

Planning and Development Committee Agenda

18 April 2019

Urban and Services Plan Changes

Attachments 4 -12

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

Plan Change 115: Open Space

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

1 Introduction

1.1 Overview

1. PC115 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC115 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)

- Plan Change 82B – Lighting (PC82B)
2. This evaluation report provides an assessment of Proposed Plan Change 115 Open Space (PC115) and has been undertaken in accordance with Section 32 (s32) of the Resource Management Act 1991 (RMA).
 3. The Operative Whangarei District Plan (**WDP**) became operative on 3 May 2007. As part of its current District Plan rolling review process, Council has been reviewing its WDP provisions, including those relating to open space.
 4. This report has been prepared in accordance with the First Schedule of the RMA which sets out requirements applicable to the preparation, change and review of policy statements and plans. S32 requires Whangarei District Council (**WDC**) to examine the proposed open space related plan change objectives, associated policies, and other provisions, and to assess the anticipated environmental, economic, social, and cultural effects, benefits and costs of implementing the plan change.
 5. Since s32 evaluations represent an on-going process. This report constitutes the initial evaluation, with further revisions expected throughout the plan change process in response to submissions received following notification of the plan change.

1.2 The Proposed Plan Change

6. PC115 seeks to introduce district wide open space area objectives and policy and three new zones into the WDP, this being the Conservation Zone (**CON**), Sport and Active Recreation Zone (**SAR**) and the Open Space Zone (**OS**). PC115 will include:
 - Open Space Area objectives and policies proposed to be located within the proposed Strategic Direction Chapter.
 - New CON, SAR and OS Chapters – with objectives, policies and rules for the Zones, including land use provisions for the Zone.
 - New subdivision provisions for the CON, SAR and OS zones located within the proposed Subdivision Chapter.
 - Changes to the WDP Zone maps – denoting the CON, SAR and OS.
 - Consequential changes to the WDP.
7. PC115 includes a description of the proposed CON, SAR and OS to identify the environmental expectations and outcomes sought in the Zones through the proposed objectives, policies and rules. Refer to the **Proposed Plan Changes Text and Maps** volume for further detail.

2. Background to Plan Change 115: Open Space

2.1 What is Open Space?

8. According to Council's Open Space Strategy 2001:
9. Open spaces can be described according to the four main values they have:
 - Conservation values include plants and animals, wildlife habitats and ecological processes;
 - Landscape values include landform and land use, visual appreciation and the sense of place;
 - Recreation values include the opportunity for active and passive, formal or informal recreation activities;
 - Cultural values include sites with cultural or historic significance; they also arise from the lifestyle patterns and preferences of the present culture.
10. Open spaces in the Whangarei district encompass these values in a variety of areas within the urban and rural environment. These areas are used for a range of recreational, educational, cultural, community, and conservation purposes. To enable activities related to these purposes, open spaces contain a wide range of buildings and infrastructure such as sports and community clubrooms, barbeques and picnic facilities, playgrounds, skate parks, sports fields, hard courts, walking tracks, and toilets.
11. Open spaces include green spaces such as parks and reserves, sports fields, and cemeteries. They include areas that adjoin the coast or lakes, rivers and streams, which help to protect these often unique landscapes and ecosystems. Open spaces also include land and buildings used for civic and community purposes such as community halls and libraries.
12. Open spaces may contain sites with natural and/or historic heritage values, and they contribute to the general amenity of the area where they are located.
13. The Whangarei district has a large area of public open spaces which accommodate a multitude of recreational facilities and opportunities. These are a valued feature of the district, delivering a range of benefits which enhance the social, economic, environmental and cultural wellbeing of the community.

2.2 Why Review the District Plan Open Space Provisions?

14. S79 of the RMA requires that a local authority commence a review of the district plan provisions which have not been a subject of a plan change during the previous 10 years. Under this provision, the opportunity exists for Councils to undertake 'rolling reviews' of District Plan provisions which allow for the review of provisions on a topic by topic or zone by zone basis. Councils must complete a review of all District Plan provisions within any 10 year period.

15. In terms of s79 (2), if after a review of the provisions the local authority considers that the provisions require alteration, it must undertake a plan change. Should the local authority consider that no alteration is required it must still publicly notify the provision as if it were a change.
16. In 2011 Council adopted a rolling review method of reviewing the WDP. This has enabled an evolving WDP structure, with adjustments to chapter format possible throughout the process to be more consistent with how the provisions are applied in practice.
17. The WDP objectives and policies are separated into chapters based around resource management issues. The rolling review seeks to change the WDP structure to provide for a hierarchy of objectives and policies, providing opportunity for policy at a district wide, geographical, locality or neighbourhood context.
18. A five-yearly efficiency and effectiveness review of the WDP was completed in 2011. Analysis of the open space provisions has identified the following inefficiencies:
 - The Plan objectives identified as district wide provisions focus on quantity and form, timing, when and where open space is created, and types (conservation, recreation) but are not specific enough to require co-ordination of open space and linkages.
 - Policies are very general and do not specify how the objectives will be achieved. The policy provisions indicate that linkages between open space areas will be created. However, there is no detail in the plan of what linkages have been achieved and to identify missing links.
 - The policy provisions rely upon “meeting community needs” while not identifying what the community needs are.
 - The Plan does not detail what is to be achieved with open space. Outcomes may be different for each area, but the plan does not consider open space in this context.
 - There is no link between the use of land zoned open space in the Plan and the objectives and policies. Standard rules have been applied to the Open Space Environment with no policy link or justification.
 - The “amenity values” identified in Chapter 5 of the WDP have no real relevance to the actual values of open space.
19. Overall, there appears to be considerable overlap and confusion as to what the “Open Space Environment” is, and the provision of general open space, reserves and esplanade reserves within the WDP. Changing how the WDP provides for open space and recreation in the district will assist the Council’s ability to provide such facilities and locations.
20. The need to review and update Council’s open space provisions has been further strengthened by changes in legislation; national, regional and local policies including:
 - The introduction of New Zealand Coastal Policy Statement 2010 (**NZCPS**) has provided policy guidance about provision of open space and recreation opportunities in the coastal

environment. Objective 4 of the NZCPS seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment. Policy 18 recognises the need for public open space within and adjacent to the coastal marine area. Policy 19 recognises the public expectation of and need for walking access to and along the coast.

- Reserve Management Plans have been adopted for Parihaka and Hatea River (2009), William Fraser Park (2010) and Pukenui Forest (2009).
- The Open Space Review 2017 provides a stocktake of current open space provision, recommends changes to the WDP management framework to better manage open space and identifies open space requirements for current and future population according to national benchmarking.

2.3 WDP Provisions Managing Open Space

21. WDP issues, objectives, policies, rules and other methods directly related to open space are largely contained within the following policy and rule chapters:

- Open Space Policy: Chapter 15 (overview, objectives and policies).
- Open Space Environment: Chapter 46 (land use rules).
- Open Space Subdivision: Chapter 75 (subdivision rules).

22. The objectives for open space in Chapter 15 are:

15.3.1 Provide open space that meets community, recreational and conservation needs.

15.3.2 Where appropriate, create open space linkages that provide physical connections between ecosystems, and enhance biodiversity and recreational opportunities.

15.3.3 Provide open space and manage activities within open space in a manner that avoids remedies or mitigates adverse effects on the environment.

15.3.4 Protection of open space from subdivision, use and development inconsistent with their purpose.

23. Explanation and Reasons: Open space plays an important function in providing recreational and social opportunities for the public. For open space to serve this function, it is necessary that it is located, designed and equipped in a manner that promotes its use and meets the needs of the community. Open space can provide important linkages between significant ecological sites. Such linkages serve to enhance ecosystem connectivity and the biodiversity of an area by providing wildlife corridors that encourage movement of plants and animals between ecological sites. Such linkages need to be carefully managed and of a sufficient width to serve their purpose. Activities on open space areas can potentially result in adverse effects on the environmental qualities of the site and adjoining properties. It is therefore important that such activities are managed in such a way that avoids, remedies or mitigates these effects.

24. Six policies implement the open space objectives in Chapter 15 and focus on:
- Financial Contributions
 - New Reserves
 - Coastal Environment and Outstanding Landscape Areas
 - Open Space Linkages
 - Effects
 - Open Space Values
25. The Open Space Environment (Chapter 46) includes rules relating to:
- Activities such as residential, commercial, industrial, mineral extraction, indigenous vegetation clearance, hazardous substances, parking spaces, artificial lighting, and signs.
 - Built form including building floor area, building height and setbacks, daylight angles and floor levels.
26. Subdivision rules for the Open Space Environment (Chapter 75) allow for subdivision as a controlled activity if it is a boundary adjustment exchanging land for a conservation purpose, and no new lots are created. Otherwise subdivision that meets the most restrictive controlled activity subdivision rules for any adjoining Environment is a discretionary activity. Any other subdivision is a non-complying activity.

2.3.1 District Wide Policy

27. Other policy chapters with objectives and policies relating to open space are highlighted in Table 1 below:

TABLE 1: WDP RELEVANT OBJECTIVES AND POLICIES	
WDP Chapter	Objective/Policy
5. Amenity Values	5.3.4, 5.4.6, 5.4.14
6. Built Form and Development	6.3.15, 6.4.15
8. Subdivision and Development	8.3.4, 8.4.7, 8.4.8, 8.4.9, 8.4.16
10. The Coast	10.3.3, 10.4.3, 10.4.5
11. Riparian and Coastal Margins	11.3.2, 11.3.3, 11.4.3 - 15
12. Water Bodies	12.3.1
17. Indigenous Vegetation and Habitat	17.3.2, 17.4.2
NAV Noise and Vibration	4.5

2.3.2 Environments (Zones)

28. There are many open space-related rules and assessment criteria throughout the WDP. These are summarised as follows:

Rules

- Limit on commercial and industrial activities in proximity to Open Space Environment.
- Building height limit where site is adjacent to Open Space Environment.
- Building height in proximity to Open Space Environment must not infringe open space building daylight angles.
- Outdoor Storage must be screened from view from Open Space Environment.
- Minimum building setback from boundary with Open Space Environment.
- Scheduled Activities (various conditions relating to Open Space Environment).
- Provision/design/linkages of open space areas required in Master Plan/Precinct Plan for Port Nikau and Marsden Primary Centre.
- Noise rules applying to Open Space Environment and where a site adjoins Open Space Environment.
- Exclusion from noise rules where the activity is unamplified noise from sporting events in the Open Space Environment meeting hours of operation and duration limits.

Assessment criteria

- Outdoor living courts (open space nature of the neighbourhood, private open space).
- Signs (being visually intrusive on open space where site is near to Open Space Environment).
- Building coverage (effect on open space appearance).
- Building setback (effect on open space character of Environment, open space between buildings).
- Fences (effects on open space values of the Environment).
- Daylight angles (availability of daylight to open space areas).
- Landscaping (amenity and sense of open space within the Environment).
- Town Basin building development and style (design of individual open space areas will be guided by Reserve Management Plans).
- Esplanade reserves/esplanade priority areas.
- Future Environments comprehensive development plans (plans for open space and pedestrian access).
- Port Nikau/Marsden Primary Centre masterplan/precinct plan (the provision of appropriate open space, including adjacent to coastal marine area, public access to coastal marine area, linkages, unrestricted access).

- Noise (effects of noise on recreational or conservation areas within Open Space Environment)

Urban Design Guidelines for Kamo

- Many references to public open spaces, communal/shared open space and private open space.
29. It is noted that there is a difference between the rules which generally refer to the Open Space Environment, and the assessment criteria and guidelines which mainly refer to open space in a general sense, for example open space areas, character or values. This is appropriate as the Open Space Environment is defined and mapped and rules require certainty. Assessment criteria are more open and allow for the values of open space in a different context, for example private open space or the open space between buildings. Care should be taken to retain, and improve where possible, the delineation between the Open Space Environment and the broader sense of open space that is not zoned as such.
 30. PC115 does not propose to change how WDP Environments address activities on land adjoining Open Space Environment. Those provisions are contained within the relevant Environments, and will be considered as part of the rolling review of Environments.

2.3.3 Resource Areas

31. Resource Area Chapters that are relevant to open space are NPT Notable and Public Trees (Heritage Trees), 61. Esplanade Areas, HH. Historic Heritage and 60. Sites of Significance to Maori.
32. Plan Change 129 has reviewed the Heritage Trees provisions, proposing a Notable and Public Trees Resource Area chapter. The public trees provisions apply to trees within open space road reserve and public reserve areas. PC129 hearing was completed on 25 and 26 of February 2019.
33. Esplanade Area rules apply to subdivision adjacent to the coast and rivers, and specify where esplanade reserves or strips must be provided. The chapter also details esplanade priority areas (Appendix 5 and Resource Area Maps). Generally, the rules relate to allotments of less than 4.0 hectares, though in esplanade priority areas Council may wish to negotiate for an esplanade reserve when allotments greater than 4.0 hectares are created. Esplanade reserves or strips are vested in Council and are zoned Open Space Environment.
34. The heritage values of open spaces may be key to why some areas became reserves. These open space areas are likely to contain archaeological sites, sites of significance to Maori and scheduled built heritage. The provisions of the Historic Heritage (HH) and Sites of Significance to Maori chapters are also an important consideration in PC115, to avoid duplication and ensure consistency.

2.3.4 Designations

35. Designations are relevant to open spaces as there are many designations in the WDP for proposed reserves, and designations for infrastructural purposes on land zoned Open Space Environment. While it is best practice to not zone areas used primarily for infrastructure as open space, there may be occasions where land can serve a dual function (for example stream banks and surrounding land which acts as a flood corridor, and has shared walking and cycling paths, which provides passive recreational space).
36. Proposed Plan Change 134 has reviewed the designations in the WDP.

2.3.5 Financial Contributions

37. Chapter 80 of the WDP allows for the payment of a financial contribution per allotment, or land of equivalent value to be vested as reserve, where two or more lots or created.
38. WDC collects development contributions under the LGA 2002 in accordance with its Development Contributions Policy 2018. This policy sets a payment, or land/works equivalent, for parks and reserves land and development per household unit equivalent generated by subdivision or development. The catchments for allocating the parks and reserves development contributions are based on 30/50 Growth Strategy.

2.4 Resource Management Issues

39. Significant resource management issues affecting Open Space, as identified in the WDP are:
 - Insufficient Open Space, especially in the coastal environment, to provide for recreational opportunities, preservation of natural character and to provide for people's health and well-being.
 - Insufficient linkages between Open Spaces to enhance biodiversity and to provide recreational opportunities.
 - Current Open Space provision lacks strategic location and design.
 - Activities within, and adjacent to, Open Space can have adverse effects on the environment and adjoining sites.
40. The issues remain applicable to date. The Open Space Review 2017 aims to address the first three issues. The last issue will be managed by the objectives, policies and provisions proposed by PC115, and existing WDP provisions.
41. Additional issues include:
 - Increasing population and increasing development pressures means that current Open Spaces face future pressure from development and increased use by the public.
 - Visitors to the region, most of whom come to participate in some form of summer outdoor recreation, are putting pressure on existing reserve land (particularly in coastal areas).

- How to acquire the necessary additional public Open Spaces in appropriate locations and how to fund it.
- Recognising and providing for the relationship between Tangata Whenua and public Open Space.
- The single Open Space Environment is too broad to cover the range of values and uses in open spaces. The rules may be too strict or too permissive resulting in unnecessary resource consents or unmanaged adverse effects on the environment.
- How to manage major recreational facilities (includes sports stadia and commercial recreational/entertainment facilities), private open space e.g. golf courses and temporary recreational events/activities.
- Open Space Environment currently includes land for stormwater drainage, water reticulation or other utility services which impact upon or impede use of the area as open space.

3. Statutory Considerations

42. The WDP sits within a layered policy framework, which incorporates the RMA, National Policy Statements, National Environmental Standards, Iwi/hapu Management Plans, the Regional Policy Statement, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents were taken into consideration when preparing PC115 are discussed in this section.

3.1 Resource Management Act 1991

43. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:
44. 'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety'
45. Under the RMA it is mandatory for a territorial authority to prepare a district plan which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated, to meet the purpose and principles of the RMA. Consideration has been given to the extent to which this plan change achieves the purpose and principles of Part 2 of the RMA.
46. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must “accord with” and “have regard to” are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

3.2 National Policy

3.2.1 National Policy Statements

47. S55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and s75 requires local authorities to give effect to them in their plans. There are currently five NPS:

- National Policy Statement on Urban Development Capacity
- New Zealand Coastal Policy Statement
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission

48. The NPS on Urban Development Capacity (**NPS:UDC**) directs local authorities to provide sufficient development capacity for housing and business growth to meet demand. Therefore, the implications of the NPS:UDC are central to Council’s district plan making function.

49. Development capacity refers to the amount of development allowed by zoning and regulations in plans that is supported by infrastructure. Sufficient development capacity is necessary for urban land and development markets to function efficiently in order to meet community needs. In well-functioning markets, the supply of land, housing and business space matches demand at efficient (more affordable) prices. The Whangarei District is defined as High Growth by the NPS:UDC. While PC115 does not directly provide for development capacity, the provision of appropriate open space provides significantly to urban amenity. It is considered that PC115 will give effect to the NPS:UDC.

50. The NPS for Freshwater Management, Renewable Electricity Generation and Electricity Transmission do not specifically refer to open space, however the outcomes sought by these policy statements will be considered when planning the regulatory framework for the use and development of Open Spaces.

51. The NZCPS includes policy direction which identifies the importance of the characteristics and amenity of the coastal environment. The following policies have relevance to Open Spaces:

- Objective 4 seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.

- Policy 6 refers to whether activities have a functional need to be located within coastal areas.
- Policy 18 recognises the need for public open space within and adjacent to the coastal marine area.
- Policy 19 recognises the public expectation of and need for walking access to and along the coast.

3.2.2 National Environmental Standards

52. National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Local and regional councils must enforce these standards (or if the standards allow, councils can enforce stricter standards). In this way, NESs ensure consistent minimum standards are maintained throughout all of New Zealand's regions and districts. The following standards are in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry

53. PC115 has taken into account these standards to ensure consistency.

3.2.3 National Planning Standards

54. The National Planning Standards (**the Standards**) are scheduled to be gazetted in April 2019. The purpose of the Standards is to improve consistency in plan and policy statement structure, format and content. The Standards were introduced as part of the 2017 amendments to the Resource Management Act 1991. Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

55. The draft version of the Standards were released in June 2018 for public consultation and set requirements for different elements of plans including, structure and form, e-plan functionality, definitions, zones, mapping symbology and noise and vibration metric standards.

56. PC115 into account and is considered to be consistent with, the draft version of the Standards. The new zones have been selected from the standardised suite of zoning options provided for in the draft Standards.

3.2.4 Conservation Act 1987

57. The Department of Conservation (**DoC**) administers over 35,000 hectares of land in the Whangarei District land which has a wide variety of natural, conservation, historic and recreational values. PC115 places this land within the proposed Conservation Zone (**CON**).
58. The Conservation Act's purpose is to promote the conservation of NZ's natural and historic resources. It also established and sets out the roles and responsibilities of DoC.
59. The Conservation Act sets out the planning and management of land administered by DoC. This is an important consideration for PC115 as the planning and management of all land within the District under the RMA. Is done by the District Plan. The Conservation Act requires the preparation of Conservation Management Strategies to implement general policies and establish objectives for conservation areas. Conservation Management Plans may then be required to implement the strategy.
60. Under the RMA, compliance with District Plan rules is not required where:
- 4 (3) Section 9(3) does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes) that—*
- (a) is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and*
- (b) does not have a significant adverse effect beyond the boundary of the area of land.*

3.2.5 Reserves Act 1977

61. The Reserves Act was established to acquire, preserve and manage areas for their conservation values or public recreational and educational values. Reserves may be vested in the Crown, territorial or regional councils. The Reserves Act requires a management plan to be prepared for each reserve. The plan must provide for the use and development, or protection and preservation, of the reserve, depending on its classification (scenic, recreation or nature reserve).
62. The Reserves Act is particularly relevant to PC115 as all land classified as reserve will be zoned and managed by the District Plan, under the RMA. However, s4(3) of the RMA excludes certain activities undertaken by the Crown, in reserves managed under the Reserves Act, from resource consent in certain cases.

3.2.6 Wildlife Act 1953 and National Parks Act 1980

63. The Wildlife Act provides for the protection of wildlife and the provision of wildlife sanctuaries, refuges and reserves. The National Parks Act provides for protecting in perpetuity areas that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique or scientifically important that their preservation is in the national interest. S4(3) of the RMA, excludes activities undertaken by the Crown, in areas administered under these Acts, from resource consent in certain cases.

3.2.7 Queen Elizabeth II National Trust Act 1977

64. The Act states that “the general functions of the Trust shall be to encourage and promote, for the benefit and enjoyment of the present and future generations of the people of New Zealand, the provision, protection, preservation, and enhancement of open space”.
65. The Queen Elizabeth National Trust (QEII Trust) works with private landowners to establish covenants on private land to protect special natural and cultural features. The covenants set out details such as what is being protected and why, and what can and cannot be done on the land.
66. Council has a database and map of these areas but they have not been zoned by PC115 due to the protections already afforded by the covenant deed and the variations within these deeds that make each covenant unique. It is the QEII Trust that enforces the covenant, not the Council.

3.2.8 Heritage New Zealand Pouhere Taonga Act 2014

67. Open spaces may contain identified or unidentified archaeological sites as well as built heritage and sites of significance to Māori. DoC currently manages 46 sites within Northland for heritage purposes, including small sites or large areas. For example; Bream Head Scenic Reserve contains the Home Point Battery which is a scheduled built heritage item.
68. In terms of the protection of archaeological sites, Heritage New Zealand (HNZ) has overarching statutory responsibility in New Zealand for this function, with many of these having significance to tangata whenua. The Heritage New Zealand Pouhere Taonga Act (HNZPT) protects archaeological sites, whether listed or unlisted, making it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of HNZ.
69. The HNZPT does not protect other heritage sites, relying on local authorities to implement policies and rules that protect these features. In the WDP this involves the identification and scheduling of significant built heritage items together with known significant archaeological sites warranting protection by way of specified controls (refer Chapter HH. Historic Heritage, BH. Built Heritage, and 60. Sites of Significance to Māori).

3.2.9 Local Government Act 2002

70. Sustainable development approaches are also incorporated in local government and building legislation. The purpose of local government is defined in section 10 of the Local Government Act 2002 (LGA) as being:
 - (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
 - (b) *to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.*

71. The LGA thus enables regional and local authorities to develop their own provisions to address local issues and to include requirements for consultation to ensure plans reflect community-based objectives. As part of this process, councils are required to prepare Long Term Plans that detail council activities and priorities and explain how these will progress community outcomes over a 10 year period, setting a plan for decision-making and co-ordination of Council resources.

3.3 Regional Policy

3.3.1 Regional Policy Statement for Northland 2016 (RPS)

72. The Northland Regional Policy Statement (RPS) became operative on 9 May 2016. While the RPS does not contain issues that directly refer to the provision and management of open space, there are relevant references to regionally significant infrastructure, efficient and effective infrastructure, and regional form.
73. Objective 3.7 refers to recognising and promoting the benefits of regionally significant infrastructure. Policies include identifying such infrastructure in Appendix 3 to the RPS (refer Policy 5.3.1). Key active recreational areas such as Northland Events Centre and Kensington Stadium are identified as regionally significant infrastructure, and as such policy directs that they should be protected from reverse sensitivity and constraints to their operation, maintenance and upgrading should be reduced (refer Policy 5.1.3, 5.3.2, 5.3.3).
74. Objective 3.8 refers to providing efficient and effective infrastructure. Policies 5.2.1 and 5.2.3 are about encouraging infrastructure that is flexible, resilient and adaptable, and promoting infrastructure to provide opportunities for growth and economic development. These are relevant to the provision of open spaces and associated infrastructure.
75. Objective 3.11 refers to creating sustainable communities and integrating infrastructure with development. Policies direct planning and coordinating development (refer Policy 5.1.1), including the provision of guidelines for regional form and development and urban design (Appendix 2 of the RPS).
76. The Regional Form and Development Guidelines refer specifically to the provision of parks ...
“(f) Recognise the importance of and provide for parks, in regards to medium and large-scale residential and residential / mixed use development”. The guidelines also refer to public access ...
“(m) Maintain and improve public access to and along the coastal marine area, lakes and rivers”.
77. The Urban Design Guidelines have reference to open spaces under headings of “choice” and “connections”. The guidelines seek to ensure open spaces provide opportunities for all and that green networks provide linkages between private and public open space.

3.3.2 Northland Regional Plans

78. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Regional Coastal Plan implements policy from the NZCPS. Having reviewed each document and taking into account all of the provisions it is considered that the proposed objectives are consistent with the Regional Plans.
79. The Proposed Regional Plan (PRP) combines the operative Regional Plans into one combined plan. It is considered that PC115's proposed objectives are consistent with the PRP.

3.3.3 Conservation Management Strategy for Northland

80. The Conservation Management Strategy (CMS) for Northland was made operative in 2014. It sets out a vision for Northland and the distinctive features, values and issues of Northland.
81. Outcomes of relevance to open spaces are: more people to participate in recreation, more people to engage with conservation and value its benefits, conservation gains from more business partnerships.
82. As outlined in Section 6.2 above, the CMS notes that DoC is exempt from needing to obtain district council land use consents where activities are consistent with a Conservation Management Strategy and do not have significant adverse effects beyond the boundary of public conservation land. Appendix 1 of the CMS lists many of the activities that DoC considers meets the requirements for an exemption under section 4(3) of the RMA.
83. The CMS states there are two Conservation Management Plans for areas in Northland, one of which is in the Whangarei District – Pukenui Forest. WDC notes that this is in fact a Reserve Management Plan and it is examined in more detail in the section below.

3.4 District Policy

3.4.1 Whangarei District Growth Strategy – Sustainable Futures 30/50 (30/50)

84. The Whangarei District experienced significant growth over the period 2001 to 2008. Future growth for the district is projected to continue and in some parts of the district, particularly in the Marsden Point/Ruakaka area, has the potential to be substantial. This growth presents both challenges and opportunities to the district and its communities, individuals and families, businesses and governing bodies.
85. To manage the projected growth sustainably, Council formulated 30/50 as a long term Sub-regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the district over a 30-50 year time frame.

86. The environmental, social and cultural constraints on, and the consequences of, the anticipated development have been identified and assessed. This research and analysis enables a long term, integrated, strategic planning programme to be developed, based upon sustainability principles, which will assist the sustainable development of the district over the next 50 years.
87. 30/50 was adopted by Council on 22 September 2010. Following the completion of 30/50, there will be an extensive implementation phase together with an on-going review of the Strategy itself. 30/50 identified a preferred future development path (Future Three) chosen around which further analysis can be undertaken. Future Three represents a managed, consolidated development path based upon a structured five tier settlement pattern.
88. The 30/50 Implementation Plan 2013 specifies actions to be implemented within the WDP to achieve the strategic direction of 30/50. These actions are given priority timing. PC115 seeks to implement only the relevant actions within the 10 year life of the WDP.

3.4.2 Whangarei District Council Long Term Plan 2018 – 2028 (LTP)

89. The Local Government Act 2002 (LGA) requires every council to produce a long term plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The LTP was adopted by Council in June 2018 and covers the period 1 July 2018 to 30 June 2028.
90. Key to Council activities is the provision of infrastructure. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans (AMPs) have been developed with regard to 30/50.
91. PC115 does not development capacity created but seeks to provide for the ability of infrastructure (Open Space) to provide appropriate services in accordance with the LTP and AMPs.

3.4.3 Open Space Strategy 2001

92. The Open Space Strategy show how the Council will provide, develop and maintain a network of high quality open spaces to meet the needs of the city and the District in the future. The strategy includes an assessment of existing spaces, future visions and priorities for open space. The Council's core open space functions are to protect valued open space and to provide adequate recreational opportunities to meet the needs of the community.
93. The Open Space Strategy identifies four main values. Ten guiding principles for the management of open space have also been developed. These are:
 1. A heritage to be proud of.
 2. Responding to pressure and demand.

3. Effective organisation of recreation.
 4. Potential for tourism.
 5. Fostering conservation.
 6. Enhancing urban areas.
 7. Protecting and accessing the coast and streams.
 8. Effective linkages.
 9. Promoting partnerships.
 10. Realistic goals.
94. The concepts and guiding principles of the Open Space Strategy have been integral to the drafting of PC115.

3.4.4 Open Space Review

95. The Open Space Review [**Attachment 1**] was undertaken in 2016 – 2018. The Review identifies that the total area of park land per resident population, provided in the Whangarei district, is significantly higher than for other districts in New Zealand. However, the review notes that most of this land is unmanaged conservation/natural areas and the district is currently undersupplied with recreational open space. The review proposes increasing recreational open space provision to meet national standards which will address the current shortfall and meet future demand for open space from the projected increased population.

3.4.5 Reserve Management Plans

96. WDC has the following current reserve management plans prepared under the Reserves Act 1977. The plans set the direction for the management and control of reserves for which WDC has responsibility.
- Kensington Park.
 - Parihaka and Hatea River Reserves.
 - William Fraser Memorial Park on Pohe Island.
 - Pukenui Forest – Ngahere O Pukenui.
97. The plans highlight the multitude of activities that occur on open space land and the challenges in managing these activities. The plans identify that commercial and tourism activities may be appropriate on reserve land, and have criteria for assessing the proposed activities.
98. The plans identify land that is not currently reserve land but is managed and used for open space purposes, often in conjunction with reserve land. The plans recommend that the relevant land is rezoned as Open Space Environment. PC115 seeks to implement these recommendations.
99. Also of relevance is the guidance in the Parihaka and Pukenui plans that where land is used for production forest, following harvest the land will be returned to native vegetation. This is proposed to be reflected in the land use provisions of PC115.

3.4.6 Blue/Green Network Strategy 2016 (BNG)

100. The BGN aims to create an attractive and environmentally sustainable urban environment that also addresses threats from flooding and future climate change. The four main themes of the BGN are:

- Enhancing and connecting our communities.
- Enhancing ecosystem services and ecological connectivity.
- Providing opportunities for economic development.
- Protecting our communities from natural hazards.

101. The BGN identifies three main waterways (Hatea River, Raumanga Stream and Waiarohia Stream) as primary corridors providing the greatest opportunity for recreational and commuter pathways and economic development in Whangarei City. Work around minor waterways would focus on creating ecological corridors that support biodiversity and increase public amenity throughout the city. Cross city connections will link suburbs away from waterways with greenspace, schools and other facilities.

102. Implementing the BGN would reduce the problems caused by flooding, enhance and help to restore ecological corridors and stream edges, improve water quality, increase “sense of place”, and connect people and places together. It would also seek to respect and provide acknowledgement of Māori cultural and spiritual values and may also lead to economic development and an increase in tourism opportunities.

103. PC115 is consistent with the BGN.

3.4.7 Operative Whangarei District Plan 2007 (WDP)

104. The relevant provisions of the WDP are detailed within Section 2.3 of this report.

105. A number of plan changes have been proposed as a part of the rolling review of the WDP. Those plan changes progressing at present include:

- Change 129: Notable and Public Trees – Hearing closed on 18 January 2019.
- Change 134 Designation – Submissions heard 25 February 2019.

106. PC115 has been drafted to be consistent and compatible with these plan changes. However, any amendments to the plan changes above resulting from submissions, decisions or appeals may need to be considered. Consequential changes may be required to ensure the interface between the Urban Plan Changes and the plan changes above remain appropriate.

3.5 Iwi and Hapu Management Plans

107. Five Iwi and Hapu Environmental Management Plans are recognised by WDC:

- Te Uriroi Hapu Environmental Management Plan and Whatatiri Hapu Environmental Plan 2016.

- Ngati Hau Resource Management Unit Hapu Environmental Management Plan 2016.
- Patuharakeke Te Iwi Trust Board Environmental Management Plan 2014.
- Ngati Hine Iwi Environmental Management Plan 2008.
- Te Iwi O Ngatiwai Management Plan 2007.

108. These management plans are all of relevance to PC115, particularly in terms of their role in 'knowledge sharing' with WDC and guidelines relating to the use of natural resources.

109. The management plans all include issues, objectives, policies and methods relating to water.
 "10. Access to our water bodies and coast and its resource, especially kai moana, is a taonga tuku iho of Ngati Hine." (15. Ngati Hine) There is policy that general public access to the coast and waterways should not give precedence over spiritual and customary values and sites (5.8.3 Patuharakeke). There is also concern that general public access may violate sites and result in a decline in fisheries (27. Ngati Hine).

110. Other water issues in the management plans include ensuring wide riparian margins, esplanade reserves for all new subdivision and development, planting of indigenous vegetation (26. Ngatiwai) and providing incentives to protect riparian margins (15.4 Ngati Hine).

111. The management plans promote protection of indigenous vegetation, some specifying protection for indigenous trees over certain size and protection for all indigenous wetland and indigenous tidal trees (9.2.2 Ngatiwai). A suggested method to achieve this, as well as for the protection of indigenous fauna and wāhi tapu, is the provision of rates relief where areas are covenanted to protect indigenous trees, fauna or wāhi tapu (18(2a) Ngati Hine).

112. In terms of public reserves, the plans state that public reserves must be adequately resourced (5.7.3(e) Patuharakeke). "5.16 (c) New development should be levied to pay the full and true cost of infrastructure." and 5.16(d) Provision of public services to green field developments should not be at the expense of the needs of existing communities" (Te Uriroi, Whatatiri). Joint Management and transfer of powers should be identified and agreed for Council owned reserves, especially those that contain wāhi tapu (2.4(n) Te Uriroi, Whatatiri).

3.6 Neighbouring Territorial Authority District Plans

113. Kaipara District Plan (2013) classifies reserve areas and public open space as Resource Management Units (similar to WDP Resource Areas). Activities are generally permitted if in accordance with a Reserve Management Plan, Conservation Management Strategy, or Conservation Management Plan. If none such exists, then the underlying zone rules apply.

114. Because of the limited number of reserve and conservation management plans for open space areas within Whangarei district, it is considered that the approach of the Kaipara District Plan is not appropriate for the Whangarei District. However, it is also considered that

the approach proposed by PC115 is not inconsistent with the Kaipara District Plan, as both plans seek to provide, protect and manage public open spaces and reserves.

115. Far North District Plan (2009) has two open space zones; Recreation Zone and Conservation Zone. There are a number of provisions controlling development and use within these zones. The provisions are effects based, for example: limits on the scale of operation (based on employees and persons making use of facilities), hours of operation and traffic movements.
116. FNDC are actively reviewing their District Plan. PC115 is consistent with the Far North District Plan framework for managing open spaces, with a mix of activity and effects based provisions.

4 Consultation

117. Prior to the notification of PC115, consultation regarding the development of Whangarei's urban area and services has been undertaken. This consultation has informed the resource management issues in and the plan change options to address these issues.
118. The draft Plan Change was advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June 2018 through August 2018. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives.
119. A consultation website was also developed for the Urban and Services Plan Changes which included an interactive map with draft mapping and an online survey with targeted questions. Throughout the consultation phase, additional questions were posted on Council's Facebook page to promote further discussion and engagement.
120. There were 673 comments/forms received in total between survey responses, formal feedback and Facebook comments.
121. The draft plan change was presented and work-shopped with Te Karearea and Te Huinga, iwi and hapu leaders.
122. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting.

5. Proposed Conservation, Sport and Active Recreation and Open Space Zones

123. PC115 proposes to rezone public open space land into three zones to reflect the existing use, amenity and intended purpose. Three new zones are proposed consistent with the Standards. Each zone has a different purpose:

Open Space (OS) The purpose is to provide primarily for a range of passive and active recreational activities, and opportunities for relaxing and socialising, with limited facilities, structures and opportunities for relaxing and socialising.

Conservation (CON) The purpose is to provide primarily for the ongoing management of land that has a particular conservation focus.

Sport and Active Recreation (SAR) The purpose is to provide primarily for indoor and outdoor active recreation, sports and associated facilities, including large scale buildings and structures.

124. The amenity values of open space are highly valued and the three proposed zones (CON, SAR and OS) aim to maintain and enhance this amenity. Activities which are not consistent with the anticipated amenity, character and uses within the zones are encouraged to be located in other urban or rural zones. It is proposed to achieve these outcomes through zone mapping, a new suite of objectives, policies and provisions specific to the three proposed zones.

6. Section 32 Analysis

6.1 Appropriateness in Terms of Purpose of RMA

125. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in PC115 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, report goes on to assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA, other higher order documents and the WDP. The level of analysis undertaken in this report is appropriate to the scale of the proposal.

126. PC 115 proposes objectives for the district wide Strategic Direction Chapter, and each proposed zone. An alternative option to the proposed objectives is to rely on the existing higher order objectives in Part D of the WDP. However, the existing objectives are not considered to appropriately give effect to the RMA. The existing objectives do not provide for providing for different types of open space. Therefore, the existing objectives present additional costs and risk compared to the proposed objectives.

127. PC115 proposes the following objectives for Open Space Area to be located within the Strategic Direction Chapter, the reasons for which are detailed in Table 2:

TABLE 2: S32 ASSESSMENT OF PROPOSED OPEN SPACE AREA OBJECTIVES	
Proposed OSA Objectives	Reason/Issue
SD-O20 Provide sufficient quality open space for the social and cultural well-being of a growing population.	WDC is required to provide sufficient recreational infrastructure to meet the needs of the growing population. Demand on public open space increases as population grows and residential density increases. Technical assessment of current open space provision has concluded it is likely that existing open space and recreation facilities in the district will face future pressure from development and for increased use by the public.

SD-O21 Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.	Open space provides for ecological, environmental, recreational, landscape, or heritage values. It is important that each area of open space is recognised for its specific type of open space values. The current WDP is not written with specific requirements and values of public recreation areas and open spaces in mind. As a result of this, activities and facilities that are central to the provision, maintenance and use of public recreation areas and open spaces may require resource consent which can lead to delays in development.
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128. PC115 proposes the following objectives for CON, the reasons for which are detailed in Table 3:

TABLE 3: S32 ASSESSMENT OF PROPOSED CON OBJECTIVES	
Proposed CON Objectives	Reason/Issue
CON-O1 Natural Environment Protect and enhance the natural, ecological, landscape, cultural and heritage values of the Conservation Zone.	Conservation areas of open space are sensitive environments often with extensive native vegetation cover or located in coastal environments. Protection of the values of the conservation zone are necessary to meet section 6 of the RMA.
CON-O2 Activities and Buildings Buildings associated with recreation, education, culture and conservation activities complement and do not compromise the values and qualities of the Conservation Zone.	Buildings and structures on inappropriate size or location have the potential to adversely affect the values of the CON. Protection of the values of the conservation zone are necessary to meet section 6 of the RMA.

129. PC115 proposes the following objectives for SAR, the reasons for which are detailed in Table 4:

TABLE 4: S32 ASSESSMENT OF PROPOSED SAR OBJECTIVES	
Proposed SAR Objectives	Reason/Issue
SAR-O1 Recreation and Community Activities Provide for a range of sport, active recreation and community activities.	Access to sport, recreation and community facilities is necessary to ensure community health and wellbeing. People need the ability to interact with a range of sporting, and recreational options, across the district.
SAR-O2 Adverse Effects Recognise the potential effects on adjacent sites and surrounding areas from sport, active recreation and community activities.	SAR provides for large scale active recreation activities, such as Kensington Stadium. Levels of noise and lighting from such activities are anticipated to be higher than those expected within surrounding residential zones.
SAR-O3 Ancillary Activities Enable activities directly associated with sport active recreation and community activities to enhance the use and enjoyment of the Sport and Active Recreation Zone.	It is common for complementary commercial activities to occur in conjunction with a recreational or community activity. It is necessary however to ensure that sport, recreation and community activity is the primary use on site and that ancillary activities do not adversely affect the viability of Business Zones.

130. PC115 proposes the following objectives for OS, the reasons for which are detailed in Table 5:

TABLE 5: S32 ASSESSMENT OF PROPOSED OS OBJECTIVES	
Proposed OS Objectives	Reason/Issue

OS-O1 Informal Recreation Provide for quality public open spaces for informal recreation and small-scale community uses.	Access to neighbourhood parks and playgrounds found in informal recreation spaces is necessary to ensure community health and wellbeing. People need the ability to interact with a range informal open spaces, across the district.
OS-O2 Values Protect the amenity, cultural, historic and natural values of the OS.	Buildings and structures of inappropriate size or location have the potential to adversely affect the amenity of OS. Protection of the values are necessary to meet section 6 of the RMA.

TABLE 6: LINKAGE OF PROPOSED OBJECTIVES WITH PART 2 OF THE RMA

		Proposed Objectives								
		SD-O31	SD-O32	CON-O1	CON-O2	SAR-O1	SAR-O2	SAR-O3	OS-O1	OS-O2
RMA Part 2 Sections	5(2)(a)	√	√	√	√	√	√	√	√	√
	5(2)(b)									
	5(2)(c)									
	6(a)	√	√	√	√				√	√
	6(b)				√					
	6(c)				√					
	6(e)				√					
	6(f)				√					
	7(b)					√	√	√	√	√
	7(c)				√					
	7(d)									
	7(f)									

131. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 6 demonstrates that the proposed objectives achieve the purpose of the RMA. Several sections within Part 2 of the RMA are not relevant to PC115. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that PC115 is inconsistent with s8.

132. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management.

6.2 Appropriateness in Relation to Higher Order Documents

133. The provisions of higher order documents were considered in the formulation of the objectives and policies in PC115. Of particular relevance to PC115 are the RPS, the LTP, 30/50 and the Open Space Strategy. This report provides a comprehensive evaluation of the consistency of

PC115 in relation to relevant higher order documents. Table 9 provides an overview of the proposed objectives' consistency with the more relevant higher order documents.

TABLE 9: LINKAGE OF PROPOSED OBJECTIVES WITH HIGHER ORDER DOCUMENTS										
Proposed Objectives										
		SD-O31	SD-O32	CON-O1	CON-O2	SAR-O1	SAR-O2	SAR-O3	OS-O1	OS-O2
Higher Order Documents	RPS	√	√	√		√			√	
	LTP				√		√			√
	30/50	√		√	√	√	√	√	√	
	OSS									

6.3 Appropriateness of Proposed Policies and Methods

134. A s32 assessment must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. Below is an assessment of the proposed provisions.

6.3.1 Policies

135. The proposed objectives seek to ensure the provision of different types of open spaces to meet the needs of the district. These objectives are achieved through the application of policies and methods.

136. The policies proposed are considered to achieve the objectives by:

- Identifying the character and amenity that is anticipated within the zones.
- Enabling activities that enhance the amenity, cultural, historical and natural values of CON, SAR and OS.
- Managing the scale and design of buildings to maintain amenity and character.
- Limiting the level of subdivision to protect open space land for its primary use.

137. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review.

138. Table 10 below demonstrates that the policies implement the proposed objectives, and that the methods implement the proposed policies:

TABLE 10: LINKING OF PROPOSED PROVISIONS		
Proposed Objective	Proposed Policies	Proposed Methods
CON-O1 Natural Environment	CON-P1, CON-P5 – P7	CON-R2 – R37 + SUB-R11
CON-O2 Activities and Buildings	CON-P2 – P4	CON-R2 – R5
OS-O1 Informal Recreation	OS-P1	OS-R2 – R21 + SUB11
OS-O2 Values	OS-P2 – P6	OS-R2 – R5
SAR -O1 Recreation and Community Activities	SAR-P1, SAR-P3	SAR-R2-R4
SAR-O2 Adverse Effects	SAR-P2, SAR-P3, SAR-P6	SAR-R2-R30
SAR-O3 Associated Activities	SAR-P5	SAR-R6-R14

139. An alternative option to the proposed policies was to rely on the existing higher order policies in Part D of the WDP. However, the existing policies are not considered to be effective in clearly providing for different types of open space. Therefore, the existing policies present additional costs and risk compared to the proposed policies.

6.3.2 Proposed Zone Boundaries

140. Spatial mapping is an appropriate method of achieving the objectives of the zones as it identifies where the proposed new objectives and provisions do and do not apply. In order to determine whether or not an area is consistent with the CON, SAR or OS the following mapping criteria in conjunction with proposed zoning policy in the Strategic Direction chapter proposed in Plan Change PC148 have been considered:

TABLE 11 ZONE CRITERIA

Conservation Zone	Open Space Zone	Sport and Active Recreation Zone
<p>Land is owned by DoC and currently zoned Open Space Environment.</p> <p>Land is owned by WDC, or is privately owned, and is operated in accordance with one or more of the following criteria:</p> <ul style="list-style-type: none"> i. Site is categorised as the following New Zealand Reserve Association categories - unmanaged natural park areas, unmanaged recreation and ecological linkages, and unmanaged green space. ii. Area that plays a special role in educating residents and visitors and providing recreation opportunities. iii. Generally, the natural elements and unmodified nature of the area gives it a sense of wilderness and isolation. iv. Area that helps to preserve and define Whangarei's natural character and provide a connection to our natural heritage. v. The management emphasis for the area is the conservation and protection of natural resources. vi. Levels of development, facilities and management range from none to medium. vii. There are minimal buildings and structures, ensuring a largely undeveloped area and open expanse of land. viii. Where buildings and improvements are provided, they relate to conservation and land management, recreation, education, and visitor information. ix. May have limited public access. 	<p>Land is owned by WDC, or is privately owned, and meets one or more of the following criteria:</p> <ul style="list-style-type: none"> i. Site is categorised by the following New Zealand Reserve Association Park Categories: neighbourhood green space, managed recreation & ecological linkages, and managed natural park areas. ii. Primarily used for outdoor informal recreation and community use. iii. Area is used predominately by local residents. iv. Levels of development, facilities and management range from low to medium. v. 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. vi. Expected social interaction within the area is medium. vii. Commercial activity is not enabled in Open Space Zone. Presence of limited temporary activities. <p>Examples include neighbourhood parks (Nixon St Park, Te Paka Cres Park), managed esplanade reserves and linkages (Hatea River), managed natural parks.</p>	<p>Land is owned by WDC, or is privately owned, and meets one or more of the following criteria:</p> <ul style="list-style-type: none"> i. Site is categorised by the following New Zealand Reserve Association Park Categories: sport and recreation, civic spaces, public gardens, and cultural heritage. ii. Primarily used for organised activities including events and indoor and outdoor organised sports. iii. Areas contain cultural and historical buildings and provide for heritage conservation iv. Area used for commemoration, mourning and remembrance. v. Contains gardens developed to a high standard with collections of plans and landscaping for relaxation, contemplation, education, amenity/intrinsic value. vi. Area is used by local, district and regional population and visitors, includes venues for regional and national events. vii. Have a medium to high levels of development, facilities and management. viii. Contain buildings and structures to support active recreation, and or civic recreation, such as grandstands, sports and community buildings, toilets and changing facilities. ix. Area where there is high public utilisation and social interaction with larger groups of people. x. Commercial activity enabled where it is ancillary to a sport and recreation activity. <p>Examples include major parks (referred to as destination parks, e.g. Mair Park), sports fields (Koropupu Community Sports Park), multi-sports facilities (Kensington Park), hardcourts and greens (Avenues Bowling Club), public</p>

<p>x. Expected social interaction within the area is low and ranges from solo to 5-10 people.</p> <p>xi. Commercial activity is not provided on site.</p> <p>Examples of such land include: bush reserves (Onoke Reserve, Pukenui Forest), headlands (Bream Head, Tutukaka), natural wetlands (Otakairangi Wetland, Hikurangi Swamp) and parts of the coastline (Whale Bay, Matapouri). Excludes conservation covenants, e.g. QEII and WDC. Includes privately owned areas such as Dragonfly Springs.</p>		<p>gardens (Cafler Park), community halls (Onerahi Community Centre), boat ramps (Parua Bay boat ramp). Excludes privately owned golf courses, sports facilities and gyms. Includes privately owned areas such as Quarry Gardens, Quarry Arts Centre, Kiwi North.</p>
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141. In order to assess the appropriateness of the proposed spatial extent of the zones in achieving the objectives of the zones the following three options were evaluated:

- **Option 1:** Retain current Open Space Environment mapping (status quo).
- **Option 2:** Map using the criteria identified in Table 11, proposed policies in SD and zone areas land of that fail to meet the criteria and mapped WDP Open Space Environment consistent with the surrounding zone. (plan change option).
- **Option 3:** Map using different criteria which may result in more or less open space being identified.

142. Evaluation of these alternative options have been summarised in Table 12:

TABLE 12: EVALUATION OF ALTERNATIVES - MAPPING		
Option	Costs	Benefits
Option 1 – status quo	<p>Environmental</p> <p>Not all areas of open space are currently mapped, therefore environmental effects of use and development of some open spaces may not be managed.</p> <p>Relies on one Environment, so values unique to some open spaces may not be recognised and protected.</p> <p>Economic</p> <p>Not mapping all open space areas may reduce ability to develop open spaces.</p> <p>Social</p> <p>May restrict open space development thereby not providing social wellbeing.</p> <p>Cultural</p>	<p>Environmental/Cultural</p> <p>None known</p> <p>Economic</p> <p>No change to the current level of open space identification and development.</p> <p>Social</p> <p>Status quo so familiar to district plan users.</p>

	May restrict open space development thereby not providing for cultural wellbeing.	
Option 2 – map according to criteria (plan change option)	<p>Environmental</p> <p>None known.</p> <p>Economic</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>	<p>Environmental</p> <p>More land is identified as open space leading to better management of the environmental effects of use and development of open spaces.</p> <p>Land is categorised as three different open space zones, providing protection of differing values of open spaces e.g. natural and recreational.</p> <p>Consistent with the draft Standards.</p> <p>Economic</p> <p>Differing zones provide for open space development and use, increasing economic benefit to the district.</p> <p>Easier to identify varying types of open space and suitable land use and consenting requirements.</p> <p>Social</p> <p>Helps the public identify open space opportunities in the district, increasing social wellbeing.</p> <p>Use of best practice through benchmarking with rest of NZ, and consistent with recommendations in Open Space Review 2017.</p> <p>Cultural</p> <p>Identifies a range of open space opportunities integral to cultural wellbeing.</p>
Option 3 – mapping with different criteria	<p>Environmental</p> <p>Differing values of open spaces may not be recognised in criteria and areas may not be mapped as open space, resulting in lack of protection and management provision or restriction.</p> <p>May not be consistent with the draft Standards zone descriptions.</p> <p>Economic</p> <p>Cost of undertaking plan change.</p> <p>Uncertain criteria may lead to plan change appeals.</p> <p>Further technical reports required to support alternative criteria.</p> <p>May identify less open space for development and less</p>	<p>Environmental</p> <p>May provide for differing values of open space.</p> <p>Economic</p> <p>May identify more open space for development and subsequently more economic growth.</p> <p>Social and Cultural</p> <p>May provide adequate open space for social and cultural wellbeing.</p>

	<p>opportunity for economic growth.</p> <p>Social</p> <p>May not adequately provide open space for social wellbeing.</p> <p>Not consistent with Open Space Review 2017.</p> <p>Cultural</p> <p>May not adequately provide open space for cultural wellbeing.</p>	
Efficiency & Effectiveness	Efficiency	Effectiveness
Option 1	This option is not efficient at mapping varying open spaces, as it relies on one zone.	This option is not effective in achieving the objectives for open space.
Option 2 – plan change option	This option is considered an efficient method to map the varying open spaces according to values, and potential use and development.	This option is effective in achieving the objectives of PC115.
Option 3	This option is not efficient at mapping open spaces as it has uncertain outcomes and is not supported by technical expertise.	This option is not effective in mapping open spaces as it is not defined.
Economic growth and employment opportunities		
Open space development and use provides economic benefit to the district. Option 2 provides the most opportunity for open space development and use therefore providing the most economic growth and employment opportunities of the three options.		
Risk of acting and not acting if there is uncertain or insufficient information		
Option 3 has a risk of acting due to insufficient information. The other options have no risk of acting due to uncertain or insufficient information.		

143. Option 2 is the most appropriate for mapping where the zones apply. The criteria can also be applied to zoning changes, arising from submissions to PC115 or future plan change applications.

6.3.3 Proposed Provisions

144. The proposed provisions are assessed below. The proposed provisions are grouped by topic and effects. The evaluation of the provisions includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed provisions and the risks of acting and not acting.

Default to Permitted Activity Status

145. It is proposed within each zone of PC115 to provide a permitted activity rule whereby any activity which is not otherwise listed in the chapter defaults to a permitted activity provided

that all relevant rules within the Zone and any Overlay and District Wide rules are complied with.

146. Reasonably practicable options for activities that are not stated in each chapter are as follows:

- **Option 1:** Proposed Plan Change – Include default to permitted activity.
- **Option 2:** Default to discretionary or non-complying activity for any activity that is not stated in the chapter as having a specified activity status.

147. It is considered that Option 1 represents the most appropriate option for the following reasons:

- The approach taken with PC115 (and the Urban Plan Changes) is to introduce a new set of activity definitions and have rules for each activity in every chapter. Under this approach, it is considered that all relevant activities have been considered and have been listed in the chapters. This avoids the risk of having unforeseen activities not being listed in the chapter and thereby defaulting to permitted. In addition, there are Overlay and District Wide chapters which cover topics such as noise and signs to ensure that these activities are managed even though they are not listed in each zone chapter.
- Option 2 would require a much more extensive list of activities to be provided in each chapter. For instance, there would need to be permitted activity thresholds for vegetation clearance, temporary activities, aerials, traffic movements, etc. in all of the urban plan change chapters. It is considered that Option 2 presents a greater risk of omitting activities which may be entirely acceptable in a particular zone and thereby requiring discretionary or non-complying consent for the activity with a limited policy framework to support any application.
- Option 1 provides for a higher level of economic growth and employment opportunities as it does not require consent for every activity that has not been stated in each chapter.
- There is risk associated with Option 1 if activities are unintentionally not stated in a chapter thereby enabling the activity as permitted; however, care has been taken to ensure that all appropriate activities have been covered within each chapter to minimise the risk of Option 1.

Building Height and Height in Relation to Boundary

148. The proposed objectives seek to provide for recreational and community activities while maintaining amenity and values of each relevant zone. The zones have very different levels of anticipated built form to achieve their relevant objectives.

149. Proposed Rules CON-, OS-R2 and SAR-R2 manages building height within the zones. The proposed maximum building height of 10m in the SAR is consistent with Business 2 Environment maximum building height. The maximum building height of 5.5m in the CON is consistent with the Coastal Area, High Natural Character and Outstanding Landscape maximum building height. The maximum building height of 8m in the OS is consistent with

the existing Open Space Environment and the Living Environments. An exemption for lighting towers is proposed in the SAR recognising the operational needs of active sport.

150. In conjunction with the maximum building height provision it is proposed to impose height in relation to boundary rules CON-R4, OS-R4, SAR-R4 to further protect amenity values of adjacent Residential zones. The WDP currently imposes rules relating to daylight angles where properties are adjacent to Living Environments. There has been a lack of clarity regarding this rule and it is considered that the proposed height in relation boundary provision will allow for more clarity in interpretation and implementation.

151. Alternatives considered were:

Option 1: Status Quo: Retain the current Open Space Environment 8m maximum building height limit rules and daylight angle rules.

Option 2: Tailor the maximum building height and apply the Height in Relation to Boundary rules appropriate to the built density expected of the zone (plan change option).

Option 3: Have no building height controls in the zones.

152. Evaluation of these alternative options have been summarised in Table 13:

TABLE 13: SECTION 32 ASSESSMENT OF BUILDING HEIGHT OPTIONS		
	Costs	Benefits
Option 1: Status Quo	<u>Environmental, Social and Cultural</u> None identified. <u>Economic</u> 8m building height is not flexible enough to allow taller buildings where these may be appropriate and have positive economic benefits.	<u>Environmental</u> Building heights are managed to minimise shading and dominance. <u>Economic and Social</u> None identified. <u>Cultural</u> None identified.
Option 2: Tailor building height Plan Change option	<u>Environmental</u> Changing the amenity of the zones. <u>Economic</u> Reduced ability to accommodate larger buildings in the SAR. <u>Social and Cultural</u> None identified.	<u>Environmental and Social</u> Building heights reflect the predominant and anticipated use of the zone and protect amenity. <u>Economic</u> Increased building height in SAR enables increased floor space. <u>Cultural</u> None identified.
Option 3: No maximum building heights	<u>Environmental, Social and Cultural</u> Without a maximum building height, there is the potential for adverse effects in relation to shading, human scale of development and change in the amenity of zones. <u>Economic</u> None identified.	<u>Environmental, Social and Cultural</u> Increased building height in SAR enables increased floor space. <u>Economic</u> Increased development opportunities with no height restrictions.
	Efficiency	Effectiveness

Option 1	Consultation and research have confirmed that the status quo option efficiently provides for development within the Open Space Environment.	A maximum 8m building height effectively achieves the objectives, for the OS, but fails to achieve the CON and SAR objectives.
Option 2	Option 2 is considered to be efficient as it tailors the height of the built environment to reflect the predominant use and amenity of the zones.	Option 2 would be effective in meeting the objectives of the zones to maintain amenity.
Option 3	Option 3 would result in no building height controls which will not result in any kind of management of effects, being completely inefficient and ineffective.	
Economic Growth and Employment Opportunities		
Option 3 provides the most economic growth and employment opportunities by not managing building height. Option 1 limits the opportunities for economic growth and employment, particularly in the SAR.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no known risk due to insufficient information.		

153. Option 2 (Plan change option) is considered to be the most appropriate method. Option 2 will achieve the expectations for the zones and achieve the proposed objectives.

Building Setbacks

154. The Open Space Environment imposes the same building setback as an adjoining Environment (zone) nearest the building site for front and other yards.

155. The proposed CON, SAR and OS building setbacks seek to impose the same setback rules as the WDP. The open spaces zones are distributed throughout the district and have many possible scenarios of adjoining zones which may or may not be affected by building proximity. This option is considered to be appropriate as it will maintain zone amenity.

Outdoor Areas of Storage

156. The OSE currently manages outdoor areas of storage or stockpiles to limit their size and manage discharges or adverse effects that may arise. However, the wording of the operative rules has created issues in the ability to monitor and enforce the rules. Proposed rules CON-R6, OS-R6 and SAR-R5 aim to retain the intent of the WDP storage and stockpile provisions, but improve on the wording to make it clearer. Alternatives considered were to retain the status quo or delete all storage and stockpile rules. The plan change option is considered more efficient than the status quo as it can be more easily interpreted and enforced, and is more effective than no rules as the issue would then be unmanaged and could have adverse amenity effects within the zones.

Indigenous Vegetation Clearance

157. The WDP has indigenous vegetation clearance rules where destruction or clearance of a contiguous area of 5ha or more, or an area of 1ha or more over 6m in height of indigenous vegetation requires a discretionary resource consent. The Rural, Coastal and Landscape plan changes identified a number of issues with the operative rules including the use of the terms 'contiguous' and 'predominantly', the lack of timeframes stated, the lack of exemptions

for any minor or necessary works and the fact that managing wetlands is a regional council function. Proposed Rules CON-R7, and OS-R7 seek to implement the same rules that were newly operative CA and LAN as the thresholds are considered appropriate.

158. The alternative provisions considered for indigenous vegetation clearance are:

Option 1 – Status quo, indigenous vegetation clearance rules where destruction or clearance of a contiguous area of less than 5ha, or an area of less than 1ha where vegetation is over 6m in height as a permitted activity.

Option 2 – Permitted indigenous vegetation removal, up to an area of 250m² in any 10 year period for OS and CON (plan change option).

Option 3 –Discretionary activity to remove any indigenous vegetation.

TABLE 14: EVALUATION OF ALTERNATIVES – INDIGENOUS VEGETATION CLEARANCE		
Option	Benefits	Costs
Option 1 – status quo	<p>Environmental</p> <p>Allows consistent controls on environmental effects of indigenous vegetation removal across all open spaces.</p> <p>Economic</p> <p>No change to the current level of consenting requirements.</p> <p>Social</p> <p>Status quo so familiar to district plan users.</p> <p>Cultural</p> <p>No change to current approach.</p>	<p>Environmental</p> <p>Permits a level of clearance based upon the size of the vegetation feature.</p> <p>Some provisions may not be relevant to open spaces e.g. clearance for a house site.</p> <p>Economic</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>
Option 2 – 250m² clearance in OS and CON	<p>Environmental</p> <p>Manages environmental effects of indigenous vegetation removal for each zone.</p> <p>Provides for instances of appropriate indigenous vegetation removal for open spaces.</p> <p>Economic</p> <p>Similar to current consenting requirements, similar cost.</p> <p>Social</p>	<p>Environmental</p> <p>Permits 250m² indigenous vegetation removal for specified use.</p> <p>Economic</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>

	Provides for the management of open spaces, which is integral to social wellbeing. Cultural Provides for vegetation removal for customary rights.	
Option 3 – Discretionary Activity to remove any vegetation.	Environmental Provides protection for indigenous vegetation. Economic May require less consenting, lower compliance costs and less potential delays. Social & Cultural None known.	Environmental May not provide adequate protection for indigenous vegetation. Economic Increased consenting requirements will restrict ability to undertake necessary maintenance. Social & Cultural None known.
Efficiency & Effectiveness	Efficiency	Effectiveness
Option1 – status quo	This option is not considered an efficient method to provide for indigenous vegetation clearance in open space areas, as it is too generic.	This option is not effective in achieving the objectives of PC115.
Option 2 –plan change option	This option is considered an efficient method to provide for indigenous vegetation clearance in open space areas.	This option is effective in achieving the objectives of PC115.
Option 3	This option is not efficient as it does not provide for appropriate indigenous vegetation clearance (e.g. maintenance) in open spaces.	This option is effective in managing the effects of indigenous vegetation removal in open spaces, is however overly restrictive for activities such as maintenance.
Economic growth and employment opportunities		
Open space development and use provides economic benefit to the district. All three options are considered to have low opportunities for economic growth and employment.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no risk of acting due to uncertain or insufficient information.		

159. Option 2 is considered to be the most appropriate method to achieve the objectives of PC115.

Nesting Table Activities

160. New definitions are proposed as part of the urban and services plan changes (refer to PC88)

It is necessary to ensure consistency with the proposed definitions and the draft Standards approach to provision of activities. Tables 15 -17 below provides an overview of the plan change option for each nesting table activity and the other options considered under this s32 assessment. Tables 15 -17 also demonstrates the costs and benefits associated with each proposed plan change option.

