carriers that are of particular significance to the District are forestry and dairy. Freight routes will

TRA – Appendix 3

	continue to support significant amounts of heavy transport while considering impacts on surrounding established and planned settlements.
National Cycleway	These areas generally represent the most significant concentrations of population within Whangarei and would therefore benefit the most from a strategic approach to creating and enhancing local networks for recreational and commuting use. Additionally, the national cycleway connects wider areas of the District and Region.

Appendix 4. Strategic Road Protection Areas

Table TRA 13 contains details of the strategic road protection areas shown on the Planning Maps.

Table TRA 13. Strategic Road Protection Areas

Road Name	Location		Strategic Road Protection Area (metres)	
	Start	Finish	Direction	
Dent St	Bank St	Rathbone St		3 SW
Dent St	Rathbone St	Walton St	2 NE	5 SW
Dent St	Walton St	Reyburn St	4 NE	3 SW
Hatea Drive	All		12.5 from centre	
Kamo Rd	Bank St	40m from Bank St	3 W	
Kamo Rd	Kensington Ave	60m S of McClintock St	2 W	3 E
Kamo Rd	60m S of McClintock St	Western Hills Dr	2 W	5.4 E
Kamo Rd	Western Hills Dr	Burling Ave		5E
Kamo Rd	Burling Ave	70m S of Adams Pl		2 E
Kamo Rd	Whau Valley Rd	550m N of Whau Valley Rd	1.6 W	
Kiripaka Rd	Waiaatawa Rd	Corks Rd	12.5 from centre	
Maunu Rd	Water St Intersection with Central Ave and Walton St	SH 1N	3 S	2 N
Mill Rd	Nixon St	Whareora Rd	2.5 W	2.5 E
Okara Drive	Commerce St	Port Rd	11 from centre	
Rathbone St	Robert St	Dent St		3 SE
Tarewa Rd	Porowini Ave	Otaika Rd	11 from centre	
Waiaatawa Rd	Whareora Rd	Kiripaka Rd	12.5 from centre	
Walton St	Bank St	Dent St		4 E

Compliance Standards:

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1. *"x from centre" refers to a distance taken from the centre of the existing legal road. The legal road width varies in these locations and it is not practical to define Strategic Road Protection Areas from the existing edge of the legal road.*
2. *All other Strategic Road Protection Areas are expressed as the distance from the frontage of sites.*

Note:

1. Abbreviations for *directions*:

N = north	NE = north-east
S = south	SW = south-west
E = east	SE = south-east
W = west	NW = north-west

Three Waters Management (TWM)

Overview

Three Waters Management implements provisions to manage the impact of landuse and subdivision on water resources, namely stormwater, wastewater and water supply:

- Stormwater systems manage the quality and quantity of stormwater runoff to minimise flood damage and to protect people, land, infrastructure and the receiving environment from adverse effects.
- Wastewater systems collect and convey wastewater for subsequent treatment and disposal. This will normally consist of either connection to the reticulated wastewater network, or on-site treatment and disposal (either individual or communal in nature).
- A water supply is necessary to ensure that a sufficient quality and quantity of water is available to all properties.

Where a reticulated three waters network with sufficient capacity is available, connection to it is required when undertaking subdivision where connection is practicable. Connection is also encouraged where this would be a logical extension of the reticulated network. Successfully implemented and managed reticulated three waters networks have significant economic, social, environmental and cultural benefits and should be protected as regionally significant infrastructure.

Where a connection is not available to the reticulated network or where a reticulated network does not have sufficient capacity, an alternative private non-reticulated system will be required when undertaking subdivision. It is important that private systems are appropriately designed to protect the health and wellbeing of residents as well as the health of the receiving environment both on-site and within the surrounding area.

In addition to the District Plan, Whangarei District Council Bylaws may impose controls and restrictions on three waters management. Consent may also be required from the Northland Regional Council with regard to stormwater, wastewater and water supply.

Objectives

TWM-O1 – Connections	Ensure that connection to reticulated three waters networks is provided for within a reticulated area.
TWM-O2 – Reticulated Networks	Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks.
TWM-O3 – Integrated Infrastructure	Plan and provide for three waters infrastructure in an integrated and comprehensive manner.
TWM-O4 – Private Systems	Ensure that private three waters systems are provided where connections are not provided to reticulated networks.

Three Waters Management (TWM)

TWM-O5 – Adverse Effects

Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.

Policies

TWM-P1 – Three waters Infrastructure

To ensure that three waters resources are appropriately managed by requiring subdivision and development to provide three waters infrastructure that:

1. Is coordinated, integrated and compatible with the existing infrastructure and capacities.
2. Enables the existing network to be expanded or extended to adjacent land where that land is suitable for future reticulated development.

TWM-P2 – Reticulated Areas

To sustainably and efficiently manage three waters resources by avoiding private three waters systems where connection to the reticulated network is practicable or where failure to connect may compromise the future extension of the reticulated network.

TWM-P3 – Capacity

To manage the scale and design of subdivision and development where connection is provided to reticulated three waters networks to ensure that there is sufficient capacity in the reticulated networks, and where necessary require upgrades and/or extensions to the reticulated networks.

TWM-P4 – Future Development

To ensure that reticulated three waters infrastructure is designed to accommodate planned and future development.

TWM-P5 – Vested Assets

To require vested assets, and connections to vested assets, to be designed and constructed in a manner that protects the ongoing operation, maintenance and upgrading of that asset.

TWM-P6 – Private Systems

To ensure that where connection to a reticulated three waters network is not available or practicable that provision can be made for:

1. A water supply.
2. The treatment, disposal, and where appropriate attenuation, of stormwater in a way that does not lead to significant adverse effects on or off site.
3. Management of wastewater via:
 - a. An on-site wastewater treatment system; or
 - b. Approval to connect to a private wastewater system.

TWM-P7 – Flooding

To reduce the risk of flood hazards or increased upstream and downstream flood levels resulting from stormwater discharges.

Three Waters Management (TWM)

- ii. In Flood Susceptible Areas, the post-development 1% Annual Exceedance Probability (AEP) storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.
- iii. Outside Flood Susceptible Areas, the post-development 2% and 5% AEP storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.
- iv. Any attenuation required by TWM-R3.1(a)(ii)-(iii) is able to accommodate an additional 20% for climate change.
- v. The primary stormwater system is capable of conveying a 50% AEP storm event (+20%) where the system is a piped network with no surcharge.
- vi. The primary stormwater system is capable of conveying a 20% AEP storm event (+20%) where the system is a piped network allowing a discharge within 0.3m of the lid level.
- vii. The secondary stormwater system is capable of conveying the 1% AEP storm event (+20%) within a defined path to ensure that surface water will not enter buildings (excluding detached garages).
- viii. The stormwater system will not connect or overflow to any wastewater system.
- ix. The stormwater system is designed and constructed for an asset life of at least 50 years.
- b. Connection to a reticulated stormwater network where the allotment is located within a reticulated stormwater area.

Three Waters Management (TWM)

Matters of Discretion:

1. Adverse effects on existing reticulated stormwater networks.
2. The capacity of existing reticulated stormwater networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.
3. Feasibility of connection to and logical extension of the existing reticulated stormwater networks.
4. Adverse effects on the surrounding environment and neighbouring properties from the collection, treatment and disposal of stormwater.
5. The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in future.

Note:

1. *Acceptable means of compliance for the provision, design and construction of stormwater infrastructure is contained within the Whangarei District Council Engineering Standards.*

Wastewater

TWM-R4

Subdivision

All Zones

Activity Status: RD

Where:

1. All allotments (excluding any allotment for access, roads, utilities and reserves) are designed and located so that provision is made for:
 - a. Collection, treatment and disposal of wastewater.
 - b. Connection to a reticulated wastewater network where the allotment is located within a reticulated wastewater area.

Activity Status when compliance not achieved: D

Three Waters Management (TWM)

Matters of discretion:

1. Adverse effects on existing reticulated wastewater networks.
2. The capacity of existing reticulated wastewater networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.
3. Feasibility of connection to and logical extension of the existing reticulated wastewater networks.
4. Provision of wastewater collection, treatment and disposal.
5. Adverse effects on the surrounding environment and neighbouring properties from the collection, treatment and disposal of wastewater.
6. The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in future.

Note:

1. *Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Whangarei District Council Engineering Standards.*

Water Supply

TWM-R5

Subdivision

All Zones

Activity Status: RD

Where:

1. All allotments (excluding any allotment for access, roads, utilities and reserves where no irrigation is required) are designed and located so that provision is made for:
 - a. A water supply.
 - b. Connection to a reticulated water supply network where the

Activity Status when compliance not achieved: D

Three Waters Management (TWM)

allotment is located within a reticulated water supply area.

Matters of discretion:

1. Adverse effects on existing reticulated water supply networks.
2. The capacity of existing reticulated water supply networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.
3. Feasibility of connection to and logical extension of the existing reticulated water supply networks.
4. Provision of suitable drinking water.
5. The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in future.

Integrated Three Waters Assessments

TWM-R6	Subdivision	
All Zones	Activity Status: D Where: <ol style="list-style-type: none"> 1. Any subdivision results in 8 or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors) from one parent allotment which existed at [Operative Date]. <p><i>Note: Any application shall comply with information requirement TWM-REQ3.</i></p>	
TWM-R7	Landuse	
Business Zones	Activity Status: C Where: <ol style="list-style-type: none"> 1. Any activity increases the impervious area within a site by 1,000m² – 5,000m² from what existed at [Operative Date]. <p>Matters of Control:</p>	
	Activity Status: D Where: <ol style="list-style-type: none"> 1. Any activity increases the impervious area within a site by more than 5,000m² from what existed at [Operative Date]. <p><i>Note: Any application shall comply with information requirement TWM-REQ3.</i></p>	

Three Waters Management (TWM)

1. Adverse effects on environmental and cultural values from the management and discharge of stormwater and wastewater.
2. The provision of integrated low impact design or green infrastructure solutions to minimise adverse effects.
3. Opportunities for multipurpose infrastructure (i.e. stormwater reserves that function as walking tracks).
4. The ability of three waters infrastructure to service potential future development within the site.

Note: Any application shall comply with information requirement TWM-REQ3.

Rule Requirements

TWM-REQ1	Information Requirement
All Zones	<ol style="list-style-type: none"> 1. Any consent application where connection will be provided to reticulated three waters network(s) shall include an assessment detailing (where relevant): <ol style="list-style-type: none"> a. Provision made for connections to reticulated three waters networks. b. Confirmation that sufficient capacity exists within reticulated three waters networks to service the proposed development. c. Any upgrades and/or extensions to existing reticulated three waters infrastructure that are proposed or necessary. d. Consideration of the elevation of each proposed lot to establish a service envelope where that lot is able to be serviced without the need for on-site pumping. Reference shall be made to any part of the lot that is outside the service envelope. e. Land and infrastructure to be vested in the Council.

TWM-REQ2	Information Requirement
All Zones	<ol style="list-style-type: none"> 1. Any consent application where connection will not be provided to reticulated three waters networks is required to show the details and layout of the proposed three waters system(s) including (where relevant): <ol style="list-style-type: none"> a. In reticulated areas, demonstration as to why connection to the reticulated three waters network is not proposed or is not practicable. b. In reticulated areas, an assessment of any effects on the practicability of future expansion of the reticulated network.

Three Waters Management (TWM)

- c. Evidence that the proposed system either complies with the permitted activity standards of the Northland Regional Plan or a regional consent has been obtained.
- d. A site plan detailing the overall proposed development, showing existing contours in areas proposed for development of three waters infrastructure, and any overland flow-paths, rivers, wetlands, water bores etc. which exist pre-development in the subject property and in adjoining properties.
- e. Where any buildings or structures are located within overland flow-paths, rivers, wetlands, water bores, etc. demonstration of how the development will maintain their capacity to convey flows.
- f. Details of an effluent disposal area and reserve area and provision for ongoing maintenance and operation of the proposed wastewater system.
- g. Proposed stormwater attenuation and/or water quality treatment system(s), including location, preliminary sizing and associated works (e.g. landscaping, road construction).
- h. Demonstration (by drawings, calculations and reports) that the requirements of rule TWM-R3.1(a) can be achieved.
- i. Details of water demand (flow and pressure) and suitable drinking water sources.
- j. Copies of any correspondence or written approvals from private persons or Council departments in relation to the proposed stormwater system, and confirmation of how any conditions of those approvals will be met.
- k. Where a private communal three waters system is proposed, details of a formal legal mechanism by which each allotment owner is individually and severally responsible for the maintenance and performance of the system and ongoing ownership of the disposal area

Notes:

1. Additional information on details to be provided is contained within the Whangarei District Council Engineering Standards.
2. Evidence of a satisfactory water supply will be assessed as part of the building consent application. Applicants are advised to consult with the New Zealand Fire Service, Northland Health and the Northland Regional Council, and to refer to the Drinking Water Standards for New Zealand 2005 (Revised 2008).

TWM-REQ3	Information Requirement
All Zones	<ol style="list-style-type: none"> 1. Any application under rules TWM-R6 – R7 shall include a n Integrated Three Waters Assessment which details: <ol style="list-style-type: none"> a. How the proposal is consistent with the recommendations, measures and targets of any relevant Council approved Catchment Management Plan.

Three Waters Management (TWM)

- b. An assessment of any potential effects (including cumulative effects) of the development in relation to the site, any adjoining sites, the wider catchment and cultural values.
- c. Information on how wastewater (including trade waste) will be managed to minimise any impacts on the reticulated network or from on-site discharges.
- d. The provision of water supply, wastewater disposal and/or stormwater disposal reticulation through the proposed development or subdivision to a standard necessary to provide adequate reticulation to adjacent land zoned for reticulated development.
- e. Any low impact design, green infrastructure or water sensitive design solutions that are proposed, what benefits these will provide, and how they will be operated and maintained to ensure ongoing water efficiency benefits.
- f. Consideration of opportunities to integrate three waters infrastructure and informal or passive recreation opportunities.
- g. Any proposed conditions.

Earthworks (Earth)

Overview

Whangarei District has varied geology, soil type and ground water levels. This combined with variable climatic conditions creates a risk of natural hazards of land instability. Generally, where there are steep slopes, little vegetation and high rainfall, land is likely to be subject to erosion and movement. Some land formations, including caves and sinkholes, are inherently unstable and constitute a major hazard.

Land suitability issues can be created or exacerbated by inappropriate earthworks. Earthworks are a necessary part of subdivision and development, but need to be managed to ensure that the risk of natural hazards and instability are avoided, remedied or mitigated.

The Earthworks Chapter manages earthworks associated with subdivision to ensure that sites are suitable for development and hazards are managed. In addition to the District Plan, consent may also be required for earthworks under the Regional Plan.

Objectives

EARTH-O1 – Land Instability	Minimise the risk of land instability and manage compaction.
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Policies

EARTH-P1 – Adverse Effects	To avoid where practicable, or otherwise remedy or mitigate, adverse effects associated with land instability and compaction by managing subdivision design and layout.
EARTH-P2 – Risk	To design subdivision to minimise potential risks to people, property and the environment.

Rules

EARTH-R1	Subdivision	
All Zones	Activity Status: RD Where: 1. Earthworks do not: a. Change the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland.	Activity Status when compliance not achieved: D

Earthworks (Earth)

- b. Occur within a Site of Significance to Maori or within 10m of any archaeological site.
2. A 100m² building area for a residential unit is identified within each allotment.
3. Access to the identified building area is identified within each allotment.

Discretion is restricted to:

1. The potential increased risk of instability based on the location, layout and design of the subdivision.
2. The potential effects and management of vegetation clearance, excavation or fill and disposal of stormwater or wastewater.
3. The likelihood of a hazard arising from an unstable land event and the likely extent of any damage.
4. Any exacerbation of an existing land instability hazard or creation of a new land instability hazard and possible effects on public health and safety and other property.
5. The proposed use of, necessity for and design of hard engineering solutions for land instability hazards.
6. The ability to design, construct and maintain future buildings, structures and access so that they are resilient to land instability hazards.
7. The adequacy of the site suitability report and any recommendations.

Note:

1. *Acceptable means of compliance for the scale and design of earthworks is contained within the Whangarei District Council Environmental Engineering Standards.*

Rule Requirements

EARTH-REQ1	Information Requirement
All Zones	1. Any application under EARTH-R1 shall:

Earthworks (Earth)

- a. Provide a site suitability report prepared by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer) to certify that:
 - i. A 100m² building area within each allotment is suitable to construct a residential unit, either:
 - a) In accordance with NZS 3604/2011; or
 - b) With specific engineering design of foundations.
 - ii. Access to the certified building area within each allotment is suitable to construct.
 - b. Identify on the scheme plan the building area certified in EARTH-REQ1.1(a)(i).
2. A site suitability report certifying EARTH-REQ1.1(a)(i)(1) shall include the following:
 - a. Details of a walk-over inspection of the site and surrounding land.
 - b. Assessment of aerial photographs taken at various times to provide insight into the local geomorphology and evidence of any previous instability.
 - c. Review of geological data (e.g. maps, bulletins, etc.).
 - d. Assessment of local information about stability/instability of the ground.
 - e. Assessment of existing data about the soil and rock profile. Where no data exists, subsurface investigations are required.
 - f. Examination of the soil profile to confirm that the soil is in-situ and not colluvium (slide debris).
 - g. Examination of the existing survey records for evidence of movement (slippage or erosion).
 - h. An opinion stated by a suitably qualified and experienced professional as to the suitability of the land for development (including an assessment of the effects of development such as excavation, filling, removal of vegetation, stormwater or effluent wastewater into or over the area).
 - i. Definite conclusions and recommendations on any development restrictions.
3. A site suitability report certifying EARTH-REQ1.1(a)(i)(2) shall include the following:
 - a. Topographic survey or slope profiles.
 - b. A description of the geology and geomorphology of the area, including comment on the areas surrounding the proposed subdivision.
 - c. Definition of the nature and continuity of the strata over the whole area of land which is proposed to be developed (buildings, access and services) and to a depth below which slipping is most unlikely, by means of test pit and/or drilling and/or augering (unless existing exposures are adequate).
 - d. Assessment of the relative strength and the sensitivity of the soil in each stratum in which, or interface on which, sliding is practicable.

Earthworks (Earth)

- e. Assessment of likely groundwater levels and piezometric pressures in the strata during extreme infiltration conditions.
 - f. An opinion stated by a suitably qualified and experienced professional as to the stability and suitability of the land for development, including the stability of the whole slope (upon which the site may only form a part of) and the effects of the development (such as excavation, filling, removal of vegetation, disposal of stormwater or effluent wastewater into or over the area) on the whole slope.
 - g. Definite conclusions and recommendations on any development restrictions, specifically addressing section 106 of the Resource Management Act.
4. A site suitability report certifying EARTH-REQ1.1(a)(ii) shall include the following:
- a. Any potential stability effects of access alignment, design and construction, including on the stability of identified building areas and any existing buildings.
 - b. Definite conclusion and recommendations on any access development restrictions, specifically addressing section 106 of the Resource Management Act.

Signs (SI)

Overview

Signs play an important role in communication and may be used to identify places, provide information about community facilities and services, convey important health and safety messages, and control and direct traffic. Signs also enable businesses to advertise goods and services which is important in supporting the social and economic wellbeing of the District.

The importance of the role of signs needs to be balanced against the impact that excessive, poorly designed or inappropriately located signs can have, particularly on the safety of traffic and the amenity values of an area.

It is appropriate that some signs be allowed in order to support the communication of important information and enable the identification of facilities, directions and goods and services. However, controls on the number, size and location of signage are also required in order to ensure that the amenity values of the various zones within the District are maintained and so that signs do not compromise traffic safety and/or the legibility of certain areas.

Illumination of signage is increasingly used within the Whangarei District and may be associated with businesses or advertising. Illuminated signage is generally considered an effective method of advertising and attracting business due to its predominance against a dark background. Illuminated signage has the potential to impact on the amenity of the surrounding environment due to the 'brightness' of the signage in contrast to the environment in which it is located. Illuminated signage may also conflict with traffic safety by distracting the motorist's attention from the road.

The District Plan controls apply to permanent signage where it is located on private land, public spaces such as parks and reserves and other civic spaces, and within the road, including footpaths and verandahs of buildings. Temporary signage which can be seen from public areas and the road, such as electoral signage, real estate signage and temporary event signage, is controlled through Council Bylaws. It is important to note that permanent signs located on or over roads, footpaths and public places are also subject to standard construction requirements for public safety purposes as specified in the Council Bylaw. Signs may also be subject to landowner approval and requirements imposed by the road controlling authority under the Land Transport Act 1998.

Objectives

SI-O1– Provision for Signs	<p>Signage is provided for across a range of zones where:</p> <ol style="list-style-type: none"> 1. It maintains, or where appropriate enhances, the character and amenity of the surrounding zone. 2. It does not adversely impact heritage values, traffic and pedestrian safety, or impede the efficient use of infrastructure. 3. It is provided in a manner which is efficient, legible and functional.
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Signs (SI)

SI-O2– Illuminated Signs

Illuminated signage is provided for where it contributes to the social, cultural and economic wellbeing of the District in a manner which:

1. Maintains or enhances the amenity and character of the surrounding environment.
2. Avoids or mitigates adverse effects on traffic safety, heritage values, amenity, and the health and safety of people.

Policies

SI-P1 – Scale and Intensity

To provide for signage across a range of zones at a scale and intensity which ensures that the signage maintains the character and amenity of these zones and traffic safety within these zones by:

1. Requiring signage to relate to the goods or services available on site.
2. Limiting the size, location, and design of signage.
3. Requiring the consideration of cumulative effects of signage, taking into account whether the signage in conjunction with existing signs will create visual clutter or other adverse cumulative effects on amenity values or traffic safety.

SI-P2 – Built Heritage

To avoid adverse effects of signage on scheduled built heritage items or within their surroundings by:

1. Restricting unnecessary, unsympathetic, large-scale or inappropriate signage.
2. Avoiding signs that will damage, dominate, obscure or detract from the built heritage item or surrounds.

SI-P3 – Health and Safety Signs

To provide for signage required to protect the health and safety of the community and enable navigation.

SI-P4 – Traffic Safety Signs

To manage signs visible from roads, including the State Highway, to maintain traffic safety by:

1. Providing for road signs associated with road safety where they are designed and erected by the relevant authorities for the purpose of traffic control or public safety.
2. Controlling the location, size and design of signage visible from roads.

SI-P5 – Community Signs

To provide for permanent community signage where:

1. It clearly displays the location of public facilities, place-names and their distances, destinations of historical, cultural, spiritual, sporting, or scenic significance.
2. It does not result in significant adverse effects, including cumulative effects, on the character and amenity of the zone in which it is located.

SI-P6 – Shared Location and Consolidated Signage

To encourage the shared location of signage, such as community, directional and commercial signage, where it is located beyond the site or activity to which it relates.

Signs (SI)

SI-P7 – Illuminated Signage (Amenity and Character)	<p>To require illuminated signage to maintain the amenity and character of the zone and Resource Areas in which it is located by:</p> <ol style="list-style-type: none"> 1. Limiting the use of Illuminated signage in zones where amenity values are higher and the background lighting levels are generally lower. 2. Controlling the location and brightness of illuminated signage in the City Centre, Mixed Use, Commercial, Shopping Centre, Light Industry, Heavy Industry, Local Commercial and Sport and Active Recreation Zones.
SI-P8 – Illuminated Signage (Traffic Safety)	<p>To require illuminated signage to be located and designed to manage the potential for adverse effects on traffic safety.</p>

Rules

SI-R1	<p>An Activity Not Otherwise Listed in this Chapter</p> <p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rules of the District Plan. <p><i>Note - All temporary signs located on vehicles, within the legal road boundary, on road verges, road reserves, or on private land where they are visible from an adjoining or adjacent property and roads, are regulated by Council Bylaws.</i></p> <p><i>Note - Signage content (such as offensive messages), whether temporary or permanent, located on vehicles within the legal road boundary, on road verges, road reserves, or on private land where they are visible from an adjoining or adjacent property(s) and roads are regulated by Council Bylaws and may also be subject to the provisions of SI.</i></p>
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SI-R2	<p>Any Sign Visible from Beyond the Site on which it is Located</p> <p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The sign: <ol style="list-style-type: none"> a. Does not obscure any official sign, traffic sign or traffic signal. b. Is visible from a road which has a speed limit of 70kph or greater, and is located so as to provide an unrestricted view to the motorist for a minimum distance of 250m. c. Relates to good and services available on the site or is a property naming sign or number. 	<p>Activity Status when compliance not achieved: RD (Restricted Discretionary)</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Visual amenity including: <ol style="list-style-type: none"> a. Within the zone it is located; b. On adjacent or adjoining zones; c. On public spaces. 2. Scale, location and design 3. Lighting and traffic safety 4. Impacts on landscape values and natural character 5. Impacts on cultural and heritage values
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Signs (SI)

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| <p>d. Complies with the relevant height in relation to boundary setback when located on a site adjacent to a Living Zone or Open Space Zone.</p> | <p>6. Cumulative effects
7. Duration of consent</p> |
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SI-R3	Any Sign in Living, Neighbourhood Commercial, Marsden Primary Centre-Town Centre South, Rural Village Residential and Rural (Urban Expansion) Zones
<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. There is no more than one sign per site. 2. The height of the sign does not exceed 2m (applicable to freestanding signs and to affixed to a structure or building). 3. The area of the sign does not exceed 1m². <p><i>Rule Exemption</i></p> <ol style="list-style-type: none"> 1. Official signs, road signs and community signs are only required to comply with R13 – 15. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Visual amenity and character effects including: <ol style="list-style-type: none"> a. Within the zone it is located; b. On adjacent or adjoining zones; c. On public spaces. 2. Scale, location and design. 3. Lighting and traffic safety effects. 4. Effects on landscape values and natural character. 5. Effects on cultural and heritage values. 6. Cumulative effects. 7. Duration of consent.

SI-R4	Any Sign in Rural Production and Rural Living Zones
<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. There is no more than one sign per site. 2. The height of the sign does not exceed 3m (applicable to freestanding signs and to signs affixed to a structure or building). 3. The area of the sign does not exceed 3m². <p><i>Rule Exemption</i></p>	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Visual amenity and character effects including: <ol style="list-style-type: none"> a. Within the zone it is located; b. On adjacent or adjoining zones; c. On public spaces. 2. Scale, location and design. 3. Lighting and traffic safety effects. 4. Effects on landscape values and natural character.

Signs (SI)

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| <ol style="list-style-type: none"> Official signs, road signs and community signs are only required to comply with R13 – 15. | <ol style="list-style-type: none"> Effects on cultural and heritage values. Cumulative effects. Duration of consent. |
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SI-R5	Any Sign within Open Space and Conservation Zones	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> There are no more than three signs per site. The height of any sign does not exceed 3m (applicable to freestanding signs and to signs affixed to a structure or building). The area of any sign does not exceed 3m². <p>OR where:</p> <ol style="list-style-type: none"> Any sign is in accordance with an approved Reserve Management Plan authorised under the Reserves Act 1977. <p><i>Rule Exemption</i></p> <ol style="list-style-type: none"> Official signs, road signs and community signs are only required to comply with R13 – 15. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Visual amenity and character effects including: <ol style="list-style-type: none"> Within the zone it is located; On adjacent or adjoining zones; On public spaces. Scale, location and design. Lighting and traffic safety effects. Effects on landscape values and natural character. Effects on cultural and heritage values. Cumulative effects. Duration of consent.

SI-R6	Any Sign in the Waterfront Zone and Rural Village Centre Zone	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> There are no more than three signs per site. The height of any sign does not exceed 3m (applicable to freestanding signs and signs affixed to a structure or building). Any individual sign is no larger than 1m² and the total area of all signs is no greater than 3m². <p><i>Rule Exemption</i></p>	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Visual amenity and character effects including: <ol style="list-style-type: none"> Within the zone it is located; On adjacent or adjoining zones; On public spaces. Scale, location and design. Lighting and traffic safety effects.

Signs (SI)

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| <ol style="list-style-type: none"> 1. Official signs, road signs and community signs are only required to comply with R13 – 15. | <ol style="list-style-type: none"> 4. Effects on landscape values and natural character. 5. Effects on cultural and heritage values. 6. Cumulative effects. <p>Duration of consent.</p> |
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SI-R7	Any Sign in the Airport Zone
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. There are no more than two signs per site. 2. The height of any freestanding sign does not exceed 2m. 3. The height of any sign affixed to a structure or building does not exceed the height of the structure or building to which the sign is affixed. 4. On a site with a frontage less than 25m, the area of the signage does not exceed 2.5m². 5. On a site with a frontage greater than 25m, the area of the signage does not exceed 0.1m² per metre of frontage to a maximum of 6m². <p><i>Rule Exemption</i></p> <ol style="list-style-type: none"> 1. Official signs, road signs and community signs are only required to comply with R13 – 15.

- Activity Status when compliance not achieved: RD
- Matters of discretion are restricted to:
1. Visual amenity and character effects including:
 - a. Within the zone it is located;
 - b. On adjacent or adjoining zones;
 - c. On public spaces.
 2. Scale, location and design.
 3. Lighting and traffic safety effects.
 4. Effects on landscape values and natural character.
 5. Effects on cultural and heritage values.
 6. Cumulative effects.
 7. Duration of consent.

SI-R8	Any Sign within the Ruakaka Equine Zone
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Signs visible from beyond the Zone only relate to the goods and services available within the REZ, equine

- Activity Status when compliance not achieved: RD
- Matters of discretion are restricted to:
1. Visual amenity and character effects including:
 - a. Within the zone it is located;

Signs (SI)

activities, or information related to the management of the REZ.

Rule Exemption

1. Official signs, road signs and community signs are only required to comply with R13 – 15.

- b. On adjacent or adjoining zones;
 - c. On public spaces.
2. Scale, location and design.
 3. Lighting and traffic safety effects.
 4. Effects on landscape values and natural character.
 5. Effects on cultural and heritage values.
 6. Cumulative effects.
 7. Duration of consent.

SI-R9	Any Sign within the City Centre, Commercial, Shopping Centre, Light Industry and Active Sport and Recreation, Rural Village Industry Zone, Mixed Use, Local Commercial Zones
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. There are no more than five signs per site (excluding directional signs). Any sign standards specified below contribute to the five-sign maximum. 2. No more than one freestanding sign is shared by establishments on a rear site sharing an accessway. 3. No more than one freestanding sign is permitted per road frontage where a single establishment occupies a site. If a site has two frontages the signs shall have a separation distance of 25m. 4. The height of any freestanding sign does not exceed 8.5m, except within the City Centre Zone where the height does not exceed 4m. 5. On a site with a frontage of less than 25m, the total signage area does not exceed 3m². 6. On a site with a frontage greater than 25m: <ol style="list-style-type: none"> a. The total signage area does not exceed 0.12m² per metre of frontage up to a maximum area of 6m². b. No sign has an area greater than 3m². 7. The height of any sign affixed to a building or structure does not exceed the height of the building or structure.

Activity Status when compliance not achieved: RD

Matters of discretion are restricted to:

1. Visual amenity and character effects including:
 - a. Within the zone it is located;
 - b. On adjacent or adjoining zones;
 - c. On public spaces.
2. Scale, location and design.
3. Lighting and traffic safety effects.
4. Effects on landscape values and natural character.
5. Effects on cultural and heritage values.
6. Cumulative effects.
7. Duration of consent.

Signs (SI)

8. Directional signs with signage content for directional purposes only shall not exceed 0.5m² in area and 0.9m in height and do not contribute to the five-sign maximum.

Rule Exemption

1. Official signs, road signs and community signs are only required to comply with R13 – 15.

SI-R10	Any Sign within the Heavy Industry, Marsden Primary Centre Industry Zones, Port and Strategic Rural Industry Zones	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The height of any sign affixed to a building or structure does not exceed the height of the building or structure to which the sign is affixed. 2. The height of any freestanding sign does not exceed 9m. <p><i>Rule Exemption</i></p> <ol style="list-style-type: none"> 1. Official signs, road signs and community signs are only required to comply with R13 – 15. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Visual amenity and character effects including: <ol style="list-style-type: none"> a. Within the zone it is located; b. On adjacent or adjoining zones; c. On public spaces. 2. Scale, location and design. 3. Lighting and traffic safety effects. 4. Effects on landscape values and natural character. 5. Effects on cultural and heritage values. 6. Cumulative effects. 7. Duration of consent.

SI-R11	Any Sign within the Hospital Zone	
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Signs visible from beyond the Zone only relate to the goods and services available within the Hospital Zone, or information related to the management of the Hospital Zone. 	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Visual amenity and character effects including: <ol style="list-style-type: none"> a. Within the zone it is located;

Signs (SI)

Rule Exemption

1. Official signs, road signs and community signs are only required to comply with R13 – 15.

- b. On adjacent or adjoining zones;
 - c. On public spaces.
2. Scale, location and design.
3. Lighting and traffic safety effects.
4. Effects on landscape values and natural character.
5. Effects on cultural and heritage values.
6. Cumulative effects.
7. Duration of consent.

SI-R12	Any sign on a Verandah
	<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The signs comply with the permitted sign rules for the relevant zone. 2. No more than one sign is located on the verandah fascia. 3. No more than one sign is attached beneath the verandah. 4. No sign is located on top of the verandah. 5. Any signs located on or attached to or beneath the verandah: <ol style="list-style-type: none"> a. Do not exceed a combined total area of 2.5m². b. Are located at least 2.4m above the footpath. c. Are setback 600mm horizontally from a vertical line taken from the road kerb, except for signs located on the verandah fascia. d. Are no more than 900mm in depth. e. Protrude no more than 200mm from the fascia. f. Where the sign is located under the verandah, is at right angles to the fascia. <p><i>Rule Exemption</i></p>

Activity Status when compliance not achieved: RD

Matters of discretion are restricted to:

1. Visual amenity and character effects including:
 - a. Within the zone it is located;
 - b. On adjacent or adjoining zones;
 - c. On public spaces.
2. Scale, location and design.
3. Lighting and traffic safety effects.
4. Effects on landscape values and natural character.
5. Effects on cultural and heritage values.
6. Cumulative effects.
7. Duration of consent.

Signs (SI)

1. Official signs, road signs and community signs are only required to comply with R13 – 15.

SI-R13	Any Official Sign
	Activity Status: P (Permitted)

SI-R14	Any Road Sign
	Activity Status: P (Permitted)
	Activity Status when compliance not achieved: RD
	Matters of discretion are restricted to:
Where:	
1. Signs:	
a. Are erected by a road controlling authority or their authorised representative.	1. Visual amenity effects.
b. Are for the purpose of traffic control, direction or public safety.	2. Scale, location and design.
c. Are located within the legal road reserve.	3. Lighting and traffic safety effects.
d. Comply with the AS/NZS 1158 series of standards.	4. Effects on landscape values and natural character.
	5. Effects on cultural and heritage values.
	6. Cumulative effects.
	7. Duration of consent.
<i>Note: Signage erected in the road reserve and areas subject to the control of the roading authority may also be subject to requirements imposed by the road controlling authority under the Land Transport Act 1998.</i>	

SI-R15	Any Community Sign
	Activity Status: P (Permitted)
	Activity Status when compliance not achieved: RD
	Matters of discretion are restricted to:

Signs (SI)

Where:

1. The sign complies with the signage controls for the relevant zone.
2. The sign is not illuminated, flashing or animated.
3. The sign relates to the display of information for non-profit community associations/groups and does not have variable content.
4. The sign is located within the road or any public place, the following controls are met:
 - a. No more than one community sign is permitted per site frontage to the road.
 - b. The total display area shall comply with the permitted activity sign rules for the adjoining zone.
 - c. The sign is not within a vehicular carriageway, shared path, cycleway or footpath.

Note: Signs located on or over roads, footpaths and public places are also subject to standard construction requirements for public safety purposes as specified in the Council Bylaw. Signs may also be subject to landowner approval and subject to requirements imposed by the road controlling authority under the Land Transport Act 1998.

1. Visual amenity effects.
2. Scale, location and design.
3. Lighting and traffic safety effects.
4. Effects on landscape values and natural character.
5. Effects on cultural and heritage values.
6. Cumulative effects.
7. Duration of consent.

SI-R16	Any sign on a scheduled built heritage item or within the site surrounds
<p>Activity Status: P (Permitted)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The sign: <ol style="list-style-type: none"> a. Only provides information directly related to the item's heritage value. 	<p>Activity Status when compliance not achieved: D (Discretionary)</p>

Signs (SI)

- b. Will not damage the built heritage item or the site surrounds.
- c. Does not contain illuminated, flashing or moving elements.
- 2. Total signage does not exceed an area of 0.25m² in Living Zones.
- 3. Total signage does not exceed an area of 2.5m² in Business Zones.
- 4. Total signage does not exceed an area of 1.5m² in all other zones.

Note – Site surrounds is defined in the Historic Heritage Chapter.

SI-R17	Any Illuminated Sign
	<p>Activity Status: RD (Restricted Discretionary)</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The illuminated sign is located within the following zones: <ul style="list-style-type: none"> a. City Centre b. Mixed Use c. Commercial d. Shopping Centre e. Local Commercial f. Light Industry g. Heavy Industry h. Sport and Active Recreation i. Port j. Marsden Primary Centre – Town Centre South or Industry k. Strategic Rural Industry l. Hospital 2. The illuminated sign: <ul style="list-style-type: none"> a. Complies with the signage controls for the zone in which the sign is located. b. Is not animated, moving or flashing and does not contain any moving image or wording. c. Is not located within 20m of any road intersection. d. Complies with the brightness standards in the table below. <div data-bbox="375 2027 930 2072" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Illuminated Signage Brightness Limits </div>

Signs (SI)

Illuminated area of the sign (m ²)	Maximum level of brightness (measured in candelas)
Up to 0.5	1000
0.5-2.0	800
2.0 -5.0	600
5.0-10.0	600
Over 10.0	400

Matters of discretion:

1. The effects of the illuminated sign, specifically light spill and glare, on the amenity values and character of the surrounding zone(s).
2. Scale, location, and hours of operation/duration of illumination.
3. The effects of illumination/animation on traffic safety and the efficient and safe function of the roading network.
4. Cumulative effects.
5. Duration of consent.