161. Principles applied to the control of activities:

- Management of activities in the zones is necessary to provide a balance between providing for activities that are appropriately located and protecting open space amenity.
- Commercial development within the SAR is important to support and complement recreational activities but it also has the potential to undermine other Business zones.
- The SAR is expected to provide primarily for Active Sport and Recreation activities.
- The OS is predominately located within the urban area of Whangarei District and management of activities is necessary to reduce cross boundary effects, with limited built form anticipated.
- The CON is focused on conservation. It is anticipated that some locations may be suitable for small scale tourist activities, campgrounds etc. Careful management of commercial activities is important.
- Farming is acknowledged as an efficient method of managing large areas of open space outside the SAR.

TABLE 15: SECTION 32 ASSESSMENT OF PROPOSED SAR RULES FOR NESTING TABLE ACTIVITIES

Activity	Proposed Plan Change Option	Other Options Considered	Costs of Plan Change Option	Benefits of Plan Change Option
Rural Production Activities				
Rural Production Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all rural production activities. • Restrict some rural production activities. • Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying. • Discretionary. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of rural production activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the SAR. 	<ul style="list-style-type: none"> • Sets clear expectations for community that rural production activities are not encouraged in the SAR. • Improves amenity within SAR and retains land for more appropriate uses. • Rural production activities are required to locate in more appropriate Zones.
Industrial Activities				
Industrial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all industrial activities. • Prohibit all industrial activities • Status quo – permitted if it is in accordance with a reserve management plan. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of industrial activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the SAR. 	<ul style="list-style-type: none"> • Industrial activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives. • Improved amenity of SAR by avoiding adverse effects from industrial activities.
Residential Activities				
Residential Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all residential activities. • Prohibit all residential activities. • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent is required and policies are generally not supportive of residential activities. 	<ul style="list-style-type: none"> • Residential activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives.
Commercial Activities				

Motor Vehicle Sales	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">• Status quo - permitted if in accordance with an approved reserve management plan or non-complying.• Provide for these activities as either permitted or discretionary with a suite of effects based controls.• Prohibit these types of retail activities.	<ul style="list-style-type: none">• Consent would be required for these retail activities with policies that would not be strongly supportive.• Discretionary activity applications would be assessed on a case by case basis.• Increasing consenting cost to applicants.	<ul style="list-style-type: none">• Consistent with objectives, higher order policy direction and higher order documents.• Improved amenity of zones by managing these retail activities which could have negative character and amenity effects.• SAR land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Garden Centres	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none">• Permitted with no GFA limit.• Permitted with 300m² GFA limit.• Non-complying.		
Marine Retail	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">• Status quo - permitted if in accordance with an approved reserve management plan or Non-complying.• Provide for these activities as either permitted or discretionary with a suite of effects based controls.• Prohibit these types of retail activities.		
Drive Through Facilities				
Hire Premise				
Service Stations				
Funeral Home				
Trade Suppliers				
Grocery Store				
General Retail	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none">• Permitted with no GFA limit.• Permitted with 300m² GFA limit.• Non-complying.	<ul style="list-style-type: none">• Consent would be required for these retail activities with a supportive policy recognising that these retail activities are often supportive of active recreation and community events.• Discretionary activity applications would be assessed on a case by case basis.	<ul style="list-style-type: none">• Consistent with objectives, higher order policy direction and higher order documents.• Improved amenity of zones by managing these retail activities which could have negative character and amenity effects.• SAR land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Commercial Services				
Food and Beverage Activity				

Entertainment Facilities	Permitted.	<ul style="list-style-type: none"> • Permit all place of assembly and recreational facilities activities • Prohibit all place of assembly and recreational facilities activities. • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • It is appropriate for place of assembly and recreational facilities to be located within the SAR. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • SAR land is maximised for appropriate use.
Visitor Accommodation	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all visitor accommodation activities. • Prohibit all visitor accommodation activities. • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for visitor accommodation activities. 	<ul style="list-style-type: none"> • Visitor accommodation activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives.
Community Activities				
Place of Assembly	Permitted.	<ul style="list-style-type: none"> • Permit all place of assembly and recreational facilities activities • Prohibit all place of assembly and recreational facilities activities Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • None known. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • SAR land is maximised for appropriate use.
Recreational Facilities				
Care Centre	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all care centre activities • Prohibit all care centre activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for care centre activities. 	<ul style="list-style-type: none"> • Care centre activities are required to locate in more appropriate zones which would avoid adverse effects from activities and retain SAR land for more appropriate activities that are more consistent with the SAR objectives.
Educational Facilities	Permitted	<ul style="list-style-type: none"> • Permit all educational facilities activities • Prohibit all educational facilities activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • None known. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • SAR land is maximised for appropriate use.
Health Care Facilities	Permitted if in accordance with an approved reserve	<ul style="list-style-type: none"> • Permit all activities. • Prohibit all activities. 	<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents.

Emergency Service	management plan or otherwise non-complying.	<ul style="list-style-type: none"> Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> Improved amenity of zones by managing these activities which could have negative character and amenity effects. SAR land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Hospital				

TABLE 16: SECTION 32 ASSESSMENT OF PROPOSED CON RULES FOR NESTING TABLE ACTIVITIES

Activity	Proposed Plan Change Option	Other Options Considered	Costs of Plan Change Option	Benefits of Plan Change Option
Rural Production Activities				
Farming	Permitted	<ul style="list-style-type: none">Prohibit farming.Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying.	<ul style="list-style-type: none">None known.	<ul style="list-style-type: none">Enables the management of larger areas of CON by grazing.
Plantation forestry	Permitted if in accordance with an approved reserve management plan or otherwise Non-complying.	<ul style="list-style-type: none">Permit all rural production activities.Restrict some rural production activities.Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying.	<ul style="list-style-type: none">Consent would be required for these activities with policies that would not be strongly supportive.Existing activities would rely on existing use rights and would require consent beyond existing use rights.	<ul style="list-style-type: none">Consistent with objectives, higher order policy direction and higher order documents.Improved amenity of zones by managing these activities which could have negative character and amenity effects.CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Intensive livestock farming				
Farm quarrying				
Seasonal activity				
Industrial Activities				
Industrial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying	<ul style="list-style-type: none">Permit all industrial activities.Prohibit all industrial activitiesStatus quo – permitted if it is in accordance with a reserve management plan.	<ul style="list-style-type: none">Consent is required and policies are generally not supportive of industrial activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the CON.	<ul style="list-style-type: none">Industrial activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain CON land for more appropriate activities that are more consistent with the CON objectives.Improved amenity of CON by avoiding adverse effects form industrial activities.
Residential Activities				

Residential Units	Permitted if in accordance with an approved reserve management plan or Any combination of activities listed in rules CON-R11 to CON-R16 have: a. A cumulative GFA of less than 300m2 per allotment. b. cumulative outdoor area: i. Less than 500m2. ii. Not located between the front of the building and the road.	<ul style="list-style-type: none">• Permit all residential activities• Prohibit all residential activities• Status quo – permit activities where approved via a reserve management plan.	<ul style="list-style-type: none">• Consent will be required for residential activities.	<ul style="list-style-type: none">• Residential activities are required to locate in more appropriate zones which would avoid adverse effects from activities and retain CON land for more appropriate activities that are more consistent with the CON objectives.
Supported Residential Care	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">• Permit all activities• Discretionary activity.	<ul style="list-style-type: none">• Consent would be required for these activities with policies that would not be strongly supportive.• Existing activities would rely on existing use rights and would require consent beyond existing use rights.	<ul style="list-style-type: none">• These activities are required to locate in more appropriate zones which would avoid adverse effects from such activities and retain CON land for more appropriate activities that are more consistent with the CON objectives.• Improved amenity of CON by avoiding adverse effects form these activities.
Retirement Village				
Commercial Activities				
Motor Vehicle Sales	Permitted if in accordance with an approved reserve management plan or otherwise Non-complying	<ul style="list-style-type: none">• Status quo - permitted if in accordance with an approved reserve management plan or Non-complying.• Provide for these activities as either permitted or discretionary with a suite of effects based controls.• Prohibit these types of retail activities.	<ul style="list-style-type: none">• Consent would be required for these retail activities with policies that would not be strongly supportive.• Existing activities would rely on existing use rights and would require consent beyond existing use rights.	<ul style="list-style-type: none">• Consistent with objectives, higher order policy direction and higher order documents.• Improved amenity of zones by managing these retail activities which could have negative character and amenity effects.• CON land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Garden Centres				
Marine Retail				
Drive Through Facilities				
Hire Premise				
Service Stations				
Funeral Home				
Trade Suppliers				
Grocery Store				

General Retail	<p>Permitted if in accordance with an approved reserve management plan or Any combination of activities listed in rules CON-R11 to CON-R16 have:</p> <p>a. A cumulative GFA of less than 300m² per allotment.</p> <p>b. cumulative outdoor area:</p> <p>i. Less than 500m².</p> <p>ii. Not located between the front of the building and the road</p>	<ul style="list-style-type: none"> Permitted with no GFA limit. Non-complying. 	<ul style="list-style-type: none"> Consent would be required for these activities with a supportive policy recognising that these activities are often supportive of conservation and community events. 	<ul style="list-style-type: none"> Consistent with objectives, higher order policy direction and higher order documents. Improved amenity of zones by managing these activities which could have negative character and amenity effects. CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones. Visitor accommodation activities are required to locate in more appropriate zones. Retain CON land for more appropriate activities that are more consistent with the CON objectives.
Commercial Services				
Food and Beverage Activity				
Visitor Accommodation				
Entertainment Facilities	<p>Permitted if in accordance with an approved reserve management plan or otherwise non-complying.</p>	<ul style="list-style-type: none"> Status quo - permitted if in accordance with an approved reserve management plan or Non-complying. Provide for these activities as either permitted or discretionary with a suite of effects based controls. Prohibit these types of retail activities. 	<ul style="list-style-type: none"> Consent would be required for these activities with policies that would not be strongly supportive. 	<ul style="list-style-type: none"> Consistent with objectives, higher order policy direction and higher order documents. Improved amenity of zones by managing these activities which could have negative character and amenity effects. CON land is retained for more suitable activities and these retail activities are encouraged to locate in more appropriate zones.
Community Activities				
Place of Assembly	<p>Permitted if in accordance with an approved reserve management plan or Any combination of activities listed in rules CON-R11 to CON-R16 have:</p> <p>a. A cumulative GFA of less than 300m² per allotment.</p> <p>b. cumulative outdoor area:</p> <p>i. Less than 500m².</p>	<ul style="list-style-type: none"> Permitted with no GFA limit. Non-complying. 	<ul style="list-style-type: none"> Consent would be required for these activities with a supportive policy recognising that these activities are often supportive of conservation and community events. 	<ul style="list-style-type: none"> Consistent with objectives, higher order policy direction and higher order documents. Improved amenity of zones by managing these activities which could have negative character and amenity effects. CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Recreational Facilities				
Educational Facilities				

	ii. Not located between the front of the building and the road			<ul style="list-style-type: none">• Visitor accommodation activities are required to locate in more appropriate zones.• Retain CON land for more appropriate activities that are more consistent with the CON objectives.
Care Centre	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">• Status quo - permitted if in accordance with an approved reserve management plan or Non-complying.• Provide for these activities as either permitted or discretionary with a suite of effects based controls.• Prohibit these types of activities.	<ul style="list-style-type: none">• Consent would be required for these activities with policies that would not be strongly supportive.• Existing activities would rely on existing use rights and would require consent beyond existing use rights.	<ul style="list-style-type: none">• Consistent with objectives, higher order policy direction and higher order documents.• Improved amenity of zones by managing these activities which could have negative character and amenity effects.• CON land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Educational Facilities	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none">• Status quo - permitted if in accordance with an approved reserve management plan or Non-complying.• Provide for these activities as either permitted or discretionary with a suite of effects based controls.• Prohibit these types of activities	<ul style="list-style-type: none">• Consent would be required for these activities with a supportive policy recognising that these activities are sometimes appropriate.• Discretionary activity applications would be assessed on a case by case basis.	
Health Care Facilities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">• Status quo - permitted if in accordance with an approved reserve management plan or Non-complying.• Provide for these activities as either permitted or discretionary with a suite of effects based controls.• Prohibit these types of activities	<ul style="list-style-type: none">• Consent would be required for these activities with policies that would not be strongly supportive.• Existing activities would rely on existing use rights and would require consent beyond existing use rights.	
Emergency Service				
Hospital				

TABLE 17: SECTION 32 ASSESSMENT OF PROPOSED OS RULES FOR NESTING TABLE ACTIVITIES

Activity	Proposed Plan Change Option	Other Options Considered	Costs of Plan Change Option	Benefits of Plan Change Option
Rural Production Activities				
Farming	Permitted.	<ul style="list-style-type: none">Restrict farming activities.Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying.	None known.	<ul style="list-style-type: none">Enables the management of larger areas of OS by grazing.
Plantation forestry	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">Permit all rural production activities.Restrict some rural production activities.Status quo – permit activities except for intensive livestock farming, animal boarding and offensive trades under the Health Act 1956 which are non-complying.	<ul style="list-style-type: none">Consent would be required for these activities with policies that would not be strongly supportive.Existing activities would rely on existing use rights and would require consent beyond existing use rights.	<ul style="list-style-type: none">Consistent with objectives, higher order policy direction and higher order documents.Improved amenity of zones by managing these activities which could have negative character and amenity effects.OS land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Intensive livestock farming				
Farm quarrying				
Seasonal activity				
Industrial Activities				
Industrial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none">Permit all industrial activities.Prohibit all industrial activities.Status quo – permitted if it is in accordance with a reserve management plan.	<ul style="list-style-type: none">Consent is required and policies are generally not supportive of industrial activities acknowledging that some industrial activities which are not necessarily noxious (e.g. warehousing and storage) are now non-complying in the OS.	<ul style="list-style-type: none">Industrial activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain OS land for more appropriate activities that are more consistent with the OS objectives.Improved amenity of OS by avoiding adverse effects form industrial activities.
Residential Activities				

Residential Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Permit all residential activities. • Prohibit all residential activities • Status quo – permit activities where approved via a reserve management plan. 	<ul style="list-style-type: none"> • Consent will be required for residential activities. 	<ul style="list-style-type: none"> • Residential activities are required to locate in more appropriate zones which would avoid adverse effects from industrial activities and retain OS land for more appropriate activities that are more consistent with the OS objectives.
Commercial Activities				
Commercial Activities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of retail activities 	<ul style="list-style-type: none"> • Consent would be required for these retail activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • OS land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Community Activities				
Place of Assembly	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.	<ul style="list-style-type: none"> • Status quo - permitted if in accordance with an approved reserve management plan or non-complying. • Provide for these activities as either permitted or discretionary with a suite of effects based controls. • Prohibit these types of activities. 	<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are sometimes appropriate. • Discretionary activity applications would be assessed on a case by case basis. 	<ul style="list-style-type: none"> • Consistent with objectives, higher order policy direction and higher order documents. • Improved amenity of zones by managing these activities which could have negative character and amenity effects. • OS land is retained for more suitable activities and these activities are encouraged to locate in more appropriate zones.
Recreational Facilities			<ul style="list-style-type: none"> • Consent would be required for these activities with policies that would not be strongly supportive. • Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	
Care Centre	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.		<ul style="list-style-type: none"> • Consent would be required for these activities with a supportive policy recognising that these activities are sometimes appropriate. 	
Educational Facilities	Permitted if in accordance with an approved reserve management plan or otherwise discretionary.			

			<ul style="list-style-type: none"> Discretionary activity applications would be assessed on a case by case basis. 	
Health Care Facilities	Permitted if in accordance with an approved reserve management plan or otherwise non-complying.		<ul style="list-style-type: none"> Consent would be required for these activities with policies that would not be strongly supportive. 	
Emergency Service			<ul style="list-style-type: none"> Existing activities would rely on existing use rights and would require consent beyond existing use rights. 	
Hospital				

Efficiency and Effectiveness

162. It is considered that the proposed suite of rules for the nesting table activities are efficient and effective for the following reasons:

- The proposed rules provide a clearer expectation for the community and developers as to what types of activities are anticipated within the open space zones.
- The proposed rules are more effective than the status quo in managing adverse effects and achieving positive outcomes.
- The proposed rules provide for a permitted threshold of activities, in line with the objectives, so that consent requirements are not excessive.
- In combination with the other zones the nesting table activities are provided for in areas considered appropriate.

Economic Growth and Employment Opportunities

163. Rules managing the nesting table activities can have significant effects on economic growth and employment opportunities as they can dictate where certain business sectors can and cannot operate without consent. It is considered that the proposed rules provide for an appropriate range of activities to enable growth and employment while also protecting the amenity and character of the zones.

Risk of Acting and Not Acting if there is Uncertain or Insufficient Information

164. There is no known risk due to insufficient information.

Conclusion

165. The plan change options detailed within Tables 15 - 17 are considered to be the most appropriate methods to achieve the proposed SAR, CON and OS objectives.

Subdivision

166. The proposed objectives seek to protect, maintain and enhance open space throughout the District. To achieve these objectives, subdivision of land, minimum allotment size, allotment shape and minimum frontages within the zones must be carefully managed.

167. The WDP provides for subdivision in the Open Space Environment as a controlled activity only where an alteration of boundaries is proposed.

168. Alternatives considered were:

Option 1: Status Quo: Retain boundary adjustment subdivision only as a controlled activity.

Option 2: All subdivision is discretionary.

169. Evaluation of these alternative options have been summarised in Table 18:

TABLE 18: EVALUATION OF ALTERNATIVES – SUBDIVISION		
Option	Benefits	Costs
Option 1 –status quo, plan change option	<p>Environmental</p> <p>Allows controls on subdivision to ensure open space areas are retained and increased.</p> <p>Economic</p> <p>Provides that the ability to change boundaries without significant consenting costs, better enabling boundary adjustments to enlarge adjacent open space areas.</p> <p>Social</p> <p>Status quo so familiar to district plan users.</p> <p>Cultural</p> <p>None known.</p>	<p>Environmental</p> <p>None known.</p> <p>Economic</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>
Option 2 – all subdivision discretionary activity	<p>Environmental</p> <p>Allows comprehensive evaluation of every subdivision proposal of open space land.</p> <p>Economic</p> <p>None known.</p> <p>Social</p> <p>None known.</p> <p>Cultural</p> <p>None known.</p>	<p>Environmental</p> <p>None known.</p> <p>Economic</p> <p>May discourage subdivision thus missing out on open space gains and reducing potential economic growth.</p> <p>Higher consent and compliance costs and possibility of delays.</p> <p>No certainty for applicants as to whether consent will be granted.</p> <p>Cost of undertaking plan change.</p> <p>Social</p> <p>May limit the provision of open space thereby not providing social wellbeing.</p> <p>Cultural</p> <p>May limit the provision of open space thereby not providing for cultural wellbeing.</p>
Efficiency & Effectiveness	Efficiency	Effectiveness
Option1 –status quo, plan change option	This option is considered an efficient method to provide for subdivision in open space areas as it improves on the existing provisions.	This option is effective in achieving the objectives of PC115.
Option 2	This option is not considered an efficient method to provide for subdivision in open space areas as it is overly restrictive.	This option is not effective in achieving the objectives of PC115.
Economic growth and employment opportunities		

Open space development and use provides economic benefit to the district. These options are considered to have low opportunities for economic growth and employment, though Option 1 provides more opportunity than Option 2.

Risk of acting and not acting if there is uncertain or insufficient information

There is no risk of acting due to uncertain or insufficient information.

170. Option 1 is considered to be the most appropriate method to achieve the objectives of PC115.

7 Conclusion

171. Pursuant to s32 of the RMA, the proposed PC115 objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.

172. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to open space.

Attachment 1: Open Space Review

November 2018



Whangarei District Council



Open Space Review



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Prepared by Xyst Limited for the Whangarei District Council

Status: Final Review - November 2018

Introduction

The Whangarei District Council (Council) has developed this Open Space review as a high level document to analyse existing current open space land resources for the District Plan Open Space Plan change.

This review identifies current open space provision, preferred provision levels of service for current and future open space and park provision, and acquisition and development requirements for additional park land to meet future community needs.

This document covers a planning period of twenty years, with a review to reflect actual growth and community needs/expectations during that time in line with Council's 30/50 Year plan.

Project brief

The brief for the overall project was to:

1. Create an inventory of all WDC owned or managed Open Space land within the Whangarei District (later changed to include **all** Open Space land and assign Open Space Environments).
2. Categorise the WDC owned Parks and Open Space land into NZRA categories (where appropriate).
3. Assign additional categories where required for land used for stormwater/infrastructure.
4. GIS map the inventory of Open Space land in the Whangarei District, and boundaries confirmed verified.
5. Provide a report on the current capacity and the various categories of Open Space land. Report where excess or shortages appear.
6. Report where Open Space is required within the various categories to support the current demand and future population growth on a nodal/District basis.
7. Confirm when/where investment in Open Space is required over a 5, 10, 15, 20 year period.
8. Consult with Council department managers involved in operation/management/use of Open Space where needed.

Items 1, 4, 5, 6, 7, and 8 have been completed as part of this Review of Open Space in the Whangarei District. Items 2 and 3, dealing with the application of NZRA park categories are covered in a separate report (Parks Category Framework Review).

EXECUTIVE SUMMARY

District Plan Review

WDC is currently undertaking a 10-year rolling review of the WDP which incorporates the priorities that are included in other Council plans such as asset management plans, and the Long Term Plan (LTP). The Open Space Environment review to date has identified several issues with the current regime for managing open space in the WDP. It is recommended that Council redefine Open Space into three distinct Environments on the basis of character, natural values and projected use and development.

2018 Current Provision Analysis

Council's current total provision of parks (that are also Open Space) in 2018 is 1986 hectares. Based on an estimated resident population for 2018 of 90,500 (using NZ Census data for 2013 and WDC Growth Strategy 30/50 ERP), this equates to 21.9 hectares of park land per 1,000 residents. The total area of park land provided is significantly higher than other New Zealand local government organisation provision when compared to the national average provision of 15 ha/1,000 residents.¹

¹ Yardstick Benchmark – Appendix B

More meaningful as a national comparison, is the area of parks and open space that is “**actively maintained**”. This is where parks are more intensively developed and maintained, providing for a variety of public activities and uses (active and passive parks). The Whangarei District Council provides a total of 461.1 hectares of actively maintained park land. This equates to 5.1ha/1,000 residents, which is lower than the national average of 7.5 ha/1,000 residents². Including the additional 79.5ha of Active and Passive Open Space provided by Department of Conservation and other providers, the total level of provision is 6.0ha/1000, which is still well below the national average.

The remaining open space is natural, with limited use or potential use for recreational and social activities other than walkways, tracks, cycle trails and other low intensity activities. These activities are however significant, and the use of natural areas to provide walking and cycling opportunities and access to coastal areas and water margins is an important supplement to the provision and use of active and passive open space.

Future Provision Guidelines

The Whangarei District resident population is projected to increase from an estimated 90,500 in 2018 to 108,700 in 2038, which is a growth rate of around 1% per annum, averaging 910 additional people per year over this 20-year period³.

This review suggests that Whangarei District Council should be providing a minimum of 7.5 ha/1,000 residents of combined Active and Passive Open Space, of which 5.3ha/1000 residents is Active, and 2.2ha/1000 residents is Passive.

The review also suggests a target of 2ha/1000 residents for sport and recreation parks, and 0.8ha/1000 residents for neighbourhood parks.

An additional 233 ha of land is required to achieve a level of service of 7.5 ha/1,000 population for Active and Passive Open Space in most nodes by 2038. A further 10 ha of sports and recreation park is needed for Maunu by 2038.

Definitions – to assist with document Interpretation

Actively maintained - parks/open spaces are typically located within urban or residential areas with the primary purpose of providing for recreation activities and/or amenity or landscape enhancement and that receive regular grounds maintenance. Actively managed parks/open space will typically include land with the following features: mown grass, planted trees, planted beds, park furniture, other built improvements, sports fields, public amenities.

Nodes / Nodal areas – Whangarei District Council have detailed 20 different node areas across the district which allow them to identify population growth and associated changes for these locations. Coastal and rural hamlets have been combined with internodal areas into “Hamlets and Internodal areas”.

Parks, Open Space, Reserves – these terms are used to identify areas of land managed for public access by either Council or another Government Department (Department of Conservation).

Park Categories – These are a standard set of parks categories/groupings to assist organisations in undertaking the development of parks strategies and other strategic documents. The Park Categories have been developed by the New Zealand Recreation Association in partnership with park professionals in local authorities.

Open Space Active – actively maintained areas of high use and/or development, including sports fields, major destination parks, major coastal parks, cemeteries, civic spaces.

Open Space Passive – actively maintained areas of predominantly neighbourhood / locally used parks, and/or managed areas of natural and coastal reserves for the provision and maintenance of: walking/cycle tracks, entry areas, which may include car parking, toilets, visitor information.

² Yardstick Benchmark – Appendix B

³ 2010 Whangarei District Growth Strategy30/50 – re-estimated 2017

Open Space Natural areas will typically include park land/green spaces that have a relatively low level of maintenance input per hectare. Some small areas may be actively maintained, with the majority of the land area being unmanaged.

Methodologies and Limitations

The information used in this report was drawn from the Spatial Data Layers, Whangarei District Council, census data and the Council's Growth Strategy 30/50. The data sources provided the spatial arrangement of open space land uses (e.g. parks and reserves) on a district scale and local detail may not be accurate in all cases. The intent is to provide a broad overview of the district's parks and recreation provision. In this way future development planning can be assessed for existing open space uses and capability. Planning at a local level, for example through local structure plans, may well require more detailed analysis of future open space provision.

Disclaimer

The land inventory data provided to Xyst Limited by Whangarei District Council for analysis has not been verified by Xyst Limited. No responsibility is taken for inaccuracies in the data provided.

1.0 DISTRICT PLAN OPEN SPACE REVIEW

1.1 Background

The Resource Management Act 1991 requires local authorities to prepare a District Plan. The Operative Whangarei District Plan (WDP) sets out rules, policies and objectives for sustainably managing natural and physical resources across the Whangarei district. The WDP plan became operative on 3 May 2007.

WDC is currently undertaking a 10-year rolling review of the WDP which incorporates the priorities that are included in other Council plans such as asset management plans, and the Long Term Plan (LTP). The Open Space Environment review to date has identified several issues with the current regime for managing open space in the WDP.

- Current provisions in the District Plan for the Open Space Environment are limited. Rules in Chapter 46 set the standards for Open Space however given the varying nature of recreation and conservation activities, these standards are insufficient to cater for the expected activities.
- Current open space objectives acknowledge the need to provide for and protect open space, but do not recognise the different values of open space areas, and their varying aspects of importance to the environment, community and district.
- Policies in Chapter 15 address matters such as financial contributions, new reserves, open space linkages, coastal environment, outstanding landscape and open space values, but fail to provide direction with respect to the rationale and approach for the creation and management of 'open space'.
- The distinction is not made on the maps as to whether land is public or private, or more suitable for active or passive recreational use or as natural reserve. Additionally, maps do not signal opportunities for direct access to and along the foreshore or the possibility of other access rights (e.g. easements).
- Open space is being reduced and fragmented by subdivision, development and use of the rural environment.
- Changing population trends, results in changes to demand and loss of open space, in particular recreation facilities in rural villages.
- Open space is owned and managed by both private and public entities. This results in cross boundary management issues.

The Whangarei District currently contains around 34,425 hectares of Open Space Environment. Most of this land is held by the Department of Conservation (19970 hectares), with the remaining area held by WDC and the Crown.

The Whangarei District Council provides around 5,034 hectares of public open space which is used for a variety of recreational, social, environmental, heritage protection and utility purposes, facilities and opportunities. Within this open space land, Whangarei District has over 250 parks comprising a total land area of 1,986 hectares. The remaining area is made up of open space that is not park land (water services, grazing and utility reserves that have little or no public use).

Most areas of public open space are owned and managed by the Council or Department of Conservation, and have quite a high level of protection under the Reserves Act, Conservation Act and Local Government Act. Esplanade and access strips created under the Resource Management Act and prior legislation are also a form of public open space providing access and recreation opportunities along riparian and coastal margins.

Land development and activities on Whangarei District open space areas are managed under the District Plan. During 2017 and 2018 Council is reviewing the management of open space in the District Plan with the aim to provide a more detailed understanding and acknowledgement of what open space provision and management is appropriate across the whole district. This will result in a Proposed Open Space Plan Change to be publicly notified and go through the plan change process.

1.2 Current District Plan Objectives for Open Space Environment

The following objectives and policies are located within Chapter 15 Open Space of the District Plan:

15.3.1 Provide open space that meets community, recreational and conservation needs.

15.3.2 Where appropriate, create open space linkages that provide physical connections between ecosystems, and enhance biodiversity and recreational opportunities.

15.3.3 Provide open space and manage activities within open space in a manner that avoids, remedies or mitigates adverse effects on the environment.

15.3.4 Protection of open space from subdivision, use and development inconsistent with their purpose.

Whilst these objectives identify the need to provide open space, it is suggested that with projected population growth that these objectives be extended to identify the types of land and locations that are needed to meet current and future district population needs over the coming 10-40 years, in line with the projected population growth.

1.3 Managing Future Open Space Requirements

The Open Space Environment is the framework within which development sits. Open space provides for ecological, environmental, recreational, landscape, or heritage values. Open space includes both public and private land.

The current WDP is not written with specific requirements and values of public recreation areas and open spaces in mind. There is only one Environment which covers all types of open space. As a result of this, activities and facilities that are central to the provision, maintenance and use of public recreation areas and open spaces may require resource consent which can lead to delays in development.

The District Plan needs to differentiate or distinguish between types, character and values of various open space areas, and provide suitable objectives, policies and rules to allow sustainable use and development without significant adverse effects.

Due to increasing development pressure and the predicted scale of both future growth and projected increases in population, it is likely that existing open space and recreation facilities in the district will face future pressure from development and for increased use by the public. It is important, that the extent and nature of changes in the supply and demand for open space and recreation sites is reflected in an up-dated assessment to provide a robust evidence base that will help inform the review of the provision of open space across the district.

To maintain or increase current open space provision for the Whangarei District, Council needs to identify the current level of provision, existing gaps in provision, and the amount and category of additional open space required to meet future projected shortfalls. This includes:

- Identification of existing publicly owned and managed recreation and open space areas and ensuring that they are clearly detailed and zoned for those purposes;
- Ensuring that the core functions of the districts recreation and open space areas are specifically recognised and provided for within the District Plan Open Space Environment.
- Providing greater certainty to landowners (including neighbouring properties) regarding the nature and scale of activities (and their effects) which may occur on public recreation and open space zone areas.
- Identifying the current level of provision of open space, and comparing this with industry standards to define a target level for future provision.

- Ensuring that the WDP contains provisions for protection of existing open space areas
- Considering the acquisition of further open space areas to provide for current and future populations.

The total park provision also needs to be balanced against the disproportionately higher numbers of visitors to the region, most of whom come to participate in some form of summer outdoor recreation, and the high resident population growth. Much of the existing reserve land is under pressure from this population growth. The steep coastal topography of the region means that flat usable accessible land is also under pressure, particularly in coastal communities. Open spaces will therefore need to accommodate more use.

In situations where land is not required from developers (such as in small developments or in urban intensification areas), development contributions should be used to improve facilities on other reserves in near proximity to the development to provide for a higher level of use and more intense development.

There are several mechanisms available to protect the public open space network. Parks and open spaces are generally protected from inappropriate development by being in public ownership and through being vested and classified as a reserve under the Reserves Act 1977.

There is a need to adopt a consistent approach to the zoning of open space land in the District Plan. Currently reserves have an open space zoning and the zone provisions do not generally detail and allow for a wide range of reserve activities. While designations over each of the reserves allow for WDC to carry out works this can cause issues for external organisations such as sports clubs to provide for their activities. Reviewing the approach to the zoning of open space will assist in clearly defining the purpose and intended use of public land included in the open space network.

It is suggested that Council use a more definitive approach to define open space, and identify natural character and values of land, and how land is to be managed.

It is recommended that the current Open Space Environment should

- be initially corrected to remove land that is not open space, and
- include land that has not previously been identified as open space, and
- be divided into three distinct environments on the basis of character, natural values and projected use and development.

1.4 Industry Benchmarking

A question often raised is “how much do we have, and how much do we need to provide for current and future generations?” There is no simple response to this as communities, Council and developer’s opinions often differ. For this reason, benchmarking with other organisations can provide a gauge of what is an appropriate level of provision of open space. Yardstick provides benchmarked metrics for parks and open space provision, development and maintenance in New Zealand, Australia, Canada and Europe. The Yardstick benchmarks for New Zealand from 2013 to 2018 have been used for this review to provide industry standards for provision levels of service, and are detailed in Appendix B. A summary is provided in Table 1.

Table 1 – Yardstick benchmarking measures

Benchmark	Description	Hectares per 1000 residents
Total provision of park land	The total area of land provided is intended to enable a comparison of the total area of land provided by the organisation for parks, open space, recreation or conservation purposes.	15.0ha/1000
Actively maintained park land	Actively maintained parks/open spaces are typically located within urban or residential areas with the primary purpose of providing for recreation activities and/or amenity or landscape enhancement and that receive regular grounds maintenance.	7.5ha/1000
Provision of sports	Sports parks are defined as land that caters for publicly available organised	2.0ha/1000

parks	sports activities. The area includes the surrounds to the actual sport playing area so may include additional grass areas, carparks, access roads and garden areas.	
Provision of neighbourhood parks	Informal recreation and sporting activities, play and family based activities, and social and community activities.	0.8ha/1000

This review takes a primarily quantitative approach to defining provision levels of service by using a process that calculates amount of open space land per capita. For example, based on usual resident population (revised for 2018) of 90,500 the total amount of open space across the district equates to approximately 380ha of land per 1,000 residents. However, this land is not all available for public use and enjoyment, so analysis also focuses on a subset of the Open Space Environment which is park land provided by WDC for quality open space provision, including recreation and community purposes.

Quality open space includes the ability for visitors and residents to undertake a variety of activities, i.e. kick a ball, use a playground, have a picnic or barbeque, walk and/or exercise, relax in a pleasant setting with family/friends. Quality open space should not include stormwater, drainage, water reticulation or other utility services which impact on, or impede recreational use of the land area. It should be recognised however, that many reserves have multiple uses, and can provide both recreation and utility use.

2.0 Current District-wide Open Space Zone Provision

The assessment of open space provision was undertaken at both a district wide and a community or node scale to assess community needs, and to assess broader landscape and ecological needs. For the purpose of this analysis, population projections from the Sustainable Futures 30/50 Growth Model have been used, giving a projected 2018 population for the district of 90,500 (Appendix D).

2.1 Total Area of Park Land Provided by WDC

Within the total Open Space Environment area of 34,425 hectares, Council currently provides 1986 hectares of publicly accessible park land. This is made up of public gardens, civic space, heritage parks, neighbourhood parks, sports and recreation parks, outdoor adventure parks, recreation and ecological linkages, and nature parks⁴. The total Council provision equates to 21.9 hectares per 1,000 residents. This is relatively high in comparison with a national average level of provision of 15 ha/1,000 residents⁵ indicating that the total area of park land is more than adequate.

The total parks provision includes large areas of relatively undeveloped or natural land that has high conservation values but limited potential for intensive recreational and social use. Therefore, a more useful measure is the area of Open Space Active and Passive.

2.2 Open Space Active and Passive

Of the total 5,034 hectares of Open Space area provided by Council, 461.1 hectares is comprised of either Active or Passive Open Space. This compares with the area defined in Yardstick as the area of parks and open space that is “**actively maintained**”. This is where parks are more intensively developed and maintained, providing for a variety of public activities and uses (active and passive parks).

The area of Active and Passive Open Space provided by Council is 5.1ha/1,000 residents. This is significantly lower than the national average of 7.5 ha/1,000 residents⁶. On this basis, there is an under-supply of Active and Passive open space of 2.4 ha/1,000 residents, or 217.2 hectares.

However, it should be noted that Council is only one of the providers of Active and Passive Open Space land. When the area provided by other providers (79.5ha) is included, this brings the total of Active and Passive open space i.e. actively maintained park land to 540.6ha, or 6.0 ha/1,000 residents. This level of provision is still well less than the Yardstick national average.

⁴ NZRA Parks Categories 2017

⁵ Yardstick Benchmarks – Appendix B

⁶ Yardstick Benchmark – Appendix B

Much of the current provision is historic, and a product of previous vesting of reserves for various reasons. Active Open Space is more inclined to be used on a district wide basis, so doesn't need to be reproduced in every community. Users will generally expect to have to travel to use these facilities. Passive Open Space is more likely to be used locally, and should therefore be provided in every community within walking distance of residential areas.

It is recommended that the target area for combined provision of Active and Passive Open Space land across the district should be 7.5 ha/1000 residents. Even with the inclusion of Active and Passive Open Space provided by DOC and other providers, the current level of provision is deficient by around 135.7 hectares.

Within the target of 7.5ha/1,000 it is recommended that Active Open space should comprise 5.3ha/1000 and Passive Open Space should comprise 2.2 ha/1000. The Active Space targets may not apply to every community as in many cases the existing facilities will be shared between communities. However, the Passive Open Space target should apply where required to bring existing levels up to meet the target.

2.3 Provision of Sports Parks

Sports and recreation parks are designed and used for organised or competitive sport and recreation, and are often multi-use, providing for a range of community activities and facilities. Toilets, changing facilities and car parking are likely to be available and some may have resident club facilities. Some parks may have recreation facilities such as playgrounds, and other facilities serving a wider neighbourhood and community function, creating a multi-function park with a wide range of activities occurring. Some parks may be entirely leased for sports or recreation activity.

There are 252.8 hectares identified in the Whangarei District for sport and recreation. This includes a wide variety of sports (not just grass sports) and includes some parking areas set aside to provide for adjacent boating areas.

The area of 252.8 hectares equates to 2.8ha/1000 residents across the district. This compares with a national average of 2.0 ha/1000 residents⁷ for sports and recreation parks. The total quantity of sport and recreation parks is therefore adequate compared with national levels of provision, but there is likely to be localised under-provision.

2.4 Provision of Neighbourhood Parks

Neighbourhood parks are developed urban parks designed for use predominantly by the local residential community, although the catchment may be wider. Generally smaller in size, ranging from 1,000m² up to 2 hectares, with the minimum useful size from 3,000 to 5,000m².

Neighbourhood parks may provide an open grass area suitable for small scale ball play, children's play equipment, youth recreation facilities e.g. basketball half courts, seating, amenity lighting, paths and attractive amenity planting. Some may contain playing fields but are distinguished from the sports and recreation category by being for casual use and not generally booked for regular sports code use. Some sites may contain buildings used for local community and recreation functions.

There are 94.7 hectares identified in the Whangarei District as being neighbourhood parks. This equates to 1.05 ha/1000 residents, and compares with a national average provision of 0.8 ha/1000 residents⁸. The total quantity of neighbourhood parks is therefore adequate compared with national levels of provision, but there is likely to be localised under-provision.

2.5 Current Open Space Provision by Node

Although the overall provision of open space (Active, Passive and Natural combined) across the district is adequate (when DOC and private provision are considered), there is significant variation in provision between nodes. Table 2 shows the current provision of Active, Passive, Combined Active and Passive, and Natural Open Space in each of the 20 nodes and the remaining Hamlet and Internodal area, and the ha/1,000 residents based on the 2018 projected population for each node.

Table 2

⁷ Yardstick benchmarks – Appendix B

⁸ Yardstick benchmarks – Appendix B

	Active		Passive		Combined	Natural	
Node	Hectares	2018ha/1000	Hectares	2018ha/1000	A/P ha/1000	Hectares	2018ha/1000
Whangarei City	90.26	5.99	22.97	1.52	7.52	331.47	22.01
Urban Villages							
Kamo	13.90	1.06	10.73	0.82	1.89	330.99	25.36
Maunu	46.41	8.67	4.14	0.77	9.44	1128.07	210.72
Onerahi	49.44	5.95	20.31	2.44	8.39	596.56	71.76
Otaika/Toetoe	31.19	5.59	8.64	1.55	7.14	187.35	33.58
Tikipunga	28.88	3.03	9.41	0.99	4.02	6146.41	645.72
Satellite Towns							
Marsden Point/Ruakaka	26.54	5.27	23.68	4.71	9.98	325.70	64.72
Growth Nodes							
Hikurangi	11.92	6.61	17.73	9.84	16.45	8.85	4.91
Parua Bay	6.05	4.37	0.00	0.00	4.37	37.07	26.79
Waipu	5.94	3.83	1.74	1.12	4.95	7.25	4.67
Rural Villages							
Maungakamea	5.51	5.63	0.27	0.28	5.91	0.00	0.00
Maungatapere	0.82	1.11	0.00	0.00	1.11	0.00	0.00
Coastal Villages							
Matapouri	0.00	0.00	0.83	1.46	1.46	105.71	186.28
McLeod Bay/Teotahi	0.00	0.00	1.10	1.37	1.37	305.89	381.37
Ngunguru	14.24	10.82	1.93	1.47	12.29	285.68	217.06
Oakura	1.60	6.23	0.00	0.00	6.23	244.43	953.09
Pataua	0.00	0.00	0.97	1.56	1.56	24.75	39.68
Taurikura/Urquharts Bay	0.08	0.20	0.08	0.21	0.41	356.33	925.54
Tutukaka	3.24	4.12	1.23	1.57	5.68	437.31	555.90
Waipu Cove/Langs Beach	11.89	18.59	1.72	2.70	21.28	99.87	156.10
Hamlets and Internodal Area	39.92	2.38	25.30	1.51	3.89	22924.51	1367.45
Total for Whangarei District	387.81	4.29	152.80	1.69	5.97	33884.21	374.41

Cells highlighted in red show a shortfall in provision below the recommended level of provision. Active Open Space is less than the recommended 5.3 ha/1000 residents in Kamo, Tikipunga, Marsden Point/Ruakaka, Parua Bay, Waipu and Maungatapere. Half the Coastal Villages have no or very little Active Open Space.

The intensive character of Active Open Space, and its use for civic space, active cemeteries, destination parks, sports parks, golf courses, and similar high use activities means that the use of these areas is often shared between communities with users often being prepared to travel to use them. A shortfall in some areas can be made up with an over-supply in neighbouring communities. For this reason it is recommended that future acquisition or development of land to increase current provision of Active Open Space to target levels focus on Kamo, Tikipunga, Marsden Point/Ruakaka, Parua Bay and Waipu.

Passive Open Space with its less intensive character and less development and use is much more relevant to local communities. It is therefore more important to address any shortfalls in Passive Open Space. Of the 21 nodes, only four have levels of provision higher than the target of 2.2ha/1000. The remaining 17 nodes are deficient in areas that can be used for neighbourhood parks, recreation linkages, and local sport and recreation. Of these deficient areas, several are also deficient in Active Open Space, with the combined Active/Passive provision significantly less than the recommended 7.5ha/1000. It is recommended that provision of Passive Open Space in all nodes except Onerahi, Marsden Point/Ruakaka, Hikurangi and Waipu Cove/Langs Beach be increased to the target of 2.2ha/1000 residents.

Table 3

	Sport and Recreation		Neighbourhood		Linkages	
Node	Hectares	2018ha/1000	Hectares	2018ha/1000	Hectares	2018ha/1000
Whangarei City	46.33	3.08	18.57	1.23	29.20	1.94
Urban Villages						
Kamo	12.46	0.95	10.04	0.77	13.78	1.06
Maunu	2.45	0.46	4.05	0.76	44.94	8.39
Onerahi	48.07	5.78	21.42	2.58	30.37	3.65
Otaika/Toetoe	30.64	5.49	11.91	2.13	46.98	8.42
Tikipunga	33.98	3.57	4.80	0.50	35.69	3.75
Satellite Towns						
Marsden Point/Ruakaka	12.54	2.49	10.02	1.99	40.00	7.95
Growth Nodes						
Hikurangi	13.74	7.62	0.18	0.10	15.21	8.44
Parua Bay	5.89	4.26	0.00	0.00	24.21	17.50
Waipu	5.94	3.83	1.11	0.72	7.30	4.71
Rural Villages						
Maungakaramea	5.51	5.63	0.27	0.28	0.00	0.00
Maungatapere	0.82	1.11	0.00	0.00	0.00	0.00
Coastal Villages						
Matapouri	0.00	0.00	0.30	0.53	29.09	51.26
McLeod Bay/Teotahi	0.00	0.00	0.84	1.05	17.89	22.30
Ngunguru	14.24	10.82	1.51	1.15	11.78	8.95
Oakura	3.55	13.85	0.64	2.49	2.63	10.26
Pataua	0.00	0.00	0.25	0.40	9.78	15.68
Taurikura/Urquharts Bay	0.00	0.00	0.08	0.21	1.61	4.18
Tutukaka	1.42	1.80	2.05	2.60	25.18	32.01
Waipu Cove/Langs Beach	0.00	0.00	0.24	0.38	24.55	38.38
Hamlets and Internodal Area	15.21	0.91	6.47	0.39	112.03	6.68
Total for Whangarei District	252.78	2.79	94.75	1.05	522.21	5.77

Table 3 shows the provision by node of sports and recreation parks, neighbourhood parks, and recreation and ecological linkages. Highlighted cells show a shortfall in provision below the recommended 2ha/1000 residents for sports and recreation parks, and 0.8ha/1000 residents for neighbourhood parks. There are no recommendations for recreation and ecological linkages as these are often site specific. However, recreation linkages can supplement the provision of other parks types by providing walking opportunities and access to beaches and managed riparian areas. Their strategic provision is therefore increasingly important in making the best use of other parks.

Despite the high provision of Active Open Space in Maunu, there is significant under-provision of sports and recreation parks for this node. Provision of sports and recreation parks is also inadequate in Kamo and Maungatapere. It is recommended that provision be increased to the target level in these nodes. In the coastal villages and the Hamlet and internodal node, provision is also low except for Ngunguru and Oakura. Increase in provision of sports and recreation parks in these coastal areas would need to be supported by demand indicators other than population to avoid creation of costly sporting infrastructure that is not required by users.

Neighbourhood parks are underprovided in 13 of the 21 nodes, including Kamo, Maunu, Tikipunga, Hikurangi, Parua Bay, Waipu, Maungakaramea and Maungatapere and 4 out of 8 coastal villages. It is recommended that provision be increased to target levels in all these areas.

3.0 Future Open Space Demands

The demand for future open space will be influenced by:

- population growth
- changing trends in open space use, technology and activities
- demographics such as population age and ethnicity
- quality and accessibility of existing open space
- socio-economic factors that affect access to open space opportunities
- the availability of large amounts of natural open space area in coastal areas i.e. beaches and water.

Whangarei District Council will need to continue to acquire and develop park land as the district's population increases. Population projections have been developed in the 30/50 Growth model for each of the district's 20 nodes (see Appendix D). These projections are to be used to estimate the impact of growth on demand for the next 20 years.

3.1 Active Open Space

Table 4

	Active Open Space Provision							
Node	Hectares	2018ha/1000	2023ha/1000	2028ha/1000	2033ha/1000	2038ha/1000	Shortfallha/1000	Ha Required
Whangarei City	90.26	5.99	5.72	5.47	5.26	5.10	0.20	3.61
Urban Villages								
Kamo	13.90	1.06	1.02	1.00	0.98	0.96	4.34	62.77
Maunu	46.41	8.67	8.28	7.95	7.66	7.43	-2.13	
Onerahi	49.44	5.95	5.76	5.60	5.47	5.37	-0.07	
Otaika/Toetoe	31.19	5.59	5.50	5.43	5.40	5.36	-0.06	
Tikipunga	28.88	3.03	2.78	2.70	2.64	2.61	2.69	29.85
Satellite Towns								
Marsden Point/Ruakaka	26.54	5.27	4.13	3.21	3.05	2.90	2.40	22.02
Growth Nodes								
Hikurangi	11.92	6.61	6.43	6.30	6.17	6.09	-0.79	
Parua Bay	6.05	4.37	4.07	3.89	3.76	3.66	1.64	2.72
Waipu	5.94	3.83	3.38	3.16	3.01	2.89	2.41	4.94
Rural Villages								
Maungakaramea	5.51	5.63	5.29	4.98	4.75	4.58	0.72	0.87
Maungatapere	0.82	1.11	1.07	1.02	0.99	0.96	4.34	3.70
Coastal Villages								
Matapouri	0.00	0.00	0.00	0.00	0.00	0.00	5.30	3.66
McLeod Bay/Teotahi	0.00	0.00	0.00	0.00	0.00	0.00	5.30	5.05
Ngunguru	14.24	10.82	10.10	9.64	9.28	8.94	-3.64	
Oakura	1.60	6.23	5.81	5.52	5.30	5.12	0.18	0.06
Pataua	0.00	0.00	0.00	0.00	0.00	0.00	5.30	4.66
Taurikura/Urquharts Bay	0.08	0.20	0.19	0.18	0.17	0.17	5.13	2.35
Tutukaka	3.24	4.12	3.84	3.68	3.54	3.41	1.89	1.80
Waipu Cove/Langs Beach	11.89	18.59	16.41	15.36	14.59	14.04	-8.74	
Hamlets and Intermodal Area	39.92	2.38	2.23	2.11	2.01	1.94	3.36	69.36
Total for Whangarei District	387.81	4.29	4.01	3.80	3.67	3.57	1.73	217.41

Active Open Space includes:

- Civic Space
- Some Heritage parks (active Cemeteries)
- Some Neighbourhood parks (high use parks with a large catchment area)
- Sports and recreation parks
- Golf courses
- Outdoor adventure parks with potential for intensive development
- Some DOC reserves with high levels of development
- Some coastal reserves which have high levels of use
- Public Gardens

To increase the level of provision to 5.3 ha/1000 residents in communities (city, urban villages, satellite towns, growth nodes and rural villages) with inadequate provision of Active Open Space will require the acquisition or rezoning of around 130.4 hectares of land over the next 20 years to 2038. A further 87 hectares will be required if the level of provision in coastal villages, hamlets and intermodal areas is to be increased to 5.3ha/1,000.

3.2 Passive Open Space

Table 5

Node	Passive Open Space provision							
	Hectares	2018ha/1000	2023ha/1000	2028ha/1000	2033ha/1000	2038ha/1000	Shortfallha/1000	Ha Required
Whangarei City	22.97	1.52	1.46	1.39	1.34	1.30	0.90	16.00
Urban Villages								
Kamo	10.73	0.82	0.79	0.77	0.76	0.74	1.46	21.09
Maunu	4.14	0.77	0.74	0.71	0.68	0.66	1.54	9.60
Onerahi	20.31	2.44	2.37	2.30	2.25	2.21	-0.01	
Otaika/Toetoe	8.64	1.55	1.52	1.51	1.49	1.49	0.71	4.16
Tikipunga	9.41	0.99	0.91	0.88	0.86	0.85	1.35	14.97
Satellite Towns								
Marsden Point/Ruakaka	23.68	4.71	3.69	2.87	2.72	2.59	-0.39	
Growth Nodes								
Hikurangi	17.73	9.84	9.57	9.37	9.19	9.06	-6.86	
Parua Bay	0.00	0.00	0.00	0.00	0.00	0.00	2.20	3.64
Waipu	1.74	1.12	0.99	0.93	0.88	0.85	1.35	2.77
Rural Villages								
Maungakaramea	0.27	0.28	0.26	0.24	0.23	0.22	1.98	2.38
Maungatapere	0.00	0.00	0.00	0.00	0.00	0.00	2.20	1.88
Coastal Villages								
Matapouri	0.83	1.46	1.37	1.30	1.25	1.20	1.00	0.69
McLeod Bay/Reotahi	1.10	1.37	1.31	1.24	1.20	1.16	1.04	0.99
Ngunguru	1.93	1.47	1.37	1.31	1.26	1.21	0.99	1.57
Oakura	0.00	0.00	0.00	0.00	0.00	0.00	2.20	0.69
Pataua	0.97	1.56	1.41	1.29	1.19	1.11	1.09	0.96
Taurikura/Urquharts Bay	0.08	0.21	0.20	0.19	0.18	0.18	2.02	0.93
Tutukaka	1.23	1.57	1.46	1.40	1.35	1.30	0.90	0.86
Waipu Cove/Lang's Beach	1.72	2.70	2.38	2.23	2.12	2.04	0.16	0.14
Hamlets and Internodal Area	25.30	1.51	1.41	1.34	1.28	1.23	0.97	20.07
Total for Whangarei District	152.80	1.69	1.58	1.50	1.45	1.41	0.79	103.37

Passive Open Space includes:

- Neighbourhood parks
- Some coastal reserves with low levels of use and infrastructure
- Some recreation and ecological linkages, particularly recreation linkages in urban areas
- Some sports and recreation parks with lower levels of use and development
- Camping grounds
- Some Civic Space with low levels of use and infrastructure
- Heritage parks (other than active cemeteries)
- Some utility reserves and water service land with low conservation values

To increase the level of provision to 2.2ha/1000 residents in communities with inadequate provision of Passive Open Space will require the acquisition or rezoning of 103 hectares of land over the next 20 years to 2038.

3.3 Natural Open Space

Natural Open Space includes:

- Nature parks
- Recreation and ecological linkages, particularly ecological linkages, and recreation linkages in vulnerable environments
- Heritage parks with high historic and natural values
- Some neighbourhood parks with high natural values and low suitability for development
- Outdoor adventure parks with high natural values
- Water catchment areas

No further provision of Natural open space is specifically required as a result of population growth as the current high level of provision is expected to cater for the needs of the projected population growth. Also, much of natural park land acquisition is historic and based on protecting existing high value ecological and landscape areas predominantly around the urban settlements. This does not preclude the need for future acquisition if specific sites are identified that warrant acquisition for the protection of ecological or landscape values. Some of these areas will be identified as resource areas in the District Plan, for example Outstanding Natural Landscapes, and Outstanding Natural Features.

4.4 Future Open Space Recommendation

1. Council increase Active Open Space provision to 5.3 ha/1,000 residents in Whangarei, Kamo, Tikipunga, Marsden Point/Ruakaka, Parua Bay, Waipu, Maungakarama and Maungatapere. This will require an increase of around 130 hectares by 2038.
2. Council increase Passive Open Space provision to 2.2 ha/1,000 residents in all deficient areas. This will require an increase of around 103 hectares by 2038.
3. Council increase the provision of Sports and Recreation parks to 2ha/1000 residents in Maunu. This will require an increase of around 10 hectares by 2038 in addition to the Open Space provision in 1. above (see Appendix C).
4. Council increase the provision of Neighbourhood parks to .8ha/1000 residents in all communities with current under-provision. (see Appendix C).

It is recommended that Whangarei District Council, based on the above analysis;

- I. review the current land holdings they have, and assess for potential additional open space provision, particularly active and passive open space land,
- II. and/or use development contributions and other forms of acquisition to increase the provision of active and passive open space across the district, particularly in coastal villages and other areas that are currently under provided, to meet current and future resident recreation needs.

APPENDIX A - PARK MAPS

APPENDIX B – YARDSTICK INDUSTRY BENCHMARKS

Benchmark	Description	Hectares per 1000 residents
Total provision of park land	<p>The total area of land provided is intended to enable a comparison of the total area of land provided by the organisation for parks, open space, recreation or conservation purposes.</p> <p>Land included:</p> <ul style="list-style-type: none"> - urban parks and protected areas (including Indigenous Protected Areas) - terrestrial, aquatic and marine parks - state owned land that is maintained/operated by the organisation - botanic gardens - forestry areas that have public access/recreation use - land leased to sports/community groups for recreation/community purposes (even where access may be restricted) e.g. tennis courts, bowling greens, etc - beaches, dunes and land around river mouths - closed cemeteries maintained from general parks budget - ornamental ponds/water bodies/small lakes - buffer, green strip, berm, verges along street edges for utilities/amenity which are maintained by the organisation as a part of its parks/green space activity. 	<p>15.0ha/1000</p> <p>The median provision from 2013 to 2018 ranges from 14.6ha to 18.8ha/1000 residents. Metrics for all years use the 2013 census population rather than projections. Consequently, the lower end of the range has been adopted as a representative measure.</p>
Actively maintained park land	<p>Actively maintained parks/open space will typically include parks with the following features:</p> <ul style="list-style-type: none"> - mown grass - planted trees - planted beds - park furniture - other built improvements - sports fields <p>Actively maintained parks/open spaces are typically located within urban or residential areas with the primary purpose of providing for recreation activities and/or amenity or landscape enhancement and that receive regular grounds maintenance.</p>	<p>7.5ha/1000</p> <p>The median provision from 2013 to 2018 ranges from 7.4ha to 9.9ha/1000 residents. Metrics for all years use the 2013 census population rather than projections. Consequently, the lower end of the range has been adopted as a representative measure. 7.5ha/1000 has been adopted as a representative measure.</p>
Provision of sports parks	<p>Sports parks are defined as land that caters for publicly available organised sports activities. The area includes the surrounds to the actual sport playing area so may include additional grass areas, carparks, access roads and garden areas.</p> <p>Sports and recreation parks/green space include:</p> <ul style="list-style-type: none"> - grass sports fields - hard court surfaces such as netball and tennis courts - other artificial sports surfaces such as hockey or football/soccer fields - indoor sports/recreation buildings, swimming pools and other facilities - land leased to others for active recreation activities. 	<p>2.0ha/1000</p> <p>The median provision from 2013 to 2018 ranges from 1.9ha to 2.6ha/1000 residents. Metrics for all years use the 2013 census population rather than projections. Consequently, the lower end of the range has been adopted as a representative measure. 2.0ha/1000 has been adopted as a representative measure.</p>
Provision of neighbourhood parks	<p>Informal recreation and sporting activities, play and family based activities, and social and community activities.</p> <p>Typically includes:</p> <ul style="list-style-type: none"> - Playgrounds - Recreation facilities, e.g. skate parks, half courts, bike tracks and other informal recreation activities - Picnic facilities e.g. barbecues/tables/shelters - Usually small areas (up to 2-5 ha) located near or within residential areas - Dog exercise areas and dog parks - May have sports field for junior or informal use - May have buildings, e.g. toilets, community centres/halls, other community service buildings 	<p>0.8ha/1000</p> <p>The median provision from 2013 to 2018 ranges from 0.7ha to 0.9ha/1000 residents. Metrics for all years use the 2013 census population rather than projections. Consequently, the lower end of the range has been adopted as a representative measure. 0.8ha/1000 has been adopted as a representative measure.</p>

APPENDIX C – PARK PROVISION BY NODE

Sports and Recreation Park future requirements (2038)

	Sports and Recreation Park provision							
Node	Hectares	2018ha/1000	2023ha/1000	2028ha/1000	2033ha/1000	2038ha/1000	Shortfallha/1000	Ha Required
Whangarei City	46.33	3.08	2.94	2.81	2.70	2.62	-0.62	
Urban Villages								
Kamo	12.46	0.95	0.92	0.90	0.88	0.86	1.14	16.47
Maunu	2.45	0.46	0.44	0.42	0.41	0.39	1.61	10.04
Onerahi	48.07	5.78	5.60	5.44	5.32	5.23	-3.23	
Otaika/Toetoe	30.64	5.49	5.40	5.34	5.30	5.27	-3.27	
Tikipunga	33.98	3.57	3.27	3.17	3.11	3.07	-1.07	
Satellite Towns								
Marsden Point/Ruakaka	12.54	2.49	1.95	1.52	1.44	1.37	0.63	5.78
Growth Nodes								
Hikurangi	13.74	7.62	7.41	7.26	7.12	7.02	-5.02	
Parua Bay	5.89	4.26	3.96	3.79	3.67	3.56	-1.56	
Waipu	5.94	3.83	3.38	3.16	3.01	2.89	-0.89	
Rural Villages								
Maungakaramea	5.51	5.63	5.29	4.98	4.75	4.58	-2.58	
Maungatapere	0.82	1.11	1.07	1.02	0.99	0.96	1.04	0.89
Coastal Villages								
Matapouri	0.00	0.00	0.00	0.00	0.00	0.00	2.00	1.38
McLeod Bay/Teotahi	0.00	0.00	0.00	0.00	0.00	0.00	2.00	1.91
Ngunguru	14.24	10.82	10.10	9.64	9.28	8.94	-6.94	
Oakura	3.55	13.85	12.93	12.29	11.78	11.38	-9.38	
Pataua	0.00	0.00	0.00	0.00	0.00	0.00	2.00	1.76
Taurikura/Urquharts Bay	0.00	0.00	0.00	0.00	0.00	0.00	2.00	0.92
Tutukaka	1.42	1.80	1.68	1.61	1.55	1.49	0.51	0.48
Waipu Cove/Langs Beach	0.00	0.00	0.00	0.00	0.00	0.00	2.00	1.69
Hamlets and Internodal Area	15.21	0.91	0.85	0.80	0.77	0.74	1.26	26.03
Total for Whangarei District	252.78	2.79	2.62	2.48	2.39	2.33		67.34

Neighbourhood Park Future requirements (2038)

	Neighbourhood Park provision							
Node	Hectares	2018ha/1000	2023ha/1000	2028ha/1000	2033ha/1000	2038ha/1000	Shortfallha/1000	Ha Required
Whangarei City	18.57	1.23	1.18	1.13	1.08	1.05	-0.25	
Urban Villages								
Kamo	10.04	0.77	0.74	0.72	0.71	0.69	0.11	1.53
Maunu	4.05	0.76	0.72	0.69	0.67	0.65	0.15	0.94
Onerahi	21.42	2.58	2.50	2.42	2.37	2.33	-1.53	
Otaika/Toetoe	11.91	2.13	2.10	2.07	2.06	2.05	-1.25	
Tikipunga	4.80	0.50	0.46	0.45	0.44	0.43	0.37	4.07
Satellite Towns								
Marsden Point/Ruakaka	10.02	1.99	1.56	1.21	1.15	1.09	-0.29	
Growth Nodes								
Hikurangi	0.18	0.10	0.10	0.10	0.10	0.09	0.71	1.38
Parua Bay	0.00	0.00	0.00	0.00	0.00	0.00	0.80	1.32
Waipu	1.11	0.72	0.63	0.59	0.56	0.54	0.26	0.53
Rural Villages								
Maungakaramea	0.27	0.28	0.26	0.24	0.23	0.22	0.58	0.69
Maungatapere	0.00	0.00	0.00	0.00	0.00	0.00	0.80	0.68
Coastal Villages								
Matapouri	0.30	0.53	0.50	0.47	0.45	0.44	0.36	0.25
McLeod Bay/Reotahi	0.84	1.05	1.00	0.95	0.92	0.88	-0.08	
Ngunguru	1.51	1.15	1.07	1.02	0.99	0.95	-0.15	
Oakura	0.64	2.49	2.33	2.21	2.12	2.05	-1.25	
Pataua	0.25	0.40	0.36	0.33	0.30	0.28	0.52	0.45
Taurikura/Warukihia Bay	0.08	0.21	0.20	0.19	0.18	0.18	0.62	0.29
Tutukaka	2.05	2.60	2.43	2.32	2.24	2.16	-1.36	
Waipuna Cove/Langsbay Beach	0.24	0.38	0.33	0.31	0.29	0.28	0.52	0.44
Hamlets and Internodal Area	6.47	0.39	0.36	0.34	0.33	0.31	0.49	10.03
Total for Whangarei District	94.75	1.05	0.98	0.93	0.90	0.87		22.60

APPENDIX D – POPULATION PROJECTIONS

Population	Projected Resident population				
Node	2018	2023	2028	2033	2038
Whangarei City	15062	15782	16495	17146	17711
Urban Villages					
Kamo	13051	13561	13896	14196	14465
Maunu	5353	5604	5839	6056	6245
Onerahi	8313	8579	8833	9034	9198
Otaika/Toetoe	5579	5675	5741	5780	5816
Tikipunga	9519	10375	10706	10932	11083
Satellite Towns					
Marsden Point/Ruakaka	5032	6419	8266	8704	9161
Growth Nodes					
Hikurangi	1803	1854	1893	1931	1957
Parua Bay	1384	1487	1556	1607	1653
Waipu	1550	1756	1876	1975	2053
Rural Villages					
Maungakaramaea	978	1041	1105	1159	1203
Maungatapere	735	764	799	828	853
Coastal Villages					
Matapouri	567	608	640	667	691
McLeod Bay / Reotahi	802	844	885	917	953
Ngunguru	1316	1410	1476	1535	1592
Oakura	256	275	289	302	312
Pataua	624	687	751	815	879
Taurikura / Urquharts Bay	385	405	425	440	458
Tutukaka	787	843	881	916	950
Waipu Cove / Langs Beach	640	724	774	815	847
Hamlets and internodal area	16764	17918	18944	19837	20620
Total for Whangarei District	90,500	96,610	102,070	105,590	108,700

REFERENCES

- Yardstick Parkcheck Report 2013, 2014, 2015, 2016, 2017, 2018
- Whangarei District Council Growth Strategy
- New Zealand Recreation Association Parks Categories 2017

Plan Change 143: Airport Zone (SPA)

Section 32 Evaluation Report

March 2019

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List of Abbreviations

Airport Zone	SPA
Asset Management Plans	AMPs
Coastal Marine Area	CMA
Iwi and Hapu Management Plans	IMP/HMP
Local Government Act 2002	LGA
Long Term Plan	LTP
Operative Whangarei District Plan	WDP
Plan Change 143	PC143
Proposed Regional Plan	PRP
Minerals Chapter	MIN
National Environmental Standards	NES
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	NESCS
National Planning Standards	NP Standards
National Policy Statements	NPS
Noise and Vibration Chapter	NAV
New Zealand Coastal Policy Statement	NZCPS
Northland Regional Council	NRC
Northland Regional Policy Statement	RPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Council	WDC
Whangarei District Council, Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50

1. Introduction

1.1 Overview

1. This report is in relation to proposed changes to the Operative Whangarei District Plan (**WDP**) seeking to review the provisions relating to the Whangarei Airport (**the Airport**), as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the Whangarei Airport. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the Whangarei Airport and its management over the next ten years within the lifespan of the WDP under the Rolling Review.
3. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

4. Plan Change 143 (**PC143**) seeks to introduce a new Zone into the Operative WDP, this being the Airport Zone (**SPA**). The SPA proposes to replace the existing Airport Environment (Chapter 24 and 45). PC143 will include:
 - A new 'Airport Zone' Chapter – with objectives, policies and rules for the Airport, including land use and subdivision provisions.
 - Changes to the WDP Zone Maps – denoting the SPA.
 - Consequential changes to the WDP.
5. PC143 includes a description of the proposed SPA to identify the environmental expectations and outcomes sought in the Zone through the proposed objectives, policies and rules.
6. PC143 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC143 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)

- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

2. Background

2.1 Existing Environment

7. The Whangarei Airport is situated at Onerahi on an elevated site overlooking Whangarei Harbour. It is approximately 6km, by road, to the southeast of Whangarei's City Centre. The airport covers an area of approximately 60ha and is shown in Figure 1 and 2 below.