SI-R18

Any Illuminated Sign

Activity Status: D (Discretionary)

Where:

1. The sign is located within the following zones:
 - a. Living
 - b. Neighbourhood Commercial
 - c. Open Space
 - d. Conservation
 - e. Waterfront
 - f. Marsden Primary Centre-Town Centre South
 - g. Airport
 - h. Ruakaka Equine
 - i. Rural Production
 - j. Rural Living
 - k. Rural Village Residential
 - l. Rural Urban Expansion
 - m. Rural Village Industry
 - n. Rural Village Centre

Signs (SI)

SI-R19	Consolidated Sign Installations
	<p data-bbox="363 414 751 448">Activity Status: D (Discretionary)</p> <p data-bbox="363 526 1410 629"><i>Note: Signs proposed to be displayed within legally established sign parks may require the approval of Council and may also require payment of a fee in accordance with Council's current Fees and Charges schedule.</i></p>

Lighting (NL)

Overview

Artificial lighting enables a variety of activities to occur beyond daylight hours. Lighting is provided to illuminate work areas and to provide for recreational and entertainment activities such as sporting events. Artificial lighting is also important to maintain security and support the safe use of areas after dark. Lighting infrastructure, such as street lighting, is necessary for traffic safety and efficiency and the well-being of people and communities. Unless appropriately managed, lighting can adversely impact on other properties due to light spill and glare. If lighting is not screened or appropriately angled, it can also result in 'light pollution' which can adversely affect the ability to view the night sky.

The artificial lighting provisions in this chapter both manage and require artificial lighting, in order to support the health and safety of people and to ensure that lighting levels are compatible with the existing lighting character of the surrounding environment and that the amenity of the night sky is preserved.

Measurement of artificial lighting can be undertaken both in relation to light spill and in terms of glare. Light spill is generally measured using lighting lux levels while glare can be measured in intensity (candelas) or against a surrounding background darkness (candelas per square metre).

Objectives

NL-O1 – Provision of Lighting	Artificial lighting is provided to enable activities to occur outside of daylight hours and to support the health, safety and security of people, communities, and their property.
NL-O2 – Adverse Effects	Artificial lighting maintains, and where appropriate enhances, the amenity and character of the surrounding environment while avoiding, remedying and mitigating adverse effects associated with light spill and glare.
NL-O3 – Lighting Infrastructure	The subdivision and development of land provides artificial lighting infrastructure to support the safety of people and property and to maintain public pedestrian and traffic safety.

Policies

NL-P1 – Amenity and Character	To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.
NL-P2 – Health and Safety	To enable the use of artificial lighting where it is required for health and safety reasons, traffic and pedestrian safety or navigational purposes.

Lighting (NL)

NL-P3 – Mineral Extraction	To provide for the use of artificial lighting where it is required as a functional or operational component of mineral extraction activities, while ensuring any adverse effects of the artificial lighting are minimised.
NL-P4 – Safety	To enable safe and efficient use of areas which will be accessed by the general public after daylight hours by requiring artificial lighting to be provided when developing or redeveloping these areas.
NL-P5 – Road Network	To support the safe and efficient use of the roading and pedestrian network while maintaining the character and amenity of the surrounding environment by requiring street lighting to be provided at the time of subdivision.

Rules

NL-R1	Any Activity Not Otherwise Listed in this Chapter	
	Activity Status: P	
	Where:	
	<ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
NL-R2	Any Artificial Lighting	
	Activity Status: P	Activity Status when compliance not achieved: RD (Restricted Discretionary)
	Where:	Matters of discretion:
	<ol style="list-style-type: none"> 1. The artificial lighting is shielded so that light emitted by the luminaire is projected below a horizontal plane running through the lowest point on the fixture as represented in NL Appendix Illustration of District Wide Lighting Standard. 2. The light is static and is not moving or flashing. 3. The artificial lighting is located in the Active Sport and Recreation Zone or the Open Space Zone and it complies with the AS/NZS 1158 series of standards. 4. The added illuminance onto any other site or a road reserve, measured at the boundary, does not exceed the following limits: 	<ol style="list-style-type: none"> 1. The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment. 2. The effects of lighting on traffic and pedestrian safety.

Lighting (NL)

- a. All zones (excluding the Active Sport and Recreation Zone and the Open Space Zone):
 - i. Artificial lighting measured at the receiving allotment boundary with a road reserve – 15 Lux.
 - ii. Artificial lighting measured at the receiving allotment boundary other than with a road reserve – 10 Lux.
- b. Active Sport and Recreation Zone and Open Space Zone:
 - i. Artificial lighting measured at the receiving site boundary with a road reserve – 15 Lux.
 - ii. Artificial lighting measured at the receiving allotment boundary with the Residential, Conservation, Rural Living, Rural Village Residential and Rural (Urban Expansion) Zones – 10 Lux.
 - iii. Artificial lighting measured at the receiving site boundary with all other zones – 20 Lux.

Note: The limits identified do not apply to internal allotment boundaries where multiple allotments are held in the same ownership.

- 5. The activity complies with REQ-01.

Lighting (NL)

NL-R3	Any Artificial Road Lighting	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The artificial lighting is erected by a road controlling authority (or their authorised representative). 2. The artificial lighting is for the purpose of traffic control or public safety. 3. The artificial lighting is located within the road reserve. 4. The artificial lighting complies with the AS/NZS 1158 series of standards. <p><i>Note: Road lighting includes street lighting and illuminated traffic signals.</i></p>	<p>Activity Status when compliance not achieved: RD</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment. 2. The effects of lighting on traffic and pedestrian safety.

NL-R4	Any Health and Safety or Navigational Artificial Lighting	
	<p>Activity Status: P</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any artificial lighting is limited to that which is required to meet the relevant health and safety standards and complies with the requirements of the relevant standards or legislation. 2. Artificial lighting which is a navigational aid or installation is erected or constructed by the relevant authority (or their authorised representative) and operated in accordance with the relevant legislation. <p><i>Note: Navigational aids may be provided by but are not limited to the following authorities: Maritime New Zealand, Civil Aviation Authority, a Regional Council or a District Council.</i></p>	<p>Activity Status when compliance not achieved: D</p>

Lighting (NL)

NL-R5	Any Artificial Lighting for Mineral Extraction Activities	
	Activity Status: P Where: 1. Artificial lighting is on vehicles associated with mineral extraction activities and the vehicles are located within an identified Mineral Extraction Area (as identified in the Planning Maps and in QRA Appendix 1 Schedule of Existing Quarrying Resource Areas).	Activity Status when compliance not achieved: D
NL-R6	Any Car Parking or Loading Spaces in City Centre, Commercial, Light Industry, Heavy Industry, Waterfront, Marsden Primary Centre – Town Centre South and Industry, Rural Village Centre, Rural Village Industry Zones	
	Activity Status: P Where: 1. Artificial lighting is provided for all parking and loading areas associated with an activity that: (a) Is not a residential activity. (b) Operates after daylight hours. 2. The artificial lighting complies with the AS/NZS158 series of standards. 3. The artificial lighting complies with all standards in NL-R2 for the relevant zone. <i>Compliance standard: All zones not listed in NL-R6 must comply with NL-R2 – R5 for all artificial lighting.</i>	Activity Status when compliance not achieved: D
NL-R7	Any Subdivision	
	Activity Status: C Where: 1. Artificial lighting is provided for all streets, walkways, cycleways and roads created by the subdivision. 2. The artificial lighting complies with the AS/NZS158 series of standards as	Activity Status when compliance not achieved: RD Matters of discretion: 1. The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment.

Lighting (NL)

listed in REF.1 Referenced Documents at REF.1.2 a.

Matters of control:

1. Amenity and character of the surrounding environment.
2. Traffic and pedestrian safety.

Note: Lighting and traffic signals which are to be vested in Council may also require additional approvals to be obtained from the Council's roading department in relation to design and construction.

Note: Acceptable means of compliance can also be found in the Whangarei District Council Engineering Standards.

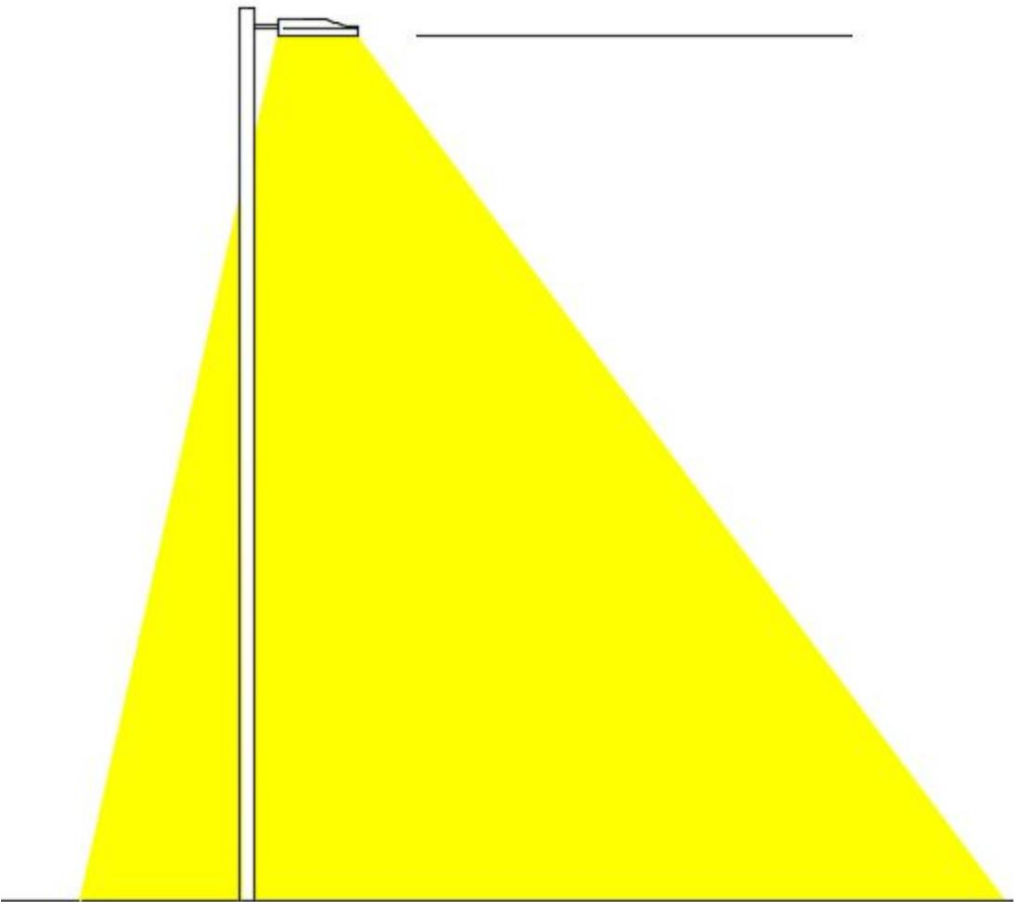
2. The effects of lighting on traffic and pedestrian safety.

NL-REQ1	Lighting Measurement
	<ol style="list-style-type: none"> 1. Unless specified otherwise, lighting shall be measured by calculation with a proprietary lighting design program which details the direct, horizontal and vertical plane illuminance with a maintenance factor set at 1.0 at any point and height of an adjacent property boundary. 2. The light intensity shall be measured by calculation with a proprietary lighting design program at a height of 1.5 metres at any point on the adjacent property boundary. 3. Road lighting and lighting for parks, reserves, publicly accessible/used areas and pedestrian areas shall be calculated in accordance with the methods described in the AS/NZS 1158 series of standards as listed in REF.1 Referenced Documents at REF.1.2 a. or alternative method of compliance certified in a statement by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer or Independently Qualified Person). 4. For illuminated signage, the maximum sign brightness shall be measured by calculation or certified statement by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer or Independently Qualified Person). <p><i>Note: Measurement of the final installation may be required in order to ensure compliance.</i></p>

Lighting (NL)

NL Appendix Illustration of District Wide Lighting Standard

ARTIFICIAL LIGHTING: ALL LIGHT EMISSIONS ARE SHIELDED
TO PROJECT BELOW THE HORIZONTAL PLANE RUNNING
THROUGH THE LOWEST LEVEL OF THE LUMINAIRE



Urban and Services Consequential Amendments to the Operative District Plan Text

The following pages contain the relevant sections of the Operative District Plan text that require consequential amendments as a result of the urban and services proposed plan changes.

Consequential amendments have been distinguished to indicate which plan change the amendment is a result of – see key below:

	General Amendments
	Strategic Direction and Subdivision (PC148)
	Urban Zoning (PC88)
	Signs and Lighting (PC82)
	Transport (PC109)
	Three Waters (PC136)
	Open Space (PC115)
	Earthworks (PC147)
Text	Text relocated from a chapter with no wording alteration. Not open for submission.
Text	Amendments in accordance with the Draft National Planning Standards. These may be subject to change through the submission to ensure consistency with the gazetted version of the National Planning Standards.
Text	Where the colour of track change text conflicts with shading used in District Plan Chapters a dark red highlight has been applied for legibility.

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- 2 – ~~Introduction to Procedures~~ [How the Plan Works](#)

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- 80 – Financial Contributions
- 85 – Designations
- REF – Referenced Documents
- SAK – Statutory Acknowledgements

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 - ~~6 – Built Form and Development~~
-

7 – Tangata Whenua

~~8 – Subdivision and Development~~

9 – Financial Contribution

11 – Riparian and Coastal Margins

12 – Water Bodies

14 – Heritage Trees

~~15 – Open Space~~

17 – Indigenous Vegetation and Habitat

19 – Natural Hazards

20 – Contaminated Sites

~~21 – Hazardous Substances~~

~~22 – Road Transport~~

23 – Network Utility Operations

~~24 – Whangarei Airport~~

~~25 – Marsden Point Port Environment~~

~~26 – Town Basin Environment~~

27 – Local Authority Cross Boundary Issues

~~28 – Scheduled Activities or Overlay Areas~~

DISTRICT WIDE:

PKH – Papakāinga Housing

NTW – Network Utilities

NAV – Noise & Vibration

~~MPT – Management Plan Technique~~

SD – Strategic Direction

SUB – Subdivision

TRA – Transport

TWM – Three Waters Management

EARTH – Earthworks

NL – Lighting

SI – Signs

RESOURCE AREAS:

~~55 – Introduction to Resource Area Rules~~

56 – Natural Hazard Resource Area Rules

59 – Heritage Trees Resource Area Rules

60 – Sites of Significance to Maori Resource Area Rules

61 – Esplanade Priority Resource Area Rules

63 - Contaminated Sites Rules

CEL – Critical Electricity Lines and Substations

HH – Historic Heritage

- BH - Built heritage

NTW – Network Utilities

CA – Coastal Area

LAN – Landscapes and Features

MIN – Minerals

- QRA - Quarrying Resource Areas

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~~35—Introduction to Environment Rules~~

~~36—Living 1, 2 and 3 Environment~~

~~39—Business 1 Environment~~

~~40—Business 2 Environment~~

~~41—Business 3 Environment~~

~~42—Business 4 Environment~~

~~43—Town Basin Environment~~

~~44—Marsden Point Port Environment~~

~~45—Airport Environment~~

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~~47—Road Transport Environment~~

~~48—Future Environment~~

~~49—Scheduled Activities~~

~~50—Port Nikau Environment~~

MPC – Marsden Primary Centre

~~UTE—Urban Transition Environment~~

~~KWE—Kamo Walkability Environment~~

REZE – Ruakaka Equine ~~Zone~~Environment

~~RA—Rural Area~~

RPZE – Rural Production ~~Zone~~Environment

SRIZE – Strategic Rural Industries ~~Zone~~Environment

RVZE – Rural Village ~~Zone~~Environment

RLZE – Rural Living ~~Zone~~Environment

RUEZE – Rural (Urban Expansion) ~~Zone~~Environment

~~CC – City Centre Zone~~

~~MU – Mixed-use Zone~~

~~COM – Commercial Zone~~

~~WZ – Waterfront Zone~~

~~SCZ – Shopping Centre Zone~~

[LC – Local Commercial Zone](#)
[NC – Neighbourhood Commercial Zone](#)
[LI – Light Industrial Zone](#)
[HI – Heavy Industrial Zone](#)
[RES – Residential Zone](#)
[LDR – Low-density Residential Zone](#)
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SUBDIVISIONS:

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~~[75 – Open Space Sub Environment Subdivision Rules](#)~~
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Appendix 2 – Heritage Trees
Appendix 4 – Sites of Significance to Maori
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Part B – Introduction

1. Introducing the District Plan

The District Plan is the primary document that manages land use and development within the Whangarei District Council's territorial boundaries. The Whangarei District Council is required to prepare a District plan under the Resource Management Act 1991 (the Act), specifically having regard to Part 2 of the Act focusing on the sustainable management of land and other natural and physical resources. It includes Objectives, Policies and Methods to achieve the sustainable management of these resources within the Whangarei District. This may involve their use, development or protection.

The District Plan is only a small part of the process that focuses on achieving sustainable management of the Whangarei District. The Plan forms part of a group of interrelated planning and policy initiatives, and is developed with consideration to other statutory requirements. Policy development is influenced by, and must be consistent with, the policy direction given in the National Policy Statements, National Environmental Standards and Regulations, Regional Policy Statements and Regional Plans. Relationships also exist between the Resource Management Act and other legislation such as the Building Act, the Treaty of Waitangi, the Forestry Act and the Historic Places Act.

The Whangarei District Plan has been prepared as a single document which addresses the resource management issues facing the Whangarei District. It is important that the document be viewed as a whole, so that the common themes and inter-relationships between the various sections can be understood. The District Plan is an important document that is designed to enable the Council, and the community to work towards its long term vision for the Whangarei District.

The District Plan is an enabling document, designed to minimise rules and regulations, and encourage innovation and diversity in the use of the Whangarei District's resources. ~~It does not seek to direct development, but does have a role in ensuring that development and associated activities have regard to the practicalities of a particular piece of land.~~ In preparing the District Plan the Council has been careful to ensure that the community has played a significant role in shaping the direction of the document. The Objectives, Policies and Methods reflect the Council's (roles in establishing leadership for its community through the District Plan), response to the interests and concerns of the community, and meets the legislative requirements of the Act, within which the District Plan operates.

The District Plan Team reviews and makes changes to the District Plan on a continual basis. For further information or enquiries regarding the District Plan contact Council on (09) 430 4200.

2. Introduction to Procedures HPW - How The Plan Works

The purpose of ~~the Introduction to Procedures~~ this chapter is to facilitate the on-going development and use of the District Plan. This section contains information ~~required to direct about~~ the use and implementation of the District Plan. ~~Methods used in the District Plan will be located within the Procedure section.~~

2.1 HPW.1 District Plan Rolling Review

2.1.1 Introduction

Whangarei District Council intends to manage this Plan as a living document and to ensure its content is responsive to the performance of policies and methods in achieving anticipated environmental outcomes. Changes to the Plan will be sought when:

- (a) plan effectiveness monitoring identifies the need to enhance progress toward achieving anticipated environmental results
- (b) major resource management developments arise such as significant amendments to the Resource Management Act 1991 or the adoption of national policy statements or national environmental standards by Government that have major implications for the contents of this Plan
- (c) the results of new scientific work enhance this Plan and make plan provisions more certain for resource users.

The process used to review and change this Plan is set out in the First Schedule of the Resource Management Act 1991. Given the rapid pace of change in society today it is unrealistic to expect a document conceived and written today to accurately reflect the concerns of the future. The Council therefore proposes to continually review this document, particularly in light of its monitoring responsibilities. Limited resources and the Resource Management Act's approach mean that some issues need further work and refinement to match the community's expectations identified with the Long Term Council Community Plan. Council intends the Plan to be flexible enough to deal with issues that are raised in relation to new information that comes to light. To address these issues, Council is monitoring the performance of the District Plan.

The Council has identified a number of opportunities for further growth within the District through strategic planning documents such as the Urban Growth Strategy and Structure Plans. In particular the Structure Plans identify opportunities and constraints to growth of the District. These strategic planning documents will be used to guide the Council's evaluation of plan changes to re-zone land for future development.

The Council must also have regard to strategies prepared under other Acts which have relevance to the review of the District Plan.

2.1.2 Expectations

During the term of this rolling review Council will improve both the quantity and quality of information on resources and effects of activities. This will aid consultation and information sharing, and enable policies and rules to be more focused. This in turn will bring greater certainty and the potential for greater flexibility. The Plan can be changed to reflect these various needs for more effective and efficient resource management.

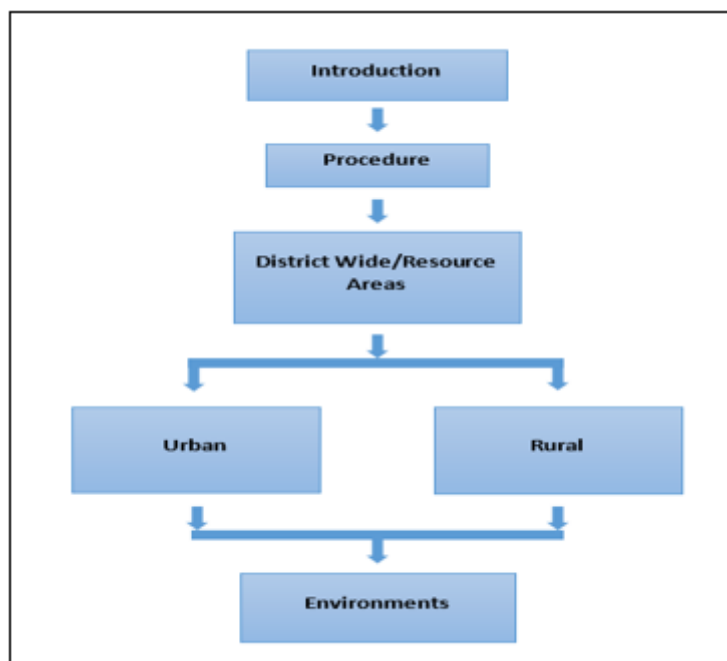
2.1.3 Outcomes Sought

- District Plan shall be streamlined and simplified
- policy and rules shall direct consenting process to provide certainty
- comprehensive policy and objectives shall reflect the sustainable management outcomes sought for the respective District Plan [zones, Environments](#) and [District-Wide Matters, Policy Areas](#)
- District Plan shall address resource management matters only and will cross reference to external legislation as required
- some methods shall only be utilised where expressly stated in the relevant [zone Environment](#) Rules Chapter.

2.2 [HPW.2](#) New District Plan Structure

~~To improve the District Plan effects-based approach, a new District Plan structure will provide the ability to top load objectives and policy, setting clear direction for the District:~~

DELETE IMAGE



2.2.1 ~~The Parts of the District Plan~~

Under the Rolling review, the District Plan structure will evolve as and when plan changes are made operative. Accordingly, as the rolling review progresses, some parts of the old District Plan structure will be deleted.

Currently, the District Plan contains the following Parts. When the plan changes progressed under the rolling review become operative, they will be located in one of these Parts.

- Part A – Table of Contents: Part A contains the cover page and table of contents.
 - Part B – Introduction: Part B contains the following chapters:
 - 1 – Introducing the District Plan
 - 2 – ~~Introduction to Procedures~~ [HPW – How The Plan Works](#)
 - Part C – Procedures / Statutory Requirements; Part C Contains the following chapters:
 - 4 – Definitions
 - 8 – Financial Contributions
 - 85 – Designations
 - REF – Referenced Documents
 - SAK – Statutory Acknowledgements
 - Part D – Objectives and Policies: These objectives and policies are those which remain from the old District Plan structure. As Each Chapter is reviewed under the rolling review, the relevant chapter in Part D will be deleted. The following chapters form Part D:
 - ~~5 – Amenity Values~~
 - ~~6 – Built Form and Development~~
 - 7 – Tangata Whenua
 - ~~8 – Subdivision and Development~~
 - 9 – Financial Contribution
 - 11 – Riparian and Coastal Margins
 - 12 – Water Bodies
 - 14 – Heritage Trees
-

- ~~○ 15 – Open Space~~
 - 17 – Indigenous Vegetation and Habitat
 - 19 – Natural Hazards
 - 20 – Contaminated Sites
 - ~~○ 21 – Hazardous Substances~~
 - ~~○ 22 – Road Transport~~
 - 23 – Network Utility Operations
 - ~~○ 24 – Whangarei Airport~~
 - ~~○ 25 – Marsden Point Port Environment~~
 - ~~○ 27 – Town Basin Environment~~
 - 27 – Local Authority Cross Boundary Issues
 - ~~○ 28 – Scheduled Activities or Overlay Areas~~
 - Part E – District Wide: District Wide provisions apply to the use and development of natural and physical resources across the Whangarei District regardless of which [ZoneEnvironment](#) they occur. The following operative Chapters are District Wide:
 - PKH – Papakāinga Housing
 - NTW – Network Utilities
 - NAV – Noise & Vibration
 - ~~○ MPT – Management Plan Technique~~
 - [SD – Strategic Direction](#)
 - [SUB – Subdivision](#)
 - [TRA – Transport](#)
 - [TWM – Three Waters Management](#)
 - [EARTH – Earthworks](#)
 - [NL – Lighting](#)
 - [SI – Signs](#)
 - Part F – Resource Areas: Resource Area provisions apply to areas of the District which have characteristics, values and qualities that require special management to protect these features and control activities that would adversely affect them. The following operative chapter are Resource Area chapters:
 - ~~○ 55 – Introduction to Resource Area Rules~~
 - 56 – Natural Hazard Resource Area Rules
 - 59 – Heritage Trees Resource Area Rules
 - 60 – Sites of [Significant Significance](#) to Maori Resource Area Rules
 - 61 – Esplanade Priority Resource Area Rules
 - 63 – Contaminated Sites Rules
 - CEL – Critical Electricity Lines and Substations
 - HH – Historic Heritage
 - NTW – Network Utilities
 - CA – Coastal Area
 - LAN – Landscapes and Features
 - MIN – Minerals
 - Part G – [Zones Environments](#): [ZonesEnvironments](#) manage the way in which areas of land in the district are managed. All Land in the District has an [ZoneEnvironment](#) which are identified on the Planning maps. The District Plan has the following [zones Environments](#):
 - ~~○ 35 – Introduction to Environment Rules~~
 - ~~○ 36 – Living 1,2 and 3 Environment~~
 - ~~○ 39 – Business 1 Environment~~
 - ~~○ 40 – Business 3 Environment~~
 - ~~○ 41 – Business 3 Environment~~
 - ~~○ 42 – Business 4 Environment~~
 - ~~○ 43 – Town Basin Environment~~
 - ~~○ 44 – Marsden Point Port Environment~~
 - ~~○ 45 – Airport Environment~~
 - ~~○ 46 – Open Space Environment~~
-

-
- ~~47 – Road Transport Environment~~
 - ~~48 – Future Environment~~
 - ~~49 – Scheduled Activities~~
 - ~~50 – Port Nikau Environment~~
 - MPC – Marsden Primary Centre
 - ~~UTE – Urban Transition Environment~~
 - ~~KWE – Kamo Walkability Environment~~
 - ~~REZE – Rurakaka Equine ZoneEnvironment~~
 - ~~RA – Rural Area*~~
 - ~~RPZE – Rural Production ZoneEnvironment~~
 - ~~SRIZE – Strategic Rural Industries ZoneEnvironment~~
 - ~~RVZE – Rural Village ZoneEnvironment~~
 - ~~RLZE – Rural Living ZoneEnvironment~~
 - ~~RUEZE – Rural (Urban Expansion) ZoneEnvironment~~
 - ~~CC – City Centre Zone~~
 - ~~MU – Mixed-use Zone~~
 - ~~COM – Commercial Zone~~
 - ~~WZ – Waterfront Zone~~
 - ~~SCZ – Shopping Centre Zone~~
 - ~~LC – Local Commercial Zone~~
 - ~~NC – Neighbourhood Commercial Zone~~
 - ~~LI – Light Industrial Zone~~
 - ~~HI – Heavy Industrial Zone~~
 - ~~RES – Residential Zone~~
 - ~~LDR – Low-density Residential Zone~~
 - ~~MDR – Medium-density Residential Zone~~
 - ~~HDR – High-density Residential Zone~~
 - ~~SPPO – Port Zone~~
 - ~~SPA – Airport Zone~~
 - ~~SPH – Hospital Zone~~
 - ~~PREC – Precincts~~
 - ~~CON – Conservation Zone~~
 - ~~OS – Open Space Zone~~
 - ~~SAR – Sport and Active Recreation Zone~~

Note: The Rural Area is not mapped, but applies to the Rural Production Environment (RPE), Strategic Rural Industries Environment (SRIE), Rural Village Environment (RVE), Rural Living Environment, (RLE), and the Rural (Urban Expansion) Environment (RUEE).

- ~~Part H – Subdivisions: Under the rolling review structure, subdivision rules are generally included in the relevant Environment Chapter. However some chapters have not yet been reviewed, and therefore have their own Subdivision Chapter under the old District Plan Structure. As each chapter is reviewed under the rolling review, the relevant chapter in Part H will be deleted. The following chapters form part H:~~
 - ~~70 – Introduction to Subdivision Rules~~
 - ~~71 – Living 1,2 and 3 Subdivision Rules~~
 - ~~74 – Business 1,2,4,5, Town Basin, Marsden Point Port, Port Nikau, Airport~~
 - ~~75 – Open Space Sub Environment Subdivision rules~~
 - ~~76 – Future Environments Subdivision Rules~~
 - Part I – Appendices: this contains additional information referred to in the other Parts of the District Plan. The District Plan had the following appendices:
 - ~~Appendix 1 – Building Line Restrictions~~
 - Appendix 2 – Heritage Trees
 - Appendix 4 – Sites of Significance to Maori
 - Appendix 5 – Esplanade Priority Areas
 - ~~Appendix 6 – Road Transport~~
 - ~~Appendix 7 – Town Basin Preliminary Design Concepts~~
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- Appendix 8a – Use, Storage and On-Site Movements of Hazardous Substances
 - Appendix 8b – Use, Storage and On-Site Movements of Hazardous Substances – Procedures
 - Appendix 8c – Base Quantities for Use and Storage of Hazardous Substances
 - Appendix 8d – Rating Criteria for Storage of Hazardous Substances
 - Appendix 9 – Engineering Performance Standards
 - Appendix 11 – Daylight Angles
 - Appendix 12 – Signs in the Business 2 and 3 Environments
 - Appendix 5 Artificial Lighting

At any point in time the Council's Information bases and justification for its policies may be incomplete. Chapter structure and format may vary from section to section as and when a review takes place. For interpretation purposes (resource consent processing) no one procedure shall take precedence.

Where a Rule for a Resource Area Overlay, scheduled overlay, zone environment, or precinct controls an activity by reference to a proportion to percentage of the site, the control will be limited to that of the site to which the resource area overlay, scheduled overlay, environment, or precinct applies.

2.3 Introduction to Methods Tool Box

District Plan objectives and policies will be implemented through the exercising of Whangarei District Council's functions as a consent authority. A range of methods, both regulatory and non-regulatory, are available to implement the objectives and policies of the Plan. Acknowledging that the District Plan will be managed as a living and responsive document the methods tool box will contain interchangeable methods. This tool box will be added to as new methods are brought into the plan.

2.3.1 Methods of District Plan Implementation

Council is required to consider all methods of District Plan implementation when making changes to the District Plan. Examples of these are:

- regulatory methods, such as rules
- economic instruments, such as financial contributions, annual plan funds, and provision of rates relief
- consideration of other plans and such as status, by-laws, and management plans
- completion of Council implemented physical works and services
- information, education and advocacy such as guidelines, information brochures
- Monitoring, Council is required to monitor the effectiveness of the District Plan
- the Urban Growth Strategy
- structure plans
- current strategic planning documents including the Northland Regional Transport Strategy and the Whangarei Transportation Network Strategy.

2.4 HPW.3 How to use this District Plan

The District Plan is driven by the planning maps that shows where the different zones and district wide matters apply. Not all district wide matters are mapped.

There are different rules that will apply to these zones and district wide matters that will tell you what activities you can do without a resource consent (eg: operate a business); and then how you can do it (eg: how tall can my building be? Can I subdivide?) A resource consent is required when what you want to do is not a permitted activity.

The activity status is a category that determines whether a resource consent is required and what will be considered when the Council decides if a resource consent application can be approved and what conditions should apply to an approval.

2.4.1 Planning Maps

The District Plan planning maps are comprised of three series:

- Zone Map Series
- District Wide Matters – Resource Area Map Series
- District Wide Matters – Coastal Area Map Series

2.4.2 District Plan Text

As part of the Rolling Review the District Plan Chapters will be structured in the following way:

Overview

Chapters will contain an “Overview” section with a high-level description of the Chapter/Zone.

Objectives

XXX-O1 – [Objective Title]
(e.g. CC-O1 – Amenity)

Chapters will contain objectives within the red text box. Objectives are presented as “Chapter Acronym-O# – ‘Objective title’” in the left column with the Objective text in the right column.

Policies

XXX-P1 – [Policy Title]
(e.g. CC-P1 – Character)

Chapters will contain policies within the green text box. Policies are presented as “Chapter Acronym-P# – ‘Policy title’” in the left column with the Policy text in the right column.

Rules

XXX-R1 **Rule Title (e.g. Building Height)**

Where relevant, chapters will contain rules in blue, purple and red boxes. Rules are presented as “Chapter Acronym-R# – ‘Rule title’” in the top row with the Rule text in the following rows. The ‘Rule Title’ forms part of the rule and should be read along with the Rule text. Generally, built form rules are listed first with activity rules following. The Rule text uses the following format:

Activity Status: [Insert activity status where the below rule details are complied with]

Where:

1. [Insert rule detail]
(e.g. The maximum building height is 8m)

Activity Status when compliance not achieved:
[Where relevant, insert activity status where the rule details are not complied with.]

XXX-R2 **Permitted (P) Rules**

Any Permitted rules will be contained in green-blue boxes.

XXX-R2 Controlled (C) Rules

[Any Controlled rules will be contained in light blue boxes.](#)

XXX-R3 Restricted Discretionary (RD)

[Any Restricted Discretionary rules will be contained in medium blue boxes.](#)

XXX-R3 Restricted Discretionary (RD) and Discretionary (D) Rules

[Any Discretionary rules will be contained in dark blue boxes.](#)

XXX-R4 Non-Complying (NC) Rules

[Any Non-Complying rules will be contained in purple boxes.](#)

XXX-R5 Prohibited (Pr) Rules

[Any Prohibited Rules will be contained in red boxes.](#)

XXX-REQ1 Information Requirements

[Where relevant, any information that is required to be provided along with a resource consent application will be contained in green boxes.](#)

2.4.3 [Plan Provisions](#)

[The Plan uses five main types of plan provisions:](#)

[District Wide Matters Rules](#)

[District-wide provisions apply to the use and development of natural and physical resources across Whangarei District regardless of the zone in which they occur.](#)

[District-wide provisions cover natural resources, infrastructure, environmental risk, subdivision and temporary activity matters. District-wide provisions generally apply more restrictive rules than the zone or precinct provisions that apply to a site, but in some cases, they can be more enabling.](#)

[District Wide Matters Overlay Rules](#)

[Overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource. Overlays can apply across zones and precincts, and overlay boundaries do not generally follow zone or precinct boundaries. Overlays also manage specific planning issues, such as addressing reverse sensitivity effects between different land uses.](#)

[Overlays generally apply more restrictive rules than the District-wide, zone or precinct provisions that apply to a site, but in some cases, they can be more enabling. Overlay rules apply to all activities on the part of the site to which the overlay applies unless the overlay rule expressly states otherwise.](#)

[Zones](#)

[Zones manage the way in which areas of land are to be used, developed or protected. The spatial application of zones generally identifies where similar uses and activities are anticipated.](#)

[Zones are identified on the planning maps.](#)

[Precincts](#)

Precincts enable local differences to be recognised by providing detailed place based provisions which can vary the outcomes sought by the zone or District-wide provisions, and can be more restrictive or more enabling. In certain limited circumstances the rules in a precinct vary the controls of an overlay, either by being more restrictive or more enabling. However, the general approach is that overlays take precedence over a precinct.

Guidelines and Standards

Standards and Guidelines provide supporting information to assist applicants. Documents contain guidance on topics such as urban design, landscape design or engineering practice and design solutions considered to be acceptable means of compliance for relevant standards within the District Plan. In this context they may be used for setting conditions of resource consent for subdivision and development. The content may be amended from time to time to reflect best practice and new technologies.

2.4.4 Activity Status

The Resource Management Act 1991 provides for activities to be classified as set out below. The classification of an activity is usually referred to as its activity status. The class or status of an activity determines the nature and extent of matters that must be considered for consenting. The class or status of an activity does not determine whether an application for consent will be notified or not.

There is a hierarchy of the classes in terms of both the basis for assessment and the nature of conditions that may be imposed on any grant of consent. The hierarchy runs from the most enabling permitted status to the most restrictive prohibited status. The Plan has been prepared on the basis of this classification and consenting hierarchy. The following statements are provided to assist users of the Plan to understand how this hierarchy has been applied.

Permitted activity

No resource consent is required for a permitted activity and the activity is allowed as of right. The activity may be subject to permitted activity standards which must be objectively certain and not subject to a discretionary assessment. Exceedance of a permitted activity standard normally results in the activity being considered as a restricted discretionary activity.

Activities are classed as permitted where the character, intensity and scale of their effects are expected to be in keeping with the quality of the existing environment or the relevant objectives and policies of the relevant zone or precinct.

Controlled activity

Resource consent is required for a controlled activity, but the Council must grant consent and only has power to impose conditions on the consent in relation to those matters over which control is reserved by the Plan or a national environmental standard. The activity may be subject to controlled activity standards. Exceedance of a controlled activity standard normally results in the activity being considered as a restricted discretionary activity.

Activities are classed as controlled where the activity is in keeping with the existing environment and the likely effects are well understood and able to be avoided, remedied or mitigated by conditions.

Restricted discretionary activity

Resource consent is required for a restricted discretionary activity. Consent may be either granted or refused, but only for reasons which are relevant to the matters stated in the Plan or a national environmental standard over which the discretion can be exercised. The activity may be subject to restricted discretionary activity standards. If consent is granted, then any conditions of consent may only be in relation to the matters stated in the Plan or a national environmental standard.