Figure 1 - SPA Zone location and extent

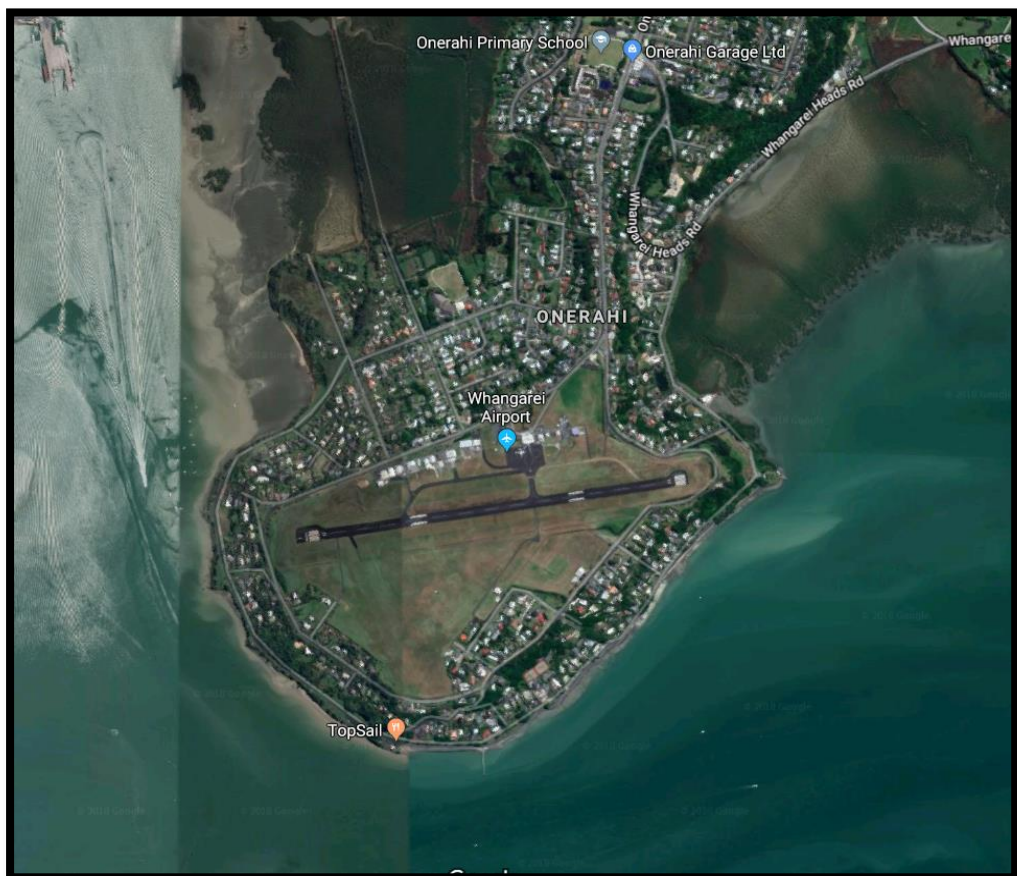


Figure 2 – Aerial photograph of the Airport (Source: GoogleMaps)

8. The Airport is located in close proximity to established residential areas and areas of open space, and is partly located in the coastal environment. The Airport is a regional airport serving a population of approximately 77,000 people within the Whangarei District and comprises a range of facilities to support its regional air transport function. These features include a main runway and cross-wind runway and taxiways, apron area, passenger terminal, maintenance and support buildings and facilities, and navigational aids.
9. The Airport is a significant resource contributing to the social and economic well-being of Whangarei and the Northland Region, as well as to elsewhere within New Zealand as part of a national network of airports. It is anticipated that the location of the Airport at Onerahi will remain for the next 10-year life cycle of the WDP.
10. The Airport and Airport activities are enabled by two designations (DW 124 and DW 125) and rules in the WDP. One designation is for Aerodrome purposes on the land. The other is an Airspace designation for the safe and efficient operation of aircrafts on approach, landing and take-off. The designations authorise a range of activities such as aircraft movements, independently of the rules in the WDP.
11. The WDP also has a set of rules relating to the Airport which permit a range of activities within the Environment. The activities permitted in the Airport Environment through the WDP rules generally include those which are ancillary to or directly associated with airport services.

2.2 Resource Management Issues

12. Sections 2.2.1 – 2.2.4 discuss the following key resource management issues in relation to the Airport.
 - Providing for current and future airport operations.
 - Reserve sensitivity effects (including noise).
 - Managing the effects of airport operations.
 - Possibility of relocating the airport.

2.2.1 Providing for current and future airport operations

13. The Airport is regionally significant infrastructure that provides facilities for the transportation of people and freight, and is a key asset to the District in terms of supporting the economy, the tourism industry and the needs of local and business travellers. The Airport acts as an important gateway to the District and facilitates access and economic activity in the local and broader regional economies. It is therefore essential that the current and future operations of the Airport are safeguarded through the District Plan Review.
14. The Airport needs the flexibility to respond to changes and growth in the economic and tourism market. Increasingly, modern airports are also demanding a greater diversity and range of activities to provide for their passengers, and to assist in the efficient operation and functioning of the airport. In the context of the Airport, which is surrounded by a range of land uses, meeting the changing and evolving needs

of the Airport operations now and into the future will need to be carefully balanced with achieving appropriate environmental outcomes for the immediately surrounding zones.

15. PC143 aims to provide for current and future airport operations by acknowledging and allowing for the continued operation of airport activities and any ancillary activities while managing 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 airport approach/take off paths.
16. 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. It is important to note that 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 be conscious of potential future uses.

2.2.2 Reserve Sensitivity Effects

17. Reverse sensitivity can arise where sensitive activities are introduced to an environment where existing effects-intensive activities take place. The establishment of activities sensitive to airport noise within the vicinity of an airport has the potential to create, and in some other locations has created, reverse sensitivity issues and pressures on airport activities.
18. One of the most frequent issues airport operators face is reverse sensitivity effects caused by sensitive activities locating in close proximity to established airports. There is a risk that activities (e.g. houses, childcare centres) that locate near established airports may object to the effects of the airport (in particular, noise effects which cannot be reasonably internalised, such as those generated by the taking off and landing of aircraft).
19. The Airport is surrounded by residential zoning and land uses. The location of residential dwellings and any potential future residential development may result in actual or perceived nuisances from the Airport. This can potentially lead to pressure to reduce or eliminate such effects, which in the instance of the Airport is impractical and could potentially constrain both present and future airport operations.
20. Once activities sensitive to aircraft noise are established in the vicinity of an airport, the people affected are likely to complain about the noise, even though they and any potential future developers of the properties have always known that the properties are subject to air noise. As competition for land increases, and as land uses evolve in Whangarei, issues of reverse sensitivity will likely become increasingly important.
21. If the WDP does not give due consideration to reserve sensitivity effects on the Airport from surrounding land uses, there could be substantial implications for regional and national tourism and commerce. PC143 aims to address reverse sensitivity by avoiding and managing the encroachment of any non-airport activities within the SPA.

2.2.3 Managing the effects of airport operations

22. The operation of an airport typically can result in adverse effects including noise and vibrations that impact on the amenity typical of nearby more sensitive environments. While the continued efficient and effective operation of the Airport needs to be provided for, adverse effects on the surrounding environment need to be appropriately managed to ensure those effects are appropriately addressed.
23. The Airport is surrounded by living zones which are primarily occupied by residential development. Therefore, while acknowledging that the airport is an established activity of regional significance and that a reduced level of amenity is anticipated in such area, adverse effects generated by the Airport shouldn't unduly impact on the reasonable enjoyment or use of the surrounding environment.
24. It is intended that PC143 will provide for activities that are compatible with the Airport in a manner that protects both the airport from unnecessary controls whilst protecting, as far as possible, surrounding sensitive environments from adverse effects. PC143 aims to ensure that all new activities and buildings within the SPA are of a scale and character that is compatible with the residential zones surrounding the Airport and are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of open space and access to sunlight.

2.2.4 Relocating the Airport

25. It is acknowledged that the Airport may relocate in the future. The WDC Long Term plan identifies that the current airport will not be fit for purpose in the future (approximately 10 years) due to changes in airplane and airline operator requirements. WDC will be exploring and scoping for a new airport site for the district in the future, however it is not anticipated that the Airport will be relocated within the 10 year lifespan of the Plan.

2.3 Consultation

26. Prior to the notification of PC143, consultation regarding the development of PC143 and the draft provisions for the SPA was undertaken. This included a draft version of the chapter being made available for comment during the pre-notification consultation process undertaken for the wider Urban & Services Plan Changes.
27. The draft SPA provisions were provided to Airport representatives for review and comments following the pre-notification consultation phase and discussions with Airport representatives took place. No formal written feedback was provided. Council's Infrastructure & Services Department have reviewed the draft plan change and confirmed that the Department is happy to maintain the status quo for the airport.

2.4 Background Research and District Plan Comparisons

28. To assist with the drafting and development of the SPA chapter, background comparison research was undertaken on Airport zones and provisions in other District Plans throughout the country. This research was used to inform the SPA provisions. As no formal feedback was received on the draft pre-notification version of the SPA chapter, the research aided in developing the provisions.

29. The following District Plans were reviewed as part of the comparison research:
- Whangarei District Plan;
 - Palmerston North District Plan;
 - Gisborne Tairāwhiti Resource Management Plan (Unitary Plan);
 - New Plymouth District Plan;
 - Tauranga City Plan;
 - Dunedin City District Plan;
 - Nelson Resource Management Plan;
 - Napier District Plan.
30. Consistency between the research findings and the proposed SPA chapter is referenced throughout the analysis in Section 4, where it has informed and influenced the provisions.

3. Statutory Considerations

31. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, RPS, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC143 are discussed below.

3.1 National Policy

National Policy Statements

32. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) in their plans. There are currently five NPS:
- National Policy Statement on Urban Development Capacity;
 - New Zealand Coastal Policy Statement;
 - National Policy Statement for Freshwater Management;
 - National Policy Statement for Renewable Energy; and
 - National Policy Statement on Electricity Transmission.
33. With regard to the New Zealand Coastal Policy Statement (**NZCPS**), parts of the Airport are located and extend into the coastal environment, therefore it is necessary to consider the NZCPS.

34. The purpose of the NZCPS is to state policies regarding the management of natural and physical resources in the coastal environment, in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Local authorities are required by the RMA to give effect to the NZCPS through their plans and policy statements.
35. The NZCPS emphasises ‘appropriate’ use of the coastal environment. The objectives focus on, for example, the protection of natural character and the management of the coastal environment from inappropriate use and development while enabling people and communities to provide for their social, economic and cultural well-being. Specifically, the objectives of the NZCPS recognise that the coastal environment contains established infrastructure connecting New Zealand internally including airports. The following objective and policy also has relevance to land uses for infrastructure:
- Objective 6 – To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use and development recognising that:
 - Functionally some uses and developments can only be located on the coast or in the coastal marine area (**CMA**);
 - Policy 6 – Recognise that the provision of infrastructure are activities important to the social, economic and cultural wellbeing of people and communities.
36. Given that parts of the Airport are located and extend into the coastal environment, PC143 is intended to be consistent with the NZCPS. There are no proposed objectives, policies or rules for the SPA which conflict with the higher order direction in the NZCPS. In addition, the WDP has a Coastal Area chapter which is specifically designed to protect the values of the coastal environment and which will be relevant and applicable in conjunction with the SPA chapter. It is therefore considered that PC143 gives effect to the NZCPS.
37. The NPSs for Urban Development Capacity, Freshwater Management, Renewable Electricity Generation and Electricity Transmission are not relevant to the Plan Change.

National Environmental Standards

38. National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Section 44A of the RMA requires local authorities to recognise NES in their plans. There are currently six National Environmental Standards:
- National Environmental Standards for Air Quality;
 - National Environmental Standards for Sources of Drinking Water;
 - National Environmental Standards for Telecommunication Facilities;
 - National Environmental Standards for Electricity Transmission Activities;

- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health; and
- National Environmental Standards for Plantation Forestry.

39. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and if necessary the land is remediated or the contaminants contained to make the land safe for human use.
40. Given the existing uses of the Airport environment, the NESCS assumes that the underlying ground is subject to potential contamination and as such is considered a HAIL (Hazardous activities and industries list) activity under the NESCS. However, in this instance the NESCS is not applicable to PC143 as the use of the land is not changing.
41. There are no other NES considered relevant to this plan change.

National Planning Standards

42. The Government is introducing a set of National Planning Standards (**NP Standards**), which are intended to make council plans and policy statements easier to prepare, understand, compare and comply with. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content. The NP Standards were introduced as part of the 2017 amendments to the RMA and will be implemented between April 2019 – April 2024.
43. The draft NP Standards include site specific zoning for special purpose areas. Airport Zones are listed as a 'special purpose zone' to be incorporated into district plans. As per the draft NP Standards, the purpose of the Airport Zone is to:
 - Enable the ongoing operation and future development of airports and the surrounding airfield and aerodrome;
 - Enable associated operational areas and facilities;
 - Enable operations relating to the transportation of people and freight;
 - Provide for aeronautical (or aviation) activities of airports, as well as operational, administrative, commercial and industrial activities associated with airports.
44. PC143 implements site specific zoning to the Airport (SPA) to achieve consistency with the draft NP Standards.

3.2 Regional Policy

Northland Regional Policy Statement (RPS)

45. The RPS is operative and provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making.
46. Regionally significant infrastructure in the RPS is the infrastructure essential for the social and economic functioning of Northland. Northland also needs this type of infrastructure to attract investment and development opportunities as well as help complement and support Auckland and other regions. The Whangarei Airport is identified as 'Regionally Significant Infrastructure' in Appendix 3 of the RPS.
47. The RPS has a strong focus on economic wellbeing and regionally significant infrastructure. Specifically, objectives 3.5, 3.6 and 3.7 are relevant to the Airport and are as follows:

3.5 Enabling Economic Wellbeing – *Northland's natural and physical resource are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.*

3.6 Economic Activities – Reverse Sensitivity and Sterilisation - *The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:*

(a) *Reverse sensitivity for existing:*

(i) *Primary production activities;*

(ii) *Industrial and commercial activities;*

(iii) *Mining*; or*

(iv) *Existing and planned regionally significant infrastructure; or*

(b) *Sterilisation of:*

(i) *Land with regionally significant mineral resources; or*

(ii) *Land which is likely to be used for regionally significant infrastructure.*

3.7 Regionally Significant Infrastructure – *Recognise and promote the benefits of regionally significant infrastructure, (a physical resource) which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.*

48. The objectives of the RPS are clear that regionally significant infrastructure, including the Airport, needs to be recognised, provided for and appropriately managed in the long term given the importance of such infrastructure to the economy of Northland. Regionally significant infrastructure is recognised and promoted through PC143.
49. The policies of the RPS also place strong emphasis on encouraging the development of infrastructure, promoting and realising the benefits of regionally significant infrastructure and avoiding and managing

effects on and arising from regionally significant infrastructure. Specifically, policies 5.1.2, 5.1.3, 5.2.2, 5.2.3, 5.3.1, 5.3.2 and 5.3.3 are relevant to the Airport and are as follows:

5.1.2(b)(i) Development in the coastal environment – *Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that ensures sufficient development setbacks from the coastal marine area to maintain and enhance public access, open space, and amenity values.*

5.1.3 Avoiding the adverse effects of new use(s) and development – *Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: the operation, maintenance or upgrading of existing or planned regionally significant infrastructure.*

5.2.2 Future-proofing infrastructure – *Encourage the development of infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community.*

5.2.3 Infrastructure, growth and economic development – *promote the provision of infrastructure as a means to shape*

5.3.1 Identifying Regionally Significant Infrastructure – *The regional and district Councils shall recognise the activities identified in Appendix 3 of this document as being regionally significant infrastructure.*

5.3.2 Benefits of Regionally Significant Infrastructure – *Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure.*

5.3.3 Managing adverse effects arising from regionally significant infrastructure –

(1) Allow adverse effects arising from the establishment and operation of new regionally significant infrastructure and the re-consenting of existing operations; and

(2) Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located.

50. The importance of providing for regionally significant infrastructure is recognised in the policies as being due to the clear social, economic and cultural benefits that such infrastructure delivers to the region.
51. PC143 and the associated objectives, policies and rules are intended to support the Whangarei Airport through enabling airport activities to continue and support Northland's economy, whilst ensuring that adverse effects are managed to an acceptable level. Proposed PC143 is therefore consistent with the provisions in the RPS.

Regional Plans

52. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. Having reviewed each document and taking into account all of the provisions, it is considered that the proposed objectives for the PC134 are consistent with the operative Regional Plans.
53. The Proposed Regional Plan (**PRP**) combines the operative Regional Plans applying to the CMA, land and water and air, into one combined plan. Objective 1 of the proposed SPA Chapter seeks to recognise and provide for the operational area of the Airport as a regionally significant resource. As such, it is considered that the proposed objectives for PC143 are consistent with the PRP.

3.3 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 (30/50)

54. The Whangarei District experienced significant growth over the period 2001 – 2008. Further growth for the district is projected to continue and in some parts of the district has the potential to be substantial. This growth presents both challenges and opportunities to the district and its communities, individuals and families, businesses and governing bodies. To manage the projected growth sustainably, Council formulated the Whangarei District Growth Strategy, Sustainable Futures 30/50 (**30/50**).
55. Section 5.2 of 30/50 relates to the Airport. 30/50 notes that no major difficulties are being experienced with the terminal facilities, even though the terminal could benefit from reorganisation in order to improve the layout and space requirements. However, it may be more advantageous to construct a new, larger terminal once demand for its facilities outgrows its capacity.
56. 30/50 acknowledges that the Airport's present location, close to the urban area and in close proximity to residential land uses that have grown up with and around the Airport, has both positive and adverse effects. However, the adverse effects (e.g. reverse sensitivity) are identified as being able to be managed so as to provide for the continued operation of the Airport and airport activities. Adverse effects from an increase in the frequency of flights would also be partially offset by the trend towards quieter aircraft in the future.
57. 30/50 identifies that the most recent extension of the runway system ensures the ability of the Airport to accommodate larger aircraft and increased frequency of flights. In addition, it is considered that advances in aircraft technology will, in the future, produce airplanes that are quieter, offsetting potential increases in noise and reducing the impact on local residents. These features, in addition to the Airport's ability to cater for an increased frequency of flights and destinations, are considered to provide adequate capacity for the next 30 to 50 years.
58. PC143 seeks to provide for the continued operation of the airport without undue constraints while managing the known adverse effects where possible associated with airports. In addition, the proposed SPA chapter incorporates rules and controls which are supportive and enabling of any future growth and development of the Airport as it may be required due to growing the growing population. Therefore, PC143 is considered to be consistent with the objective and direction of 30/50.

Long Term Plan 2018– 2028 (LTP)

59. The Local Government Act 2002 (**LGA**) requires every council to produce a Long Term Plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The latest LTP was adopted by WDC in June 2018 and covers the period 1 July 2018 to 30 June 2028.
60. A core activity for WDC is the provision of infrastructure as per the LTP. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans (**AMPs**) have been developed with regard to 30/50.
61. A key activity for Council over the next 10 years is undertaking an evaluation for a new airport. The Council considers the current Airport will no longer be fit for purpose in the future and intends to continue scoping and planning for a new airport site in the district.
62. Except for the above, there is nothing specific or directly relevant to the Airport in the LTP. It is considered that the PC134 is consistent with the outcomes in the LTP.

Whangarei District Operative Plan 2007 (WDP)-

63. The WDP became operative in May 2007. Within the WDP, the Airport is controlled through designations and the zoning rules which are addressed in:
 - Chapter 24: Whangarei Airport (containing objectives and policies);
 - Chapter 45: Airport Environment Rules (containing rules);and
 - The Noise and Vibration Chapter (NAV) (containing rules relating to noise boundaries, engine testing).
64. The designations authorise a range of activities such as aircraft movements, independently of the rules of the WDP. The underlying zoning of the airport site is 'Airport Environment'. The WDP sets out the rules regarding the land uses in the Airport Environment and applies to all activities not falling within the purpose of the Aerodrome designation.
65. The current objective in the WDP (24.3 Objective) is:
 - *"the long-term continuation of Whangarei Airport at its present location, with provision for continued growth in aircraft movements, whilst managing the effects of noise and other potential adverse effects on the community".*
66. The objective recognises that the Airport is a significant physical resource which contributes to the social and economic wellbeing of Whangarei and the Northland Region and aims to ensure its existence continues and operations expand in the future.
67. The WDP currently has six policies relating to the Airport which are as follows:

- **Airport Resources** – *The operational area of the Whangarei Airport should be recognised and considered as an important community resource;*
- **Aircraft Noise** – *Noise effects of aircraft should be reasonable, in the context of the neighbourhoods surrounding the Whangarei Airport, and should not exceed levels at, or outside, the Air Noise and Outer Control Boundary projected for the year 2027;*
- **Noise Management, Monitoring and Review** – *To establish methods for control, management and procedures for monitoring and audit of aircraft noise within areas defined by the Air Noise and outer control boundary;*
- **Receiving Environment** – *The potential exposure of communities to Airport noise should be managed to ensure that a reasonable balance is achieved between the operational needs of the Whangarei Airport, over time, and the amenities and wellbeing of the community;*
- **Noise-Sensitive Activities** – *The potential incompatibility between the airport and the living 1 environment and open space environment should be managed through land use controls to avoid new noise-sensitive activities within the Air Noise Boundary and provide restrictions on new noise-sensitive activities within the outer control boundary for the Airport, as well as implementation of best practice for mitigating noise from aircraft operations; and*
- **Fuel Burn** – *To monitor the effects of use of aviation fuel.*

68. The policies recognise the regional significance and importance of the Airport and all associated airport operations. The current policies aim to provide for the operational requirements of the Airport whilst seeking to manage the effects of noise on surrounding residential areas. In addition, the policies seek to strike a balance between the operational needs of the Airport with amenities and wellbeing of the community.
69. The Airport Environment rules in Chapter 45 generally permit any activity if it is ancillary to, or directly associated with airport activities. Where activities do not meet the conditions for a permitted activity they become a discretionary activity. There is a suite of other specific rules for the Airport relating to hazardous substances; parking; signs; artificial lighting; outdoor storage and aerials. In addition, there are specific building standards which must be met including a maximum building height of 10.25m, 50% maximum building coverage and 4.5m setbacks from road boundaries.
70. The Noise and Vibration (**NAV**) Chapter was made operative in May 2016 and contains rules to address the effects of Airport noise on noise-sensitive activities, and vice versa. For example, NAV.6.6.1-2 provides rules for the establishment of residential activities within the Air Noise Margin, Outer Control Boundary, and the Air Noise Boundary.
71. The provisions in the WDP are relatively outdated and therefore require review to ensure that they are still relevant and effective at achieving the intended outcomes. The exception is the NAV provisions which were only made operative in May 2016 and therefore do not need to be reviewed.

3.4 Iwi and Hapu Management Plans

72. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, there are five such documents: Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan.
73. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
74. Many of the identified issues relate to concerns over indigenous flora and fauna, minerals, soil, air quality and water quality particularly in regards to industry and development activities. Issues relating to air and water quality, are mainly the responsibility of the Northland Regional Council. However, the management of stormwater is a district council function and will be addressed through impervious surface controls.
75. The Ngati Hine Iwi Environmental Management Plan contains a section identifying issues relating to utilities, amenities and infrastructure, whereby the issue of increased development and population pressures is identified in relation to increased demand for all types of infrastructure. While it is noted that the inclusion of airports, or regionally significant infrastructure, is not specifically listed in this section, it is considered that Policy 26.1 of this management plan is relevant, which requires the full participation of Te Runanga o Ngati Hine in all decision-making processes of agencies over planning for, development and management of infrastructure within their rohe. The pre-notification consultation process for the Urban & Services Plan Changes provided an opportunity prior to formal notification for iwi and hapu to comment on the proposed plan changes. No submissions specific to the draft SPA Chapter were received from Te Runanga o Ngati Hine. Further opportunities for consultation with iwi, will continue to be provided through the PC143 plan change process.
76. PC143 has considered those matters of relevance within the iwi and hapu management plans and has taken them into account in the development of the proposed provisions.

4. Proposed Airport Zone

77. The proposed SPA aims to recognise the significance of the Airport as regionally significant infrastructure, and provide for the ongoing operation of the Airport by enabling a range of airport activities and any ancillary activities while managing potential adverse effects on surrounding land uses. As the Airport is regionally significant and contributes to the economic and social wellbeing of the Whangarei District and the Northland Region, the SPA aims to protect the Airport land to allow for the ongoing and

future operation and development of the Airport. It is proposed to achieve these outcomes through zone mapping, objectives, policies and provisions specific to the Whangarei Airport.

78. With regard to zone mapping, the extent of the area included within the SPA has not changed from the current operative Airport chapter and mapping the WDP. The current SPA boundaries are considered fit for purpose for the Airport, with no reason currently known to expand or reduce the boundaries.

5. Section 32 Analysis

5.1 Appropriateness in Terms of Purpose of RMA

79. Council must evaluate in accordance with Section 32 of the RMA the extent to which each objective proposed in PC143 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, section 5.1 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA. Sections 5.2 and 5.3 of this report go on to assess whether the proposed objectives are the most appropriate with regard to higher order documents and the Strategic Direction Chapter. The level of analysis undertaken in this report is commensurate/appropriate to the scale of the proposal.
80. PC143 proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED SPA OBJECTIVES	
Proposed SPA Objectives	Reason
SPA-O1 Recognise and provide for the operational area of the Whangarei Airport as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.	This objective recognises the regional significance of the Airport and the role it plays in serving local business, industry and tourism in Whangarei, the wider Northland Region and National network of airports.
SPA-O2 Provide for the efficient and effective ongoing operation, maintenance, upgrade and development of the Whangarei Airport.	This objective facilitates the current and future Airport operations, maintenance, upgrade and development.
SPA-O3 Manage the adverse effects (including reverse sensitivity effects) associated with the Airport which could compromise the amenity and well-being of the community.	Given the Airport's proximity to the nearby residential land uses, a key intention of the SPA is to carefully manage the adverse effects (including reverse sensitivity effects) associated with the Airport.
SPA-O4 Avoid fragmentation of the SPA and potential reverse sensitivity effects associated with subdivision.	The Airport, as regionally significant infrastructure requires sufficient land to be made available to allow for the continued functioning and operation of the Airport and cater for any potential future expansion required. Objective SPA - 04 ensures that the suitability and availability of Airport land is not compromised by inappropriate subdivision activities.

81. Part 2 of the RMA provides the statutory framework for the sustainable management of natural and physical resources. Section 5 outlines the purpose and principles of the RMA, Section 6 lists matters of national importance that shall be recognised and provided for, Section 7 lists other matters that all

persons exercising functions and powers under the RMA shall have particular regard to and Section 8 addresses matters relating to the principles of the Treaty of Waitangi.

82. The following table assesses the appropriateness of the proposed objectives in achieving the purpose of the RMA. It is noted that several sections within Part 2 of the RMA are not relevant to PC143, and only those sections which are relevant are addressed below.

TABLE 2: LINKAGE OF PROPOSED SPA OBJECTIVES WITH PART 2 OF THE RMA					
Proposed Airport Zone Objectives					
		SPA-O1	SPA-O2	SPA-O3	SPA-O4
RMA Part 2 Sections	5(2)(a)	✓	✓		✓
	5(2)(c)			✓	✓
	6(a)			✓	
	7(aa)			✓	✓
	7(b)	✓	✓		✓
	7(c)	✓		✓	✓
	7(f)			✓	

83. Taking into account the comments above and having assessed the proposed objectives against Part 2 of the RMA, it is considered that the three proposed objectives are consistent with the purpose of the RMA and promote the sustainable management of natural and physical resources.

5.2 Appropriateness in Relation to Higher Order Documents

84. The provisions of higher order documents were considered in the formulation of the objectives and policies in PC143. Of particular relevance to PC143 are the NP Standards, NZCPS, RPS, 30/50 and the LTP. Section 2 provides an overview and evaluation of the consistency of the SPA in relation to higher order documents.
85. Table 3 provides an overview of the links and consistency of the proposed SPA objectives with the relevant higher order documents.

TABLE 3: EVALUATION OF PROPOSED SPA OBJECTIVES AGAINST HIGHER ORDER DOCUMENTS					
Proposed Airport Zone Objectives					
		SPA-O1	SPA-O2	SPA-O3	SPA-O4
Higher Order Documents	NZCPS	✓		✓	
	RPS	✓	✓	✓	✓
	30/50		✓	✓	✓
	LTP	✓	✓		

5.3 Appropriateness in Relation to the Strategic Direction Chapter

86. The proposed SPA objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed SPA objectives are shown in Table 4 below. This table illustrates that the objectives of the SPH are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND SPA OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed SPA Objectives
SD-03 – 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-P6	SPA-O1
SD-05 – Incompatible Activities Avoid conflict between incompatible land use activities from new subdivision and development.	SD-P2	SPA-O3 SPA-O4
SD-09 – Land Use and Transport Planning Maintain and enhance accessibility for communities and integrate land use and transport planning.	SD-P6, P7, P9, P13	SPA-O2
Urban Area Objectives		
SD-013 – Unanticipated Activities Manage, and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the zone.	SD-P2, P4	SPA-O3
Regional Significant Infrastructure Objectives		
SD-022 – Recognised Benefits Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.	SD-P15	SPA-O1 SPA-O2
SD-023 – Adverse Effects Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.	SD-P16, P17	SPA-O3 SPA-O4

5.4 Appropriateness of Proposed Policies and Methods

87. A section 32 assessment must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. It is important to determine whether the preferred approach will be more effective and efficient than other alternatives and whether this effectiveness and efficiency comes at a higher cost than other alternatives. Below is an assessment of the proposed provisions.

5.4.1 Proposed SPA Policies

88. The proposed SPA policies seek to ensure that airport activities are provided for in the SPA and that any adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where practicable. These policies are achieved through the application of land use and subdivision rules.
89. The policies proposed for inclusion are considered to achieve the objectives by:
- Recognising the Airport as regionally significant infrastructure and providing for activities that support and complement the continued operation of the Airport without unnecessary constraints.
 - Ensuring all new developments within the SPA are of a scale and character that would not compromise the amenity and well-being of the surrounding residential community.
 - Retaining the Airport land holding by avoiding land fragmentation from inappropriate subdivision.
90. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the rules of the SPA chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 5 below demonstrates that the policies for the SPA implement the proposed SPA objectives.

TABLE 5: LINKING OF PROPOSED SPA PROVISIONS	
Proposed SPA Objective	Proposed SPA Policies
SPA-O1 Recognise and provide for the operational area of the Whangarei Airport as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.	SPA-P1 To recognise the regional significance of the Airport by enabling a wide range of existing and future airport operations and activities.
SPA-O2 Provide for the efficient and effective ongoing operation, maintenance, upgrade and development of the Whangarei Airport.	SPA-P2 To enable the continued operation of the Whangarei Airport and ancillary activities with provision for controlled growth in aircraft movements.
SPA-O3 Manage the adverse effects (including reverse sensitivity effects) associated with the Airport which could compromise the amenity and well-being of the community.	SPA-P3 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.
SPA-O4 Avoid fragmentation of the SPA and potential reverse sensitivity effects associated with subdivision.	SPA-P4 To retain the airport land holding by avoiding fragmentation of airport land through inappropriate subdivision.

91. An alternative option to the proposed policies was to rely on the existing Whangarei Airport policies in Chapter 24. It is noted that none of the existing policies in Chapter 24 of the WDP have been retained, although the intent of some of these policies has been carried through into the three new policies proposed for the SPA. Following a series of plan changes, other chapters of the WDP e.g. Noise and Vibration now address the matters that the existing Airport policies covered. The existing policies that

were not rolled over were not considered appropriate for the SPA chapter, in that they did not go far enough to recognise the Airport as regionally significant infrastructure as required under the RPS. The existing policies also focus heavily on noise effects to surrounding land uses and are not considered effective given the range of other potential adverse effects associated with airport activities (e.g. character, amenity, dominance and shading, traffic and safety, etc.).

5.4.2 Proposed SPA Boundaries

92. Spatial mapping is considered to be an appropriate method of achieving the objectives of the SPA as it identifies where the proposed provisions do and do not apply. In order to assess the appropriateness of the proposed spatial extent of the SPA, the following three options were evaluated:

- **Option 1:** Status Quo/Proposed Plan Change - Retain the current spatial extent of the Airport and rezone this to SPA.
- **Option 2:** Expand the current spatial extent of the Airport and rezone this to SPA.
- **Option 3:** Reduce the spatial extent of the Airport and rezone this to SPA.

93. Option 1 is considered the most appropriate option for the following reasons:

- Option 1 is efficient and effective as the existing boundaries are considered to be sufficient for the continued operation and any future development of the Airport. It would also consolidate future growth within an already established Airport environment.
- Option 2 is not efficient or effective as the surrounding areas are already zoned Residential. Rezoning this land to SPA is not necessary as Airport representatives have indicated that there is sufficient land for the current and future airport operations over the next 10 years. Option 2 would also reduce the residential land supply in Whangarei and create additional adverse effects on existing residential land in the vicinity.
- Option 3 is not efficient or effective as this would result in reduced opportunities for activities enabled by the SPA and therefore could limit the ongoing operation and development of the Airport.
- Options 1 and 2 provide the greatest economic growth and employment opportunities by retaining or increasing the SPA land and thereby enabling the continued operation and future expansion of the Airport as the Northland region continues to experience growth. Option 3 provides the least economic growth and employment opportunities.
- There is no risk due to insufficient information.

5.4.3 Proposed SPA Rules

94. The proposed rules in the SPA are assessed below and grouped according to topic. The evaluation of the rules includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed rules and the risks of acting and not acting.

Permitted Activities (Land Use)

95. The proposed provisions include rules for permitted land use activities in SPA-R1 – R8. These rules are assessed below in terms of their appropriateness under the following sub headings.

Any activity not otherwise listed in this chapter

96. A wide range of existing and future Airport facilities and activities need to be provided for within the SPA, while ensuring adverse effects are appropriately managed.
97. Consistent with the approach in other chapters within the Urban & Services Plan Changes, SPA-R1 states that any activity not otherwise listed in the SPA chapter is a permitted activity (provided that resource consent is not required or the activity is not prohibited under any other rule in the District Plan). The approach within the SPA chapter has been to list those activities which are not directly related to the Airport (e.g. rural production) and not anticipated within the zone and state the activity status for them. The default to a permitted activity means that those activities which are not captured by the specific provisions are permitted and enabled within the SPA chapter.
98. Alternatives considered were:
- **Option 1:** Status Quo – Generic Airport Environment Rule 45.3.1.
 - **Option 2:** Proposed Plan Change – Include default to permitted activity in SPA-R1.
 - **Option 3:** Default to non-complying activity status.
99. It is considered that Option 2 is the most appropriate for the following reasons:
- Option 1 is not an efficient or effective option. The existing Airport Environment provisions are not fit for purpose and do not appropriately enable and provide for the continued operation and future expansion and development of the Airport to meet the needs of the District and Region as the population grows.
 - Option 2 is the most efficient and effective option. The SPA objectives and policies seek to provide for the efficient and effective ongoing operation, maintenance, upgrade and development of the Airport. Specifically listing those activities not related to the Airport (e.g. rural production) and the activity status for them means that any airport related activities are by default a permitted activity (provided that resource consent is not required or the activity is not prohibited under any other rule in the District Plan), which gives the Airport the ability to undertake these activities without unnecessary restriction or the unforeseen need to obtain a resource consent.
 - Option 3 is not an efficient or effective option. Under the current structure of the SPA Chapter, a default non-complying activity status may present unintended and unnecessary consenting barriers to airport activities in the SPA. It is considered appropriate to enable such activities within the SPA in order to enable the Airport to continue to operate and potentially expand and

develop further in the future in order to provide for population growth and the economic and social needs of the community.

- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective operation, expansion and future development of the Airport.
- For the reasons outlined above, it is considered that the benefits of Option 2 outweigh any potential costs and offer greater benefits than Options 1, 3 and 4.
- There is no known risk due to insufficient information.

Landing, Departure, Movement or Servicing of Aircraft

100. The proposed SPA objectives seek to recognise the Airport as regionally significant infrastructure and provide for the efficient and effective operation, maintenance, upgrade and development of the Whangarei Airport now and in the future within the SPA. To achieve this, it is recognised that the operational requirements associated with the Airport (e.g. landing and departure of aircraft) needs to be provided for without undue constraints. However, it is still important that adverse effects associated with the Airport on the surrounding environment are appropriately managed with the airport needs.

101. Proposed Rule SPA-R2 permits the landing, departure, movement or servicing of aircraft in the SPA in order to provide for the day to day operational needs of the Airport. This approach is consistent with Councils throughout the country as identified through background comparison research.

102. Alternatives considered were:

- **Option 1:** Status Quo – Generic rule 45.3.1.
- **Option 2:** Proposed plan change rule – SPA-R2.
- **Option 3:** More restrictive activity status requiring resource consent (controlled, restricted discretionary or discretionary).
- **Option 4:** No rule in the SPA.

103. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Option 1 is neither efficient nor effective as the wording of the current rule is ambiguous thus potentially resulting in uncertainty during the consenting process.
- Option 2 is efficient and effective as it provides more clarity and direction on the specific activities that are permitted within the SPA. It reduces any uncertainty and any potential unnecessary costs for the owners and operators of the Airport as well as Council staff during the consenting process. This option is also more consistent with the new WDP structure thus making the subsequent provisions easier to understand for plan users. It is also considered that this option aligns with the draft NP Standards as it specifically provides for aeronautical activities of airports and associated operational areas and facilities. Option 2 is also consistent

with the approach applied in District Plans throughout New Zealand for Airports as revealed in background research undertaken.

- Option 3 is neither efficient nor effective. Having a more restrictive activity status requiring consent would result in unnecessary costs and delays to the ongoing and future operation, maintenance, upgrade and development of the Airport thus not achieving the proposed objectives of PC143. Option 3 would not recognise or provide for the higher-level objectives and policies of the RPS which identify the Airport as regionally significant infrastructure which needs to be enabled in the Northland region. This approach would not achieve consistency with the draft NP Standards and the Airport as a special purpose zone.
- Option 4 is neither efficient nor effective as having no rules would potentially result in adverse effects to the surrounding residential areas' amenity and character. This would not achieve the proposed objectives which seek to manage the adverse effects associated with the Airport.
- Option 4 provides the greatest economic growth and employment opportunities by giving the greatest flexibility on any future development of the SPA. Options 1 and 3 have similar impacts in terms of economic growth and employment opportunities. Option 2 provides the least economic growth and employment opportunities.
- Option 2 has the greatest benefits. The benefits associated with Option 2 outweigh any potential cost. Options 1, 3 and 4 have greater costs than benefits.
- There is no risk due to insufficient information.

Access to Aircraft or Airport Facilities

104. Access to aircraft or airport facilities is necessary to be provided for without undue constraints in order to enable the Airport to continue to contribute to the economic and social wellbeing of the District and Region.
105. Proposed Rule SPA-R3 seeks to manage all activities that require direct or reasonable access to aircrafts or airport facilities within the SPA in order to provide for the operational needs of the Airport. This approach is consistent with Councils throughout the country as identified through background research.
106. Alternatives considered were:
- **Option 1:** Status Quo – Generic rule 45.3.1.
 - **Option 2:** More restrictive activity status requiring resource consent (controlled, restricted discretionary or discretionary).
 - **Option 3:** Proposed plan change rule – SPA-R3.
 - **Option 4:** No rule in the SPA.

107. It is considered that Option 3 represents the most appropriate option for the following reasons:

- Option 1 is neither efficient nor effective as the wording of the current rule is ambiguous thus potentially resulting in uncertainty during the consenting process.
- Option 2 is neither efficient nor effective. Having a more restrictive activity status requiring consent would result in unnecessary costs and delays to the ongoing and future operation, maintenance, upgrade and development of the Airport thus not achieving the proposed objectives of PC143. Option 2 would not recognise or provide for the higher-level objectives and policies of the RPS which identify the Airport as regionally significant infrastructure which needs to be enabled in the Northland region.
- Option 3 is efficient and effective as it provides more clarity and direction on the specific activities that are permitted within the SPA. It reduces any uncertainty for the owners and operators of the Airport as well as Council staff during the consenting process. This option also facilitates ongoing and future Airport operations which would achieve the proposed objectives of PC143. In addition, Option 3 is consistent with the RPS in enabling and providing for the Airport as regionally significant infrastructure by ensuring that the Airport can operate without undue constraints. It is also considered that Option 3 is consistent with the draft NP Standards in enabling operations relating to the transportation of people and freight.
- Option 4 is neither efficient nor effective as having no rules would potentially result in adverse effects to the surrounding residential areas' amenity and character. This would not achieve the proposed objectives which seek to manage the adverse effects associated with the Airport.
- Option 4 provides the greatest economic growth and employment opportunities by giving the greatest flexibility on any future development of the SPA. Options 1 and 3 have similar impacts in terms of economic growth and employment opportunities. Option 2 provides the least economic growth and employment opportunities.
- The benefits of Option 3 outweigh any potential costs and offers greater benefits than Options 1, 2 and 4 which have greater costs.
- There is no risk due to insufficient information.

Community Activities, Industrial Activities, Commercial Services, Food and Beverage Activity and General Retail

108. It is recognised that there may be instances and requirements for community, industrial and some commercial activities to establish within the SPA to support the operation and functioning of the Airport. However, it is important that these activities do not adversely affect the safety and efficiency of the Airport or the ability of the Airport to continue to operate and function.

109. Accordingly, within the SPA chapter, the following activities are proposed to be classified as permitted activities where the activity is directly ancillary to Airport operations:

- Community Activities (SPA- R4);
- Industrial Activities (SPA-R5);
- Commercial Services (SPA-R6);
- Food and Beverage Activity (SPA-R7); and
- General Retail (SPA-R8).

110. The activities listed in SPA-R4 – R8 are community, industrial and some commercial activities which are considered appropriate to be located within the SPA where they are ancillary to the Airport. Where it cannot be determined that the activity is ancillary to the Airport, the activity status is non-complying. This approach is considered appropriate in regards to striking balance between providing for activities and land uses that are directly related to and will support the operation and functioning of the Airport without compromising the intent or purpose of the SPA which is consistent with the policy direction for the SPA and the NP Standards.

111. Alternatives considered were:

- **Option 1:** Status Quo –Generic Rule 45.3.1.
- **Option 2:** Proposed Plan Change Option – Permitted activity status for the above activities.
- **Option 3:** Discretionary activity status for the above activities.
- **Option 4:** Prohibited activity status for the above activities.

112. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Option 1 is neither efficient nor effective as the wording of the current rule is ambiguous thus potentially resulting in uncertainty during the consenting process. This option does not make it explicitly clear what specific activities are permitted in the Airport Environment.
- Option 2 is the most efficient and effective option. This option provides greater clarity and direction on the specific activities that are permitted within the SPA. It reduces any uncertainty for the owners and operators of the Airport as well as Council staff during the consenting process. This option also facilitates ongoing and future Airport operations which would achieve the proposed objectives of PC143. Background research has also highlighted that it is important to provide for these types of activities provided that they are ancillary to the Airport. This will reduce consenting costs and allow the Airport to establish these activities while placing a control on these activities occurring if it is determined that they are not ancillary to the Airport.
- Option 3 is neither efficient nor effective. While a discretionary activity status would allow a case by case assessment of whether a particular activity within SPA-R4 – R8 may be appropriate, a discretionary activity implies that provision is made within the objectives and

policies for such activities. This is not the case as the policy framework only provides for these activities in limited circumstances where they are ancillary. This option could lead to the establishment of such activities within the SPA that are not ancillary to the Airport and ultimately not compatible with the provision of airport operations and functions. Having a more restrictive activity status requiring consent would also result in unnecessary costs and delays to activities which are directly related to and support the ongoing operation and functioning of the Airport thus not achieving the proposed objectives of the SPA.

- Option 4 is not an efficient or effective option. A prohibited activity status would provide direction that such activities cannot be established within the SPA, and it provides no option for such activities to establish where they are compliant with the relevant permitted activity standards or to assess individual proposal for the above activities on their merits. It is considered that there are circumstances where commercial, industrial and community activities which are directly ancillary to the Airport should be able to establish within the SPA, particularly where it supports and is related to the ongoing operation and functioning of the Airport. A prohibited activity status would send the signal that these activities are not appropriate within the SPA and would not allow this to occur.
- Option 2 would provide the greatest scope for employment and economic growth opportunities by allowing for commercial, industrial and community activities to establish without the need for a consent provided it is ancillary to the Airport.
- Option 2 has the greatest benefits which outweigh the costs in comparison to the other options.
- There is no known risk due to insufficient information.

Building Height

113. It is recognised that there may be requirements for new buildings/structures or upgrades to existing buildings/structures within the SPA. However, it is important that building heights are managed to ensure that buildings within the SPA do not adversely affect the safety and efficiency of the Airport or the ability of the Airport to function; restrictions need to be in place to protect the flight approach paths in the SPA. Given the site's proximity to residentially zoned land, heights also need to be controlled to ensure that potential adverse amenity effects on the surrounding environment are appropriately managed.
114. Proposed Rule SPA-R9 manages building height within the SPA. The proposed maximum building height is 10.50m, or less than 8.0m where the building adjoins a Residential or Open Space zone. The 10.50m proposed is slightly higher than the maximum permitted building height of 10.25m in the WDP. It is noted that there is an airspace designation exists that will override the height limits regardless of this proposed rule.
115. Alternatives considered were:
- **Option 1:** Status Quo - Retain the current building height rule in 45.4.1.

- **Option 2:** Proposed Plan Change - Increase the maximum building height.
- **Option 3:** Have no building height controls in the SPA.

116. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Options 1 and 2 are very similar with only a very marginal difference in height proposed (0.25m) between the two.
- Option 1 sets a maximum building height limit of 10.25m. The WDP and other District Plan's reviewed do not tend to use 0.25 number increments (e.g. 10.25m as per rule 45.4.1 in the WDP) and therefore this height limit is not considered efficient given its inconsistencies with what is typically used.
- Option 2 allows for a slight increase in the maximum building height permitted (by 0.25m) which would potentially increase development opportunities. Whilst there is a slight increase in the maximum building height, it is considered that any potential shading and dominance effects of this option, in comparison to the current building height rule in 45.4.1, are unlikely to be noticeable to the surrounding environment. The building height is also consistent with the maximum heights applied to buildings in Airport zones throughout the country, which is relatively standard in order to ensure that there are no adverse impacts or safety issues with the Airport flight approach paths.
- Option 3 is not an efficient or effective option as having no rules would potentially result in adverse effects relating to shading and building dominance to the surrounding environment. This would not achieve the proposed objectives which seek to manage the adverse effects associated with the Airport. This option would also create potential safety and adverse effects issues with flight approach paths for landing and departing aircrafts. It is not appropriate for the flight paths to be encroached or compromised by higher maximum building height limits.
- Option 3 provides the greatest economic growth and employment opportunities by giving the greatest flexibility on any future development of the SPA. Options 1 and 2 have similar impacts in terms of economic growth and employment opportunities.
- Option 2 provides the greatest benefits which outweigh the costs. Options 1 and 3 have higher costs that would outweigh the benefits of those options.
- There is no risk due to insufficient information.

Building Rules

117. Development within the SPA needs to be managed in order to reduce adverse effects on the surrounding residential environment.

118. SPA-R10 – R13 seeks to include permitted activity building rules in relation to building setbacks, building heights in relation to boundaries, building coverage and impervious areas. These rules are proposed to be rolled over from the current rules in Chapter 45 of the WDP.
119. SPA-R10 is included to control setbacks from road boundaries and other boundaries external to the SPA in order to manage adverse amenity effects. Setbacks of 4.5m from road boundaries and 3.0m from any boundaries external to the SPA are proposed consistent with other WDP rules.
120. SPA-R11 is included to control building height in relation to boundary (HIRB) within the SPA. This rule is designed to provide a graduating height limit from the boundaries of the SPA. The drafting of this rule is consistent with how this rule is drafted throughout the rolling review of the WDP. It is designed to control the height of Airport buildings where they are close to the boundary of an adjoining Residential or Open Space Zone in acknowledgement of the shading, privacy and general amenity effects that a tall building can have when located in close proximity to a boundary.
121. SPA-R12 and SPA-R13 control building coverage and impervious areas. These limits are permissive and acknowledge the requirement for the Airport to be developed further in the future, while recognising that some limits are required in order to control bulk and location of buildings and the retention of a degree of permeable surfaces within the SPA. A total building coverage no more than 50% of the area of the total SPA and any impervious area which does not increase the cumulative total impervious area to be more than 80% of the total area of the SPA is proposed to be permitted within the SPA chapter.
122. Alternatives considered were:
- **Option 1:** Status Quo - Retain the current building setbacks, building HIRB and building coverage in Rule 45.4.2 to 45.4.4.
 - **Option 2:** Proposed Plan Change – SPA-R10 – R13 permitted activity rules.
 - **Option 3:** No building rules in the SPA.
123. It is considered that Option 2 represents the most appropriate option for the following reasons:
- Option 1 is not an efficient or effective option as it would represent a lack of consistency with the new WDP structure. There is minimal difference between Options 1 and 2, with the current building rules in 45.4.2 – 45.4.4 proposed to be rolled over in both options. However, Option 1 provides no impervious surface rules, meaning there is no control over the retention of some pervious surfaces on the site if future growth and development of the Airport occurs, which could result in adverse effects within the SPA and to the surrounding environment. As such,
 - Option 2 is the most efficient and effective option. The rules under Option 2 are proposed to be rolled over from the current rules in Chapter 45 of the WDP, with the exception of new impervious rules to be introduced. This option would be consistent with the structure of the WDP under the rolling review. Retaining these controls is important to managing the adverse effects on the surrounding environment.

- Option 3 is not an efficient or effective option and it is considered the costs outweigh any benefits of this option for the following reasons. While Option 3 would provide the greatest flexibility for the Airport, it will potentially result in adverse effects to the surrounding residential areas' amenity and character. It will not result in any kind of management of effects in regards to building HIRB, building setbacks, building coverage or impervious surfaces. This would not achieve the proposed objectives which seek to manage the adverse effects associated with the Airport.
- Option 3 provides the greatest economic growth and employment opportunities by giving the greatest flexibility for the Airport for future development. Options 1 and 2 have similar impacts in terms of economic growth and employment opportunities.
- Option 2 has the greatest benefits which outweigh the costs. Options 1 and 3 present greater costs than benefits.
- There is no risk due to insufficient information.

Non-Complying Activities (Land Use)

124. The SPA objectives seek to recognise and provide for the efficient and effective operation, maintenance, upgrade and development of the Whangarei Airport, recognising the contribute it makes to the economic and social wellbeing of the Whangarei District and wider Northland Region. In order to enable and provide for current and future Airport operations and activities, non-airport related activities and activities which are not directly ancillary to the Airport should be avoided in order to not compromise current and future airport operations.
125. Accordingly, within the SPA chapter, the following activities are proposed to be classified as non-complying activities:
- Visitor accommodation (SPA-R14);
 - Residential activities (SPA-R15);
 - Motor Vehicle Sales (SPA-R16);
 - Garden Centres (SPA-R17)
 - Trade Suppliers (SPA-R18);
 - Marine Retail (SPA-R19);
 - Drive Through Facilities (SPA-R20);
 - Grocery Store (SPA-R21);
 - Hire Premise (SPA-R22);
 - Entertainment Facilities (SPA-R23);

- Visitor Accommodation (SPA-R24);
- Service Station (SPA-R25); and
- Funeral Home (SPA-R26).

126. Visitor accommodation (SPA-R14) and rules SPA-R16 – R26 are a subset of retail activity which are nested under the broader commercial activities definition as per the NP Standards.

127. Residential, accommodation and retail type activities as listed above are more sensitive land uses that are not considered suitable or appropriate to be located within the SPA. The activities are not consistent with the proposed objectives and policies for the SPA and there are purpose-built zones and areas to cater for these activities in appropriate locations within the District.

128. The boundaries of the SPA are relatively contained and the space within the zone is needed to provide for and accommodate any future growth or expansion that may be required for the Airport in the future. It is not considered appropriate to allow residential, accommodation and retail type activities to utilise the limited SPA land for non-Airport related activities which would compromise the land in the future for the Airport.

129. Alternatives considered were:

- **Option 1:** Status Quo - Generic Rule 45.3.1.
- **Option 2:** Proposed Plan Change – Non-complying activities status for the above activities.
- **Option 3:** Discretionary activity status for the above activities.
- **Option 4:** Prohibited activity status for the above activities.

130. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. While it will result in greater flexibility and least compliance costs, it will not adequately avoid the establishment of residential activities or visitor accommodation within the SPA. Rule 45.3.1 is designed to be enabling and provide for most activities within the Airport Environment. Permitting these activities will not provide an appropriate level of protection for the Airport, nor will it be supportive and enabling of any future growth and development of the Airport in the future. This is inconsistent with the proposed SPA objectives and NP Standards. Providing for these activities within the SPA as a permitted activity would compromise the SPA through allowing inappropriate activities to establish within the zone.
- Option 2 is the most efficient and effective option. While a non-complying activity status will result in consenting costs and reduce flexibility for the development of these activities within the SPA, it is considered necessary to protect the limited land within the SPA for Airport activities which is the primary purpose of the SPA under the NP Standards. The activities

proposed to be non-complying are considered to be inappropriate to be specifically provided for and enabled within the SPA as there are other zones within the WDP that provide specific provision for them. Some of the activities specified above are sensitive land uses which could compromise the safe, efficient and effective operation of the Airport now and in the future, and given the nature of Airport environments are not suitable to establish within the area. A non-complying activity status provides clear direction that this is the case.

- Option 3 would allow a case by case assessment of whether residential activities or visitor accommodation within the SPA may be appropriate under a discretionary activity status. A discretionary activity status suggests that provision is made within the objectives and policies for such activities which is not the case for the proposed SPA chapter. Option 3 could lead to the establishment of activities within the SPA that are not compatible with the provision of Airport operations and activities and could compromise the ability of the Airport to continue to operate efficiently and effectively and expand its operations in the future. This is inconsistent with the objectives and policies of the SPA and the purpose of Airport zones under the NP Standards.
- Option 4 is more efficient and effective than Options 1, 2 and 3 but is not favoured when compared to Option 2 as there are greater benefits in relation to costs in comparison to option 4. A prohibited activity status for such activities would provide the most certainty that such activities are not appropriate and will not be able to establish in the SPA, however it does not provide any opportunity of assessing an individual proposal for each activity on its merits. It is considered that there may be instances where the Airport could potentially demonstrate that such activities do have a direct requirement to establish within the SPA and will not compromise or limit the efficient and effective operation and functioning of current and future Airport activities. It is considered that residential and visitor accommodation activities should not be specifically provided for within the SPA as this would be incongruous with the purpose of the SPA. However, an argument could be made at some stage that some type of accommodation within the SPA is needed, appropriate and will not compromise the functioning of the zone.
- Option 1 (status quo – permitted activity status) provides the greatest scope for employment and economic growth opportunities. However, for the reasons outlined above, it is considered appropriate to control the activities within SPA-R14 and R26 as non-complying activities in order to meet the objectives and policies of the SPA, ensure consistency with SPA as a special purpose zone under the NP Standards and to protect the Airport land for Airport operations and activities.
- Option 2 has the greatest benefits which outweigh the costs. Options 1, 3 and 4 have far greater costs that would outweigh any possible benefits. Therefore Option 2, is the more favourable option.
- There is no known risk due to insufficient information.

Prohibited Activities (Land Use)

Rural Production

131. SPA-R27 seeks to provide for rural production as a prohibited activity in the SPA. This is in acknowledgement that rural production activities are not compatible within and do not have a direct requirement to establish in the SPA. There is limited Airport land and the SPA objectives seek that it is used for the Airport as regionally significant infrastructure and to provide for ongoing and future airport activities. In addition, giving the surrounding environment which is predominately residential it would not be appropriate to allow rural production activities to occur.

132. Alternatives considered were:

- **Option 1:** No rural production activity control in SPA – default to permitted activity.
- **Option 2:** Discretionary activity status for rural production activities.
- **Option 3:** Status Quo - Generic Rule 45.3.1 which provides a non-complying activity status for rural production activities.
- **Option 4:** Proposed Plan Change – SPA-R12 which provides a prohibited activity rule for rural production activities.

133. It is considered that Option 4 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. Having no rule for rural production activities would mean that under proposed rule SPA-R1 the activity would be permitted in the SPA (as it is not specifically provided for as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity). A lack of control over rural production activities could result in a reduced or compromised land supply for airport related activities. This would be inconsistent with the proposed SPA objectives which seek to recognise the Airport as regionally significant infrastructure and provide for the efficient and effective ongoing operation, maintenance, upgrade and development of the Airport.
- While discretionary activity status would allow a case by case assessment of whether a particular rural production activity may be appropriate, discretionary activity status implies that the objectives and policies anticipate rural production activities in the SPA. This is not the case and could lead to the establishment of rural production activities within the SPA that are not compatible with the provision of airport and airport related activities. Accordingly, Option 2 is not considered to be an efficient nor effective option.
- Option 3 is not an efficient or effective option. A non-complying activity status would present a high threshold for rural production activities as it would be required to pass through one of the gateways in section 104D of the RMA. While Option 3 is considered more efficient and effective than Options 1 and 2, it is not considered more efficient and effective than Option 4 which clearly states that rural production activities are not appropriate within the SPA.