Activities are classed as restricted discretionary where they are generally anticipated in the existing environment and the range of potential adverse effects is able to be identified in the Plan, so that the restriction on the Council's discretion is appropriate.

Discretionary activity

Resource consent is required for a discretionary activity and may be granted or refused for any relevant resource management reason. An application for resource consent for a discretionary activity will be fully assessed in terms of the relevant provisions of the Plan, including all relevant objectives and policies, and the Resource Management Act 1991.

Activities are classed as discretionary where they are not generally anticipated to occur in a particular environment, location or zone or where the character, intensity and scale of their environmental effects are so variable that it is not possible to prescribe standards to control them in advance. A full assessment is required to determine whether the activity, subject to any conditions, would be appropriate in terms of the provisions of the Plan, the effects of the activity on the environment and the suitability of the proposed location.

Non-complying activity

Resource consent is required for a non-complying activity. As threshold matters, the proposal must be assessed to determine whether its adverse effects on the environment will be no more than minor or whether it will not be contrary to the objectives and policies of the Plan. If the proposal is found not to breach one or other of those thresholds, then its merits may be considered on a broadly discretionary basis and consent may be granted (with or without conditions) or refused. If it is found to breach both thresholds, then consent must be refused.

Activities are classed as non-complying where greater scrutiny is required for some reason. This may include:

- where they are not anticipated to occur; or
- where they are likely to have significant adverse effects on the existing environment; or
- where the existing environment is regarded as delicate or vulnerable; or
- otherwise where they are considered less likely to be appropriate.

Prohibited activity

An activity which is classed as prohibited cannot be the subject of an application for resource consent. Any proposal for a prohibited activity must first be the subject of a plan change to change the activity status (either generally or in respect of a particular proposal) to one of the other classes of activity.

Activities are classed as prohibited where they are expected to cause significant adverse effects on the environment which cannot be avoided, remedied or mitigated by conditions of consent or otherwise where it may be appropriate to adopt a precautionary approach.

HPW.4 Interpretation Rules

General

HPW-R1	<u>Applications on sites with multiple zones, overlays or precincts or on parts of sites</u>
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1.	<u>Where a proposal will take place:</u>
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a.	<u>In two or more zones; or</u>
----	---------------------------------

b. Where two or more overlays apply to it; or

c. On a site which is partially affected by an overlay or a precinct;

then the proposal must comply with the overlay, zone and precinct rules applying to the particular part of the site in which the relevant part of the proposal is located.

2. Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the district-wide matter rules, then the activity status in the precinct takes precedence over the activity status in the zone or district-wide matter rules, whether that activity status is more or less restrictive.

HPW-R2 Applications for more than one activity

Where

1. A proposal:

a. Consists of more than one activity specified in the Plan; and

b. Involves more than one type of resource consent or requires more than one resource consent; and

c. The effects of the activities overlap;

the activities may be considered together.

2. Different activities within a proposal are subject to different parts of the Plan, each activity will be assessed in terms of the objectives, policies and rules which are relevant to that activity.

3. Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

HPW-R3 Activities to be Read in Conjunction with Activity Table Headings

1. Each activity listed in an activity table must be read, interpreted and applied in conjunction with the relevant heading or sub-heading of the part of the activity table in which it is listed.

HPW-R4 Numerical Limits

1. Where any rule specifies a numerical limit using the words “up to” or “greater than”, those words must be read to mean:

a. The words “up to” in relation to a number include that number; and

b. The words “greater than” in relation to a number do not include that number.

HPW-R5 Fractional Amounts

1. Where the calculation of any number, area or volume required by a rule results in a fractional amount:
 - a. Any fraction that is less than one-half will be disregarded and the amount of the number, area or volume will be rounded down; and
 - b. Any fraction of one-half or more will be counted as one and the amount of the number, area or volume will be rounded up.
2. If there are different activities within a single proposal and more than one activity requires, for the same purpose, the calculation of a number, area or volume, then all such activities must be taken together prior to any calculation and rounding.

HPW-R6 Zoning of Roads, Railways and Rivers

1. All public roads (including state highways), railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. Roads, railways and rivers are zoned the same as the zoning of adjoining sites. Where a different zone applies on either side of the road, railway or river then the zoning will apply to the centreline of the road, railway or river.

HPW-R6 Assessment of Discretionary Activities

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):
 - a. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
 - b. The nature and location of the activity, the type and frequency of use and hours of operation.
 - c. Effects on amenity values, existing residences, visual amenity, outlook and privacy, availability of daylight, and shading.
 - d. Effects of dust, odour and other nuisance.
 - e. Effects on natural character, landscape and historic heritage values, skylines and ridges, land stability and the natural functioning of ecosystems.
 - f. Visibility from the road, road frontage domination, location of buildings, scale and bulk in relation to the site, built characteristic of the locality, colour and design of buildings and landscaping.
 - g. The cumulative effects of signs and the orientation, strength, intensity, colour and frequency of flashing of signs.
 - h. The effects of land use and subdivision on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.
 - i. The number, need, availability, location, design and suitability of parking spaces, on-site manoeuvring, queuing spaces, loading areas and access.

- j. [The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the efficiency and safety of roads.](#)
- k. [The convenience and safety of disabled persons and consideration of alternative provision for disabled persons access to the site.](#)
- l. [The design, standard, lengths, distance between, number and construction of and alternative location of vehicle crossings, internal access and private access ways.](#)
- m. [Effects on the amenity of the locality, increase in exposure to noise, dust and stormwater runoff as a result of parking, access or road design.](#)
- n. [The need for forming or upgrading roads and traffic control measures in the vicinity due to increased traffic from the proposed landuse or subdivision.](#)
- o. [The need for footpaths/cycleways and kerb and channel on roads, arising from a subdivision or landuse.](#)
- p. [The necessity for street lights and the spacing and height of the lights.](#)
- q. [The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in future.](#)
- r. [The water system's ability to ensure an adequate supply of potable water and the ability to meet firefighting requirements, to accommodate anticipated flows, and withstand pressures and loads.](#)
- s. [The stormwater system's ability to protect property and the environment from the adverse effects of surface water and its ability to accommodate the anticipated flows and withstand the anticipated loads.](#)
- t. [The capacity, availability and accessibility of any Council wastewater system to serve the proposed subdivision and the proposed system's ability to treat sewage and the ability to accommodate anticipated flows and withstand the anticipated loads.](#)
- u. [The necessity, extent and location of earthworks, the proposed type of machinery to be used and the hours of operation, potential adverse effects to ecological, historic heritage and landscape values and effects on water bodies including indigenous wetlands.](#)
- v. [The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.](#)
- w. [The effects of and functional need of places of assembly and emergency services to locate within the RPZ.](#)

Subdivision

HPW-R7 Additional Matters Over Which Control Has Been Reserved or Discretion Restricted:

1. [The following matters shall apply in addition to any matters of control or matters to which control is reserved in the Subdivision Chapter:](#)
 - a. [Financial contributions in the form of money or land, or a combination of these](#)
 - b. [Bonds or covenants, or both, to ensure performance or compliance with any conditions imposed.](#)
 - c. [Works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including \(but not limited to\) the creation, extension or upgrading of services and systems, planting or replanting, the protection of Significant Ecological Areas](#)

or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.

- d. Administrative charges to be paid to the Council, in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council's functions under Section 35 of the Resource Management Act 1991.
- e. The duration of a resource consent, under Section 123 of the Resource Management Act 1991.
- f. Lapsing of a resource consent, under Section 125 of the Resource Management Act 1991.
- g. Change and cancellation of a consent, under Sections 126 and 127 of the Resource Management Act 1991.
- h. Notice that some, or all conditions, may be reviewed at some time in the future, under Section 128 of the Resource Management Act 1991.
- i. Whether any subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under Section 134 of the Resource Management Act 1991.
- j. The matters on which conditions can be imposed under Section 220 of the Resource Management Act 1991. These include: esplanade reserves and strips, amalgamation of land, holding parcels in same ownership, design of structures, protection against natural hazards, filling and compacting of land, and creation or extinguishing of easements.
- k. Consent notices to secure compliance with continuing conditions, under Section 221 of the Resource Management Act 1991.
- l. The design, size, shape, gradient and location of any allotment.
- m. The location of vehicle crossings, access or rights-of-way and proposed allotment boundaries so as to avoid ribbon development.
- n. Location of existing buildings, access and manoeuvring, and private open space.
- o. The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.
- p. The location of proposed allotment boundaries, building areas and access ways or rights-of-way so as to avoid sites of historic heritage including Sites of Significance to Māori.
- q. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure.
- r. In the RUEZ, the protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.
- s. The provision of reserves, including esplanade reserves and strips.
- t. Avoidance or mitigation of natural or man-made hazards.
- u. The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management and measures to control cats and dogs.
- v. Those matters described in sections 108 and 220 of the Resource Management Act.

HPW-R8 **Cross Leases, Company Leases and Unit Titles:**

1. [Any subdivision of land by way of cross lease, company lease or unit title shall comply with the relevant zone provisions. In all staged cross-lease subdivisions, provision shall be made for servicing the building or buildings, subject to the cross-lease application and all possible future buildings on the site.](#)

HPW-R9 **Limited Access Roads**

1. [Approval will be required from either the Council or New Zealand Transport Agency, for a subdivision proposing access to any road, including a state highway declared as a limited access road pursuant to the provisions of the Local Government Act 1974 or the Transit New Zealand Act 1989. An indication in writing, of any restrictions or conditions, from either the Council or New Zealand Transport Agency, as relevant, should be obtained before an application for subdivision consent is lodged with the Council.](#)

Part C – Procedures Statutory Requirements

4. Definitions

4.1 Introduction

This chapter defines the meaning of words used in this Plan. Words defined in the Resource Management Act 1991 have the same meaning in this Plan, unless the context otherwise requires. Where a word is followed by an asterisk (*), the definition that follows is the meaning provided in the Resource Management Act 1991, and is repeated here to assist the readers. In the case of any inconsistency, the statutory definition prevails.

4.2 General Rules of Interpretation

- a) Any term which is not defined in this section takes its common meaning from the Concise Oxford Dictionary (Ninth Edition) or the Williams Maori Dictionary (Seventh Edition).
 - b) Lists of items (for example, conditions, standards and terms in rules) and sub-paragraphs within paragraphs are to be read conjunctively, unless expressed as alternatives;
 - c) Singular includes plural and vice versa;
 - d) [Headings do not affect the interpretation of the Plan;](#)
 - e) Cross references are for the assistance of the reader and are not necessarily exhaustive;
 - f) [References to New Zealand or overseas standards include amendments.](#)
 - g) Definitions of Maori terms are necessarily a brief approximation of meaning and have to be expanded and understood in the context of the specific usage and local language differences.
-

- h) [There are five “definition groupings” which gather specific land use activities into similar categories. These include: Rural Production Activities, Industrial Activities, Residential Activities, Commercial Activities and Community Activities. Within each grouping, activities are listed with the more general term on the left and the more specific term on the right. Where a District Plan rule manages a general activity, that general activity includes all of the specific activities listed in the definition grouping unless otherwise specified in the rules. The five definition groupings are listed below:](#)

Rural Production Activities	Farming
	Plantation forestry
	Intensive livestock farming
	Farm quarrying
	Seasonal activity

Industrial Activities	General Industry
	Manufacturing and storage
	Repair and maintenance services
	Artisan industrial activities
	Marine industry
	Waste management facility
	Landfill

Residential activities	Supported Residential Care	
	Retirement Village Premises	
	Residential Unit	Principal Residential Unit
		Minor Residential Unit

Commercial Activities	Retail Activity	Motor Vehicle Sales
		Garden Centres
		Trade Suppliers
		Marine Retail
		Drive Through Facilities
		Grocery Store
		Hire Premise
		General Retail
	Commercial Services	
	Food and Beverage Activity	
	Entertainment Facilities	
	Visitor Accommodation	
	Service Stations	
	Funeral Home	

Community Activities	Place of Assembly
	Recreational Facilities
	Emergency Services
	Care Centre
	Educational Facilities
	Hospital

4.3 Definitions

Access

means the area of land over which a site or allotment obtains legal, vehicular and pedestrian access to a legal road.

Access Lot

means an allotment owned in common or undivided shares by the owners of two or more allotments, for the principal purpose of providing road frontage or access to those lots, where their interests in the access lot are recorded on the certificates of title.

Access Strip

means a negotiated agreement of easement between a landowner and a territorial authority to provide public access across private land. The access strip is surveyed and recorded on the title of land and ownership remains with the private landowner. An access strip can be used to link to an esplanade reserve or esplanade strip and includes access strips, as defined in the Resource Management Act 1991, has the same meaning as in section 2 of the RMA.

Accessory Building

means any building, the use of which is incidental to that of the principal building or buildings on the site, and in relation to a site on which no principal building stands, means a building, the use of which is incidental to any permitted activity on the site.

Act*

means the Resource Management Act 1991, including amendments.

Active Frontage

means building frontages which are designed to have a connection to the road allowing visual interaction between pedestrians and people within buildings.

Activities Ancillary to Farming, Forestry or Strategic Rural Industry

means processing and packaging facilities for farming, forestry and any strategic rural industry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to farming, horticulture, or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores, pack houses, rural contractor depots and by-product disposal.

Aerial

means a device being a rod, wire, dish or similar, anemometer or other meteorological equipment (but excluding a weather balloon) used for the purpose of measuring collecting and distributing meteorological information or the reception of transmission of radio, telephone or electromagnetic signals.

Aerial Support Structure

means a single supporting structure such as a tower, pole or mast, including guy wires, being permanent or temporary, and possibly extendable, used for the support of an aerial or aeriels.

Air Noise Boundary

Air Noise Boundary defines the area around Whangarei Airport within which the 24 hour daily aircraft noise exposure will be sufficiently high as to require appropriate landuse controls or other measures to avoid, remedy or mitigate any adverse effect on the environment, including effects on community health and amenity values, whilst recognising the need to operate an airport efficiently. The average night-weighted sound exposure over a 24 hour period at the Air Noise Boundary shall not exceed 65Ldn. The Air Noise Boundary shall be established in accordance with NZS6805:1992.

Air Noise Margin

means the area of land that lies between the Air Noise Boundary and the Outer Control Boundary, as identified on [the Planning Maps-46](#).

Allotment

means:

1.

- a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:
 - i. The subdivision shown on the survey plan has been allowed or subdivision approval has been granted, under another Act; or

-
- ii. A subdivision consent for the subdivision shown on the survey plan has been granted under the Resource Management Act 1991; or
 - b) Any parcel of land or building, or part of a building, that is shown or identified separately:
 - i. On a survey plan; or
 - ii. On a licence within the meaning of Part I of the Companies Amendment Act 1964; or
 - c) Any unit on a unit plan; or
 - d) Any parcel of land not subject to the Land Transfer Act 1952.
2. ~~For the purposes of the above, an allotment that is:~~
- a) ~~Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or~~
 - b) ~~Not subject to that Act and was acquired by its owner under one instrument of conveyance:~~
 - ~~shall be deemed to be a continuous area of land notwithstanding that part of it that is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under the Resource Management Act 1991, or by a subdivision approval under any former enactment relating to the subdivision of land.~~
3. ~~For the purposes of Section 1 of this definition, the balance of any land from which any allotment is being, or has been subdivided is deemed to be an allotment.~~
4. ~~For the purposes of the subdivision rules of this Plan, the terms 'allotment' and 'proposed allotment' shall mean an allotment either created by, or to be created by the subdivision, unless the context indicates otherwise.~~

Alteration

means reconstruction, relocation or structural changes to a building.

Amenity Values*

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.

Ancillary activity

means an activity that either provides support to, or is incidental and subsidiary to, the primary activity on the same site.

Annual Exceedance Probability (AEP)

The probability of exceedance of an event (generally a rainfall storm) within a period of one year. (1% AEP is equivalent to 1 in 100 year storm). Guidance on calculating AEP can be found in the Whangarei District Council Engineering Standards.

Archaeological Site (as defined in the Historic Places Act 1993)

means any place in New Zealand that-

- a) Either:
 - i. Was associated with human activity that occurred before 1900; or
 - ii. Is the site of the wreck of any vessel where that wreck occurred before 1900; and
 - b) Is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.
-

Artificial crop protection structures

means open structures that are used to protect crops from damage:

- a) Including:
 - i. Bird netting; and
 - ii. Wind-break netting.
- b) Excluding:
 - i. Greenhouses.

Artisan Industrial Activities

means manufacture, repair, storage or maintenance associated with production of art, crafts or specialist foodstuffs. This definition is included within the Industrial Activities definition grouping.

Bed*

Means

- a) In relation to any river
- c) For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:
- d) In all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and
- b) In relation to any lake, except a lake controlled by artificial means,
 - i. For the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin:
 - ii. In all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and
- c) In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and
- d) In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Bicycle Parking Spaces

means parking spaces available for bicycle parking which enable a cyclist to manoeuvre and attach or secure a bicycle to each stand/space. Short stay spaces shall be clearly visible or signposted and located within 30m of public entrances to the activity. Long stay spaces shall be undercover, protected from inclement weather and secure from theft.

Bird Scaring Device

means a gas gun, avian distress alarm, firearm or other such device used primarily for the purposes of bird scaring.

Boundary

means the legal perimeter of a site:

- a) In relation to fee simple titles, the site boundary:
 - i. In relation to cross lease titles, the boundary of any restrictive covenant area;
 - ii. In relation to unit titles, the boundary of the accessory unit associated with a particular principal unit.

Boundary Relocation

means a subdivision in the RPZ that relocates an existing boundary between adjacent allotments where separate computer freehold registers (records of title as per Land Transfer Act 2017) has been issued for those allotments without:

- a) [Altering the number of allotments.](#)
- b) [Cancelling existing amalgamation conditions.](#)
- c) [Creating additional capacity to subdivide as a controlled activity in accordance with the relevant SUB rules.](#)

[For the purposes of this definition “adjacent allotments” means allotments that are:](#)

- a) [Part of a contiguous landholding; or](#)
- b) [Separated only by a road, access allotment, railway, stream or river.](#)

Buffer Area

means that part of the Quarrying Resource Area which is outside of the Mining Area.

Building

means any temporary or permanent, movable or immovable structure, including any place, vehicle or construction used as a place of residence or business or for assembly or storage purposes; but does not include:

- a) A network system owned or operated by a network utility operator whose purpose is to provide reticulation from a network system to and from individual properties and structures, including all structures and equipments owned or used by a network utility operator, provided that a system including any structure or equipment does not exceed 1.5m in height and has 3m² or less ground coverage; or
- b) Any ~~aerial or aerial support structure~~, clothesline or similar device; or
- c) Scaffolding or support work used in the course of the construction process; or
- d) A fence or wall, or combination of either, 2m or less in height and where such structures are constructed adjacent to each other a minimum separation distance of 1m shall apply; or
- e) Any tank or pool not exceeding 35,000 litres; or
- f) Any tent or marquee erected on a temporary basis; or
- g) Any temporary stack of goods or materials; or
- h) Any sign not attached to a building; or
- i) Any structure 300mm or less in height; or
- j) Any structure which is 2.2m or less in height and which has 9m² or less ground coverage. ,or
- k) Any artificial crop protection or support structure in the R[PZCE](#).

Building Area

means an area of land on which a building could be accommodated. The building area does not include areas associated with accessory buildings, parking, manoeuvring, landscaping, effluent treatment and disposal or private open space.

Building-line Restriction

~~means a restriction imposed on a site, by reference to a boundary, to ensure that when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt. No part of any such building shall stand within the area between the building line and the relevant site boundary (unless otherwise stated). All building line restrictions are shown on the Resource Area Planning Maps, Volume 2, and are further detailed in Appendix 1.~~

Building Frontage

means a side of a building that is facing the frontage of the allotment.

Built Form

Defined as (a) the general pattern of built form and development intensity and (b) the structural elements that define the District physically, such as natural features, transportation corridors, open space, public facilities, as well as activity centres and focal elements. Built form refers to the physical layout and design of the city.

Bulk Format Retail

Typically a collection of stand-alone large retail stores (20—50,000 m² trading floor space in a cluster or retail node) specialising in comparison shopping (i.e. items not obtained on a frequent basis). Typical tenants of bulk format retail stores include trade suppliers (e.g. paint, catering, plumbing, hardware), yard based (e.g. building supplies, garden centres, car sales), bulky comparison goods (e.g. whiteware, furniture, office products, carpet, bedding), general merchandise (e.g. hypermarkets, discount stores, homewares, factory outlet clothing stores).

Business Environments Zones

means Business 1, 2, 3 and 4 and the Kamo Activity Precinct, the City Centre, Mixed-use, Waterfront, Commercial, Shopping Centre, Local Commercial, Neighbourhood Commercial, Light Industrial and Heavy Industrial Zones.

Care Centre

means a facility used for any one or more of the following purposes:

- d) Children, in addition to the children of the person in charge, aged six years or younger are educated and cared for, and includes: childcare centres, crèches, kindergartens, kōhanga reo, playcentres and play groups;
- e) Early childhood education services;
- f) Children, in addition to the children of the person in charge, aged five years or older and are cared for out of school hours;
- g) Elderly people are cared for during the day; and
- h) People with disabilities (including mental health, addiction, illness or intellectual disabilities) are cared for during the day.

Excludes:

- a) Supported residential care.
- b) Care provided by family members within a residential activity.

This definition is included within the Community Activities definition grouping.

Cleanfill

means an area used for the disposal of exclusively inert, non-decomposing material.

Coastal Hazard Area

means an area of coastal land that is or is likely to be, subject to the effects of natural coastal hazards such as erosion, landslip and flooding over a defined planning horizon.

Coastal Hazard Area 1

means an area of coastal land bounded by the coastline and Coastal Hazard Area 2 that is at relatively high to extreme risk from the effects of coastal hazards, over a planning horizon of 50 years.

Coastal Hazard Area 2

means an area of coastal land, landward and adjacent to Coastal Hazard Area 1, that is at relatively low to moderate risk from the effects of coastal hazards over a planning horizon of 100 years.

Coastal Marine Area

has the same meaning as in section 2 of the RMA.

Commercial Activity

means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, restaurants, take-away food bars, professional, commercial, and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.

Excluding: Farming

means an activity with the primary purpose of trading in goods, equipment or services.

Commercial Services

means businesses that sell services rather than goods. For example: banks, real estate agents, travel agents, dry cleaners, health care facilities and hair dressers. Includes offices conducting activities within a building and focusing on business, government, professional, or financial services and includes the personal service elements of these activities offered to consumers or clients where visits by members of the public are accessory to the main use. This definition is included within the Commercial Activities definition grouping.

Communal Open Space

means a quantity of outdoor area freely available to all residents on the site, exclusive of driveways, buildings, and private outdoor space of individual residential units.

Community Activities

means the use of land or buildings for recreational, sporting, cultural, religious, educational or similar community and well-being purposes. Community activities may involve trading in goods, equipment or services.

Comprehensive Development Plan (C.D.P)

A C.D.P. is a plan of proposed development, submitted by an applicant when making a consent application to utilise the rules of an Overlying Environment within a Future Environment. The information to be included within a Comprehensive Development Plan is contained in Rule 48.7 of the District Plan.

Community Sign

means a sign displaying information relating to ~~matters of public health and safety~~, the location of public facilities, place-names ~~and their distances~~, destinations of historical, cultural, spiritual, sporting, or scenic significance; ~~and~~ the advertising of public, sporting, recreation, community, social or cultural events.

Consolidated Sign installation

Means a sign which identifies or advertises at least three different businesses, activities, or events (or a combination thereof) within a single permanent structure.

Contaminant*

includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar or other substances, energy or heat:

- a) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged.

Contaminated Site

means an area of land on which hazardous substances occur at concentrations above background levels, and where assessment indicates the substance poses, or is likely to pose an immediate or long term hazard to human health or the environment.

Controlled Activity*

~~means an activity which:~~

- ~~a) Is provided for as a controlled activity by a rule in a plan or proposed plan; and~~
- ~~b) Complies with standards and terms specified in a plan or proposed plan for such activities; and~~
- ~~c) Is assessed according to matters the council has reserved control over in the Plan; and~~
- ~~d) Is allowed only if a resource consent is obtained in respect of that activity.~~

Crop support structure

means open pervious, structures with the primary purpose to provide support for horticultural crops. Crop support structures are stand-alone unattached to any building.

Day

means the period 0700 to 2200 hours unless specified otherwise.

Discretionary Activity*

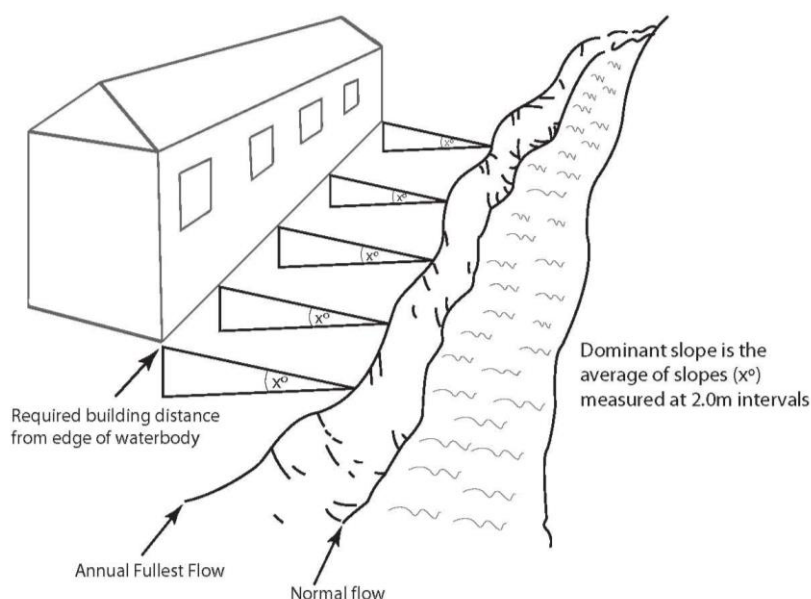
~~means an activity:~~

- ~~a) Which is provided for as a discretionary activity, by a rule in a plan or proposed plan; and~~
- ~~b) Which is allowed only if a resource consent is obtained in respect of that activity; and~~
- ~~c) Which may have standards and terms specified in a plan or proposed plan; and~~
- ~~d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.~~

Dominant Slope

means the average slope of land above the level of annual fullest flow of a river or lake adjacent to the width or length of the proposed building. The Dominant Slope is determined by averaging measurements taken at 2 metre intervals above the Annual Fullest Flow between projections of the outer dimensions of the proposed building (see illustration below). When determining Building Setbacks from Water Bodies the dominant slope rule applies only to any river bed that has a width of less than 3.0m or the bed of a lake under 8ha. For the purposes of determining Dominant Slope, annual fullest flow in relation to a river is the highest point at which the river can rise without overtopping the bank and in the case of a lake the point at which the waters cover at the highest level without exceeding its margin.

Illustration of Dominant Slope



Drinking Water

means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.

Drive through Facilities

means any part of any fast food or restaurant activity where the product is sold directly to the customer while in their vehicle. This definition is included within the Commercial Activities definition grouping.

Earthworks

means any land disturbance that changes the existing contour or ground level, modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel.

Eaves

Eaves means that portion of the roof extending beyond the exterior wall of a building having a maximum overhang of 800 mm.

Educational Facilities

- a) means the use of land or buildings for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but
- b) does not include any industrial activity.

This definition is included within the Community Activities definition grouping.

Effect*

means:

- a) Any positive or adverse effect; and
 - b) Any temporary or permanent effect; and
 - c) Any past, present or future effect; and
 - d) Any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration or frequency of the effect, and also includes:
 - e) Any potential effect of high probability; and
-

- f) Any potential effect of low probability which has a high potential impact.

Electric Vehicle Charging Station

means a structure with the primary purpose of recharging an electric vehicle. The station must be available for public use.

Electricity Infrastructure

means all transmission and distribution systems for electricity comprising of lines, cables, substations and switchyards and other paraphernalia provided by a network utility operator, but excluding generation facilities. Electricity infrastructure within the District is comprised of the National Grid and the Electricity Distribution Network.

Emergency Services

means the activities of authorities who are responsible for the safety and welfare of people and property in the community and include fire, ambulance and police services. This definition is included within the Community Activities definition grouping.

End-of-trip Facilities

Means facilities provided primarily for cyclists but also for walkers and runners at the end of their trip, and must include showers and changing areas.

Entertainment Facilities

Facility used for leisure or entertainment. Includes:

- a) Nightclubs;
- b) Theatres;
- c) Cinemas;
- d) Concert venues.

This definition is included within the Commercial Activities definition grouping.

Environment*

Includes:

- a) Ecosystems and their constituent parts, including people and communities; and
- b) All natural and physical resources; and
- c) Amenity values; and
- d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition, or which are affected by those matters.

Environmental Protection Authority and EPA*

means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011.

Equine Related Activities

Equine related activities means any activities within the Ruakaka Equine Environment that relate to the agistment (resting and grazing), training, housing and racing of horses. These activities include, but are not limited to:

- a) Stabling and care of horses together with incidental buildings.
 - b) Equine training and educational facilities.
 - c) Accommodation for horse trainers, students and caretakers.
 - d) Car parking areas.
-

- e) Broadcasting.
- f) TAB and related gaming facilities.
- g) Grandstand/viewing areas.
- h) Entertainment (related to race days).
- i) Race meetings.
- j) Racecourse administration with accessory buildings.
- k) Sale and auction of race horses and stock.
- l) Catering activities associated with racing days.
- m) Pony clubs and riding schools.
- n) Activities associated with horse breeding and training, including feed supplies, veterinary services, horse transport, riding schools, saddlery and farriers.

Esplanade Reserve

means an area of land adjoining a water body and vested in the territorial or regional authority or the Crown, for the purposes of section 229 of the Resource Management Act 1991 (conservation, public access and recreational use). The land is surveyed and titled, and its boundaries do not alter with changes to the margins of the water body, and includes esplanade reserves, as defined in the Resource Management Act 1991.

Esplanade Strip

means an area of land adjoining a water body that complies with the purposes of section 229 of the Resource Management Act 1991, and ownership of the strip remains with the landowner with a note of interest expressed on the title. An esplanade strip is defined as an area of specified width from the margins of the water body, and also includes esplanade strip, as defined in the Resource Management Act 1991.

Existing Use Rights

is the term that is commonly applied to the rights protected under section 10 and section 10A of the Resource Management Act 1991. A summary of the rights protected by those sections of the Resource Management Act 1991 follows. This summary is designed to assist understanding of the term, but is not a substitute for the statutory provisions.

Existing use rights apply to the use of land or to activities that contravene a rule in a district plan or proposed district plan. The rights apply if:

- The use or activity was lawfully established before the rule became operative or the proposed plan was notified; and
- The effects of the use or activity are similar in character, scale and intensity to those that existed before the rule became operative or the proposed plan was notified.

Existing use rights are extinguished if a use or activity is discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified. However, an extension can be granted by the territorial authority on application up to two years after the use or activity is first discontinued.

Exploration

means any activity undertaken for the purpose of identifying mineral deposits or occurrences, and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and "to explore" has a corresponding meaning.

Farming

means any agricultural or horticultural activity having as its primary purpose the commercial production of any livestock or vegetative matter for human or animal consumption. The production of livestock or vegetative matter utilises the in situ production capacity of the soil, water and air as a medium for production.

Farming includes:

- a) all types of livestock breeding, cropping, grazing, aquaculture
- b) horticulture, including covered cropping as in greenhouses
- c) apiaries
- d) normal rural practices including associated buildings and structures
- e) crop support structures and artificial crop protection
- f) airstrips.

But excludes:

- a) Plantation forestry and intensive livestock farming.
- b) Equine related activities.

[This definition is included within the Rural Production Activities definition grouping.](#)

Farm quarry(ies)

- means the extraction of minerals for uses accessory to farming, horticulture, or forestry, where:
- the quarried material is used only on the property of extraction;
- no extracted material, including any aggregate is removed from the property of origin; and
- there are no retail or other sales of quarried material.

[This definition is included within the Rural Production Activities definition grouping.](#)

Field Trials (Tests)

means, in relation to a genetically modified organism, the carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.

Financial Contribution*

means a contribution of:

- a) Money; or
- b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- c) A combination of land and money.

Flood Susceptible Area

means an area which has been assessed as being likely to experience water covering the surface of the land in a 1 in 50 year stormwater flood event. A flood susceptible area does not imply any particular duration or level of flood water but is generally part of a contiguous area of flood susceptibility. It includes areas likely to experience surface water, either ponding or flowing, from heavy rainfall and overflows from rivers, streams, and drainage channels. In areas adjacent to the coast, the flood susceptible area relates to areas which are or are likely to be, subject to permanent or temporary inundation from sea water due to sea level rise, storm tides

or tsunami over a planning horizon of 100 years. In the coastal areas there is also the potential for inundation to occur as a result of the combination of stormwater and sea water flood events.

Food and Beverage Activity

means activities where the primary business is selling food or beverages. Includes:

- a) Restaurants and cafes;
- b) Food halls; and
- c) Takeaway food bars and bakeries.

Excludes:

- a) Retail shops; and
- b) Grocery Stores.

This definition is included within the Commercial Activities definition grouping.

Forestry

means the ongoing management of trees or stands of trees, for the production of timber or timber related products, and includes planting, pruning, felling, and removal of trees from the site but does not involve the processing of timber. A production forest is considered to be forestry or plantation forestry.

Freestanding Sign

means a sign placed on or mounted or supported off the ground independent of any other building or structure for its primary support. Includes tower signs, pole signs, head post signs and goal post signs.

Frontage

means any boundary of a site abutting a legal road, or contiguous to a boundary of a road designation, ~~or building line restriction defined in Appendix 1 of this Plan.~~

Funeral Home

Facility used for holding funerals. Includes:

- a) mortuary facilities (excluding those ancillary to a hospital); and
- b) funeral chapels.

This definition is included within the Commercial Activities definition grouping.

Future Environments

~~These are areas set aside in the Plan to accommodate future growth. Each Future Environment contains Overlying and Underlying Environments. The Underlying Environment of a Future Environment is the current zoning of the land. The Overlying Environment(s) indicates potential future Environment(s). Applicants must make a discretionary resource consent application and provide a Comprehensive Development Plan of their proposed development (for either a land use or a subdivision) to enable the rules associated with the Overlying Environment to apply. The Future Marine Village Environment is a Future Environment, made up of the Environments shown in Figure 48.1.~~

Garage

means a building or part of a building that is principally used for the housing of vehicles and other miscellaneous residential items. Includes a carport/lean-to.

Note: Building rules apply to any garage as well.

Garden Centre

means a shop for the sale of plants, trees or shrubs. Provided that the sale of the following is accessory to the sale of plants, trees or shrubs, it also includes the sale of:

- a) Landscaping supplies
-

- b) [Bark and compost](#)
- c) [Statues and ornamental garden features](#)

[This definition is included within the Commercial Activities definition grouping.](#)

[General Industry](#)

[means any industrial activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill. This definition is included within the Industrial Activities definition grouping.](#)

[General Retail](#)

[means any retail activity which is not motor vehicle sales, garden centres, trade suppliers, marine retail drive through facilities, grocery stores, or a hire premise. This definition is included within the Commercial Activities definition grouping.](#)

Genetically Modified Organism and GMO

means, unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:

- a) have been modified by in vitro techniques; or
- b) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques.

N.B. For the absence of doubt, this does not apply to GM products that are not viable (and are thus no longer GM organisms), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods).

Genetically Modified Veterinary Vaccine

means a veterinary vaccine that is a genetically modified organism as defined in this Plan.

Goat Resistant Fencing

means a fence constructed so that the following requirements are met:

1. The line of the fence is bulldozed or cleared by some other method to ensure that the bottom wire is no more than 70mm from the ground.
 2. There is a minimum of 9 wires (kept tight at all times) such to meet the following standards:
 - minimum high tensile 2.5mm diameter galvanized steel is used;
 - the wires shall be spaced at the following intervals from the bottom – 100, 100, 100, 110, 120, 135. 150 and 165mm;
 - the top wire shall be approximately 50mm below the top of the post;
 - the bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.
 3. There are no internal stays.
 4. All posts are at the following spacings:
 - less than 30° ground slope – 5m;
 - 30° to less than 45° ground slope – 4m;
 - more than 45° ground slope – 3 m
 5. All battens are at 1m intervals.
 6. Where a water body crosses the boundary of the area to be fenced, either one or both of the following requirements shall be adhered to in order to maintain the integrity of the area to be fenced to prevent stock escape;
-

- Fences which meet the above specifications shall be constructed alongside waterways with an appropriate setback to avoid the possible effects of bank erosion and slumping which may cause a breach of the fencing standard; and/or
- Fences across water bodies, shall require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that it will allow the passage of water but will not cause a breach of the fence by stock escaping up or down the watercourse. Wire netting is not to be used in floodgate construction. Floodgates across culverted water bodies shall be on the downstream side of the culvert.

Green Infrastructure

means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services. This includes built infrastructure, such as rain gardens, natural elements in modified environments, and natural waterbodies.

Green Space Zones

means the Open Space, Conservation and Sport and Active Recreation Zones.

Greywater

means untreated liquid waste from sources such as household sinks, basins, baths, showers and similar appliances but does not include any sewage.

Grocery Store

a self-service store selling mainly food, beverages and small household goods. This definition is included within the Commercial Activities definition grouping.

Gross Floor Area (GFA)

means the sum of the total area of all floors of all areas of a building or buildings on the site (including any void areas in those floors, such as service shafts or lift or stairwells), including additional floors above ground level, measured from the exterior faces of the exterior walls or from the centre line of walls separating two buildings and, in the absence of a wall on any side, measured to the exterior edge of the floor, but excluding covered parking areas and covered vehicle loading and unloading areas.

Ground Level

ground level shall be taken as the level of the ground existing when works associated with any prior subdivision of the land are completed, but before excavation for new buildings on the land has commenced.

means:

- a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative requirement), but excludes any excavation or filling associated with the construction or alteration of a building;
- b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building;
- c) if in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the front of the retaining wall or retaining structure where it intersects the boundary.

Habitable Room

means any room in a residential building unit, visitor accommodation, educational facility, commercial activity or healthcare facility which is or is likely to be, used for the purposes of teaching or respite care or used as a rumpus or games room, study, lounge, living room, bedroom, dining room, sitting room, bedroom or similarly occupied room kitchen or general amusement room.

means a plan prepared by an iwi, hapu, or whanau for management of resources within its rohe.