- Option 4 is the most efficient and effective option. Rural production activities are considered to be incompatible with airport related activities and therefore it is necessary to protect the land within SPA for the purpose of the Airport and associated operations which is the primary purpose of the SPA under the draft NP Standards. Allowing for rural production activities to be established within the SPA could compromise and detract from the continued operation of the Airport. The surrounding environment being primarily residential also means that rural production activities in the SPA would not be an appropriate use of the land thus warranting a prohibited activity status.
- Option 1 provides the greatest economic growth and employment opportunities by giving the greatest flexibility in any future rural production activities on the SPA land. Options 3 and 4 have similar impacts in terms of economic growth and employment opportunities. A prohibited activity status (Option 4) will limit employment and economic growth opportunities that could be associated with the establishment of rural production activities on Airport land. However, for the reasons outlined above, this is considered appropriate in order to protect the Airport land for its primary purpose in the provision of airport and airport-related activities and because rural production activities are enabled in other zones.
- The benefits outweigh the costs for Option 4. Options 1, 2 and 3 have greater costs than benefits and therefore Option 4 is the most appropriate option in terms of costs and benefits.
- The benefits of Option 4 outweigh any potential costs and offers greater benefits than Options 1, 2, and 3.
- There is no risk due to insufficient information.

Mineral Extraction Activities

134. It is proposed to apply a prohibited activity status to mineral extraction activities in the SPA. The prohibited rule for mineral extraction will be provided in the Minerals (**MIN**) chapter of the WDP rather than in the SPA chapter; this is a more appropriate location for this rule and is consistent with the approach taken in the WDP to dealing with mineral extraction.
135. Alternatives considered were:
- **Option 1:** Permitted activity status for mineral extraction activities.
 - **Option 2:** Discretionary activity status for mineral extraction activities.
 - **Option 3:** Non-complying activity status for mineral extraction activities.
 - **Option 4:** Prohibited activity status for mineral extraction activities.
136. Option 4 is considered to be the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. A permitted activity status would result in mineral extraction activities being able to occur without requiring a resource consent which would be inconsistent with the policy framework and intent of the SPA. A permissive approach to managing mineral extraction activities could lead to adverse environmental effects and compromise Port operations and activities within the SPA.
- While Option 2 is more efficient and effective than Option 1, as a resource consent would be required for any mineral extraction activity, it is still not an efficient or effective option. A discretionary activity status would allow for resource consents to be applied for and possibly obtained on a case by case basis which would be inconsistent with the policy framework and intent of the SPA. A discretionary approach, if consents were to be obtained would potentially compromise Airport operations within the SPA.
- Option 3 is not an efficient or effective option. A non-complying activity status would present a high threshold for mineral extraction activities as it would be required to pass through one of the gateways in Section 104D of the RMA. While Option 3 is considered more efficient and effective than Options 1 and 2, it is not considered to be more efficient than Option 4 which clearly states that mineral extraction activities are not appropriate within the SPA.
- Option 4 is the most efficient and effective option. The prohibited activity status is in acknowledgement that mining activities are not compatible within the SPA and do not have a direct requirement to establish within the SPA. There is limited Airport land and the SPA objectives, and the draft NP Standards, seek that it is used for Airport operations and activities. A prohibited activity status is necessary as it clearly states that mineral extraction activities are never appropriate within the SPA.
- Option 4 has the greatest benefits. The benefits of Options 4 outweigh the costs in comparison to the other options which present greater costs.
- There is no known risk due to insufficient information.

Subdivision

137. The subdivision rules for the SPA are proposed to be located in the proposed Subdivision Chapter (see PC148 Section 32) but have been assessed within this part of the s32 report. Under the subdivision chapter, all forms of subdivision within the SPA are proposed to be a discretionary activity. It is acknowledged that subdivision within the SPH could create further fragmentation of the larger allotments that form part of the Airport site. However, there may be some need in the future for the Airport to undertake subdivisions (including boundary adjustment). A discretionary activity status allows all subdivision to be assessed on a case by case basis to ensure that any subdivision does not have adverse effects on the effective operation, expansion and development of the Airport within the SPA.

138. Alternatives considered were:

- **Option 1:** Status Quo - Controlled Activity Status Rule 74.3.

- **Option 2:** Proposed Plan Change – Discretionary Activity Status for all subdivisions within SPA.
- **Option 3:** Permitted activity status for all subdivisions within the SPA.
- **Option 4:** Non-Complying activity status for all subdivisions within the SPA.

139. It is considered that Option 2 is the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option because a controlled activity resource consent must be granted and would only allow Council to specify conditions of consent. This would not be consistent with the intent of SPA which seeks to facilitate the continued operation of the Airport. This option is designed to encourage and facilitate subdivision which is not fit for purpose when considering the requirements of the Airport.
- Option 2 is the most efficient and effective option. It enables a case by case consideration of subdivision applications within the SPA so that careful consideration can be given to the operational needs of the Airport and whether a proposed subdivision would result in fragmentation of the Airport land. It also allows Council to consider any relevant matters when deciding whether to grant or decline a resource consent. Furthermore, the proposed discretionary activity status is consistent with the structure the WDP under the Rolling Review, which sees many new chapters utilising a discretionary activity status for subdivisions.
- Option 3 is not efficient or effective as enabling subdivision as a permitted activity could result in reduced land supply for airport related activities. This would also go against the intent of the proposed objectives which seek to recognise the Airport as regionally significant infrastructure. This option is inconsistent with the purpose of Airports as special purpose zones as per the draft NP Standards. Option 3 would result in reduced compliance costs and provide greater flexibility for the Airport to undertake subdivision within the SPA, however it will not allow for the appropriate management of adverse effects that subdivision could have on the SPA in terms of fragmentation of land and restricting Airport operations.
- Option 4 is not an efficient or effective option. A non-complying activity status would present a higher threshold for subdivision as it would be required to pass through one of the gateways in section 104D of the RMA. A non-complying activity status indicates that subdivision is not anticipated or provided for. This is not the case, as it is acknowledged that subdivision within the SPA may be necessary at some stage to provide for current or future Airport operations. While this means that Option 4 is considered more efficient than Options 1 and 3, it is not considered more efficient and effective Option 2 which would still require a consent to be obtained and allow for any application for subdivision to be considered on a case by case basis.

- Option 3 provides the greatest economic growth and employment by giving the greatest flexibility in any potential future subdivision of the SPA land. Options 1 and 2 have similar impacts in terms of economic growth and employment opportunities.
- The benefits of Option 2 outweigh any potential costs and offers greater benefits than Options 1, 3 and 4.
- There is no risk due to insufficient information.

6. Conclusion

140. PC143 has been developed to review the existing Airport Environment in the WDP. The review of these provisions alongside the recognition of the Whangarei Airport as regionally significant infrastructure has identified the existing provisions are generally appropriate but require some amendments to match the new structure of the WDP under the rolling review and the draft NP Standards.
141. Pursuant to s32 of the RMA, the three proposed objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
142. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to airport operations and reverse sensitivity effects.

Plan Change 144: Port Zone (SPPPO)

Section 32 Evaluation Report

March 2019

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List of Abbreviations

Coastal Marine Area	CMA
Environmental Engineering Standards 2010	EES
Height in Relation to Boundary	HIRB
Marsden Maritime Holdings	MMH
Marsden Point Port Environment	MPPE
Minerals Chapter	MIN
National Environmental Standards	NES
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	NESCS
Northport Holdings Limited	Northport
National Planning Standards	NP Standards
National Policy Statements	NPS
New Zealand Coastal Policy Statement	NZCPS
Northland Regional Council	NRC
Northland Regional Policy Statement	RPS
Plan Change 144	PC144
Proposed Regional Plan	PRP
Regional Air Quality Plan	RAQP
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Urban Growth Strategy	UGS
Whangarei District Council, Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei Port Zone	SPPO

1. Introduction

1.1 Overview

1. This report is in relation to proposed changes to the Operative Whangarei District Plan (**WDP**) seeking to review the provisions relating to the Marsden Point Port Environment (**MPPE**) and development of a special purpose zone for the Port, as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the MPPE. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the Port and its management over the next ten years within the lifespan of the WDP under the Rolling Review.
3. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

4. Plan Change 144 (**PC144**) seeks to introduce a new Zone into the Operative WDP, this being the Port Zone (**SPPO**). The SPPO is being introduced as a special purpose zone under the draft National Planning Standards (**NP Standards**) and proposes to replace the existing MPPE. PC144 includes:
 - A new 'Port Zone' Chapter – with objectives, policies and rules for the Port, including land use and subdivision provisions.
 - Changes to the WDP Zone Maps – denoting the SPPO.
 - Consequential changes to the WDP.
5. PC144 includes a description of the proposed SPPO to identify the environmental expectations and outcomes sought in the zone through the proposed objectives, policies and rules.
6. PC144 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC144 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)

- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

2. Background

2.1 Existing Environment

7. The Whangarei Port (“**the Port**”) is situated at Marsden Point overlooking the Whangarei Harbour. The Port is located next to the Marsden Point Oil Refinery. It is approximately 30km by road to Whangarei’s City Centre from the Port. The Port currently covers an area of approximately 48ha and has over 180ha available to expand and grow operations. The proposed SPPO is shown in Figure 1 and 2 below.

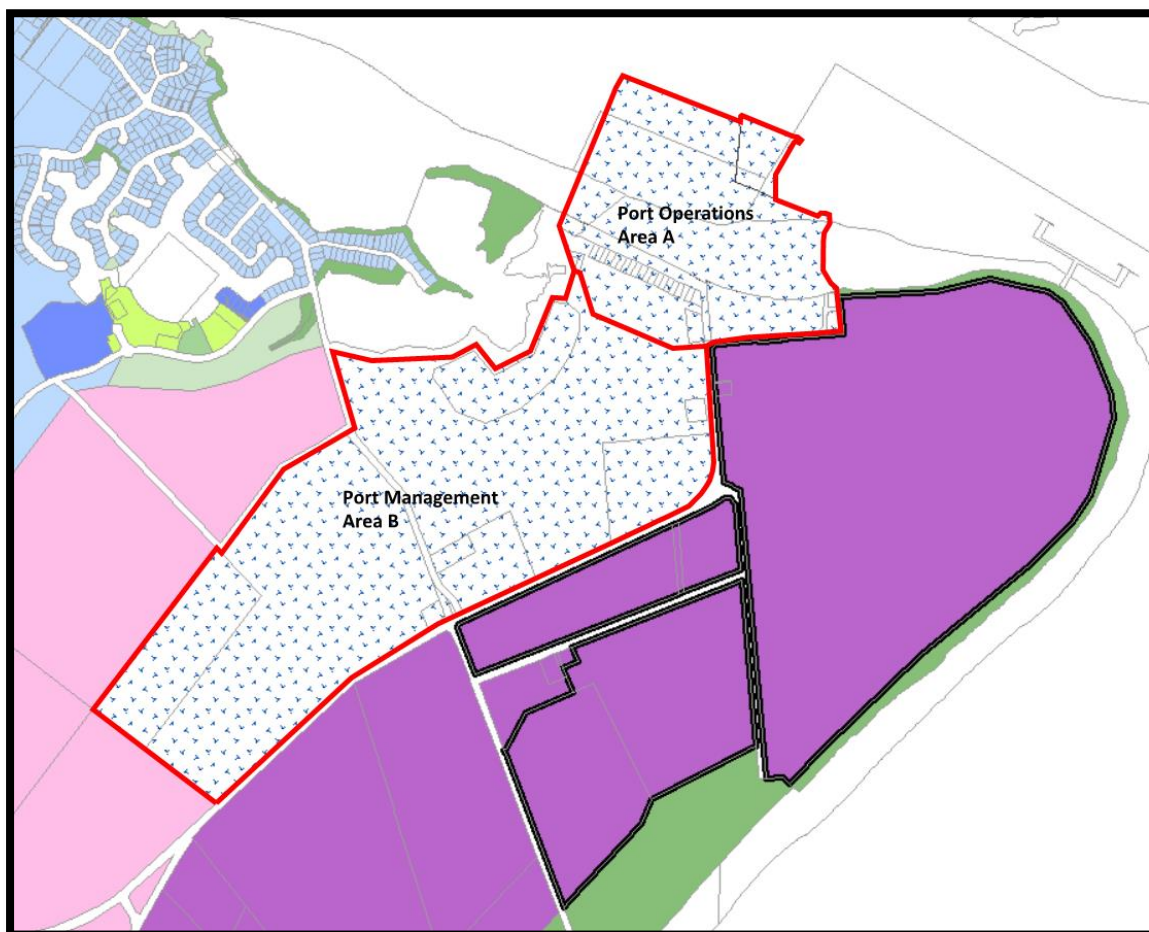


Figure 1: SPPO



Figure 2: Aerial Image of the Port (Whangarei GIS Maps, 11 December 2018)

8. The Port is located in close proximity to industrial, business, residential and open space areas. Other developments in the same area include the Carter Holt Harvey Ltd Laminated Veneer Lumber Plant and sawmill, utilities, and several light industrial operations.
9. The existing MPPE is intersected by Marsden Bay Drive. The land located to the east of Marsden Bay Drive has for the most part been developed for industrial purposes, while the land on the west of Marsden Bay Drive remains undeveloped and is currently used for pastoral farming.
10. The Port is an important physical resource which contributes a significant social and economic benefit to the people and communities of the Whangarei District and the Northland Region. It is the northernmost multi-purpose port in New Zealand, and the closest port to the majority of New Zealand's international markets.
11. The Port is and will continue to be regionally and nationally significant, particularly given its natural deep-water location and proximity to international markets. The Port serves as a major export/import hub for the forestry, horticulture and agriculture sectors. In particular, the Port deals with crude oils, fertiliser, other chemical resources, forestry products and general cargo.
12. The Port is ideally positioned to handle substantial growth which is expected to take place in the future. The Northland Port Corporation (**Northport**) has significant areas of land available landward of the current port facilities for future expansion and growth. Resource consents have been granted for an additional (fourth) berth and 4.7ha of storage and potential for the Port to expand and develop further in the future.
13. Due to the industrial nature of port activities, it is necessary to manage the conflicts between this land use and adjacent/nearby activities. The Port and associated activities are currently enabled by the MPPE provisions of the WDP, with the majority of adjoining land zoned Business 2 and Business 4 Environment. These Environments provide for both heavy and light industry and accordingly have effects and activity thresholds higher than other Business and Living Environments within the District.

2.2 Resource Management Issues

14. Sections 2.2.1 – 2.2.4 discuss the following key resource management issues in relation to the Port.
 - Providing for current and future port operations.
 - Future expansion and growth of the Port.
 - Management of effects of Port operations.
 - Maintaining access to the coast.

2.2.1 Providing for current and future port operations

15. The Port is identified as regionally significant infrastructure in the Northland Regional Policy Statement (**RPS**), providing facilities for the import, export and transportation of goods. It is a key asset to the District and Region in terms of supporting the economy. The Port is a gateway to international markets, and facilitates access and economic activity in the local and broader regional economies. It is therefore

essential that the current and future operations of the Port are safeguarded through the District Plan Review and that it is ensured that there are no undue constraints limiting the ability for the Port to operate efficiently and effectively.

16. The Port needs the flexibility to respond to changes and growth in the economic market. In the context of the environment surrounding the Port, which is adjoined by a range of land uses, meeting the changing and evolving needs of the Port now and into the future will need to be carefully balanced with achieving appropriate environmental outcomes for the immediately surrounding zones.
17. In addition, Port land is limited and there are risks that other land uses within the SPPO could compromise current and in particular future operations due to such activities not being compatible or having a direct requirement to establish within close proximity to the Port.
18. 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. Plan Change 144 aims to provide for current and future port operations by acknowledging and enabling for the continued operation of the Port and port-related activities while managing potential adverse effects on surrounding land uses. PC144 proposes the SPPO which covers two areas of land – Port Operations Area A and Port Management Area B. 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 contains some industrial activity.

2.2.2 Future expansion and growth of the Port

19. The Port is expected to grow in response to population growth and market demand within the upper North Island. Accordingly, flexibility is required to enable future expansion and development of the facility and its associated industries without unnecessarily restricting development in the interim.
20. Suitable land to accommodate the Port and associated activities is a limited resource within the District, primarily due to the need for such activities to establish within close proximity to the Port and within the coastal environment. Remaining land may be compromised if incompatible activities establish that do not hold such locational requirements. In addition, the use of this land for purposes other than for port-related activities (i.e. commercial or retail) has the potential to undermine the cohesiveness of central business districts and town centres.
21. As regionally significant infrastructure, the Port requires adequate land to enable future growth to occur. In the face of competing development priorities and demand for land, PC144 recognises the importance of ensuring that port-zoned land is safeguarded for future use by the Port and associated activities, by restricting land uses and activities to those requiring access to the Port.

2.2.3 Management of effects of Port operations

22. The operation of a port and associated activities typically produces high numbers of heavy vehicle movements and effects such as noise, light, dust and vibration that can impact on the amenity typical of nearby sensitive environments. While the continued efficient and effective operation of the Port needs to be provided for, adverse effects on the environment need to be appropriately managed to ensure they do not reach unacceptable levels.

23. While the majority of the land holdings adjoining the Port are similarly zoned for light or heavy industry, there are areas within the wider environment that are occupied by sensitive activities, such as open space and residential environments. Such areas exist both to the west of the SPPO towards Marsden Cove and further to the north and east on the opposite side of the Harbour. Therefore, while acknowledging that the Port is an established facility and that a reduced level of amenity is anticipated in such an area, adverse effects generated by the Port should not inappropriately impact on the reasonable enjoyment or use of the surrounding environment.
24. There is the potential for reverse sensitivity issues to arise in the future if the Port expands and becomes closer to nearby residential zones and/or if residential development occurs within close proximity to the SPPO boundaries. However, the current land uses and zoning adjoining the Port is heavy and light industry, and therefore does not create any reverse sensitivity issues for the Port.
25. It is intended that PC144 will provide for activities that are compatible with the Port in a manner that protects the Port from unnecessary regulation while managing adverse effects on surrounding sensitive environments. In addition, given the proximity to the coast and the presence of coastal and flooding hazards, development proposals will be required to demonstrate appropriate mitigation against such hazards.

2.2.4 Maintaining access to the coast

26. The maintenance and enhancement of public access to the coastal marine area is listed as a matter of national importance under s6 of the RMA. While acknowledging the importance of ensuring that the coast remains accessible to all members of the public, this needs to be balanced with the risks to human health and safety from doing so within close proximity to an operational port.
27. The Port represents one of the most concentrated forms of development within the coastal environment and given the industrial nature of port activities, providing public access around such a facility requires careful management. Acknowledging that the Port has future plans to expand seaward of mean high water springs, the safe and efficient movement of people through this space will need to be managed at that time.
28. PC144 recognises the importance of an integrated management approach to the movement of people within and surrounding the land/water interface of the Port Zone. As such, controls are proposed to ensure the location and design of such public accessways are appropriate and clearly defined to ensure the safety of the public and continued efficient operation of the Port.

2.3 Consultation

29. Consultation regarding the development of PC144 and the draft provisions for the proposed SPPO was undertaken as part of the wider Urban & Services Plan Changes pre-notification consultation process. Consultation was undertaken with Northport and Marsden Maritime Holdings (**MMH**). This consultation process has informed the drafting of the SPPO chapter.
30. The first stage of consultation involved an onsite meeting between WDC and Northport, which was held on 9 October 2018. During this meeting informal feedback was provided to WDC on Northport's future plans for the Port and key issues that Northport wanted to see addressed in the draft provisions. Draft

provisions were provided to Northport and MMH for review and comments. Written feedback was provided from Northport on 26 November 2018 and MMH on 27 November 2018. Both parties were largely supportive of the draft provisions for SPPO and a few amendments were suggested.

31. As a result of the feedback, further work was completed on the SPPO chapter and minor changes and amendments were made.

2.4 Consultation with Iwi

32. Consultation regarding the development of PC144 and the draft provisions for the proposed SPPO was undertaken as part of the wider Urban & Services Plan Change pre-notification consultation process. Due to the content with the Patuharakeke HEMP, specific consultation was undertaken with Patuharakeke and the feedback received is attached in **Appendix 1**. This consultation has informed the drafting of the SPPO chapter.
33. The consultation with Patuharakeke took place at WDC on 22 January 2019. During this meeting, written and verbal feedback was provided to WDC on the following:
 - Patuharakeke's values and connections to the Marsden Point Area;
 - Patuharakeke's Memorandum of Understanding with Northport and MMH;
 - Patuharakeke's views and visions for the area in the future; and
 - The draft SPPO provisions.
34. Patuharakeke accept that there is a Port and that it needs zoning provisions and to be provided for in the WDP. In light of this, Patuharakeke did not have any significant objective to the draft provisions for the SPPO, however a few concerns were raised and amendments suggested. Patuharakeke noted that there was no consideration of cultural values or mana whenua through the SPPO objectives and policies. It was discussed that the area is a highly significant piece of land that has significant reserves, viewshafts and important shorebirds which need to be protected. In addition, concerns were raised specifically about the 30m height for containers and how that could interfere with viewshafts to surrounding cultural landscapes (e.g. Mount Mainia and Te Whara (Bream Head)). Patuharakeke expressed during consultation that it is important to ensure there is some provision for cultural values and that the SPPO ensures those values are adequately recognised and provided for.
35. As a result of this feedback, further work was completed on the SPPO chapter and changes and amendments were made, including incorporating a cultural values objective and policy into the SPPO chapter (SPPO-O6 and SPPO-P6).

2.5 Background Research and District Plan Comparisons

36. To assist with the drafting and development of the SPPO chapter, background comparison research was undertaken on port zones and provisions in other District Plans throughout the country. This research was used to inform the SPPO provisions. Alongside the feedback provided on the pre-notification version of the draft SPPO chapter, the research aided in providing justification for the decisions made and approach taken.

37. The following District Plans were reviewed as part of the comparison research:
- Whangarei District Plan;
 - Gisborne Tairāwhiti Resource Management Plan (Unitary Plan);
 - New Plymouth District Plan;
 - Tauranga City Plan;
 - Timaru District Plan;
 - Dunedin City District Plan;
 - Napier District Plan;
 - Nelson Resource Management Plan;
 - Wellington District Plan.
38. Consistency between the research findings and the proposed SPPO chapter is referenced throughout the analysis in Section 4.

3. Statutory Considerations

39. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, RPS, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC144 are discussed below.

3.1 National Policy

National Policy Statements

40. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) in their plans. There are currently five NPS:
- National Policy Statement on Urban Development Capacity.
 - New Zealand Coastal Policy Statement.
 - National Policy Statement for Freshwater Management.
 - National Policy Statement for Renewable Energy.
 - National Policy Statement on Electricity Transmission.
41. With regard to the New Zealand Coastal Policy Statement (**NZCPS**), the Port is located in and extends out into the coastal environment, therefore it is necessary to consider the NZCPS.

42. The purpose of the NZCPS is to state policies regarding the management of natural and physical resources in the coastal environment, in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Local authorities are required by the RMA to give effect to the NZCPS through their plans and policy statements.
43. The NZCPS emphasises ‘appropriate’ use of the coastal environment. Objectives focus on, for example, the protection of natural character, management of the coastal environment from inappropriate use and development while enabling people and communities to provide for their social, economic and cultural well-being. Specifically, the objectives of the NZCPS recognise that the coastal environment contains established infrastructure connecting New Zealand internally and externally, including ports. The following objective and policies also have relevance to port and industrial land uses:
- Objective 6 – To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use and development recognising that, functionally some uses and developments can only be located on the coast or in the coastal marine area (**CMA**);
 - Policy 6 – Recognise that the provision of infrastructure are activities important to the social economic and cultural wellbeing of people and communities.
 - Policy 9 – Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes.
44. PC144 is intended to be consistent with the NZCPS. The objectives and policies of the SPPO seek to provide for the Port while specifically ensuring that the community still have access to use and enjoy the CMA. In addition, objective 3 of the NZCPS recognises the role of Tangata Whenua as Kaitiaki of the coastal environment. The development of PC144 involved consultation with local iwi and hapu in order to ensure that the relationship of Tangata Whenua with the coastal environment is taken into account. It is therefore considered that PC144 gives effect to the NZCPS.
45. The NPSs for Urban Development Capacity, Freshwater Management, Renewable Electricity Generation and Electricity Transmission are not relevant to PC144.

National Environmental Standards

46. National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Section 44A of the RMA requires local authorities to recognise NES in their regional and district plans. There are currently six NES:
- National Environmental Standards for Air Quality.
 - National Environmental Standards for Sources of Drinking Water.
 - National Environmental Standards for Telecommunication Facilities.

- National Environmental Standards for Electricity Transmission Activities.
 - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.
 - National Environmental Standards for Plantation Forestry.
47. The NES for Air Quality includes controls relating to air quality and specifies where consent is expressly required for discharges to air associated with the burning of specified hazardous wastes. Given the nature of activities undertaken within the Port Zone, including fumigation, the NES Air Quality regulations require consideration.
48. However, as the NES for Air Quality focuses on discharges to air it is considered that this is more appropriately addressed as a function of the Northland Regional Council, and as such is not considered to conflict or address any matters which relate to WDC's role and the scope of PC144.
49. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.
50. Given the existing uses of the Port and surrounding port environment, the NESCS assumes that the underlying ground is subject to potential contamination; ports are listed on the Hazardous Activities and Industries List under the NESCS. However, in this instance the NESCS is not applicable to the plan change as the use of the land is not changing and therefore the NESCS is not triggered.
51. Upon review, there are no NES relevant to this plan change.

National Planning Standards

52. The Government is introducing a set of draft National Planning Standards (**NP Standards**), which are intended to make council plans and policy statements easier to prepare, understand, compare and comply with. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content. The NP Standards were introduced as part of the 2017 amendments to the RMA and will be implemented between April 2019 – April 2024.
53. Under the draft NP Standards site specific zoning for special purpose areas is deemed necessary. Port Zones are listed as being on the core 'special purpose zones' to be incorporated into district plans. The draft NP Standards provide that the purpose of a port zone is to enable:
- The ongoing operation and future development of ports and associated operational areas and facilities;
 - Operations relating to the transportation of people and freight.
54. PC144 proposes to implement site specific zoning to the Port (SPPO) consist with the draft NP Standards.

3.2 Regional Policy

Northland Regional Policy Statement 2016 (RPS)

55. The RPS provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making.
56. Regionally significant infrastructure in the RPS is the infrastructure essential for the social and economic functioning of Northland. Northland needs this type of infrastructure to attract investment and development opportunities as well as to complement and support Auckland and other regions. The Port, including the adjoining land use for the movement and storage of cargo, is identified as Regionally Significant Infrastructure in Appendix 3 of the RPS.
57. The RPS has a strong focus on economic wellbeing, regionally significant infrastructure and protecting outstanding natural features and landscapes within the CMA. Specifically, objectives 3.5, 3.6, 3.7 and 3.14 are as follows:

3.5 Enabling Economic Wellbeing – *Northland's natural and physical resource are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.*

3.6 Economic Activities – Reverse Sensitivity and Sterilisation - *The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:*

(a) *Reverse sensitivity for existing:*

(i) *Primary production activities;*

(ii) *Industrial and commercial activities;*

(iii) *Mining*; or*

(iv) *Existing and planned regionally significant infrastructure; or*

(b) *Sterilisation of:*

(i) *Land with regionally significant mineral resources; or*

(ii) *Land which is likely to be used for regionally significant infrastructure.*

3.7 Regionally Significant Infrastructure – *Recognise and promote the benefits of regionally significant infrastructure (a physical resource) which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.*

3.14 Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage – *Identify and protect from inappropriate subdivision, use and development:*

(a) *The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins.*

(b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes.

(c) The integrity of historic heritage.

58. The objectives of the RPS are clear that regionally significant infrastructure needs to be recognised and provided for in the long term, and that infrastructure is important to the Northland economy and therefore needs to be appropriately managed. In addition, the RPS provides clear directives towards protecting outstanding natural features and landscapes within the CMA. Regionally significant infrastructure and protecting landscapes of value is recognised and promoted through PC144.
59. The policies of the RPS also places strong emphasis on encouraging the development of infrastructure, promoting and realising the benefits of regionally significant infrastructure, managing effects of development on the natural character, features and landscapes of the coastal environment and avoiding and managing effects on and arising from regionally significant infrastructure. Relevant policies are as follows:

4.6.1 Managing effects on the characteristics and qualities of natural character, natural features and landscapes – In the coastal environment:

(a) Avoid adverse effects of subdivision, use and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.

(b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes.

(c) Outside the coastal environment, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the characteristics of freshwater bodies.

5.1.2(b)(i) Development in the coastal environment – Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that ensures sufficient development setbacks from the coastal marine area to maintain and enhance public access, open space, and amenity values.

5.1.3 Avoiding the adverse effects of new use(s) and development – Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: the operation, maintenance or upgrading of existing or planned regionally significant infrastructure.

5.2.2 Future-proofing infrastructure – Encourage the development of infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community.

5.2.3 Infrastructure, growth and economic development – *promote the provision of infrastructure as a means to shape, stimulate and direct opportunities for growth and economic development.*

5.3.1 Identifying Regionally Significant Infrastructure – *The regional and district Councils shall recognise the activities identified in Appendix 3 of this document as being regionally significant infrastructure.*

5.3.2 Benefits of Regionally Significant Infrastructure – *Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure.*

5.3.3 Managing adverse effects arising from regionally significant infrastructure –

(1) Allow adverse effects arising from the establishment and operation of new regionally significant infrastructure and the re-consenting of existing operations; and

(2) Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located.

60. The policies of the RPS are clear that access to the CMA is to be maintained and enhanced, outstanding natural features and landscapes in the coastal environment are to be protected and any adverse effects avoided, remedied or mitigated and that regionally significant infrastructure needs to be protected and provided for with a level of flexibility so as to allow for the ongoing operation, maintenance and upgrades of activities without being unduly constrained. The importance of providing for regionally significant infrastructure is recognised in the policies as being due to the clear social, economic and cultural benefits that such infrastructure delivers to the region.
61. PC144 and the associated objectives, policies and rules have been developed with a view to striking an appropriate balance between maintaining public access to the CMA, and enabling port infrastructure and activities to continue to support Northland's economy, whilst ensuring that adverse effects are managed to an acceptable level. Proposed PC144 is therefore considered to be consistent with the provisions in the RPS.

Regional Plans

62. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan.
63. The Regional Air Quality Plan (**RAQP**) acknowledges that further industrial development of the Marsden Point area, including the Port, has the potential to significantly affect air quality in the Whangarei Heads, Ruakaka and One Tree Point areas if not carefully managed. More specifically, the RAQP identifies port operations as a contributor to particulate matter in Northland and outlines specific policies for activities undertaken within Marsden Point and the mandatory consideration of the Marsden Point Air Quality Strategy.

64. As outlined above, matters concerning air quality are a regional council function and therefore are not directly relevant to PC144. Having reviewed each of the above documents and taking into account all of the provisions, it is considered that there are no other regional provisions relevant to PC144, and that the proposed provisions for PC144 are consistent with the Operative Regional Plans.
65. The Proposed Regional Plan (**PRP**) combines the operative Regional Plans applying to the CMA, land, water and air, into one combined plan. The PRP identifies the Port as being located within the Marsden Point airshed and being adjoined by an area of high natural character to the north-west.
66. While regional council resource consent applications for air discharges within the airshed will be required to take into account the Marsden Point Air Quality Strategy, this has no relevance to PC144 being a regional council function. Of relevance to PC144 however are the development controls imposed within the SPPO that require adverse effects to be managed with regard to adjoining sensitive environments (residential and open space zones) which incorporates this area of high natural character. These controls that cover building height, daylight angles and setbacks will ensure Port operations do not compromise the natural character values of this area of land.
67. For the reasons outlined above, it is considered that the proposed provisions for PC144 are consistent with the PRP.

3.3 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 [2010] (30/50)

68. The Whangarei District experienced significant growth over the period 2001 – 2008. Further growth for the district is projected to continue and, in some areas, particularly Marsden Point/Ruakaka, has the potential to be substantial. The growth presents both challenges and opportunities to the District and its communities, individuals and families, businesses and governing bodies.
69. To manage the projected growth sustainably, WDC has formulated the Whangarei District Growth Strategy, Sustainable Futures 30/50 (**30/50**) as a long term Sub-Regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the district over a 30 – 50 year time frame.
70. 30/50 identifies the Port as a key piece of infrastructure in the Northland Region since the early 1920's and one that is likely to remain significant into the foreseeable future. 30/50 highlights that the Port is well positioned and has considerable opportunities to become a significant port in New Zealand. In comparison with other ports, the Whangarei Port is not constrained and has over 180 hectares available for future growth and expansion.
71. 30/50 clearly anticipates that the Port will continue to be a nationally significant import and export facility – particularly given its deep-water harbour and proximity to the international shipping lanes. A key priority for WDC is to retain commercial wharves and shore-based facilities at the Port whilst continuing to investigate opportunities to support growth and expansion throughout the region for coastal shipping and barging.

72. Given the objective of 30/50 is to ensure a planning platform for Whangarei District to deal with a growing population and economy over the next 30 to 50 years, it is essential to consider the capacity of the Port and its ability to serve the public in the future. PC144 is consistent with 30/50 through seeking to enable the ongoing operation of the Port but also provide flexibility for future growth and expansion of operations and facilities when and as required.

Whangarei District Operative Plan 2007 (WDP)

73. The WDP became operative in May 2007. Within the WDP, the Port is controlled through specific objectives, policies and zoning rules which are addressed in Chapter 25: Marsden Point Port Environment (objectives and policies) and Chapter 44: Marsden Point Port Environment Rules (rules).
74. The current objective in the WDP (25.3 Objectives) is “*the avoidance, remediation or mitigation of the adverse effects of activities on the environment at Marsden Point during the development of land for a deep water port*”. The objective recognises the Port as a significant physical resource which contributes to the social and economic well-being of the people and communities of the Whangarei District and the Northland region. The objective seeks to ensure the continued existence, expansion and development of this resource, while at the same time ensuring that any adverse effects of activities on the environment at Marsden Point are avoided, remedied or mitigated.
75. The WDP currently has two policies relating to the MPPE:
- **Port Operations** – *To recognise and provide for the operation requirements and effects of the Marsden Point Port.*
 - **Adverse Effects** – *To avoid, remedy or mitigate adverse effects of the operation or development of activities in the Marsden Point Port Environment.*
76. The policies recognise the regional and national significance of the Port. The current policies aim to provide for the continued viability of the Port and its operational requirements. In addition, the policies acknowledge that Port development should be sensitive to the possibility of adverse effects and ensure, as far as possible, that these do not occur.
77. The MPPE rules in Chapter 44 generally permit any activity if it is ancillary to, or directly associated with Port activities. Where activities do not meet the conditions for a permitted activity, they default to a discretionary activity. There is a suite of other specific rules for the MPPE relating to hazardous substances; network utility services; parking; traffic movements; signs; fences; artificial lighting; electromagnetic radiation; outdoor storage; and aerals. In addition, the MPPE contains specific building standards which must be met including for example, a maximum height of 20m, or 40m if the building is a floodlighting tower, chimney, silo, tank, digester, cycling gantry, pipe work, conveying system, crane or other loading equipment. A minimum setback of 10 from road boundaries and 3m from other boundaries is also required.
78. The provisions in the WDP require review to ensure they are still relevant and effective at achieving the intended outcomes. In addition, the provisions for the Port are covered across multiple chapters in the WDP and require consolidation.

Whangarei Urban Growth Strategy [2003] (UGS)

79. The Whangarei Urban Growth Strategy was adopted in October 2003. The UGS provides a medium term (20 year) vision for the future urban areas of Whangarei. It identifies the Port as a key asset for Northland's economic growth and an important facility for providing for industry in the region. In addition, the UGS notes that the Whangarei District has a lot of potential in terms of industry opportunities and the economy due to the presence of the Port.
80. It is considered that PC144 is consistent with and supports the vision of the UGS by seeking to enable and provide for current and future port activities and operations in order to continue to support the social and economic wellbeing of the Whangarei District and Northland Region.

3.4 Iwi and Hapu Management Plans

81. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, there are five such documents: Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan.
82. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
83. Many of the identified issues within the four management plans relate to concerns over indigenous flora and fauna, minerals, soil, air quality and water quality particularly in regards industry and development activities. A number of references to the Port were identified, of which are further detailed below.
84. Both the Te Iwi O Ngatiwai Environmental Policy Document and the Ngati Hine Iwi Environmental Management Plan make specific mention of Port activities. In particular, outlining concerns regarding marine discharges from shipping vessels and requirements for contained reception and disposal facilities to be installed at all ports, wharves and jetties, to be monitored by councils.
85. In addition, the Ngati Hine Iwi Environmental Management Plan identifies the discharge of ballast water and application and removal of vessel anti-fouling as a mechanism of spreading pests and disease. Accordingly, associated objectives and policies provide direction on the recommended management approach of bio-security risks associated with port activities within their rohe.
86. The Ngati Hine Iwi Environmental Management Plan contains a section identifying issues relating to utilities, amenities and infrastructure whereby the issue of increased development and population pressures is identified in relation to increased demand for all types of infrastructure including roading, water supply, sewerage systems, storm water, reserves and parks, civic facilities such as libraries, museums and information centre. While it is noted that the inclusion of port facilities, or regionally

significant infrastructure, is not specifically listed in this section, it is considered that Policy 26.1 of this plan is relevant, which requires the full participation of Te Runanga o Ngati Hine in all decision-making processes of agencies over planning for, development and management of infrastructure within their rohe. Opportunities for public consultation, including with iwi, will continue to be provided through the PC144 plan change process.

87. There were no matters identified within the Ngati Hau Hapu Environmental Management Plan as having direct relevance to the Port or PC144.
88. The Patuharakeke Te Iwi Trust Board Environmental Plan makes a number of references to the Port and activities undertaken within the proposed SPPO. The plan outlines concern over the cumulative impacts that industrial discharges have on the health of the Whangarei Harbour and kaimoana resources. In addition, the plan speaks to the Memoranda of Understandings the Patuharakeke Trust Board have entered into with various agencies, industries and developers; including Northport Ltd, Northland Port Corporation, Northland Regional Council and Whangarei District Council.
89. It is further noted that Patuharakeke opposed the application by Northland Port Corporation ('NPC') to construct the Port in the late 1990's. The port facility opened in 2002 and the area of reclamation administered by the Minister of Conservation under section 9A(1) of the Foreshore and Seabed Endowment Revesting Act 1991 (Revesting Act) and leased to Northport. Following the outcome of the resource consent process both Northport and Patuharakeke applied for vesting of the fee simple title of the reclamation under section 355 of the RMA. At present DOC's position is that the Minister of Conservation will delay vesting the land in either party until treaty claims pertaining to the area are settled. As of December 2018, it is understood that treaty negotiations are still underway.
90. In light of the abovementioned matters regarding Patuharakeke, further consultation was undertaken with the Patuharakeke Trust Board prior to the public notification of the proposed SPPO provisions, details of which have been provided above in section 2.4 of this report.
91. It is acknowledged that the control of discharges to air and water and the management of pests and invasive species are a function of the Northland Regional Council, and as such is not considered to conflict or address any matters which relate to WDC's role and the scope of PC144. However, the management of stormwater is a district council function and will be addressed through impervious surface controls.
92. The pre-notification consultation process for the Urban & Services Plan Changes provided an opportunity prior to formal notification for the public and iwi to comment on the proposed plan changes. Further opportunities for consultation will continue to be provided through the PC144 process.
93. PC144 has considered the above matters of relevance within the iwi and hapu management plans and has adequately taken them into account in the development of the proposed provisions.

4. Proposed Port Zone

94. The Proposed SPPO aims to recognise the significance of the Port as regionally significant infrastructure and provide for the ongoing operation of the Port by enabling and providing for a range of port activities while ensuring that any adverse effects are appropriately managed. As the Port is regionally significant and contributes to the social and economic wellbeing of the Whangarei District and Northland Region, the SPPO aims to protect and safeguard the Port land to allow for the continued and future operations and potential expansion of the Port. Activities which are not consistent with the Port and/or have no requirement to locate near the Port are not appropriate and are encouraged to be located outside the SPPO. It is proposed to achieve these outcomes through zone mapping and a new suite of objectives, policies and provisions specific to the Port.

5. Section 32 Analysis

5.1 Appropriateness in Terms of Purpose of RMA

95. Council must evaluate, in accordance with Section 32 of the RMA, the extent to which each objective proposed in PC144 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, section 5.1 of this report assesses whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA. Sections 5.2 and 5.3 of this report assess whether the proposed objectives are the most appropriate in regards to higher order documents and the objectives proposed in the Strategic Direction Chapter. The level of analysis undertaken in this report is commensurate/appropriate to the scale of the proposal.
96. PC144 proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED SPPO OBJECTIVES	
Proposed SPPO Objectives	Reason
SPPO – O1 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.	This objective recognises the importance of the Port to the economic and social wellbeing of the District and Region and seeks to ensure it is considered and provided for as regionally significant infrastructure in accordance with the directives in the RPS.
SPPO – O2 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; and2. The future development and expansion of Port operations and activities within the SPPO.	This objective addresses that the Port needs to be protected and provided for with a level of flexibility so as to allow for the ongoing operation, maintenance and upgrades of port activities without being unduly constrained. The objective also recognises that the operational needs and requirements of the Port will change over time in character, intensity and scale. Thus, the objective ensures the continued viability of the Port and any future operational expansion requirements are clearly provided for.
SPPO – O3 Manage the adverse effects of the Port and port activities on the environment	This objective enables the ongoing operation of the Port, while ensuring that any adverse effects are appropriately managed.
SPPO – O4 Maintain and where practicable, enhance public access, use and enjoyment of the coastal	Public access to the coast is restricted in some areas due to the location and operations of the Port. Maintenance and enhancement of public access to the

marine area, provided it does not adversely affect the efficient and safe operation of the Port.	coast is a matter of national importance under section 6(d) of the RMA. This objective ensures that where possible and practicable, the CMA is accessible to the public for use and enjoyment around the Port.
SPPO – O5 Avoid fragmentation of the SPPO and potential reverse sensitivity effects associated with subdivision.	Typically, large sites and land holdings are required to facilitate industrial activities, such as the Port itself and associated activities. The Port, as regionally significant infrastructure, requires sufficient land to be available to cater for future expansion. Objective SPPO - O6 ensures that the suitability and availability of Port land is not compromised by subdivision activities.
SPPO – O6 To recognise and provide for the relationship of Māori and their culture and traditions with their cultural landscapes in the future development and expansion of the Port.	The Port is surrounded by cultural landscapes which are significant to local iwi and hapu. This objective ensures that the relationship of Māori with their cultural landscapes is considered and recognised during any future expansion and development of the Port in terms of any adverse effects.

97. Part 2 of the RMA provides the statutory framework for the sustainable management of natural and physical resources. Section 5 outlines the purpose and principles of the RMA, Section 6 lists matters of national importance that shall be recognised and provided for, Section 7 lists other matters that all persons exercising functions and powers under the RMA shall have particular regard to, and Section 8 addresses matters relating to the principles of the Treaty of Waitangi.
98. The following table assesses the appropriateness of the proposed objectives in achieving the purpose of the RMA. It is noted that several sections within Part 2 of the RMA are not relevant to PC144, and only those sections which are relevant are addressed below.

		TABLE 2: LINKAGE OF PROPOSED SPPO OBJECTIVES WITH PART 2 OF THE RMA					
		Proposed Whangarei Port Zone Objectives					
		SPPO – O1	SPPO – O2	SPPO – O3	SPPO – O4	SPPO – O5	SPPO – O6
RMA Part 2 Sections	5(2)(a)	✓	✓	✓	✓	✓	✓
	5(2)(c)			✓		✓	✓
	6(a)			✓	✓		
	6(b)						✓
	6(d)				✓		
	6(e)						✓
	6(h)			✓			
	7(a)						✓
	7(aa)	✓	✓	✓	✓	✓	✓
	7(b)	✓	✓		✓	✓	
	7(c)			✓		✓	
	7(f)			✓			

99. Taking into account the comments above and having assessed the proposed objectives against Part 2 of the RMA, it is considered that the six proposed objectives are consistent with the purpose of the RMA and promote the sustainable management of natural and physical resources.

5.2 Appropriateness in Relation to Higher Order Documents

100. The provision of higher order documents were considered in the formulation of the objectives and policies in PC144. Of particular relevance to PC144 are the NZCPS, RPS, 30/50, and the UGS. Section 3 provides an overview and evaluation of the consistency of the SPPO in relation to higher order documents.
101. Table 3 provides an overview of the links and consistency of the proposed SPPO objectives' with the relevant higher order documents.

		TABLE 3: EVALUATION OF PROPOSED SPPO OBJECTIVES AGAINST HIGHER ORDER DOCUMENTS					
		Proposed Whangarei Port Zone Objectives					
		SPPO – O1	SPPO – O2	SPPO – O3	SPPO – O4	SPPO – O5	SPPO – O6
Higher Order Documents	NZCPS	✓	✓	✓	✓	✓	✓
	RPS	✓	✓	✓		✓	✓
	30/50	✓	✓	✓		✓	
	UGS	✓	✓			✓	

5.3 Appropriateness in Relation to the Strategic Direction Chapter

102. The proposed SPPO objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed SPPO objectives are shown in Table 4 below. This table illustrates that the objectives of the SPPO are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND SPPO OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed SPPO Objectives
SD-03 – 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-P6	SPPO-02
SD-05 – Incompatible Activities Avoid conflict between incompatible land use activities from new subdivision and development.	SD-P2	SPPO-05

SD-08 – Cultural Values Ensure that growth and development takes into account Maori cultural values.	SD-P16, P18	SPPO-O6
SD-09 – Land Use and Transport Planning Maintain and enhance accessibility for communities and integrate land use and transport planning.	SD-P6, P7, P9, P13	SPPO-O2
Urban Area Objectives		
SD-013 – Unanticipated Activities Manage, and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the zone.	SD-P2, P4	SPPO-O5
Regional Significant Infrastructure Objectives		
SD-022 – Recognised Benefits Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.	SD-P15	SPPO-O1 SPPO-O2
SD-023 – Adverse Effects Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.	SD-P16, P17	SPPO-O3 SPPO-O4 SPPO-O5

5.4 Appropriateness of Proposed Policies and Methods

103. A section 32 assessment must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. It is important to determine whether the preferred approach will be more effective and efficient than other alternatives and whether this effectiveness and efficiency comes at a higher cost than other alternatives. Below is an assessment of the proposed provisions.

5.4.1 Proposed SPPO Boundaries

104. Spatial mapping is considered to be an appropriate method of achieving the objectives of the SPPO as it identifies where the proposed provisions do and do not apply.
105. When MMH and Northport were initially consulted on this area of land it was based upon a heavy industry zoning, with all the initial feedback provided based on this heavy industry zoning approach. However, subsequently, due to the introduction of the NP Standards, a Port Zone was required. Northport and MMH were subsequently consulted on the SPPO, specifically regarding the spatial extent of the SPPO and whether the land south west of Marsden Bay Drive was needed for Port purposes. No formal written feedback was received on this matter from either party. Verbal feedback indicated that both parties were supportive of a heavy industry zone applying to the land south west of Marsden Bay Drive. In the absence of written confirmation or evidence to confirm this, the SPPO boundaries, and in particular the land south west of Marsden Bay Drive, is proposed to be retained as Port land. Especially as written confirmation has not been received from Northport to confirm that this area is not required for future Port expansion. However, it is acknowledged that a heavy industry zoning of the land south west of Marsden Bay Drive may be more appropriate, should sufficient information or evidence be provided to support this during the submission and hearing process.

106. In order to assess the appropriateness of the proposed spatial extent of the SPPO, the following two options were evaluated:

- **Option 1: Status Quo:** Retain the current spatial extent of the MPPE and rezone these areas to SPPO (Proposed Plan Change).
- **Option 2: Reduced spatial extent of SPPO:** Map the SPPO based on the long-term vision for the Whangarei Port and capacity modelling and rezone the land south west of Marsden Bay Drive to heavy industry.

107. Evaluation of these alternative options are summarised in Table 5:

TABLE 5: SECTION 32 ASSESSMENT OF MAPPING OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo (Plan Change Option)	<u>Environmental and Cultural</u> None identified. <u>Economic and Social</u> Reduced opportunities for non-port related activities to easily establish (e.g. light/heavy industrial and commercial activities). All the land zoned SPPO may not all be required for Port operations and activities, therefore underutilised land that could be better used for industrial land uses.	<u>Environmental and Cultural</u> Retains the Port within an already established Port environment. <u>Economic and Social</u> Sufficient land supply available for the future growth and expansion of the Port. Also safeguards suitable land for any unforeseen expansion of the Port beyond that which is anticipated and/or planned for.
Option 2: Map based on long term vision for Port (reduce SPPO spatial extent)	<u>Environmental and Cultural</u> None identified. <u>Economic and Social</u> Constrained land supply for unforeseen expansion of the Port.	<u>Environmental</u> Consolidates future growth of the Port within an already established Port environment. <u>Economic and Social</u> Land released for non-port related activities to establish in order to support a wider range of industries (e.g. light/heavy industrial and commercial activities). <u>Cultural</u> None identified.
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	This option is efficient and effective as it safeguards the SPPO land and in particular the southern portion of MPPE land for the future development of the Port. Given the Port is regionally significant infrastructure, this option is effective in retaining the land for the purposes of the Port.	
Option 2	This option would provide for the use of currently underutilised land and in turn encourage a range of alternative development opportunities to establish which would support the District and Region’s economy without constraining the operation and expansion of the Port. Northport has previously signalled verbally to WDC that it has no longer term plans to expand and utilise of all of the SPPO. If land to the south west of Marsden Bay Drive is not needed for Port operations, this option would provide balance in both providing for the future growth and expansion of the Port, and facilitating alternative development opportunities for the District, where land is not needed for Port operations. However, no written confirmation and/or evidence has been provided to confirm and support this option.	
Economic Growth and Employment Opportunities		

Option 2 is considered to provide for a higher level of economic growth and employment opportunities by releasing potentially surplus Port-zoned land for development to support other industries where appropriate, and consolidating Port operations within newly defined appropriate boundaries. However, given the lack of evidence and written confirmation to support this, Option 1 is more favourable.	
Risk of acting and not acting if there is uncertain or insufficient information	
Option 1	The risk associated with not acting is low with regards to Option 1 as retaining the current spatial extent of the zoning would effectively maintain the status quo and provide adequate land within the SPPO to provide for current and future Port operations and activities.
Option 2	There is a high level of risk associated with action on Option 2 as there is no written evidence or confirmation to support the reduction in the SPPO. In addition, there is moderate level of risk in the instance of unforeseen growth and expansion of the Port within the next 10 years. While the probability of such growth occurring is low, the risks of reducing the spatial scale of Port operations is moderate-high.

108. As shown in Table 4, Option 1 (the proposed plan change) is considered to be the most appropriate (in terms of achieving the objectives of the SPPO). Option 1 will ensure Port land supply for the on-going operation, growth and development of the Whangarei Port is available and protected. As noted above, a heavy industry zoning of the land south west of Marsden Bay Drive may be more appropriate. However, this land has been proposed to be incorporated into Port Management Area B, as no information or evidence has been provided to support the reduction of the SPPO spatial extent.

5.4.2 Proposed SPPO Policies

109. The proposed SPPO policies seek to ensure that port activities are provided for in the SPPO and that any adverse effects are avoided, remedied or mitigated. These policies are achieved through the application of rules, in this case the use of land use and subdivision rules.

110. The policies proposed for inclusion are considered to achieve the objectives by:

- Recognising the regional significance of the Port by providing for a wide range of existing and future Port operations and activities within the SPPO.
- Protecting the SPPO for appropriate uses by avoiding the establishment of non-port related activities which do not have a direct require to establish in the SPPO and could compromise or limit the safe and efficient operation of the Port.
- Managing the adverse effects of the Port and port-related activities by limiting height of buildings and outdoor storage, controlling the adverse effects of noise and light spill and managing the effects of earthworks.
- Managing public accessways to and along the CMA through recognising the need for public walking access to the CMA, maintaining, enhancing and developing public accessways to the CMA and only restricting public access where it is necessary to protect public health or safety or to avoid Port operations being compromised.
- Avoiding the fragmentation of port land through inappropriate subdivision, recognising the need to retain large sites and land holdings to support future expansion of the Port.
- Ensuring that activities within the SPPO are undertaken in a manner which recognise and provides for the cultural values associated with cultural landscapes through limiting the height

of buildings and outdoor storage that could impact on significant viewshafts and requiring an assessment of cultural values where these may be adversely affected.

111. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the rules in the proceeding sections of the SPPO chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the WDP under the rolling review. Table 6 below demonstrates that the policies for the SPPO implement the proposed SPPO objectives.

TABLE 6: LINKING OF PROPOSED SPPO PROVISIONS	
Proposed SPPO Objective	Proposed SPPO Policies
SPPO-O1 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.	SPPO-P1 To recognise the regional significance of the Port by providing for a wide range of existing and future port operations and activities within the SPPO.
SPPO-O2 Recognise the unique characteristics of the Port and provide for: <ol style="list-style-type: none"> 1. The efficient and effective 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-P2 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 close proximity to the Port; and 2. Do no compromise or limit the safe and efficient operation of current and future port activities.
SPPO-O3 Manage the adverse effects of the Port and port activities on the environment.	SPPO-P3 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 requirements of the Port; 2. Controlling the adverse effects of noise and light spill while recognising the operational requirements of the Port; 3. Managing the effects of earthworks (other than earthworks associated with flood control works) to ensure such works do not divert flood flow on neighboring properties, or deplete flood plain storage capacity.
SPPO-O4 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-P4 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. 2. Maintaining, enhancing and developing public accessways to and along the coastal marine area. 3. Only restricting public accessways to the coastal marine area where it is necessary to: <ol style="list-style-type: none"> I. Protect public health and safety; or II. Ensure the efficient and effective operation of the Port is not compromised.
SPPO-O5 Avoid fragmentation of the SPPO and potential reverse sensitivity effects associated with subdivision.	SPPO-P5 To retain large sites and land holdings by avoiding fragmentation of Port land through inappropriate subdivision.

<p>SPPO-O6 To recognise and provide for the relationship of Māori and their cultural and traditions with their cultural landscapes in the future development and expansion of the Port.</p>	<p>SPPO-P6 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 minimize 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.
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112. An alternative option to the proposed policies was to rely on the existing MPPE policies in Chapter 25 of the WDP. However, the existing policies are not appropriate in that they do not go far enough to recognise the Port as regionally significant infrastructure as required under the RPS. The existing provisions don't appropriately safeguard the remaining available land for future growth and expansion of the Port and are not tailored to Port operations, and as such are not fit for purpose. Accordingly, the existing policies present additional costs and risks compared to the proposed policies.

5.4.3 Proposed SPPO Rules

113. The proposed rules in the SPPO are assessed below. The proposed rules are grouped by topic. The evaluation of the rules includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed provisions and the risks of acting and not acting.

Permitted Activities (Land Use)

114. The proposed SPPO provisions include rules for permitted land use activities in SPPO-R1 – R8 relating to port and other associated activities required to enable the operation of the Port. These provisions are assessed below in terms of their efficiency and effectiveness under the following sub headings.

Any Activity not otherwise listed in this chapter

115. The proposed SPPO objectives seek to provide primarily for all Port related operations and activities in order to be consistent and align with the purpose of Port Zones as per the draft NP Standards. As such a wide range of existing and future port activities need to be provided for within the SPPO, while the establishment of non-port related activities within the SPPO is to be avoided.
116. Consistent with the approach in other chapters within the Urban & Services Plan Changes, SPPO-R1 states that any activity not otherwise listed in the SPPO chapter is a permitted activity (provided that resource consent is not required or the activity is not prohibited under any other rule in the District Plan). The approach within the SPPO chapter has been to list those activities that are not directly related to Port activities (e.g. industrial activities) and state the activity status for them. The default to a permitted activity means that those activities which are not captured by the specific provisions are permitted and enabled within the SPPO chapter.
117. Alternatives considered were:
- **Option 1:** Status Quo: Retain MPPE Rule 44.3.1.
 - **Option 2:** Proposed Plan Change - Include default to permitted activity in SPPO-R1.

- **Option 3:** Default to a non-complying activity.

118. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient or effective option. Option 1 is similar to option 2 in that both would be enabling of activities generally which are not specifically listed. However, the MPPE provisions are inconsistent with the format and structure and provisions required through WDC rolling reviewing and the NP Standards.
- Option 2 is the most efficient and effective option. The SPPO objectives and policies seek to provide for the efficient and effective ongoing operation and future development and expansion of the Port, while specifically seeking to avoid the establishment of non-port related activities unless they have demonstrated a direct need to be located within the SPPO and will not compromise or constrain the safe and efficient operation of existing for future port operations and activities. As such the approach has been to specifically list those activities which are not directly related to port activities (e.g. industrial activities) and state the activity status for them. Therefore, any port activities are by default a permitted activity¹, which gives the Port the ability to undertake these activities without unnecessary restriction or the need to obtain resource consent.
- Option 3 is not an efficient or effective option. Under the current structure of the SPPO Chapter, a default non-complying activity status may present an unintended and unnecessary consenting barrier to port operations and activities in the SPPO. It is considered appropriate to allow such activities within the SPPO in order to enable the Port to expand and grow into the future.
- Option 1 and 2 both provide for a higher level of economic growth and employment opportunities by enabling the efficient and effective expansion and future development of the Port.
- Option 2 provides for the greatest benefits which outweigh the costs in comparison to Options 1 and 3.
- There is no known risk due to insufficient information.

Port Activities

119. The proposed SPPO objectives seek to provide primarily for Port operations and activities in order to continue to provide for the economic needs and wellbeing of the Whangarei District and Northland Region. In addition, the objectives aim to ensure consistency is achieved with the RPS given that the Port is regionally significant infrastructure, and the draft NP Standards through enabling port activities.

¹ provided that resource consent is not required or the activity is not prohibited under any other rule in the District Plan.

120. SPPO-R2 seeks to provide for 'Port activities' as a permitted activity with a new proposed definition² as follows:

"The use of land and/or building within the Port Zone for port related activities, including:

- *Cargo handling, including the loading, unloading, storage, processing and transit of cargo;*
- *Debarking;*
- *Fumigation;*
- *Transport, storage and goods handling activities;*
- *Maritime passenger handling/services;*
- *Construction, maintenance and repair of port operations and facilities;*
- *Port administration;*
- *Refueling/fuel handling facilities;*
- *Activities associated with surface navigation, berthing;*
- *Maintenance or repair of a reclamation or drainage system;*
- *Marine and port accessory structures and services"*

121. Review of other District Plans around the country has demonstrated that a consistent approach has been taken with port activities being permitted, and Councils starting to align their port provisions with the draft NP Standards.

122. Alternatives considered were:

- **Option 1:** Status Quo - Retain the current permitted activity rules (44.3.1 MPPE).
- **Option 2:** Proposed Plan Change – Port activities permitted.
- **Option 3:** More restrictive activity status for Port activities requiring resource consent.

123. It is considered that Option 2 is the most appropriate option for the following reasons:

- Option 1 retains the existing MPPE rule 44.3.1, which states that any activity is permitted provided that it does not involve the construction of a residential unit, a retail activity exceeding 100m², food irradiation, offensive trades, or the construction or extension of a building within 20m of the centreline of a high voltage transmission line. This option does not present an effective mechanism of recognising and providing for the current or future operations of the Port, as all industrial, commercial and small-scale retail activities can operate without consideration of any subsequent effects on the Port or the surrounding environment. Such permissive activity allowances fail to appropriately safeguard the land resource available for future growth and expansion of the Port and are therefore inconsistent with the proposed SPPO objectives and policies as well as not aligning with the draft NP Standards.
- Option 2 is efficient and effective. The objectives and policies for the SPPO seek to recognise and provide for the ongoing operation of Port activities without undue constraints and Option 2 enables this. Option 2 provides the Port with the flexibility to continue operating without undue

² 'Port activities' is proposed to be defined in order to aid with the interpretation and application of the SPPO. It is not a definition required or defined under the NP Standards.

constraints within the SPPO. A new definition³ of Port activities has been proposed within PC144 which reflects existing and lawfully established activities currently undertaken at the Port. Option 2 provides for such activities to continue without requiring resource consent, which is consistent with the approach undertaken as identified in the background research and consultation undertaken. Option 2 effectively distinguishes between activities anticipated within the SPPO and those that require consent.

- The SPPO has been established to recognise the unique characteristics of the Port and provide for current and future operations as regionally significant infrastructure. Option 3 would require all Port activities to obtain resource consent (e.g. restricted discretionary, discretionary or non-complying consent) before establishing within a special purpose zone that provides specifically for the operation of the Port. Option 3 presents an inefficient and ineffective option and would result in overly restrictive planning provisions that add unnecessary cost and delays to the current and future development and operation of the Port. Given that the SPPO is a special purpose zone that is specifically intended to provide for and aid the continued operation of the Port, Option 3 does not support the intent of the zone as per the draft NP Standards and would fail to appropriately recognise and provide for the Port as regionally significant infrastructure.
- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective operation and expansions of the Port.
- Given the reasons outlined above, Option 2 is considered to have the greater benefits. The costs associated with Option 1 and 3 have far greater costs, outweighing any benefits.
- There is no risk due to insufficient information.

Ancillary Activities to Port Activities

124. The proposed SPPO objectives seek to enable and provide for all port activities and operations. In order for the Port to operate it has primary activities but also ancillary activities (e.g. Port office and administration buildings) that are required to occur at the Port in order to support its operations and functions. SPPO-R3 therefore seeks to provide for ancillary activities to Port activities as permitted in the SPPO.

125. Alternatives considered were:

- **Option 1:** Status Quo - Retain the current permitted activity rules (44.3.1 MPPE).
- **Option 2:** Proposed Plan Change – Make all ancillary activities to Port activities permitted.
- **Option 3:** More restrictive activity status requiring resource consent – restricted discretionary, discretionary or non-complying activity status.

³ As noted above, this definition is proposed for introduction to aid with the interpretation and implementation of the SPPO provisions but it not a definition now required under the NP Standards.

126. It is considered that Option 2 is the most appropriate option for the following reasons:

- Option 1 is not efficient or effective as it would see ancillary activities provided for within the SPPO as a permitted activity, with the exception of those involving the construction of a residential unit, a retail activity exceeding 100m², food irradiation, offensive trades, or the construction or extension of a building within 20m of the centreline of a high voltage transmission line. While producing similar outcomes to Option 2, Option 1 does not represent a consistent approach with regard to the structure of the WDP under the rolling review or the draft NP Standards.
- Option 2 is efficient and effective as it provides for the Port and associated ancillary activities to operate without undue constraints. Ancillary activities have been adopted as part of the Urban and Services Plan Change package from the draft NP Standards which defines it as, “*an activity that either provides support to, or is incidental and subsidiary to the primary activity on the same site*”⁴. It is anticipated that ancillary activities to Port activities in the SPPO may include ancillary retail or office facilities which are required to support the efficient and effective operation of the Port. This option is consistent with the approach taken in other District Plans and also aligns with the RPS and draft NP Standards.
- Under Option 3, ancillary activities to Port activities would take a more restrictive approach requiring a resource consent – restricted discretionary, discretionary or non-complying consent to be obtained in order to occur within the SPPO. Option 3 is not efficient or effective as it presents an unnecessarily restrictive approach to managing ancillary activities to Port activities which are required to support the effective functioning of Port operations. This option would imply and send a message that such activities are generally not anticipated within the SPPO. Applying a more restrictive consenting approach to ancillary activities to Port activities, particularly a discretionary or non-complying activity status would indicate that such activities have detrimental effects on the Port comparable to those other activities within the SPPO which have a more restrictive activity status (e.g. industrial, residential, community and commercial activities), which is not considered to be an accurate assessment.
- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective operation and expansions of the Port.
- Option 2 presents the greatest benefits, particularly in enabling all aspects of Port operations to occur within the SPPO to support the ongoing efficient and effective functioning of this regionally significant infrastructure. The costs of Options 1 and 3 are higher than Option 2.
- There is no risk due to insufficient information.

Helicopter Facilities

127. SPPO-R4 seeks to provide for helicopter facilities (including helicopter take-off and associated fuelling and service facilities) as permitted in the SPPO. Helicopter facilities are currently permitted under the

⁴ Draft NP Standards definition.

operative WDP, rule 44.3.1, which is consistent with other Port zones in District Plans throughout the country.

128. Reasonably practicable options for the rule for helicopter facilities are as follows:

- **Option 1:** Status Quo - Retain the current permitted activity rules (44.3.1 MPPE)
- **Option 2:** Proposed Plan Change – Make all Helicopter Facilities permitted.
- **Option 3:** More restrictive activity status requiring resource consent – restricted discretionary, discretionary or non-complying activity status.

129. It is considered that Option 2 is the most appropriate option for the following reasons:

- While helicopter facilities are a permitted activity under the existing activity rule 44.3.1, Option 1 does not represent a consistent approach with regard to the structure of the WDP under the rolling review or the draft NP Standards, and is therefore not an efficient or effective option.
- Option 2 is the most efficient and effective option as it specifically identifies helicopter landing facilities as an activity provided for within the SPPO as a permitted activity. This approach aligns with that which other councils have taken around the country for their respective port zones. Helicopter facilities will still be required to comply with the controls within the Noise and Vibration (NAV) chapter which control noise from aircraft and helicopter land areas (see NAV.6.7). These controls provide assurance that while such activities are anticipated and provided for within the SPPO, the effects will be appropriately managed.
- Option 3 is not considered efficient or effective. Helicopter landing facilities are not uncommon in port environments and as background research has shown, are provided for as a permitted activity recognising that these facilities play a role in the efficient and effective operation of Ports. Taking a more restrictive approach requiring a restricted discretionary, discretionary or non-complying consent to be obtained in order to establish such activities would result in overly restrictive and unjustified planning provisions for helicopter facilities. This option would lead to unnecessary consenting and compliance costs and time delays for the Port which is inconsistent with the SPPO policy framework and the NP Standards.
- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective operation and expansions of the Port.
- The costs associated with Options 1 and 3 outweigh any benefits. It is considered that Option 2 presents the greatest benefits which outweigh any costs.
- There is no risk due to insufficient information.

Building Height

130. The proposed SPPO objectives seek to recognise and provide for the efficient and effective ongoing operation, maintenance, management and development of the Port within the SPPO. It is recognised that in order to achieve this, the operational requirements of ports require greater height limits than

otherwise anticipated and permitted in other zones. In particular, large height limits are required to enable everyday port operations to occur in regards to the operation of cranes and containerisation without undue constraints and compliance costs. However, it is still important that adverse effects on the surrounding environment are appropriately managed, particularly given the cultural significance and value of surrounding landscapes of significance and the close proximity of Open Space and Residential Zones to the SPPO.

131. Proposed SPPO-R5 manages building heights in the SPPO. Permitted building heights are provided for the two areas (Port Operations Area A and Port Management Area B) of the SPPO. The following maximum permitted building heights are proposed:

- Port Operations Area A:
 - Maximum building height (excluding public utilities, light towers, silos, aerials, cranes, containers and tanks): 20m.
 - Maximum height for public utilities, light towers, silos, aerials and tanks (excluding cranes and containers): 60m.
 - Maximum crane height: 85m.
 - Maximum height for containers: 30m.
- Port Management Area B:
 - Maximum building height (excluding public utilities, light towers, silos, aerials, cranes, containers and tanks): 20m.
 - Maximum building height for public utilities, light towers, silos, aerials and tanks: 40m.
 - Maximum height for containers: 20m.

132. The proposed permitted building heights (excluding public utilities, light towers, silos, aerials, cranes, containers and tanks) have remained the same as the maximum heights permitted in MPPE Rule 44.4.1 of the WDP. The permitted maximum building height for public utilities, light towers, silos, aerials and tanks in the Port Management Area B have remained consistent with what is currently permitted in MPPE Rule 44.4.1 of the WDP as this was considered fit for purpose. The other maximum permitted building heights for cranes and containers proposed under SPPO-R5 are new and increased height limits for the SPPO. This is based on discussions with Northport and MMH and background research of maximum height limits in ports applied by other councils throughout the country. Consultation and background research showed that port environments require greater height limits than what is anticipated in other zones. While the height of buildings was relatively consistent at 20m, other heights provided (for example for cranes) were much higher than currently permitted in the WDP, ranging from 60 – 100m or no height limits provided at all.

133. Consultation with Patuharakeke revealed concerns with the height limits particularly around containerisation given the impact this could have on the significant natural landscapes and viewshafts to Whangarei Heads from the Port which are of important cultural value to iwi and hapu groups. It is considered that the height limits proposed in Port Operations Area A (30m for containers) is appropriate given the operational needs and requirements of a functioning Port. However, in recognition of

Patuharakeke's concerns, the height limit for containers has been reduced to 20m in the Port Management Area B recognising that a higher height limit is not required given this area is not directly part of the operational area of the Port. This will assist in managing effects of Port activities such as containerisation from blocking the views out towards the significant cultural landscapes.

134. Alternatives considered are identified and assessed in detail in table 7 below:

- **Option 1:** Status Quo - Retain the current building heights in MMPE Rule 44.4.1.
- **Option 2:** Proposed Plan Change - Increase and add additional building heights in the SPPO.
- **Option 3:** No building height standards in the SPPO.

TABLE 7: EVALUATION OF BUILDING HEIGHTS		
	Costs	Benefits
Option 1: Status Quo	<p><u>Economic and Social</u></p> <p>Restrictive height limits will result in unnecessary consenting costs for the Port, particularly in regards to cranes and containers.</p> <p>Following consultation, the Port has demonstrated that the efficient operational requirement of the Port requires higher building height limits than what is anticipated for in the current MPPE.</p> <p><u>Environmental</u></p> <p>The height limit in the MPPE is 20m for buildings and 40m for public utilities, light towers, aerals, silos and tanks. If port operations and development now and in the future were required to comply with this limit, this may result in development sprawling out to land which could be better utilised by other land uses and resulting in a higher level of adverse effects.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental and Cultural</u></p> <p>Building heights are managed to minimise shading and amenity effects within the surrounding zones including open space and residential areas.</p> <p>A more restrictive height limit would protect the surrounding natural landscapes and view shafts across from the Port to Whangarei Heads. This means that if any port activities in the future were to exceed the maximum height permitted, then a resource consent could be applied for and any adverse effects to the surrounding environment would be considered.</p> <p><u>Economic and Social</u></p> <p>None identified.</p>
Option 2: Proposed Plan Change	<p><u>Cultural and Environmental</u></p> <p>There could be effects on view shafts to important cultural landscapes within the Whangarei Heads.</p> <p><u>Economic and Social</u></p> <p>Heights exceeding that proposed would require resource consent to be applied for. The potential growth of the Port and expansion of operations could result in the Port wanting higher height limits than that proposed.</p>	<p><u>Environmental</u></p> <p>When compared to Option 3, building heights are better managed to minimise shading and dominance on the surrounding environment. It also balances the needs and requirements of the Port.</p> <p>Despite the increase in building height with this option, the HIRB rule will help ensure that building height is not excessive near adjoining zones.</p> <p><u>Social and Economic</u></p> <p>Reduces the burden for applying for resource consents for buildings or structures over 20m or 40m in height.</p> <p>Increased ability to provide for efficient operational requirements of the Port which may require buildings and structures that are of a larger height</p>

		and bulk when compared to the surrounding environment. Consistent and balanced with the maximum building heights (ranged from 60m to no height limit for cranes) for other port zones throughout the country. <u>Cultural</u> Greater recognition of hapu concerns relating to containerisation within the Port Management Area B.
Option 3: No building heights in the SPPO	<u>Environmental, Social and Cultural</u> Without a maximum building height, there is the potential for significant adverse effects in relation to shading and dominance to the surrounding land uses and zones. No height limit would also create potential amenity issues and provide no protection to the surrounding significant natural landscapes and view shafts to Whangarei Heads. No indication of appropriate height limits could lead to uncertainty and concern for surrounding property owners. <u>Economic</u> None identified.	<u>Economic and Social</u> Reduces the burden for applying consents for tall cranes which is critical to the efficient and effective operation of the Port. Increased development opportunities with no height restrictions. <u>Environmental and Cultural</u> None identified.
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	This option is inefficient and ineffective. The current MPPE height limits are broad and provide low limits for the nature of the environment, and do not meet or provide for the efficient operational needs of a port which may require buildings and structures which are of a larger height and bulk than when compared to the surrounding environment. A restrictive height limit will restrict Port operations and lead to unnecessary consenting expenses.	
Option 2	Option 2 is considered to be a significant improvement on the status quo in that it will enable the efficient and effective ongoing and future operation of the Port and avoid unnecessary consenting and compliance costs. It is also more efficient and effective than Options 1 and 3 as it provides a more appropriate height limit consistent with port requirements across New Zealand while appropriately managing adverse effects on the surrounding environment.	
Option 3	Option 3 would result in no building height controls. While this would provide the greatest flexibility for the Port, it will not result in any kind of management of effects, thus being an inefficient and ineffective option.	
Economic Growth and Employment Opportunities		
Option 1	Options 2 and 3 provide the most economic growth and employment opportunities by giving the greatest flexibility for the Port in its general operations, activities and future development. Option 1 has the least economic growth and employment opportunities as it will unnecessarily restrict port operations in the SPPO and lead to unnecessary consenting costs, thus not in keeping with the intent of the SPPO.	
Option 2		
Option 3		
<u>Risk of acting and not acting if there is uncertain or insufficient information</u>		
Option 1	There is a risk in electing either Option 1 or 3, as no technical evidence has been provided to support retaining a low height limit and/or having no height limit which would result in a risk of potentially significant adverse effects on the surrounding environment. There is a degree of risk associated with Option 2 as no technical evidence has been provided. However, that risk is considerably less than Options 1 and 3 as the proposed height limits in Option 2 have been justified and informed through research into maximum height limits applied in other port zones around the country. Option 2 is consistent and sits within the range of height limits applied in other port zones, thus carrying a lesser degree of risk.	
Option 2		
Option 3		

135. As shown in Table 6 above, Option 2 is the most appropriate option.

Building Rules

136. In addition to building heights, as discussed above, other building rules for the SPPO are proposed. Proposed rules SPPO-R6 and SPPO-R7 seek to manage building setbacks and height in relation to boundary (**HIRB**) for buildings within the SPPO by setting appropriate permitted activity standards. Previously, these proposed rules have been drafted as standards in the WDP.

137. The proposed rules are intended to manage buildings within the SPPO, particularly those close to or on the interface with other zones. The building rules in SPPO-R6 and R7 are necessary to enabling buildings within the SPPO in order to support port operations and activities while managing adverse effects on the surrounding environment. While heavy and light industry surround the majority of the Port, more sensitive open space and residential areas are also close to the Port and may become closer in proximity as the Port expands in the future.

138. SPPO-R6 provides setbacks from road boundaries, other zones and waterbodies. These are designed to provide appropriate setbacks for Port buildings from the road and adjoining zones in order to manage adverse amenity effects at the interface of these areas.

139. SPPO-R7 manages HIRB within the SPPO. This rule is designed to provide a graduating height limit from any site boundary of the SPPO adjoining a Residential or Open Space Zone. The drafting of this rule is consistent with how it is drafted throughout the rolling review of the WDP. It is designed to control the height of buildings within the Port where they are close to the boundary of adjoining Residential and Open Space Zones. This has been included in acknowledgement of the shading, privacy, daylight and general amenity effects that a tall building can have when located in close proximity to a boundary of an adjoining property that does not form part of the SPPO. controls daylight angles within the SPPO.

140. SPPO-R6 and R7 alongside the maximum permitted heights in the SPPO are intended to together, manage the adverse effects on the surrounding environment.

141. Alternatives considered were:

- **Option 1:** Status Quo - Retain the current building standards in MMPE Rule 44.4.2 and 44.4.4.
- **Option 2:** Proposed Plan Change – Permitted activity rules SPPO-R6 – R7.
- **Option 3:** No permitted setback and HIRB rules and standards for buildings in the SPPO.

142. It is considered that Option 2 is the most appropriate option for the following reasons:

- Option 1 is not an efficient and effective option. The current 3m minimum setback requirement to Living and Open Space boundaries is not considered to provide a reasonable buffer to the more sensitive activities located in these zones. This is inconsistent with the objectives and policies proposed for the SPPO.
- Option 2 is the most efficient and effective option. This option balances the operational needs of the Port in regards to enabling building and development and managing that development and

the associated effects. Option 2 provides appropriate controls to providing for and supporting necessary growth and development of the Port while managing the adverse effects associated with buildings. It is noted that the HIRB and the building setbacks to road boundaries, Industrial Zones, Residential and Open Space Zones and mean high water springs have been rolled over from the current operative district plan. A new building setback requirement of 15m from any Living or Open Space boundary has been included in the SPPO to provide a reasonable buffer from Port activities, thereby protecting the amenity anticipated for these zones. This is consistent with other council district plan port standards where minimum setback requirements were provided and ranged from 5m to 20m. The HIRB rule is also consistent with what is provided for in other WDP chapters.

- While Option 3 would result in reduced compliance costs and provide greater flexibility for development to occur within the SPPO by not providing the building rules proposed, it is an ineffective and inefficient option as it will not allow for the appropriate management of adverse effects that any development or new building within the Port could have on the surrounding properties in adjacent zones. This option is inconsistent with the proposed objectives and policies for the SPPO. Option 3 is also inconsistent with the approach taken in other port zones, which includes building rules and specifies the permitted standards.
- Option 3 provides the greatest economic growth and employment opportunities by giving the greatest flexibility on any future development of the Port. Option 1 and 2 have similar impacts in terms of economic growth and employment opportunities.
- Option 2 is considered have the greatest benefits that outweigh the costs. Options 1 and 3 have far greater costs than benefits.
- There is no known risk due to insufficient information.

Outdoor Storage

143. The SPPO objectives seek to avoid, remedy and mitigate the adverse effects of the Port and port-related activities on the surrounding environment. In particular, there is recognition that Port activities are associated with a number of adverse effects and given the Port is surrounded or near some sensitive land uses including Open Space and Residential zones these effects need to be appropriately managed.
144. Proposed rule SPPO-R8 seeks to provide for outdoor storage as a permitted activity in the SPPO. It is acknowledged, that outdoor storage is a core activity associated with ports that needs to be provided for. Outdoor storage is proposed to be permitted, provided standards around the height of any outdoor storage is complied with.
145. SPPO-R8 is included to control and manage outdoor areas of storage or stockpiles within the SPPO to limit their size and manage adverse effects that may arise. Proposed SPPO-R8 aims to keep outdoor storage limits consistent with the permitted rules and standards for building height, setbacks and HIRB for the Zone to ensure any storage is within keeping of what is anticipated and permitted in regards to heights for the SPPO.

146. Alternatives considered were:

- **Option 1:** Status Quo.
- **Option 2:** Proposed Plan Change.
- **Option 3:** No outdoor storage rule in SPPO: Remove rule.

147. It is considered that Option 2 is the most appropriate option for the following reasons:

- The plan change option is considered more appropriate than the status quo as proposed rule SPPO-R8 is more easily interpreted and enforced and is consistent with the new layout of the WDP and the draft NP Standards. The plan change option is also considered more appropriate than having no rule and permitted activity standards for outdoor storage as the issues and adverse effects associated with outdoor storage would be unmanaged and there would be no controls or limits placed on for example the height of storage. This could lead to adverse effects within and outside the SPPO, making it inconsistent with the proposed objectives and policies which seek to manage adverse effects of Port activities and operations.
- While Option 3 would present less constraints and greater flexibility for the Port around outdoor storage, it is not appropriate given the adverse effects that could result from this approach. The plan change option is considered to have the greatest benefits that outweigh the costs. The benefits of the plan change option are greater than retaining the status quo or having no rule for outdoor storage in the SPPO which would result in greater costs.
- There is no known risk due to insufficient information.

Restricted Discretionary Activities (Land Use)

148. The proposed provisions include rules for restricted discretionary activities in SPPO-R9 – R15 relating to public access, the sea-farers mission and managers accommodation and industrial activities. These provisions are assessed below in terms of their appropriateness under the following sub headings.

Public Accessways and Walkways

149. Review of other District Plans around the country and consultation with Northport on the future of the Port highlighted the need to provide for public accessways and walkways to the coastal environment within the SPPO. The proposed objectives and policies of the SPPO seek to maintain and provide for access to the coastal environment around the Port, which is consistent with section 6(d) of the RMA and the NZCPS.

150. It is acknowledged that the Port sits within the coastal environment and is surrounded by beaches and the ocean which should be available for the community to access and enjoy. It is important that Port operations do not limit or compromise the ability for the community to safely access the coastal area surrounding the Port, and that the community accessing and using the surrounding coastal environment does not constrain the Port's operations. In addition, if the Port is used for cruise ships in the future, access to and around the Port will be required for those passengers.

151. While it is accepted that public accessways and walkways are needed, careful consideration and discretion is required around this so as to not constrain the Port operations or the community's health and safety. As such it is considered appropriate to provide for public accessways and walkways as a restricted discretionary activity in SPPO-R9, so that any access can be considered on a case by case basis in terms of the proposed matters of discretion which are: location and design of the public accessway or walkway, degree of earthworks, effects on public safety, effects on port operations/activities and existing access to the CMA.

152. Alternatives considered are identified below and assessed in detail in table 8:

- **Option 1:** Status Quo – Retain MPPE Rule 44.3.1.
- **Option 2:** Proposed Plan Change – SPPO-R9 Restricted Discretionary Activity Rule.
- **Option 3:** Non-Complying activity status for public walkways and accessways.

TABLE 8: EVALUATION OF PUBLIC ACCESSWAY AND WALKWAY OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<p><u>Environmental, Economic and Social</u></p> <p>As a permitted activity, there is potential for significant adverse effects in relation to amenity values and the health and safety of the public. Having no control on public accessways and walkways would also provide no protection to the surrounding CMA.</p> <p>No indication of appropriate location and design of walkways/accesses could potentially risk the safety of the general public and could compromise the ongoing and future efficient operation of the Port.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Does not restrict public access to the CMA which is a matter of national significance under s6 of the RMA.</p> <p><u>Economic & Social</u></p> <p>Reduces the burden for applying consents and reduces compliance costs.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Option 2: Proposed Plan Change	<p><u>Environmental</u></p> <p>As a restricted discretionary activity, unforeseen effects and circumstances may not be anticipated and addressed by the matters of discretion and lead to adverse effects.</p> <p><u>Economic & Social</u></p> <p>The matters of discretion may not cover all matters that may be relevant.</p> <p>When compared to a permitted activity status, there will be additional consenting costs for the Port.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Sets clear expectations for future developments while managing the environmental effects of maintaining access to the CMA and at the same time enabling the efficient operation of the Port.</p> <p><u>Economic & Social</u></p> <p>Greater direction provided as to what the relevant matters are that need to be assessed within a resource consent application for public accessways or walkways.</p> <p>While the matters of discretion are restricted, the consent process is streamlined and comparably simplified, resulting in reduced processing costs.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Option 3: Non-Complying	<p><u>Environmental, Social and Economic</u></p> <p>A non-complying activity status implies that public accessways and walkways to and</p>	<p><u>Environmental and Cultural</u></p> <p>None identified.</p> <p><u>Economic & Social</u></p>

Activity Status	<p>along the CMA is not anticipated in the SPPO. This would lead to reduced opportunities for accessways and walkways and for the community to use and enjoy the coastal environment surrounding the Port. Under NZCPS, it is necessary to maintain and provide access to the coast. If in the future cruise ships were to start docking at the Port then it will be necessary to ensure there is access to and around the coast.</p> <p>There would be the burden of applying and paying for a non-complying activity resource consent which can be difficult to obtain as it would have to pass the 'gateway tests' in Section 104D of the RMA. This can be costly, with no guarantee the resource consent would be granted. This would not be in keeping with the SPPO objectives and policies proposed.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p>Provides the opportunity for a case by case assessment of the effects and merits of any proposal to establish an accessway or walkway to and along the CMA surrounding the Port.</p>
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	Option1 does not represent an effective mechanism of managing the effects of development within close proximity to the CMA, or potential adverse effects on the continued operation of the Port.	
Option 2	Option 2 strikes an appropriate balance between recognising the requirement to maintain and enhance access to the CMA and managing the effects of development within an operational Port area.	
Option 3	Option 3 is not an efficient or effective option. A non-complying activity status implies that public accessways and walkways are not anticipated in the SPPO. Maintaining and providing access to the coastal environment is an important matter which must be provided for under section 6(d) of the RMA and the NZCPS.	
Economic Growth and Employment Opportunities		
There are no employment opportunities arising from the options for this component of PC144. There is potential for economic growth associated with tourism for Options 1 and 2 as this would maintain public access to the CMA whilst enabling the continued and effective operation of the Port.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no known risk due to insufficient information.		

153. As shown in Table 7 above, Option 2 is the most appropriate option.

Sea-farers Mission and Managers Accommodation

154. The sea-farers mission is a welfare charity serving merchant crews around the world. It operates through a global network of chaplains, staff and volunteers that provide practical, emotional and spiritual support to sea-farers through drop in centres at ports worldwide. The Port currently has a sea-farers mission plus the manager of the mission's accommodation established within the SPPO boundaries. It is acknowledged that the mission is a common activity associated with ports and therefore needs to be provided for within the SPPO.
155. Feedback from Northport has highlighted that the sea-farers mission may be relocated to a new and more appropriate location within the SPPO as the Port grows and expands. However, given the nature

of port environments and the type of activities occurring, careful consideration is required to ensure that the mission and associated accommodation, including any relocation or new development of this facility in the future, will not constrain the safe and efficient operation of current and future port operations and activities. This consideration is particularly important in the SPPO as any other activity similar to the sea-farers mission and accommodation (e.g. residential or community) would otherwise be non-complying within the SPPO.

156. As such it is considered appropriate to provide for the sea-farers mission and managers accommodation as a restricted discretionary activity in SPPO-R10, so that any relocation or expansion of the mission and accommodation in the future can be considered on a case by case basis in terms of the proposed matters of discretion which are: location, ground floor area, and reverse sensitivity effects.
157. Reasonably practicable options for the rule for the mission and managers accommodation are identified below and assessed in detail in table 9 below:
- **Option 1:** Status Quo – Retain MPPE Rule 44.3.1.
 - **Option 2:** Proposed Plan Change – SPPO-R10 Restricted Discretionary Rule.
 - **Option 3:** Non-complying rule for sea-farers mission and managers accommodation in the SPPO.

TABLE 9: EVALUATION OF SEA-FARERS MISSION AND MANAGERS ACCOMMODATION		
	Costs	Benefits
Option 1: Status Quo	<p><u>Environmental, Economic and Social</u></p> <p>There is no control over the establishment or relocation of the sea-farers mission and managers accommodation within the SPPO, and no ability to consider whether it will constrain the safe and efficient operation of current and future port activities.</p> <p>There are no controls over the location, design or suitability of such facilities to operate within the SPPO. Given the sensitive nature of this environment, the relocation of the existing or construction of a new sea-farers mission has the potential to result in unintended adverse effects on the operation of the Port as well as potential health and safety effects to the users of these facilities.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>No consenting costs and greater flexibility for the Port to relocate and/or develop a new sea-farers mission within the SPPO.</p> <p><u>Social</u></p> <p>Transient sea-farer facilities associated with ports and marinas are not uncommon, and providing for them as permitted activities allows the Port to provide for and support its staff and visitors.</p> <p>Greater potential and support for this activity to continue to operate and potentially establish in a new location within the SPPO in the future.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Option 2: Proposed Plan Change	<p><u>Social and Economic</u></p> <p>When compared to a permitted activity status, there will be additional consenting costs. The costs and resources associated with consenting such an activity may be considered overly restrictive and unnecessary given that the facility is existing.</p>	<p><u>Environmental</u></p> <p>Sets clear expectations for future developments while managing the environmental effects of relocating/constructing such a facility and effectively providing for the needs of the Port.</p> <p><u>Economic and Social</u></p> <p>Greater direction provided as to what the relevant matters that need to be assessed within a resource</p>

	<p>The matters of discretion may not cover all matters that may be relevant.</p> <p>Requiring resource consent may potentially disincentivise such facilities from establishing/expanding, which may restrict/discourage the Port from adequately providing for staff and transient sea-farers.</p> <p><u>Cultural and Environmental</u></p> <p>None identified.</p>	<p>consent application are for the sea-farers mission and managers accommodation.</p> <p>While the matters of discretion are restricted, the consent process is streamlined and somewhat simplified, resulting in reduced processing costs.</p> <p>When compared to option 3, option 2 provides a clearer indication that the sea-farers mission and managers accommodation is appropriate within the SPPO subject to assessment against the matters of discretion and relevant objectives and policies.</p> <p>Provides for the sea-farers mission and managers accommodation while safeguarding the Port operations and managing any adverse reverse sensitivity effects.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Option 3: Non-Complying Activity Status	<p><u>Environmental, Social and Economic</u></p> <p>A non-complying activity status implies that the sea-farers mission and managers accommodation is not anticipated or appropriate within the SPPO. This would lead to reduced opportunities for the sea-farers mission to relocate and or expand on Port land in the future. Northport has provided feedback that the mission is part of the Port operations and has the Port expands and grows, it is likely that the activity will need to be relocated and re-established in a more suitable and appropriate location within the SPPO. It is considered a necessary activity to support sea-farers and staff.</p> <p>This option will not be in keeping with the SPPO objective of providing for the effective operation of the Port. Given the Port's future growth plans, such works need to be anticipated by the WDP to enable the Port to provide for its users.</p> <p>The Port would have the burden of applying and paying for a non-complying activity resource consent which can be difficult to obtain and there is no guarantee that the resource consent would be granted.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Economic and Social</u></p> <p>Provides the opportunity for a case by case assessment of the effects and merits of any proposal to relocate and/or develop a new sea-farers mission and managers accommodation within the SPPO.</p> <p><u>Environmental</u></p> <p>Greater potential to avoid any possible reverse sensitivity effects that could occur as a result of the relocation or development of a new sea-farers mission and accommodation.</p> <p><u>Cultural</u></p> <p>None identified.</p>
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	Option 1 is not an effective nor efficient option as it does not represent an effective mechanism of managing potential adverse effects on the continued operation of the Port and the users of the facilities.	
Option 2	Option 2 strikes an appropriate balance between recognising the existing facility and managing the effects of relocating/expanding in the future within the operational Port area. It is therefore considered to be the most efficient and effective option.	
Option 3	Option 3 is inefficient and ineffective. Sea-farer facilities are not uncommon in port environments and requiring a non-complying resource consent to undertake such activities would result in overly restrictive planning provisions and unnecessary consenting costs for the Port.	

	Option 3 does not represent a consistent approach with regards to the structure of the WDP under the rolling review or the draft NP Standards.
Economic Growth and Employment Opportunities	
There are no economic growth and employment opportunities arising from the options for this component of PC144.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no known risk due to insufficient information.	

158. As shown in Table 7 above, Option 2 is considered to be the most appropriate option.

Manufacturing and Storage Activities (excluding storage for port activities), Repair and Maintenance Services, Marine Industry, Artisan Industrial Activities and General Industry

159. The proposed SPPO objectives aim to recognise, provide for and enable port operations and activities in order to align with the purpose of Port zones as per the draft NP Standards, and create consistency with the RPS which recognises the Port as regionally significant infrastructure. It is also recognised in the SPPO objectives that the Port will be expanding and growing in the future. An important part of achieving this is acknowledging that the Port land is limited and a very important resource to the Whangarei District and Northland Region. Therefore, the establishment of non-port related activities within the SPPO should be avoided unless it is demonstrated that there is direct requirement for such activities to establish within the SPPO and that the activities will not constrain the safe and efficient operation of current and future port activities.
160. Within the SPPO boundaries there are some industrial land uses established. Following consultation with Northport and MMH, it is considered that the industrial activities could continue to operate and/or establish until such time as the land is needed for the expansion of the Port, provided those industrial uses do not compromise the land for future Port activities and operations. As such, it is considered appropriate to provide for industrial activities in the SPPO, under the proviso that specific consideration is given to ensure the industrial activity is appropriate and will not constrain the Port.
161. SPPO-R11 – R15 proposes to include five activities (manufacturing and storage (excluding storage for Port activities), repair and maintenance services, marine industry, artisan industrial activities and general industry) as restricted discretionary activities in the SPPO Port Management Area B. A restricted discretionary activity status was considered appropriate, so that the industrial type activities can be considered on a case by case basis in terms of the proposed matters of discretion which are: ability to relocate the activity and/or building, duration of the activity, nature of the activity, compatibility of activity with Port operations and activities, effects on Port operations remaining viable in the long term, and the size and location of the activity and/or building. The Urban Technical Introduction s32 Report as part of this Urban and Services Plan Change package discusses the new definitions proposed for these industrial activities. Research has confirmed that industrial activities are not generally permitted in Port zones and tend to be classified as anywhere between a restricted discretionary to non-complying activity status. The proposed restricted discretionary approach for these activities in the Port Management Area B represents alignment with the draft NP Standards, as the primary purpose of the SPPO is for Port

operations, however it is recognised that some balance is required in order to be practical about the land use within the Port Management Area B while areas are not directly required in the immediate future for the Port.

162. Within the Port Operations Area A, these activities have a non-complying activity status. The reason for a non-complying activity status in Port Operations Area A is because this area is primarily set aside for port operations and on this basis is not considered to be consistent with the proposed objectives to provide a restricted discretionary activity status for these activities within Area A.

163. Alternatives considered are:

- **Option 1:** Status Quo – Retain MPPE Rule 44.3.1.
- **Option 2:** Proposed Plan Change – SPPO-R11 – R15 restricted discretionary activity status for industrial activities in Port Management Area B and non-complying in Port Operations Area A.
- **Option 3:** Non-complying activity status for industrial activities in both Port Management Area B and Port Operations Area A.
- **Option 4:** Prohibit all industrial activities.

164. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. The MPPE rules are designed to be enabling and provide for any activity (including industrial activities) in the zone, and are not fit for purpose when considering the current and future operations of the Port. The Status quo in this case is also inconsistent with the purpose of Port Zones as a 'special purpose zone' under the draft NP Standards which clearly identifies that the primary purpose of the SPPO is for providing for Port activities.
- Option 2 is the most efficient and effective option as it is considered that while the land is protected for the Port, some of these identified land uses may be appropriate in Port Management Area B until the Port expansion may occur in the future, where those land uses are relocatable and will not compromise the land for the Port. The restricted discretionary activity status for these specific activities in Port Management Area B coupled with the non-complying activity status for these specific activities in Port Operations Area A means that the Port land is still protected for Port activities, and Council will have discretion to control and manage these activities that may wish to establish within the SPPO to ensure it does not constrain the safe and efficient operation of current and future port activities. As mentioned above, within the Port Management Area B this will include that these specific activities and/or buildings with industrial activities taking place are relocatable. While this option will result in consenting costs and reduced flexibility for the development of these activities within the SPPO, it is considered necessary to protect the limited land within the SPPO primarily for Port activities which is the purpose of the SPPO under the draft NP Standards. Within the Port Management Area B, This option provides greater direction as to what the relevant matters that need to be assessed within a resource consent application are for these activities compared to the other options.

- Option 3 is not considered to be an efficient or effective option. Currently, some industrial activities operate within the SPPO boundaries. Port operations have yet to expand into what is known as Port Management Area B but may do so in the future. In the interim, it is considered appropriate that some of these specific activities may wish to establish and use the land until such time as it is needed for the Port provided those land uses will not compromise the land for the Port and the activity and/or building is relocatable. A non-complying activity status within the Port Operations Area B would make this difficult and be too restrictive for industrial activities which may be the most suitable non-port related activity to occur within Area B. A non-complying activity resource consent can be difficult to obtain as it would have to pass the 'gateway tests' in Section 104D of the RMA. This can be costly, with no guarantee the resource consent would be granted.
- Option 4 is more efficient and effective than Options 1 and 3 but is not favoured when compared to Option 2. A prohibited activity status for these specified activities would provide the most certainty that such activities are not appropriate and will not be able to establish in the SPPO, however it does not provide any opportunity of assessing an individual proposal for each activity on its merits. Within the Port Management Area B there are currently some industrial activities occurring and it is considered that there may be instances where it can be demonstrated that some types of further industrial activities have a direct requirement to establish within the SPPO and will not constrain the safe and efficient operation of current and future port activities. It is considered that these specific activities are commensurate with the nature of activities occurring in a port environment, however this is only the case whilst the land is not directly required to facilitate Port operations. While the Port is not needing to utilise all the SPPO land, the most efficient and effective use of land may be for these specific activities which are the most consistent and suitable to establish within a port environment. A prohibited activity status would not allow the consideration of these activities to establish within the SPPO as no resource consent can be made for a prohibited activity.
- A permitted activity status (Option 1) provides the greatest scope for employment and economic growth opportunities. However, for the reasons outlined above, it is considered appropriate to control these specific activities within SPPO-R11 – R15 in order to protect the Port land for its primary purpose in the provision of port activities and operations. Options 3 and 4 provide the least employment and economic growth opportunities.
- Given the reasons outlined above, Option 2 is considered to have the greatest benefits which outweigh any costs. The costs associated with Options 1, 3 and 4 are far greater than any benefits those options would offer.
- There is no known risk due to insufficient information.

Non-Complying Activities (Land Use)

165. The SPPO objectives seek to enable and provide for a wide range of port activities, given that it is an important physical resource contributing to the social and economic needs of the Northland Region. Given the Port's strategic location as New Zealand's northernmost multi-purpose port, it is anticipated that the Port will significantly grow and expand to respond to the future growth of the upper North Island.

In addition, enabling and providing for port activities in the objectives importantly creates consistency and alignment with the RPS and draft NP Standards.

166. An important part of achieving the objectives is acknowledging that the Port land is limited and needs to be safeguarded. The establishment of non-port related activities within the SPPO should be avoided unless it is demonstrated that there is a direct requirement to establish within the SPPO and the activities will not constrain the safe and efficient operation of current and future port operations.
167. Within the SPPO chapter, the following activities are proposed to be classified as non-complying activities⁵:
- Residential activities (SPPO-R16).
 - Community activities (SPPO-R17).
 - Commercial activities (SPPO-R18).
 - Waste Management activities (SPPO-R19).
 - Landfill activities (SPPO-R20).
 - Rural Production activities (SPPO-R21).
168. Some of these activities (e.g. residential and community activities) are more sensitive land uses that are not considered suitable or appropriate in the SPPO. The activities are not consistent with the proposed objectives and policies for the SPPO and there are purpose-built zones to cater for these activities in appropriate locations within the District.
169. Alternatives considered were:
- **Option 1:** Status Quo – Retain MPPE Rule 44.3.1.
 - **Option 2:** Proposed Plan Change – Non-complying activity status for the above activities.
 - **Option 3:** Permitted activity status for the above activities.
 - **Option 4:** Discretionary activity status for the above activities.
 - **Option 5:** Prohibited activity status for the above activities.
170. It is considered that Option 2 represents the most appropriate option for the following reasons:
- Option 1 is not an efficient or effective option. The MPPE rules are designed to be enabling and provide for any activity, including commercial and community type activities, and are not fit for purpose when considering the current and future operations of the Port. The status quo in this case is also inconsistent with the purpose of port zones as ‘special purpose zones’ under the draft

⁵ In addition to Manufacturing and Storage Activities (excluding storage for port activities), Repair and Maintenance Services, Marine Industry, Artisan Industrial Activities and General Industry which are also considered non complying activities within the Port Operations Area A. This is discussed in the previous section.

NP Standards which clearly identifies that the purpose of the SPPO is for providing for Port activities.

- Option 2 is the most efficient and effective option. While a non-complying activity status will result in consenting costs and reduce flexibility for the development of these activities within the SPPO, it is considered necessary to protect the limited land within the SPPO for port activities which is the primary purpose of the SPPO under the draft NP Standards. The activities proposed to be non-complying are considered to be inappropriate to be specifically provided for and enabled within the SPPO, as there are other zones within the WDP that provide specific provision for them. Some of the activities specified above are sensitive land uses which could compromise the safe, efficient and effective operation of the Port now and in the future, and given the nature of port environments are not suitable to establish within the area. A non-complying activity status provides clear direction that this is the case. Research on the approaches undertaken in other port zones has confirmed that the activities above are commonly non-complying activities in port environments.
- Option 3 is the least efficient and effective option. While it will result in greater flexibility and least compliance costs for MMH and Northport, it will not adequately avoid the establishment of the specified activities within the SPPO. Permitting these activities will not provide an appropriate level of protection for the Port nor will it safeguard Port land for future growth and expansion. This is inconsistent with the proposed SPPO objectives and policies and the draft NP Standards.
- Option 4 would allow a case by case assessment of whether a particular activity within SPPO-R16 – R21 may be appropriate under a discretionary activity status. A discretionary activity status suggests that provision is made within the objectives and policies for such activities which is not the case for the proposed SPPO chapter. Option 4 could lead to the establishment of activities within the SPPO that are not compatible with the provision of port activities and could compromise the ability of the Port to continue to operate efficiently and effectively and expand its operations in the future. This is inconsistent with the objectives and policies of the SPPO and the purpose of Port zones under the draft NP Standards. Accordingly, Option 4 is not considered to be an efficient or effective option.
- Option 5 is more efficient and effective than Options 1, 3 and 4 but is not favoured when compared to Option 2. A prohibited activity status for such activities would provide the most certainty that such activities are not appropriate and will not be able to establish in the SPPO, however it does not provide any opportunity of assessing an individual proposal for each activity on its merits. There may be instances where it could be demonstrated that such activities do have a direct requirement to establish within the SPPO and will not constrain the safe and efficient operation of current and future port activities. The land in Port Management Area B is currently being used primarily for industrial purposes. It is considered that commercial activities should not be specifically provided for within the SPPO as this would be incongruous with the purpose of the SPPO. However, an argument could be made that until the vacant land is needed for Port activities, the most efficient use of the land could be some small-scale and relocatable commercial activities that will not compromise the SPPO in the interim. A prohibited activity status would not

allow the consideration of such instances as no resource consent can be made for a prohibited activity.

- Option 3 (permitted activity status) provides the greatest scope for employment and economic growth opportunities. However, for the reasons outlined above, it is considered appropriate to control the activities within SPPO-R16 – R21 as non-complying activities in order to protect the port land for its primary purpose of enabling Port activities and ensuring consistency of the SPPO as a special purpose zone with the draft NP Standards.
- It is considered for the reasons outlined above, that Option 2 has the greatest benefits which outweigh the costs. Options 1, 3, 4 and 5 have far greater costs that outweigh the potential benefits. Accordingly, Option 2 is the more favourable options in terms of benefits.
- There is no known risk due to insufficient information.

Prohibited Activities (Land Use)

171. It is proposed to apply a prohibited activity status to mineral extraction activities in the SPPO. The prohibited rule for mineral extraction will be provided in the Minerals (**MIN**) chapter of the WDP rather than in the SPPO chapter; this is a more appropriate location for this rule and is consistent with the approach taken in the WDP to dealing with mineral extraction.

172. Alternatives considered were:

- **Option 1:** Permitted activity status for mineral extraction activities.
- **Option 2:** Discretionary activity status for mineral extraction activities.
- **Option 3:** Non-complying activity status for mineral extraction activities.
- **Option 3:** Prohibited activity status for mineral extraction activities.

173. Option 4 is considered to be the most appropriate option for the following reasons:

- Options 1 is not an efficient or effective option. A permitted activity status would result in mineral extraction activities being able to occur without requiring a resource consent which would be inconsistent with the policy framework and intent of the SPPO. A permissive approach to managing mineral extraction activities could lead to adverse environmental effects and compromise Port operations and activities within the SPPO.
- While Option 2 is more efficient and effective than Option 1, as a resource consent would be required for any mineral extraction activity, it is still not an efficient or effective option. A discretionary activity status would allow for resource consents for mineral activities to be applied for and possibly obtained on a case by case basis which would be inconsistent with the policy framework and intent of the SPPO. A discretionary activity approach, if consent were to be obtained would potentially compromise Port operations and activities within the SPPO.

- Option 3 is not an efficient or effective option. A non-complying activity status would present a high threshold for mineral extraction activities as it would be required to pass through one of the gateways in Section 104D of the RMA. While Option 3 is considered more efficient and effective than Options 1 and 2, it is not considered to be more efficient and effective than Option 4 which clearly states that mineral extraction activities are not appropriate within the SPPO.
- Option 4 is the most efficient and effective option. The prohibited activity status is in acknowledgement that mining activities are not compatible within the SPPO and do not have a direct requirement to establish in the SPPO. There is limited Port land and the SPPO objectives, and the draft NP Standards, seek that it is used for Port operations and activities. A prohibited activity status is necessary as it clearly states that mineral extraction activities are never appropriate within the SPPO.
- Option 4 has the greatest benefits. The benefits of Option 4 outweigh the costs in comparison to the other options which present greater costs.
- There is no known risk due to insufficient information.

Subdivision

174. The subdivision rules are proposed to be located in the Subdivision Chapter (see PC148 Section 32), but have been assessed within this part of the s32 report. All forms of subdivision within the SPPO are proposed to require a discretionary activity resource consent. It is acknowledged that the subdivision of land within the SPPO could create fragmentation of the Port land. A discretionary activity status allows all subdivision to be assessed on a case by case basis.

175. Alternatives considered were:

- **Option 1:** Status Quo – Retain Rule 44.3.1 Activities Generally.
- **Option 2:** Proposed Plan Change - Discretionary activity status for all subdivision within SPPO.
- **Option 3:** Permitted activity status for all subdivision within the SPPO.
- **Option 4:** Non-Complying activity status for all subdivisions within the SPPO.

176. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient nor effective option. The status quo subdivision rules in 44.3.1 are not fit for purpose when considering the requirements of the Port.
- Option 2 is the most efficient and effective option. It enables a case by case consideration of subdivision applications within the SPPO should it ever be needed or desired. This approach allows for consideration to be given to the operational needs and requirements of the Port and whether a proposed subdivision would result in fragmentation of Port land. Consultation with MMH and Northport on this draft rule revealed no desire for subdivision to occur within the SPPO or for a more lenient activity status for subdivision to be applied.

- While Option 3 would result in reduced compliance costs and provide greater flexibility for subdivision to occur within the SPPO, it is an ineffective and inefficient option as it will not allow the appropriate management of adverse effects that subdivision could have on the environment in terms of the fragmentation of Port land. Given the direction in the draft NP Standards for port zones, alongside the RPS objectives and policies, it is not considered an appropriate option to permit prime port land to be compromised as a result of subdivision and therefore restrict the ability for the Port to grow and expand in the future.
- Option 4 is not an efficient or effective option. A non-complying activity status would present a higher threshold for subdivision as it would be required to pass through one of the gateways in section 104D of the RMA. A non-complying activity status indicates that subdivision is not anticipated or provided for. This is not the case, as it is acknowledged that subdivision within the SPPO may be necessary to provide for current or future Port operations. While this means that Option 4 is considered more efficient than Options 1 and 3, it is not considered more efficient and effective Option 2 which would still require a consent to be obtained and allow for any application for subdivision to be considered on a case by case basis.
- Option 3 provides the greatest economic growth and employment by giving the greatest flexibility for any potential future subdivision of the SPPO land. Option 1 and 2 have similar impacts in terms of economic growth and employment opportunities.
- The benefits of Option 2 outweigh any potential costs and offers greater benefits than Options 1, 3 and 4.
- There is no known risk due to insufficient information.

Definitions

177. The SPPO objectives seek to recognise, provide for and enable port operations and activities. As outlined in the sections above, specific rules have been proposed for inclusion within the new SPPO chapter relating to the Port. As such, there is a need for new definitions to be included to assist with interpreting and administering the SPPO chapter.

178. Two new definitions are proposed to be incorporated to the SPPO. These definitions are consistent with other definitions and activities for Ports as identified in the review of district plans throughout the country. The new definitions⁶ proposed for inclusion are:

- **Port Activities** – *means the use of land and/or building within the Port zone for port related activities, including:*
 - *Cargo handling, including the loading, unloading, storage, processing and transit of cargo;*
 - *Debarking;*
 - *Fumigation;*
 - *Transport, storage and goods handling activities;*

⁶ As previously noted, these definitions are not new definitions required under the NP Standards but have been drafted in order to assist with the interpretation and implementation of the SPPO provisions.

- *Maritime passenger handling/services;*
 - *Construction, maintenance and repair of port operations and facilities;*
 - *Port administration;*
 - *Refuelling/fuel handing facilities;*
 - *Activities associated with surface navigation and berthing;*
 - *Maintenance or repair of a reclamation or drainage system;*
 - *Marine and port accessory structures and services.*
- **Sea-Farers Mission and Managers Accommodation** – *means Christian welfare centre located within the Port zone providing communal facilities for transient merchant sea-farers. 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 immediate family. Does not include motels, hotels, backpackers, bed and breakfast, farmstay or homestay accommodation, or any other types of accommodation.*

179. Alternatives considered were:

- **Option 1:** Status Quo – No Port specific definitions.
- **Option 2:** Proposed Plan Change - Introduce new Port definitions.

180. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient nor effective option. Retaining the status quo with no Port specific definitions would make the SPPO rules unclear for plan users and potentially lead to issues and inconsistencies with interpreting and applying the SPPO provisions.
- Option 2 is the most efficient and effective option. The proposed definition provides a clearer expectation for the community and Port owners and operators as to what type of activities are anticipated within the SPPO. Providing new definitions would reduce any uncertainties with the consenting process thus potentially cutting down on any unnecessary costs and delays.
- The introduction of new definitions can have effects on economic growth and employment opportunities as they dictate what type of port related activities can and cannot operate within the SPPO.
- Option 2 has the greatest benefits which outweigh the costs. Option 1 has far greater costs and therefore Option 2 is the more favourable option.
- There is no known risk due to insufficient information.

6. Conclusion

181. The Port does not currently have appropriate zoning within the WDP. The MPPE zoning that currently applies to the Port land is designed to provide for and enable most activities, including non-port related

activities, and the provisions are not fit for purpose when considering the operational requirements of the Port.

182. PC144 has been developed as part of the Urban and Services plan changes to the WDP. The review has identified that the MPPE zoning and provisions are inappropriate for the current and future needs of the Port. Further the draft NP Standards require that a special purpose zone is provided for the Port, primarily for the purpose of providing for and enabling the ongoing operation of the Port. The RPS also identifies the Port as regionally significant infrastructure.
183. Pursuant to s32 of the RMA, the five proposed objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
184. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to providing for current and future Port operations, the future expansion and growth of the Port, managing the effects of Port operations and maintaining access to the coast.

Appendix 1: Iwi and Hapu Consultation Feedback

Port Zone Chapter – Patuharakeke key considerations and comments

Port Zone Chapter Whangarei District Council	Patuharakeke Hapu Environmental Management Plan 2014 – considerations to note
“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 acceptable level .”	<ul style="list-style-type: none"> • Important to note that there is no mention of tangata whenua values in this chapter and what would be considered ‘acceptable’ from this perspective.
“Objectives: SPPO-O3 Adverse Effects : Manage the adverse effects of the Port and port-related activities on the environment.”	<ul style="list-style-type: none"> • Stronger wording required here as focus should be on protection from adverse effects rather than management. • Stronger emphasis needed to stress that activities should not be at the expense of culture, heritage and the environment.
“Policies: SPPO-P2 Protection of land for Port Activities : To avoid the establishment of non-port related or sensitive activities within the SPPO...”	<ul style="list-style-type: none"> • Question of whether this would limit tangata whenua aspirations in relation to the creation of a native plant nursery and restoration projects.
<p>“Policies: SPPO-P3 Adverse Effects: To manage adverse effects of the Port and port-related activities, by:</p> <ol style="list-style-type: none"> a. Limiting the height of buildings and outdoor storage areas to minimise adverse visual amenity effects, while recognising the operational requirements of the Port; b. Controlling adverse effects of noise and light spill while recognising the operational requirements of the Port; c. 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 	<ul style="list-style-type: none"> • The vast industrial complexes have forever distorted and impacted our cultural landscape and seascape. • Need to recognise cultural landscapes and seascape values and afford them at least as high priority as other landscape values. • Important to account for negative consequences and cumulative impacts on cultural landscape values and sense of place. • Protection of view shafts to significant natural features and landmarks (Manaia) is key. • Important to include managing effects of industrial activities on the mauri and cultural health of the harbour and relationship of tangata whenua to it – ensuring this is not further compromised. • Ensuring port and port-related activities at all times seek to avoid or minimise pollution in the harbour. • Where data shows there is an adverse effect on water quality then activities must cease. • Earthworks activities need to be managed to avoid damaging or destroying sites of significance, and to avoid or minimise erosion and sedimentation. • Stipulate cultural health monitoring by resourced kaitiaki as part of compliance monitoring. • Provide appropriate mitigation and/or compensation where environmental and cultural effects cannot be avoided (such as funds for restoration projects).

	<ul style="list-style-type: none"> • Develop a research program to investigate and address how dredging, reclamation, sedimentation and discharges in the harbour are affecting mahinga kai.
<p>"Policies: SPPO-P4 Public Access to the Coastal Marine Area: To manage public accessways to and along the coastal marine area by:</p> <ol style="list-style-type: none"> a. Recognising the need for public walking access to and along the coastal marine area. b. Maintaining, enhancing and developing public accessways to and along the coastal marine area. c. Only restricting public accessways to the coastal marine area where it is necessary to: <ol style="list-style-type: none"> i. Protect public health and safety; or ii. Ensure the efficient and effective operation of the Port is not compromised 	<ul style="list-style-type: none"> • There is a conflict between public access, protection of sites and resources of cultural significance. • Public access rights should not be given precedence over spiritual and customary values and sites. • Must recognise the right to access in relation to harvesting and collection of kai, to taonga prized for traditional, customary and cultural uses, and for the purposes of kaitiaki/cultural health monitoring. • Patuharakeke will continue to seek ways to express our customary rights and interests over particular sites and areas within our takutai moana. • Patuharakeke access to sites and resources in the coastal environment for customary and kaitiaki purposes must be recognised and provided for independently from general public access.

Auckland Unitary Plan uses language such as:

Adverse effects:

"Avoids, remedies or mitigates adverse effects on the surrounding environment"

"Enable the intensification, development and maintenance of buildings, structures and works for marine and port activities, subject to avoiding, remedying or mitigating potential adverse effects on the environment"

"Require activities within the zone to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on coastal processes, water quality, biosecurity, historic heritage and the surrounding road network"

"Design and locate buildings and other significant structures to avoid, remedy or mitigate significant adverse effects on landscape values and visual amenity, and to contribute positively to the visual quality of the area while having regard to the function and context of those buildings and structures"

"Require activities to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects"

(Slightly stronger language, still no mention of cultural aspects)

Non-port related activities

"Ensure that non-port related activities or non-port related development within the precinct does not compromise the primary function or development of the precinct for marine and port activities and marine and port facilities."

Public access:

"Public access, use and enjoyment of the coastal marine area is maintained and where practicable enhanced, provided this does not adversely affect the efficient and safe operation of marine and port activities and marine and port facilities"

"Restrict public access to the coastal marine area only where necessary to protect human health, safety or security or the efficient and safe operation of activities"

Plan Change 145 Whangarei Hospital (SPH)

Section 32 Evaluation Report

March 2019

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List of Abbreviations

Height in relation to boundary	HIRB
Living 1 Environment	L1
Long Term Plan	LTP
National Environmental Standards	NES
National Planning Standards	NP Standards
National Policy Statements	NPS
New Zealand Coastal Policy Statement	NZCPS
Northland District Health Board	DHB
Northland Regional Council	NRC
Northland Regional Policy Statement	RPS
Plan Change 145	PC145
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Special Purpose Hospital Zone	SPH
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council, Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50

1. Introduction

1.1 Overview

1. This report is in relation to proposed changes to the Operative Whangarei District Plan (**WDP**) seeking to review the provisions relating to Whangarei Hospital, as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the planning provisions applicable to Whangarei Hospital. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to Whangarei Hospital and its management over the next ten years within the lifespan of the WDP under the Rolling Review.
3. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

4. Plan Change 145 (**PC145**) seeks to introduce a new Zone into the Operative WDP, the Special Purpose Hospital Zone (**SPH**). The SPH is being introduced as a special purpose zone under the draft National Planning Standards (**NP Standards**) and proposes to provide a new chapter relevant to the Whangarei Hospital, which is currently subject to Living 1 Environment (**L1**) zoning and provisions within the Operative WDP. PC145 will include:
 - A new "Hospital Zone (SPH)" Chapter – with objectives, policies and rules for Whangarei Hospital, including land use and subdivision provisions.
 - Changes to the WDP Zone Maps – to denote the extent of SPH Zone.
 - Consequential changes to the WDP, including the addition of new definitions.
5. PC145 includes a description of the proposed SPH to identify the environmental expectations and outcomes sought in the Zone through the proposed objectives, policies and rules.
6. PC145 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC145 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction

- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

2. Background

2.1 Existing Environment

7. Whangarei Hospital (“**the Hospital**”) is located on Maunu Road and occupies an area of land approximately 19.4ha in size. The hospital site is located approximately 600m from the major intersection between State Highway 1 and State Highway 14, the main transportation route from Whangarei to Dargaville, and is approximately 2.5km west of Whangarei’s central business district. See **Figures 1** and **2** below.

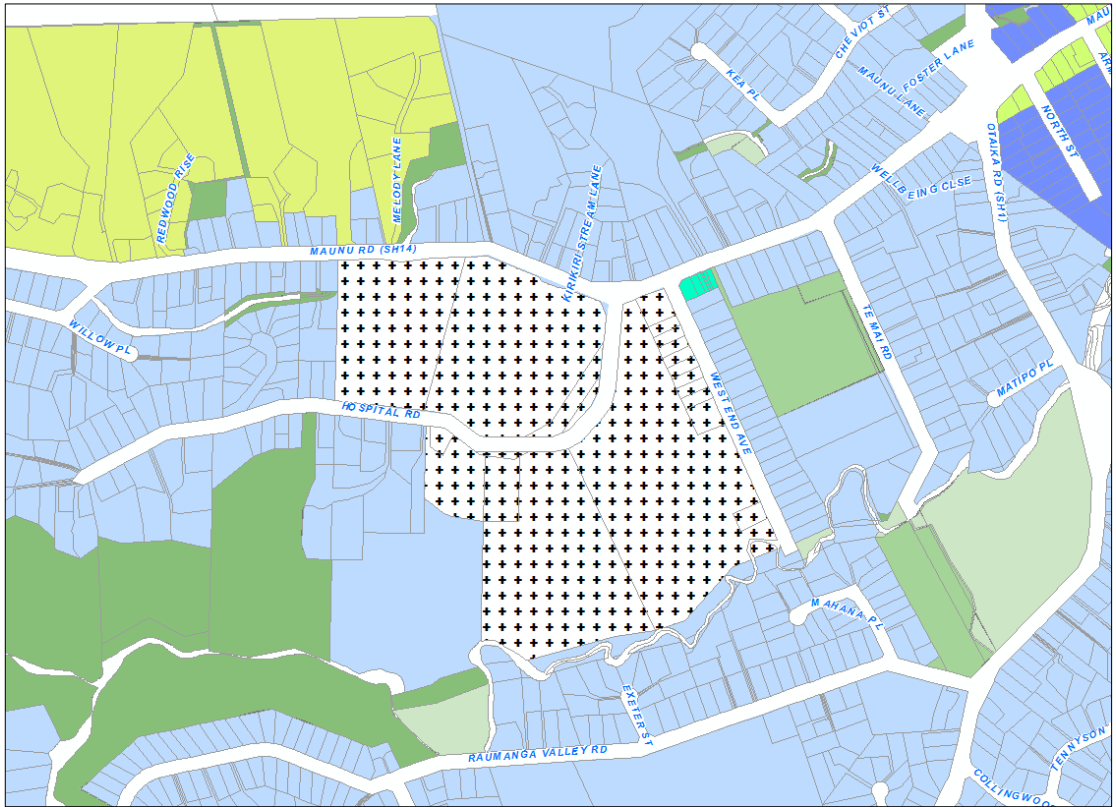


Figure 1 - Extent of proposed SPH Zone



Figure 2 - Aerial Photograph of Hospital Land. Source: Google Maps

8. The Hospital is owned by the Northland District Health Board (**DHB**) and is the largest of the DHB hospitals in the Northland Region¹. The facility provides specialist care to all of Northland, currently accommodating 246 inpatient beds, 7 surgical theatres, Intensive Care and High Dependency Units, a 24hour Emergency Department, Mental Health and Clinical Support, and a Māori and Community Health Service².
9. The Hospital is recognised as regionally significant infrastructure in the Northland Regional Policy Statement 2018 (**RPS**)³, acknowledging the importance of the Hospital with regard to the social and economic wellbeing of the region.
10. Given the financial relationship between the Hospital and the DHB, the DHB does not meet the requirements of a requiring authority under the RMA and as such is not eligible to secure the Hospital as a designated site under the operative WDP.
11. The Hospital is not currently subject to specialist zoning and is instead covered under the L1 provisions in the WDP and existing use rights. The L1 zoning arose from the development of the first generation WDP and has resulted in the Hospital retaining “dishonest zoning”, as the L1 primarily provides for residential uses. As such, since the inception of the WDP, the DHB has had to apply for resource consents for any development undertaken assessed against the L1 provisions, which inherently do not include specific allowance for the types of activities undertaken with hospital facilities.
12. The Hospital is bordered by Open Space to the southwest and Living Environments on most sides. A large part of the southern portion of the Hospital site is vacant and, as such, has considerable potential for further greenfield development.
13. Given the predicted population growth and demographic changes for the District, the DHB envisages that the Hospital will need to expand to cater for increased demand in health services⁴. It is predicted that 90 additional beds will be required over the next 20 years to cater for increased demand in medical, surgical, assessment, treatment and rehabilitation services at the Hospital. While site redevelopment plans have not yet been finalised and are largely subject to funding approvals, the intent to grow and redevelop the Hospital remains imminent. New and expanded buildings and facilities are expected within the Hospital site to provide the necessary services for both inpatients and out patients and also for community health care and administration services.

2.2 Resource Management Issues

14. Sections 2.2.1 – 2.2.3 discuss the following key resource management issues in relation to the hospital.
 - Providing for current and future hospital operations.
 - Restricting non-hospital related activities in SPH.

¹ <https://www.northlanddnhb.org.nz/our-services/our-hospitals/whangarei-hospital-services/>

² <https://www.northlanddnhb.org.nz/our-services/our-hospitals/whangarei-hospital-services/>

³ Regional Policy Statement for Northland -

<https://www.nrc.govt.nz/media/10930/regionalpolicystatementfornorthlandmay2016updatedmay2018.pdf>

⁴ Sustainable Futures 30/50 (pg 80) <http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/SustainableFutures/Final-Strategy/Documents/Final-Growth-Strategy/Part%20B%20Sections%203-5.pdf>

- Managing effects of hospital operations.

2.2.1 Providing for current and future hospital activities

15. The Hospital is classified as regionally significant infrastructure in the RPS as it provides healthcare services for residents of the Whangarei District, and entire Northland Region. The Hospital is a key asset to the District and Region in terms of supporting the economy and the social and physical needs of residents and visitors. It is therefore essential that current and future operations of the Hospital are provided for in the District Plan Review.
16. The Hospital does not currently have appropriate zoning within the WDP. The L1 zoning that currently applies to the site represents “dishonest zoning” as the L1 provisions are designed to provide for residential development and are not fit for purpose when considering the operational requirements for the Hospital.
17. The Hospital requires flexibility to respond to changes in population and demographics. The Hospital not only provides medical services, but also other activities relating to community health, administration and supported residential care. Given that the Hospital site is surrounded by a range of land uses, meeting the changing and evolving needs of the Hospital’s operations now and into the future will need to be carefully balanced with achieving appropriate environmental outcomes for the immediately surrounding zones.
18. It is considered that the unique operational needs and environmental effects associated with the Hospital necessitate a tailored special purpose zone. PC145 aims to provide for current and future operations by acknowledging and enabling the continued operation of the Hospital and ancillary activities while managing potential adverse effects on surrounding land uses.