Hazardous Facility

means any activity involving hazardous substances and sites at which these substances are used, stored, handled or disposed of (including on-site movements and the transit storage, for example, in stationary vehicles or containers) for a period of time exceeding one hour.

Hazardous Substance

~~has the same meaning as in section 2 of the RMA.~~

~~means, unless expressly provided otherwise by regulations, any substance:~~

~~a) With one or more of the following intrinsic properties:~~

- ~~i. Explosiveness;~~
- ~~ii. Flammability;~~
- ~~iii. A capacity to oxidise;~~
- ~~iv. Corrosiveness;~~
- ~~v. Toxicity (including chronic toxicity);~~
- ~~vi. Ecotoxicity, with or without bioaccumulation; or~~

~~Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition; or~~

~~When discharged to surface water or groundwater, has the potential to deplete oxygen as a result of microbial decomposition of organic matter (for example, milk).~~

Hazardous Substances and New Organisms Act and HSNO

means the Hazardous Substances and New Organisms Act 1996.

Hazardous Sub Facility

means a facility that is separated by more than 30 metres from any other hazardous facility on the same site.

~~**Health Care Facilities**~~

~~means facilities relating to the physical and mental health, and the care and welfare of people.~~

Heavy Vehicle

means any vehicle exceeding 3500kg gross laden weight.

Height

~~means the vertical distance between ground level at any point and the highest part of the structure immediately above that point. in relation to a building means one of the following:~~

- ~~a) The vertical distance between the highest part of the building and the average ground level, being the level of the ground at the external foundations of the building (see Figure 4.A); or~~
- ~~b) The vertical distance between ground level at any point and the highest part of the building immediately above that point (see Figure 4.B).~~

~~For the purpose of calculating height, account shall be taken of parapets, but not of:~~

- ~~a) Aerials, provided that the maximum height of aerials normally permitted by the rules for the site are not exceeded; or~~
 - ~~b) Chimneys (not exceeding 1.1m in width); or finials, provided that the maximum height normally permitted by the rules for the ZoneEnvironment is not exceeded by more than 1.5m; or~~
 - ~~c) Steeples, turrets, spires or towers located upon Places of Assembly provided the height limit normally permitted by the rules for the ZoneEnvironment is not exceeded by more than 2.0m.~~
-

Figure 4A Above Ground Method

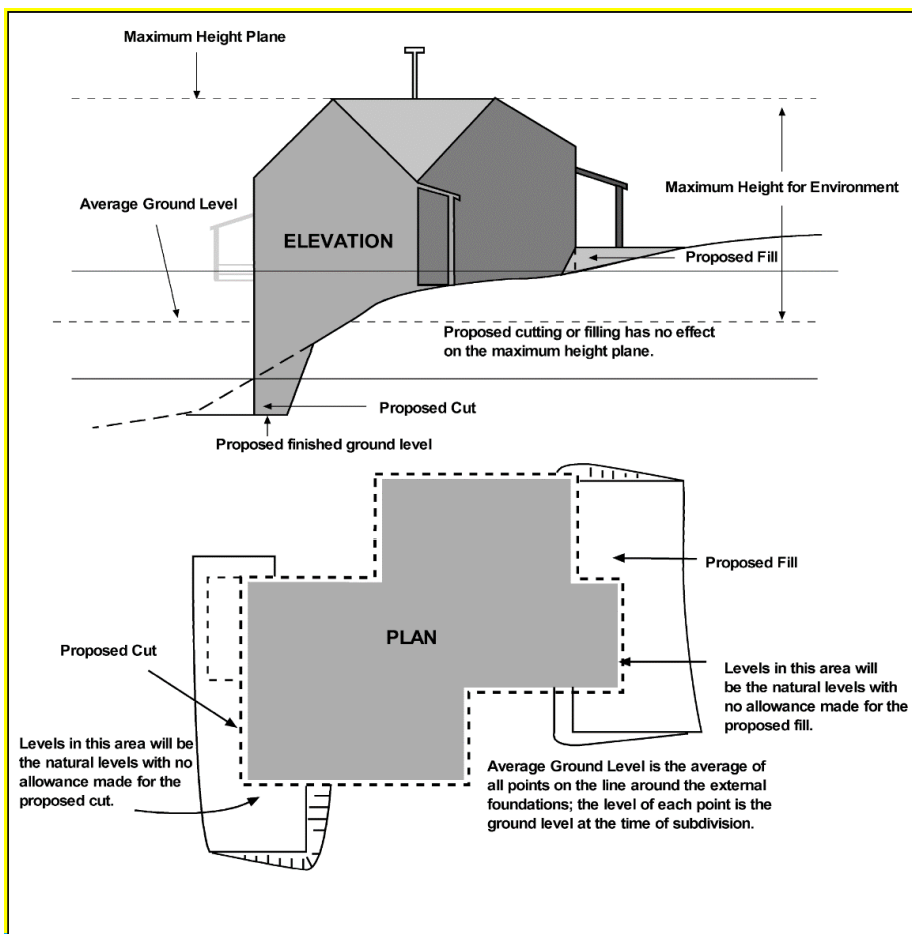
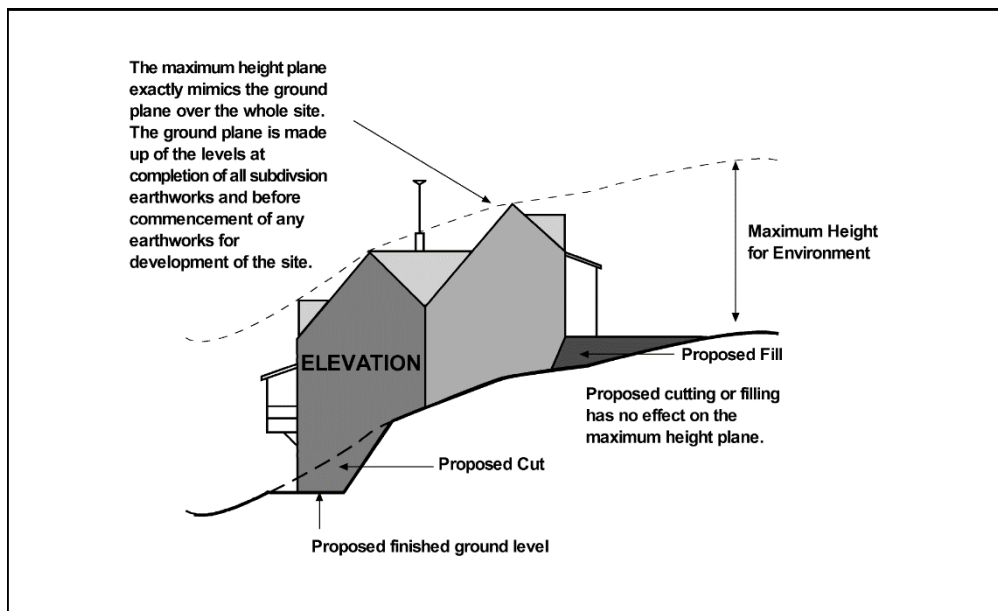


Figure 4B Rolling Height Method



High Noise Area

means an area where the average background sound level (L_{A90}) is greater than 45 dB L_{A90} between 0630 and 2130 hours; or greater than or equal to 35 dB L_{A90} between 2130 and 0630 hours.

Hire Premise

means any facility used for the hiring of machinery and equipment. Includes:

- a) Servicing and maintenance of hire equipment; and
- b) Storing hire equipment.

Excludes: premises for the hire or loan of books, videos, DVD, kayaks and other similar entertainment and tourist related items. This definition is included within the Commercial Activities definition grouping.

Home Occupation

means an occupation, or craft, or profession that is ancillary to the residential use of the site and where the principal operator of the home occupation is a permanent resident on the site. It does not include panel beating or car wrecking and the activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. The storage of materials associated with a non-residential activity shall not be visible from a public road or neighbouring residential property. The generated effects from the scale, hours of operation and the type of home occupation activity shall not be any different from those of other permitted activities in the Environment, except in the KMP, KLP, RLE, RUEE and RVE where specific provisions apply.

Hospital

means any regionally significant infrastructure that provides for the medical, surgical or psychiatric care and treatment of persons. Includes ancillary:

- a) Offices;
- b) Retail including pharmacies, food and beverage, and florists;
- c) Commercial services including banks and dry cleaners;
- d) Ambulance facilities and first aid training facilities;
- e) Conference facilities;
- f) Helicopter facilities;
- g) Hospices;
- h) Hospital maintenance and service facilities, including kitchens and laundries;
- i) Medical research and testing;
- j) Mortuaries;
- k) Rehabilitation facilities; and
- l) Training.

This definition is included within the Community Activities definition grouping.

Illuminated sign

means any sign with a specifically designed means of illumination of the whole or any portion of its face. Includes internally illuminated and externally illuminated (floodlit) signs and reflective signs.

Impervious Area

An area with a surface which prevents or significantly retards the soakage of water into the ground.

Includes:

- roofs
 - paved areas including driveways and sealed/compacted metal parking areas, patios
-

- sealed tennis or netball courts
- sealed and compacted metal roads
- engineered layers such as compacted clay-
- [artificial playing surfaces or fields.](#)

Excludes:

- grass and bush areas
- gardens and other landscaped areas
- permeable paving and green roofs
- ~~[artificial playing surfaces or fields.](#)~~
- [slatted decks.](#)

Indigenous Vegetation

means plants which belong naturally in the ecological locality and includes Manuka, Kanuka.

Indigenous Wetland

means a naturally occurring wetland of 50m² or more (with a minimum width of 5 metres) which is permanently or seasonally wet (in that the water table is at or near the ground surface during high water table conditions), and which is dominated by indigenous wetland plant species including all or some of the following:

- i. Raupo
- ii. Flax
- iii. Sedge associations
- iv. Kahikatea
- v. Cabbage tree
- vi. Manuka/kanuka on peatlands
- vii. Mangrove and saltmarsh
- viii. Kuta

For the purposes of this Plan indigenous wetlands that have been created for conservation purposes, as a requirement of a resource consent, are included within the definition of “indigenous wetland”.

The definition excludes wetlands created and subsequently maintained principally for, or in connection with:

- a) Effluent treatment and disposal systems; or
- b) Storm water management; or
- c) Water storage; or
- d) Other artificial wetlands, water courses or open drains.

The definition also excludes:

- a) Trees with a pasture under storey; or
- b) Exotic rush/pasture communities; or
- c) Land which has been modified prior to the date of notification of this Plan, to the extent that it is no longer ecologically viable.

Note: This definition does not include indigenous wetlands which have been created voluntarily, that is not as a requirement of a resource consent. If you are unsure if an area is an indigenous wetland and is subject to rules in the Plan, contact the Whangarei District Council for advice.

Industrial Activity

~~means the processing, manufacturing, fabricating, packing or storage of goods or other ancillary activities, and includes servicing and repair activities.~~

~~means an activity for the primary purpose of:~~

- a) ~~manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods;~~
~~or~~
 - b) ~~research laboratories used for scientific, industrial or medical research; or~~
-

c) yard-based storage, distribution and logistics activities; or

d) any training facilities for any of the above activities.

Infrastructure

has the same meaning as in section 2 of the RMA.

Intensive Livestock Farming

means any intensive farming of animals and/or includes fungi (mushrooms), dependent on a high input of food or fertiliser from beyond the site and which is predominantly carried out in buildings or outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover and includes pig farming and cattle feedlots. Poultry farming is excluded if it is considered free range in accordance with the relevant minimum standards outlined in the MAF Animal Welfare (Layer Hens) Code of Welfare 2005. This definition is included within the Rural Production Activities definition grouping.

Intermittently Flowing River

means a river that is dry at certain times and has one or more of the following characteristics:

- a) Appears on the NSMS260 1:50,000 map; or
- b) Has stable pools in late summer; or
- c) Supports species of plants and animals that are adapted to wet conditions, for example:
 - Native fish (bullies, kokopu, inanga)
 - Crayfish
 - Aquatic snails or shrimp
 - Mayflies, stoneflies or caddisflies.

Iwi Authority*

means the authority which represents an iwi, and which is recognised by that iwi as having authority to do so.

Kaitiaki

means, for the purpose of this Plan, those nominated by tangata whenua to exercise kaitiakitanga on their behalf.

Kaitiakitanga*

means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to a natural and physical resources, and includes the ethic of stewardship.

L_{AE} (Sound Exposure Level)

means the sound level of one second duration which has the same amount of energy as the actual noise event measured. This is usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

L_{Aeq} (Time Averaged Sound Pressure Level)

means the time-averaged, A-weighted sound level measured in decibels (dB). has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{AF(max)} (Maximum Sound Level)

means the maximum, A-frequency-weighted, fast time-weighted sound level, in decibels (dB), in a given measurement period. has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{A90}

has the same meaning as 'Background sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{Cpeak} (C-Weighted Pressure Level)

means the peak instantaneous C-weighted pressure level recorded during the measurement period. The "peak" level is not RMS averaged within the measurement circuitry of the sound level meter and therefore can appear much higher than other levels of instantaneous noise levels such as L_{AEPmaxT}. has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

L_{dn} (Day/Night Level)

means the day-night sound level which is calculated from the 24-hour L_{Aeq} with a 10 dB penalty applied to the night-time (2200-0700 hours) L_{Aeq} to account for potentially increased annoyance during this time. has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

Land

has the same meaning as in section 2 of the RMA.

Landfill

means the use, or the previous use, of land for the primary purpose of the disposal of waste. This definition is included within the Industrial Activities definition grouping.

Landscaping

means land which is planted in lawns, trees, shrubs or gardens.

Land Disturbance

means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land.

Land Preparation

Means the disturbance of the soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing and ripping.

Low Noise Area

means an area where the average background sound level (L_{A90}) is less than or equal to 45 dB L_{A90} between 0630 and 2130 hours; or less than or equal to 35 dB L_{A90} between 2130 and 0630 hours.

Live/Work

a residential and work format entailing the establishment of residential units above work units such as office, retailing, manufacturing and services.

Living Areas

means a living room, lounge, family room or dining room.

Living Environments Zones

~~means Living 1, 2, and 3, Kamo Medium Density Living Precinct, Kamo Low Density Living~~
~~means the Residential, Low-density Residential, Medium-density Residential and High-~~
~~density Residential Zones.~~

Major roading alteration to an existing public road

Includes:

- a) Road widening, realignment or extensions that take place outside the existing legal road reserve over an area greater than 500m².

Excludes:

- a) Routine maintenance for the safe operation of the transport network.
 - b) Maintenance and minor upgrade works necessary to keep transport infrastructure in good condition or restore transport infrastructure to a good condition.
 - c) Installation, maintenance and replacement of road signs, street lighting, landscaping, parking meters and other ancillary transport network structures or features.
-

- d) Activities required by by-law or for public health and safety.
- e) Construction works associated with installation/alterations to network utilities or vehicle crossings.
- f) Temporary traffic management.

Mana Whenua*

means customary authority exercised by an iwi or hapu in an identified area.

Manufacturing, Servicing and Storage

Activities involving:

- a) Making items by physical labour or machinery.
- b) Facilities used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer.
- c) Business that provides facilities to the public for storing possessions.
- d) Facility used for receiving, despatching or consolidating goods in transit by road, rail, air or sea.

Includes:

- a) assembly of items.
- b) direct collection of materials;
- c) articles or goods by traders;
- d) carriers' depots;
- e) courier services;
- f) mail distribution centres; and
- g) trucking depots.

Excludes:

- a) retail;
- b) service stations;
- c) composting plants; and
- d) refuse transfer stations.

This definition is included within the Industrial Activities definition grouping.

Marine Industry

means manufacture, repair, storage or maintenance associated with production or processing of boats, accessory goods or seafood. This definition is included within the Industrial Activities definition grouping.

Marine Retail

means the sale or hire of boats, wholesale and retail sale of fish, and accessory goods and services. This definition is included within the Commercial Activities definition grouping.

Metal Working

includes the smelting, casting, milling, forging, turning, die casting, machining, pressing, tumbling, drawing, rolling and galvanising electroplating, grinding of metal or related activities.

Mineral

means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals,

precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

Mining Area

means that part of the Quarrying Resource Area which is owned by or under the control of the quarry operator at the time the QRA is established or extended. It is where the full range of mineral extraction activities may occur.

Mineral Extraction

means the excavation of minerals from the ground, including:

- The removal of overlying earth and soil,
- The stacking, crushing, storing, depositing, treatment, transportation and sale of excavated materials,
- The placement of overburden,
- The removal of unwanted material and the rehabilitation of the site,
- The works, machinery and plant used to undertake the activities above."

Mining Hazard Area

means an area which is subject to possible subsidence due to past coal mining activities undertaken on the land.

Mining Hazard Area 1

indicates the area where there is a possibility of crown-holing and major subsidence due to there being less than 10.t cover (t being seam thickness).

Mining Hazard Area 2

indicates:

- a) Areas where there is up to 100 metres of cover and "medium" subsidence is possible; and
- b) Areas where there has been 2 seam pillaring and greater than 100 metres of cover exists.

Mining Hazard Area 3

indicates areas where there is greater than 100 metres of cover. Although this is a low risk zone, it is possible for buildings to be affected by mining.

Minor Residential Unit

means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site, which can be attached to the principal building or be a detached stand-alone building. residential unit located no more than 15.0 metres from another residential unit on the same site/lot with a gross floor area of no more than 70.0m², excluding the gross floor area used exclusively for the storage of motor vehicles in association with the minor residential unit. This definition is included within the Residential Activities definition grouping.

Minor Upgrading

means an increase in the carrying capacity, efficiency or security of any network utility operation utilising the existing support structures or structures with the effects of a similar scale, character, bulk and form. It includes, in regard to electricity, telecommunication and radio-communication services:

- The addition of circuits and conductors;
 - The reconductoring of the line with higher capacity conductors;
 - The resagging of conductors;
 - The addition of longer and more efficient insulators;
-

- The addition of earth wires (which may contain telecommunications lines), earth peaks and lightning rods;
- Additional telecommunication lines;
- The replacement of existing cross arms with cross arms of an alternative design;
- The replacement or alteration of existing antennae;
- The replacement or alteration of existing masts, poles and associated structures in the same or similar location and in accordance with the relevant New Zealand Standard.

Minor upgrading shall not include:

additional structures or the replacement of structures with the effects that are not of a similar scale, character, bulk and form.

Mixed use

means development that integrates compatible land uses such as commercial, residential and retail.

Motor Vehicle Sales

means the sale or hire of motor vehicles and caravans. This definition is included within the Commercial Activities definition grouping.

Multi Title Site

means a site where an activity is situated on two or more separate certificates of title and is indicated on the planning maps as a "Multi Title Site".

Multi Unit Development

means development of three or more [principal](#) residential units on a site [within the Medium-density Residential or High-density Residential Zones](#).

National Grid

means part of the National Grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand. National Grid means the assets used or owned by Transpower NZ Limited.

National Grid Corridor

means an area of 12m from the outer edge of a support structure and 12m from the centreline of the National Grid shown on the planning maps while they are owned or operated by Transpower NZ Limited.

Natural and Physical Resources*

includes land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Natural Hazard*

means any atmospheric or earth or water-related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects, or may adversely affect, human life, property or other aspects of the environment.

Net Floor Area

- a) Means the sum of any gross floor area designed for tenant occupancy and exclusive use; and
 - b) Includes-
 - (i) Both freehold and leased areas; and
 - (ii) Any stock storage or preparation areas, whether exclusive or not; but
 - c) Does not include-
 - (i) Liftwells and stair wells including landing areas;
 - (ii) Corridors and mall common spaces;
-

(iii) Building service rooms;

(iv) Required parking areas

Net Site Area

means the total area of the site, ~~but does not include excluding any part of the site;~~

a) ~~Subject to a building line restriction;~~

b) ~~Containing a right-of-way servicing other sites;~~

c) ~~Used for access less than 6m wide;~~

a) any area of land that legally provides access to another site;

b) any area of land used primarily for legal access to a rear site;

c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981;

Network Utility Operator*

means a person who:

- a) Undertakes or proposes to undertake, the distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy; or
- b) Operates or proposes to operate a network for the purpose of telecommunication or radio communication, as defined in section 2(1) of the Telecommunications Act 1987; or
- c) Is an electricity operator or electricity distributor, as defined in section 2 of the Electricity Act 1992, for the purpose of line function services, as defined in that section; or
- d) Undertakes or proposes to undertake, the distribution of water for supply (including irrigation); or
- e) Undertakes or proposes to undertake, a drainage or wastewatersewerage system; or
- f) Constructs, operates or proposes to construct or operate, a road or railway line; or
- g) Is an airport authority, as defined by the Airport Authorities Act 1966 for the purposes of operating an airport, as defined by that Act; or
- h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- i) Includes the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information, including telecommunication, radio and satellite links required as part of meteorological activities; or
- j) Undertakes, or proposes to undertake, a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act. The words "network utility operation" have a corresponding meaning.

Night

means a period 2200 to 0700 hours unless specified otherwise.

Noise Sensitive Activities

means those activities that involve habitation of people within which concentration (of thoughts) is required and includes residential units, residential institutions, marae, hospitals, health care facilities and education facilities, excluding Airport staff and aviation training facilities or aero clubs (other than airport staff training facilities).

Non-Complying Activity*

~~means an activity which:~~

- a) ~~Is provided for as a non-complying activity, by a rule in a plan or a proposed plan; or~~
- b) ~~Contravenes a rule in a plan or a proposed plan, and is allowed only if a resource consent is obtained in respect of the activity.~~

Non-Port Related Activities

means any activity undertaken within the Port Zone not identified under the definition of Port Activities.

Notional Boundary

means a line 20 metres from the facade of any noise sensitive activity, or the legal boundary, where this is closer to the noise sensitive activity.

Official Sign

means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.

Oil Refinery Activities

means the use of land and/or buildings within the Oil Refinery Precinct for refinery related activities, including:

- a) Operation of storage and fuel tanks;
- b) Process plants;
- c) Cogeneration plants and associated transmission lines;
- d) Offices;
- e) Support and community activities;
- f) Visitor centres;
- g) Canteens/cafes and residential dwellings associated with the refinery; and
- h) Facilities catering to the needs of staff and visitors.

Outdoor Living Court

means an area of outdoor open space which may be either permeable or impervious or a combination of both and includes including balconies, recessed balconies, decks and roof terraces, available for the exclusive use of the occupants of the residential unit to which the space is allocated, that has direct access to a main living area space and that does not contain structures that would impede its use for outdoor living purposes.

Outdoor Living Space

means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

Outer Control Boundary

defines an area outside the Air_n Noise Boundary within which there shall be no further incompatible land uses. The predicted 3 month average night-weighted sound exposure at or outside, the outer control boundary shall not exceed 55 dB L_{dn}.

Overburden

means clay, soil, vegetation and rock associated with mineral extraction activities.

Overlying Environment

~~An Overlying Environment indicates the proposed environment (or proposed environments), of any Future Environment. The Overlying Environment will have been defined in a strategic land use study, either undertaken by council or privately initiated. In order to utilise the provisions of the Overlying Environment, an applicant must make an application for a resource consent (either subdivision or land use), and provide a Comprehensive Development Plan of the proposal. Rules relating to Overlying Environments apply as though they are the rules of that Environment in the assessment of the C.D.P. unless the Plan specifically provides otherwise.~~

Parent Lot

means land held in one certificate of title or land held by the same owner in adjoining certificates of title, separated by no more than a (formed or unformed) legal road.

Pedestrian Arcade

means an area with a minimum dimension of 5m and minimum area of 30m² between a building and a public space that provides visual and pedestrian access onto the site and can be used for activities such as outdoor dining or informal leisure or recreation space.

Pedestrian Network

means the Primary Pedestrian Network and Secondary Pedestrian Network as shown on the District Planning Maps within the Kamo Walkability Environment.

Permanent All Weather Surface

means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of concrete, asphalt, bitumen or similar.

Permitted Activity*

means an activity that is allowed by a plan or proposed plan without a resource consent, if it complies in all respects with any conditions (including any conditions in relation to any matter described in sections 108 or 220 of the Resource Management Act 1991) specified in the Plan.

Place of Assembly

means ~~any land or buildings used principally for public or private assembly of people, worship, educational, recreational, social, ceremonial and spiritual activities; for meditation and functions of a community character; and includes churches, church halls, church yards and marae~~ complex facilities for the wellbeing of the community, generally on a not for profit basis.
Includes:

- a) Arts and cultural centres (including art galleries and museums);
- b) Places of worship;
- c) Community centres;
- d) Halls;
- e) Libraries;
- f) Marae;
- g) Citizens advice bureaux;
- h) Justice facilities; and
- i) Visitor information centres.

Excludes:

- a) Entertainment facilities; and
- b) Care centres.

This definition is included within the Community Activities definition grouping.

Plantation Forestry

means the ongoing management of trees or stands of trees, for the production of timber or timber related products, and includes planting, pruning, felling, and removal of trees from the site but does not involve the processing of timber. This definition is included within the Rural Production Activities definition grouping.

Port Activities

means the use of land and/or building within the Port Zone for port related activities, including:

- a) Cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- b) Debarking;
- c) Fumigation;
- d) Transport, storage and goods handling activities;
- e) Maritime passenger handling/services;
- f) Construction, maintenance and repair of port operations and facilities;
- g) Port administration;
- h) Refuelling/fuel handing facilities;
- i) Activities associated with surface navigation, berthing;
- j) Maintenance or repair of a reclamation or drainage system;
- k) Marine and port accessory structures and services.

PPV (Peak Particle Velocity)

means the measure of the vibration aptitude, zero to maximum. This parameter can be used for assessing building structural damage and also has application to human annoyance.

Principal Residential Unit

means a residential unit that is not ancillary to any other residential unit. This definition is included within the Residential Activities definition grouping.

Public Place

means a place

- a)
 - i. that is under the control of the territorial authority; and
 - ii. that is open to, or being used by, the public, whether or not there is a charge for admission; and
- b) includes—
 - i. a road, whether or not the road is under the control of a territorial authority; and
 - ii. any part of a public place

Prohibited Activity*

~~means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2) (b) of the Historic Places Act 1993.~~

Radio-Communication

means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 300 gigahertz, propagated in space without artificial guidance.

Raft

has the same meaning as section 2 of the RMA.

Recognised Acoustician

means a recognised member of the Acoustical Society of New Zealand or equivalent as determined at Whangarei District Council's discretion.

Recreational Facilities

means a facility where the primary purpose is to provide for sport and recreation activities. Includes:

- a) [Recreation centres](#)
- b) [Aquatic facilities, swimming pools, both indoor and outdoor;](#)
- c) [Fitness centres and gymnasiums; and](#)
- d) [Indoor sports centres](#)

[This definition is included within the Community Activities definition grouping.](#)

Refuse Accumulation

means the process of collection and storage of discarded and/or derelict organic or inorganic material and includes domestic appliances and whiteware, scrapmetal, vehicle bodies, vehicle parts, machinery, glassware, paper, timber and building materials.

[Regionally Significant Infrastructure](#)

[means the infrastructure listed in Appendix 3 of the Regionally Policy Statement for Northland 2016.](#)

Release

means to allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987.

A Release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.

[Repair and maintenance services](#)

[Servicing, testing or repairing vessels, vehicles or machinery. Includes:](#)

- a) [articles or goods by traders.](#)
- b) [automotive mechanics;](#)
- c) [panel beating; and](#)
- d) [devanning, storage and testing of LPG cylinders.](#)

[This definition is included within the Industrial Activities definition grouping.](#)

Requiring Authority*

means -

- i) A Minister of the Crown; or
- j) A local authority; or
- k) A network utility operator approved as a requiring authority under section 167 of the Resource Management Act 1991.

Residential Activity

means the use ~~or occupation~~ of land and buildings by people for the ~~primary~~ purpose of living accommodation, ~~where the occupiers voluntarily intend to live at the site for a period of one month or more, and includes accessory buildings and leisure activities directly associated with the residential activity. It also means the occupation of land or buildings for the purpose of living accommodation on a temporary basis (i.e. up to one month) where the accommodation is ancillary to the predominant use or activity on the site, and involves up to six people only, such as bed and breakfast, farmstay or homestay accommodation. For the purposes of this definition, residential activity therefore includes rest homes (Geriatric Care facilities), guesthouses, apartments, emergency and refuge accommodation, domestic pastimes and activities associated with residential accommodation. The definition of residential activity therefore does not include motels or hotels, backpackers, bed and breakfast, farmstay or homestay accommodation, for more than six people, which are commercial activities.~~

Residential Unit

means a building or ~~part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities, group a buildings, room or group of rooms, with associated services and facilities, designed, used or intended to be used separately or in conjunction with each other as a single independent and separate household unit for a Residential Activity. This includes bachs or other similar private holiday~~

~~accommodation but excludes temporary Activities. This definition is included within the Residential Activities definition grouping.~~

Restricted Discretionary Activity

~~means an activity which is provided for as a restricted discretionary activity by a rule in a Plan or Proposed Plan, and which is allowed only if a resource consent is obtained in respect of that activity, but the matters or standards to be assessed in considering an application for resource consent are limited to those specified in the Plan or Proposed Plan.~~

Retail Activity

~~means land and/or buildings from which goods, merchandise, or equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public and includes: a market; a showroom; a banking chamber (being that part of a bank which includes all the teller areas and all areas to which the public generally has access); off-licensed premises; and betting premises, but does not include a service station, motor vehicle sales and service premises or a restaurant, café and other eatery places. This definition is included within the Commercial Activities definition grouping.~~

Reticulated

means, in respect of infrastructure, connection to a system of pipes and ancillary development owned and operated by a network utility operator for the purposes of gas supply, telecommunications, power supply, water supply or stormwater or wastewater drainage.

Reticulated Stormwater Area

means any site within 200m of an existing public primary stormwater system.

Reticulated Wastewater Area

means any site:

- a) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b) Within the RVZ, SRIZ, or the RUEZ (except the Toetoe or Whau Valley areas of the RUEZ) and within 150m of an existing public reticulated wastewater network (excluding rising mains).

Reticulated Water Supply Area

means any site:

- a) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b) Within 135m of an existing public reticulated water supply distribution main.

Retirement Village Premises

~~has the same meaning as in section 226A of the RMA.~~

~~Part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with shared services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum return for their right to live in the place. As well as a lump sum, a "capital sum" can also mean periodical payments, if the payments are substantially more than would be paid to cover rent and such services or facilities for the relevant period. A retirement village is centrally managed and includes common areas and facilities to which residents of the retirement village have access under their occupation right agreements.~~

Reverse Sensitivity

means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity.

Right of Way

means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land and shall have the same meaning, as defined in Schedule 4 of the Land Transfer Regulations 2002.

River*

means a continually or intermittently, flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal).

RMS (Root Mean Square) Velocity

means the RMS averaged velocity of vibration, typically given in mm/s. RMS velocities are typically measured using single axis vibration transducers such as accelerometers.

Road

has the same meaning as in section 2 of the RMA. shall have the same meaning, as defined in section 315 of the Local Government Act 1974 and includes a motorway, as defined in section 2(1) of the Transit New Zealand Act 1989. The width of the Building Line Restrictions identified for specific roads, (refer to Appendix 1 of this Plan and the Planning Maps) shall be included as forming part of the road, for the purpose of calculating building setbacks.

Note: Mapping of Roads : A road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. Roads are generally represented without Environment colouring on the Planning Maps. Formed roads are marked with a line on a white background to provide orientation to map users and to provide a ready reference point to locate properties.

Roads are in the same Environment as the land that surrounds them. Where a road runs along the boundary between two Environments, the boundary of the Environments is the centre line of the road. Where the road runs beside the coast, the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land Environment.

Road Sign

means any signs which is erected for the purpose of traffic control or public road safety, including illuminated and reflective signs where they are designed and operated in accordance with the requirements of the road controlling authority.

Rural Centre Service Activity

means the use of land and buildings within the Rural Village Centre Sub-Environment for commercial and service activities including the sale or hire of goods, equipment or services, automotive service and repair, post boxes, service stations, shops, markets and takeaways.

Rural Area

means the area of the District comprising the Rural Zones.

Rural ~~Zones~~Environments

means the Rural Production, Strategic Rural Industries, Rural Village, Rural Living and Rural (Urban Expansion) ~~Zones~~Environments.

Rural Production Activity

means the use of land and buildings for farming, intensive livestock, farm quarrying, seasonal activities and plantation forestry.

Safe Potable Water Supply

means water that is fit for human consumption and may be supplied by rainwater collection, artesian bore, reticulated network or a natural water source.

Sea-Farers Mission and Managers Accommodation

means Christian welfare centre located within the Port Zone providing communal facilities for transitional merchant seafarers. Includes a single residential unit to be used solely for the purpose of providing accommodation for the Manager/Pastor of the Sea Farers Mission and immediately family. Does not include motels or hotels, backpackers, bed and breakfast, farmstay or homestay accommodation, or any other types of accommodation.

Seasonal Activity

means the following activities:

- a) The harvesting, picking, pruning or planting of primary produce on a temporary seasonal basis; or
- b) Forestry, including the storage of harvested timber with in forest plantation sites (whether recently harvested or not) and the transport of raw logs with the processing or packing of primary produce and harvested timber not constituting seasonal activities for the purposes of this definition.

This definition is included within the Rural Production Activities definition grouping.

Segregation Strip

means a strip of land vested (or upon subdivision to be vested) in the roading authority to limit or preclude legal access directly onto an adjoining street or road.

Sensitive Activities

means, childcare and education facilities, Residential Activity, hospitals, [Health Care Facilities](#) and Retirement Village [Premises](#).

Service Lane

shall have the same meaning as defined in Section 315 of the Local Government Act 1974 and includes any privateways in industrial/commercial developments.

Service Station

means any site where the dominant activity is the retail of motor vehicle fuels (including petrol, LPG, CNG and diesel), and may include any one or more of the following: the sale of kerosene, alcohol based fuels, lubricating oil, tyres, batteries, motor vehicle spare parts and other accessories; retail premises; convenience food premises; mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment; warrant of fitness testing; trailer hire; and car wash facilities.

Setback

means the distance between a structure or activity and the boundary of its site, or other feature specified in the Plan, horizontal distance between a building and a water body, boundary or frontage of its site. For the purposes of this definition, intrusions of eaves or guttering of up to 800mm are excluded, except where an eave would overhang an easement or a boundary.

Sewage

means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes.

Shared Access

means any access that is used by two or more lots, [principal](#) residential units or commercial or industrial activities and includes any access lot.

Showroom

An area where merchandise can be displayed, but does not any include areas for customer self-service.

Sign

means any device intended to attract attention for the purpose of directing, identifying, informing or advertising, except for traffic signs and advertising matter placed on or within a display window of commercial premises, and includes structural supports; three dimensional and inflatable surfaces; and flags.

- a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of:
 - i identification of and provision of information about any activity, site or structure;
 - ii providing directions;

- iii promoting goods, services or forthcoming events; and
- b) includes the frame, supporting device and any associated ancillary equipment whose principle function is to support the message or notice; and
- c) may be two- or three-dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and
- d) may be illuminated by an internal or external light source.

Sign Area

means the entire area with a continuous perimeter enclosing the extreme limits of lettering, graphics or symbols, together with any material or colour forming an integral part of the display or used to differentiate such a sign from the background against which it is placed. Sign area in relation to a multiple-sided sign means ~~that~~ the total signage area that may be viewed from ~~any~~ every viewable perspective (including front and back, and inflatable or three dimensional signs). Structural supports and building surfaces are not included in the calculation of sign area, except where they form an integral part of the sign.

Site

means:

- a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or
- b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the Council; or
- c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or
- d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or
- e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed.

~~means an area of land or volume of space, shown on a plan with defined boundaries, and includes:~~

~~4)~~

- a) ~~Land which is:~~
 - i. ~~Comprised in a single allotment or other legally defined parcel of land, and held in a single certificate of title; or~~
 - ii. ~~Comprised in a single allotment or legally defined parcel of land for which separate title cannot be issued without further consent of the council; or~~
- b) ~~An area of land which is comprised of two or more adjoining certificates of title where such titles are:~~
 - i. ~~Subject to a condition imposed under Section 80 of the Building Act 2004; or~~
 - ii. ~~Held together in such a way that they cannot be dealt with separately without the prior consent of the council;~~

~~or~~

2) ~~In the case of land subdivided under the cross lease or company lease systems (other than strata titles), an area of land containing:~~

- a) ~~A building for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of those buildings; or~~
- b) ~~A remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes; or~~

3) ~~In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan, together with its accessory units; or~~

4) ~~In the case of strata titles, site shall mean the underlying certificates of title, immediately prior to subdivision.~~

~~Site shall also include the access to the site.~~

Standalone Car Park Facility

means either indoor or outdoor on-site car parking which is not directly associated with any other activity within the site.

Stone Wall

means a wall that has been constructed by hand, from locally sourced rocks, as opposed to man-made construction materials.

Stormwater

means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to a waterbody or the coastal marine area.

Strategic Rural Industries

means industrial activities that require a rural location because of factors such as access to resources or the large area of land required for the operation of the activity. Strategic Rural Industries are significant at a regional or national scale rather than solely at a district level due to the area they supply; the investment in infrastructure required for the establishment of the activity or their contribution of the economy. Within the District Plan the term is applied specifically to the Strategic Rural Industries [Zone Environment](#) and does not include strategic industries located within urban areas with specialized business or industrial functions such as Port Marsden or the Marsden Point Oil Refinery.

Stream

Refer to definition of River.

Structure*

means any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.