2.2.2 Restricting non-hospital related activities in SPH

19. The extent of land within the proposed SPH is limited. It is important that this land is primarily used for the provision of current and future hospital activities. As a result, it is imperative that other activities that do not have a direct requirement to establish within the SPH or that may compromise or limit the safe and efficient operation of current and future hospital activities are not permitted to establish in the SPH. Such activities could include industrial activities (excluding medical research facilities), visitor accommodation, residential units and rural production activities.

2.2.3 Managing effects of hospital operations

20. The operation of a hospital and ancillary activities typically produce higher numbers of vehicle movements and other effects such as noise, light spill, and vibration that may impact on the amenity typical of nearby sensitive environments. It is also generally recognised that the efficient operational requirements of the Hospital may require buildings and structures that are of a larger height and bulk when compared to the surrounding environment. While the continued efficient and effective operation of the Hospital needs to be provided for, adverse effects on the surrounding environment need to be appropriately managed.

21. The Hospital is almost entirely surrounded by Living zones which are primarily occupied by residential development. Therefore, while acknowledging that the Hospital is an established activity of regional significance and that a reduced level of amenity is anticipated in such an area, adverse effects generated by the Hospital should not unduly impact on the reasonable enjoyment or use of the surrounding environment.
22. It is intended that PC145 will provide for activities that are compatible with the Hospital in a manner that protects the Hospital from unnecessary controls whilst protecting, as far as practicable, surrounding sensitive environments from adverse effects.

2.3 Consultation

23. Consultation regarding the development of PC145 and the draft provisions for the proposed SPH was undertaken as part of the wider Urban & Services Plan Changes pre-notification consultation process. No formal feedback was received from the DHB on the proposed provisions at that stage, although discussions were had with DHB representatives.
24. Following the draft pre-notification consultation process, draft provisions were provided to the DHB for review and comment with discussions in November 2018, and a revised draft of the SPH provisions and further discussions in December 2018.
25. The DHB's own plans to initiate a private plan change for the future redevelopment of the Hospital were discussed.
26. It is understood that the DHB may advance a private plan change in 2019. Council however cannot delay the review of the Hospital zoning as it has an obligation under s79 of the RMA to review its District Plan within a 10-year time period. The current L1 Zoning that applies to the Hospital is therefore being reviewed as part of the Urban & Services plan change package.
27. If a private plan change application is lodged by the DHB before or during the notification of PC145, schedule 1 of the RMA provides procedures for dealing with the request.

2.4 Background Research and District Plan Comparisons

28. To assist with the drafting and development of the SPH chapter, background comparison research was undertaken on Hospital zones and provisions in other District Plans throughout the country. This research was used to inform the SPH provisions. Alongside the feedback provided on the pre-notification version of the draft SPH chapter, the research aided in developing the approach taken.
29. The following District Plans were reviewed as part of the comparison research:
 - Whangarei District Plan;
 - Palmerston North District Plan;
 - New Plymouth District Plan;
 - Invercargill District Plan;

- Auckland Unitary Plan;
 - Dunedin City District Plan;
 - Nelson Resource Management Plan;
 - Wellington District Plan.
30. Consistency between the research findings and the proposed SPH chapter is referenced throughout the analysis in Section 4, where it has informed and influenced the provisions.

3. Statutory Considerations

31. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, RPS, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC145 are discussed below.

3.1 National Policy

National Policy Statements

32. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) in their plans. There are currently five National Policy Statements:
- National Policy Statement on Urban Development Capacity;
 - New Zealand Coastal Policy Statement;
 - National Policy Statement for Freshwater Management;
 - National Policy Statement for Renewable Energy; and
 - National Policy Statement on Electricity Transmission.
33. The NPS on Urban Development Capacity (**NPSUDC**) identifies the provision of key infrastructure as an important pre-requisite for any urban environment that is expected to experience growth. Local authorities are required to give effect to the NPSUDC through their plans and policy statements. As such, given that the NPSUDC defines the term 'other infrastructure' as including social infrastructure such as schools and healthcare, it is necessary to consider the NPSUDC in the context of PC145.
34. In the context of the Hospital, the NPSUDC outlines the requirement for local authorities to satisfy themselves that 'other infrastructure' required to support urban development is likely to be available⁵. In addition, when making planning decisions that affect the way and the rate at which development capacity

⁵ PA2 – Outcomes for planning decisions, NPSUDC

is provided, decision-makers are required to provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to promoting the efficient use of other infrastructure⁶.

35. Lastly, as Whangarei is listed as a high growth area, WDC is directed to work with providers of 'other infrastructure' to implement the requirements of the NPSUDC⁷ to achieve integrated land use and infrastructure planning⁸. As described in section 2.3 of this report, discussions with representatives from the DHB have been undertaken regarding the content and direction of the SPH provisions. This has resulted in a number of changes to ensure that appropriate provision is made for current and future hospital activities while balancing this with the need to manage adverse effects within the surrounding environment. Accordingly, PC145 is considered to have appropriately given effect to the NPSUDC.
36. The New Zealand Coastal Policy Statement and the NPS's for Freshwater Management, Renewable Electricity Generation and Electricity Transmission are not considered relevant to PC145.

National Environmental Standards

37. National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Section 44A of the RMA requires local authorities to recognise NES and Section 44A requires local authorities give effect to the NES in their plans. There are currently six National Environmental Standards:
- National Environmental Standards for Air Quality;
 - National Environmental Standards for Sources of Drinking Water;
 - National Environmental Standards for Telecommunication Facilities;
 - National Environmental Standards for Electricity Transmission Activities;
 - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health; and
 - National Environmental Standards for Plantation Forestry.
38. The NES for Air Quality prohibits the operation of an incinerator at all healthcare institutions unless a resource consent has been granted for the discharge⁹. In addition, the NES for Air Quality also defines the term 'hazardous wastes' and specifies where consent is expressly required for discharges to air associated with the burning of several specified 'wastes' or materials. Included within this definition is clinical wastes from medical care in hospitals, medical centres and clinics.

⁶ PA3(b) – Outcomes for planning decisions, NPSUDC

⁷ PA1 – PA3, PC1 and PC2 of the NPSUDC

⁸ PD2 – Coordinated planning evidence and decision-making, NPSUDC.

⁹ Regulation 11, NES Air Quality

39. However, as the NES for Air Quality focuses on discharges to air it is considered that this is more appropriately addressed as a function of the Northland Regional Council (**NRC**), and as such is not considered within the scope of PC145.
40. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and if necessary, that the land is remediated or the contaminants contained to make the land safe for human use.
41. Given the existing uses of the Hospital Zone, the NESCS assumes that the underlying ground is subject to potential contamination and as such is considered a HAIL (**Hazardous activities and industries list**) activity under the NESCS. However, while the NESCS will be a relevant consideration for future development proposals, in this instance the NESCS is not applicable to the PC145 as the use of the land is not changing.
42. Upon review, there are no NES relevant to this plan change.

National Planning Standards

43. The Government is introducing a set of National Planning Standards (**NP Standards**), which are intended to make council plans and policy statements easier to prepare, understand, compare and comply with. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content. The NP Standards were introduced as part of the 2017 amendments to the RMA and will be implemented between April 2019 – April 2024.
44. The draft NP Standards include site specific zoning for special purpose areas. Hospital Zones are listed as a 'special purpose zone' to be incorporated into district plans. As per the draft NP Standards, the purpose of the Hospital Zone is to provide primarily for the ongoing operation of a locally or regionally important primary medical facility, and associated health care services and healthcare facilities.
45. PC145 is proposing to implement site specific zoning to the Hospital (SPH) to achieve consistency with the draft NP Standards.

3.2 Regional Policy

Northland Regional Policy Statement (RPS)

46. The RPS provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making.
47. Regionally significant infrastructure in the RPS is the infrastructure essential for the social and economic functioning of Northland. The RPS highlights that Northland needs this type of infrastructure to attract investment and development opportunities. The Hospital is identified as Regionally Significant Infrastructure in Appendix 3 of the RPS.
48. The RPS has a strong focus on economic wellbeing and regionally significant infrastructure. Specifically, objectives 3.5, 3.6 and 3.7 are relevant to PC145 and are as follows:

3.5 Enabling Economic Wellbeing – Northland's natural and physical resource are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

3.6 Economic Activities – Reverse Sensitivity and Sterilisation - The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

(ii) Industrial and commercial activities;

(iii) Mining*; or

(iv) Existing and planned regionally significant infrastructure; or

(b) Sterilisation of:

(i) Land with regionally significant mineral resources; or

(ii) Land which is likely to be used for regionally significant infrastructure.

3.7 Regionally Significant Infrastructure – Recognise and promote the benefits of regionally significant infrastructure, (a physical resource) which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.

49. The objectives of the RPS are clear that regionally significant infrastructure needs to be recognised, provided for and appropriately managed in the long term. Regionally significant infrastructure is recognised and promoted in PC145 through the proposed objectives and policies.
50. The policies of the RPS also places strong emphasis on encouraging the development of infrastructure, promoting and realising the benefits of regionally significant infrastructure, and avoiding and managing effects on and arising from regionally significant infrastructure. Specifically, policies 5.1.3, 5.2.2, 5.2.3, 5.3.1, 5.3.2 and 5.3.3 are relevant:

5.1.3(c) Avoiding the adverse effects of new use(s) and development – Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the operation, maintenance or upgrading of existing or planned regionally significant infrastructure.

5.2.2 Future-proofing infrastructure – Encourage the development of infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community.

5.2.3 Infrastructure, growth and economic development – Promote the provision of infrastructure as a means to shape

5.3.1 Identifying Regionally Significant Infrastructure – The regional and district Councils shall recognise the activities identified in Appendix 3 of this document as being regionally significant infrastructure.

5.3.2 Benefits of Regionally Significant Infrastructure – Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure.

5.3.3 Managing adverse effects arising from regionally significant infrastructure – (1) Allow adverse effects arising from the establishment and operation of new regionally significant infrastructure and the re-consenting of existing operations; and (2) Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located; and (3) When managing the adverse effects of regionally significant infrastructure decisions makers will give weight to those matters outlined within subsection a – g.

51. The policies of the RPS are clear that regionally significant infrastructure needs to be protected and provided for with a level of flexibility so as to allow for the ongoing operation, maintenance and upgrade of activities without being unduly constrained. The importance of providing for regionally significant infrastructure is recognised in the RPS policies as being due to the clear social, economic and cultural benefits that such infrastructure delivers to the region.
52. PC145 has been developed with a view to striking an appropriate balance between enabling hospital infrastructure and associated hospital activities that continue to support the economic and social wellbeing of Northland whilst ensuring that adverse effects are managed to an acceptable level. Proposed PC145 is therefore consistent with the provisions of the RPS.

Regional Plans

53. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan.
54. The Regional Air Quality Plan (**RAQP**) acknowledges that certain hospital activities, including the operation of incinerators, have the potential to result in the discharge of contaminants to air.
55. As outlined above, matters concerning air quality are a regional council function. Having reviewed each of the above documents and taking into account all of the provisions, it is considered that there are no other regional provisions relevant to PC145, and that the proposed provisions for PC145 are consistent with the Operative Regional Plans.
56. The Proposed Regional Plan (**PRP**) combines the operative Regional Plans applying to the coastal marine area, land and water and air, into one combined plan. The PRP identifies the Hospital as being located within the Whangarei airshed and being a dust-sensitive, odour-sensitive, smoke-sensitive and spray-sensitive area. All four of these areas carry additional discharge restrictions and applicable standards under the PRP.

57. While hospital activities will be required to comply with these regional council discharge standards, this is not relevant to PC145 given its a regional council function. As such, it is considered that the proposed provisions for PC145 are consistent with the PRP.

3.3 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 2010(30/50)

58. The Whangarei District experienced significant growth over the period 2001 – 2008. Further growth is projected to continue, and in some parts of the district has the potential to be substantial. This growth presents both challenges and opportunities to the district and its communities, individuals and families, businesses and governing bodies.
59. To manage the projected growth sustainably, Council formulated 30/50 as a long term Sub-Regional Growth Strategy. 30/50 identified economic drivers of development, assessed further growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the district over a 30 – 50 year time frame.
60. 30/50 identifies the Hospital as key infrastructure in the Northland Region. The Hospital is forecasted in 30/50 as having a future status of the primary regional healthcare facility and therefore needs to be continuously assessed and appropriately managed to ensure access is readily available to all residents when required.
61. 30/50 clearly anticipates that the Hospital will continue to be critical infrastructure in the region, particularly given the ageing population which is anticipated to place additional demands on hospital services. 30/50 outlines the significant modelling work that has been undertaken by the DHB to plan for the future use and development of the Hospital land to meet the increasing needs and demands of the Northland community. Given the projected population growth and demographic changes, it is important that future planning is undertaken to ensure appropriate services will be in place to cope with changing demands.
62. Given the focus in 30/50 on the growing need and demand for hospital services and facilities in the future, it is essential for the WDP to be enabling of the Hospital and land surrounding the Hospital. PC145 is consistent with 30/50 through seeking to enable and support ongoing and future operations of medical facilities including the Hospital, and providing flexibility for future growth and expansion when and as required.

Whangarei District Operative Plan 2007 (WDP)

63. The WDP became operative in May 2007. Within the WDP, the Hospital is managed through zoning rules which are addressed in Chapter 36 – Living 1, 2 and 3 Environment Rules.
64. There are no hospital-specific objectives and policies contained within the WDP. Instead, district-wide provisions address issues such as Amenity (Chapter 5), Built Form and Development (Chapter 6), Subdivision and Development (Chapter 8), Road Transport (Chapter 22) and Noise and Vibration (NAV Chapter). The objectives or policies of the WDP specifically identify or recognise the regional significance of the Hospital.

65. With the exception of the NAV chapter, all of these chapters are proposed to be consequentially deleted and replaced by new higher order direction in the overall Urban & Services Plan Changes.
66. Hospital activities, as 'health care facilities', are permitted within the L1. There is a suite of other specific rules for the L1 relating to hazardous substances; network utility services; parking; traffic movements; signs; fences; artificial lighting; electromagnetic radiation; outdoor storage; and aerals. In addition, there are specific building standards which must be met, including for example a maximum building height of 8m and maximum building coverage of 35%. A minimum setback of 4.5m from road boundaries and 3m from other boundaries is also required.
67. The provisions in the WDP are relatively old and therefore require review to ensure they are still relevant and effective at achieving the intended outcomes. In addition, the provisions for the Hospital area are covered by a residentially focussed zone and multiple different chapters in the WDP which are being reviewed as part of the Urban & Services Plan Changes. It is considered that the L1 represents "dishonest zoning" for the Hospital site, and PC145 seeks to address this by applying a special purpose Hospital Zone which specifically recognises and provides for current and future hospital activities.

3.4 Iwi and Hapu Management Plans

68. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, there are five such documents: Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroroi Hapu Environmental Management Plan and Whatatiri Environmental Plan.
69. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
70. Many of the identified issues relate to concerns over indigenous flora and fauna, minerals, soil, air quality and water quality, particularly in regards industry and development activities. A few specific references to hospital activities were identified which are outlined below.
71. Both the Te Iwi O Ngatiwai Environmental Policy Document and the Ngati Hine Iwi Environmental Management Plan make specific reference to discharges from hospitals and funeral parlours, or discharges of human body fluids, not to be combined with other wastes such as stormwater, and treated together.
72. In addition, the Ngati Hine Iwi Environmental Management Plan contains a section identifying issues relating to utilities, amenities and infrastructure whereby the issue of increased development and population pressures is identified in relation to increased demand for all types of infrastructure. While it is noted that the inclusion of hospital facilities, or regionally significant infrastructure, is not specifically listed in this section, it is considered that Policy 26.1 of this management plan is relevant, which requires

the full participation of Te Runanga o Ngati Hine in all decision-making processes of agencies over planning for, development and management of infrastructure within their rohe. The pre-notification consultation process for the Urban & Services Plan Changes provided an opportunity prior to formal notification for the public, including iwi and hapu to comment on the proposed plan changes. No submissions specific to the draft Hospital Chapter were received by Te Runanga o Ngati Hine. Further opportunities for consultation with iwi will continue to be provided through the PC145 plan change process.

73. The Patuharakeke Te Iwi Trust Board Environmental Plan speaks to the Memoranda of Understandings the Patuharakeke Trust Board have entered into with various agencies, industries and developers, including the DHB and WDC.
74. There were no matters identified within the Ngati Hau Hapu Environmental Management Plan as having direct relevance to the Hospital or PC145.
75. The Te Uriroroi Hapu Environmental Management Plan and Whatatiri Environmental Plan refers to relationships with various agencies, including the DHB, and the desire that these be strengthened with Mana Whenua ki Whatitiri being appropriately acknowledged as kaitiaki within their rohe.
76. PC145 has considered those matters of relevance within the iwi and hapu management plans and has taken them into account in the development of the proposed provisions.

4. Proposed Hospital Zone

77. The proposed SPH aims to recognise the significance of the Hospital as regionally significant infrastructure and provide for the ongoing operation of the Hospital by enabling a range hospital activities while ensuring that any adverse effects on the surrounding environment are appropriately managed. As the Hospital is regionally significant infrastructure and contributes to the social and economic wellbeing of the Whangarei District and Northland Region, the SPH aims to safeguard the Hospital land to allow for continued operation of hospital activities and any potential growth and future expansion. Activities which are not consistent with the Hospital and/or have no reason to locate near the Hospital may not be appropriate and are restricted inside the SPH. It is proposed to achieve these outcomes through zone mapping, a new suite of objectives, policies and provisions specific to the Hospital.
78. With regard to zone mapping, it is noted that the proposed SPH includes approximately 19.4ha of land as outlined in **figure 1** earlier. This covers the land owned by the DHB and considered to be "Hospital land" and includes a small parcel of land (LOT 1 DP 456678) on the southern side of Hospital Road. The DHB has confirmed that they own and administer this block of land for hospital purposes, and it has therefore been included within the proposed SPH Zone boundaries.

5. Section 32 Analysis

5.1 Appropriateness in Terms of Purpose of RMA

79. Council must evaluate in accordance with Section 32 of the RMA the extent to which each objective proposed in PC145 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, section 5.1 of this report assesses whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA. Sections 5.2 and 5.3 of this report go on to assess whether the proposed objectives are the most appropriate with regard to higher order documents and the WDP. The level of analysis undertaken in this report is commensurate/appropriate to the scale of the proposal.
80. PC145 proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED SPH OBJECTIVES	
Proposed SPH Objectives	Reason
SPH-O1 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.	This objective seeks to enable current and future operations within the SPH. This includes enabling provision for a range of hospital activities to meet the demands of the district and region as the population grows. It is acknowledged that a hospital represents critical infrastructure that provides for the community's economic and social wellbeing.
SPH-O2 Manage adverse effects from the provision of hospital activities on the surrounding environment.	Land around the SPH is primarily zoned for residential purposes. While the other objectives acknowledge the district and regional significance of the Hospital, this objective acknowledges that any adverse effects of the provision of hospital activities on the surrounding environment need to be appropriately managed.
SPH-O3 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.	This objective recognises the importance of the Hospital to the economic and social wellbeing of the District and Region and seeks to ensure that it is considered and provided for as regionally significant infrastructure in accordance with the directives in the RPS.
SPH-O4 Avoid fragmentation of the SPH associated with inappropriate subdivision.	This objective recognizes that land within the SPH is limited and that potential fragmentation associated with further subdivision should be avoided.

81. Part 2 of the RMA provides the statutory framework for the sustainable management of natural and physical resources. Section 5 outlines the purpose and principles of the RMA, Section 6 lists matters of national importance that shall be recognised and provided for, Section 7 lists other matters that all persons exercising functions and powers under the RMA shall have particular regard to and Section 8 addresses matters relating to the principles of the Treaty of Waitangi.
82. The following table assesses the appropriateness of the proposed objectives in achieving the purpose of the RMA. It is noted that several sections within Part 2 of the RMA are not relevant to PC145, and only those sections which are relevant are addressed in Table 2 below.

TABLE 2: LINKAGE OF PROPOSED SPH OBJECTIVES WITH PART 2 OF THE RMA					
Proposed Hospital Zone Objectives					
		SPH-O1	SPH-O2	SPH-O3	SPH-O4
RMA Part 2 Sections	5(2)(a)	✓	✓	✓	✓
	5(2)(c)		✓		✓
	7(b)	✓		✓	✓
	7(c)		✓		
	7(f)		✓		

83. Taking into account the comments above and having assessed the proposed SPH objectives against the relevant sections of Part 2 of the RMA, it is considered that the four proposed objectives are consistent with the purpose of the RMA and promote the sustainable management of natural and physical resources.

5.2 Appropriateness in Relation to Higher Order Documents

84. The provision of higher order documents were considered in the formulation of the objectives and policies in PC145. Of particular relevance to PC145 are the NPSUDC, RPS and 30/50. Section 3 provides an overview and evaluation of the consistency of the SPH in relation to these higher order documents.
85. Table 3 provides an overview of the links and consistency of the proposed SPH objectives with the relevant higher order documents.

TABLE 3: EVALUATION OF PROPOSED SPH OBJECTIVES AGAINST HIGHER ORDER DOCUMENTS					
Proposed Hospital Zone Objectives					
		SPH-O1	SPH-O2	SPH-O3	SPH-O4
Higher Order Documents	NPSUDC	✓		✓	✓
	RPS	✓	✓	✓	✓
	30/50	✓		✓	✓

5.3 Appropriateness in Relation to the Strategic Direction Chapter

86. The proposed SPH objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed SPH objectives are shown in Table 4 below. This table illustrates that the objectives of the SPH are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND SPH OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed SPH Objectives
SD-03 – 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-P6	SPH-O1
SD-05 – Incompatible Activities Avoid conflict between incompatible land use activities from new subdivision and development.	SD-P2	SPH-O1 SPH-O4
Urban Area Objectives		
SD-013 – Unanticipated Activities Manage, and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the zone.	SD-P2, P4	SPH-O1
Regional Significant Infrastructure Objectives		
SD-022 – Recognised Benefits Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.	SD-P15	SPH-O1 SPH-O3
SD-023 – Adverse Effects Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.	SD-P16, P17	SPH-O2 SPH-O4

5.4 Appropriateness of Proposed Policies and Methods

87. A section 32 evaluation must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. It is important to determine whether the preferred approach will be more effective and efficient than other alternatives and whether this effectiveness and efficiency comes at a higher cost than other alternatives. Below is an assessment of the proposed provisions.

5.4.1 Proposed SPH Policies

88. The proposed SPH policies seek to ensure that hospital related activities are recognised and provided for while adverse effects on the surrounding environment are appropriately managed. These policies are achieved through the application of rules, in this case the use of land use and subdivision rules.
89. The policies proposed for inclusion are considered to achieve the objectives by:
- Recognising the regional significance of the Hospital by providing for a range of current and future hospital activities within the SPH.
 - Protecting the SPH for appropriate uses by avoiding the establishment of non-hospital activities (in particular industrial activities) which do not have a direct requirement to establish in the SPH and which constrain the safe and efficient operation of the Hospital.

- Managing adverse effects on the surrounding environment by controlling development at the interface between the SPH and adjoining zones.
- Recognising that the Hospital may require larger buildings and structures when compared to the surrounding environment.
- Avoiding fragmentation associated with inappropriate subdivision by retaining large sites and only enabling subdivision within the SPH where it is required for operational requirements of the Hospital.

90. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the rules in the proceeding sections of the SPH chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 5 below demonstrates that the policies for the SPH implement the proposed SPH objectives.

TABLE 5: LINKING OF PROPOSED SPH PROVISIONS	
Proposed SPH Objective	Proposed SPH Policies
SPH-O1 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-P1 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 To avoid the establishment of activities not related to hospital activities within the SPH unless such activities: 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 To avoid the establishment of industrial activities within the SPH, unless they are medical research facilities. SPH-P5 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-O2 Manage adverse effects from the provision of hospital activities on the surrounding environment.	SPH-P4 To manage adverse effects on the surrounding environment by controlling development at the interface between the SPH and adjoining zones. SPH-P5 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-O3 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-P1 To recognise the regional significance of Whangarei Hospital by providing for a wide range of existing and future hospital activities within the SPH.
SPH-O4 Avoid fragmentation of the SPH associated with inappropriate subdivision.	SPH-P6 To avoid fragmentation associated with inappropriate subdivision by: 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.
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91. An alternative option to the proposed policies was to rely on the policies within the existing Operative WDP in Chapters 5, 6 and 8. However, the existing policies are not appropriate in that they do not specifically recognise the importance of the Hospital as regionally significant infrastructure, as is required under the RPS. Further, the existing policies do not appropriately provide for the future growth and expansion of the Hospital to provide for the needs of the District and Region as population and health demands grow. Accordingly, the existing policies within the Operative WDP present additional costs and risk compared to the proposed policies and therefore are not considered to be an appropriate option.

5.4.2 Proposed SPH Boundaries

92. Spatial mapping is considered to be an appropriate method of achieving the objectives and policies of the SPH as it identifies where the proposed provisions do and do not apply. In order to assess the appropriateness of the proposed spatial extent of the SPH, the following options were evaluated:
- **Option 1:** Status Quo: Do not specifically zone the Hospital and retain general L1 Zoning across the Hospital land.
 - **Option 2:** Map the Hospital land as SPH (Proposed plan change)
93. Evaluation of these alternative options is summarised in Table 6.

TABLE 6: SECTION 32 ASSESSMENT OF HOSPITAL MAPPING OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<u>Environmental and Cultural</u> None identified. <u>Economic and Social</u> Reduced opportunities for hospital related activities to establish on Hospital land in the future. The Hospital has the burden of applying and paying for resource consents under the L1 Zone provisions which do not specifically provide for the effective operation, expansion and future development of the Hospital.	<u>Environmental and Cultural</u> None identified. <u>Economic and Social</u> Consistent with L1 zoning in the surrounding environment.
Option 2: Map Whangarei Hospital land	<u>Environmental</u> Greater potential for expansion and future development of the Hospital which may result in adverse effects on the surrounding environment. <u>Economic and Social</u> Reduced ability for residential activities to be undertaken on unused Hospital land. <u>Cultural</u> None identified.	<u>Environmental</u> Consolidates future growth of the Hospital within an already established Hospital site. <u>Economic and Social</u> Reduces the burden for applying for unnecessary resource consents under the L1 provisions. More land clearly provided within the District Plan to enable a range of hospital activities to meet the needs of the Whangarei District and

		the Northland Region as population and health demands grow. <u>Cultural</u> None identified.
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	This option is inefficient and ineffective as the L1 Zone represents dishonest zoning that does not adequately recognise and provide for the Hospital as regionally significant infrastructure. As such, Option 1 represents an inefficient and ineffective use of land that will continue to present unnecessary consenting and cost barriers to the future development of the Hospital to meet the needs of the District and Region as population and health demand grows.	
Option 2	This option would enable the efficient and effective expansion and future development of the Hospital to provide for a range of hospital activities to meet the needs of the Whangarei District and the Northland Region as the population and health demands grow.	
Economic Growth and Employment Opportunities		
Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective expansion and future development of the Hospital.		
Risk of acting and not acting if there is uncertain or insufficient information		
Option 1	The risk associated with not acting is moderate-high with regard to Option 1 as retaining the L1 Zone creates unnecessary consenting barriers for the future development and expansion of the Hospital.	
Option 2	The risk associated with action on Option 2 is low as it will appropriately recognise the Hospital land for what it is primarily intended for – the provision of hospital related activities.	

94. As shown in Table 4, Option 2 (the proposed plan change) is considered to be the most appropriate (in terms of achieving the objectives of the SPH) as it best reflects the current land uses and plans for future growth and expansion of the Hospital. Option 2 will provide adequate land supply for the on-going operation, growth and development of the Hospital in accordance with the land that the DHB currently owns and administers for hospital purposes.

5.4.3 Proposed SPH Rules

95. The proposed rules in the SPH are assessed below and grouped according to topic. The evaluation of the rules includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed rules, and the risks of acting and not acting.

Permitted Activities (Land Use)

96. The proposed provisions include rules for permitted land use activities in SPH-R1–R15 relating to hospital and building activities. These rules are assessed below in terms of their efficiency and effectiveness under the following sub-headings.

Any Activity not otherwise listed in this chapter and Hospital Activities

97. The proposed SPH objectives seek to provide for a range of hospital activities to meet the needs of the Whangarei District and Northland Region as population and health demands grow. As such a wide range of existing and future hospital activities need to be provided for within the SPH, while the establishment of non-hospital related activities within the SPH is to be avoided.

98. Consistent with the approach in other chapters within the Urban & Services Plan Changes, SPH-R1 states that any activity not otherwise listed in the SPH chapter is a permitted activity (provided that resource consent is not required or the activity is not prohibited under any other rule in the District Plan). The approach within the SPH chapter has been to list those activities that are not directly related to hospital activities (e.g. care centres, residential activities, rural production activities or industrial activities) and state the activity status for them. The default to a permitted activity means that those activities which are not captured by the specific provisions are permitted and enabled within the SPH chapter.
99. In conjunction with SPH-R1 it has also been deemed appropriate to specifically state that hospital activities are permitted in the SPH in SPH-R2. A definition of “hospital”, is proposed as part of the overall plan change package. While technically hospital activities would be deemed permitted pursuant to the default to permitted rule in SPH-R1, it was considered appropriate to specifically state that hospital activities are permitted within the SPH.
100. Alternatives considered were:
- **Option 1:** Status Quo: Retain the current L1 rules.
 - **Option 2:** Include default to permitted activity in SPH-R1 and permitted activity for hospital activities in SPH-R2 (Proposed plan change).
 - **Option 3:** Default to non-complying activity.
101. It is considered that Option 2 is the most appropriate for the following reasons:
- Option 1 is not an efficient or effective option. The L1 provisions are not fit for purpose and do not appropriately enable and provide for the future expansion and development of the Hospital to meet the needs of the District and Region as population and health demands grow.
 - Option 2 is the most efficient and effective option. The SPH objectives and policies seek to enable hospital activities, while specifically seeking to avoid the establishment of non-hospital related activities, unless they have demonstrated a direct need to be located within the SPH and will not compromise existing or future hospital activities. As such the approach that has been taken is to specifically list those activities which are not directly related to hospital activities (e.g. care centres, visitor accommodation, residential units, rural production activities or industrial activities) and state the activity status for them. Therefore, any hospital related activities are a permitted activity pursuant to SPH-R2, which gives the Hospital the ability to undertake these activities without unnecessary restriction or the need to obtain resource consent.
 - Option 3 is not an efficient or effective option. Under the current structure of the SPH Chapter, a default non-complying activity status may present an unintended and unnecessary consenting barrier to hospital related activities in the SPH. It is considered appropriate to allow such activities within the SPH in order to enable the Hospital to expand in the future in order to provide for population growth and increases in the health demands of the community.

- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective expansion and future development of the Hospital.
- Option 2 has the greatest benefits. The benefits associated with Option 2 outweigh the potential cost. Options 1 and 3 have greater costs than benefits.
- There is no known risk due to insufficient information.

Visitor Accommodation

102. Review of other District Plans around the country and feedback from DHB representatives highlighted the need to provide for visitor accommodation ancillary to the hospital. SPH-R3 seeks to provide for visitor accommodation as a permitted activity where it is an ancillary activity to the hospital for the purposes of non-permanent accommodation for hospital staff, patients or family. Any visitor accommodation that does not meet this requirement is considered a non-complying activity.
103. It is acknowledged that it is common for a hospital to have such accommodation on site for hospital staff, patients and family. For instance, the Hospital may require non-permanent accommodation for locum doctors or new staff as they seek permanent accommodation elsewhere. Or the Hospital may elect to establish short term accommodation on site for the family of patients while they are treated. A good example of this is a “Ronald McDonald House” type set up. It is accepted that these types of visitor accommodation would be consistent with the objectives of the SPH chapter to provide for a wide range of hospital activities to meet the needs of the Whangarei District and Northland Region as population and health demands grow.
104. Alternatives considered were:
- **Option 1:** Status Quo: Retain the current L1 rules – no specific provision for visitor accommodation.
 - **Option 2:** Permitted activity rule for visitor accommodation ancillary to the Hospital (Proposed plan change).
 - **Option 3:** Non-complying activity status for all visitor accommodation.
105. Evaluation of these alternative options is summarised in Table 7 below.

TABLE 7: SECTION 32 ASSESSMENT OF VISITOR ACCOMMODATION ACCESSORY TO HEALTH CARE FACILITIES OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<u>Environmental</u> None identified. <u>Economic and Social</u> Reduced opportunities for visitor accommodation ancillary to the Hospital to establish on Hospital land in the future. Such accommodation may be necessary to support hospital activities and in particular to	<u>Environmental and Cultural</u> None identified. <u>Economic and Social</u> Consistent with L1 zoning in the surrounding environment.

	<p>provide support for staff, patients and their families.</p> <p>The Hospital has the burden of applying and paying for resource consents under the L1 Zone provisions which do not specifically provide for the establishment of visitor accommodation ancillary to the Hospital.</p> <p>No clear differentiation between visitor accommodation ancillary to the Hospital and the general definition of visitor accommodation.</p> <p><u>Cultural</u></p> <p>None identified.</p>	
Option 2: Plan Change option	<p><u>Environmental, Economic, Social and Cultural</u></p> <p>Greater potential for the expansion and future development of visitor accommodation ancillary to the Hospital within the SPH which may result in adverse effects on the surrounding environment.</p>	<p><u>Environmental</u></p> <p>Consolidates the future potential growth of visitor accommodation ancillary to the Hospital within an already established site.</p> <p><u>Economic and Social</u></p> <p>Reduces the burden of applying for unnecessary resource consents for visitor accommodation ancillary to the Hospital under the L1 provisions.</p> <p>More land clearly provided within the District Plan to enable visitor accommodation ancillary to the Hospital that support hospital related activities which are needed as population and health demands grow.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Option 3: Non-complying activity status	<p><u>Environmental</u></p> <p>None identified.</p> <p><u>Economic and Social</u></p> <p>Reduced opportunities for visitor accommodation ancillary to the Hospital to establish on Hospital land in the future. Such accommodation is necessary to support hospital activities and in particular to provide support for patients and their families.</p> <p>Non-complying activity resource consents can be difficult to obtain as the 'gateway tests' in Section 104D of the RMA have to be passed. This can be costly, with no guarantee the resource consent would be granted.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental, Social Economic and Cultural</u></p> <p>Provides the opportunity for a case by case assessment of the effects and merits of any proposal to establish visitor accommodation ancillary to the Hospital within the SPH.</p>
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	Option 1 represents an inefficient and ineffective option, as it will continue unnecessary consenting barriers to the provision of visitor accommodation ancillary to the Hospital which may be necessary to support the ongoing operation and future expansion of hospital activities within the SPH.	
Option 2	Option 2 is considered to be an efficient and effective option as it will remove unnecessary consenting barriers to the provision of visitor accommodation ancillary to the Hospital which may be necessary to support the current operation and future expansion of hospital activities within the SPH.	

	In addition, Option 2 provides for future growth and expansion of hospital related activities, recognising the contribution these make to the economic and social wellbeing of the District..
Option 3	Option 3 is not an efficient or effective option. A non-complying activity status implies that visitor accommodation ancillary to the Hospital is not anticipated within the SPH. It is considered that such an activity may be required to support hospital related activities within the SPH. Such accommodation has a direct requirement to establish within close proximity to the Hospital. A non-complying activity status will present unnecessary consenting barriers and costs in this context.
Economic Growth and Employment Opportunities	
Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective expansion and future development of the Hospital.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no known risk due to insufficient information.	

106. Option 2 (Plan change option) is considered to be the most appropriate. Option 2 has the greatest benefits. The benefits associated with Option 2 outweigh the potential costs. Options 1 and 3 have greater costs than benefits. Option 2 will achieve the expectations for the SPH as per the draft NP Standards and best achieve the proposed SPH objectives.

Commercial Services, Food and Beverage Activity, Place of Assembly, Emergency Services and Educational Facilities

107. The SPH objectives seek to enable and provide for a wide range of hospital activities to meet the needs of the Whangarei District and the Northland Region as population and health demand grows. An important part of achieving this is acknowledging that the Hospital land is limited. On this basis it is considered that the establishment of non-hospital related activities within SPH should be avoided unless it is demonstrated that there is a direct requirement to establish within the SPH and that the activities will not constrain the safe and efficient operation of current and future hospital activities.
108. SPH-R4 – R8 state that Commercial Services, Food and Beverage Activity, Place of Assembly, Emergency Services and Educational Facilities are permitted where the activity is directly ancillary to the hospital. Where it cannot be determined that the activity is ancillary to the hospital, the activity status is non-complying.
109. Alternatives considered were:
- **Option 1:** Status quo L1 provisions.
 - **Option 2:** Permitted activity status where the activities are ancillary to the hospital (Proposed plan change).
 - **Option 3:** Permitted activity status.
 - **Option 4:** Discretionary activity status.
 - **Option 5:** Prohibited activity status.

110. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient or effective option. The L1 rules are designed to provide for residential development and are not fit for purpose when considering the requirements of existing and future operations at the Hospital.
- Option 2 is the most efficient and effective option. Background research has highlighted that it is important to provide for these types of activities provided that they are ancillary to hospital activities. This will reduce consenting and compliance costs and allow the Hospital to establish these activities, while also providing an important control on these activities occurring should it be determined that they are not ancillary to hospital activities. This is considered necessary to protect the limited land within the SPH which has the primary purpose under the SPH and draft NP Standards of providing for current and future hospital activities.
- Option 3 is the least efficient and effective option. While it will result in greater flexibility and less compliance costs, it will not adequately avoid the establishment of the specified activities within the SPH where they are not determined to be ancillary to hospital activities. This is inconsistent with the proposed SPH objectives and policies and the draft NP Standards.
- While a discretionary activity status would allow a case by case assessment of whether a particular activity within SPH-R4 – R8 may be appropriate, a discretionary activity status implies that provision is made within the objectives and policies for such activities. This is not the case (as the policies only provide for these activities in limited circumstances) and could lead to the establishment of such activities within the SPH that are not ancillary to hospital activities and ultimately not compatible with the provision of hospital related activities. Accordingly, Option 4 is not considered to be an efficient nor effective option.
- Option 5 is more efficient and effective than Options 1, 3 and 4 but is not favoured when compared to Option 2. While a prohibited activity status for such activities would provide the most certainty that such activities will not be able to establish in the SPH, it does not provide the option for these activities to occur where they are determined to be ancillary to hospital activities. A prohibited activity status would not allow the consideration of such instances as no resource consent can be made for a prohibited activity.
- Option 3 provides the greatest scope for employment and economic growth opportunities. However, for the reasons outlined above, it is considered appropriate to control the specified activities within SPH-R4 – R8 to ensure that they are ancillary to hospital activities in order to protect the Hospital land for its primary purpose in the provision of hospital related activities.
- The benefits associated with Option 2 outweigh the potential costs. Options 1, 3, 4 and 5 have greater costs than benefits
- There is no known risk due to insufficient information.

Building height and HIRB Controls

111. The proposed SPH objectives seek to recognise and provide for the effective operation, expansion and future development of the Hospital within the SPH. To achieve this, it is recognised that the efficient

operation of the Hospital may require buildings and structures that are of a larger height and bulk when compared to the surrounding environment. However, it is still important that adverse effects on the surrounding environment are appropriately managed, particularly in interface areas between the edge of the SPH and adjoining zones.

112. Proposed Rule SPH-R9 manages building height in the SPH. The maximum building height proposed is 32m. This is based on discussions with the DHB, the existing height of the majority of Hospital buildings on the site, and research undertaken on the height limits used by other Councils throughout the country for hospitals.
113. Proposed Rule SPH-R10 manages building height in relation to boundary (**HIRB**) within the SPH. This rule is designed to provide a graduating height limit from any site boundary of the SPH adjoining a Residential or Open Space Zone. The drafting of this rule is consistent with how it is drafted throughout the rolling review of the WDP. It is designed to control the height of Hospital buildings where they are close to the boundary of adjoining Residential and Open Space Zones. This has been included in acknowledgement of the shading, privacy and general amenity effects that a tall building can have when located in proximity to a boundary of an adjoining property that does not form part of the SPH.
114. Alternatives considered were:
- **Option 1:** Status Quo: Retain the current L1 building height and daylight angle rules.
 - **Option 2:** Increase the building height to 32m and include building HIRB rule (Proposed plan change).
 - **Option 3:** Pre-notification consultation version: Building height of 21m, similar HIRB rule.
 - **Option 4:** 45m height limit as suggested in feedback from the DHB.
 - **Option 5:** Have no building height controls in the SPH.
115. Evaluation of these alternative options have been summarised in Table 8:

TABLE 8: SECTION 32 ASSESSMENT OF BUILDING HEIGHT & HIRB OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<p><u>Environmental</u></p> <p>The height limit in the L1 is 8.0m. If future development of the Hospital was required to comply with this limit, this may result in hospital development having to unnecessarily sprawl out to greenfield land to the south of the Hospital land which would potentially result in a higher level of adverse effects.</p> <p><u>Social & Economic</u></p> <p>An 8m building height limit and the L1 daylight angle control are designed for residential development and will not facilitate efficient future development of the Hospital.</p>	<p><u>Environmental</u></p> <p>Building heights and HIRB on the SPH site are managed to minimise shading and amenity effects within the surrounding primarily residentially zoned site.</p> <p><u>Economic and Social</u></p> <p>Consistent with L1 zoning in the surrounding environment</p> <p><u>Cultural</u></p> <p>When compared to options 2, 3, 4 and 5, the L1 8.0m building height provides greater protection of viewshafts to important Maunga (e.g. Parihaka).</p>

	<p>A restrictive height limit and HIRB control will result in unnecessary consenting costs for the Hospital.</p> <p>The DHB has indicated that the efficient operational requirements of the Hospital may require buildings and structures that are of a larger height and bulk when compared to what is anticipated in the L1 Zone.</p> <p><u>Cultural</u></p> <p>None identified.</p>	
Option 2: Plan Change option	<p><u>Environmental & Social</u></p> <p>Buildings up to 32m could increase shading and building dominance in the surrounding environment.</p> <p><u>Economic</u></p> <p>The DHB has indicated that redevelopment options they are considering could see a height of 45m proposed. With this option, a height above 32m would require resource consent to be applied for resulting in consenting costs for the Hospital.</p> <p><u>Cultural</u></p> <p>There could be effects on viewshafts to important maunga (such as Parihaka).</p>	<p><u>Environmental</u></p> <p>When compared to Option 4 and 5, building heights are better managed to minimise shading and dominance on the surrounding environment.</p> <p>The HIRB rule will help ensure that building height is not excessive near adjoining zones.</p> <p><u>Social & Economic</u></p> <p>Reduces the burden for applying for resource consents for any buildings 32m or less in height.</p> <p>Increased ability to provide for efficient operational requirements of the Hospital which may require buildings and structures that are of a larger height and bulk when compared to the surrounding environment.</p> <p>Consistency with majority of existing building heights on the site and what was observed in research into other Hospital Zones throughout the country.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Option 3: 21m height limit	<p><u>Environmental & Social</u></p> <p>Buildings up to 21m could increase shading and building dominance in the surrounding environment.</p> <p><u>Economic</u></p> <p>The DHB has indicated that redevelopment options they are considering could see a height of 45m. With this option, a building height greater than 21m would require resource consent to be applied for and is considerably less than the 32m used in Option 2. The DHB has indicated that the efficient operational requirements of the Hospital may require buildings and structures that are of a larger height and bulk. Therefore, a restrictive height limit may result in unnecessary consenting costs for the Hospital.</p> <p>A 21m height limit is smaller than the majority of larger buildings currently existing on the Hospital site.</p> <p><u>Cultural</u></p> <p>There could be adverse effects on viewshafts to important maunga (such as Parihaka).</p>	<p><u>Environmental</u></p> <p>When compared to options 2, 4 and 5, building heights are better managed to minimise shading and dominance on the surrounding environment.</p> <p>The HIRB rule will help ensure that building height is not excessive near adjoining zones.</p> <p><u>Social & Economic</u></p> <p>Reduces the burden for applying for resource consents for any buildings 21m or less in height, although this benefit is greater for Option 2.</p> <p><u>Cultural</u></p> <p>None identified.</p>

Option 4: 45m height limit	<u>Environmental & Social</u> When compared to Options 1-3, buildings up to 45m could significantly increase shading and building dominance in the surrounding environment. The DHB has to date provided no technical justification for such a significant increase in the height limit other than referring to potential redevelopment plans. Therefore, little is known or understood about the potential effects that applying this height limit could have on the surrounding environment. <u>Economic</u> None identified. <u>Cultural</u> There could be significant adverse effects on viewshafts to important maunga (such as Parihaka).	<u>Environmental</u> None identified. <u>Social & Economic</u> Reduces the burden for applying for resource consents for any buildings 45m or less in height. Increased ability to provide for efficient operational requirements of the Hospital which may require buildings and structures that are of a larger height and bulk when compared to the surrounding environment. <u>Cultural</u> None identified.
Option 5: No maximum building height or HIRB controls in SPH	<u>Environmental, Social and Cultural</u> Without a maximum building height, there is the potential for significant adverse effects in relation to shading, human scale of development and view shafts (such as to Parihaka). No indication of appropriate height limits could lead to uncertainty and concern for surrounding property owners. <u>Economic</u> None identified.	<u>Environmental and Cultural</u> None identified. <u>Economic and Social</u> Reduces the burden of applying for resource consents for tall buildings. Increased development opportunities for the Hospital with no height restrictions. Increased ability to provide for the efficient operational requirements of the Hospital which may require buildings and structures that are of a larger height and bulk when compared to the surrounding environment.
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	This option is inefficient and ineffective as the L1 Zone height limit and HIRB are designed to meet the needs of residential development, not the efficient operational needs of a Hospital which may require buildings and structures which are of a larger height and bulk than when compared to the surrounding environment. A restrictive L1 height limit will restrict development and continue unnecessary consenting costs for the Hospital.	
Option 2	Option 2 is considered to be a significant improvement on the status quo as it provides for increased development potential for buildings that will enable the efficient and effective operation, expansion and future development of the Hospital. It is also more efficient and effective than Options 3, 4 and 5 as it provides a more appropriate height limit which is consistent with the existing height limit of the majority of buildings on the Hospital site while appropriately managing adverse effects on the surrounding environment.	
Option 3	Option 3 is more efficient and effective than Option 1 but is still not the most efficient and effective option, as the majority of larger buildings existing on the Hospital site already exceed 21m in height. This will result in unnecessary consenting costs and will not sufficiently provide for the efficient operational needs of the Hospital.	
Option 4	Option 4 is more efficient and effective than Options 1, 3 and 5, but is not as efficient and effective as Option 2. While a 45m height limit will provide greater flexibility for the future development and expansion of the Hospital than Option 2, the DHB has not provided any technical information to justify this height limit. Therefore, little is known or understood about the potential effects that applying this height limit could have on the surrounding environment. This would not constitute the appropriate management of adverse effects on the surrounding environment as per the proposed SPH objectives and policies.	

Option 5	Option 5 would result in no building height controls. While this would provide the greatest flexibility for the Hospital, it will not result in any kind of management of effects, thus being an inefficient and ineffective option.
Economic Growth and Employment Opportunities	
Options 4 and 5 provide the most economic growth and employment opportunities by providing the greatest flexibility for the Hospital in future development. Options 2 and 3 have similar impacts in terms of economic growth and employment opportunities. Option 1 has the least economic growth and employment opportunities as it will unnecessarily restrict the development of larger buildings on Hospital land.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is risk in electing either Option 4 or 5 as no technical evidence has been provided to support retaining a 45m or unrestricted height allowance within the SPH. This could result in a risk of potentially significant adverse effects on the surrounding environment. There is a degree of risk associated with Option 2 as no technical evidence has been provided. However, that risk is less than Options 4 and 5 as the proposed height limits have been informed through research into maximum height limits applied in other Hospital zones around the Country and the height of existing buildings on the site. It is therefore considered that Option 2 has a lesser degree of risk than Options 4 and 5.	

116. Option 2 (Plan change option) is considered to be the most appropriate method. The benefits associated with Option 2 outweigh the potential costs. Options 1, 3, 4 and 5 have greater costs than benefits. Option 2 will best achieve the expectations for the SPH as per the draft NP Standards and achieve the proposed SPH objectives.

Other Building Rules

117. The SPH objectives seek to manage the adverse effects from the provision of hospital activities on the surrounding environment. In particular, it is acknowledged that development at the interface between the SPH and adjoining zones needs to be addressed in order to manage adverse effects on the surrounding environment.
118. SPH-R11 provides setbacks from road boundaries, other zones and rivers. These are designed to provide appropriate setbacks from hospital buildings to the road and adjoining zones in order to manage adverse amenity effects at the interface of these areas. Setbacks from rivers are included as there is a river that runs along the southern boundary of the SPH and it is important that consideration is given to the appropriate setback in terms of hazards (flooding) and the future protection of potential public access along the river (e.g. through the future potential provision of esplanade reserves or strips).
119. SPH-R12 and SPH-R13 manage building coverage and impervious areas. These limits are permissive and acknowledge the requirement for the Hospital to be developed further in the future, while acknowledging that some limits are required to manage the bulk and location of buildings and the retention of some pervious surfaces on the site.
120. SPH-R14 is included to manage the height of fences within 10m of a road boundary or a boundary of a Residential or Open Space Zone. This recognises that fence height is an important consideration near the boundary of the SPH, but not internally within the Hospital if efficient operational requirements require higher fences.
121. Alternatives considered were:

- **Option 1:** Status Quo: Retain the current L1 rules.
- **Option 2:** Include building setbacks, building coverage, impervious surfaces and fences rules in the SPH (Proposed plan change)
- **Option 3:** No building setbacks, building coverage, impervious surfaces and fences rules in the SPH.

122. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient nor effective option. The L1 rules for building setbacks, building coverage, impervious areas and fences are designed to provide for residential development and are not considered fit for purpose for a hospital environment. The L1 provisions do not appropriately enable and provide for the future expansion and development of the Hospital to meet the needs of the District and Region as population and health demands grow.
- Option 2 is the most efficient and effective option. The controls for building setbacks, building coverage, impervious areas and fences within the SPH provide more appropriate controls than Option 1 when considering the operational needs of the Hospital and potential plans for redevelopment and expansion in the future. Such controls are important to managing the adverse effects on the surrounding environment, in particular within interface areas between the SPH and adjoining zones.
- While Option 3 would provide the greatest flexibility for the Hospital, it will not result in any kind of management of effects of fences, building setbacks, building coverage, impervious areas and fences thus leading to the potential for greater adverse effects in interface areas between the SPH and adjoining zones, and is therefore considered to be an inefficient and ineffective option.
- Option 3 provides the greatest economic growth and employment opportunities by giving the greatest flexibility for the Hospital in future development. Option 1 and 2 have similar impacts in terms of economic growth and employment opportunities.
- Option 2 has the greatest benefits. The benefits associated with Option 2 outweigh the potential costs. Options 1 and 3 have greater costs than benefits.
- There is no known risk due to insufficient information.

Parking

123. The provision and specific requirements of parking and transportation matters are primarily addressed within the proposed Transport Chapter (PC109). However, it is acknowledged that parking within and around the Hospital can cause issues for adjoining properties within other zones. As such it is considered appropriate to include a specific rule within the SPH regarding the provision of parking in areas of the SPH that are close to adjoining zones. SPH-R15 therefore proposes to include a permitted activity rule for parking where parking is permitted provided that car parking spaces are not within 50m

of an adjoining zone or within 2m of a road boundary. Matters of discretion proposed include traffic safety and amenity effects on adjoining residential properties.

124. Alternative options considered were:

- **Option 1:** Status Quo: Retain the current L1 rules for parking which refer to Chapter 47 of the WDP.
- **Option 2:** Include a specific rule for parking in the SPH (Proposed plan change option).
- **Option 3:** No rules for parking within the SPH. Rely only on the rules in the Transport Chapter (PC109).

125. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient and effective option. Chapter 47 of the District Plan is being reviewed as part of the Transport plan change. While the L1 provisions include the same management of formed parking space constructed or provided within 2.0m of a road boundary, they do not include management of parking spaces within 50m of an adjoining zone to address amenity effects on adjoining residential properties.
- Option 2 is considered to be the most efficient and effective option. SPH-R9 allows the consideration of traffic safety effects and amenity effects on adjoining residential properties where any parking space in the SPH is within 50m of an adjoining zone. This is consistent with policy SPH-P4 to manage adverse effects on the surrounding environment by controlling development at the interface between the SPH and adjoining zones.
- Option 3 allows for the traffic safety effects of parking to be appropriately addressed but does not adequately manage the adverse effects that parking in the SPH within 50m of an adjoining zone may have on the amenity effects of adjoining residential properties. This option is therefore not considered to be an efficient or effective option.
- Option 2 has the greatest benefits. The benefits associated with Option 2 outweigh the potential costs. Options 1 and 3 have greater costs than benefits.
- There are no economic growth and employment opportunities.
- There is no risk due to insufficient information.

Restricted discretionary activities (Land Use)

Care Centres

126. Care centres¹⁰ are not considered to be hospital related activities. However, feedback from the DHB has highlighted that there may be reasons for a care centre to establish within the SPH. For instance, a

¹⁰ "Care centre" are proposed to be defined in chapter 4 as a consequential change to the urban & services plan change package.

care centre could perceivably be established on the site to provide easily accessible childcare services for hospital staff. However careful consideration is required to ensure that a proposed care centre will not constrain the safe and efficient operation of current and future hospital activities. As such it has been considered appropriate to provide for a care centre as a restricted discretionary activity in SPH-R10, so that any care centre can be considered on a case by case basis in terms of the proposed matters of discretion which are: traffic, parking, hours of operation, and noise.

127. Alternative options considered were:

- **Option 1:** Status Quo: Retain the current L1 – care centres as discretionary activities.
- **Option 2:** Restricted discretionary activity status (Proposed plan change).
- **Option 3:** Non-complying activity status (Pre-notification consultation option).
- **Option 4:** Permitted activity status.

128. Evaluation of these alternative options have been summarised in Table 9:

TABLE 9: SECTION 32 ASSESSMENT OF CARE CENTRE OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<u>Environmental & Cultural</u> None identified. <u>Social & Economic</u> There is no stated restriction to the matters that Council can consider in determining whether a care centre is appropriate or not. When compared to a permitted activity status, there will be additional consenting costs. The L1 provisions are not fit for purpose for the Hospital and do not provide any direction on when a non-hospital related activity (e.g. care centre) would be appropriate or not.	<u>Environmental & Cultural</u> None identified. <u>Economic and Social</u> Consistent with approach taken for L1 zoning in the surrounding environment. Allows for a case by case basis assessment of whether a care centre is appropriate or not.
Option 2: Plan Change option	<u>Environmental & Cultural</u> None identified. <u>Social & Economic</u> The matters of discretion may not cover all matters that may be relevant. When compared to a permitted activity status, there will be additional consenting costs.	<u>Environmental & Cultural</u> None identified. <u>Economic and Social</u> Greater direction is provided as to what the relevant matters are that need to be assessed within a resource consent application for a care centre. When compared to Options 1 and 3, Option 2 provides a clearer indication that a care centre may be appropriate within the SPH subject to assessment against the matters of discretion.
Option 3: Non- complying activity status	<u>Environmental & Cultural</u> None identified. <u>Social & Economic</u> A non-complying activity status implies that a care centre is not anticipated in the SPH. This would lead to reduced opportunities for care centres to establish on Hospital land in	<u>Environmental & Cultural</u> None identified. <u>Economic and Social</u> Provides the opportunity for a case by case assessment of the effects and merits of any proposal to establish a care centre within the SPH.

	<p>the future. The DHB has provided feedback that a care centre may support staff and their families.</p> <p>Non-complying activity resource consents can be difficult to obtain as it would have to pass the 'gateway tests' in Section 104D of the RMA. This can be costly, with no guarantee the resource consent would be granted.</p>	
Option 4: Permitted activity status	<p><u>Environmental & Cultural</u></p> <p>None identified.</p> <p><u>Social & Economic</u></p> <p>There is no control over the establishment of care centres within the SPH. There is no ability to consider whether one or more care centre has a direct requirement to establish within the SPH and if they will constrain the safe and efficient operation of current and future Hospital activities.</p>	<p><u>Environmental & Cultural</u></p> <p>None identified.</p> <p><u>Economic and Social</u></p> <p>No consenting costs and greater flexibility to establish care centres within the SPH.</p>
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	The status quo is inefficient and ineffective as the L1 provisions are not fit for purpose for the Hospital and do not provide any direction on when a non- hospital related activity (e.g. care centre) would be appropriate or not.	
Option 2	Option 2 is considered to be the most efficient and effective option. While there will be consenting costs associated with a restricted discretionary rule when compared to a permitted activity status, it is considered that this is necessary to allow for consideration on a case by case basis against the matters of discretion to determine whether a care centre is appropriate within the SPH. Further, a restricted discretionary activity status is considered to be more appropriate than a discretionary or non-complying activity status as it provides a clearer indication that a care centre may be appropriate within the SPH subject to assessment against the matters of discretion.	
Option 3	Option 3 is considered to be more efficient and effective than Options 1 and 4, but is not as efficient and effective as Option 2. A non-complying activity status implies that a care centre is not anticipated in the SPH. The DHB has provided feedback that a care centre may support staff and their families.	
Option 4	Option 4 is inefficient and ineffective. A permitted activity status will not provide the necessary control on whether a care centre is appropriate to establish within the SPH and could constrain current and future hospital related activities in the SPH.	
Economic Growth and Employment Opportunities		
Option 4 provides the most economic growth and employment opportunities by giving the greatest flexibility for the future development of care centres in the SPH. However, for the reasons outlined above, it is considered more appropriate to control the establishment of care centres on a case by case assessment of the matters of discretion under a restricted discretionary resource consent application.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no known risk due to insufficient information.		

129. Option 2 (Plan change option) is considered to be the most appropriate method. Option 2 has the greatest benefits. The benefits associated with Option 2 outweigh the potential costs. Options 1 and 3 have greater costs than benefits. Option 2 will best achieve the expectations for the SPH under the draft NP Standards and achieve the proposed SPH objectives.

Non-complying activities

130. The SPH objectives seek to enable and provide for a wide range of hospital activities to meet the needs of the Whangarei District and the Northland Region as population and health demands grow. An important part of achieving this is acknowledging that the Hospital land is limited. On this basis it is considered that the establishment of non-hospital related activities within SPH should be avoided unless it is demonstrated that there is a direct requirement to establish within the SPH and that the activities will not constrain the safe and efficient operation of current and future hospital activities.

131. Within the proposed SPH chapter, the following activities are classified as non-complying activities:

- 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

132. Alternatives considered were:

- **Option 1:** Status quo L1 provisions.
- **Option 2:** Non-complying activity status (Proposed plan change).
- **Option 3:** Permitted activity status.
- **Option 4:** Discretionary activity status.
- **Option 5:** Prohibited activity status.

133. It is considered that option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient or effective option. The L1 rules are designed to provide for residential development and are not fit for purpose when considering the requirements of existing and future operations at the Hospital.
- Option 2 is the most efficient and effective option. While a non-complying activity status will result in consenting costs and reduce flexibility for the development of the above activities within the SPH, it is considered necessary to protect the limited land within the SPH for hospital activities which is the primary purpose of the SPH under the draft NP Standards. These activities are considered inappropriate to be specifically provided for within the SPH as there are other zones within the WDP that provide specific provision for them. A non-complying activity status provides clear direction that this is the case.

- Option 3 is the least efficient and effective option. While it will result in greater flexibility and less compliance costs, it will not adequately avoid the establishment of the specified activities within the SPH. This is inconsistent with the proposed SPH objectives and policies (where such activities are to be avoided) and the draft NP Standards.
- While a discretionary activity status would allow a case by case assessment of whether a particular activity within SPH-R17 – R23 may be appropriate, a discretionary activity status implies that provision is made within the objectives and policies for such activities. This is not the case (as the policies only provide for these activities in limited circumstances) and could lead to the establishment of such activities within the SPH that are not compatible with the provision of hospital related activities. Accordingly, Option 4 is not considered to be an efficient nor effective option.
- Option 5 is more efficient and effective than Options 1, 3 and 4 but is not favoured when compared to Option 2. While a prohibited activity status for such activities would provide the most certainty that such activities will not be able to establish in the SPH, it does not provide the option of assessing an individual proposal for each activity on its merits. It is considered that there may be instances where the applicant could demonstrate that such activities do have a direct requirement to establish within the SPH and will not constrain the safe and efficient operation of current and future hospital activities. For instance, the majority of Hospital land to the south of Hospital Road is currently vacant and retained in pasture. It is considered that rural production activities should not be specifically provided for within the SPH, as this would be incongruous with the purpose of the SPH and the Rural Production Environment provides for such activities. However, an argument could be made that until that vacant land is needed for future Hospital development or expansion, the most efficient use of the land in the interim would be for it to be used for grazing purposes. A prohibited activity status would not allow the consideration of such instances as no resource consent can be made for a prohibited activity.
- Option 3 provides the greatest scope for employment and economic growth opportunities. However, for the reasons outlined above, it is considered appropriate to control the specified activities within SPH-R17 – R23 as non-complying activities in order to protect the Hospital land for its primary purpose in the provision of hospital related activities.
- There is no known risk due to insufficient information.

Prohibited activities (land use)

Industrial activities (excluding medical research facilities)

134. SPH-R24 proposes to specify industrial activities (excluding medical research facilities) as a prohibited activity in the SPH. This is supported by SPH-P3 which seeks to avoid the establishment of industrial activities within the SPH, unless they are medical research facilities. This is in acknowledgement that industrial activities are not compatible within the SPH and do not have a direct requirement to establish in the SPH. There is limited Hospital land and the SPH objectives, and the draft NP Standards, seek that it is used primarily for hospital related activities.

135. Alternatives considered were:

- **Option 1:** Status quo L1 provisions.
- **Option 2:** Prohibited activity status (Proposed plan change).
- **Option 3:** Permitted activity status.
- **Option 4:** Discretionary activity status.
- **Option 5:** Non-complying activity status.

136. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient or effective option. The L1 rules are designed to provide for residential development and are not fit for purpose when considering the requirements of existing and future Hospital operations.
- Option 2 is the most efficient and effective option. Under the draft NP Standards the purpose of the Hospital Zone is to provide primarily for the ongoing operation of a locally or regionally important primary medical facility, and associated health care services and healthcare facilities. Industrial activities (excluding medical research facilities) are not compatible with hospital related activities and do not have a direct requirement to establish in the SPH. Further there is limited land available within the SPH and this should be protected for its primary purpose. The Heavy Industry and Light Industry Zones provide for the development of industrial activities. A prohibited activity status is necessary as it clearly states that industrial activities (excluding medical research facilities) are never appropriate within the SPH.
- Option 3 is not an efficient nor effective option. While a permitted activity status would provide the greatest flexibility and reduce consenting costs, industrial activities (excluding medical research facilities) are not compatible with hospital related activities and do not have a direct requirement to establish within the SPH. A permitted activity status for industrial activities could lead to the establishment of inappropriate land uses within the SPH of which the primary purpose is for the provision of healthcare, and does not implement the policy framework [SPH-P2 and SPH-P4].
- While a discretionary activity status would allow a case by case assessment of whether a particular industrial activity may be appropriate, a discretionary activity status implies that provision is made within the objectives and policies for an industrial activity. This is not the case and this could lead to the establishment of industrial activities within the SPH that are not compatible with the provision of hospital related activities. Accordingly, Option 4 is not considered to be an efficient nor effective option.
- A non-complying activity status would present a higher threshold for an industrial activity as it would be required to pass through one of the gateway tests in section 104D of the RMA. While this means that Option 5 is considered more efficient and effective than Options 1, 3 and 4, it

is not considered more efficient and effective than Option 2 which clearly states that industrial activities (excluding medical research facilities) are not appropriate within the SPH.

- Option 2 of applying a prohibited activity status will limit employment and economic growth opportunities that could be associated with the establishment of industrial activities on Hospital land. However, for the reasons outlined above, this is considered appropriate in order to protect the Hospital land for its primary purpose in the provision of hospital related activities. Industrial activities are provided for in other zones.
- The benefits associated with Option 2 outweigh the potential costs. Options 1, 3, 4 and 5 have greater costs than benefits.
- There is no known risk due to insufficient information.

Mineral extraction activities

137. It is proposed to apply a prohibited activity status to mineral extraction activities in the SPH. The prohibited rule for mineral extraction will be provided in the Minerals (**MIN**) chapter of the WDP rather than in the SPH chapter; this is a more appropriate location for this rule and is consistent with the approach taken in the WDP to dealing with mineral extraction.

138. Alternatives considered were:

- **Option 1:** Permitted activity status for mineral extraction activities.
- **Option 2:** Discretionary activity status for mineral extraction activities.
- **Option 3:** Non-complying activity status for mineral extraction activities.
- **Option 3:** Prohibited activity status for mineral extraction activities.

139. Option 4 is considered to be the most appropriate option for the following reasons:

- Options 1 is not an efficient or effective option. A permitted activity status would result in mineral extraction activities being able to occur without requiring a resource consent which would be inconsistent with the policy framework and intent of the SPH. A permissive approach to managing mineral extraction activities could lead to adverse environmental effects and compromise Hospital activities within the SPH.
- While Option 2 is more efficient and effective than Option 1, as a resource consent would be required for any mineral extraction activity, it is still not an efficient or effective option. A discretionary activity status would allow for resource consents for mineral activities to be applied for and possibly obtained on a case by case basis which would be inconsistent with the policy framework and intent of the SPH. A discretionary activity approach, if consent were to be obtained, would potentially compromise hospital activities within the SPH.
- Option 3 is not an efficient or effective option. A non-complying activity status would present a high threshold for mineral extraction activities as it would be required to pass through one of the

gateways in Section 104D of the RMA. While Option 3 is considered more efficient and effective than Options 1 and 2, it is not considered to be more efficient and effective than Option 4 which clearly states that mineral extraction activities are not appropriate within the SPH.

- Option 4 is the most efficient and effective option. The prohibited activity status is in acknowledgement that mining activities are not compatible within the SPH and do not have a direct requirement to establish in the SPH. There is limited Hospital land and the SPH objectives, and the draft NP Standards, seek that it is used for Hospital activities. A prohibited activity status is necessary as it clearly states that mineral extraction activities are never appropriate within the SPH.
- Option 4 has the greatest benefits. The benefits of Option 4 outweigh the costs in comparison to the other options which present greater costs.
- There is no known risk due to insufficient information.

Subdivision

140. The subdivision rules are proposed to be located in the proposed Subdivision Chapter (see PC148 Section 32), but have been assessed within this part of the s32 report. Under the Subdivision Chapter it is proposed to make subdivision a discretionary activity within the SPH. It is acknowledged that the subdivision of land within the SPH could create inefficient fragmentation of the larger allotments that form part of the overall Hospital site. However, there may be some need for the Hospital to undertake subdivisions for operational requirements (e.g. boundary adjustments). A discretionary activity status allows subdivision to be assessed on a case by case basis to ensure that any subdivision does not have adverse effects on the effective operation, expansion and development of the Hospital within the SPH.

141. Alternatives considered were:

- **Option 1:** Status Quo: L1 provisions for subdivision in Chapter 71.
- **Option 2:** Discretionary activity status (Proposed plan change).
- **Option 3:** Permitted or controlled activity status.
- **Option 4:** Non-Complying activity status for all subdivisions within the SPPO.

142. It is considered that Option 2 is the most efficient and effective for the following reasons:

- Option 1 is not an efficient nor effective option. The L1 rules for subdivision are designed to provide for residential development and are not fit for purpose when considering the requirements of the Hospital.
- Option 2 is the most efficient and effective option. It enables a case by case consideration of subdivision applications within the SPH so that consideration can be given to the operational needs of the Hospital and whether a proposed subdivision would result in fragmentation of the Hospital land.

- While Option 3 would result in reduced compliance costs and provide greater flexibility to undertake subdivision within the SPH, it is an inefficient and ineffective option as it will not allow the appropriate management of adverse effects that subdivision could have on the surrounding environment and in terms of the fragmentation of the Hospital land.
- Option 4 is not an efficient or effective option. A non-complying activity status would present a higher threshold for subdivision as it would be required to pass through one of the gateways in section 104D of the RMA. A non-complying activity status indicates that subdivision is not anticipated or provided for. This is not the case, as it is acknowledged that subdivision within the SPH may be necessary to provide for current or future Hospital activities. While this means that Option 4 is considered more efficient than Options 1 and 3, it is not considered more efficient and effective Option 2 which would still require a consent to be obtained and allow for any application for subdivision to be considered on a case by case basis.
- Option 3 provides the greatest economic growth and employment opportunities by giving the greatest flexibility in potential future subdivisions. Options 1, 2 and 4 have similar impacts in terms of economic growth and employment opportunities.
- Option 2 has the greatest benefits. The benefits of Option 2 outweigh the costs in comparison to the other options which present greater costs.
- There is no known risk due to insufficient information.

6. Conclusion

143. The Hospital does not currently have appropriate zoning within the WDP. The L1 zoning that currently applies to the Hospital land represents “dishonest zoning” designed to provide for residential development and the provisions are not fit for purpose when considering the operational requirements of the Hospital.
144. PC145 has been developed as part of the Urban and Services plan changes to the WDP. The review has identified that the L1 zoning and provisions is inappropriate for the current and future needs of the Hospital. Further the draft NP Standards require that a special purpose zone is provided for the ongoing operation of the Hospital as a locally and regionally important primary medical facility. The RPS also identifies the Hospital as regionally significant infrastructure.
145. Pursuant to s32 of the RMA, the four proposed SPH objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
146. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to providing for current and future hospital operations, restricting non-hospital related activities in the SPH, and managing the effects of hospital operations on the surrounding environment.

Plan Change 148:

Part A: Strategic Direction

Part B: Subdivision

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

Part A – PC148 Strategic Direction

1. Introduction

1. Plan Change 148 (**PC148**) is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC148 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)

- Plan Change 147 – Earthworks (PC147)
 - Plan Change 82A – Signs (PC82A)
 - Plan Change 82B – Lighting (PC82B)
2. Plan Change 148 (**PC148**) seeks to introduce a new chapter into the Operative Whangarei District Plan (**WDP**), to provide strategic policy guidance for development in the District: the Strategic Direction Chapter (**SD**) (refer to **Proposed Plan Changes Text and Maps** volume). The SD proposes to replace the existing WDP Chapter 6 - Urban Form and Development (**Chapter 6**), replace some of the existing Chapter 5 – Amenity (**Chapter 5**) and the Rural Area (**RA chapter**), as well as containing new overarching objectives and policies relating to urban development, zoning of land, open space and regionally significant infrastructure. PC148 is part of a wider package of plan changes being prepared and notified consecutively as the Urban and Services Plan Changes.
 3. PC148 includes an overview which outlines: the resource management issues important to the District, how the chapter is to be read in the context of the District Plan, a set of overarching objectives and policies that guide decision making on all resource consent applications, specific objectives and policies that apply to urban, rural, and open space development, and the protection maintenance and development of regionally significant infrastructure. It also contains policies that describe the various Zones throughout the district, including the recently operative Rural Zones and the proposed Urban and Open Space Zones that are proposed to be introduced by the other components of the Urban and Services Plan Changes.

2. Background

4. A strategic direction chapter is a requirement under the draft National Planning Standards (**draft Standards**). The draft Standards set out that this chapter will identify significant resource management issues for the District (if they are to be included in the plan) and contain strategic objectives and policies that guide decision making at a strategic level. The draft Standards strategic direction chapter includes a number of issues that are currently addressed by the WDP, and therefore a number of operative provisions are proposed to be replaced including Chapter 6, Chapter 5 and the objectives and policies from the RA chapter.
5. Chapter 6 contains the policy direction for the urban and industrial areas of Whangarei District. The objectives and policies of Chapter 6 seek to manage urban growth while recognising constraints to development in the District. This includes minimising the impact of urban development on areas of significant landscape value, sites of ecological significance, the margins of waterways or the coastline, productive farmland, mineral extraction activities, and existing industry. Chapter 6 seeks to consolidate growth around existing development, transition development from urban to rural, and to provide a range of lifestyle options to residents.
6. Chapter 5 contains the policy direction of the management of amenity throughout the Whangarei District. This includes description of zones and their relevant level of amenity. The SD conjunction with the

Urban and Services Plan Changes provide improved description of recently operative Rural Zones and the proposed Urban and Open Space zones.

7. The RA chapter was introduced by PC85 and was treated as operative from 12th December 2018 and became formally operative on 6 March 2019. The RA chapter contains objectives, policies and rules that apply to all Rural zones RPE, RLE, SRIE, RVE, RUEE). The objective and policies have been incorporated into the proposed SD. The RA land use rules and performance standards are proposed to be moved into the various zone chapters where they are relevant.
8. The Regional Policy Statement for Northland (2016) (**RPS**) sets out objectives policies and methods to achieve integrated management of Northland's natural and physical resources. The District Plan is required to give effect to the RPS¹. Chapters of the RPS that are given effect to in the SD chapter include Regional Form and Infrastructure, Efficient and Effective Planning and Natural Hazards.
9. The National Policy Statement on Urban Development Capacity (**NPS-UDC**) was gazetted on 3 November 2016. The NPS-UDC directs local authorities to provide in their resource management plans sufficient development capacity, supported by infrastructure, to meet the demand for land zoned for residential and business development.
10. The draft Standards also require that the SD contains direction for how the Māori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi (**Te Tiriti o Waitangi**) principles will be implemented through the plan. It is expected that when the Tangata Whenua Chapter in the WDP is reviewed any new objectives and policies will be added to the SD.

3. Statutory Considerations

11. The WDP sits within a layered policy framework, which incorporates the RMA, National Policy Statements, National Environmental Standards, Iwi Management Plans, the Regional Policy Statement, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents were taken into consideration when preparing the SD are discussed below.

3.1 The Resource Management Act 1991

12. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:

'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety'

13. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated, to meet the purpose and principles of the

¹ RMA S75(3)(c)

RMA. Consideration has been given to the extent to which the SD achieves the purpose and principles of Part 2 of the RMA.

14. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must “accord with” and “have regard to” are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

15. S79 of the RMA sets Councils the requirement to review district plans. Councils must complete a review of all district plan provisions within any 10 year time period. The WDP became operative on 3 May 2007, after eight years of formulation. The data that the WDP was based upon is therefore over ten years old. Monitoring of the WDP has identified areas of inconsistency and ineffectiveness.
16. S79 of the RMA provides the opportunity for Councils to undertake rolling reviews of district plan provisions. Using this opportunity to improve the integrity of the WDP, a rolling review process has been implemented. To remedy some of the missing links between WDP sections, a new structure has been adopted. The WDP structure will evolve and the chapter format will be adjusted through the rolling review to be more consistent with the manner in which the provisions are applied in practice (assessment of activities and resource consent applications and enforcement of rules).
17. The rolling review provides an opportunity to include further objectives and policies on a zone by zone basis. A policy heavy approach to the WDP has been introduced. The new structure provides opportunity for policy at a district wide, geographical, locality or neighbourhood context. The scope and degree of specification in the objectives and policies will be proportional to the level of context and relevance to ensure objectives and policies at each level do not overlap or contradict each other.

3.2 National Policy

National Policy Statements

18. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently five National Policy Statements:
- National Policy Statement on Urban Development Capacity
 - New Zealand Coastal Policy Statement
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Renewable Electricity Generation

- National Policy Statement on Electricity Transmission
19. The NPS on Urban Development Capacity (**NPS:UDC**) directs local authorities to provide sufficient development capacity for housing and business growth to meet demand. Therefore, the implications of the NPS:UDC are fundamental to the proposed Urban Plan Changes and the SD chapter, that will guide future rezoning proposals. The requirements of the NPS:UDC vary depending on whether a Council is defined as High Growth, Medium Growth or Low Growth. The Whangarei District is defined as High Growth by the NPS:UDC.
 20. Under the NPS:UDC, development capacity refers to the amount of development allowed by zoning and regulations in plans that is supported by infrastructure. Sufficient development capacity is necessary for urban land and development markets to function efficiently in order to meet community needs. In well-functioning markets, the supply of land, housing and business space matches demand at efficient (more affordable) prices. The Whangarei District is identified as High Growth by the NPS:UDC. While PC148 and the SD will not directly provide for development capacity, the proposed SD contains objectives and policies that will guide future zoning decisions to provide appropriate levels of development capacity, and promote the co-ordination of zoning decisions with the provision of infrastructure. It is considered that the SD will give effect to the NPS:UDC.
 21. The purpose of the New Zealand Coastal Policy Statement (**NZCPS**) is to state policies regarding the management of natural and physical resources in the coastal environment, to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Local authorities are required by the RMA to give effect to the NZCPS through their plans and policy statements.
 22. The NZCPS emphasises 'appropriate' use of the coastal environment. Objectives focus on, for example, the protection of natural character, management of the coastal environment from inappropriate subdivision, use and development. NZCPS Objective 6 recognises the need to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use and development of the coastal environment. The following policies also have relevance to development in the coastal environment:
 - Policy 6 recognises the importance of infrastructure in the coastal environment to the wellbeing of people and communities, and that some activities have a functional need to locate in the Coastal Marine Area (**CMA**). The policy directs that urban development should be consolidated within the Coastal Environment to avoid sprawling or sporadic patterns of settlement and urban growth.
 - Policy 7 directs that when preparing District Plans authorities should consider where, how and when to provide for future residential settlement, urban development and other activities in the coastal environment at a district level. It also directs that areas of the coastal environment that are appropriate, or inappropriate for development should be identified.
 23. The recently operative Coastal Area chapter (**CA**) specifically implements the NZCPS. The proposed SD objectives and policies that apply across the District, including within the coastal environment and will complement the CA. It is considered that the proposed SD gives effect to the NZCPS.

24. The NPSs for Freshwater Management, Renewable Electricity Generation do not specifically relate to PC148.
25. The NPS on Electricity Transmission (NPSET) is relevant to PC148. The NPSET seeks to recognise the significance of the electricity network, and facilitate its ongoing maintenance and development, including the provisions of new infrastructure. The NPS seeks to manage adverse effects both of the network, and on the network.
26. The objectives and policies in the SD relating to regionally significant infrastructure are considered to give effect to the NPSET. It is noted that policies that provide for the maintenance and development of the national grid are also contained in the existing CA and Landscapes (**LAN**) chapters of the WDP.

National Environmental Standards

27. National Environmental Standards are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Local and regional councils must enforce these standards (or if the standards allow, councils can enforce stricter standards). In this way, National Environmental Standards ensure that consistent minimum standards are maintained throughout all of New Zealand's regions and districts. The following standards are in force as regulations:
 - National Environmental Standards for Air Quality
 - National Environmental Standards for Sources of Drinking Water
 - National Environmental Standards for Telecommunication Facilities
 - National Environmental Standards for Electricity Transmission Activities
 - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
 - National Environmental Standards for Plantation Forestry
28. The SD chapter has taken into account these standards to ensure consistency.

National Planning Standards

29. The draft National Planning Standards (**the Standards**) were released in June 2018 for public consultation and are scheduled to be gazetted in April 2019. The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content. The Standards were introduced as part of the 2017 amendments to the RMA. Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.
30. The draft Standards set requirements for different elements of plans including structure and form, e-plan functionality, definitions, zones, mapping symbology and noise and vibration metric standards. One of the requirements of the draft Standards is for a strategic direction chapter. The draft Standards direct that this chapter will identify significant resource management issues for the District (if they are to be

included in the plan) and contain strategic objectives and policies that guide decision making at a strategic level.

31. The SD chapter takes the Standards into account and are considered to be consistent with the draft version of the Standards. The new zones referenced in the SD policies have been selected from the standardised suite of zoning options provided for in the Standards and correspond with the chapters in the Urban and Services Plan Changes. The proposed chapters, provisions and mapping have been formatted to be consistent with the draft Standards.
32. For consistency with the draft Standards, the objectives and policies of the RA are proposed to be transferred into the SD. These provisions were recently adopted by Council and are unchanged (apart from consequential changes to update the terminology to meet the draft Standards), and are not open for submissions. Three of the RA objectives relating to reverse sensitivity, hazards, and the protection of amenity values (RA.1.2.5, RA.1.2.7, and RA.1.2.8) are proposed to be widened so that they also apply to the UA. These objectives are proposed to be open for submissions.

3.3 Iwi and Hapu Management Plans

33. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District. At present, there are five such documents: Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan.
34. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated. PC148 has taken into account those matters of relevance to the strategic direction for urban growth and development in the District.
35. Many of the identified issues, objectives, policies and methods relating to urban growth and development concern air and water quality. These are mainly the responsibility of Northland Regional Council. However, the management of stormwater is a district council function and is addressed in the SD chapter in relation to the sustainable provision of infrastructure.
36. The management plans also identify the protection of sites of significance as a matter of importance. This is addressed in the SD chapter by objectives and policies that direct zoning for new areas of residential, commercial or industrial development, and seek to avoid zoning areas where these sites would be damaged.
37. Of particular significance to SD are the following provisions:

Ngati Hine Iwi Environmental Management Plan (2008)

28. Urban Design

4. *Te Runanga o Ngati Hine supports low impact urban design and innovative solutions which improve the quality of our urban centres.*
5. *Te Runanga o Ngati Hine believes that urban centres should be designed around people and not cars.*

Patuharakeke Te Iwi Trust Board Environmental Plan (2014)

4.2.3 Policies

- c) *PBT support the reduction of emissions as a response to climate change, including but not limited to:*
 - i. *Urban planning to reduce transport emissions.*

38. The management plans also identify the need to ensure adequate infrastructure is in place before development occurs and that the true costs of this infrastructure are borne by those profiting from the development. These issues are dealt with in WDC's Long Term Plan and the infrastructure planning that feeds into it. Ultimately WDC's Development Contributions Policy 2015 is the tool to ensure the developer pays for the relevant infrastructure costs of the development.
39. PC148 has taken into account these management plans to the extent that their content has a bearing on the SD.

3.4 Regional policy

3.4.1 Regional Policy Statement for Northland 2016 (RPS)

40. The policies and methods contained in the RPS contain guidance for territorial authorities for plan making. Section 1.6 provides a statement of responsibilities between regional and district councils. The RPS has a more economic focus than the previous RPS and also provides more guidance as to what should be included in district plans to manage land use and development. Objective 3.5 of the RPS states:

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

41. It is considered that this objective is key to the Urban and Services Plan Change package as it seeks to enable and provide for appropriate economic growth and activity within the Whangarei District.
42. The sections below assess the SD against relevant policies of the RPS. Several recently operative plan changes such as Plan Change 124 (Built Heritage), Plan Change 85 (Rural Area), Plan Change 87 (Coastal Area) and Plan Change 114 (Landscapes) have already addressed several provisions of the RPS. The Rural Area provisions have been incorporated or relocated into the SD. Other provisions within the SD give effect to the following matters covered by the RPS.

Regional Form and Infrastructure (Part 5)

43. Part 5 of the RPS focuses on regional form, effective and efficient infrastructure, regionally significant infrastructure and renewable energy. Table 1 provides a summary of the relevance of Part 5 of the RPS to the SD.

TABLE 1: EVALUATION OF PART 5 OF THE NRPS

NRPS Policy	NRPS Method	Relevance
5.1.1 Planned and coordinated development which, (a) is guided by the Regional Form and Development Guidelines (RFDG)...; (b) is guided by the Regional Urban Design Guidelines (RUDG)...; (c) recognises and addresses potential adverse cumulative effects...; (d) is integrated with the development, funding, implementation and operation of transport, energy, water, wastewater...; (e) should not result in incompatible land uses...; (f) do not materially reduce the potential for soils-based primary production on land with highly versatile soils...; (g) maintains or enhances the sense of place and character...; (h) is or will be serviced by necessary infrastructure.	5.1.5 Give effect to Policy 5.1 when developing objectives, policies and methods for plan changes. Require consultation with relevant infrastructure providers and owners of regionally significant infrastructure/minerals.	<ul style="list-style-type: none"> • The SD takes into consideration those matters listed in the RFDG when identifying suitable locations for rezoning. • The SD seeks to rezone land to give effect to the direction set by the Whangarei District Growth Strategy, Sustainable Futures 30/50 (30/50) • The SD chapter promotes rezoning of land where reverse sensitivity effects can be avoided, and where sense of place and the character of the surrounding environment is maintained. • The SD chapter seeks to integrate land use planning with the development of infrastructure. • Therefore, the SD chapter gives effect to 5.1.1 (a) (b) (d) (e) (g) and (h).
5.1.2 Enable development that: (a) consolidates urban development within or adjacent to existing coastal settlements..., (b) ensures sufficient development setbacks..., (c) takes into account values of adjoining land and established activities..., (d) ensures adequate infrastructure...		<ul style="list-style-type: none"> • The SD contains objectives and policies that seek to consolidate development to give effect to 5.1.2(a) • The SD seeks to maintain and enhance open space to give effect to 5.1.2(b)(i). • The SD seeks to promote rezoning of land that is coordinated with the provision of infrastructure. Therefore the SD gives effect to 5.1.2(d).
5.1.3 Avoid the adverse effects, including reverse sensitivity effects, of new subdivision, use and development, on (b) commercial and industrial activities..., (c) ...regionally significant infrastructure.		<ul style="list-style-type: none"> • The SD provides for the ongoing operation and maintenance of regionally significant infrastructure, and avoid land use conflicts. These provisions give effect to 5.1.3 (b) and (c).

5.2.1 Encourage development and activities to efficiently use resources.	5.2.4 Ensure in plan change that weight is given to (a) the extent to which infrastructure can be operated, maintained and upgraded efficiently with minimal adverse effects.	<ul style="list-style-type: none"> The SD does not directly propose any new infrastructure but does propose to consolidate development and limit sprawling development to efficiently and effectively utilise existing infrastructure. This gives effect to 5.2.1. The SD chapter seeks to provide efficient and effective infrastructure giving effect to 5.2.2.
5.2.2 Encourage the development of infrastructure that is flexible, resilient and adaptable.		
5.3.1 Recognise regionally significant infrastructure identified in Appendix 3.	5.3.4 Include provisions to implement; reduce constraints on the operation, maintenance and upgrading of regionally significant infrastructure.	<ul style="list-style-type: none"> Regionally significant infrastructure is recognised and provided for through the SD chapter giving effect to 5.3.1 and 5.3.2. The effects of regionally significant infrastructure are proposed to be avoided, remedied or mitigated under the SD chapter giving effect to 5.3.3.
5.3.2 Particular regard to benefits of regionally significant infrastructure.		
5.3.3 Managing adverse effects arising from regionally significant infrastructure.		
5.4.1 Recognising and providing for the benefits of renewable electricity generation activities and supporting the sustainable use and development of...	5.4.3 Include objectives, policies and methods to achieve (1)(a) – (h) and (2) - (4).	<ul style="list-style-type: none"> Renewable Energy is a district wide topic scheduled in the WDP rolling review for future plan changes.
5.4.2 Encourage and provide for community and small scale renewable electricity generation.		

Efficient and Effective Planning (Part 6)

44. Part 6 of the RPS focuses on providing efficient and effective statutory and non-statutory plans and strategies. Table 2 provides a summary of the relevance of Part 6 of the RPS to the SD.

TABLE 2: EVALUATION OF PART 6 OF THE NRPS		
NRPS Policy	NRPS Method	Relevance
6.1.1 District plans shall (a) only contain efficient and effective regulation (b) be consistent (c) be simple (d) support good management practices (e) minimise compliance costs (f) enable activities that comply with the NRPS (g) focus on effects and suitable performance standards.	6.1.4 When reviewing plans district councils shall (a) give effect to Policy 6.1.1 (b) streamline regulation.	<ul style="list-style-type: none"> The proposed SD will provide a much clearer policy direction for each zone. This will provide more clarity to plan users as to what the anticipated outcomes are in particular areas. The WDP rolling review has updated the format of the district plan to consolidate provisions in district wide and resource area chapters. This removes duplicated provisions and streamlines the provisions. As stated in the s32 evaluations of Parts 2 – 11 of the Urban Plan Change consideration has been given to the costs and benefits of the proposed provisions to ensure that they are appropriate and necessary.

		<ul style="list-style-type: none"> PC148 has been drafted to be consistent with the draft Standards which aim to simplify and streamline RMA plans and policies.
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Natural Hazards (Part 7)

45. Part 7 of the RPS focuses on development in hazard-prone areas and general risk reduction. Table 3 provides a summary of the relevance of Part 7 of the RPS to the SD.

TABLE 3: EVALUATION OF PART 7 OF THE NRPS		
NRPS Policy	NRPS Method	Relevance
7.1.1 Subdivision, use and development of land will be managed to minimise risks from natural hazards by...(b) minimising any increase in vulnerability.	7.1.7 (2) District Plans shall provide provisions to give effect to Policy 7.1.1... (6) Assess natural hazard risks when zoning new areas.	<ul style="list-style-type: none"> The SD seeks to minimise the risks and impacts of natural hazard events on people property and infrastructure. These provisions reflect the recently operative RA chapter.
7.1.6 Climate Change and development.		

Tangata Whenua (Part 8)

46. Part 8 of the RPS focuses on participation in decision-making, plans, consents and monitoring, iwi and hapu management plans, and Maori land and returned Treaty settlement assets. Table 4 provides a summary of the relevance of Part 8 of the RPS to the SD.

TABLE 4: EVALUATION OF PART 8 OF THE NRPS		
NRPS Policy	NRPS Method	Relevance
8.1.1 Tangata whenua participation.	8.1.5 Engage with iwi authorities at the earliest possible stage.	<ul style="list-style-type: none"> Draft plan changes have been circulated to iwi and hapu for initial feedback and comment as part of pre-notification. The draft plan changes have been presented to Council/iwi and hapu working groups Te Karearea and Te Huinga. The SD chapter contains provisions to ensure that growth and development takes into account Maori cultural values.
8.1.2 The regional and district council statutory responsibilities.		
8.1.3 Use of Mātauranga Māori.		
8.1.4 Māori concepts, values and practices		

3.4.2 Regional Plans

47. There are three Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Regional Coastal Plan implements policies from the NZCPS, including the provision regionally significant infrastructure (such as port facilities). Having reviewed each document and taken into account all of the provisions it is considered that the proposed objectives in the SD are consistent with the Regional Plans.
48. The Proposed Regional Plan (**PRP**) combines the operative Regional Plans into one plan. It is considered that the proposed objectives for the SD chapter are consistent with the PRP.

3.5 District policy

Operative Whangarei District Plan 2007 (WDP)

49. The preparation of the first Whangarei District Plan under the RMA commenced in 1993. Council initially commenced preparation of the new Plan in territorial sections – with an Urban section for the Whangarei City area, Rural and Coastal sections for the County area, and a Hikurangi section – reflecting the Transitional County and City plan structures. A District Plan Review Committee was established to be responsible for the preparation of the Plan. In 1995, the initial approach was revised and one Plan covering the whole District was commenced. The Review Committee held a series of workshops and formal meetings over the next six years to formulate the Proposed District Plan (PDP). Various sections and revisions of the PDP were adopted as it advanced through the subsequent stages of Plan development. Various reports were commissioned to address significant issues identified for the PDP.
50. The draft PDP was released for public comment on 12 December 1997. The draft PDP was then revised by the District Plan Review Committee, based upon decisions made on public comments received and additional policy development work by staff, adding and deleting sections where necessary. The PDP was approved by Council for notification on 13 September 1998. The PDP became Operative as the WDP on 3 May 2007 following the submission, hearing, and appeal processes.
51. On 1 October 2009 the Resource Management Amendment Act introduced changes to s79 of the RMA, which prescribes the review requirements for district plans. Council must now ensure that each provision of a district plan has been reviewed within any 10 year time period. In response to this requirement the Council adopted a ‘rolling review’ approach. To implement this decision Council undertook Plan Change 106, which amended the introduction to the WDP to set out an explanation of the rolling review process, future district plan structure, and set expectations of future Council and private plan change applications.
52. Monitoring of the WDP has identified a need to clarify some processes, and update objectives, policies and methods. As part of the rolling review procedure, provisions will be moved towards a stronger effects-based plan with a policy driven approach. A new district plan structure and layout has been introduced to simplify the use of the WDP by mimicking the logic and flow of a typical planning application, moving from high-level policy to low-level detail, methods and requirements.
53. In August 2012, Council completed the 5 year efficiency and effectiveness review of the WDP which has informed the consideration of alternatives in the SD s32.
54. A number of plan changes have been proposed as a part of the rolling review of the WDP. Those plan changes progressing at present include:
 - Change 129: Notable and Public Trees – Hearing closed on 18 January 2019.
 - Change 134 – Designations – Hearing completed on 25 and 26 of February 2019.
55. The SD has been drafted to be consistent and compatible with these plan changes. Consequential changes may be required to ensure the interface between SD and the plan changes above remain appropriate.

Whangarei District Growth Strategy – Sustainable Futures 30/50 (2010) (30/50)

56. The Whangarei District experienced significant growth over the period 2001 to 2008. Future growth for the District is projected to continue and in some parts of the District, particularly in the Marsden Point/Ruakaka area, has the potential to be substantial. This growth presents both challenges and opportunities to the District and its communities, individuals and families, businesses and governing bodies.
57. To manage the projected growth sustainably, Council formulated 30/50 as a long term Sub-regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the District over a 30-50 year time frame.
58. The environmental, social and cultural constraints on, and the consequences of, the anticipated development have been identified and assessed. This research and analysis enables a long term, integrated, strategic planning programme to be developed, based upon sustainability principles, which will assist the sustainable development of the District over the next 50 years.
59. 30/50 was adopted by Council on 22 September 2010. Following the completion of 30/50, there has been an extensive implementation phase together with an on-going review of the Strategy itself. 30/50 identified a preferred future development path (Future Three) chosen around which further analysis can be undertaken. Future Three represents a managed, consolidated development path based upon a structured five tier settlement pattern. This hierarchical arrangement is as follows:
- Whangarei City as the primary district and regional urban centre with a strong, protected and enduring CBD;
 - A satellite town at Marsden Point/Ruakaka which complements (but does not compete with) Whangarei City;
 - Five urban villages within greater Whangarei;
 - One rural (Hikurangi) and two coastal growth nodes at Parua Bay and Waipu; and
 - Two rural villages along with eight coastal villages located along the coastline from Waipu Cove in the south to Oakura in the north.
60. The 30/50 Implementation Plan 2013, specifies actions to be implemented within the WDP to achieve the strategic direction of 30/50. These actions are given priority timing. The SD seeks to implement only the relevant actions within the 10 year life of the WDP.
61. The SD seeks to provide for growth and development in and around Whangarei City, Ruakaka, and identified growth nodes where capacity is needed and infrastructure is available. This is consistent with the consolidation pattern of 30/50. Recognising the outcomes of 30/50, the SD promotes a strong and consolidated City Centre, and discourages scattered and sporadic development, the fragmentation of land, and the 'creep' land use activities out of their appropriate zones. As part of revitalising the City

Centre and Town Basin, emphasis is placed on improving urban design outcomes within the UA, reflected in the SD.

Whangarei District Council Long Term Plan 2018 – 2028 (LTP)

62. The Local Government Act 2002 (LGA) requires every Council to produce a Long Term Plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The LTP was adopted by Council in June 2018 and covers the period 1 July 2018 to 30 June 2028.
63. Key to Council activities is the provision of infrastructure. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans (AMPs) have been developed with regard to 30/50.
64. The SD chapter seeks to achieve consolidation of growth and development in and around the UA, and integrate the provision of infrastructure with zoning decisions, consistent with the direction of 30/50. The development capacity created by the Urban and Services Plan Changes has been structured to remain within the ability of infrastructure to provide appropriate services in accordance with the LTP and AMPs.
65. It is considered that the SD chapter is consistent with, and supports the outcomes identified in the LTP.

Statutory Considerations for Urban and Services Plan Changes

66. The SD separates objectives and policies into five topic headings: General, Urban Area (UA), Rural Area (RA), Open Space Area (**OSA**), Regionally Significant Infrastructure (**RSI**). Statutory considerations relevant to each section are discussed in the following paragraphs.
67. The RA objectives and policies have recently become operative, been through comprehensive s32 evaluation. No further s32 evaluation is completed and those objectives and policies are being relocated into the SD, therefore not open for submission.
68. The UA objectives and policies link to the proposed Urban Plan Changes (PC88) Part 1 of the PC88 s32 evaluation includes a comprehensive review of the relevant urban area statutory considerations.
69. The OSA objectives and policies link to the proposed Open Space Plan Change (PC115) s32 evaluation includes a comprehensive review of the relevant open space statutory considerations.
70. The RSI objectives and policies link to the proposed Hospital Zone (PC145), Airport Zone (PC143) and Port Zone (PC144) plan changes, s32 evaluations each include a comprehensive review of the relevant regionally significant infrastructure statutory considerations.

4. Consultation

71. Prior to the notification of PC148, consultation regarding the growth and development of the Whangarei District was undertaken for the Coastal Management Strategy (**CMS**), the Urban Growth Strategy (**UGS**), 30/50 and the Rural Development Strategy (**RDS**). This consultation has informed the identification of resource management issues and the plan change options to address these issues.

72. The draft Urban and Services Plan Changes were advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June 2018 through August 2018. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives.
73. A consultation website was also developed for the draft Urban and Services Plan Changes which included an interactive map with draft mapping and an online survey with targeted questions. Throughout the consultation phase, additional questions were posted on Council's Facebook page to promote further discussion and engagement.
74. There were 673 comments/forms received in total between survey responses, formal feedback and Facebook comments.
75. The draft Urban and Services Plan Changes were presented and work-shopped with Te Karearea and Te Huinga, Council's iwi and hapu leaders' committees.
76. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting. Following this, two additional Council briefing meeting were held to discuss the draft plan changes.

5. Resource Management Issues

77. The following section discuss the key resource management issues in relation to the SD for subdivision and development in the District. There is some overlap between the high level objectives and policies in the SD and other chapters in the plan, in particular the District Wide Resource Area/Overlay chapters. These issues are listed in the overview to the SD, but are also discussed in more detail in the overviews of the zone/District Wide chapters where they are relevant. The relevant issues to be addressed are:
 - Managing urban growth and form.
 - 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.
 - Effects of development on the coastal environment.
 - Fragmentation of the rural environment.
 - The efficient development and maintenance of infrastructure.

5.1.1 Managing urban growth and form

78. Whangarei District is identified in the NPS-UDC as experiencing medium-high growth. It is important to manage this growth in a way that uses land efficiently, avoids impacts on values and features that

contribute to sense of place, and allows for the efficient and effective provision of infrastructure.

Council has taken the approach of consolidating new development adjacent to existing development to allow the efficient extension of infrastructure, and to meet the demand for growth while avoiding sprawling and sporadic subdivision in coastal and productive rural areas. The zoning of land seeks to provide a transition from urban to rural development, and to provide a choice of lifestyle options to suit different people.

5.1.2 Managing existing and future development in areas subject to environmental risks

79. Historic development in the District has occurred in areas subject to natural hazards. This includes areas subject to flooding, coastal erosion, inundation, and land instability. Continuing to develop in these areas increases the risk of damage to people and property. In order to avoid increasing the risk of exposure to natural hazards Council seeks to avoid developing in areas prone to natural hazards where possible. Council identifies hazard zones in its planning maps, and objectives, policies and rules apply when development is proposed within these areas. NRC produce hazard maps for flooding, coastal erosion and inundation. The information Council holds in relation to natural hazards is constantly being reviewed and improved as new data (including Lidar) is collected.

5.1.3 Protection of natural heritage (landscapes, biodiversity and natural features)

80. New subdivision and development (including earthworks and vegetation clearance) has the potential to adversely affect outstanding natural landscapes and features, significant natural areas and indigenous biodiversity. These features are valued for their amenity values, cultural values, recreation values, contribution to sense of place, and with respect to biodiversity and intrinsic values. Identifying these areas on maps and applying appropriate controls is an important part of protecting these areas, as well as assisting landowner and community groups to maintain and protect these areas. Council has recently made plan changes operative to protect Outstanding Landscapes and Features (PC114) and the natural character of the coastal environment (PC87). There is also a plan change in progress to identify areas with high ecological values that meet the RPS criteria for Significant Natural Areas (SNA), however there are still important biodiversity values that fall outside these areas and require protection under higher order documents.

5.1.4 Issues of significance to Mana Whenua

81. The RPS identifies issues of significance to Mana Whenua. These include adverse effects on the mauri of natural resources, degradation of mahinga kai and kai moana harvesting sites, lack of access to healthy drinking water, adverse effects on, and a lack of access to of waahi tapu, sites of cultural value, and taonga, the protection of biodiversity, the impacts of climate change on cultural, economic, social and environmental wellbeing, and the potential release of genetically modified organisms into the environment. With respect to the strategic direction in the District, Maori have a strong interest in being involved in the development of plans and strategies. Maori are also significant landholders in the District, however much of this land is underutilised. Unlocking the potential of this land, and enabling and encouraging productive uses will have positive social, economic and cultural benefits through commercial activities and papakāinga development.

5.1.5 Protection of built and cultural heritage

82. Historic heritage includes historic sites, structures, places and areas, archaeological sites, sites of significance to Maori (including waahi tapu), and associated surroundings. These features provide a sense of place, identity and continuity, and contribute to the overall amenity or character of an area. They provide a connection between past, present and future as an area develops, providing reminders of important events and people in the past. Increasingly these features serve as a source of interest to visitors to the District. These features are at risk of physical damage or decay, unsympathetic additions or alterations, and impacts on original surroundings, identity and values which may diminish their heritage values. Subdivision and development in particular has potential to adversely affect archaeological sites, particularly in the coastal environment where pressure for development occurs in areas with high concentrations of recorded and unrecorded sites.

5.1.6 Effects of development on the coastal environment

83. The coastal environment has high recreational, amenity, landscape, intrinsic, cultural and ecological value and as such is a highly desirable place to live. It is also a valuable resource to the District's economy, attracting holiday makers from within and outside the region to experience the many safe swimming and surf beaches, and the world renowned recreational opportunities based around the coast and offshore islands. The protection of the natural character of the coast from inappropriate subdivision and development is a matter of national importance under s6a of the RMA.
84. Due to pressure for residential development it is important that the coastal environment is managed to ensure that its use and development does not exceed the capacity of the environment to absorb any adverse effects, and that the amenity, landscape, ecological, historic heritage and natural character values that make it special are not compromised. Parts of the coast displaying outstanding natural character have been identified in planning maps and adverse effects in these areas are required to be avoided. However, outside these areas where district plan provisions are more lenient, there is the potential for individually minor effects to compound and result in significant changes taking place over time. Complicating this issue is the fact that it is very difficult to identify the tipping point where adverse effects on natural character values become unacceptable.

5.1.7 Fragmentation of the rural environment

85. The fragmentation of rural land for residential purposes has several undesirable effects. Smaller parcels are not as flexible or adaptable to market changes, and do not benefit from economies of scale. When versatile soils are developed and taken out of production other areas need to be used to meet the demand for agricultural products. These areas may be further from markets, increasing transport costs, and require more inputs (such as fertiliser) to achieve the same amount of production. Introducing more residential/lifestyle development into a working rural environment also increases the potential for reverse sensitivity issues that may adversely affect the viability of existing rural production activities.

5.1.8 The efficient development and maintenance of infrastructure

86. Funds for infrastructure development are limited so not all areas can be serviced immediately. Funding for the extension of services must therefore be prioritised and scheduled in the LTP. The

provision of infrastructure, in the LTP should be integrated with land use planning in the WDP to ensure that the roll out or extension of services into new areas is co-ordinated with the rezoning of land.

87. It is important that sufficient capacity for development is provided to ensure a competitive housing market. This will ensure that house prices are not artificially inflated and unaffordable. Development capacity must be provided for in plans but also needs to be serviced by infrastructure to enable the most efficient use of land for residential development. Zoning land for development that is not serviced or planned to be serviced does not allow the land to be developed to its full capacity due to the requirement for space for on site services, in particular, wastewater disposal. New capacity therefore needs to be either serviced, or able to be serviced through funding set aside in the LTP.
88. It is much more efficient to service compact high density areas than scattered development due to economies of scale. It is therefore preferable that development is consolidated adjacent to existing serviced development rather than scattered at low density to allow an efficient and logical extension of services.

6. Proposed Strategic Direction Chapter

89. The proposed SD contains high level objectives and policies to guide strategic decisions that will manage growth in the District.
90. The SD is proposed to contain 23 objectives and 35 policies underpinned by existing WDP provisions and higher order planning documents. The relationship between the proposed objectives and Part 2 of the RMA, and the various strategic documents previously discussed.
91. The provisions in the SD should be read in addition to other objectives and policies of the plan. In some case there is overlap between SD and other chapters. It is expected that when plan changes are progressed (Tangata Whenua, Significant Ecological Areas, and Coastal Hazards) some provisions may be replaced or moved into other chapters.

7. Section 32 Analysis

7.1 Appropriateness in Terms of Purpose of RMA

92. Council must evaluate in accordance with s32 of the RMA, the extent to which each SD objective proposed in PC148 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, the following sections of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA, and other relevant higher order documents. The level of analysis undertaken in this report is considered appropriate to the scale of the proposal.
93. PC148 seeks to introduce SD objectives and policies that will guide decision making on all applications for discretionary or non-complying resource consents, as well as private plan change applications. As discussed in previously above there are several resource management issues that are addressed by

the SD. It is considered appropriate to introduce this chapter to fulfil the requirements set out in the draft Standards and to address current resource management issues at a high level.

94. PC148 proposes the following SD objectives, the reasons for which are detailed in Table 5:

TABLE 5: S32 ASSESSMENT OF PROPOSED SD OBJECTIVES		
Proposed SD Objectives	Reason/Issue	Origin
General Strategic Direction Objectives		
SD-O1 Provide for differing character and amenity values by having a range of Zones with differing expectations.	This objective addresses the issue of urban growth and development.	RA.1.2.1
SD-O2 Protect the range of amenity values and characteristics in the Rural and the Urban Areas.	This objective reflects the RA chapter with a slight modification to also apply to Urban Areas. It addresses the issue of urban growth and development and the location of incompatible land uses.	RA.1.2.8
SD-O3 Accommodate future growth through urban consolidation of Whangarei City, existing suburban nodes and rural villages, to avoid urban development sprawling into productive rural areas.	This objective seeks to consolidate new development around existing urban areas rather than sprawling into productive land, and avoid further fragmentation of the RPE and other productive rural areas.	WDP Ch 6
SD-O4 Identify and protect buildings, sites, features and areas which are valued by the community and contribute to the Districts unique identity and sense of place.	This new objective sets out the rationale for protecting valued resources by using District Wide resource area overlays	New
SD-O5 Avoid conflict between incompatible land use activities from new subdivision and development.	This objective seeks to avoid reverse sensitivity effects and in part relates to the fragmentation of the Rural Production Environment.	RA.1.2.5 WDP Ch 6
SD-O6 Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity.	This objective addresses the protection of natural heritage. It is expected that this objective will be reviewed moved into the Significant Natural Areas chapter as part of that plan change.	RA.1.2.3 WDP Ch 6
SD-O7 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 services.	This objective addresses the issue of the efficient and effective provision of infrastructure.	WDP Ch 6 RPS

SD-O8 Ensure that growth and development takes into account Maori cultural values.	This objective addresses the issues of importance to mana whenua.	WDP Ch 6 RPS
SD-O9 Maintain and enhance accessibility for communities and integrate land use and transport planning.	This objective addresses the importance of integrated land use and transport planning.	WDP Ch 6
SD-O10 Minimise the risks and impacts of natural hazard events on people, property and infrastructure.	This objective recognizes natural hazards.	WDP Ch 6 RPS
Urban Area Objectives		
SD-O11 Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.	This objective seeks to direct the release of new land zoned to meet demand.	NPS-UDC
SD-O12 Promote safe, compact, sustainable and good quality urban design that responds positively to the local context.	This new objective seeks to guide urban development in the District.	New
SD-O13 Manage and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the zone.	This new objective seeks to avoid the establishment of activities in zones where they are not anticipated and where they may be incompatible with existing activities.	New
Rural Area Objectives		
SD-O14 Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.	This objective relates to the management of growth and the fragmentation of rural land.	RA.1.2.2
SD-O15 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.	This objective sets out the rationale for the rural zones and reflects Rural Area objective 1.2.4.	RA.1.2.4
SD-O16 Avoid adverse effects on the viability of the productive functions of rural	This objective relates to the fragmentation of rural land and reflects operative Rural Area objective 1.2.6.	RA.1.2.6

land in the Rural Area resulting from ad hoc or scattered residential, rural residential and rural living subdivision and development.		
SD-O17 Consolidate rural living subdivision and development by zoning appropriate areas as RLZ.	This objective reflects the operative Rural Area objective 1.2.9 and relates to zoning of areas as RLZ to provide rural living opportunities and avoid the fragmentation of productive rural land.	RA.1.2.9
SD-O18 Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.	This objective reflects Rural Area objective 1.2.10 and relates to zoning areas as RUEZ to manage urban form and growth. The RUEZ also addresses the provision of infrastructure.	RA.1.2.10
SD-O19 Provide for managed growth of rural villages.	This objective reflects Rural Area objective 1.2.11 and relates to the management of urban growth and form.	RA.1.2.11
Open Space Objectives		
SD-O20 Provide sufficient quality open space for the social and cultural well-being of a growing population.	This objective seeks to provide appropriate open space in areas experiencing urban growth.	New
SD-O21 Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.	This new objective seeks to provide a range of open space land to suit different activities, and serve different functions.	New
Regional Significant Infrastructure Objectives		
SD-O22 Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.	This objective reflects the policies and methods for Regional Form and Infrastructure in the RPS.	New
SD-O23 Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.	This objective reflects the policies and methods for Regional Form and Infrastructure in the RPS.	New

95. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 6 demonstrates that the proposed SD objectives achieve the purpose of the RMA. Several sections in Part 2 of the RMA are not relevant to PC148. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that PC148 is inconsistent with s8.

TABLE 6: LINKAGE OF PROPOSED SD OBJECTIVES WITH PART 2 OF THE RMA

		Relevant RMA Part 2 Sections														
		5(2) (a)	5(2) (b)	5(2) (c)	6(c)	6(e)	6(f)	6(h)	7(a)	7(aa)	7(b)	7(c)	7(d)	7(f)	7(g)	7(i)
Proposed Strategic Direction Objectives	SD-O1	✓										✓				
	SD-O2	✓		✓								✓				
	SD-O3	✓	✓												✓	
	SD-O4	✓		✓		✓	✓		✓	✓				✓		
	SD-O5	✓										✓		✓		
	SD-O6	✓	✓	✓	✓								✓	✓		
	SD-O7	✓	✓	✓							✓					
	SD-O8	✓				✓			✓							
	SD-O9	✓		✓							✓					
	SD-O10	✓		✓				✓								✓
	SD-O11	✓									✓					
	SD-O12	✓												✓		
	SD-O13	✓									✓			✓		
	SD-O14	✓	✓								✓				✓	
	SD-O15	✓	✓													
	SD-O16	✓	✓	✓							✓				✓	
	SD-O17	✓	✓	✓												
	SD-O18	✓									✓					
	SD-O19	✓	✓	✓							✓					
	SD-O20	✓												✓		
	SD-O21	✓	✓		✓							✓	✓	✓		
	SD-O22	✓									✓					
	SD-O23	✓		✓							✓					

96. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management of natural and physical resources.

7.2 Appropriateness in Relation to Higher Order Documents

97. The provisions of higher order documents were considered in the formulation of the SD objectives and policies in PC148. Of particular relevance to PC148 are the NZCPS, the NPSUDC, the RPS, the LTP, 30/50, the UGS, and the CMS. Table 7 provides an overview of the proposed SD objectives and their consistency with relevant higher order documents.

		TABLE 7: LINKAGE OF PROPOSED SD OBJECTIVES WITH RELEVANT HIGHER ORDER DOCUMENTS						
		Higher order documents						
		NZCPS	NPSUDC	RPS	LTP	30/50	UGS	CMS
Proposed Strategic Direction Objectives	SD-01		✓			✓	✓	✓
	SD-02			✓			✓	✓
	SD-03	✓		✓		✓	✓	✓
	SD-04	✓		✓		✓	✓	✓
	SD-05			✓		✓	✓	
	SD-06	✓		✓		✓	✓	✓
	SD-07		✓	✓	✓	✓	✓	✓
	SD-08	✓		✓		✓	✓	✓
	SD-09		✓	✓	✓	✓	✓	✓
	SD-010			✓	✓	✓	✓	✓
	SD-011		✓			✓	✓	
	SD-012			✓		✓	✓	
	SD-013			✓		✓	✓	
	SD-014			✓		✓	✓	✓
	SD-015	✓				✓		✓
	SD-016			✓		✓	✓	✓
	SD-017	✓				✓	✓	✓
	SD-018					✓	✓	
	SD-019	✓	✓			✓		✓
	SD-020	✓		✓	✓	✓	✓	✓
	SD-021	✓				✓	✓	✓
	SD-022	✓		✓	✓	✓		✓
	SD-023			✓				

98. Having assessed the proposed objectives it is considered that they give effect to, and are consistent with higher order documents.

7.3 Appropriateness of Proposed Policies and Methods

99. A s32 assessment must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. Because the SD chapter contains objectives and policies but not rules, the assessment of rules is made in the respective reports for Parts #-#. The assessment of the appropriateness of the proposed SD policies is set out below.

7.3.1 Proposed policies

100. The proposed SD objectives seek to guide growth and development in the District in a way that provides adequately for growth while protecting valuable resources to the community. These objectives are achieved through the application of policies and methods in chapters for resource areas and zone chapters.
101. The policies proposed for inclusion (see **Proposed Plan Changes Text and Maps**) are considered to achieve the objectives by:
- Identifying and protecting the character and amenity values that apply to each proposed zone.
 - Providing enough appropriately zoned land to meet demand.
 - Requiring development to be well designed by following urban design principles.
 - Avoiding 'out of zone' development that may impact on existing uses.
 - Avoiding development in sensitive areas, and areas subject to environmental risks.
 - Protecting valued features, and productive rural areas through zoning and resource area overlays.
 - Guiding the efficient and effective delivery of infrastructure.
 - Integrating transport and land use planning.
 - Providing adequate areas of open space and connections within and between urban areas.
 - Recognising and providing for regionally significant infrastructure.
102. An alternative option to the proposed policies was to rely on the existing higher order policies in Part D of the WDP. However, the existing policies are not considered to be effective in clearly providing for different resource management issues and ensure consistency with the draft Standards. Therefore, the existing policies present additional costs and risk compared to the proposed policies.

103. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules in the zone chapters and district wide provisions. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 8 below demonstrates that the policies proposed for the SD implement the proposed SD objectives.

TABLE 8: LINKING OF PROPOSED SD PROVISIONS	
Proposed SD Objective	Proposed SD Policies
SD-O1 Provide for differing character and amenity values by having a range of Zones with differing expectations.	SD-P1 To manage effects on character and amenity values by providing for a range of Zones with differing expectations.
	SD-P19 To provide for specific activities or areas where special circumstances apply by identifying and zoning areas as special purpose zones.
	Zoning Policies SD-P20 – SD-35
SD-O2 Protect the range of amenity values and characteristics in the Rural Area and the Urban Area.	SD-P4 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.
	SD-P10 To protect character and amenity by managing built form and encouraging best practice urban design.
SD-O3 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-P6 To avoid inappropriate urban expansion by: <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-O4 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-P18 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.
SD-O5 Avoid conflict between incompatible land use activities from new subdivision and development.	SD-P2 To manage the establishment and location of new activities to avoid conflicts between incompatible land uses.
SD-O6 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-P18 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.
SD-O7 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-P5 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 To avoid inappropriate urban expansion by: <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-P12 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.
SD-O8 Ensure that growth and development takes into account Maori cultural values.	SD-P16 To manage adverse effects created by new network utilities and regionally significant infrastructure by: <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-P18 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.
SD-O9 Maintain and enhance accessibility for communities and integrate land use and transport planning.	SD-P6 To avoid inappropriate urban expansion by: <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-P9 To support alternative modes of transport by promoting higher residential densities around nodes of suburban development and public transport infrastructure.

	<p>SD-P13 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.</p> <p>SD-P7 To manage an effective and efficient transport system by:</p> <ol style="list-style-type: none"> 1. Integrating and co-ordinating transport and land use planning. 2. Improving access to alternative transport options. 3. Enhancing the walkability of neighbourhoods.
SD-O10 Minimise the risks and impacts of natural hazard events on people, property and infrastructure.	<p>SD-P3 To avoid increasing the risk of natural hazards on people and property by:</p> <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.
Urban Area Objectives	
SD-O11 Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.	<p>SD-P8 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-O12 Promote safe, compact, sustainable and good quality urban design that responds positively to the local context.	SD-P9 To support alternative modes of transport by promoting higher residential densities around nodes of suburban development and public transport infrastructure.
	SD-P10 To protect character and amenity by managing built form and encouraging best practice urban design.
SD-O13 Manage, and where appropriate avoid the establishment of activities that are incompatible with existing uses or unanticipated in the zone.	SD-P2 To manage the establishment and location of new activities to avoid conflicts between incompatible land uses.
	SD-P4 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.
Rural Area Objectives	
SD-O14 Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.	SD-P11 To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.
SD-O15 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	SD-P12 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.

and mineral extraction activities in appropriate areas.	
SD-O16 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-P6 To avoid inappropriate urban expansion by: <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-P11 To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.
SD-O17 Consolidate rural living subdivision and development by zoning appropriate areas as RLZ.	SD-P12 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.
	SD-P36 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: <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-O18 Provide for areas of rural residential development on the fringe of Whangarei City while ensuring that these areas can accommodate future urban growth.	SD-P12 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.

	<p>SD-P39 To identify areas as Rural Urban Expansion Zone that:</p> <ol style="list-style-type: none"> 1. Are contiguous with Rural 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.
SD-O19 Provide for managed growth of rural villages.	<p>SD-P6 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. <p>SD-P38 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.
Open Space Objectives	
SD-O20 Provide sufficient quality open space for the social and cultural well-being of a growing population.	SD-P13 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-O21 Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.	SD-P13 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 To identify and manage the range of open space zones to provide for active sport and recreation, conservation and open space.
Regional Significant Infrastructure Objectives	
SD-O22 Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.	SD-P15 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-O23 Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.	SD-P16 To manage adverse effects created by new network utilities and regionally significant infrastructure by: <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 Manage adverse effects from the operation, maintenance and upgrading of existing network utilities and regionally significant infrastructure by: <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.

8. Conclusion

104. PC148, proposed SD has been developed to give effect to the requirements of the draft Standards. The SD objectives and policies seek to guide the future growth and development in the district to ensure that it occurs in a sustainable and efficient manner.
105. Pursuant to s32 of the RMA, the proposed SD objectives have been assessed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
106. The proposed SD policies are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues important to the District.

Part B – PC148 Subdivision

9. Introduction

107. PC148 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC148 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)

- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

9.1 The Proposed Plan Change

108. PC148 seeks to review Chapter 8 Subdivision and Development (**chapter 8**) of the WDP, updating the chapter to establish a district wide “Subdivision” chapter (SUB), to apply new definitions and reflect proposed higher order policy of the proposed SD Chapter (refer to **Proposed Plan Changes Text and Maps** volume).
109. Although zone specific subdivision rules are included within the proposed SUB the supporting s32 evaluation is located within each of the relevant zone section report parts. Subdivision rules relating to a Resource Area or District Wide matter e.g. subdivision in the CA will remain located within the relevant chapter and are not subject to this s32 evaluation.

10. Background

10.1 Existing Subdivision Provisions

110. The WDP has two different chapter structures for subdivision provisions as a result of the WDP rolling review – old format and new format. The old format contains, objectives and policies in district wide chapters those relevant to subdivision primarily within chapter 8 Subdivision and Development and within Part H there is a subdivision chapter for each Environment (zone). As part of the WDP rolling review Environment chapters were created to merge subdivision and land use provisions under one Environment chapter. This means that any Environment already reviewed under the rolling review (e.g. recently operative Rural Environments), have a single chapter containing both land use and subdivision provisions.
111. Each subdivision chapter remaining within Part H generally contains rules under headings:

Allotment area	Allotment shape	Building area
Existing buildings	Sites of Significance to Maori	Property Access
Stormwater	Sewerage	Other Significant Features
Provision for Extension of Services	Road and Cycleway Layout and Formation	Street lighting
Water Supply	Electricity	Earthworks
Telecommunications	Mineral Extraction Activities.	

11. Statutory Considerations

112. The WDP sits within a layered policy framework, which incorporates the RMA, National Policy Statements, National Environmental Standards, Iwi Management Plans, the Regional Policy Statement, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans have been considered in this s32 report in accordance with the RMA. The relevant policy documents were taken into consideration when preparing the SUB are discussed below.

11.1 The Resource Management Act 1991

113. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:

'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety'

114. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires district plans, and changes to district plans whether private or Council initiated to meet the purpose and principles of the RMA. Consideration has been given to the extent to which the Plan Change achieve the purpose and principles of Part 2 of the RMA.

115. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must "accord with" and "have regard to" are set out in this section.

Section 75 - Higher order plans that the plan changes must "give effect to" are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

116. S79 of the RMA sets Councils the requirement to review district plans. Councils must complete a review of all district plan provisions within any 10 year time period. The WDP became operative on 3 May 2007, after eight years of formulation. The data that the WDP was based upon is therefore over ten years old. Monitoring of the WDP has identified areas of inconsistency and ineffectiveness.
117. S79 of the RMA provides the opportunity for Councils to undertake rolling reviews of district plan provisions. Using this opportunity to improve the integrity of the WDP, a rolling review process has been implemented.

11.2 National Policy

National Policy Statements

118. S55 of the RMA requires local authorities to recognise NPS and s75 requires local authorities to give effect to them in their plans. There are currently five National Policy Statements:

- National Policy Statement on Urban Development Capacity
- New Zealand Coastal Policy Statement
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission

119. NPS:UDC directs local authorities to provide sufficient development capacity for housing and business growth to meet demand. Therefore, the implications of the NPS:UDC are central to Council's district plan making function.

120. Development capacity refers to the amount of development allowed by zoning and regulations in plans that is supported by infrastructure. Sufficient development capacity is necessary for urban land and development markets to function efficiently in order to meet community needs. The requirements of the NPS:UDC vary depending on whether a Council is defined as High Growth, Medium Growth or Low Growth. The Whangarei District is defined as High Growth by the NPS:UDC. The subdivision provisions proposed for each urban zone contribute to the provision of sufficient development capacity.

121. NZCPS, is focused upon the protection of the coastal environment. The WDP has a recently operative district wide Coastal Area chapter containing all provisions relevant to the coastal environment. The proposed Subdivision chapter will not alter the requirement to comply with the district wide Coastal Area chapter.

122. The NPSs for Freshwater Management, Renewable Electricity Generation and Electricity Transmission do not specifically relate to the proposed SUB.

National Environmental Standards

123. National Environmental Standards are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Local and regional councils must enforce these standards (or if the standards allow, councils can enforce stricter standards). In this way, National Environmental Standards ensure consistent minimum standards are maintained throughout all of New Zealand's regions and districts. The following standards are in force as regulations:

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities

- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry

124. The proposed SUB has taken into account these standards to ensure consistency.

National Planning Standards

125. National Planning Standards (the **Standards**) are scheduled to be gazetted in April 2019. The purpose of the Standards is to improve consistency in plan and policy statement structure, format and content. The Standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA).
126. Draft Standards set requirements for different elements of plans including, structure and form, e-plan functionality, definitions, zones, mapping symbology and noise and vibration metric standards. The Plan Change proposes SUB to specifically take into account the Standards and are considered to be consistent with the draft version of the Standards.

11.3 Iwi and Hapu Management Plans

127. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, there are five such documents, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan.
128. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
129. Many of the of the issues identified relate to natural and physical resources. These are primarily addressed within overlay and zone provisions. Subdivision is a method to address issues detailed in the operative rural zones and the proposed urban zones.
130. Te Iwi o Ngatiwai Iwi Environmental Policy Document contains references to subdivision particularly in relation to protection of indigenous trees and water bodies. The future Biodiversity plan change will comprehensively review the provisions relating to indigenous biodiversity. Proposed zones have vegetation clearance provisions affording another layer of protection.
131. Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan identifies that strict control of subdivision, development and land use is necessary to ensure that development does not threaten pa, kainga and wāhi tapu.