Subdivision*

means:

a) The division of an allotment:

- i. By an application to ~~the Registrar-General of Land~~ [a District Land Registrar](#) for the issue of a separate certificate of title for any part of the allotment; or
 - ii. By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - iii. By a lease of part of the allotment which, including renewals, is or could be [for a term of 35 29 years or longer \(unless that part of the allotment is in the coastal](#)
-

marine area, and that lease is allowed for a term of 20 years or longer by a coastal permit or by a rule in a regional coastal plan); or

iv. By the grant of a company lease or cross lease in respect to any part of the allotment; or

v. By (the deposit of a unit plan or) an application to [the Registrar-General of Land](#) ~~a District Land Registrar~~ for the issue of a separate certificate of title for any part of a unit on a unit plan; or

b) An application to [the Registrar-General of Land](#) ~~a District Land Registrar~~ for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226, ~~and the term "subdivide land" has a corresponding meaning.~~

Supermarket

~~A self-service store selling mainly food, typically with a gross floor area of up to 6,500 square metres, with supporting car parking.~~

Supported Residential Care

means any facility used to provide accommodation and fulltime care for aged or disabled people, or people receiving health support (including mental health, addiction, illness or intellectual disabilities) certified under the Health and Disability Services (Safety) Act 2001 and comply with the Health and Disability Sector Standards 2001. Includes:

- a) A rest home defined in section 58(4) of the Health and Disability Services (Safety) Act 2001; and
- b) Accessory nursing and medical care.
- c) A residential activity where care, including meal delivery service, is provided to the residents on-site.

Excludes:

- a) Hospitals.

This definition is included within the Residential Activities definition grouping.

Surface Water

All water, flowing or not, above the ground. It includes water in continually or intermittently flowing rivers, artificial watercourses, lakes and indigenous wetlands and water impounded by structures such as dams or weirs, but does not include water while in pipes, tanks, cisterns, nor water within the Coastal Marine Area.

Swale

means an area of land that has been shaped to allow a watercourse to form during stormwater collection.

Tangata Whenua*

means, in relation to a particular area, the iwi or hapu that holds mana whenua over that area.

Taonga

means treasure, or all that is held precious.

Telecommunication

has the same meaning as in section 2(1) of the Telecommunications Act 1987.

Temporary Activity

means any commercial activity undertaken in a temporary or moveable structure within a road or an activity which is undertaken for a short term, not exceeding 3 days duration, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year, and includes any gala, sports event, festival, hui or other community activity.

Temporary Military Training Activity

means a temporary military training activity including any associated building established onsite for a maximum period of 60 days undertaken for defence purposes. Defence purposes are described in section 5 of the Defence Act 1990. Tikanga Maori*

means Maori customary values and practices.

Temporary Sign

means any sign, whether portable or fixed which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include signs associated with; real-estate, election(s), construction or redevelopment.

Note: Unless otherwise stated community, signs will be considered as temporary signs where they are erected no more than 21 days prior to the event and are removed within two days after the event concludes.

Through-site Link

means a defined pedestrian access which is continuous and clearly identifiable and is designed specifically to traverse a site to connect roads or other public places or other through-site links. A through-site link provides a shorter and more convenient public pedestrian route than the existing alternative.

Trade Suppliers

means a supplier in one or more of the categories below, engaged in sales to businesses and institutional customers but may also include sales to the general public:

- a) Automotive suppliers;
- b) Building suppliers;
- c) Catering equipment suppliers;
- d) Farming and agricultural suppliers;
- e) Industrial clothing and safety equipment suppliers;
- f) Landscape suppliers; and
- g) Office furniture, equipment and systems suppliers

This definition is included within the Commercial Activities definition grouping.

Traffic Movement

means any movement of a motor vehicle to or from a site, whether the vehicle parks on or off the site or moves through the site without stopping. When a vehicle travels to a site and subsequently leaves the site (or vice versa) this is counted as two traffic movements.

Transport Infrastructure

means assets and structures that are necessary for the functioning of the transport network and that cater for the need of transport users.

Underlying Environment

~~An Underlying Environment is the existing (or current) Environment of any Future Environment at the time that the Future Environment is created. Permitted activities, as defined in the existing Environment continue to be permitted when this Environment becomes an Underlying Environment of a Future Environment. Rules relating to Underlying Environments are applied as though they are the rules of that Environment, unless the Plan specifically provides otherwise.~~

Urban Area

~~means the area of the District comprising the Urban Zones. Refers to areas that are considered 'urban' in the context of this chapter (and the wider District Plan), refers to both Living and Business Environments including areas zoned as Living and Business Environments in coastal and rural settlements.~~

Urban Zones

means the Living and Business Zones and includes the Airport, Hospital, Port, Ruakaka Equine and Marsden Primary Centre Zones.

Vegetation Clearance

means any activity that results in the cutting, disturbance, removal or destruction of indigenous vegetation.

Vegetation Cover

means an area that is principally covered in indigenous vegetation.

Vehicle Crossing

means the formed and properly constructed vehicle entry or exit point from the carriageway of any road, up to and including that portion of the road boundary of the site across at which a vehicle entry or exit point occurs and includes any culvert, bridge or kerbing.

Verandah

means a weatherproof covering, substantially covering a footpath used by the public.

Versatile Soils

means those soils identified as Class I, II or III on the New Zealand Land Inventory Worksheets.

Veterinary Vaccine

means a biological compound controlled by the Agricultural Compounds and Veterinary Medicines Act that is used to produce or artificially increase immunity to a particular disease and has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.

Viable Genetically Modified Veterinary Vaccine

means a genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

Visitor Accommodation

~~means short stay accommodation such as short stay apartments, hotels, motels, hostels or boarding houses.~~ means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid. This definition is included within the Commercial Activities definition grouping.

Visual Permeability

means the amount of transparency through an object such as a screen, fence or wall.

Waahi Tapu

means a place which is sacred or spiritually meaningful to tangata whenua.

Waste Management Facility

Facility used for receiving waste for transfer, treatment, disposal, or temporary storage. Includes:

- a) refuse transfer stations; and
- b) recycling.

Excludes:

- a) landfills.

This definition is included within the Industrial Activities definition grouping.

Wastewater

includes sewage, and greywater.

Water*

means water in all its physical forms, whether flowing or not and whether over or under the ground, and

- a) Includes fresh water, coastal water and geothermal water; and
- b) Does not include water in any form while in any pipe, tank or cistern.

Water Body*

means fresh water or geothermal water in a river, lake, stream, pond, indigenous wetland, or aquifer, or any part thereof that is not located within the coastal marine area. ~~Environmental Rules relating to building setbacks from water bodies are applicable only in relation to rivers, lakes and Mean High Water Springs.~~

Water Sensitive Design

means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater systems and coastal environments, particularly from stormwater runoff.

Wind Turbine

means a wind turbine used to extract kinetic energy from the wind and having a swept area of greater than 200m².

80 Financial Contributions

80.1 Introduction

This chapter contains rules relating to financial contributions. The rules apply throughout the District, unless the context otherwise requires. Objectives and policies relating to financial contributions are contained in Chapter 9. Specific references to financial contributions are also included in other chapters.

80.2 Conditions on a Subdivision Resource Consent

80.2.1

Notwithstanding any other provision of the Plan, the Council may impose on every subdivision consent a condition that a financial contribution in money, shall be paid to the Council for:

- a) The purposes, and the parts of the District, and of the amounts set out in Table 80.2.1A; or
- b) The purposes, and the part of the District, as set out in Table 80.2.1.A and according to the formula set out in Rule 80.2.2;

Provided that the amount to be paid shall be the lesser amount of the two methods of calculation, as determined by the Council.

Table 80.2.1 A - Financial Contributions on Subdivision

Item	Purpose	Part of District	Contribution per Allotment excl. GST
1	Reserves and community services	Whole District	\$1,600.00
2	Sewerage	Whole District where a reticulated system is available, except Langs Beach, McLeods Bay to Urquharts Bay, and Waikaraka to Parua Bay.	\$1,000.00

3	Sewerage	Area covered by Langa Beach Scheme.	\$2,280.00
4	Sewerage	McLeods Bay to Urquharts Bay Scheme: Area 1.	\$3,121.00
5	Sewerage	Waikaraka to Parua Bay Scheme: Area 2.	\$3,146.00
6	Stormwater	Whole District where a reticulated system is available.	\$1,000.00
7	Water supply	Whole District where a reticulated system is available.	\$1,000.00
8	Road network	Whole District.	\$1,000.00

80.2.2 Formula for Financial Contributions

Step 1:

Calculate costs of project (service upgrade) attributable to new growth and subdivision.

From total cost of works, deduct the portion of the capital cost that benefits existing residents.

Remainder = costs attributable to new growth and subdivision.

Step 2:

Calculate number of additional residential units that can be serviced within the design capacity of the works.

From design capacity of completed work (e.g. house equivalents), deduct existing houses to be serviced.

Remainder = number of additional residential units that can be serviced.

Step 3:

Calculate cost of growth per additional house.

Divide costs attributable to new growth and development by the number of additional residential units that can be serviced.

Quotient = the financial contribution per lot.

80.2.3

The financial contributions paid, pursuant to Rules 80.2.1 and 80.2.2 and Table 80.2.1A, shall be used by the Council for the following purposes:

- i. Reserves and community facilities: the provision of active and passive open space in the service network;
- ii. [WastewaterSewage](#): the provision of [wastewatersewage](#) services in the service network;
- iii. Stormwater: the provision of stormwater services within the service network;
- iv. Water supply: the provision of water supply services in the service network;
- v. Road network: the provision of roading within the service network.

80.2.4

The financial contributions in Rules 80.2.1A and 80.2.2 shall be paid in respect of each allotment created by the subdivision. No financial contribution shall be payable in respect of:

- i. The existing number of allotments in the land being subdivided;
- ii. Any allotment to be vested in the Council or the Crown;
- iii. Any allotment to be used exclusively for utility, road, reserve or access purposes.

80.2.5

The contribution is only payable where the relevant service is available to the land being subdivided, and is within the part of the District indicated in Table 80.2.1A.

80.2.6

'Whole District' means the area within the Whangarei District boundary. Other localities specified in Table 80.2.1A are defined by reference to the availability and practical catchment areas of the relevant service in that locality.

80.2.7

In assessing the contributions payable under Rule 80.2, the Council, in setting the contribution, shall take into account the value of any works or services already made under Rule 80.4, while ensuring that adverse effects on the environment are avoided, remedied or mitigated.

80.3 Contributions in Land for Reserves

a) The Council may impose on every subdivision consent, where the subdivision will produce 2 or more allotments, a condition requiring a financial contribution in land within the subdivision, for reserve purposes.

b) The land comprising the financial contribution shall contain a maximum area equivalent in value to \$1,600.00, multiplied by the number of allotments in the subdivision, excluding allotments mentioned in section 80.2.4.

The value of any land vested as reserve under Rule 80.3 may be deducted from the assessment of the financial contributions to be made under Rule 80.2 for reserves and community services, and where the value of land vested under Rule 80.3 exceeds the financial contribution payable under Rule 80.2.1A "Reserves and community services", the Council will reimburse the subdivider for the difference.

80.4 Conditions on a Land Use Resource Consent

80.4.1

Where any resource consent is granted, a condition imposing a financial contribution may be imposed according to Section 108(2) of the Resource Management Act 1991, to make provision for associated infrastructure and services, including reserves and community infrastructure. Where a land use resource consent imposes a condition requiring a financial contribution, Council will account for contributions already made under Rule 80.2 for the purpose of avoiding, remedying or mitigating potential adverse affects arising from insufficient infrastructure or services, with respect to the proposed development.

The following are purposes for which a financial contribution may be imposed:

a) The form or upgrade roads and associated services, including traffic control systems in the vicinity of the proposed development, to the extent required due to the projected increase in traffic.

b) To develop or upgrade the water supply, stormwater drainage and [wastewatersewage](#) systems to the boundary of the development site.

c) To provide for other works or services provided by Council that would otherwise have been required to be provided by the consent holder as a condition of resource consent associated with the development site.

d) To offset the cost of future capital works, reserves acquisition and anticipated community infrastructure necessitated by and directly associated, with effects of the proposed development, other than financial contributions provided by condition of a subdivision consent.

e) To offset the cost of capital works, reserves acquisition and community infrastructure necessitated by, and directly associated with, the effects of the proposed development that has

been incurred in anticipation of proposed development other than financial contributions provided by condition of subdivision consent.

In undertaking an assessment as to the quantum of any financial contribution that may be required to address the above matters, Council will apply the following principles:

a) A financial contribution will only be required in circumstances where the proposed development does not effectively provide for development of infrastructure and services directly associated with the proposed development.

b) A financial contribution will not be required in circumstances where the financial contribution provided for under Rule 80.2 adequately provides for the purpose of avoiding, remedying or mitigating potential adverse effects arising from insufficient infrastructure, or services directly associated with, the proposed development.

c) A financial contribution will only be used to provide for the provision or upgrading of infrastructure and services associated with effects or impact of that development site and proposed development.

d) A financial contribution does not provide for the operation and maintenance of infrastructure after establishment.

e) Financial contribution means a contribution of money or land (including an esplanade reserve or esplanade strip other than in relation to a subdivision consent), or combination of money and land, to an equivalent value.

f) The calculation of any financial contribution will take into account the extent to which the Council service for which the contribution is being required is funded by other sources, including that required by condition of subdivision consent.

g) Upon application, Council may waive or discount the financial contribution under this provision, in consideration of relevant matters including:

i. Where the infrastructure provided exceeds that required for the proposed development and this is of benefit to the local or wider community;

ii. Positive effects created by the enhancement of physical and/or natural environment;

iii. Where reserves' acquisition and anticipated community infrastructure is unnecessary or inappropriate.

Note: In the event the proposed development does not proceed and the consent is canceled or lapsed, Council shall refund to the consent holder the unspent component (if any) of the financial contribution (paid under this provision), according to Section 110(1) of the Resource Management Act 1991.

In a situation that Council is confident that a third party effectively providing, or will effectively provide payment towards, the financial contribution, then such payment will be deducted from the financial contribution required under this provision. Determination of the deduction will be established through a negotiated process between the applicant and Council. This determination will be made on a case-by-case basis and not determined retrospectively.

80.4.2

A financial contribution in money shall be paid to the Council where the Council will do some or all of the work or provide land. The amount will be determined as no more than the full cost to the Council to achieve the purpose of the financial contribution, and to the extent to which the works will be required to avoid, remedy or mitigate adverse effects of the subdivision or development on the environment.

80.4.3

A financial contribution in land shall be required where a consent holder is to vest land in a local authority, the Crown, a network utility operator or a heritage protection authority, for the purpose of the financial contribution. The amount and location of the land will be determined as follows:

-
- a) The land necessary to construct, form, divert, widen or upgrade any new or existing road, where:
- i. Roads are not available; or
- ii. Existing roads are of an inadequate width or construction to cater for increased usage caused by the subdivision or development, or
- iii. Alterations or works to existing roads are required for traffic safety or efficiency, as a consequence of the subdivision or development.
- b) The land necessary to access any other land in the vicinity of the land being subdivided or developed, or adjacent to the road being constructed, widened or upgraded; to provide for the effective future development of the other land or practical access to the other land.
- c) The land necessary for any segregation strips required for the purposes of the financial contribution.
- d) The land required to site any utility required for the purpose of the financial contribution, such as a substation, pumping station or soil conservation reserve.
- e) Any easements necessary to make services available to land within the subdivision or development, or to any land in the vicinity of the land being subdivided or developed; to provide for the effective future development of the other land.
- f) Any land, or interest in land, necessary for the purposes of an esplanade reserve or esplanade strip or access strip.
- g) Any land, or interest in land, necessary for the protection of Significant Ecological Areas.

80.5 Timing of Payment

Where payment of a financial contribution in money is required by a condition on a resource consent, or a rule, it shall be paid in accordance with that condition or rule, or if there is no specific requirement as to timing of the payment, it shall be paid:

- a) Prior to a certificate being issued pursuant to section 224(c) of the Resource Management Act 1991, in the case of a subdivision; or
- b) Prior to commencement of building work, in the case of a building activity; or
- c) Prior to a service connection being made to Council services, in the case of a contribution for water, [wastewatersewerage](#) or stormwater connection; or
- d) Prior to the commencement of the activity in the case of a contribution for parking.

80.6 Timing of Transfer of Land

A condition in respect of a financial contribution in land, shall be completed as required, by a condition on a resource consent or a rule. If the contribution is the vesting of land as part of a subdivision, this shall be shown on a plan of subdivision.

80.7 Principal Reasons for Rules

Payments on Subdivision

The purposes of financial contributions are described in the objectives and policies in general terms, (Chapter 9) and in the rules more specifically.

The manner of determining the level of contributions in Table 80.2.1A is generally based on the capital works projects stated in the Council's Strategic Plan, which is part of the Council's Long

Term Council Community Plan, required under the Local Government Act 2002. Where projects are not contained in the Strategy, then specific estimates of costs will be relied upon in costing the project. Only projects planned for the next 10 years are covered in Table 80.2.1A.

In most cases, the amount in Table 80.2.1.A is lower than the actual costs of providing services. This is because Council has decided to accept that part of the costs attributable to new growth should be met, in part, out of rates.

Every allotment on a subdivision is assumed to be capable of holding one new residential unit. Exceptions are provided in the rules for lots to be used for utility, road, reserve or access purposes, on the basis that these are unlikely to contain a dwelling unit. Commercial and industrial subdivisions will pay the same financial contribution, per lot, as residential subdivisions. However, additional payments to the Council for services may be required at the time of connection to services. The financial contribution, in some cases, has been reduced below the calculated level where the Council has decided to pay part of the costs of new growth from rates, for reasons of fairness or equity.

Contributions for Road Network

Rural subdivision affects roads in several ways. Increasing traffic creates demands for road widening, surface improvement, traffic signs and other works. Stormwater flows in water tables, sumps and culverts may increase significantly, as water from on-site drainage systems often finds its way onto roads following subdivision.

The purposes of the financial contribution are to pay the costs of upgrading the road network, including widening, surface and subsurface improvements, improvements to alignment, levels, sight lines and water control, land purchase and road legalisation.

Resource Consent Conditions

This rule covers activities or effects, within the scope of the objectives and policies, for which financial contributions cannot be quantified in advance. The level of contributions for these purposes will reflect the effects assessed on the environment.

85. Designations

No change.

REF.1 Referenced Documents

Index	
REF.1 Referenced Documents	
REF.1.1	Description and Expectations
REF.1.2	Schedule of Referenced Documents
REF.1.1 Description and Expectations	

The District Plan shall primarily address resource management matters for the Whangarei District. Cross referencing of technical standards and regulations assists to maintain a streamlined District Plan.

The District Plan may incorporate by reference the following types of external documents:

- a. standards, requirements, or recommended practices of international or national organisations; or
- b. standards, requirements, or recommended practices prescribed in any country or jurisdiction; or
- c. any other written material that deals with relevant technical matters.

External documents may be incorporated in whole or in part, any amendments, additions or variations specified.

Council shall follow the process specified in Part 3 Schedule 1 of the Resource Management Act 1991 when incorporating documents by reference in the District Plan.

REF.1.2 Schedule of Documents Incorporated by Reference

The following documents are incorporated by reference:

a. Coastal Hazard Identification

NRC 1988: Coastal Hazard Identification. Whangarei County. Technical Publication No.1988/1, March 1988, held by Northland Regional Council.

Gibb, J.G. 1998a: Review of Coastal Hazard Zones for Eleven Selected Beaches in Whangarei District, Northland Region. Consultancy Report C.R. 98/4 prepared for and held by Northland Regional Council. July 1998.

Gibb, J.G. 1998b: Coastal Hazard Zone Assessment for the One Tree Point -Marsden Bay Area, Whangarei Harbour, Whangarei District. Consultancy Report C.R. 98/3 prepared for and held by Whangarei District Council.

Gibb, J.G. 1999: Coastal Hazard Risk Zone Assessment for Pataua and Matapouri Bay, Whangarei District. Consultancy Report C.R. 99/7 prepared for and held by Whangarei District Council. December 1999.

IPCC 1996: Climate Change 1995. The Science of Climate Change. Summary for Policy Makers and Technical Summary of the Working Group 1. Report. Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge. Held by Northland Regional Council.

b. Artificial Lighting

~~AS/NZS 1158/1996, Australian and New Zealand standard for Lighting for Roads and Public Spaces.~~

AS/NZS 1158.0:2005 Road Lighting – Introduction.

AS/NZS 1158.1.1:2005 Road Lighting – Vehicle traffic (Category V) lighting – Performance and design requirements.

AS/NZS 1158.1.2:2010 Road Lighting – Vehicle traffic (Category V) lighting – Guide to design, installation, operation and maintenance.

AS/NZS 1158.2:2005 Road Lighting – Computer procedures for the calculation of light technical parameters for Category V and Category P lighting.

AS/NZS 1158.3.1:2005 Road Lighting – Pedestrian area (Category P) lighting - Performance and design requirements.

AS/NZS 1158.4:2015 Lighting for Roads and Public Spaces – Part 4: Lighting of pedestrian crossings.

AS/NZS 1158.5:2014 Lighting for Roads and Public Spaces – Part 5: Tunnels and Underpasses.

SA/SNZ TS 1158.6.2015 – Lighting for Roads and Public Spaces – Part 6: luminaires – Performance.

c. Noise

NZS 6801: 2008 New Zealand standard for Acoustics – Measurement of Environmental Sound

NZS 6802: 2008 New Zealand standard for Acoustics – Environmental Noise

NZ6809: 1999 New Zealand standard for Acoustic Port Management and Land Use Planning

NZ6803: 1999 New Zealand standard for Acoustics – Construction Noise

NZS 6808: 2010 New Zealand standard for Acoustics – Wind Farm Noise

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- NZS 6807: 1994 New Zealand standard for Noise Management and Land Use Planning for Helicopter Landing Areas
- NZS 6805: 1992 New Zealand standard for Airport Noise Management and Land Use Planning
- NZS 6806:2010 New Zealand standard for Acoustics – Road-traffic Noise – New and Altered Roads
- AS2353: 1999 Australian Standard for Pedestrian Push-button Assemblies
- AS2187.2:2006 Explosives – Storage and Use – Use of Explosives
- d. Electromagnetic Radiation
- NZS 2772.1:1999 New Zealand standard for Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.
- e. ~~Vibration~~ (*Deleted – refer to Noise and Vibration Chapter*)
- f. Hazardous Substances
- Department of Labour, 1992 Code of Practice for Design Installation and Operation of Underground Petroleum System
- AS/NZ 1596:1997 Australian and New Zealand standard for Storage and Handling of LPG
- New Zealand Radiation Protection Regulations 1982
- NZS 8409: 1999 New Zealand Code of Practice for the Management of Agrichemicals
- New Zealand Chemical Industry Council 1987 Code of Practice or Warning Signs for Premises Storing Hazardous Substances
- New Zealand Ministry for the Environment 1999 Land Use Planning for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facility Operators
- g. Engineering and Infrastructure
- ~~Whangarei District Council, 2010, Environmental Engineering Standards~~
- NZS 4121:2001 New Zealand standard Design for Access and Mobility Buildings and Associated Facilities
- NZS 3604:2011 Timber-framed buildings
- NZTA guidelines: RTS 18: NZ on-road tracking curves for heavy vehicles (2007).
- h. Electricity Transmission Lines
- NZIECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances
- Electricity Act 1992
- Electricity (Hazards from Trees) Regulations 2003
- Electricity (Safety) Regulations 2011
- International Commission for Non -Ionising Radiation Protection Guidelines (1998)
- National Environmental Standards for Electricity Transmission Activities 2009
- i. ~~Industry~~
- ~~Australia and New Zealand Standard Industrial Classification 1993 edition~~

SAK Statutory Acknowledgements

No Change.

Part D Objectives and Policies

5. Amenity Values

[Delete Chapter](#)

6. Built Form and Development

[Delete Chapter](#)

7. Tangata Whenua

7.1 Significant Issues

Protection of Sites of Significance to Maori.

- Participation of tangata whenua in resource management, including consultation.
- Recognition of rangatiratanga and kaitiakitanga.
- Land use activities affecting the quality of waterbodies and associated resources.
- Development of land, including papakainga.
- Issues identified in other chapters of the Plan.

7.2 Overview

The Resource Management Act 1991 requires District plans among other things to:

- Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance (section 6(e) Resource Management Act 1991);
- To have particular regard to kaitiakitanga (section 7(a), Resource Management Act 1991);
- Take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8 Resource Management Act 1991);
- To have regard to recognised relevant iwi planning documents, the New Zealand Heritage List/Rārangī Kōrero, and regulations relating to taiapure and mahinga mataitai (section 74(2)(b) Resource Management Act 1991).

The functions of territorial authorities (including the Whangarei District Council) are stated in section 31 of the Resource Management Act 1991 [and repeated in Chapter 1.2 of this Plan](#). In relation to managing particular resources, the regulatory methods adopted by the Council relate directly to those functions listed in Section 31 of the Resource Management Act 1991 (e.g. subdivision) and not to Regional Council functions (e.g. water quality).

The term 'tangata whenua' denotes a relationship between Maori and the land. Generally, Maori use the term to convey their affinity to a particular rohe (area within which iwi claims mana whenua), and derive their identity from their genealogical ties with that land. The land boundaries of these rohe can be defined or recognised by features such as rivers, lakes, mountains, headlands or islands.

The claim to the status of 'tangata whenua' in a particular rohe is based on their long-time association and genealogical ties with that land. Tangata whenua are those who have 'mana whenua' over their land.

The inclusion of this chapter in the Plan does not represent the completion of the process of consultation with iwi (Maori tribe) and hapu (subtribe) in the District. Rather, this chapter establishes a framework and starting point from which the Council and iwi and hapu in the District can develop and maintain a working relationship in resource management matters. In preparing this chapter, and those other parts of the Plan which suggest ways in which matters of significance to tangata whenua can be addressed within the framework of the Resource Management Act 1991, the Council acknowledges the support, co-operation and guidance of the people of:

- Mangakahia Maori Komiti;
- Ngati Taka Hapu;
- Ngatiwai Trust Board;
- Te Parawhau o Whangarei;
- Te Runanga A Iwi O Ngapuhi;
- Te Runanga O Ngati Hau;
- Te Runanga O Ngati Hine;
- Te Runanga O Ngati Whatua;
- Patuharakeke Te Iwi Trust;
- Whangarei Maori Executive.

In the preparation of this chapter, the Council has also had regard to the Nga Hapu O Mangakahia Plan (July 1995), prepared by the Mangakahi Maori Komiti, and the planning policies of the Ngatiwai Trust Board. See Chapter 4 ([Meanings of Words Definitions](#)) for interpretation of Maori words.

7.2.1 Resource Management Concerns as Identified by Tangata Whenua

The Council understands that the concerns that are of significance to the tangata whenua of the District, in respect to the preparation, implementation and administration of the Plan, may be summarised as follows:

Concerns Related to Participation:

- Joint resource management with the Council, active participation, and input into the monitoring, enforcement and compliance procedures of the Council, with regular monitoring reports to be provided to tangata whenua.
 - Adequate resourcing of iwi and hapu to enable participation in all aspects of sustainable management of their taonga.
 - Participation by Maori in the policy, planning and decision-making processes of the Council.
 - Recognition of Maori cultural values and tikanga in the policy, planning and decision-making processes of the Council.
 - Recognition of marae as a place for consultation for Council and tangata whenua on resource management issues.
 - Recognition of Te Reo Maori (Maori language) through the interpretation of the Plan into the Maori language, and the ability to speak Maori in judicial processes.
 - Maintaining and enhancing Maori participation in the consultative processes between the Council and tangata whenua.
 - Recognition of, and provision for, traditional Maori knowledge in the sustainable management of the District's natural and physical resources. This includes the cultural and intellectual property rights associated with matauranga Maori and taonga.
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- Ensuring that the appropriate tangata whenua contacts are consulted for applications for resource consents.
 - Resourcing for the preparation and implementation of iwi/hapu management plans, and to assist in the process of consulting with government (both central and local) on resource management matters.

Concerns Related to Rangitiratanga and Kaitiakitanga:

- Recognition of, and provision for, customary authority and rights guaranteed by the Treaty of Waitangi/Te Tiriti O Waitangi, including the ability to exercise rangatiratanga and kaitiakitanga.
- Taking account of Maori cultural and spiritual values, including concepts of wairua, mauri, tapu, mana, wehi, karakia, whanaungatanga and manaakitanga.
- Recognition of the role of Maori as being the kaitiaki of their taonga.
- Recognition and provision for kaitiakitanga, including the concepts of rahui and tapu.
- Preservation and protection of the mauri (life force) of natural and physical resources.
- Recognition and provision for rahui as a form of tapu, protection and conservation, where a specific area is set aside under prohibition for a period of time.
- Recognition of the traditional practices of tangata whenua in maintaining and enhancing their relationship with their whenua (land), wai (waters) and other taonga.

Concerns Related to Particular Resources:

- All aspects of water management, including in particular, the importance of maintaining adequate water levels and quality so as to ensure that the mauri of waterways is not demeaned in any way, particularly by pollution and human [wastewatersewage](#) discharges to water, treated or otherwise, and the protection of the habitat of the freshwater fishery.
- Protection of those features, places and characteristics of natural and physical resources of special value to Maori, which may include, but are not limited to waahi tapu, tauranga waka (canoe landing site), mahinga kai, mahinga mataitai (food resource from sea), taonga raranga (plants used for weaving), urupa (cemetery or burial site), ancestral lands, wai whakaheke tupapaku and buried whakairo.
- Recognition and provision for the unique conditions pertaining to papakainga (housing for Maori people on Maori land) and communally owned Maori land.

7.2.2 The Principles of the Treaty of Waitangi (Te Tiriti O Waitangi)

The Resource Management Act 1991 requires the Council to take into account the principles of the Treaty of Waitangi/Te Tiriti O Waitangi (The Treaty) when exercising its resource management functions and powers. The principles reflect the underlying importance of the Treaty as the source of constitutional authority in New Zealand, and as the guiding document in the relationship between Maori and the Crown.

The principles of the Treaty do not supercede the Treaty itself, rather they derive from the Treaty and assist practical application of it. The Court of Appeal has defined these principles, noting that they must be capable of adaptation to new and changing circumstances (social and historical). Consequently additional principles may be developed and existing principles redefined over time.

The Council notes the following principles as being a current reflection of the purpose and intent of the Treaty as interpreted by the Courts, and which are relevant to the management of natural and physical resources.

The Principle of Kawanatanga

Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The Court of Appeal has noted that the principles of the Treaty do not authorise unreasonable restrictions on the right of a duly elected Government to follow its chosen policy. The delegation of resource management powers by the Crown to local authorities under the Resource Management Act 1991 empowers local authorities to make and implement District plans.

The Principle of Rangatiratanga

Rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga was guaranteed to Maori under Article II of the Treaty. Rangatiratanga includes elements of management, control and tribal self-regulation of resources, in accordance with their own customary preferences.

The Principle of Partnership

The Treaty signified a partnership between iwi and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws, and the promise to do so in such a way as to accord the Maori interest an appropriate priority, is an example of this exchange. The principles of the Treaty require the Treaty partners to act toward each other reasonably, and with the utmost good faith. Reasonable co-operation and compromise, through effective, early and meaningful consultation by both partners, is also fundamental to this concept of a partnership.

The Principle of Active Protection

The guarantee of rangatiratanga, given in Article II, is consistent with an obligation to actively protect Maori values and interests in their lands, water, waahi tapu and other taonga, to the fullest extent practicable, and to give a priority to these when they may be adversely affected. In the context of resource management, the various elements which underlie and are fundamental to the spiritual association of Maori with the environment (including mauri, tapu, mana, tikanga and wairua), may be described as taonga that have been retained by Maori, in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

The Principle of Hapu and Iwi Resource Development

Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are, in many ways, currently under-utilised hapu and iwi resources is a very important principle of the Treaty in the context of the Resource Management Act 1991. The Treaty recognises the right of Maori to develop those resources in accordance with their own needs and aspirations. Recognition of the ability and needs for hapu and iwi to develop their resources in a manner which achieves the purposes of the Resource Management Act 1991 is a principle of the Treaty.

It is acknowledged that tangata whenua may recognise the articles of Te Tiriti o Waitangi as distinct from these principles. On-going communication between the Council and tangata whenua may resolve this difference, and/or develop additional principles or redefine these principles over time, as the Court envisaged.

Note: It is hoped that this process will result in Memoranda of Understanding being developed between the Council and tangata whenua on co-management of shared natural and physical resources.

7.3 Objectives

7.3.1

Within the respective domains of the exercise of rangatiratanga and kawanatanga, ensure that priority is afforded to the act of protection of taonga of tangata whenua, and to the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Explanation and Reasons: In the Manukau Report, the Waitangi Tribunal indicated that the intention of both texts of the Treaty is to afford an appropriate priority and respect to Maori people (pages 78 and 91). It found that the Treaty represented an exchange of gifts. The gift of the right to make laws, and the promise to do so in such a way as to accord the Maori interest an appropriate priority, is an example of this exchange.

It is important that the Council and tangata whenua develop and implement an understanding that is relevant and appropriate to the District,. From that understanding of rangatiratanga and

kawanatanga, the Council and tangata whenua will better recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, as a matter of national importance.

7.3.2

To enable tangata whenua to exercise rangatiratanga and kaitiakitanga over their ancestral lands, waters, sites, waahi tapu and other taonga in the District.

Explanation and Reasons: Customary authority and rights are the source of well-being of tangata whenua. The ability to exercise rangatiratanga and kaitiakitanga is the ability to exercise political and use rights. Tangata whenua's well-being also includes associated rights, such as ahi kaa (keeping the fires warm). If tangata whenua are unable to exercise their customary rights, rights that were guaranteed to them by the Treaty of Waitangi, their well-being is adversely affected.

Section 7(a) of the Resource Management Act 1991 requires particular regard to be given to kaitiakitanga. In Maori cultural terms, kaitiakitanga is a part of rangatiratanga. Section 5(2) of the Resource Management Act 1991 also requires the Council to manage resources in the way that enables the well-being of people and communities. The exercise of rangatiratanga and kaitiakitanga contributes to tangata whenua's well-being and helps to ensure that the mauri of taonga is healthy and strong.

7.3.3

In the implementation of this Plan no action will be taken which will knowingly exacerbate registered treaty claims.

7.4 Policies

7.4.1 Interests of Tangata Whenua

To ensure that in the use, development and protection of natural and physical resources, the views and interests of the tangata whenua are fully represented at every stage of the process, including the preparation and implementation of the District Plan.

Explanation and Reasons: In order to recognise the respective domains of the exercise of rangatiratanga and kawanatanga when managing the natural and physical resources of the District, it is important that tangata whenua and the Council reach and implement an understanding of the relationship between the two concepts. The inclusion of this policy reflects the limitations under which the Council acts in the management of natural and physical resources, (i.e., delegated authority from the Crown) and signals a need for flexibility and tolerance in the application of this understanding.

7.4.2 Sites of Significance to Maori

To ensure that land use, subdivision and development does not adversely affect Sites of Significance to Maori, or other taonga identified in the District Plan or Hapu Environmental Management Plans.

Explanation and Reasons: The Council is required to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, under the Resource Management Act 1991.

Traditional Maori culture and values are closely linked to the environment. Land, in particular, confers dignity and rank, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations. Land establishes personal and tribal identity, is a symbol of social stability and is an important source of emotional and spiritual strength.

The High Court has indicated that, in considering the effects of activities on the relationship of tangata whenua with ancestral land, there must be some factor, or nexus, between Maori culture and traditions, and the land in question, which affects the relationship of Maori people to the land.

For example, the extent to which a special relationship is claimed through several generations is one factor.

The principles of the Treaty which the Council must take into account (section 8 Resource Management Act 1991), include active protection of taonga as a means to enable hapu and iwi to exercise rangatiratanga over their resources. Section 6(e) of the Resource Management Act 1991 requires the recognition and provision for the relationship of Maori people with their taonga. Tangata whenua have expressed concern for the quality and condition of areas and places of significance to them. Of particular concern is the need to protect waahi tapu from desecration through development. Some Sites of Significance to Maori are shown on the Planning Maps, and others will be identified in Hapu Environmental Management Plans.

In addition to specific places of significance, archaeological sites may include signs of Maori occupation within the District, such as middens, ovens and caves. Archaeological sites are a connection to past generations and are a source of information on their activities. The Heritage New Zealand Pouhere Taonga Act 2014 requires an archaeological authority to be granted for any destruction, damage or modification of an archaeological site. As archaeological sites are defined under the Heritage New Zealand Pouhere Taonga Act 2014, in terms of human activity prior to 1900, many will be of significance to tangata whenua. Tangata whenua should be consulted regarding any proposal to modify, damage or destroy such sites.

7.4.3 Waterbodies

To ensure that indigenous wetlands, estuaries, coastal areas and waterbodies, of significance to tangata whenua, are maintained and enhanced, and that access for tangata whenua to those water bodies is provided.

Explanation and Reasons: Water bodies are of social, cultural and spiritual value to Maori and contain resources important for their well-being. Water bodies are areas of mahinga ka, which provide an important source of the traditional food of the Maori, such as the tuna (eel) and kawai (freshwater cray-fish). These traditional food sources are central to their economic, spiritual and cultural well-being. Traditional food resources of the District are degraded due to past destruction of habitat, degradation of water quality, discharges from land development activities, water extraction for farming and horticultural purposes, the damming and drainage of the waterways and the introduction of predators. It is therefore important that waters and indigenous wetlands are sustainably managed for protection and enhancement of those mahinga kai areas, and the food resources therein, and that access to these traditional food resources for tangata whenua is maintained.

7.4.4 Consultation

To ensure effective consultation with, and participation of tangata whenua in resource management processes by:

- Fostering partnerships and relationships with the tangata whenua of the area;
- Avoiding unnecessary conflict on resource management issues;
- Recognising and respecting iwi authority and affiliations;
- Acknowledging and providing for historical circumstances and their impacts on resource needs;
- Respecting tikanga Maori;
- Acknowledging the rights of hapu and whanau to speak and act on matters that affect them;
- Allowing tangata whenua time for informed assessments of proposals and to determine their responses, consistent with the time constraints in the Resource Management Act 1991;
- Encouraging applicants to consult tangata whenua, where appropriate.

Explanation and Reasons: Consultation is considered both a principle of the Treaty of Waitangi, and a duty to ensure that the principles are given effect to. Essential elements of general consultation have been defined by the High Court. These elements include: sufficient information being provided to the consulted party, sufficient time for participation and consideration of

information and genuine consideration of advice received. For consultation with tangata whenua on resource management matters, four particular elements of consultation can be identified:

- a) Consultation needs to be conducted on a marae of the tangata whenua, in mutual good faith and to a sufficient degree so that Councils are familiar with the nature and substance of the interests and concerns of tangata whenua.*
- b) Consultation does not mean consensus. Councils must consult for a reasonable time in a spirit of goodwill and open-mindedness, so that all reasonable planning options are carefully considered and explored. If the outcome is disagreement, then this has to be accepted.*
- c) Consultation should be ongoing, and an integral part of processes expected, to monitor the suitability and effectiveness of a plan. Councils should re-open consultation if other factors and information are brought to its notice and necessitate review of the understanding previously reached.*
- d) Consultation should not fetter the decision-making responsibility. Councils must be free to determine submissions or cross-submissions made on a plan without being fettered in their decision-making responsibility by an understanding reached prior to the notification of the plan.*

In order to assess the actual or potential effects of proposals, the Council will encourage applicants to consult with tangata whenua, where the District Plan requires effects on Sites of Significance to Maori to be identified, or where tangata whenua make Council aware that they are an affected party.

7.4.5 Use of Maori Land

To enable tangata whenua to use, develop and protect their lands in accordance with their cultural preferences, consistent with the purpose of the Resource Management Act 1991.

Explanation and Reasons: Planning policies and rules may limit tangata whenua use rights over their own land. The principles of the Treaty indicate that the Plan should enable Maori people to live in accordance with their cultural values, as guaranteed in the Articles, subject to the effects of their activities being in accordance with the purpose of the Resource Management Act 1991: promoting the sustainable management of natural and physical resources. This also fulfils the Council's statutory responsibilities in terms of section 6(e) of the Resource Management Act 1991.

7.4.6 Iwi Management Plans

To take into account any relevant planning document recognised by an iwi authority when preparing or changing a District Plan to the extent that its content has a bearing on resource management issues of the District.

7.5 Methods

7.5.1 Regulatory Methods

- Identification of all currently known heritage areas of significance to Maori (Policy 7.4.2).
 - Update currently known heritage areas of significance for Maori as new information becomes available.
 - Record, on the planning maps, those Sites of Significance to Maori as validated information becomes available (Policy 7.4.2).
 - [Environment Zone](#) rules providing for esplanade reserves and strips in locations having regard to the cultural preferences of tangata whenua (Policy 7.4.3).
 - Resource Area rules relating to Sites of Significance to Maori when requested by tangata whenua (Policy 7.4.2).
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- Resource consent conditions and requirements for the identification and recognition of any effects on Sites of Significance to Maori (Policy 7.4.2).
 - Develop criteria, in consultation with tangata whenua, by which iwi/hapu management plans can be prepared for consideration by Council (Policy 7.4.6).
 - Consider initiation of Plan changes to address substantive issues arising from iwi/hapu management plans.
 - Council to ensure that assessments of effects on the environment identify any tangata whenua groups that may be affected by a proposal, the consultation undertaken with those groups, and any response to the views of the tangata whenua consulted (Policy 7.4.4).
 - Infringement notices, enforcement orders, abatement notices and prosecution for illegal destruction of heritage areas (Policy 7.4.2).
 - To consider transfer of powers under section 33 of the Resource Management Act to enable tangata whenua to manage the use and development of Maori land, or heritage areas of significance to Maori, in circumstances where the criteria specified in Section 33(4) of the Resource Management Act are satisfied (Policies 7.4.1, 7.4.3 and 7.4.5).
 - To consider transfer of powers under section 33 of the Resource Management Act to make decisions on applications for Marae, Papakainga and kaumatua housing for tangata whenua (Policy 7.4.5).

Explanatory Note: This plan makes reference to 'Sites of Significance to Maori' and 'heritage areas of significance to Maori'. The difference between these terms is that the former deals with those sites that are identified on the planning maps and are protected through particular rules and performance standards, whilst the latter deals with those areas which are not yet so identified.

7.5.2 Other Plans and Legislation

- The Northland Regional Policy Statement and Regional Plans (Policy 7.4.5).
- The Heritage New Zealand Pouhere Taonga Act 2014 contains provisions for all archaeological sites, whether recorded or not. To modify or destroy a site requires consent from the Heritage New Zealand Pouhere Taonga (Policy 7.4.2).
- Iwi Management Plans and Hapu Environmental Management Plans (Policy 7.4.6).

7.5.3 Information, Education and Advocacy

- Meetings with tangata whenua to investigate the application of sections 33 and 34 of the Resource Management Act 1991 to multiple-owned Maori land and identified Sites of Significance to Maori (Policy 7.4.1).
 - Liaison with the Northland Regional Council, Department of Conservation and adjacent territorial authorities (Policy 7.4.1).
 - Liaison with other organisations involved in resource management, for example the Heritage New Zealand Pouhere Taonga (Policy 7.4.1).
 - Consultation with tangata whenua on resource management issues and the co-management of council land containing Sites of Significance to Maori (Policy 7.4.4).
 - The collection and maintenance of information on treaty claims relevant to resource management in the District (Objective 7.3.3, Policy 7.4.1)
 - Appointment of persons with appropriate expertise in Maori culture, traditions and values as hearings Commissioners or members of a Council Hearings Committee in matters of particular significance to tangata whenua including applications on land over which there is a treaty claim (Policy 7.4.4). Such persons will be appointed in consultation with the appropriate tangata whenua.
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- Provision of advice and information to tangata whenua on activities that may have adverse effects on Sites of Significance to Maori (Policy 7.4.4).
 - Recognise the authorised and mandated representatives of tangata whenua associated with particular Sites of Significance to Maori, and for general consultation purposes (Policy 7.4.4).
 - Development of an administrative process of liaison with tangata whenua that provides early and sufficient information on all resource consent applications, allowing for a reasonable response period (Policy 7.4.4).
 - Holding resource management hearings on Marae, or at other appropriate venues, where there are particular matters that require expression by tangata whenua in a culturally appropriate situation (Policy 7.4.1).
 - Educational opportunities for council members and officers in Tikanga Maori, Te Reo Maori, and the Treaty (Policy 7.4.4).
 - Acknowledging traditional Maori place names where possible (Policy 7.4.4).
 - Correction of existing erroneous Maori place names within the District with a corresponding public education campaign.
 - That tangata whenua have the opportunity for effective input into the provision of road names.
 - Raising public awareness of the importance of protecting Sites of Significance to Maori (Policy 7.4.4).
 - Protection of sensitive information in the course of proceedings as provided for in section 42 of the Resource Management Act 1991 (Policy 7.4.1).
 - Educational opportunities for tangata whenua on their marae in all aspects of sustainable management of resources, planning processes, and council policies (Policy 7.4.4).
 - Promote public awareness of the protected nature of sites of significance to tangata whenua.

7.5.4 Economic Instruments

- Annual Plan allocation for assisting other protection agencies (Policy 7.4.1).
- Provision of rates' relief as an incentive and a method of compensation for those land owners whose land, or part of whose land, is identified as a Site of Significance to Maori, be incorporated in the Annual Plan process (Policy 7.4.2).
- Provision of rates' relief as an incentive and a method of compensation for those landowners who voluntarily covenant land for the protection of heritage areas of significance to Maori (Policy 7.4.2).
- Conditions on resource consents and designations, including financial contributions, to remedy or mitigate effects on heritage areas of significance to Maori (Policy 7.4.2).
- Resourcing of Hapu Environmental Management Plans under the Annual Plan Policy 7.4.1).
- Impose financial penalties for illegal destruction of heritage areas of significance to tangata whenua (Policy 7.4.2).

7.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- The Whangarei District Council, in the exercise of its functions and powers, takes into account the principles of the Treaty of Waitangi.
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- The Whangarei District Council recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga, and has particular regard to kaitiakitanga.
 - The Whangarei District Council undertakes effective consultation with tangata whenua and ensures effective participation of tangata whenua in resource management processes.
 - Sites and heritage areas of significance to Maori are identified, assessed, afforded protection and shown on the planning maps in the District Plan.
 - The adverse effects of subdivision, use and development on sites and heritage areas of significance to Maori are avoided, remedied or mitigated.

8. Subdivision and Development

[Delete chapter](#)

9. Financial Contributions

9.1 Significant Issues

Subdivision, use and development of land creates demand for water supply, [wastewatersewage](#) disposal, storm water disposal, road access and public reserves and community facilities.

In the absence of intervention through the Plan, the costs of providing services and of avoiding, mitigating or remedying other adverse effects will fall on the community.

9.2 Overview

The use, subdivision and development of land may impose costs on the community in a number of ways. Significant costs arise from providing works and services such as water supply, [wastewatersewage](#), storm water, roads, reserves and community facilities, for the benefit of land that is used, subdivided or developed. The community, through the Council, has paid a substantial part of these costs in the past, particularly the costs that arise off-site, for example, the costs of expanding the [wastewatersewage](#) treatment system to keep pace with the increasing number of houses connected to the system.

The sustainable, efficient and effective provision of these services is not totally achieved through market mechanisms, especially as long-term cumulative effects and off-site effects are not fully recognised in the market for subdivided or developed land. Any subsidy on subdivision, use and development will tend to distort private resource management decision-making, and may compromise other objectives and policies of the Plan and the statutory purpose of sustainable management.

Financial contributions are a means, provided for in the Resource Management Act 1991, of reallocating these costs. A financial contribution may be in the form of money or land, or a combination of these. The money may be required to be paid (or land transferred) by subdividers or developers to the Council or a third party. The Resource Management Act 1991 requires the Plan to state the purposes of financial contributions, and the manner of determining the level of the contribution.

This chapter contains general Objectives, Policies and Methods relating to financial contributions. These provisions are applicable to the entire Plan. Other chapters contain material relevant to financial contributions in specific circumstances.

9.3 Objectives

9.3.1

All of the costs arising from land subdivision and development are identified and recognised.

Explanation and Reasons: Not all costs of development are allocated to developers through market forces. This objective is intended to ensure that resource management decisions are not distorted through hidden subsidies. Costs that particularly need to be identified are those that arise through demands for servicing, and impacts on amenities, heritage and ecosystems.

9.3.2

The sustainable and efficient allocation of costs and resources in the delivery of services to new development.

Explanation and Reasons: The efficient use of existing and future services and infrastructure will reduce the environmental costs of development, and sustain the future potential of services. There may be occasions where this objective is best met by the community accepting development costs, but in most cases the costs of avoiding, remedying or mitigating the adverse effects on the environment arising from new activities will be charged to the subdivider or developer. Consequently, the wider community will not have to pay for effects that result in private benefit.

9.4 Policies

9.4.1 Effects

To ensure that the reasonable costs of, and responsibility for, avoiding, remedying and mitigating the adverse effects of activities are borne by the person carrying out the activity.

Explanation and Reasons: The effects of activities on, and adjacent to, land where new activities are established, are considered to be a cost (whether in money or land) only on the person establishing the activity. The person profiting from the activity should meet the costs.

9.4.2 Burden of Payment

To ensure that subdividers and developers:

- Meet the total costs of on-site services within a subdivision or development site to the extent this is required to service the subdivision or development site;
- Meet the total costs of any linkage or necessary expansion between the subdivision or land development and the service network, except to the extent that a demonstrated community benefit occurs;
- Meet the cost of constructing or upgrading of services necessary to avoid, remedy, mitigate or offset the adverse effects on the environment of the subdivision or development;
- Contribute towards costs incurred by the Council in providing excess capacity of services where that excess capacity is utilised.

Explanation and Reasons: The provision of adequate public utility services is an essential part of the development process. Such services include roads (including footpaths, kerb and channel and street lighting), waste-water systems, stormwater systems, solid waste disposal, reserves and community facilities and water supply systems (including collection, reticulation, treatment and disposal, where applicable).

Such services are broken into three distinct categories:

On-Site Services: These are the facilities and services internal to the development or subdivision. These are provided by the developer, at their cost, to an acceptable standard. Generally, these facilities will be vested in the Council and will be required as a condition on resource consents.

Link Services: These are the facilities required to connect the site to the public services. Generally these will be paid for by the developer, except to the extent that there are community benefits from outside the new area being serviced. This contribution will be required as a condition on resource consents.

Community Services - These are the facilities remote from the site, such as [wastewatersewage](#) treatment plants, water treatment plants and the road network. The costs of community services will be recovered through a financial contribution in money, payable to the Council, and imposed as a condition on resource consents.

9.4.3 New Development

To ensure that a financial contribution, in the form of money, is paid by developers on the creation of new activities, including new allotments and new development, for the purpose of avoiding, remedying, mitigating or offsetting any actual and potential adverse effects of such activities on the environment, that are not addressed by way of other conditions of consent.

Explanation and Reasons: As well as having direct effects on the immediate environment, the establishment of new activities places demands on existing infrastructure and results in the need for its expansion or upgrading. The community infrastructure (including water supply, [wastewatersewage](#), roads, reserves and community facilities) provides the efficient means of avoiding, remedying and mitigating some of the adverse effects of activities off-site, which otherwise would have to be met on-site. The community infrastructure thus allows the efficient and intensive use of the land resource to take place. In the past, a disproportionate share of costs of expansion and upgrading has been borne by the wider community.

The policy will ensure that when new activities take place, particularly subdivision and development, a reasonable proportion of the environmental costs (including the community costs) associated with such activities, is recovered by the community at the time that the activity obtains relevant consents.

9.4.4 Additional Services

To use financial contributions in money to provide additional capacity, and to meet the need for services and infrastructure within the District arising from the activity, and to avoid, mitigate or remedy any adverse effects arising from new activities. These services and infrastructure shall include the road network, water supply, [wastewatersewage](#), and stormwater and the provision and development of reserves and community facilities.

Explanation and Reason: The community provides and maintains most of the essential infrastructure services which underpin existing and new activities, and which avoid, remedy or mitigate actual and potential adverse effects. Money paid to the Council by means of financial contributions for permitted activities for which consents are obtained, will be applied by the Council to capital works associated with the provision of infrastructure and services or their expansion.

9.4.5 Contribution by Payment

To ensure that a financial contribution in the form of money is paid to off-set actual or potential adverse effects of an activity, when the effects cannot be addressed in terms of any of the other financial contributions policies.

Explanation and Reasons: In general, the Council will only take money in relation to activities in terms of the above policies. However, it may sometimes be appropriate to accept or require a financial contribution in order to offset an adverse effect. Such circumstances may arise where effects cannot be directly addressed on-site (for example, where a development has an adverse effect on a habitat but the effect can be off-set by creation of a replacement habitat elsewhere, or the improvement of an existing degraded habitat). Appropriate circumstances for financial contributions to off-set such effects may be suggested by a consent applicant, or by the community. For such contributions to be acceptable, a clear relationship will need to be demonstrated between the effect for which the contribution is being made and the remedy or off-setting benefit that can be achieved.

9.4.6 Calculating Contributions

To calculate financial contributions using a formula that correctly allocates the reasonable costs of avoiding, remedying or mitigating adverse effects on the environment, and that ensures double charging does not occur.

Explanation and Reasons: Rates paid to the Council following development may contain some component for the payment towards new infrastructure. This policy is intended to ensure that allowance is made for this in the calculation of the financial contribution.

9.4.7 Recognition of Positive Effects

To ensure that the calculation of financial contributions takes into account the positive effects of a development where services are to be provided, in agreement with Council, that are in excess of those required to service the development.

Explanation and reasons: The provision of services in accordance with a development can be of benefit to the community and/or the environment. Where services are provided in agreement with Council that are in excess of those required to adequately service the development, the value of the excess will be taken into account in the calculation of the financial contributions to be paid.

9.5 Methods

9.5.1 Regulatory Methods

- Rules relating to the payment of financial contributions (Policies 9.4.1 to 9.4.6).
- Subdivision rules relating to the provision of services (Policies 9.4.2 and 9.4.3).
- Resource consent conditions (Policies 9.4.1 to 9.4.6).

9.5.2 Economic Instruments

- Financial contributions in terms of Chapter 9 (Policies 9.4.1 to 9.4.6).
- Annual Plan allocation for Council purchase of land (Policies 9.4.1 to 9.4.6).

9.5.3 Council Works and Services

- Works and services relating to water supply, [wastewatersewage](#) and stormwater disposal (Policies 9.4.1 to 9.4.6).

9.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- The efficient and timely provision and/or upgrading of infrastructure and services so as to enable the orderly and sustainable development of the District. This includes the provision of roading, footpaths, street lighting, water supply, wastewater and storm water disposal, solid waste disposal, reserves and community facilities.
- The costs of providing and/or upgrading infrastructure and services to enable development are contributed to by those initiating such development.
- The costs of ameliorating adverse environmental effects resulting from development are borne by those initiating such development.

11. Riparian and Coastal Margins

No Change

12 Water Bodies

12.1 Significant Issues

Inappropriate subdivision, use and development on, or adjoining, water bodies can adversely affect the natural character of these areas and their margins.

The potential for land use activities on, or adjoining, water bodies to diminish the amenity, ecological, cultural and natural values, including the quantity and quality of water.

The actual and potential adverse effects generated by activities on the surface of water bodies.

12.2 Overview

Rivers and lakes are a valuable landscape and ecological resource, and are valued for recreation activities. Some activities on the surface of water bodies, or land adjoining water bodies, have few adverse effects. Other activities have the potential to compromise important water values by generating effects on amenity, cultural and ecological values, and on water quality and quantity. Past extractions from, and modifications to, these water bodies, have already significantly altered their natural character. Water bodies include springs and groundwater, both of which can become polluted from various land use activities. Safeguarding the life-supporting capacity of water is an important part of sustainable management and is of cultural importance to tangata whenua.

Both the District and Regional Councils have responsibilities under the Resource Management Act 1991 relating to water bodies and the need to achieve integrated management (refer also to Chapter 27: Local Authority Cross-Boundary Issues).

The District Council has primary responsibility for the control of any actual or potential effects of the use, development, or protection of land and associated natural and physical resources (which includes water), the control of subdivision of land and the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.

The Northland Regional Council has primary responsibility for controlling the use of water, and water quantity, and the control of land for the purpose of maintaining and enhancing water quality. The Regional Water and Soil Plan for Northland controls discharges into water and onto land, the taking, damming and diverting of water, and the use of land that has actual and potential effects on soil conservation and water quality.

12.3 Objectives

12.3.1

The preservation of the natural character of water bodies and their margins, and the protection of them from the adverse effects of inappropriate subdivision, use and development.

12.3.2

Activities on the surface of water bodies do not result in adverse environmental effects.

Explanation and Reasons: Water bodies have many environmental values and are sensitive to the effects of activities. The Council will minimise possible adverse effects upon water bodies by controlling public access, the location and scale of land use activities, and activities on the surface of the water.

12.4 Policies

12.4.1 Adverse Effects

To ensure that the adverse effects of subdivision, use and development adjoining water bodies or the coastal marine area, or activities on the surface of water bodies or the coastal marine area, on water quality and quantity (including ground water), natural character, and cultural and ecological values of water bodies and the coastal marine area, are avoided, remedied or mitigated.

Explanation and Reasons: The quality of water bodies can be affected by adjoining land use activities and activities on the surface of water. Contamination and changes to flow regimes can result from runoff from the surface of roads, storage areas, disposal of storm water and from industrial processes. Such activities must be assessed in terms of measures to avoid, remedy or mitigate adverse effects on the water resource.

12.4.2 Water Margins

To ensure that land use activities avoid, remedy or mitigate more than minor adverse effects on water quality, by means which may include separating land use activities from water bodies and coastal waters and by encouraging the retention and enhancement of riparian vegetation as buffer areas.

Explanation and Reasons: Land use activities such as filling and excavation, roading and buildings close to water bodies can affect the amenity, cultural, ecological and natural character values of the water body. This policy is intended to ensure that the margins of water bodies are managed in a manner that retains these values, both adjacent to and within the water body. Separating land use activities from the margins of water bodies enables planting, possible public access and retention of an unmodified environment. In suitable locations, however, the provision of structures necessary for water-based recreation pursuits, or conservation purposes, and bridges is recognised. The management of water bodies is closely related to the functions of the Northland Regional Council.

12.4.3 Surface of Water

To ensure that activities on the surface of water do not result in adverse effects on the natural character, ecological and amenity values of the surrounding environment, or on other users.

Explanation and Reasons: Given the important values that rivers have as publicly available resources, it is important that activities on the surface of water bodies are carefully managed. Activities which use the surface of water bodies, and promote public access to rivers, should be encouraged, provided they do not compromise the amenity values of adjacent land uses, Maori cultural values, or create conflict between users.

12.5 Methods

12.5.1 Regulatory Methods

- Water bodies are assessed within the same [ZoneEnvironment](#) rules as the land that surrounds them (Policy 12.4.3).
- [ZoneEnvironment](#) rules relating to setbacks from the banks of rivers, and performance conditions to control adverse effects of activities, including activities on the surface of water bodies (Policy 12.4.3).
- Subdivision rules relating to the taking of esplanade reserves (Policy 12.4.1).

12.5.2 Other Plans and Legislation

- The Regional Policy Statement for Northland (Policies 12.4.1 to 12.4.3).
 - The Northland Regional Water and Soil Plan (Policies 12.4.1 to 12.4.3).
 - Iwi/Hapu Environmental Management Plans (Policies 12.4.1 to 12.4.3).
-

12.5.3 Information, Education and Advocacy

- Liaison with the Northland Regional Council (Policy 12.4.2).
- Liaison with the Department of Conservation (Policy 12.4.1).
- Liaison with non-statutory organisations that have an active involvement in the management of water bodies and their margins (Policy 12.4.1).
- Liaison with iwi authorities and tangata whenua (Policy 12.4.1).

12.5.4 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- The preservation and/or enhancement of the natural character (including water quality) of lakes, rivers, indigenous wetlands and groundwater and their margins, and the protection of them from inappropriate subdivision, use and development.
- Adverse effects of activities on the surface of water bodies are avoided, mitigated or remedied. These include effects on natural character (including water quality), ecological values, cultural and historic heritage, recreational and amenity values.
- The functions of water bodies in transporting and dispersing flood waters is maintained and/or enhanced.
- The cultural and spiritual values tangata whenua attach to water bodies is recognised and provided for.

14 Heritage Trees

No change

15 Open Space

[Delete Entire Chapter](#)

17 Indigenous Vegetation and Habitat

17.1 Significant Issues

Loss of biodiversity and fragmentation of significant indigenous vegetation and significant habitats of indigenous fauna arising from land clearance, pest invasions, modification of indigenous wetlands, subdivision, use and development.

Low representation of threatened and/or rare vegetation and habitat types in the protected areas network within the District.

Finding a balance between the protection of ecosystems and ecological processes, and sustainable land development and use.

Lack of public understanding of ecological processes and values leading to inappropriate land use.

17.2 Overview

Since first human settlement in the District, large areas of native forests and shrub lands, freshwater indigenous wetlands, mangrove forest, mudflats and coastline have been lost or

modified by direct or indirect human impacts. As a result of habitat changes, the District has a high number of endangered and threatened species.

The effects on wildlife of loss of habitat vary, but for less mobile species with special habitat requirements, this can result in local extinction. More mobile species have special habitat requirements at certain stages of their life cycles, for example, the loss of breeding habitats could have serious long-term consequences for particular species.

Habitats special to the District, and which are now poorly represented as natural ecological areas, include:

- Taraire-puriri broadleaf forest remnants found on the basalt soils;
- Mineralised flax, raupo and sedge swamps;
- Acid peat bogs;
- Podsol gumlands;
- Lowland kahikatea/cabbage tree and swamp forest remnants;
- Coastal forests and shrub lands;
- Kauri and Podocarpus (rimu, matai, kahikatea, miro, kaiwaka, tanekaha forests);

All of these habitat types have been severely reduced in area, or are highly modified and now often only occur as tiny modified relics of what once occurred in the District.

Threatened indigenous species which are of particular concern include:

- North Island brown kiwi – kiwi distribution in the District has declined by half in just 20 years, and numbers continue to decline;
- The unique black mudfish, now down to just two tiny populations;
- Heart-leaved kohuhu – only one population now exists;
- King fern – only three known populations;
- Calystegia marginate – only three populations remain;
- Brown teal – the District contains the last significant mainland population of this endangered duck species;
- Fairy tern – New Zealand's sole population of this endangered subspecies, which numbers 30 individuals, with one of only three known breeding sites being located at Waipu Estuary;
- Hochstetter's frog – the only known Northland populations are found in the Brynderwyn - Mareretu-Waipu Caves forest areas;
- Kauri and flax snails – these two species continue to decline and local extinction has now occurred over many parts of the District;
- Banded rail, fernbird, bittern and spotless crane, (all secretive wetland/gumland birds), continue to decline due to loss and modification of their specialist habitat sites;
- New Zealand dotterel – the District contains nationally important populations of this species around several sandy beaches and spits;
- Long-tailed bats, kaka and red-crowned parakeets are forest species, which have disappeared from many sites, while the unique, but tiny freshwater crab is known from only two riverine sites.

As habitats are reduced in number and size, it becomes increasingly difficult to maintain viable areas for particular plant and animal species to ensure regeneration, migration, colonisation and breeding.

Without habitat suitable to its requirements, species will soon be lost, and it is for this reason the District now contains such a large number of threatened indigenous flora and fauna.

Areas near rivers provide habitats, not found elsewhere, which are important for the survival of a number of indigenous plants and animals. These riparian areas provide nesting, escape cover and food producing habitat for insects, fish and wildlife. They also function as wildlife corridors,

important for providing access to water, routes for migration and a food source, particularly for those native bird species which are poor fliers.

In providing a regime for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, a set of criteria and a ranking system was developed by ecological scientists. The criteria are included in Schedule 17A, where vegetation and habitat are ranked as outstanding, high, moderate high, moderate and potential value. In terms of section 6(c) of the Resource Management Act 1991, 'significant' includes areas ranked as moderate [ecological] value and above. The Plan at present identifies as 'Significant Ecological Areas' on the Planning Maps all areas ranked as outstanding value, and those ranked as high value, that are owned by the Council, the Department of Conservation or which have been volunteered for protection by the landowner.

The Council is only one of a number of organisations that has an interest in the conservation of indigenous vegetation and habitats. Initiatives taken by the Council to identify and protect Significant Ecological Areas will be ongoing, and will complement the work of the other organisations. Over time, knowledge about the District's ecological areas will be improved and the area that is protected will increase. Protection can, and will be, achieved both by regulatory and non-regulatory means.

Voluntary and incentive-based methods will be an important component of the non-regulatory methods of protecting areas identified as Significant Ecological Areas.

17.3 Objectives

17.3.1

Maintenance and enhancement of the life-supporting capacity of ecosystems, and the biodiversity of the District.

17.3.2

Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development.

Explanation and Reasons: Indigenous vegetation and the habitats of indigenous fauna have an important role to play in the life-supporting capacity of the biosphere, and are an important component of the natural landscapes of the District. Significant modifications to such vegetation and habitats can disrupt natural cycles and the processes that sustain them, threaten their viability and reduce biodiversity. The objectives reflect obligations of all parties under section 6(e) of the Resource Management Act 1991 to recognise and provide for the protection of areas of significant vegetation and significant habitats of indigenous fauna, as well as the obligation under section 7(d) to have particular regard to the intrinsic values of ecosystems.

17.4 Policies

17.4.1 Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

To recognise as significant, and provide protection for, indigenous vegetation and habitats of indigenous fauna, including indigenous wetlands, which are of Moderate, Moderate-High, High and Outstanding value using the criteria set out in Schedule 17A.

Explanation and Reasons: The system for rating significant ecological sites is explained in the Whangarei District Sites of Ecological Significance Report (Boffa Miskell, 1995). Significant ecological sites, in terms of section 6(c) of the Resource Management Act 1991, will generally contain one or more of the following attributes - threatened indigenous wildlife or plant species; viable populations of species which are of a typical habitat and retain a high degree of naturalness; representative examples of a particular habitat type;

high diversity of indigenous species or habitat types of importance for indigenous migratory species.

These attributes have been developed by New Zealand ecologists over the last 30 years, and are based on international criteria used by the International Union for Conservation of Nature (I.U.C.N.). Biodiversity is strongly influenced by the integrity of indigenous wetlands and riparian areas. The latter provide shade and food and are often unique habitats for indigenous vegetation and fauna in their own right. The presence of riparian vegetation, in particular, can have an important influence on the ecological structure of in-stream invertebrate communities and fisheries values.

17.4.2 Significant Ecological Areas

To maintain the ecological values of significant indigenous vegetation and the significant habitats of indigenous fauna in the [Living—3Residential](#) and [GreenOpen Space ZonesEnvironments](#).

Explanation and Reasons: These policies identify the criteria that will be used in identifying significant ecological areas and, furthermore, where within the Whangarei District the Council will focus effort in the maintenance of such ecological values.

17.4.3 Enhancement

To promote the enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna that have been, or may be, degraded by inappropriate subdivision, use and development.

Explanation and Reasons: Degraded natural habitats reduce the diversity and threaten the health of plant and animal communities in the District, particularly for species already threatened. Enhancement may take the form of protecting existing indigenous plant communities through fencing, stock and pest control, planting and covenanting remnant forest and wetland habitats, or through restoration of degraded habitats, mainly through replanting. The aim of enhancement is to improve the condition of degraded ecosystems so that natural cycles and processes can occur. Such enhancement may also include off-site environmental compensatory actions when the mitigation of environmental effects on site is inadequate or not practical.

17.4.4 Effects

To avoid, remedy or mitigate the adverse effects of land use activities on areas of indigenous vegetation and significant habitats of indigenous fauna, including areas of value to tangata whenua, as determined by Schedule 17A, so as to maintain its ecological values.

Explanation and Reasons: This policy applies to all areas of indigenous vegetation and habitats of indigenous fauna, not just those that are significant in terms of other policies. Activities may indirectly affect vegetation and habitat through, for example, noise, vibration or the introduction of predators (e.g. cats and dogs). This policy will often be particularly relevant to the assessment of resource consent applications for activities that may impact on significant areas of indigenous vegetation or significant habitats of indigenous fauna. Specific areas of indigenous vegetation are used for the harvesting of species for cultural use.

17.4.5 Environmental Pests

To avoid, remedy or mitigate the adverse effects of goats in areas of indigenous vegetation and habitats of indigenous fauna, particularly in areas where they have been eradicated at Mt Manaia and Bream Head.

Explanation and Reasons: Goats are a pest in the District and can cause significant amounts of damage to indigenous vegetation and habitats of indigenous fauna. Goats have been eradicated from the areas around Mt Manaia and Bream Head. It is therefore

necessary to prevent the re-infestation of these areas and allow the vegetation to regenerate.

17.4.5A: To avoid the introduction of plant and animal pests where practicable.

17.4.5B: To encourage programmes for plant and animal pest control in areas of ecological value.

17.4.5C: To recognise that dogs, cats and mustelids are a significant threat to kiwi.

Explanation: The role of introduced plant and animal pests in damaging native vegetation, native communities and biota is well established. Council has a role which may include regulatory, education and information mechanisms to limit adverse effects and environmental risks that may be associated with pests. Council also has a complimentary role to the Northland Regional Council's pest management functions.

17.5 Methods

17.5.1 Regulatory Methods

- Rules regulating the clearance of indigenous vegetation, vegetation planting and indigenous wetland destruction (Policies 17.4.1, 17.4.2).
- Subdivision and Resource Area rules relating to the taking of esplanade reserves on land adjacent to rivers and indigenous wetlands (Policies 17.4.3 to 17.4.4).
- Resource consent conditions protecting significant indigenous vegetation and the significant habitats of indigenous fauna, including conditions requiring bush covenants and, where appropriate, fencing (Policies 17.4.2, 17.4.3, 17.4.4).
- Heritage orders in special circumstances (Policies 17.4.3 to 17.4.4).
- Identification of Goat Control Areas on the Planning Maps (Policy 17.4.5.).
- The provision of a Goat Control Area Rule Table in the Natural Features Rule table.
- Identify in a schedule, as appropriate, plants and animals of cultural significance, as determined by iwi/hapu Environmental Management Plans (policy 17.4.4).

17.5.2 Other Plans and Legislation

- The Regional Policy Statement for Northland (Policies 17.4.1 to 17.4.4).
- The Northland Regional Water and Soil Plan (Policies 17.4.1 to 17.4.4).
- The New Zealand Coastal Policy Statement (Policies 17.4.1 to 17.4.4).
- The Northland Conservation Management Strategy (Policies 17.4.1 to 17.4.4).
- Iwi/Hapu Environmental Management Plans (Policies 17.4.1 to 17.4.4).

17.5.3 Information, Education and Advocacy

- Liaison with government and community groups (Policies 17.4.1 to 17.4.4).
 - Liaison with iwi/hapu in regard to Iwi/Hapu Environmental Management Plans and ecological issues of concern to tangata whenua (Policies 17.4.1 to 17.4.4).
 - Educate and inform resource users of the need for local sourcing of plant material (Policies 17.4.3 to 17.4.4).
 - Investigate with landowners and other interested parties, the recording of other areas of significant indigenous vegetation and habitats of indigenous fauna, using the criteria within Schedule 17A (Policies 17.4.1 to 17.4.2).
 - Promote voluntary protection of significant indigenous vegetation or the significant habitats of indigenous fauna, through the use of protective covenants and other mechanisms, including fencing and rates relief schemes (Policies 17.4.3 to 17.4.4).
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- Promote and support appropriate voluntary, self-regulating, industry-based codes of practice and guidelines (Policies 17.4.3 to 17.4.4).
 - Promote community awareness of the role of ecosystems and the importance of the protection of indigenous biodiversity, through plant and animal pest control programmes and other measures (Policies 17.4.1 to 17.4.4).
 - Hold, and make available, databases recording ecological information and maps detailing ecological areas within the District.
 - Promote and support programmes to exclude dogs, cats and mustellids from known high-density kiwi habitat (Policy 17.4.5C).

17.5.4 Economic Instruments

- Financial contributions under Chapter 8 (Policies 17.4.3 to 17.4.4).
- Annual Plan allocation for assisting other protection agencies (Policies 17.4.3 to 17.4.4).
- Provision of rates' relief as an incentive and method of compensation for those landowners who voluntarily covenant land, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Policies 17.4.3 to 17.4.4).
- Consideration of a waiver or reduction of subdivision consent application fees where the sole or principal purpose of the subdivision is protection of significant indigenous vegetation or significant habitats of indigenous fauna. (Policies 17.4.3 to 17.4.4).

17.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected and/or enhanced.
- Adverse effects from subdivision, use and development on areas of significant indigenous fauna are avoided, remedied or mitigated.
- The establishment of ecological corridors connecting areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- Areas of indigenous vegetation and habitats of indigenous fauna of significance to Maori are protected and/or enhanced.

Schedule 17A - Criteria for Ranking Significance of Areas of Indigenous Vegetation and Habitat

S17A.1 Outstanding Value

1. All sites which meet the following criteria:
 - a. Occurrence of an endangered endemic species;
 - b. Areas important to nationally vulnerable or internationally uncommon species (breeding or migratory);
 - c. Ecosystem or example of an original habitat type which is nationally rare;
 - d. Rare national example of a sequence or a mosaic.
 2. All sites which contain wildlife species listed in Schedule 17B as 'Outstanding Value' - nationally endangered.
 3. All sites which contain plant species listed in Schedule 17C as being of 'Outstanding Value' within the Northland context.
-

S17A.2 High Value

1. All sites which meet the following criteria:
 - Occurrence of a vulnerable endemic species;
 - Important habitat of a nationally rare species, or presence of rare Northland endemic species;
 - Example of a nationally uncommon habitat, sequence or mosaic;
 - Habitat type that is rare in that Ecological Region.
2. All sites which contain wildlife species listed in Schedule 17B as 'High Value' - nationally vulnerable.
3. All sites which contain plant species listed in Schedule 17C as being of 'High Value' within the Northland context.

S17A.3 Moderate-High Value

1. All sites which meet the following criteria:
 - Occurrence of a rare endemic species, or regionally threatened species, or endemic species of limited abundance throughout the country;
 - A habitat or sequence which is rare in that Ecological District;
 - Habitat which is uncommon elsewhere in that Ecological Region or District but contains all, or almost all, species typical of that habitat type (for that Region or District);
 - An area where any particular species is exceptional in terms of abundance or habit.
2. All sites which contain wildlife species listed in Schedule 17B as 'Moderate-High Value' - nationally rare or regionally threatened.
3. All sites which contain plant species listed in Schedule 17C as being of 'Moderate-High Value' within the Northland context.

S17A.4 Moderate Value

1. All sites supporting good numbers of species which are typical of a widespread habitat within an ecological region, and which have not been heavily modified by human influence.
2. All sites which contain wildlife species listed in Schedule 17B as 'Moderate Value' - restricted distribution.
3. All sites which do not contain any of the species listed in Schedule 17B or 17C, but which are viable areas of indigenous vegetation, or viable habitats of indigenous fauna.

S17A.5 Potential Value

1. All sites which meet the following criteria:
 - All areas of some biological significance, whose biological values are limited by heavy modification, or other factors, but which would have increased biological value if left to regenerate or if managed or developed, (may include wildlife habitat which functions as a corridor, or which is sub-optimal habitat that may be necessary for maintaining genetic diversity).
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2. All sites which do not contain any of the species listed in Schedule 17B or 17C, but which are viable areas of indigenous vegetation or viable habitats of indigenous fauna.

Note: The application of these criteria within the Plan applies only to significant areas of indigenous vegetation and habitat rated 'Moderate' and above, as indicated in Policy 17.4.1.

Schedule 17B - Status of Northland's Wildlife Species Applicable to the Whangarei District (Adapted from the Northland Conservation Management Strategy 1999)

**Outstanding Value
(Endangered Endemic Species)**

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Fairy Tern	All Marine Turtles	Short-Tailed Bat	Black Mudfish	Incomplete	Incomplete
Little Spotted Kiwi			Short-Jawed Kokopu		
Ni Brown Kiwi					
Brown Teal					

**High Value
(Vulnerable Endemic Species)**

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
NZ Dabchick	Robust Skink	Long-Tailed Bat	Giant Kokopu	Flax Snail	Northland Tusked Weta
Black Petrel	Macgregor's Skink		Lamprey		Freshwater Crab
Bullers Shearwater	Tuatara			Incomplete	Incomplete
NI Weka	Hochstetter's Frog				
Little Shearwater	Poor Knights Skink				
Australasian Bittern					
NZ Falcon					
NZ Dotterel					
Wrybill					
Stitchbird					
NZ Pigeon					
Royal Spoonbill					
Pycrofts Petrel					

**Moderate-High Value
(Rare Endemic or Regionally Threatened Species)**

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Reef Heron			Koaro	Incomplete	Incomplete
Banded Rail			Banded Kokopu		
Banded Dotterel			Blue-Gilled Bully		
Caspian Tern					
Cook's Petrel					
Poor Knights Bellbird					
White-Fronted Tern					
NI Saddleback					

**Moderate Value
(Restricted Distribution)**

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
Australian Little Grebe				Incomplete	Incomplete
Hoary-Headed Grebe					
Variable Oystercatcher					
Greg Plover					
Sharp Tailed Sandpiper					
Curlew Sandpiper					
Knot					
Godwit					
Golden Plover					
Turnstones Far Eastern Curlew					
Siberian Tattler					
Red-Necked Stint					
Long Tailed Cuckoo					
Spotless Crane					

Birds	Reptiles	Mammals	Freshwater Fish	Invertebrates (Molluscs)	Invertebrates (Arthropods)
North Island Fernbird					
Red Crowned Parakeet					
Scaup					

Schedule 17C - Threatened and Uncommon Plants of Whangarei District (Alphabetical List)

Outstanding Value	
Species	Distribution
<i>Asplenium Pauperequitum</i>	Rare on cliffs on Poor Knights Islands
<i>Clanthus Puniceus</i> Var. <i>Puniceus</i>	Previously Whangarei, Kaipara
<i>Crassula Hunua</i>	Old record from Wairua River. Already checked
<i>Hebe</i> Aff. <i>Bishopiana</i>	Hikurangi Swamp, once more widespread but still local
<i>Isoetes</i> Aff. <i>Kirkii</i>	Gone from Wairua Falls
<i>Lepidium Oleraceum</i> Ss.	
<i>Rorippa Divaricata</i>	Poor Knights, Hen and Chicken Islands
High Value	
<i>Anogramma Leptophylla</i>	P J de Lange record of two patches Waiomio Caves carpark
<i>Austrofestuca Littoralis</i>	Open coast beaches around Whangarei
<i>Baumea Complanata</i>	Was near Maungatapere, shrubland/gumland
<i>Calystegia Marginata</i>	Mostly coastal sites and open ground. Gone from Maungatapere
<i>Carmichaelia Williamsii</i>	Islands and mainland – Poor Knights to Hauraki Gulf
<i>Colensoa Physaloides</i>	Unbrowsed, high fertility forests
<i>Cordyline Kaspar</i>	Poor Knights, Hen and Chicken Islands
<i>Dactylanthus Taylorii</i>	Anecdotal record – Parahaki
<i>Desmoschoenus Spiralis</i>	Occasional on open coast
<i>Euphorbia Glauca</i>	Was around Whangarei Harbour, now Hen and Chicken Islands
<i>Hebe Actiflora</i>	Old record from Wairua Falls – needs checking
<i>Hibiscus</i> Aff. <i>Trionum</i>	Whangarei Heads
<i>Hibiscus Diversifolius</i>	Bream Head
<i>Ileostylus Micranthus</i>	Populations on totara, large population in Bay of Islands on <i>Coprosma propinqua</i>
<i>Marattia Salicina</i>	Punaruku, Whananaki, Matapouri, Pukenui, Motatau
<i>Meryta Sinclairi</i>	Local on Hen and Chicken Islands
<i>Picris Burbidgei</i>	Offshore islands
<i>Pimelea Arenaria</i>	Whangarei Heads, Ocean Beach, major population at Pataua
<i>Pimelea Tomentosa</i>	Locally common on East Coast
<i>Pittosporum Obcordatum</i>	1000+ plants – Hikurangi
<i>Senecio Scaberulus</i>	Coastal – mainly east coast cliffs and banks – local
<i>Sicyos Australis</i>	Poor Knights, Hen and Chicken Islands

<i>Todea Barbara</i>	Poor Knights
Moderate-High Value	
<i>Adiantum Formosum</i>	Formerly recorded at Wairoa River
<i>Calochilus Paludosus</i>	Formerly recorded in Whangarei and Mangonui
<i>Caladenia Atradenia</i>	Shrubland in a number of localities
<i>Celmisia Adamsii</i> Var. <i>Rugulosa</i>	Kauri Mountain, Mt Manaia, Bream Head
<i>Doodia Aspera</i>	Formerly recorded at Waiomio
<i>Fuchsia Procumbens</i>	A number of sites from Bay of Islands to Bream Head
<i>Korthalsella Salicornioides</i>	Locally common on manuka and kanuka
<i>Mazus Pumilio</i>	Large patch in Council covenant at Whananaki
<i>Pellaea Falcate</i>	
<i>Plectranthus Parviflorus</i>	One collection from Tangihua Forest
<i>Pomaderris Paniculosa</i> Ssp. <i>Novae-Zelandiae</i>	Mt Manaia
<i>Rorippa Divaricata</i>	Poor Knights, Hen and Chicken Islands
<i>Tetragonia Tetragonoides</i>	

Schedule 17D

Criteria for Ranking Significance of Areas of Indigenous Vegetation, Habitat and Restoration Potential in Relation to the Environmental Benefit Rule (73.3.2).

Since first human settlement in the District, large areas of native forests and shrub lands, freshwater indigenous wetlands, mangrove forest, mudflats, and coastline have been lost or modified by direct or indirect human impacts (Chapter 17.2 Overview). About 26% of Northland's original forest and tall shrubland remain today, most of it in public ownership.

The preservation of privately owned land containing a "feature" such as:

- A stand of indigenous vegetation;
- An indigenous fauna habitat;
- An indigenous wetland, including ephemeral wetland; or
- An area of appropriately designed indigenous re-vegetation or enhancement,

through covenanting or other process, is available with use of the Environmental Benefit Rule (73.3.2) during subdivision.

Indigenous vegetation and habitats in the district are described in Chapter 17 of this plan. This section also contains the following schedules:

- Schedule 17A - Criteria for Ranking Significance of Areas of Indigenous Vegetation and Habitat
- Schedule 17B - Status of Northland's Wildlife Species Applicable to the Whangarei District
- Schedule 17C - Threatened and Uncommon Plants of Whangarei District

In accordance with the ranking criteria in Schedule 17A, overleaf is a table summarising the criteria for ranking the quality of a feature referred to in Rule 73.3.2 It is followed by the descriptions for all of the value categories.

TABLE 1. Criteria for Ranking Value of Feature

VALUE	Outstanding	High	Moderate High	Moderate	Potential Restoration
Minimum Vegetation, Dune, Fauna Habitat or Wetland Areas Required	0.5ha	1.0*	1.5ha	2.0ha	<p>To achieve the same criteria specified in 'Moderate Value' category, as a minimum.</p> <p>Restoration to be completed within 4 years.</p> <p>See following requirements.</p>
Minimum width of feature	50m	50m	50m	50m	
% Canopy cover (native) ***	> 75%	> 50%	> 25%	> 25%	
Species richness (plants**) ***	> 40	> 30	> 20	> 12	
Ecotones ¹	≥ 4	≥ 3	≥ 2	≤ 2	
Intactness (i.e. Canopy tiers) ***	Intact Ground; Mid; Canopy	Intact Ground; Mid; Canopy	Disturbed ground and Mid Canopy; Intact Canopy	Disturbed ground and Mid canopy; Intact Canopy	
Introduced flora and fauna	Minimal	Minimal	Minimal - Moderate	Moderate	
Human modification	Nil Except for walking tracks and pest control	Nil same	Grazing, selective logging	Grazing, selective logging, water course changes	
Quality: (Schedule 17A) or (Schedules 17B & 17C)	Outstanding	High	Moderate - High	17B or Northland Protection Strategy ²	

* except for peat bog, which must contain a good coverage of indigenous canopy trees and have a minimum area of 0.5ha.

** not including epiphytes

*** except for dunes, which may be forested but considered to be of good quality, with a covering of spinifex or pingao (the latter considered to be High Value in Schedule 17C)

Outstanding Value

1. Contains best quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. Best quality can be measured by the presence of:

-
- A mature indigenous vegetation community with a coherent, well developed canopy that comprises in excess of 75% indigenous late- successional species appropriate to the vegetation type; and
 - Intact and dense ground, mid and canopy tiers (*Intactness*); and
 - A very high level of diversity, i.e. species richness (>40 species of indigenous plant⁷) and/or a suite of four or more native vegetation units/community types forming an ecotone¹ within the proposed protected feature; and
 - The particular ecological unit, or combination of units, is unmodified by humans and introduced species of flora and fauna are absent (*Naturalness and Long-term viability*).

OR

2. Contains a representative example of an ecological unit, or combination of units that is very poorly represented in protected areas in the Ecological District of Northland², in particular:
 - Riverine swamp forest and flood plain forest;
 - Dune forest;
 - Broadleaf forest on alluvium and volcanic soils; or
 - Podocarp forest (other than secondary totara forest).

OR

3. Contains plants and animals (permanent/migratory/seasonal) considered to be rare/threatened in the opinion of a qualified and experienced terrestrial ecologist with local knowledge of the District's flora and fauna and/or listed in the "Outstanding Value" categories of Schedules 17B & 17C. An explanation shall be provided regarding the long-term sustainability of these species within the habitat (e.g. potential threats and management requirements).

Ecological features complying with any of the above criteria must meet the following size and shape parameters:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 0.5 hectares of contiguous vegetation. The minimum width of the feature, at any one point, must be no less than 50 metres.
- The exception to this is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case the minimum area of contiguous vegetation must be 0.5 hectare, and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.
- Large areas surrounded by, or adjoining protected land along >50% of its boundary will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

High Value

1. Contains high quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. High quality can be measured by the presence of:
 - A mature indigenous vegetation community with a coherent, well developed canopy that comprises in excess of 50% indigenous late- successional species appropriate to the vegetation type; and
-

- Intact and moderately dense ground, mid and canopy tiers; and
- A high level of diversity, i.e. species richness (>30 species of indigenous plant⁷) and/or a suite of at least three native vegetation units/community types forming an ecotone¹ within the proposed protected feature; and
- The particular ecological unit, or combination of units, is unmodified by humans but some introduced species of flora and fauna may be present. Any such disturbance would be shown to have only minor impact on the long-term viability of the feature.

OR

2. Contains a representative example of an ecological unit, or combination of units, that is under-represented in protected areas in the Ecological District or Northland², in particular:
 - Peat bogs;
 - Podzol gumland;
 - Coastal indigenous wetland including saltmarsh;
 - Coastal herbfield, shrubland and forest;
 - Predator-free islands;
 - Ephemeral inland wetlands³;
 - Dunes including dune lakes;
 - Riparian margins of lower and middle-order⁴ streams⁵; or
 - Buffers to, and linkages between, key areas for conservation management.

OR

3. Contains plants and animals (permanent/migratory/seasonal) considered to be rare/threatened, in the opinion of a qualified and experienced terrestrial ecologist with local knowledge of the District's flora and fauna and/or listed in the "High Value" categories of Schedules 17B & 17C. An explanation shall be provided regarding the long-term sustainability of these species within the habitat (e.g. potential threats and management requirements).

Ecological features complying with any of the above criteria must meet the following conditions:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 1.0 hectare of contiguous vegetation. The minimum width of the feature, at any one point must be no less than 50 metres.
- The exception to this is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case, the minimum area of contiguous vegetation must be 0.5 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems, will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Moderate-High Value

1. Contains moderately high quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. Moderately high quality can be measured by the presence of:
 - A mature indigenous vegetation community with a coherent, well developed canopy that comprises in excess of 25% indigenous late- successional species appropriate to the vegetation type; and
 - An intact, dense canopy tier but mid or ground tiers may show some evidence of past disturbance, i.e. stock grazing, exotic plant material; and
 - A moderately high level of diversity, i.e. species richness (>20 species of indigenous plant⁷) and/or a suite of at least two native vegetation units/community types forming an ecotone¹ within the proposed protected feature;
 - The particular ecological unit, or combination of units, may show evidence of modification by humans, e.g. selective logging, hydrological manipulation, stock grazing and/or introduced species of flora and fauna that may be having a moderate impact on the long-term viability of the feature.

OR

2. Contains a representative example of an ecological unit, or combination of units, that is uncommon in protected areas in the Ecological District or Northland², in particular:
 - Mangrove forest
 - Kauri forest
 - Volcanic lakes
 - Serpentine shrubland
 - Broadleaf shrubland
 - Upland broadleaf forest

OR

3. Contains plants and animals (permanent/migratory/seasonal) considered to be rare/threatened, in the opinion of a qualified and experienced terrestrial ecologist with local knowledge of the District's flora and fauna and/or listed in the "Moderate-High Value" categories of Schedules 17B & 17C. An explanation shall be provided regarding the long-term sustainability of these species within the habitat (e.g. potential threats and management requirements).

Ecological features complying with any of the above criteria must meet the following conditions:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 1.5 hectares of contiguous vegetation. The minimum width of the feature, at any one point, must be no less than 50 metres.
- The exception to this is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case the minimum area of contiguous vegetation must also be as for the 'High Value' category, that is 1.0 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems, will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Moderate Value

1. Contains moderate quality representative examples in the Ecological District and/or Region of a particular ecological unit, or combination of units. Moderate quality can be measured by the presence of:

- A coherent, well developed, appropriate canopy of indigenous species.
- An intact, dense canopy tier but mid or ground tiers may show evidence of past disturbance, i.e. stock grazing, exotic plant material.
- A mature indigenous vegetation community with a coherent, moderately developed canopy that comprises in excess of 25% indigenous late-successional species appropriate to the vegetation type. Early (primary) successional communities (e.g. kanuka-manuka shrublands), may be accepted under this value category if they have a high level of intactness and naturalness and if there is evidence of the future establishment and retention of late-successional vegetation. i.e. presence of occasional late-successional canopy species in the upper and lower tiers.
- A moderate level of diversity, i.e. species richness (12 or more species of indigenous plant⁷) and/or two native vegetation units/community types which may form an ecotone¹ within the proposed protected feature;
- The particular ecological unit, or combination of units, may show evidence of modification by humans, e.g. selective logging, grazing, hydrological manipulation and/or introduced species of flora and fauna that may be having a significant impact on the long-term viability of the feature.

OR

2. Contains a representative example of an ecological unit, or combination of units, that is adequately represented in protected areas in the Ecological District or Northland², in particular:

- Mixed lowland kauri-podocarp-broadleaf forest
- Manuka-kanuka shrubland - where the level of maturity is such that at least 75% of the canopy is 3 metres or over in height.

Ecological features complying with any of the above criteria must meet the following conditions:

- The proposed area for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 2.0 hectares of contiguous vegetation. The minimum width of the feature, at any one point must be no less than 50 metres.
- The exception to this rule is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case the minimum area of contiguous vegetation must be as for the 'High Value' and 'Moderate-High Value' categories, that is 1.0 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Potential / Restoration Value

There will be some remnants within the District that do not comply with any of the criteria 'Moderate' and above, due to high levels of modification and disturbance. Where a feature is

marginal under these terms, but could be improved to a significant standard within a maximum of 4 years, a feature may have Potential / Restoration Value.

This criterion could apply to any ecosystem type, but where it is critically depleted within the Ecological District or Northland, a proposed restoration project will have maximum significance value. Ecosystems to which this applies to include, in particular⁶:

Coastal (dune including dune lakes, shrubland and forest)

- Riverine forest, swamp forest and podocarp forest on alluvium
- Broadleaf volcanic forest
- Swamps, bogs and riparian ecotones including estuarine

An Environmental Benefit will not be offered upfront on the basis of a remnant having Potential/ Restoration value. However, if a land owner should choose to undertake restoration of a feature, providing this is done following a comprehensive rehabilitation programme designed by a suitably qualified and experienced professional accepted by the Council and achieves the criteria specified in the 'Moderate Value' category and to be completed within a maximum of 4 years, then the remnant will qualify for an Environmental Benefit.

The design of the rehabilitation programme shall ensure that the remnant can meet the assessment criteria for at least 'Moderate Value' representative vegetation (as detailed above) in the future. This will include the following requirements:

- Developing an appropriate, intact canopy, mid and ground tier of native species to ensure that weed species do not compete with natives for ground space; and
- Plant selection should bring the total species diversity present within the feature up to a moderate level, i.e. species richness (12 or more species of indigenous plant) and/or a suite of at least two native vegetation units/community types which may form an ecotone¹; and
- All plants must be eco-sourced and maintained for a minimum of four years with a survival rate of at least 85% with a minimum planting density of 10,000 plants per hectare; and

All modifying activities are prohibited and any man-made structures are removed (except for those integral to the feature's management, e.g. fences, culverts, weirs etc) or naturalised and all weed and animal pest species are actively managed. This is to ensure that the feature achieves a high level of naturalness and long-term viability (see Criterion 1 of Outstanding Value category).

Ecological features with Restoration/Potential value must also meet the following size and shape parameters once restored:

- The total area proposed for protection is of sufficient size and shape to maintain its intrinsic ecological values. The minimum size for an area of this level of significance is 2.0 hectares and the minimum width of the feature, at any one point is no less than 50m.
- The exception to this rule is where the feature comprises a strip of vegetation forming the riparian margins of a significant watercourse, or lake⁵. In this case, the minimum area of contiguous vegetation must be as for the 'High Value', 'Moderate-High Value' and 'Moderate Value' categories, that is 1.0 hectare and the minimum width of the riparian strip need only be 10 metres along each bank or 20 metres along the edge of a lake or watercourse, where only one bank is owned.

Areas of sufficient size and shape that adjoin protected land along part of their boundary, or that link or buffer other significant ecosystems, will be regarded as having greater ecological value and sustainability. This will give added weight for subdivision and covenanting.

Bonding

Where an Environmental Benefit Lot is awarded on the basis of re-vegetation/restoration, a s224 certificate will not be issued for a proposed Environmental Benefit Lot unless/until re-vegetation/restoration has been successfully completed, consistent with performance in the Criteria or the consent holder provides a bond to the satisfaction of the Council to a value of not less than 150% of the value of the works.

Access to bonding shall not be available until one year after planting, where there is evidence to the Council's satisfaction of the successful initial implementation of an approved management plan.

The management plan is to include matters of the following type:

- Named species appropriate to the location
- Size at planting
- Density
- Seed source
- Weed clearance/release
- Pest control
- Fertiliser application
- Irrigation requirements (at Council's discretion)

Council shall retain discretion not to accept bonding where there is a potentially harsh environment or other factor(s), which represent a significant risk in its assessment to successful re-establishment. Evidence of the degree of risk should form part of any related proposal.

Council may also elect to recover related actual and reasonable costs.

s.224 certificate arrangements

Legally effective post s.224 certificate arrangements are required which:

- Secure the retention of re-planted vegetation;
- Establish responsibility for the continued execution of the management plan until its objectives (tree height, percentage canopy cover or both) and/or term are satisfied (this may require a community-owned management structure, depending on the number of subsequent owners);
- Ensures Council access to the land in the event the bond is to be executed.

These requirements may necessitate a bond to be complemented by covenants or other legal instruments.

Notations:

1. Natural vegetation sequence occurring over an environmental gradient or in relation to landform, e.g. in an estuarine environment, the ecotone might be from mangroves to saltmarsh to freshwater wetland to coastal shrubland (note that mangroves and saltmarsh may be in public ownership).
 2. Information on priority for protection of indigenous ecosystems has been sourced from Section 6.3 of the Northland Protection Strategy - a report to the Nature Heritage Fund Committee. This report should also be referenced for descriptions of these ecosystem types.
 3. Wetland ecosystems should function hydrologically, as naturally as possible. Artificial (i.e. man-made) ponds (used for water supply) do not qualify under this criterion, as they do not represent natural habitat or function naturally in a hydrological sense. Established indigenous wetland vegetation surrounding a man-made pond may comply but must meet the minimum size criteria. The open water of a man-made pond cannot contribute to this size requirement. Indigenous wetlands in which the water levels are controlled by a man
-

made structure (e.g. a weir) which is expressly for the purpose of maintaining the water levels in order to maintain a viable ecology do comply with this criterion.

4. Stream order is a measure of the relative size of streams. The smallest first and second-order streams are in the upper part of a catchment and comprise the headwaters of a watercourse. A middle-order stream is further down the catchment and will be larger in size. A middle-order stream is downstream of the confluence of at least two lower-order streams.
5. Significant watercourses – Where high instream values have been identified, i.e. a Macro invertebrate Community Index (MCI) score of 100+ or native fishery diversity and abundance data, and the upper catchment is already protected.
6. Information on restoration priorities has been sourced from Section 6.3 of the Northland Protection Strategy – a report to the Nature Heritage Fund Committee.
7. Plant species that are rooted in soil and do not include epiphytes.

Notes:

1. Although a minimum size for a complying feature is stated, in all cases the whole of the ecological remnant worthy of protection on the property must be made subject to legal and physical protection at the time of consent and no area of the feature can be left out or divided for the purposes of obtaining additional lots at some later date.
2. An Environmental Benefit will only be granted subject to a condition placed in the subdivision consent specifying weed and pest control management.

19. Natural Hazards

No change

20 Contaminated Sites

No change

21 Hazardous Substances

Delete entire chapter.

22 Road Transport

Delete entire chapter.

23 Network Utility Operations

23.1 Significant Issues

Network utilities are essential services to the community, and often their choice of location is restricted by Operational requirements.

Network utility operations have the potential to create adverse environmental effects, particularly on visual amenity and the natural character of the environment. The inappropriate installation, siting, design, operation, maintenance and minor upgrading of network utility operations has the potential to adversely affect the health and safety of people and communities.

Network utility operations may pose a potential risk to the health and safety of people and communities.

Other activities, including the location of buildings and/or plantings in close proximity to existing network utility operations, have the potential to compromise the efficient development, use and maintenance of those utility operations.

23.2 Overview

Network utility operators provide a variety of essential services to the community including airports, railways, roads, electricity, radio-communication, telecommunication and meteorological services, water, wastewater disposal, drainage, and gas supply and reticulation. Due to their essential nature, sufficient provision needs to be made for the efficient operation, maintenance and upgrading of existing network utilities, and for the establishment of new services as required. The Second Schedule of the Resource Management Act 1991 specifically mentions the scale, sequence, timing and relative priority of public works, goods and services, including public utility networks, as matters to be provided for in District plans. The Resource Management Act 1991 also provides for land to be designated by an approved authority for network utility purposes.

Many network utilities are able to be placed underground and their effect on the environment may be no more than minor. However, other network utilities have significant potential to adversely affect the environment and/or the health and safety of people and communities. These effects need to be addressed through the provisions of the District Plan, and various Objectives, Policies and Methods have been adopted to ensure the sustainable management of these resources and the control of possible adverse environmental effects.

At the same time, neighbouring land uses and development have the potential to adversely affect the operation, maintenance and minor upgrading of existing and proposed network utility operations. The management of the effects of neighbouring activities is therefore also addressed through the provisions of the Plan. For example, buffer distances can be used to control the encroachment of activities where network utilities are already established. This can reduce the potential for conflict and ensure access for operational and maintenance purposes.

Many network utilities occur throughout the District and may also cross local body boundaries. It is desirable, therefore, to maintain consistency, wherever possible, for the provision of network utility operations throughout the District and across local body boundaries. At the same time, different parts of the District exhibit different natural characteristics and possess different amenity values. Living areas and areas of high recreational, landscape, ecological, cultural or heritage values are most affected by the impacts, particularly the visual impacts, from utility structures. These need to be taken into account, when providing for the installation, operation and maintenance of network utility operations.

23.3 Objectives

23.3.1

The orderly, efficient and effective installation, operation, maintenance and minor upgrading of network utility operations throughout the District, to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

23.3.2

The protection of the environment from, as far as practicable, from the potential adverse effects of network utility operations, particularly effects on the health and safety of communities, the natural character of the environment, sites of historical and cultural significance, and the amenity values of the surrounding area.

23.3.3

The protection of network utility operations from the adverse effects of adjacent land use and development.

Explanation and Reasons: Network utility operations are essential to the well-being of people and communities but have the potential to adversely affect the environment. At the same time neighbouring land uses can adversely affect the installation, operation, maintenance and minor upgrading of utility operations. The objectives of the Plan are to enable the orderly and efficient provision of network utility operations whilst avoiding, remedying or mitigating adverse effects on the environment and the community.

23.4 Policies

23.4.1 Provision of Services

The orderly and efficient provision of network utility operations should be enabled, and the essential nature and operational needs of network utility operations should be taken in to account, when assessing the location, design and operation of these services.

Explanation and Reasons: The siting of utility operations may be influenced by operational needs that limit the choice of suitable locations.

For example, facilities such as cellular communications need to be located throughout the District in order to adequately serve residential as well as commercial and other users. The provision of high voltage power distribution will also, in some cases, be unavoidable in built up areas. Accordingly, the Plan does not preclude such facilities, but will require account to be taken of location and design so as to avoid significant effects on the environment and the community.

23.4.2 Environmental Effects

Network utility operations should be sited, designed and operated in such a way that the adverse effects on the environment will be avoided, remediated or mitigated, as far as practicable. When siting and designing network utility facilities, particular regard should be made to :

- Areas of Outstanding Landscape value;
- Significant Ecological Areas;
- The natural character of the coastal environment;
- Ridgelines and skylines;
- Heritage Buildings, Sites and Objects;
- Sites of Significance to Maori.

Explanation and Reasons: Network utility operations provide important services throughout the District, enabling people and communities to provide for their social, economic and cultural well-being. The location of network utility facilities can adversely affect the natural character of the environment, particularly in Outstanding Landscape Areas, Significant Ecological Areas and in the Coastal Area. To avoid, remedy or mitigate such effects network utility facilities should be sited in visually unobtrusive locations, wherever possible. Furthermore, mitigating measures should as far as reasonably practicable be appropriate to the environment in which they are located. Operational requirements often necessitate the siting of facilities on ridgelines or skylines, which can potentially result in adverse visual effects. Heritage Buildings, Sites and Objects and Sites of Significance to Maori are also sensitive to the adverse effects from network utility operations. Care should be exercised when siting facilities near these areas.

23.4.3 Amenity Values

The adverse effects of network utility operations should be avoided, remedied or mitigated as far as reasonably practicable in accordance with the amenity values of the different [Environmentszones](#). In the Living [ZonesEnvironments](#), the Rural Village [ZoneEnvironment](#), the Strategic Rural Industries [ZoneEnvironment](#), the commercial centres and in the [GreenOpen](#) Space [ZonesEnvironment](#), telecommunication and electrical services should be underground or by wireless link, where practicable. In other environments, undergrounding or wireless links should be encouraged, but where this is not practicable, feasible services should be sited and designed so as to minimise adverse effects on amenity values.

Explanation and Reasons: Network utility operations can significantly affect the amenity of an area, particularly in the Living [ZonesEnvironments](#), the Rural Village [ZoneEnvironment](#), the Strategic Rural Industries [ZoneEnvironment](#), the commercial centres and in the [GreenOpen](#) Space [ZonesEnvironment](#). Above-ground structures can reduce visual amenity, where inappropriately sited or designed, while [wastewatersewage](#) treatment plants can produce offensive odours.

Noise, effects on traffic, dust and vibration are other possible amenity effects. Such facilities should be sites in visually non-obtrusive locations and levels of mitigation should be appropriate for the [zoneEnvironment](#) in which they are located. Many network utilities are able to be sited underground and, in the case of telecommunications, new technology may allow the service to be provided by a wireless link. Both these options provide an effective method for avoiding visual effects and should be encouraged, where practicable. However, it is recognised that it is not practicable to underground some network utilities.

23.4.4 Health and Safety

Network utility operations should be installed, sited, designed, operated, maintained and upgraded in compliance with the relevant (national, international or industry) standards, codes of practice or guidelines in order to avoid, remedy or mitigate potential adverse effects on the health and safety of people.

Explanation and Reasons: The installation, operation and maintenance of some network utility operations carries potential risks to the health, safety and well-being of people and communities. For example, there is a risk of electrocution and risk of injury or damage to property should an overhead power line fall. There is also a need to safeguard the community from the risks associated with pipelines that distribute hazardous substances such as gas or petroleum products.

23.4.5 Radio Frequency Fields (RF) and Electromagnetic Radiation (EMR)

To ensure that any effects from the generation of Radio Frequency Fields and Electromagnetic Radiation are in accordance with the relevant New Zealand Standard.

Explanation and Reasons: Certain utilities and other activities emit electromagnetic radiation, which may have a potential health effect on some people living near them if they exceed an acceptable public level of exposure (as defined by the relevant New Zealand Standard). Radio Frequency Fields (RF) are produced by activities involving radio wave transmissions at frequencies of 3kHz to 300GHz such as broadcasting, mobile phone base station and microwave transmission activities. It is the antennae used for sending the signal that produces the Electromagnetic Radiation (EMR). An acceptable public level of exposure to EMR is established in the relevant New Zealand Standard, which has been thoroughly researched and based upon scientific evidence.

23.4.6 Encroachment

Subdivision, use and development of land should not compromise the safe and efficient operation of, and access to, existing and proposed network utility operations.

Explanation and Reasons: An increase in development, under or alongside an existing network utility facility, is known as encroachment. Encroachment can affect access to, and the ongoing operation and maintenance of, network utility operations. This concept is increasingly being referred to as “reverse sensitivity”, where adjoining and/or sensitive activities have the potential to adversely affect network utility operations by impacting on their legitimate right to operate.

It can also constrain future relocation and/or undergrounding options. In addition, encroachment has the potential result of increased risks to the health and safety of people. By controlling encroachment, these conflicts can be avoided, remedied or mitigated.

23.5 Methods

23.5.1 Regulatory Methods

- Identify different [zones](#)[Environments](#) on the Planning Maps (Policy 23.4.6).
- Formulate [zone](#)[Environment](#) rules relating to the location, type and effects of activities (Policies 23.4.4 & 23.4.6).
- Identify Resource Areas on the Planning Maps (Policy 23.4.2).
- Formulate Resource Area rules relating to the location, type and effects of activities (Policies 23.4.1 to 23.4.6).
- Formulate Subdivision rules relating to the location, size and layout of allotments (Policy 23.4.6).
- Have regard to relevant objectives, policies and rules in other sections of the Plan (Policies 23.4.1 to 23.4.6).
- Attach conditions to resource consents relating to network utility operations (Policies 23.4.1 to 23.4.6).
- Requiring Authorities may designate the land for network utility purposes (Policy 23.4.2).

23.5.2 Other Plans and Legislation

- Ensure that plans and management strategies are not inconsistent with the New Zealand Coastal Policy Statement, the Regional Policy Statement for Northland and any relevant regional plans (Policies 23.4.1 to 23.4.6).
- Take into account the relevant provisions in the Local Government Acts 1974 and 2002, the Transit New Zealand Act 1986, the Building Act 2004, the Electricity Act 1992, the Gas Act 1992, the Health Act 1956, the Telecommunications (Residual Provisions) Act 1987 and the Telecommunications Act 2001, the Land Drainage Act 1908 and any other relevant legislation (Policies 23.4.1 to 23.4.6).
- Have regard to reserve management plans formulated under the Reserves Act 1977 (Policies 23.4.1 to 23.4.6).
- Take into consideration any relevant Iwi/Hapu Environmental Management Plans (Policy 23.4.4).

23.5.3 Information, Education and Advocacy

- Liaise with network utility operators (for example: Transit New Zealand, Transpower, Telecom New Zealand Ltd) over the siting and operation of network utility operations (Policies 23.4.1 to 23.4.6).
 - Liaise with the Northland Regional Council and adjacent territorial authorities in regard to any potential cross boundary issues relating to network utility operations (Policies 23.1.1 to 23.4.6).
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- Liaise with iwi/hapu in regard to the potential development of Iwi/Hapu Environmental Management Plans and issues of concern to tangata whenua relating to network utility operations (Policies 23.4.1 to 23.4.6).
 - Liaise with other organisations with specific resource management and/or environmental concerns in the District, for example, the Department of Conservation, Heritage New Zealand Pouhere Taonga, Ministry of Agriculture and Forestry (Policies 23.4.1 to 23.4.6)
 - Educate and inform both network utility operators and the public about issues relating to the provision of network utility operations (Policies 23.4.1 to 23.4.6).
 - Promote the use of appropriate codes of practice, standards and guidelines (national, international and industry) (Policies 23.4.1 to 23.4.6).

23.5.4 Economic Instruments

- Receive financial contributions as prescribed in Chapter 59 of the Plan (Policy 23.4.1).

23.5.5 Council Works and Services

- Undertake appropriate works and services relating to roads, water supply, wastewater and storm water disposal, and any other relevant functions (Policies 23.4.1 to 23.4.6).

23.5.6 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

- The orderly, efficient and effective provision of network utility operations to the District's communities.
- The protection of natural, cultural and historic heritage from adverse effects of network utility operations.
- Amenity values in the different ~~zones~~[Environments](#) are not adversely affected by network utility operations.
- People and communities do not suffer adverse effects on their health and safety from network utility operations.
- Network utility operations are not adversely affected by encroachment from neighbouring activities that are sensitive to the operation of network utility facilities.

24 Whangarei Airport

Delete entire chapter.

25 Marsden Point Port

Delete entire chapter.

26 Town Basin Environment

Delete entire chapter.

27 Local Authority Cross Boundary Issues

No change.

28 Scheduled Activities or Overlay Areas

[Delete entire chapter.](#)

Part E – District Wide

PKA Papakainga

PKA Papakāinga

PKA.1	<i>Papakāinga</i>
PKA.1.1	<i>Description & Expectations</i>
PKA.1.2	<i>Eligibility</i>
PKA.1.3	<i>Objectives</i>
PKA.1.4	<i>Policies</i>
PKA.1.5	<i>Permitted Activities</i>
PKA.1.6	<i>Restricted Discretionary Activities</i>
PKA.1.7	<i>Non-Complying Activities</i>
PKA.1.8	<i>Transfer of Powers</i>
PKA.1.9	<i>Decision Making</i>
PKA.1.10	<i>Advice Note</i>

PKA.1.1 Description and Expectations

The papakāinga provisions provide for the development of ancestral Māori land. In the context of the District Plan, ancestral Māori land is land subject to the Te Ture Whenua Māori Act 1993, including; Māori customary land, Māori freehold land and General land owned by Māori. These provisions seek to provide opportunities for Māori land owners to develop and live on their ancestral land.

Providing for papakāinga meets the purpose of the RMA (section 5) in that it will enable Māori to provide for their social, economic, and cultural well-being and for their health and safety. It also recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; a matter of national importance in the RMA (section 6(e)).

In the context of the District Plan, papakāinga developments are developments of a communal nature on ancestral Māori land. Papakāinga developments may not solely focus on providing for housing. In addition to housing papakāinga may also include activities such as: community, education and recreational facilities, places of assembly and industrial and commercial activities, all of which are directly associated with the communal nature and function of the papakāinga.

It is recognised that Māori land is subject to a number of development barriers and complications that require it to be treated differently to land held in European title. These barriers include (but are not limited to) the status of Māori land under Te Ture Whenua Māori Act 1993 and the costs associated with obtaining approval from councils and other organisations.

Council is committed to providing for papakāinga developments on ancestral Māori land. The PKA provisions reflect this commitment by providing a permitted activity status for papakāinga developments on Māori freehold land, provided that it can be demonstrated that the land has the capacity to cater for the development and that certain amenity standards are met.

A restricted discretionary activity status is provided for “General land owned by Māori” that is either the subject of proceedings before the Māori Land Court to convert it to Maori freehold land, or where an ancestral link has been identified. On all other land, papakāinga developments are non-complying activities.

Māori Land Court processes for Occupation Orders and Licenses to Occupy require Māori land owners to obtain certain information from Council. It is highlighted in the provisions that Council will provide this information on request.

PKA.1.2 Eligibility

1. The following provisions of the District Plan shall apply to papakāinga developments:
 - a. The District Wide and Resource Area objectives, policies and rules.
 - b. The underlying ~~zone~~Environment provisions, unless otherwise specified in PKA.1.5.
 - c. The underlying ~~zone~~Environment subdivision provisions.
2. The PKA provisions shall not apply to land located in the ~~Heavy Industrial Zone~~ Business 4 Environment.

PKA.1.3 Objectives

1. For the District Plan to recognise the desire of Māori to maintain and enhance their traditional and cultural relationship with their ancestral land.
2. Provide for papakāinga development on ancestral land in a manner which is sensitive to tikanga Māori and the sustainable management of the land resource.
3. Allow maximum flexibility for Māori to develop their ancestral lands, while ensuring appropriate health, safety and amenity standards are met.
4. Enable Māori to establish and maintain traditional settlement patterns, activities and development opportunities.
5. Protection and enhancement of ecological, landscape, cultural, heritage and other features which are of value to Māori and the wider community.

PKA.1.4 Policies

1. To limit papakāinga development to ancestral Māori land that is administered under the Te Ture Whenua Māori Act 1993.
2. To require the maximum intensity and scale of papakāinga development to be determined by the sustainable servicing capacity of the land and the surrounding environment.
3. To require the location and extent of built development to be determined by the physical characteristics of the land and tikanga Māori.
4. To provide for non-residential activities of a scale, character, and intensity that are compatible with the values of Māoritanga, character of the environment and the sustainable servicing capacity of the locality.
5. To encourage Māori to prepare Papakāinga Development Plans as a guide to sustainable management of ancestral land.

PKA.1.5 Permitted Activities

1. On Māori freehold land as defined in the Te Ture Whenua Māori Act 1993, papakāinga developments are a permitted activity provided that:
 - a. A Papakāinga Development Plan("PDP") is submitted to Council prior to any application for building consent that identifies and demonstrates the following:
 - i. The location of any residential units.
 - ii. The location of any structures other than residential units.
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- iii. Areas of land or buildings to be dedicated to commercial or industrial activities or places of assembly.
 - iv. The location of utility servicing requirements and internal roading network.
 - v. The land can be serviced in terms of access, water, wastewater and stormwater in accordance with the relevant provisions of the [Transport and Three Waters Management Chapters Environmental Engineering Standards 2010](#) for the type and number of buildings shown on the PDP. The PDP shall be accompanied by a written report and certification to this effect from a Chartered Professional Engineer confirming that this requirement is met.
 - vi. The location of any recorded historic heritage (including archaeology) that is protected by the Heritage New Zealand Pouhere Taonga Act 2014.
- b. The following controls are met:
- i. Any places of assembly and commercial or industrial activities are established in conjunction with and are directly associated with the residential activities of the papakāinga.
 - ii. Any places of assembly and commercial or industrial activities are setback at least 100m from any existing residential unit on a separate site.
 - iii. Commercial or industrial activities shall not cumulatively exceed 500m² in gross floor area on any one site.
 - iv. The number of residential units per site does not exceed one residential unit per 2,000m² of net site area.

PKA.1.6 Restricted Discretionary Activities

1. Papakāinga developments where the land is General land owned by Maori as defined in the Te Ture Whenua Māori Act 1993 and:
 - a. It is demonstrated that the papakāinga development would otherwise comply with the permitted activity controls in PKA.1.5; and
 - b. The land is subject of proceedings before the Māori Land Court to convert the land to Māori freehold land on the date the application for resource consent is made; or
 - c. The land has not been the subject of proceedings before the Māori Land Court to convert the land to Māori freehold land but an ancestral link to the land has been identified.
2. Any papakāinga development on Maori freehold land that cannot comply with one or more of the permitted activity standards in PKA.1.5.
3. Matters of discretion
 - a. When assessing restricted discretionary applications pursuant to PKA 1.6.1 Council shall restrict its discretion to the following matters:
 - i. Explanation as to the historical reasons why the land was transferred to general title.
 - ii. Evidence as to why the land should be considered as ancestral Māori land.
 - iii. In the case of PKA.1.6.1 c above, an explanation as to why the land has not been converted to Māori freehold land pursuant to the Te Ture Whenua Māori Act 1993.
 - iv. Demonstration of appropriate legal mechanism(s) to ensure that the land is maintained in whanau ownership.

Note: Refer to guidance document for assistance in demonstrating the adequacy of evidence for the identification of an ancestral link.

- b. When assessing restricted discretionary applications pursuant to PKA.1.6.2 Council shall restrict its discretion to any actual or potential environmental effects associated with the matter of non-compliance.

PKA.1.7 Discretionary Activities

1. Any papakāinga development on General land owned by Māori that cannot comply with the restricted discretionary activity in PKA.1.6.1.

PKA.1.8 Non-Complying Activities

1. Papakāinga developments on all other land not specified above.

PKA.1.9 Advice Notes

1. Transfer of Power

Subject to the requirements of section 33 of the Resource Management Act 1991, the WDC is able to transfer its powers to the relevant iwi authority for the rohe in which the land is located.

Note: Refer to guidance document on Transfer of Powers for assistance as to the process for applying for and obtaining a transfer of powers.

2. Decision Making

Any applicant for resource consent pursuant to PKA 1.6 – PKA 1.8 can request that the application is considered and determined by an Independent Commissioner(s) with knowledge and experience in tikanga Māori and Planning.

3. Application to the Māori Land Court for an Occupation Order or a Licence to Occupy

For the purposes of making an application to the Māori Land Court for an Occupation Order or a Licence to Occupy, Council can supply on request District Plan maps or any other relevant information it holds relating to the suitability of the land for a papakāinga development.

NAV Noise and Vibration

NAV Noise & Vibration

NAV.1	Description & Expectations
NAV.2	Eligibility
NAV.3	Objectives
NAV.4	Policies
NAV.5	Noise Measurement & Assessment
NAV.6	Permitted Activities
NAV.6.1	Noise Arising from Activities within Zones/Environments
NAV.6.2	Construction Noise
NAV.6.3	Wind Turbines
NAV.6.4	Shooting Ranges
NAV.6.5	Sound Insulation Requirements
NAV.6.6	Activities Establishing near the Airport Zones/Environments
NAV.6.7	Aircraft and Helicopter Landing Areas
NAV.6.8	Engine Testing
NAV.6.9	Explosives Use
NAV.6.10	Temporary Military Training Activities
NAV.6.11	Bird Scaring Devices
NAV.6.12	Road Traffic
NAV.6.13	Frost Fans
NAV.6.14	Emergency Generator Testing
NAV.6.15	Vibration
NAV.7	Discretionary Activity

NAV.1 Description and Expectations

Noise has the potential to cause adverse effects, depending on a number of factors including frequency, timing, volume and the type of noise. Disturbance of sleep is often the greatest complaint in relation to noise, however other adverse effects include general nuisance, psychological and chronic health effects, interference with speech communication and interference with learning processes, thinking and education.

Excessive noise can detract from the character and amenity values associated with the local environment. Noise generating activities can also be restricted by noise 'sensitive' activities in proximity that seek a higher level of amenity (reverse sensitivity). In an urban sense noise is a significant issue (especially at night) in mixed use zones and in 'interface' areas where noise sensitive activities (e.g. residential uses) are located in close proximity to high noise emitting land uses (e.g. bars and panel beaters).

The Resource Management Act 1991 (RMA) addresses noise in two ways. First, under section 16 there is a duty on every occupier of land and every person carrying out an activity in, on, or under a water body or the coastal marine area to adopt the best practical option to not emit more than a reasonable level of noise. Section 16 of the Act states that a national environmental standard, plan or resource consent may prescribe noise emission standards. Section 16 therefore guides how district plans can address noise emissions.

The other way the RMA addresses noise is through the control of excessive noise. There are specific provisions in the Act to deal with excessive noise, which normally involves intermittent noise sources that require immediate attention, for example loud stereos associated with parties. The excessive noise provisions stand apart from district plan provisions.

Noise rules have been designed to provide an adequate level of protection from the potential effects of noise. The rules within this chapter provide certainty about the level of ambient sound permitted during specific time frames within each [zoneEnvironment](#) and acknowledge that there will be some noise associated with activities. The rules aim to strike a balance between the need for land to be used for its intended purpose while ensuring that other land users are not exposed to unreasonable levels of noise.

Permitted noise levels are set at a limit that is consistent with the character and amenity values anticipated in each [zoneEnvironment](#). Differing noise limits are established in interface areas between [zonesEnvironments](#) to ensure that reasonable noise limits can be maintained. Reasonable noise limits are established for other activities such as, construction and demolition, airport operation, temporary military training, use of explosives, helicopter landing areas, shooting ranges and wind turbines.

In certain areas noise sensitive activities are restricted in order to ensure the unhindered and continued operation of high noise generating activities. In other areas the provision of acoustic insulation requirements for buildings containing noise sensitive activities in high noise environments will allow various activities to co-exist in [zonesEnvironments](#) anticipating mixed use. Guidance from the most recent New Zealand Standards will ensure that noise levels are measured and analysed in accordance with international best practice.

Vibration is generally only a concern adjacent to construction or demolition projects; where there is operation of mechanical plant near or attached to buildings / structures; or in relation to explosives use and blasting. Accordingly vibration limits have been provided to ensure that vibration from construction, demolition, fixed mechanical plant and use of explosives and blasting does not exceed reasonable levels. For construction, demolition and fixed mechanical plant, a simplified approach has been taken whereby single velocity limits have been specified. This approach is considered to be the least complicated and will ensure the required level of amenity if maintained. For explosives use and blasting a more flexible approach has been adopted to achieve operational efficiency and to ensure the required level of amenity is maintained.

NAV.2 Eligibility

The following provisions shall apply district wide in addition to any other provisions in this District Plan applicable to the same area or site.

NAV.3 Objectives

6. To enable a mix of activities to occur across a range of [zonesEnvironments](#), while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.
7. To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

NAV.4 Policies

6. To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each [zoneEnvironment](#).
7. To avoid reverse sensitivity effects by:
 - a. Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels.
 - b. Restricting noise sensitive activities in [zonesEnvironments](#) where they could unduly compromise the continuing operation of appropriate business activities.
 - c. Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities.
8. To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic amenity values of each [zoneEnvironment](#) by:
 - a. Establishing noise limits that are consistent with anticipated noise and vibration levels in each [zoneEnvironment](#).
 - b. Requiring high noise generating activities to provide suitable mitigation measures to maintain appropriate noise levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.
9. To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.
10. To ensure that noise associated with activities in open spaces and on public recreational areas is appropriate to the amenity values anticipated in the surrounding environment.

NAV.5 Noise Measurement and Assessment

Unless specified otherwise, noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with New Zealand Standard NZS6802:2008 “Acoustics - Environmental Noise.”

NAV.6 Permitted Activities

Unless specifically stated otherwise, any activity shall be a permitted activity provided it complies with all of the noise standards given in the following section(s) NAV.6.1 – NAV.6.15 and all other relevant [zoneEnvironment](#) and District Wide rules.

NAV.6.1 Noise Arising from Activities within ZonesEnvironments

The following noise limits shall apply within and between [zonesEnvironments](#):

Noise emitted from any site in the following zoneEnvironment	Noise measured within the applicable boundary of any of the following zonesEnvironments (refer to following table for applicable assessment location)	Daytime 0700 to 2200 hours	Night-time 2200 to 0700 hours		Notes 8,9
		dB L _{Aeq}	dB L _{Aeq}	dB L _{AF(max)}	
Business 2 Light Industry Commercial Sport and Active Recreation	Living 1, 2, 3 Living Zones Neighbourhood Commercial Conservation Open Space Rural Production Rural Living Rural Village Residential Rural (Urban Expansion) Urban Transition Kamo Low/Medium Density Living	55	45	75	
Business 4 Marsden Point Port Rural Village Industrial Heavy Industrial	Living 1, 2, 3 Urban Transition Living Zones Neighbourhood Commercial Conservation Open Space Rural Production Rural Living Rural Village Residential Rural (Urban Expansion)	55	45	75	
All EnvironmentsZones other than: -Business 2 -Business 4 -Marsden Point Port Heavy Industrial Light Industrial Commercial Sport and Active Recreation -Rural Village Industrial -Strategic Rural Industries [All SIRZE]	-Living 1, 2, 3 Living Zones Neighbourhood Commercial Rural Living Rural Village Residential Rural (Urban Expansion) Urban Transition Kamo Low/Medium Density Living	50	40	70	1, 2, 3
	Open Space Rural Production Conservation	55	40	70	1, 2, 3
	Business 4 Town Basin	60	55	80	4, 5

All EnvironmentsZones other than: -Strategic Rural Industriesy [All SIRZE]	City Centre					
	Waterfront					
	Light Industrial					
	Commercial					
	Sport and Active Recreation					
	Shopping Centre					
	Hospital					
	Business 2					
	Airport					
	Bulk Format Retail		65	60	80	
	Business 3					
	Kamo Activity Precinct					
	Mixed-use					
	Local Commercial					
	Rural Village Centre		60	50	75	
	Heavy Industrial					
	Business 4					
	Marsden Point Port					
	Rural Village Industrial					
	Strategic Rural Industriesy [All SIRZE]		75	75	-	
	Port Nikau Precinct and Marsden Primary Centre - Noise Zone 1		65	65	70	3
	Port Nikau Precinct and Marsden Primary Centre - Noise Zone 2		60	55	70	3
	Marsden Primary Centre - Town Centre		55	45	70	3
	Business 4		60	55	80	4, 5
	Town Basin					
Kauri Strategic Rural Industriesy	At the Kauri Milk Processing Site – Noise Control Boundary	Outer	55	45	75	9
Mineral Extraction Areas	Any noise sensitive activity not owned or controlled by the quarry owner or operator		Low noise Environment			6, 7
			50	40	70	
			High noise Environment			
			55	45	75	

The above noise rules shall apply within the relevant boundary assessment location as set out below:

Site boundary	Notional Boundary
• Living 1, 2	• Living 3

<ul style="list-style-type: none"> • Kamo Low / Medium Density Living • Bulk Format Retail • Kamo Activity Precinct • Open Space • Business 1, 2, 3, 4 • Town Basin • Airport • Marsden Point Port • Port Nikau Precinct - Noise Zone 1 and 2 • Marsden Primary Centre - Noise Zone 1 and 2 • Marsden Primary Centre - Town Centre • City Centre • Mixed Use • Commercial • Local Commercial • Shopping Centre • Light Industrial • Heavy Industrial • Sport and Active Recreation • Waterfront • Medium Density Residential • High Density Residential • Neighbourhood Commercial • Hospital 	<ul style="list-style-type: none"> • Coastal Countryside • Urban Transition • Countryside • Any noise sensitive activity not owned or controlled by the quarry owner or operator in a Quarrying Resource area • Rural Production • Rural Living • Rural (Urban Expansion) • Low Density Residential • Residential • Conservation
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Note: Except that where noise is generated from the Kauri Milk Processing Site, the noise rules shall apply at the Kauri Milk Processing Site – Noise Control Boundary as shown on [the](#) Planning Maps ~~7~~.

1. Normal residential activity occurring in any ~~zone~~[Environment](#) such as children's play, spontaneous social activities, lawnmowing and home maintenance work undertaken by/for the occupier is excluded from compliance with the noise rules during the daytime provided such activity is reasonable in terms of duration and noise level and in the case of home maintenance does not exceed the rules for construction noise. This exclusion does not apply to non-residential land use within the Living [Zones](#)~~Environments~~ (such as childcare centres).
2. NAV. 6.1 shall not apply to mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Production, Rural Living, Rural (Urban Expansion) or ~~Low-density Residential~~ ~~Urban Transition~~ [Zones](#)~~Environments~~. Limited duration events are those activities normally associated with industry practice, of relatively short duration, and where no reasonable alternative is available. Any such activity shall be subject to Section 16 of the Resource Management Act.

"Limited duration activities" in this context include, but are not limited to:

 - Spraying and harvesting of crops and/or weeds for horticultural or agricultural purposes e.g. topdressing or aerial spraying
 - Primary forestry activities (not including milling or processing)

This exclusion does not apply to:

 - static irrigation pumps;
 - motorbikes that are being used for recreational purposes;
3. NAV.6.1 shall not apply if the activity under consideration is a mineral extraction activity included in the QRA Chapter Appendix 1. Where this occurs the limits and stated timeframes in Appendix 1 shall apply.
4. Noise generated by temporary activities in the ~~Waterfront Zone~~ ~~Town Basin Environment~~ may exceed the noise rules in any [zone](#)~~Environment~~ for 12 days every calendar year provided that noise does not exceed a level of 65 dB L_{Aeq} between 0900 and 2300 hours at the boundary of any Living [Zone](#)~~Environment~~.

5. In the City Centre Zone Business 1 Environment the “daytime” noise standard shall apply between 0700 and 0000 hours (midnight) on Fridays and Saturdays. The “night-time” noise standard shall apply between 0000 and 0700 hours on Saturday and Sunday mornings.
6. In Mineral Extraction Areas the “daytime” noise standard shall apply between 0630 and 2130 hours. The “night-time” noise standard shall apply between 2130 and 0630 hours.
7. Except where an alternative noise limit is provided for the activity within the District Plan [See Appendix 14 – Schedule of Existing Mineral Extraction Areas] then the activity shall comply with the noise limit stated within the notional boundary of a noise sensitive activity not owned or controlled by the quarry owner or operator.
8. NAV.6.1 shall not apply to the following specific activities which are provided for elsewhere:
 - Construction activities. Refer to Section [NAV.6.2] for specific rule.
 - Wind turbines and wind farms. Refer to Section [NAV.6.3] for specific rule.
 - Shooting ranges. Refer to Section [NAV.6.4] for specific rule.
 - Helicopter and aircraft landing areas. Refer to Section [NAV.6.7] for specific rule.
 - Engine testing at the airport. Refer to Section [NAV.6.8] for specific rule.
 - Noise from explosives. Refer to Section [NAV.6.9] for specific rule.
 - Temporary military training activities. Refer to Section [NAV.6.10] for specific rule.
 - Bird Scaring devices. Refer to Section [NAV.6.11] for specific rule.
 - Road traffic noise. Refer to Section [NAV.6.12] for specific rule.
 - Frost fans. Refer to Section [NAV.6.13] for specific rule.
 - Emergency Generator Testing. Refer to Section [NAV.6.14] for specific rule.
9. The noise rules shall not apply to the following activities:
 - Level crossing warning devices.
 - The operation of emergency service vehicles or emergency callout sirens.
 - Noise from aircraft and helicopters when in flight.
 - Unamplified noise from sporting events in Open Space and Sport and Active Recreation Zones Environment where these occur for up to 20 hours per week between 0700 and 2100 hours.
 - Unamplified noise from standard school outdoor activities where this occurs between 0700 and 1800 hours Monday to Sunday.
 - Rail movements within Fonterra’s Kauri Milk Processing site (the area encompassed within Scheduled Activity 15); excluding the loading and unloading of goods from trains within the site.
 - Emergency generators used to ensure the continued operation of network utilities. This exemption shall not include emergency generator testing which are required to comply with NAV.6.14.

NAV.6.2 Construction Noise

Noise from demolition and construction, including that undertaken as part of temporary military training activities, shall comply with the guidelines and recommendations of NZS 6803: 1999 “*Acoustics - Construction Noise*”. Noise levels shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 “*Acoustics - Construction Noise*”. NAV.6.2 shall not apply to permitted maintenance or utility works undertaken within the road carriageway of a road where:

- a. It has been demonstrated to Council that these works cannot reasonably comply with the referenced noise guidelines at the time when they must be carried out; and
- b. A construction noise and vibration management plan, as prepared by a Recognised Acoustician, has been provided to Council.

NAV.6.3 Wind Turbines

Noise from wind turbines and wind farms shall comply with NZS6808:2010 “Acoustics – Wind farm noise”.

NAV.6.4 Shooting Ranges

Where any new shooting range is established, or an existing shooting range or its use is altered or extended:

- a. Between 0900 and 1800 sound levels from the shooting range activity shall not exceed 50 dB $L_{AF(max)}$ from the notional boundary of any noise sensitive activity or visitor accommodation and;
- b. Between 1800 and 2200 and 0730 and 0900 sound levels from the shooting range activity shall not exceed 40 dB $L_{AF(max)}$ from the notional boundary of any noise sensitive activity or visitor accommodation and;
- c. No shooting shall occur between 2200 and 0730.

For the avoidance of doubt, in relation to alterations or extensions to an existing shooting range, compliance with items a, b and c is required for the altered or extended component of the activity.

NAV.6.5 Sound Insulation Requirements

1. Any noise sensitive activity established within a [Business 1, 2, 3, Town Basin, City Centre, Mixed Use, Commercial, Waterfront, Local Commercial, Active Sport and Recreation](#), Rural Village Centre, [Port Nikau Noise Zone 1 or 2](#), or Marsden Primary Centre Noise Zone 1 or 2 [Zones Environments](#), [the Port Nikau Precinct Noise Zone 1 or 2](#), or within the [Kauri Milk Processing Site] – Noise Control Boundary shall be designed and constructed to ensure the following internal design noise levels:

Zone Environment	Bedrooms and sleeping areas within dwellings or units 2200 – 0700 hours	Other habitable spaces within dwellings or units 0700 - 2200 hours	Teaching spaces, places of religious assembly, health and veterinary service buildings 0700 – 2200 hours
Business 1 Business 2 Business 3 Kamo Activity Precinct Town Basin City Centre Light Industrial Commercial Sport and Active Recreation Mixed Use Local Commercial Waterfront Rural Village Centre [Kauri Milk Processing Site, Crofts Timber, GBC] – Noise Control Boundary	30 dB L_{Aeq}	40 dB L_{Aeq}	35 dB L_{Aeq}

Port Nikau Precinct and Marsden Primary Centre Noise Zone 1 and Noise Zone 2A	35 dB LAeq	45 dB LAeq	35 dB LAeq
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2. For design purposes, the following external L_{eq} noise levels shall be used. These noise levels shall be assumed to be incident on the façade.

ZoneEnvironment	Design noise level (dB L _{eq}) - incident							
	63	125	250	500	1k	2k	4k	dBA
Bedrooms and Sleeping Areas	Hz	Hz	Hz	Hz	Hz	Hz	Hz	
Business-1 Town-Basin City Centre Waterfront	66	65	55	54	49	42	38	55
Business-2 Light Industrial Commercial Sport and Active Recreation Port Nikau Precinct and Marsden Primary Centre Noise Zone 2A	67	64	61	58	55	52	49	60
Business-3 Mixed-use Local Commercial	57	54	51	48	45	42	39	50
Port Nikau Precinct and Marsden Primary Centre Noise Zone 1	72	69	66	63	60	57	54	65
Kauri Milk Processing Sire – Noise Control Boundary	65	6-	53	45	40	38	35	50
Other Habitable Rooms								
Business-1 Town-Basin Business-3 City Centre Waterfront Mixed-use Local Commercial	71	70	60	59	54	47	43	60
Business-2 Light Industrial Commercial Sport and Active Recreation Port Nikau Precinct Noise Zones 1 and 2 Marsden Primary Centre Noise Zone 1 and Noise Zone 2A	72	69	66	63	60	57	54	65
Kauri Milk Processing Site – Noise Control Boundary	65	60	54	45	40	38	35	50

Note: Where windows are required to be closed to achieve these sound levels the ventilation requirements of the New Zealand Building Code shall be achieved.

Note: A certificate from a Recognised Acoustician, confirming that the building accommodating the noise sensitive activity will achieve the minimum sound insulation requirements, is required to confirm compliance with NAV.6.5.

NAV.6.6 Activities Establishing near the Airport

[ZoneEnvironment](#)

1. Within the Air Noise Margin:
 - a. A minor addition or alteration to an existing building, which is not to be used as a habitable room, is a permitted activity.
 - b. The following are **controlled** activities within the Outer Control Boundary:

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- i. The addition of a habitable room;
 - ii. The construction of a new residential unit if:
 - The net site area associated with each residential unit is at least 1000m².
 - The proposed construction is the first residential unit upon an allotment that is less than 1000m² and that allotment existed before 1 December 2005.
 - iii. Visitor's accommodation.
- c. Control is reserved over:
- i. The effect of aircraft noise on the living standard within buildings or habitable rooms. Whether the design and materials used in the construction achieves an internal design level of 40 dB L_{dn} for noise within any habitable room.
 - d. Any activity that does not comply with the standard for a **permitted** or **controlled** activity is a **discretionary** activity. See NAV.7 for Discretionary activity criteria.
2. *Within the Air Noise Boundary:*
- a. New noise sensitive activities are **prohibited** activities
 - b. Visitor Accommodation is a **discretionary** activity:

Note 1 - Conditions of consent: Any application for land use consent for a residential or other noise-sensitive activity in the Outer Control Boundary, will be required to have a notice registered against its title and included in the LIM report which alerts the owner that the property falls within a noise-sensitive area and can therefore expect noise levels higher than would normally be expected in that [ZoneEnvironment](#).

Note 2 - Notification: Council has identified reverse sensitivity effects that new noise-sensitive activities may have on the safe and efficient operation of the Whangarei Airport. It has also identified potential adverse effects of the Airport on noise-sensitive activities. Therefore, applications for resource consent may require the written approval of the Whangarei Airport as an affected party if such applications are to be considered on a non notified basis.

NAV.6.7 Aircraft and Helicopter Landing Areas

Helicopter landing areas, including those used for military training activities, shall comply with and be measured and assessed in accordance with NZS 6807:1994 "Noise Management and Land Use Planning for Helicopter Landing Areas". NAV.6.7 shall not apply to emergency helicopter movements. Noise from aircraft other than helicopters shall comply with NZS6805:1992 "Airport Noise Management and Land Use Planning."

The use of aircraft and helicopters undertaking rural production activities on an intermittent and infrequent basis are exempt from compliance with NAV.6.7.

NAV.6.8 Engine Testing

Aircraft engine testing in the Airport [ZoneEnvironment](#) is a permitted activity if:

- a. Between the hours of 0700 and 2300, the noise generated by aircraft engine testing, assessed at any point within the boundary of any Living [ZoneEnvironment](#), does not exceed 55 dB L_{Aeq} (16 hours) and 65 dB L_{Aeq} (15 minutes);
 - b. Between the hours of 2300 and 0700, noise generated by aircraft engine testing assessed at any point within the boundary of any Living [ZoneEnvironment](#), does not exceed 45dB L_{Aeq} (8 hours) and 65 dB L_{AF(max)};
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- c. Between the hours of 2300 and 0700, for the purposes of essential, unscheduled maintenance and engine testing on a maximum of 15 occasions within any calendar year, noise generated within the boundary of any Living [ZoneEnvironment](#) does not exceed 55 dB L_{Aeq} (8 hours) and 70 dB $L_{AF(max)}$. In these circumstances the noise limits set out in b. above shall not apply;
- d. The time, duration and other essential details of any testing undertaken in accordance with the requirements of c. above shall be recorded and advised to the Whangarei District Council within two weeks of any such event.

NAV.6.9 Explosives Use

Peak noise levels from explosives, excluding those from Temporary Military Training Activities, use shall not exceed the following limits when measured within the notional boundary of any building set out in the following table:

Affected building type	Permitted blasting time window	Number of blasts per year	Max peak sound level applying to all blasts dB L_{Cpeak}
Occupied noise sensitive activity and visitor accommodation	0700 to 1900 hours	≤ 20	120
		>20	115
Occupied commercial and industrial buildings	All hours of occupation	All	125
Unoccupied buildings	All times	All	140

NAV.6.10 Temporary Military Training Activities

Temporary military training activities are permitted activities provided that they comply with the following rules:

1. *Weapons firing and/or the use of explosives*
 - a. Weapons firing and explosives use on any site shall not exceed a total of 31 days in any 365 day period.
 - b. Weapons firing and/or use of explosives shall comply with the following:

Table 1:

Activity	Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity
i. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m
	1900 to 0700 hours	At least 4500m
ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m
	1900 to 0700 hours	At least 2250m

Table 2:

Rules to be complied with if minimum separation distances for sources NAV.6.10.1(i) and (ii) cannot be met:		
Rule	Time (Monday to Sunday)	Noise level at the notional boundary to an individual building housing a noise sensitive activity

(a)	0700-1900hrs	For the use of explosives: 120 dB L_{Cpeak} For the use of small arms and pyrotechnics: 90 dB L_{Cpeak} with one period in any 365 day period of up to five days consecutive use up to 120 dB L_{Cpeak}
(b)	1900-0700hrs	For the use of explosives: 90 dB L_{Cpeak} For the use of small arms and pyrotechnics: 60 dB L_{Cpeak} with one period in any 365 day period of up to five days consecutive use up to 90 dB L_{Cpeak}
(c)	<p>A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> • A description of the site and activity including times, dates, and nature and location of the proposed training activities. • Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites. • A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations. • A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event. • A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council. 	

Note: “Small arms” include, but are not limited to, revolvers, self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns.

Note: “Explosives” include but are not limited to explosive charges, cannons, grenades, mortars and rockets.

2. *Mobile noise sources, excluding sources NAV.6.10.1(i) and (ii)*

- Activities shall comply with the “typical duration” noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise* (with reference to ‘construction noise’ taken to refer to other, mobile noise sources) provided that no building housing a noise sensitive activity is exposed to noise above 35 dB $L_{AF(max)}$ from a Temporary Military Activity mobile source for more than a total of 31 days in any 365 day period.
- Activities that do not comply with the duration limit in NAV.6.10.2(a) shall comply with the noise limits in NAV.6.10.3. Fixed (stationary noise sources).

Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. *Fixed (stationary) noise sources, excluding sources NAV.6.10.1(i) and (ii)*

Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity *	
0700 to 1900 hours	55 dB L_{Aeq} (15 min)	n.a.
1900 to 2200 hours	50 dB L_{Aeq} (15 min)	
2200 to 0700 hours the next day	45 dB L_{Aeq} (15 min)	75 dB $L_{AF(max)}$

Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. *Helicopter landing areas*

Helicopter landing areas shall comply with noise limits set out in *NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*.

5. *Restricted Discretionary Activities*

Any activity that does not comply with rules NAV.6.10.1 – NAV.6.10.4 shall be a Restricted Discretionary Activity. Discretion is restricted to those matters listed in NAV.7.1(a) – (m).

NAV.6.11 Bird Scaring Devices

The use of bird scaring devices is a **permitted** activity in the Rural Production [ZoneEnvironment](#) if:

- a. Bird scaring devices do not operate between half an hour after sunset and half an hour before sunrise.
- b. Each device operates at not more than 6 “events” per hour where an “event” includes clusters of up to three shots from gas operated devices or three individual shots from a firearm in quick succession. (This rule does not apply to bird scaring devices that generate a noise level of less than 55 dB L_{AE} within the notional boundary of any noise sensitive activity not owned by the operator of the device).
- c. The sound level from any event does not exceed 65 dB L_{AE} within the notional boundary of any noise sensitive activity not owned by the operator of the device.
- d. The bird scaring device is only operated when a crop is at risk from bird damage.

The use of bird scaring devices in other [zoneEnvironment](#) is a **discretionary** activity.

Advice Note: Existing use rights may apply where a bird scaring device has been lawfully established prior to the operative date [insert operative date] of the NAV chapter.

NAV.6.12 Road Traffic

- a. Noise from any new or altered road shall be assessed in accordance with and meet the provisions of New Zealand Standard NZS 6806:2010 “*Acoustics - Road-traffic noise - New and altered roads.*”
- b. The installation and operation of Audio-Tactile pedestrian call buttons at traffic signal controlled intersections and pedestrian crossings is a permitted activity. Installations shall comply with Australian Standard AS2353: 1999 Pedestrian Push- button Assemblies.

NAV.6.13 Frost Fans

The use of frost fans is a **permitted** activity in the Rural Production [ZoneEnvironment](#) if:

- a. Noise generated by single or multiple frost fans on a site does not exceed 55 dB L_{Aeq} (10 minute) at any time when assessed at the notional boundary of any noise sensitive activity on a separate site under different ownership.
Note: The noise rule includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured noise levels.
- b. Operation of frost fans during the night period shall be for protection of crops from frost only. Any other operation, such as for the purposes of maintenance, shall be undertaken during the day period.
- c. A legible notice shall be fixed to the road frontage of the property on which the frost fan is being used giving the name, address and telephone number of the person responsible for its operation.

The use of frost fans in any other [zoneEnvironment](#) is a **discretionary** activity.

Advice Note: Existing use rights may apply where a frost fan has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

NAV.6.14 Emergency Generator Testing

The testing of emergency generators is a permitted activity in all [zones](#) [Environments](#) if:

- a. The duration of testing does not exceed 12 hours total per annum;
- b. Testing occurs between 0900 and 1700 hours only;
- c. Noise levels do not exceed the following:
 - i. 60 dB $L_{Aeq}(15 \text{ min})$ within the relevant boundary assessment location of any Marsden Primary Centre – Town Centre Living, Open Space, Rural Production, Rural Village Residential [or Low-density Residential Zones](#) ~~Urban Transition or Countryside Environments~~.
 - ii. 65 dB $L_{Aeq}(15 \text{ min})$ within the site boundary of any [Business 1, 3](#), Rural Village Centre, [City Centre, Mixed-use, Local Commercial or Waterfront Zones or the Town Basin](#), Port Nikau [Precinct](#) Noise Zone 2, Marsden Primary Centre Noise Zone 2 .
 - iii. 70 dB $L_{Aeq}(15 \text{ min})$ within the site boundary of any [Business 2, Light Industrial, Commercial, Sport and Active Recreation, Hospital or Airport Zone, or](#) Port Nikau [Precinct](#) Noise Zone 1, Marsden Primary Centre Noise Zone 1 [Environment](#).
 - iv. 85 dB $L_{Aeq}(15 \text{ min})$ within the site boundary of any [Business 4, Heavy Industrial](#), Strategic Rural Industries, Rural Village Industry or [Marsden Point](#) Port [Zone](#) [Environment](#).

NAV.6.15 Vibration

1. Continuous Vibration from Stationary Machinery

Vibration from building services is a permitted activity if vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery is installed and maintained so that any resulting vibration does not exceed the levels in the following table when measured in adjacent buildings or areas of buildings under different ownership from the source of vibration:

Affected occupied building type	Time	Maximum vibration level in mm/s rms between 8 and 80 Hz
Industrial	All	0.8
Commercial	All	0.4
Noise sensitive activity	0700 to 2200 hours	0.2
	2200 to 0700 hours	0.14
Surgery rooms of healthcare facilities	All	0.1

2. Construction Vibration

Vibration from construction and demolition activity is a permitted activity if it does not exceed the following levels when measured at the point of effect.

- a. For human annoyance, vibration should be assessed at the location of the affected person inside the building, typically on the appropriate floor. Vibration should be measured in three orthogonal directions orientated to the axes of the building and assessed in the single axis in which vibration is greatest.
- b. For building damage, vibration should be assessed at the horizontal plane of the highest floor of the building. Vibration should be measured in two horizontal orthogonal directions orientated to the axes of the building and assessed in the single axis in which vibration is

greatest. Note that for the building damage criteria in NAV 6.15.2 Note 2 an alternative measurement location is defined.

Effect	Affected occupied building	Activity	Time	Maximum vibration level mm/s ppv	Notes
Annoyance	Occupied noise sensitive activity or visitor accommodation in any ZoneEnvironment	General construction activity	2200 to 0700	0.3	1
			0700 to 2200	1	1
	Occupied commercial or industrial activity in any ZoneEnvironment	General construction activity	2200 to 0700	5	
			0700 to 2200	1	
Building damage	Unclassified structures of great intrinsic value such as historic buildings	All activity	All times	2.5	
	Non-occupied dwellings and buildings of similar design	All activity	All times	5	
	Non-occupied commercial and industrial buildings	All activity	All times	10	

- ¹ Except that in surgery rooms of hospital facilities, maximum vibration levels from construction and demolition activities shall not exceed 0.1mm/s rms between 8 and 80Hz.
- ² NAV.6.15.2 shall not apply to permitted maintenance or utility works undertaken within the road carriageway where the following levels are achieved:

Table 1

Effect	Receiver	Location	Details	Maximum vibration level (mm/s PPV)
Annoyance and building damage	Occupied noise sensitive activity or visitor accommodation building in any ZoneEnvironment	As set out in NAV.6.15.2 above	2000 to 0630 hours	1
			0630 to 2000 hours	5
	Occupied commercial or industrial activity building in any ZoneEnvironment	Inside the building	0630 to 2000 hours	5
Building damage	Unoccupied buildings	Base of building on side of building facing vibration source or, where this is not practicable, on the ground outside the building	Vibration – transient (including blasting)	Refer to table 2 below
			Vibration – continuous	Refer to table 2 below - 50% of Table 2 Values

Table 2

Type of building	Peak component velocity (PPV) in frequency range of predominant pulse	
	4 to 15 Hz	15 Hz and above
Reinforced or framed structures Industrial and heavy commercial buildings	50 mm/s	50 mm/s
Unreinforced or light framed structures Residential and light commercial buildings	15 mm/s at 4Hz increasing to 2 0mm/s at 15 Hz	20 mm/s at 15Hz increasing to 50 mm/s at 40 Hz

Notes:

- All values referred to in table 2 are at the base of the building
- For unreinforced or light framed structures and residential and light commercial buildings at frequencies below 4 Hz a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.

3. Vibration from Explosives Use and Blasting

Vibration from explosive use and blasting from activity other than provided for in NAV.6.15.2 is a permitted activity if it does not exceed the levels set out in the following table, when measured in general accordance with the provisions of Australian Standard AS2187.2: 2006 Explosives – Storage and use – Use of explosives.

Category	Type of blasting operations	Peak component particle velocity (mm/s)
Occupied noise sensitive activities and visitor accommodation	Operations lasting longer than 12 months or more than 20 blasts per year	5 mm/s for 95% blasts per year 10 mm/s maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied noise sensitive activities and visitor accommodation	Operations lasting less than 12 months or less than 20 blasts per year	10 mm/s unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive site, such as factories and commercial premises	All blasting	25 mm/s unless agreement is reached with the occupier that a higher limit may apply

NAV.7 Discretionary Activities

1. Assessment of Discretionary Activities for NAV.6.1 – NAV.6.15

Unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all of the permitted noise and vibration provisions given in the previous sections NAV.6.1 – NAV.1.6.15. When assessing discretionary applications pursuant to these sections, the assessment shall include (but is not limited to):

- The level of sound likely to be received
- The existing ambient sound levels
- The nature and frequency of the noise including the presence of any special audible characteristics
- The effect on noise sensitive activities within the environment
- The likely time when noise will be audible and the extent of the exceedance of the noise rule at that time

-
- f. Whether the level and character of the noise is below recognised guidelines or standards for the preservation of amenity
 - g. The potential for cumulative effects to result in an adverse outcome for receivers of noise
 - h. The effects of noise on recreation or conservation areas within the Open Space or Conservation ZonesEnvironment.
 - i. The value and nature of the noise generating activity and the benefit to the wider community having regard to the frequency of noise intrusion and the practicality of mitigating noise or using alternative sites.
 - j. Any proposed measures to avoid, remedy or mitigate noise received off-site
 - k. The potential for any reverse sensitivity effects
 - l. The level of involvement of a Recognised Acoustician in the assessment of potential noise effects and/or mitigation options to reduce noise.
 - m. The ability of noise sensitive activities to unduly compromise the continuing operation or future development of other lawful activities

2. *Assessment of Discretionary Activities for NAV.6.6 Activities Establishing Near the Airport Zone*Environment

When assessing discretionary applications pursuant to section NAV.6.6, the assessment shall include (but is not limited to):

- a. Consideration of the proposed location of the noise-sensitive activity in relation to airport activities;
 - b. Effects, or potential effects arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids; and the potential of buildings or structures to create glare, electromagnetic interference, smoke, mechanical turbulence or other adverse effects;
 - c. The effect, or potential effect of the noise-sensitive activity on the operation of Whangarei Airport; particularly having regard to helicopter TLOF and hover points and the runway centreline alignments, requirements for aircraft on approach, and aircraft utilising navigational aids/lighting.
 - d. The effect, or potential effect of airport operations, in particular noise, and health/safety effects from low flying aircraft, on the noise-sensitive activity, given low ground clearances for aircraft on approach/ takeoff over this area, and high single event noise levels and average daily noise levels;
 - e. The effect of topographical characteristics of the land in relation to shielding of airport noise;
 - f. Relevant objectives and policies, as they relate to the protection of a regionally significant transportation resource;
 - g. Any remedial measures to avoid, remedy or mitigate potential conflict with the safe and efficient operation of the airport;
 - h. Whether there has been adequate and meaningful consultation with the Airport Authority with respect to the current or potential effects associated with the operation of the airport resource, whether any issues have been resolved and any mitigation measures that have been proposed.
-