132. Ngati Hine Iwi Environmental Management Plan and the Ngati Hau Hapu Environmental Management Plan does not contain specific reference to subdivision.

133. Patuharakeke Te Iwi Trust Board Environmental Plan, identifies a particular issue with respect to subdivision and development:

5.6.1 Issues

Subdivision and development can have significant effects on tangata whenua values, including sense of place, cultural identity, indigenous biodiversity, mahinga kai, and waahi tapu.

5.6.2 Objectives

- a) Coastal cultural landscapes and seascapes are protected from inappropriate use and development.
- b) Patuharakeke has a prominent and influential role in urban planning and development in our rohe.
- c) When subdivision and development activities occur, they are based on low impact, innovative and sustainable design.

5.6.3 Policies

- a) Councils and agencies will ensure that the cumulative impacts of subdivision and development on the natural and cultural landscape values of our ancestral whenua and coastal areas are recognised and avoided, including:
 - i. Effects of incremental development; and
 - ii. Ensuring that existing modification of the landscape is not used to justify further change where it is inappropriate to allow further coastal
- b) Councils and agencies will not allow private ownership (or what is effectively private ownership) of the foreshore as a result of coastal subdivision activities.
- c) Local authorities are required to recognise and provide for tangata whenua values in coastal land development activities, such as:
 - i. The protection of coastal headlands and skylines;
 - ii. The protection of coastal indigenous biodiversity, including remnant forest and endemic species;
 - iii. The protection of waahi tapu and sites of significance;
 - iv. The protection of view shafts to significant natural features and landmarks;
 - v. Access to coastal areas for customary use;
 - vi. Patuharakeke aspirations for coastal areas, such as the establishment of mataitai reserves;
 - vii. The potential for sedimentation and contamination of fresh and coastal waters; and
 - viii. The increased stress on existing water resources and community infrastructure.
- d) Local authorities and agencies must take a precautionary approach towards applications where potential effects on the coastal environment are uncertain, unknown or poorly understood.

5.6.4 Methods

- a) Councils will work with PTB to implement a consistent approach to the identification and analysis of Patuharakeke interests in subdivision and development activities including:
 - i. Encouraging developers to engage with PTB from the outset of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports (CIA's);
 - ii. Requiring engagement with PTB at the Plan Change stage.
 - iii. Requiring that resource consent applications assess actual and potential cultural, social, environmental and economic effects of the proposal on Patuharakeke; and
 - iv. Ensuring that effects on our cultural values are avoided, remedied or mitigated using culturally appropriate methods as recommended by PTB.
- b) PTB will develop a set of basic principles and design guidelines, along with assessment criteria for subdivision and development.

134. The newly operative Rural plan changes have recently addressed the role of subdivision provisions with regard to environmental effects. The consolidation of development to existing urban areas requires enabled subdivision. The overlay and zone chapters will address matters such as protection of significant natural features, landscapes and the coastal environments.

11.4 Regional policy

Regional Policy Statement for Northland 2016 (RPS)

135. The policies and methods contained in the RPS contain guidance for territorial authorities for plan making. Section 1.6 provides a statement of responsibilities between regional and district councils. The operative RPS has a more economic focus than the previous RPS and also provides more guidance as to what should be included in district plans to manage land use and development.
136. The sections below assess the plan change against relevant provisions of the RPS.
137. Recently operative plan changes such as Plan Change 124 (Built Heritage), Plan Change 87 (Coastal Area) and Plan Change 114 (Landscapes) have already addressed several provisions of the NRPS. Proposed Plan Changes such as Plan Change 109 (Transport) and Plan Change 136 (Three Waters) will address other remaining matters covered by the RPS. Specific matters in the RPS are addressed below

Regional Form and Infrastructure (Part 5)

138. Part 5 of the RPS focuses on regional form, effective and efficient infrastructure, regionally significant infrastructure and renewable energy.

TABLE 9: EVALUATION OF PART 5 OF THE RPS		
RPS Policy	RPS Method	Relevance
5.1.1 Planned and coordinated development which, (a) is guided by the Regional Form and Development Guidelines (RFDG)...; (b) is guided by the Regional Urban Design Guidelines (RUDG)...; (c) recognises and addresses potential adverse cumulative effects...; (d) is integrated with the development, funding, implementation and operation of transport, energy, water, wastewater...; (e) should not result in incompatible land uses...; (f) do not materially reduce the potential for soils-based primary production on land with highly versatile soils...; (g) maintains or enhances the sense of place and character...; (h) is or will be serviced by necessary infrastructure.	5.1.5 Give effect to Policy 5.1 when developing objectives, policies and methods for plan changes. Require consultation with relevant infrastructure providers and owners of regionally significant infrastructure/minerals	<ul style="list-style-type: none"> The urban and services plan changes collectively give effect to the RFDG and RUDG.
5.1.3 Avoid the adverse effects, including reverse sensitivity effects, of new subdivision, use and development, on (b) commercial and industrial activities..., (c) ...regionally significant		<ul style="list-style-type: none"> SUB alongside the Urban Plan Changes propose controls on residential development to limit reverse sensitivity and trigger consent requirements.

infrastructure..., (d) regionally significant mineral resources		
5.2.1 Encourage development and activities to efficiently use resources	5.2.4 Ensure in plan change that weight is given to (a) the extent to which infrastructure can be operated, maintained and upgraded efficiently with minimal adverse effects	<ul style="list-style-type: none"> SUB alongside the Services plan changes promote appropriate management of infrastructure.
5.2.2 Encourage the development of infrastructure that is flexible, resilient and adaptable		
5.2.3 Promote the provision of infrastructure as a mean to shape economic growth and development		

Efficient and Effective Planning (Part 6)

139. Part 6 of the NRPS focuses on providing efficient and effective statutory and non-statutory plans and strategies.

TABLE 10: EVALUATION OF PART 6 OF THE NRPS		
NRPS Policy	NRPS Method	Relevance
6.1.1 District plans shall (a) only contain efficient and effective regulation (b) be consistent (c) be simple (d) support good management practices (e) minimise compliance costs (f) enable activities that comply with the NRPS (g) focus on effects and suitable performance standards	6.1.4 When reviewing plans district councils shall (a) give effect to Policy 6.1.1 (b) streamline regulation	<ul style="list-style-type: none"> SUB seeks to replace the operative subdivision provisions and provide a much clearer policy direction, improving DP clarity. SUB will implement the Standards format to consolidate subdivision provisions in a district wide Subdivision chapter. This removes duplicated provisions and streamlines the provisions.

Tangata Whenua (Part 8)

140. Part 7 of the RPS focuses on participation in decision-making, plans, consents and monitoring, iwi and hapu management plans and Maori land and returned Treaty settlement assets.

TABLE 11: EVALUATION OF PART 8 OF THE RPS		
RPS Policy	RPS Method	Relevance
8.1.1 Tangata whenua participation	8.1.5 Engage with iwi authorities at the earliest possible stage.	<ul style="list-style-type: none"> Draft plan change has been circulated to iwi and hapu for initial feedback and comment as part of pre-consultation. The draft plan changes have been presented to Council/iwi and hapu working groups Te Karearea and Te Huinga.
8.1.2 The regional and district council statutory responsibilities		
8.1.3 Use of Mātauranga Māori		
8.1.4 Māori concepts, values and practices		

Regional Plans

141. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. Having reviewed each document and taking into account all of the provisions it is considered that the proposed SUB objectives for the PC148 are consistent with the Regional Plans.

142. The Proposed Regional Plan (**PRP**) combines the operative Regional Plans into one combined plan. It is considered that the proposed SUB objectives are consistent with the PRP.

11.5 District policy

Operative Whangarei District Plan 2007 (WDP)

143. The preparation of the first Whangarei District Plan under the RMA commenced in 1993. Council initially commenced preparation of the new Plan in territorial sections, with an Urban section for the Whangarei City area, Rural and Coastal sections for the County area, and a Hikurangi section – reflecting the structure of the transitional City and County plans. A District Plan Review Committee was established to be responsible for the preparation of the Plan. In 1995 the initial approach was revised and one Plan covering the whole district was commenced. The Review Committee held a series of workshops and formal meetings over the next six years to formulate the Proposed District Plan (**PDP**). Various sections and revisions of the plan were adopted as it advanced through the subsequent stages of Plan development. Various reports were commissioned to address significant issues identified for the PDP.
144. The draft PDP was released for public comment on 12 December 1997. The draft PDP was then revised by the District Plan Review Committee, based upon decisions made on public comments received and additional policy development work by staff. The PDP was approved by Council for notification on 13 September 1998. The PDP became Operative as the WDP on 3 May 2007 following the submission, hearing, and appeal processes.
145. On 1 October 2009 the Resource Management Amendment Act introduced changes to s79 of the RMA, which prescribes the review requirements for district plans. Council must now ensure that each provision of a district plan has been reviewed within any 10 year time period. In response to this requirement the Council adopted a 'rolling review' approach. To implement this decision Council undertook Plan Change 106, which amended the introduction to the WDP to set out an explanation of the rolling review process, future district plan structure, and set expectations of future Council and private plan change applications.
146. In August 2012 Council completed the 5 year efficiency and effectiveness review of the WDP which has been used to inform the consideration of alternatives in the SUB s32 evaluation.
147. A number of plan changes have been proposed as a part of the rolling review of the WDP. Those plan changes progressing at present include:
- Change 129: Notable and Public Trees – hearing closed 18 January 2019.
- Change 134: Designations – hearing completed on 25 February 2019
148. PC148 proposed SUB has been drafted to be consistent and compatible with these plan changes. However, any amendments to the plan changes above resulting from submissions, decisions or appeals may need to be considered. Consequential changes may be required to ensure the interface between SUB and the plan changes above remain appropriate.

149. The draft Standards also have an impact on the integration of SUB with the WDP. The Standards provide a structure for district plans as well as chapter layouts, zone names, mapping conventions, etc. SUB has been drafted to be consistent with the Standards.

Whangarei District Growth Strategy – Sustainable Futures 30/50 (30/50)

150. The Whangarei District experienced significant growth over the period 2001 to 2008. Future growth for the district is projected to continue and in some parts of the district, particularly in the Marsden Point/Ruakaka area, has the potential to be substantial. This growth presents both challenges and opportunities to the district and its communities, individuals and families, businesses and governing bodies.
151. To manage the projected growth sustainably, Council formulated 30/50 as a long term Sub-regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the district over a 30-50 year time frame.
152. The environmental, social and cultural constraints on, and the consequences of, the anticipated development has been identified and assessed. This research and analysis enables a long term, integrated, strategic planning programme to be developed, based upon sustainability principles, which will assist the sustainable development of the district over the next 50 years.
153. 30/50 was adopted by Council 22 September 2010. Following the completion of 30/50, there will be an extensive implementation phase together with an on-going review of the Strategy itself. 30/50 identified a preferred future development path (Future Three) around which further analysis can be undertaken. Future Three represents a managed, consolidated development path based upon a structured five tier settlement pattern. This hierarchical arrangement is as follows:
- Whangarei City as the primary district and regional urban centre with a strong, protected and enduring CBD;
 - A satellite town at Marsden Point/Ruakaka which complements (but does not compete with) Whangarei City;
 - Five urban villages within greater Whangarei;
 - One rural (Hikurangi) and two coastal growth nodes at Parua Bay and Waipu; and
 - Two rural villages along with eight coastal villages located along the coastline from Waipu Cove in the south to Oakura in the north.
154. The 30/50 Implementation Plan 2013 specifies actions to be implemented within the WDP to achieve the strategic direction of 30/50. These actions are given priority timing. A tracking review of 30/50 was received by Council in April 2016. The review concluded that the majority of the District is tracking along the projections proposed in 2010.

155. SUB will support the provision of growth and development in and around Whangarei City and Marsden Point/Ruakaka, where capacity is needed and infrastructure is available, consistent with the consolidation pattern of 30/50.

Whangarei District Council Long Term Plan 2018 – 2028 (LTP)

156. The Local Government Act 2002 (**LGA**) requires every council to produce a Long Term Plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The LTP was adopted by Council in June 2018 and covers the period 1 July 2018 to 30 June 2028.
157. Key to Council activities is the provision of infrastructure. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans (**AMPs**) have been developed with regard to 30/50.
158. PC148 provides for subdivision while achieving a consolidation of growth and development consistent with the direction of 30/50. Alongside the Urban Plan Changes, PC148 has been structured to remain within the ability of infrastructure to provide appropriate services in accordance with the current LTP and AMPs.
159. It is considered that PC148 is consistent with, and support the outcomes identified in the LTP.

12. Consultation

160. Prior to the notification of PC148, consultation regarding the development of Whangarei's draft Urban and Services Plan Changes has been undertaken. This consultation has informed the resource management issues and the plan change options to address these issues.
161. The draft Plan Changes were advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June through August 2018. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives.
162. A consultation website was also developed for the draft Urban and Services Plan Changes which included an interactive map with draft mapping and an online survey with targeted questions. Throughout the consultation phase, additional questions were posted on Council's Facebook page to promote further discussion and engagement.
163. There were 673 comments/forms received in total between survey responses, formal feedback and Facebook comments.
164. The draft Urban and Services Plan Changes were presented and work-shopped with Te Karearea and Te Huinga, Council's iwi and hapu leaders partnerships.
165. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting.

13. Section 32 Analysis

166. Council must evaluate in accordance with s32 of the RMA, the extent to which each objective is the most appropriate way to achieve the purpose of the RMA. A s32 assessment must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

13.1 Chapter Structure and Title

167. The Standards specify that if the following matters are addressed in the Plan, these must be included in 'Subdivision' chapter:

- a. *Any technical subdivision requirements of Part 10 of the RMA.*
- b. *Objectives, policies and methods, including rules (if any) to manage subdivision.*
- c. *Reference to other documents used for the management of subdivision such as codes of practice.*

168. Chapter 70 of the WDP provides an introduction to subdivision provisions. It includes description of provisions under the RMA, matters of control and direction for limited access roads. The Standards specify that the plan must have an introduction and general provisions section including a 'how to use the plan' section. The matters in Chapter 70 will be addressed in these sections.

13.2 Objectives

169. The table below summarises the changes to the WDP Chapter 8 Subdivision and Development objectives as proposed in SUB by PC148:

Table 12: CHANGES TO WDP CHAPTER 8 OBJECTIVES		
Chapter 8 Objectives	SUB Objectives	Reason for Change
8.3.1 Subdivision and development that achieves sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment.	SUB-O1– Zone, Overlay and District Wide Objectives Land is subdivided to achieve the objectives of each zone, relevant overlays and district wide provisions.	Replace. Objective 8.3.1 is repeating the purpose of the RMA rather than providing appropriate direction for subdivision in the district.
8.3.2 Subdivision and development that does not detract from the character of the locality and avoids conflicts between incompatible land use activities.		Delete. Proposed Strategic Direction chapter contains reverse sensitivity objectives.
8.36.4 Subdivision and development that provides for the protection of, and where appropriate enhances, the District's: Versatile soils.	SUB-O2 Natural Features Subdivision provides for the protection and enhancement of the District's: <ul style="list-style-type: none"> Highly versatile soils 	Alteration to introduction to objective to refer to present tense. Ensures consistency of drafting with other Urban and Services plan changes and with recently operative plan changes.

Mineral resources. Water quality. Natural features. Landscapes (including coastal landscapes) Open Spaces Significant ecological areas Biodiversity Public access to coast, lakes and rivers Historic, cultural and amenity values, including cultural values of tangata whenua.	<ul style="list-style-type: none"> • Outstanding Natural Features • Outstanding Natural Landscapes • Coastal Area • High Natural Character • Outstanding Natural Character • Significant Natural Areas • Sites of Significance to Maori • Historic Heritage 	
8.3.5 Subdivision and development that allows for the efficient and orderly provision of services and infrastructure, including the roading hierarchy and airport.	SUB-O3 – Infrastructure Subdivision and development that allows for the efficient and orderly provision of services and infrastructure.	Alteration to introduction to objective to refer to present tense. Ensures consistency of drafting with other Urban and Services plan changes.
8.3.6 The avoidance of subdivision and development in areas where the existing and potential adverse effects, in particular of, noise and natural hazards, cannot be avoided, remedied or mitigated.		Delete. Each Resource Area includes specific objectives and policies relating to avoidance of natural hazards. Each District Wide chapter (operative and proposed includes as necessary objectives and policies relating to potential adverse effects (e.g. Noise).
8.3.7 Subdivision and development that provides for comprehensive development of land with a range of allotment sizes and is appropriate to the character of the Environment in which it is located.	SUB-O1– Zone, Overlay and District Wide Objectives Land is subdivided to achieve the objectives of each zone, relevant overlays and district wide provisions.	Alteration to introduction to objective to refer to present tense. Ensures consistency of drafting with other Urban and Services plan changes.
8.3.8 To ensure that design of subdivision and development minimises potential risk to people and property from fire hazards.		Delete. Fire hazard is addressed under the building act. Provision of water services is addressed in the proposed Three Waters Chapter of the Urban and Services plan changes.
8.3.10 Subdivision and development that avoids, remedies or mitigates adverse effects on tangata whenua values.	SUB-O6 Subdivision avoids, remedies or mitigates adverse effects on tangata whenua values.	Delete. Alteration to introduction to objective to refer to present tense. Ensures consistency of drafting with other Urban and Services plan changes.

170. To confirm the appropriateness of the proposed SUB objectives, the following further assesses whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA, other higher order objectives proposed in the SD and other higher order documents. The level of analysis undertaken in this report is appropriate to the scale of the proposal.

171. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 13 demonstrates that the proposed SUB objectives achieve the purpose of the RMA. Several sections within Part 2 of the RMA

are not relevant to SUB. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that SUB is inconsistent with s8.

TABLE 13: LINKAGE OF PROPOSED SUB OBJECTIVES WITH PART 2 OF THE RMA

		Proposed SUB Objectives					
		SUB-O1	SUB-O2	SUB-O3	SUB-O4	SUB-O5	SUB-O6
RMA Part 2 Secti ons	5(2)(a)	√	√	√	√	√	√
	5(2)(b)	√	√	√	√	√	√
	5(2)(c)	√	√	√	√	√	√
	6(a)		√				√
	6(b)		√				
	6(c)		√				
	6(e)		√				
	7(b)	√	√		√		√
	7(c)	√					
	7(f)	√	√	√			

172. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management.

173. The provisions of higher order documents were considered in the formulation of the objectives and policies in SUB. Of particular relevance to PC148 are the RPS, the LTP, 30/50 and the UDS. Table 14 provides an overview of the proposed SUB objectives' consistency with the more relevant higher order documents.

TABLE 14: LINKAGE OF PROPOSED SUB OBJECTIVES WITH HIGHER ORDER DOCUMENTS

		SUB Objectives				
		SUB-O1	SUB-O2	SUB-O3	SUB-O4	SUB-O5
Higher Order Documents	RPS	√	√	√	√	√
	LTP			√		√
	30/50	√	√	√	√	√
	UGS	√	√	√	√	√
	UDS	√	√	√	√	√

13.3 Policies and Methods

174. The following reviews the chapter 8 policy and provides reasons for any proposed SUB changes or new policy. Table 15 summarises the proposed changes:

Table 15: SUMMARY OF CHANGES TO WDP CHAPTER 8 POLICY	
Chapter 8 Policy	Reason for Change and SUB policy
8.4.1 Incompatible Land Use Activities To design and locate subdivision and development so as to avoid, as far as practicable, conflicts between incompatible land use activities.	Delete Proposed Strategic Direction chapter contains reverse sensitivity policy.
8.4.3 Density of Development To ensure that subdivision and development results in a pattern and density of land use which reflects flexibility in allotment size, and is of a density appropriate to the locality.	Each zone contains policy with respect to density and patterns of development. SUB – P 1 – Zone, Overlay and District Wide Policies
8.4.4 Cumulative Effects To ensure that the cumulative effects of on-going subdivision and development do not compromise the objectives and policies of this Plan, in particular those objectives and policies relating to reducing conflicts between incompatible land use activities, the consolidated and orderly development of land and the density of development.	Each zone contains policy (as necessary) with respect to cumulative effects development.
8.4.5 Reverse Sensitivity To ensure that subdivision and development in, or adjacent to: <ul style="list-style-type: none"> • rural areas; • existing commercial, industrial and mineral extraction activities; • land zoned for commercial, industrial, or mineral extraction activities; • existing infrastructure, including the state highway network and airport. is designed and located to avoid, remedy or mitigate reverse sensitivity effects on existing or permitted activities. Such effects can include noise, odour, spray drift and dust, vibration and traffic.	Delete. Each zone contains policy (as necessary) with respect to reverse sensitivity.
8.4.6 Buildings and Activities To ensure that allotments are capable of accommodating complying buildings and activities.	Delete. Each zone contains policy with respect to allotment size, function and building area.
8.4.7 Design and Location To ensure subdivision and development is designed and located so as to avoid, remedy or mitigate adverse effects on, and where appropriate, enhance: <ul style="list-style-type: none"> • Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins; • Landscape values; • Ecological values; • Amenity values and sense of place; • Archaeological, cultural (including tangata whenua) and heritage features; • Sites of Significance to Maori; • Heritage areas of significance to Maori; • The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; • Infrastructure, particularly roads and the Airport; • Water and soil quality; • Versatile soils; • Mineral resources; • Business growth and development opportunities within defined Business Environments; • Cross boundary coordination; • Human health and safety. 	Policy wording refined to reflect mapped resource areas and section 6 matters. SUB – P 1 – Zone, Overlay and District Wide Policies.

<p>8.4.8 Riparian Management To ensure that adverse effects of subdivision and development on riparian areas and adjacent water bodies and freshwater fish habitats are avoided, remedied or mitigated by appropriate riparian management and protection, which may include co-management with tangata whenua and the provision of esplanade reserves or strips where necessary.</p>	<p>Delete Duplication of policy in WDP chapter Riparian and Coastal Margins.</p>
<p>8.4.9 Protection of Features To secure permanent protection and/or enhancement of:</p> <ul style="list-style-type: none"> • Stands of indigenous vegetation or indigenous fauna habitat, including indigenous wetlands; • Areas of appropriately designed indigenous re-vegetation or enhancement. 	<p>Delete.</p> <ul style="list-style-type: none"> • Environmental Benefit Subdivision is provided for in the RPZ chapter. • Incentivizing the protection of indigenous vegetation will be provided by future plan change 127 Biodiversity/Significant Natural Areas. • Each zone (as necessary) contains indigenous vegetation clearance provisions.
<p>8.4.10 Indigenous Vegetation To ensure that adverse effects of subdivision and development on indigenous vegetation and habitats of indigenous fauna that contribute to the natural character of the rural and coastal environment, the values of Outstanding Natural Features, Outstanding and Notable Landscape Areas and Significant Ecological Areas are avoided, remedied or mitigated.</p>	
<p>8.4.11 Traffic and Aircraft Noise To ensure that control, design and location of subdivision and development are designed and located so as to avoid, remedy or mitigate the impact of traffic noise from existing state highways or arterial roads and the impact of aircraft noise on the health and amenity of present and future residents.</p>	<p>Delete NAV chapter contains policy with respect to management of noise and noise exposure.</p>
<p>8.4.12 Services and Infrastructure To ensure that all subdivision and development is capable of being provided, by the subdivider or developer, with adequate services and infrastructure having regard to Whangarei District Council's Environmental Engineering Standards 2010 (except where the subdivision or development is for specific protection purposes), including:</p> <ul style="list-style-type: none"> • Vehicle access, including emergency service vehicle access; • Water supply, (including for fire fighting purposes), storm water and sewage disposal; • Energy and telecommunication connections; • Useable open space in urban areas; • During the design and construction of the subdivision, measures to reduce storm water run off. 	<p>Refine policy. Proposed Transport and Three Waters Chapters include district wide policy with respect to infrastructure provision.</p> <p>SUB-05 Infrastructure.</p>
<p>8.4.13 Natural Hazards To avoid subdivision and development in areas where natural hazards, including erosion, falling debris, subsidence, slippage, inundation, flooding and sea level rise may occur, unless adverse effects on health, safety and property can be avoided, as far as practicable, or otherwise, remedied or mitigated.</p>	<p>Delete. Natural Hazards Chapter contains relevant policy.</p>
<p>8.4.14 Fire Safety To ensure that subdivision and development provides for fire safety matters (including appropriate design to ensure access for emergency service vehicles and an appropriate water supply for fire fighting purposes), in order to ensure the safety and well-being of the community.</p>	<p>Delete. Duplication of proposed Three Waters Chapter.</p>
<p>8.4.15 Environment Boundary Interface To carefully manage the interface between rural areas and adjacent residential or rural-residential areas and between rural land and the land managed for conservation purposes.</p>	<p>Delete. Proposed Strategic Direction chapter contains cross zoning policy.</p>
<p>8.4.19 Natural and Heritage Resources To identify and protect resources and areas of high amenity value, environmental quality and heritage value that contribute to a diverse sense of place (including notable view shafts, notable trees, heritage buildings, areas of wilderness and sites and resources).</p>	<p>Delete. Each overlay or zone contains policy with regard to protection of amenity and or features.</p>
<p>8.4.20 Development Practice To ensure that best environmental practice is followed, including the selection of location, when undertaking:</p> <ul style="list-style-type: none"> • Earthworks; • Land clearance; • Subdivision; or • Site development. 	<p>Delete. Each zone (as necessary) contains policy with respect to best environmental practice.</p>

8.4.21 Design and Location To ensure that subdivision and development does not detract from, or compromise, identified landscape features (including the natural character of the feature(s) when viewed from the sea), or significant ecological features identified in the Plan or through assessment against Appendix 3 of the Regional Policy Statement.	Delete. Duplication of recently operative Coastal Area and Landscapes Resource Areas. .
8.4.24 Environmental Engineering Standards To ensure that all infrastructure, servicing and engineering design has regard to Whangarei District Council's Environmental Engineering Standards 2010.	Delete. Transport and Three Waters Plan Changes provide policy.
8.4.25 Joint Processes To encourage greater co-operation, consistency and co-ordination with Northland Regional Council in the processing of inter-related resource consent applications.	Delete. Address in introduction to plan.

175. The proposed policies are considered the most efficient and effective for achieving the SUB objectives and provide a coherent link to the methods and rules in the proceeding sections of the SUB chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review.
176. Table 16 below demonstrates that the policies proposed for the SUB implement the proposed SUB objectives, and that the methods implement the proposed SUB policies:

TABLE 16: LINKING OF PROPOSED SUB PROVISIONS		
Proposed SUB Objective	Proposed SUB Policies	Proposed SUB Methods
SUB-O1 Zone, Overlay and District Wide Objectives	SUB-P1	SUB-R2 – R13 + matters of discretion and control
SUB-O2 Natural Features	SUB-P1	SUB-R2 + matters of discretion and control
SUB-O3 Community Needs	SUB-P1	SUB-R2 – R13 + matters of discretion and control
SUB-O4 Infrastructure	SUB-P5	Matters of discretion and control + Three Waters and Transport Chapters
SUB-O5 Minimise adverse effects	SUB-P2, SUB-P3, SUB-P4	SUB-R1 – SUB-R13
SUB-O6 Cultural Values	SUB-P1	SUB-R2 + matters of discretion and control

13.4 Proposed SUB Provisions

177. The proposed provisions in the SUB are assessed below. Proposed rules SUB-R3- R13 are zone specific allotment provisions which are evaluated in each zone section 32 report.
178. The proposed provisions are grouped by topic and effects. The evaluation of the provisions includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed provisions and the risks of acting and not acting.

Boundary Adjustment Rule (Consequential Amendments to RPZ)

179. Proposed amendments provide for subdivision where a boundary is being adjusted as a controlled activity in all proposed zones. There are circumstances where it is necessary to adjust a boundary to accommodate access, follow a logical fence line or accommodate an extension to a building.
180. The WDP does not have existing rules for boundary adjustments (although there is a rule in the recently operative Rural Production Zone for Boundary Relocation, discussion later in the report).
181. Alternatives considered were:

Option 1: Status Quo, no provision for boundary adjustments.

Option 2: Controlled Activity boundary adjustment, does not differ more than 10% of the net site area, existing buildings comply with permitted land use rules and minimum allotment size is met. (Plan change option).

182. Evaluation of these alternative options have been summarised in Table 17:

TABLE 17: SECTION 32 ASSESSMENT OF BOUNDARY ADJUSTMENT OPTIONS		
	Costs	Benefits
Option 1: Status Quo No boundary adjustment rule.	<u>Environmental</u> None known. <u>Economic</u> Cost of preparing consent application is increased. If the application is discretionary or non-complying activity under the subdivision rules. <u>Social and Cultural</u> None identified.	<u>Environmental</u> None known. <u>Economic</u> None known. <u>Social and Cultural</u> None identified.
Option 2: Plan Change Option 10% change	<u>Environmental</u> None known. <u>Economic</u> None known. <u>Social and Cultural</u> None identified.	<u>Environmental</u> None known. <u>Economic</u> Cost of preparing consent application is decreased compared to discretionary or non-complying activity. <u>Social and Cultural</u> Ability to resolve potential conflict via boundary adjustments.
	Efficiency	Effectiveness
Option 1	Option 1 does not efficiently or effectively provide for the opportunity to undertake minor adjustments of boundaries.	
Option 2	Option 2 is considered to be efficient and effective as it protects the amenity of the relevant zone by ensuring compliance with minimum lot size while enabling minor adjustments of boundaries.	
Economic Growth and Employment Opportunities		
No significant opportunities for growth and employment are provided by boundary adjustment rules.		
Risk of acting and not acting if there is uncertain or insufficient information		
There is no known risk due to insufficient information.		

183. Option 2 (Plan change option) is considered to be the most appropriate method.

Matters of Control Rule and Matters of Discretion (How to use the plan chapter)

184. The WDP imposes matters of control and discretion within each subdivision rule. With the draft Standards requirement to consolidate all subdivision provisions to one central chapter it is logical to consolidate matters of control and discretion to avoid repetition.

Provision of Connections to Electricity SUB-R2

185. The WDP requires allotments to have access to or be connected to reticulated electricity services. Electricity is an essential, life supporting service. While it is recognised that it is possible to generate and store electricity onsite without reticulation, the requirement for a subdivision to initially provide for reticulated connection is considered to be efficient and effective provision of infrastructure. Proposed rule SUB-R2 provides for connection to reticulation consistent with the WDP.

Definition of Boundary Relocation Subdivision and the Rural Production Zone (RPZ)

186. The WDP includes a single 'boundary relocation subdivision rule' in the recently operative RPE. The rule was introduced without a supporting definition and interpretation issues have arisen. The draft Standards contain a number of mandatory definitions associated with subdivision (such as site, allotment, boundary, boundary adjustment) which would alter the interpretation of the boundary relocation rule.

187. While the benefits of maintaining a method of a boundary relocation subdivision in the RPZ have been accepted to outweigh the costs in section 32 terms (PC85A). It is considered that interpretation issues indicate that the WDP rule is not the most efficient version of a boundary relocation rule. It is therefore considered appropriate to amend the rule as outlined in the following paragraphs.

188. The draft Standards include a definition of boundary adjustment:

Boundary adjustment means a subdivision that alters the existing boundary between adjoining sites, without altering the number of sites.

189. A boundary adjustment rule would be substantially different to opportunity to undertake a boundary relocation anticipated in the RPZ rule. A definition of boundary relocation is proposed:

TABLE 18: SECTION 32 ASSESSMENT OF BOUNDARY ADJUSTMENT DEFINITION

Proposed Wording	Reason
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) have been issued for those allotments without:	<p>The ability to relocate a boundary provides for a wider range of subdivision options when compared to the ability to adjust a boundary.</p> <p>The RPE rule refers to "adjacent sites". The definition of site in the draft Standards is wider than that of the WDP and includes "an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed".</p>

	<p>The draft Standards definition widens the meaning of a site compared with the WDP. The proposed definition refers to “adjacent allotments”. Allotment is a term defined consistently within the WDP and the draft Standards.</p> <p>The definition of allotment includes “<i>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 7A of the Land Transfer Act 1952...</i>” This definition creates the possibility of boundary relocation applications being proposed as a controlled activity, utilising allotments that are identified at survey plan stage without any link to the underlying subdivision. If a non-complying subdivision is approved based upon a particular layout or outcome, this could be undermined via a controlled activity boundary relocation.</p> <p>The proposed wording resolves this issue by requiring “a separate computer freehold register (record of title as per Land Transfer Act 2017)” to have been issued in order to be eligible for controlled activity boundary relocation.</p>
a. Altering the number of allotments.	The recommended clause a. originates from the RPE Rule. Retaining it in the proposed definition is consistent with the draft Standards boundary adjustment definition.
b. Cancelling existing amalgamation conditions.	Clause b. is recommended because an amalgamation condition is typically applied as part of a subdivision process to aid in a particular outcome, often used to justify a proposed subdivision. The ability to cancel an amalgamation condition to separate allotments as a controlled activity boundary relocation could undermine the original subdivision consent.
c. Creating additional capacity to subdivide as a controlled activity in accordance with the relevant SUB rules.	The recommended clause c. provide clarity for applicants, ensures consistency with controlled activity provisions in the RPZ. .
<p>•</p> <p>For the purposes of this definition adjacent allotments means sites that are:</p> <p>a. Part of a contiguous landholding; or</p> <p>b. Separated only by a road, access allotment, railway, stream or river.</p>	The recommended clause originates from the RPZ Rule and provides clarity for applicants.

14. Conclusion

190. Pursuant to s32 of the RMA, the proposed SUB objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
191. The proposed SUB provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed SUB provisions are considered to represent the most appropriate means of achieving the proposed objectives.

Plan Change 109: [Transport]

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Coastal Countryside Environment	CCE
Coastal Management Strategy	CMS
Countryside Environment	CE
Environmental Engineering Standards 2010	EES
Long Term Plan	LTP
New Zealand Coastal Policy Statement	NZCPS
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Rural Development Strategy	RDS
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council, Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
[add any others specific to plan change]	

1. Introduction

1.1 Overview

1. This report is in relation to proposed Plan Change 109 (**PC109**) to the Operative Whangarei District Plan (**WDP**) as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to PC1090. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which PC109 fits. It also addresses key issues pertaining to PC109. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

3. PC109 seeks to introduce a new district wide chapter addressing transport related resource management issues. The proposed chapter will replace the chapters in the WDP that currently address transport matters, these being Chapter 22 – Road Transport and Chapter 47 – Road Transport Environment Rules. PC109 will include:
 - A new Transport Chapter (TRA) – with objectives, policies and rules at a district wide level.
 - Changes to the WDP maps – denoting the road hierarchy classifications, indicative roads and strategic road protection areas.
 - Consequential changes to the WDP, including the deletion of Chapters 22 and 47.
4. PC109 is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC109 has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)

- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

2. Background

2.1 Operative District Plan Provisions

5. District plans provide a regulatory mechanism to manage land use activities and their relationship with transport, rather than actively ensuring that certain transport projects are achieved. District plans do not control or decide where specific transport network infrastructure such as bus shelters or traffic calming devices are installed as this is a function undertaken through the implementation of the Council's Long Term Plan. However, district plans provide a regulatory framework to manage activities that generate effects that may, for example, compromise traffic or pedestrian safety.
6. The WDP manages transportation on a district wide approach and provides a regulatory framework to manage activities that may generate adverse effects. Chapter 22 – Road Transport contains objectives and policies relevant to transportation. Chapter 47 – Road Transport Environment Rules contains the rules applicable to transport activities in all Environments. Broadly, the current focus of Chapters 22 and 47 are to provide a safe and efficient road network,

establish a hierarchy of roads, protect surrounding land uses from the adverse effects of the road network, and to protect the road network from adverse effects of surrounding land uses. There are also transport related rules contained in the subdivision chapters of Part H of the WDP.

7. Adverse transportation effects are managed in the WDP by the provision of a suite of permitted activity standards that allow many activities, particularly activities that have minimal adverse effects, to proceed without unnecessary regulations. Such permitted activity standards include the control of the design and location of vehicle accesses, on-site manoeuvring requirements, and minimum parking provision and design standards.
8. In 2011 Plan Change 76 (**PC76**) became operative. PC76 introduced the 2010 Whangarei District Council's Environmental Engineering Standards (**EES 2010**) and removed some of the transport standards from Chapter 47 and cross-referenced to the EES 2010 instead. The standards removed included *Gradient of Parking and Access, Queuing Space, Formation Standards, Vehicle Crossings, Shared Access Widths, and Road Formation*.

2.2 Resource Management Issues

9. Whangarei's District's population and economy have steadily grown over the last two decades as indicated by the tables below. Table Table 1 shows the population growth from 1996 – 2013 as well as the projected growth up to 2033. Table Table 2 shows the Gross Domestic Product (**GDP**) growth trends within Whangarei District and New Zealand from 2000 – 2015. There are periodic drops in GDP; however, overall the GDP for Whangarei has grown at a rate similar to the rest of New Zealand. The tables suggest that Whangarei has, and should continue, to grow.

Table 1: Whangarei Estimated Resident Population from 1996-2013 and Projections to 2033

Census Data	
Year	Estimated Resident Population
1996	68,400
2001	70,000
2006	76,500
2013	83,700
Projections	
Year	Estimated Resident Population
2018	87,600
2023	90,900
2028	93,800
2033	96,200

Source: Statistics New Zealand

Table 2: GDP (\$m) in Whangarei District and New Zealand from 2000 to 2015

Year	Whangarei District		New Zealand	
	GDP (\$m)	Change (%)	GDP (\$m)	Change (%)
2000	2,438		150,893	
2001	2,488	2.1	154,897	2.7
2002	2,550	2.5	160,259	3.5
2003	2,674	4.9	167,896	4.8

2004	2,781	4.0	175,690	4.6
2005	2,890	3.9	181,905	3.5
2006	2,990	3.5	188,137	3.4
2007	3,109	4.0	193,465	2.8
2008	3,162	1.7	198,391	2.5
2009	3,110	-1.6	195,294	-1.6
2010	3,110	0.0	194,255	-0.5
2011	3,121	0.3	196,917	1.4
2012	3,104	-0.5	201,500	2.3
2013	3,208	3.3	206,125	2.3
2014	3,325	3.6	211,854	2.8
2015	3,507	5.5	219,529	3.6

Source: Infometrics

10. Growth within the District presents many potential benefits but also some risks. The capacity of Whangarei's transport system is relatively limited due to factors such as existing patterns of development and land uses, available funding and topography and natural features. Consequently, accommodating future growth within the transport network presents challenges.
11. Gabites Porter prepared a report titled 'Whangarei District Transport Network Deficiencies 2006 – 2031' in March 2009. Within the report general observations were made regarding the future of Whangarei's transport system, including:
 - By 2031 total trip numbers are expected to increase by 30% – 35%.
 - The average trip distance will increase by 8% and the average trip time will increase by 16%.
 - Total intersection delays are expected to increase by approximately 42% by 2031.
 - Total vehicle kilometres travelled are expected to increase by 40% - 45%.
12. The findings in the Gabites Porter report indicate that Whangarei's transport network will be put under increasing pressure over the next 15 years and that the network will only become more congested as the District grows. These findings highlight the need to consider alternative modes of transport as private motor vehicles become less viable.
13. A key overarching aim of PC109 is to provide a sustainable transport network that provides for the current generation's needs while protecting the network's adaptability and suitability for future generations. Therefore, Whangarei's growth trends, and projected future growth have been considered as part of PC109. Alongside sustainability, PC109 aims to provide a safe and efficient transport network. Essential to this is an awareness of the interrelationship which exists between land use activities and transport.
14. Generally speaking, transportation related resource management issues fall into two broad categories:
 - The effects of transportation and transport network infrastructure on the environment.
 - The effects of development and land use on the transport network.

15. Under the first category, the transport network may have potential adverse effects on the environment, such as:
- Effects on pedestrian and cyclist safety.
 - Degradation of landscape and ecological values.
 - Effects on amenity including visual intrusion, noise, vibration and dust.
 - Pollution from discharges and emissions.
 - Usage of land that may be productive or highly valuable.
16. Under the second category, land use activities may have potential adverse effects on the transport network, such as:
- Effects on the safety, efficiency and effectiveness of the transport network through increased traffic generation, signage and other distractions, and the design of aspects such as accesses, vehicle crossings and parking.
 - Reverse sensitivity effects from locating sensitive activities in close proximity to busy transport routes.
17. The WDP has generally operated well in managing transportation issues; however, Council's 5 Year Review of the District Plan Efficiency and Effectiveness (August 2012) identified the following issues:

The Road Transport provisions in the District Plan require updating to align with a number of new philosophies and strategies that have occurred since the Plan became operative. A more integrated approach to land use planning and transport needs to be undertaken, and this will require an overall review of the provisions which are located throughout the Plan. Specific recommendations to update the Road Transport chapter of the District Plan include:

- *align with national transport strategies including cost effectiveness, safety and productivity*
- *align with the objectives of the Growth Strategy 30/50*
- *align with best practice of integrated land transport planning*
- *align with Regional Policies*
- *include additional important road connections in the plan for example high productivity routes*
- *link Road Transport provisions with other provisions in the District Plan for example Noise*
- *review the parking provisions in the District Plan and remove minimum parking requirements*
- *provide additional staff training on technical matters covered in the District Plan relating to Road Transport and refer more applications to engineers to check against the Road Transport provisions*
- *review the monitoring indicators for Road Transport or focus Road Transport planning in Whangarei to address the specific indicators in the District Plan*

18. Based on the findings of Council's 5 Year Review of the District Plan Efficiency and Effectiveness, the key resource management themes relating to transport are: the integration of transport and land use planning; parking management, and alignment with higher order documents, which are discussed in the following sections.

2.2.1 Integration of Transport and Land Use Planning

19. The integration of transport and land use planning is fundamental to achieving an efficient and effective transport network. Integrated transport and land use planning looks at the management of adverse environmental effects on land use activities resulting from land transport systems and safeguarding transportation systems from adverse effects that may arise from land uses. PC109 proposes to require Integrated Transport Assessments (**ITAs**) for larger scale developments as a means to ensure that proposed developments are compatible with Whangarei's wider transport network.
20. Planning for integrated land use and transport planning provides certainty for infrastructure provision, for example by identifying and protecting future transport network routes. PC109 proposes to achieve this by classifying transport network assets based on a proposed two-tier hierarchy and identifying strategic road protection areas and indicative roads.
21. Reverse sensitivity impacts can affect the transport network and sensitive uses that are located in proximity to it. For example, dust from gravel roads can affect houses located nearby, and numerous vehicle entrances can impact negatively on the safe and efficient functioning of busy routes. PC109 proposes to classify the road network to define the purpose and expectations of assets in the network and to minimise reverse sensitivity. Reverse sensitivity matters are also addressed within individual Environment chapters, such as the proposed Rural Living and Rural Production Environments which require sensitive activities to be set back from unsealed roads.

2.2.2 Parking Management

22. Many industry standard best practice documents which are used by transport and planning professionals in New Zealand recommend the use of minimum parking requirements and outline recommended rates for different land uses. Three main documents in use in New Zealand are:
- Transfund New Zealand Research Report No 209, Trips and Parking Related to Land Use (2001) and the associated Trips Database Bureau.
 - The Roads and Traffic Authority, Guide to Traffic Generating Developments, Version 2.2 (2002).
 - The Institute of Transportation Manual (2004), Parking Generation.
23. These documents are generally aligned with the traditional approach to parking supply which encourages the management of potential parking spill-over on the road network by requiring car parking to be provided on-site. The levels at which recommended minimum parking requirements are set in the Transfund New Zealand Research Report and in the Roads and Traffic Authority Guide are based on surveys undertaken throughout New Zealand, Australia and the United States and are generally aimed at providing for peak use times. The Institute of Transportation Manual differs slightly

from the other two in that it provides peak parking generation data for different land uses but does not go as far as to use the data to recommended minimum parking rates. **Appendix 2** provides a list of the parking rates provided in these industry standard guidelines compared to the WDP requirements. In many instances the WDP does not directly compare well to the industry standards due to the differences in the terminology used for activities and their scale. However, in general the WDP is well aligned with the standards and it is considered that on balance the WDP requires less on-site parking than the standards.

24. District plans within New Zealand generally adhere to the above approach and require specified rates of on-site parking to be provided based on activity type. District plans are increasingly providing for exemptions from the required minimum parking rates either based on location or activity type or through incentives such as the provision of on-site bicycle parking spaces. **Appendix 3** compares the minimum parking rates required under the WDP and three other district/unitary plans. In many instances the WDP does not directly compare well to the other Plans differences in the terminology used for activities and their scale. However, on balance it is considered that the WDP requires slightly more on-site car parking than the other Plans and provides less nuance and flexibility due to the limited range of activities listed, and limited options for reducing parking space numbers.
25. Benefits of minimum on-site parking requirements generally include:
 - More abundant and convenient parking for customers, employees and residents.
 - Increased numbers of car parking spaces designed for disabled persons as this is related to the number of total parking spaces provided.
 - Reduced spill-over parking into the local on-street parking spaces.
26. In contrast to the above data sources and district plan convention, there is guidance which states that caution should be exercised when applying standard parking rates to developments. For example, Austroads states that minimum parking requirements should be applied with caution for the following reasons:
 - Standards are often arbitrary and based on highly scattered data. For example, ranges for some activities can be large and applying an average for all can result in excessive parking for some activities and insufficient parking supply for other activities.
 - Conditions may vary widely for developments and land uses of the same type, and for different locations within an urban region. Specific parking needs may be quite different from those indicated in a rigid table of parking provision requirements. Also, changes in parking demands over time may render documented parking provision standards inapplicable.
 - Parking provision requirements are based on parking generation studies that are typically performed at new, suburban sites with free parking. The parking provision standards resulting from this approach tend to be unnecessarily high for urban areas with good multi modal accessibility options, and where parking is typically priced.

27. In addition to Austroads, there is a growing body of research to support the deletion of minimum parking requirements from district plans. Some of the biggest negative impacts of minimum parking requirements include:
- **Economic development:** parking takes up valuable floor space and increases development compliance costs. Minimum parking requirements effectively act as an indirect tax on floor space as the number of parking spaces required is typically dictated by the area of a building/activity.
 - **Travel and lifestyle patterns:** an abundance of low-cost parking stimulates excessive demand for private vehicle based travel and lifestyle patterns, thereby creating more congestion and pollution and perpetuating the demand for on-site parking.
 - **Environmental sustainability:** excessive vehicle use reduces the sustainability of higher density urban areas, especially town centres.
 - **Social equality:** the compliance costs created by minimum parking requirements fall disproportionately on low-income households. Additionally, requiring each developer to provide on-site parking ignores opportunities for shared parking areas and acts as a barrier for smaller developers while empowering landowners with large landholdings.
 - **Urban form:** requiring the provision of parking within each individual site fragments the urban form with numerous vehicle accesses and parking areas and contributes to urban sprawl as more land is needed to provide for activities. This disincentivises alternative modes of transport (i.e. public or active transport) and can adversely affect amenity values.
28. Despite the growing arguments against minimum parking requirements, there is a perception in Whangarei that there are not enough car parks to service visitors and commuters. Often shop owners have the view that there are insufficient car parks available for their customers. People visiting the City Centre want to be able to find a park outside their destination and therefore often circle the City Centre looking for a park. This is what happens when parking becomes saturated and there is insufficient turnover. There may be other available car parks but they are not as desirable due to pricing, layout, accessibility or location.
29. A contributing factor to the low occupancy rates of Council owned car parks is the abundance of free parking. The Parking Management Strategy 2011 (**PMS**) identified that the average occupancy rates of Council's paid parking areas are around 50%, while Council's free car parking areas are 94% to 100% occupied. The provision of free parking means that the users are not paying for it directly. Provision of parking is never free; the PMS determined that the cost of creating a car park for developers and Council is around \$20,000 per car park. Therefore, this cost is often shifted on to goods and/or other modes of transport. This is particularly unfair for people who use alternative modes of transport. If a significant amount of free parking is provided, there are less incentives not to drive.
30. Given that the average parking space takes up around 25m², in some cases the WDP requires nearly as much site area for parking as it enables for actual useable floor area. This creates a significant barrier to development as developers find it difficult to meet parking requirements where space is limited while also ensuring the development is economically viable. It also greatly undermines

opportunities for shared parking and the viability of centralised parking facilities. It is considered that most businesses will decide to provide parking as an incentive for their customers and employees and that on-site parking will also often be provided by developers for residential units. In many cases, the number of parking spaces provided may be better determined by the developer rather than based on arbitrary district plan requirements.

31. One of the key reasons minimum parking requirements are used is to manage spill-over parking where the parking associated with a certain activity ‘spills’ into on-road parking or other private parking areas. Spill-over parking often results from a change in commuters parking patterns or one-off situations such as peak shopping season and events. There are a number of ways in which spill-over parking can be managed including:

- Overflow parking and special event parking management plans: this could include temporary park and ride, free or validated public transport for events and signage.
- Residents parking permits: a useful interim solution to address residents’ concerns.
- Shared parking: this can be used for special events or on an on-going basis where activities may have different peak demand times.
- Parking brokerage services: can help to connect businesses with spare parking to those who need extra parking.
- Parking pricing schemes: pricing public parking spaces to disincentivise private vehicle usage.
- Construct public parking facilities: where the demand is high enough providing additional parking in a designated parking facility may be beneficial.

32. Given the above, it is considered that there are negative effects associated with on-site minimum parking requirements; however, there are also risks associated with removing these minimum requirements. A full assessment of the benefits and costs of various options relating to minimum on-site parking requirements is provided in section 5 below. Broadly, PC109 proposes to extend the areas exempt from the minimum parking requirements in the City Centre area and to review the remaining minimum parking requirements. Additionally, reduction factors are proposed to enable reduced on-site car parking where certain criteria are met.

2.2.3 Alignment with Higher Order Documents and Strategies

33. As stated in Council’s 5 Year Review of the District Plan Efficiency and Effectiveness, the WDP transport provisions must be amended to align with national, regional and local policies and strategies.

34. Section 4 below provides a detailed discussion of PC109’s consistency with key higher order documents. It is considered that PC109 achieves alignment through the implementation of the One Network Road Classification (**ONRC**) hierarchy, the promotion of pedestrian friendly environments with increased usage of alternative modes of transport, and stronger integration between land use and transport planning.

2.3 Consultation

35. A draft version of PC109 was advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June 2018 through August 2018. Pre-notification consultation for PC109 was undertaken alongside the consultation for the Urban Plan Changes. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives. There were 673 comments/forms received in total between survey responses, formal feedback and Facebook comments. However, with regards to PC109 there were very few comments received. The comments on PC109 were mainly in support with a few requests for minor corrections and clarifications.
36. A draft version of PC109 was presented and work-shopped with Te Karearea and Te Huinga, Council's iwi and hapu leaders committees.
37. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting. Following this, two additional Council briefing meeting were held to discuss the draft plan changes. The key change made to PC109 in response to these meetings was to amend Policy TRA-P1 to require private access to multiple allotments to be vested as a public road where appropriate.

3. Proposed Plan Change

38. PC109 proposes to replace WDP Chapter 22 – Road Transport and Chapter 47 – Road Transport Environment Rules with a new district wide Transport Chapter (TRA). PC109 proposes to retain several status quo provisions while also proposing several new provisions and amendments to existing provisions. The main components of PC109 are:
 - The introduction of the new transport network hierarchy
 - A review of the reference to the Environmental Engineering Standards 2010 (**EES 2010**) standards
 - Parking management
 - Landscape/urban design standards
 - Promotion of walking and cycling
 - A review of building line restrictions and indicative roads
39. A brief overview of PC109's approach to each of these topics is discussed in sections 3.1 – 3.6.

3.1 New Transport Network Hierarchy

40. The WDP contains a road hierarchy with the following categories: indicative roads, state highways, arterial roads, collector roads and local roads. PC109 proposes to classify Whangarei's roads into a new two-tiered hierarchy.
41. The first tier is the ONRC. The ONRC is a national classification system, which divides New Zealand's roads into six categories based on criteria such as how busy they are and whether they connect to

important destinations. The categories are: National, Regional, Arterial, Primary Collector, Secondary Collector, Access and Low Volume. The second tier comprises regionally significant transport infrastructure as identified by the Regional Policy Statement for Northland 2016 (**NRPS**). The three categories under this tier are: Tourism, Freight, and Walking and Cycling. The two tiers overlap as some roads are classified under multiple tiers. A description of each category of the hierarchy is set out in Appendix 3 of the proposed TRA chapter and the first-tier of the hierarchy is proposed to be shown on the Planning Maps.

3.2 Review of Environmental Engineering Standards 2010

42. As discussed above, PC76 introduced the EES 2010 and removed some of the transportation standards from the WDP and cross-referenced to the EES 2010 instead. The current approach of incorporating the EES 2010 by reference and requiring compliance with the standards in the EES 2010 creates several issues including:
- Assessing, monitoring and enforcing compliance with the EES 2010 is difficult for applicants as well as Council. The EES 2010 is a large and complex technical document and ensuring that the correct consents have been applied for and that the standards are being met is challenging. As a result, the EES 2010 has not been properly enforced in some cases.
 - Engineering designs are often difficult to standardise as certain sites or situations require specific design with a degree of flexibility. The EES 2010 has been written to allow this flexibility and enable engineers to have discretion in decision making. From an engineering perspective, this is appropriate; however, by referencing the EES 2010 in the WDP, third party decision making has been incorporated in an RMA process as it can be up to the discretion of an engineer or manager as to whether or not an activity complies with the rules.
 - The EES 2010 contains highly specific and detailed engineering standards, such as what grade of chip seal should be used on private accessways. While these aspects are valid engineering concerns they do not necessarily have RMA related effects that justify management under the WDP.
 - By referencing the EES 2010 in the WDP any updates or changes to the EES 2010 would require a full plan change to be reflected in the WDP. Consequently, the EES 2010 has not been updated since 2010 due to the costs and uncertainty associated with a plan change, which in turn results in the EES 2010 not being up-to-date to reflect best practice.
43. A full review of the EES 2010 has been undertaken as a separate process from PC109. Accordingly, a new version has been prepared: Whangarei District Council's Engineering Standards 2018 (**ES 2018**). PC109 proposes to change the interaction between the engineering standards and the District Plan so that all relevant transport rules and standards are contained in the District Plan and the ES 2018 standards are one means of compliance when consent is required rather than being incorporated as a reference document.

3.3 Parking Management

44. PC109 proposes to extend the areas exempt from the minimum parking requirements in the City Centre area and to review the minimum parking requirements. Additionally, reduction factors are proposed to enable reduced on-site car parking where certain criteria are met. A full assessment of the benefits and costs of various options relating to minimum on-site parking requirements is provided in section 5 below.

3.4 Landscape/Urban Design Standards

45. The design and construction of parking areas can have significant effects on amenity, character, stormwater management and vehicle and pedestrian movement and safety. Chapter 47 of the WDP does not contain any landscaping or urban design requirements for parking or road design.
46. It is considered that methods for requiring and encouraging positive design and construction are required in the District Plan. PC109 proposes to introduce landscaping requirements for car parking areas, and incorporate consideration of urban design and amenity through objective, policies and information requirements.

3.5 Promotion of Walking and Cycling

47. PC109 aims to encourage walking and cycling through the following proposed methods:
- Promoting pedestrian friendly streets through vehicle crossing design and road design.
 - Promoting and requiring less on-site car parking.
 - Requiring bicycle parking for certain activities.
 - Improving amenity by requiring landscaping within car parks.
48. It is considered that the proposed methods will assist in promoting walking and cycling while in turn discouraging private motor vehicle usage.

3.6 Review of Building Line Restrictions and indicative Roads

49. The WDP contains 22 building line restrictions and 15 indicative roads. These have been reviewed to confirm their appropriateness. PC109 proposes to remove any unnecessary ones and make amendments where appropriate.

4. Statutory Considerations

50. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, the Northland Regional Policy Statement (NRPS), Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC109 are discussed below.

4.1 Resource Management Act 1991 (RMA)

51. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:

‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety’

52. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated to meet the purpose and principles of the RMA. Consideration has been given to the extent to which PC109 achieves the purpose and principles of Part 2 of the RMA.

53. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must “accord with” and “have regard to” are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

54. S79 of the RMA sets Councils the requirement to review district plans. Councils must complete a review of all district plan provisions within any 10 year time period. The WDP became operative on 3 May 2007, after eight years of formulation. The data that the WDP was based upon are therefore over ten years old. Monitoring of the WDP has identified areas of inconsistency and ineffectiveness.
55. S79 of the RMA provides the opportunity for Councils to undertake rolling reviews of district plan provisions. Using this opportunity to improve the integrity of the WDP, a rolling review process has been implemented. To remedy some of the missing links between WDP sections, a new structure has been adopted. The WDP structure will evolve and the chapter format will be adjusted through the rolling review to be more consistent with the manner in which the provisions are applied in practice.

4.2 National Policy

National Environmental Standards

56. Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**). There are currently five National Environmental Standards:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water

- National Environmental Standards for Telecommunication Facilities
- National Environmental Standard for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry

57. In this instance, there are no national environmental standards considered relevant to the consideration of PC109.

National Policy Statements

58. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently five National Policy Statements:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement

59. The NPS for Urban Development Capacity (**NPS:UDC**) identifies the role that urban areas play in accommodating New Zealand's population. The NPS:UDC requires local authorities to plan for, monitor and facilitate urban development, responding to the growth and development needs of their urban areas. A component of this is the provision of transport infrastructure to service the anticipated growth. PC109 must ensure that Whangarei's transport infrastructure enables sufficient levels of capacity.

60. The NPS for Freshwater Management, Renewable Electricity Generation, Electricity Transmission and the New Zealand Coastal Policy Statement do not specifically relate to PC109.

4.3 Iwi and Hapu Management Plans

61. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, there are five such documents accepted by Council, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan 2016 and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held.

The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated. PC109 has taken into account those matters of relevance to transport management.

62. Of particular significance to PC109 are the following provisions:

Ngati Hine Iwi Environmental Management Plan (2008)

28. Urban Design

5. *Te Runanga o Ngati Hine believes that urban centres should be designed around people and not cars.*

Patuharakeke Te Iwi Trust Board Environmental Plan (2014)

4.2.3 Policies

- c) *PBT support the reduction of emissions as a response to climate change, including but not limited to:*
- i. *Urban planning to reduce transport emissions.*

63. It is considered that the proposed TRA objectives seek to achieve these outcomes.

4.4 Local Government Act 2002 (LGA)

64. The LGA sets out the responsibilities of territorial authorities in relation to land transport matters, including responsibilities for local roads, footpaths and street lighting as well as local planning, parking services and road safety works. Sections 146 and 147 provide for the creation of more specific bylaws.
65. The Whangarei District has several bylaws some of which have a greater relevance to transportation. The Public Places Bylaw controls any trading and event activities in public places in the District, including within roads. The Parking and Traffic Bylaw states that Council may from time to time by resolution institute a Residents Parking Scheme, which may limit parking on a road only to the vehicles of residents.
66. PC109 proposes to provide for additional exemptions to the minimum parking requirements and to amend the minimum parking requirements elsewhere so that less on-site parking is required. The risk associated with this proposal is that there may be spill-over parking on the local roading network where insufficient on-site parking is provided. The Resident Parking Scheme can be an effective method of managing potential spill-over parking.

4.5 Land Transport Management Act 2003 (LTMA)

67. The LTMA sets out the requirements and processes for local authorities to obtain funding for roading construction and maintenance. As amended in 2013 it sets out the requirements for Regional Councils to contract for the provision of public transport services. This impacts PC109 as Council does not directly manage bus infrastructure which limits the impact Council can have on bus services in Whangarei.

4.6 Regional Policy

Northland Regional Policy Statement 2016 (NRPS)

68. The NRPS became operative on 9 May 2016 (with the exception of provisions relating to GMOs). The NRPS provides regional level policy direction on regional form and regionally significant infrastructure. The provisions of most relevance to PC109 are discussed below.
69. **Objective 3.8** states:
Manage resource use to:
- a) *Optimise the use of existing infrastructure;*
 - b) *Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and*
 - c) *Strategically enable infrastructure to lead or support regional economic development and community wellbeing.*
70. PC109 seeks to achieve this objective by improving transportation options and enhancing the efficiency of the transport network and associated infrastructure, which may in turn attract businesses and investment and improve economic and social wellbeing within Whangarei.
71. **Objective 3.11** states:
Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.
72. Following on from Objective 3.11, **Policy 5.1.1** requires that subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which is integrated with the operation of transport. This policy is supported by the Regional Form and Development Guidelines included within **Appendix 2** of the NRPS.
73. Currently, it is considered that there are a low percentage of people in Whangarei using alternative modes of transport. Table 3 shows the main means of travel to work for employed people (who do not work at home) in Whangarei. The table demonstrates that private motor vehicles are the predominant form of transport in Whangarei and that active transport usage has seen minimal increase. While public transport has experienced growth, a relatively small number of people use public transport.

Table 3: Means of Travel to Work for Employed People within Whangarei

<i>Means of travel to work</i>	<i>2001</i>	<i>2006</i>	<i>2013</i>	<i>Total Change (%)</i>
Drove a private car, truck or van	13881	16506	16389	18.1%
Drove a company car, truck or van	2946	4104	3948	34.0%
Motor cycle or power cycle	243	315	375	54.3%
Passenger in a car, truck, van or company bus	1284	1689	1389	8.2%
Public bus	129	141	186	44.2%
Train	18	6	12	-33.3%
Bicycle	354	366	399	12.7%
Walked or jogged	1236	1437	1305	5.6%

Source: Statistics New Zealand

74. PC109 seeks to encourage a diverse range of transport choices through provisions such as bicycle parking requirements, expanding the parking requirement exemption areas, car park design standards and road formation standards. Furthermore, PC109 seeks to integrate transport and land use planning to improve the efficiency of the Whangarei transport network and to avoid or mitigate adverse effects on the transport network arising from subdivision and development.
75. The NRPS defines regionally significant infrastructure as infrastructure that is essential for the social and economic functioning of Northland, and includes strategic transport networks. **Appendix 3** of the NRPS specifically identifies particular roads, as well as walking and cycling facilities, which are of strategic significance as identified in the Regional Land Transport Strategy. These roads include state highways, tourist routes, freight routes and national cycleway proposal routes.
76. **Objective 3.7** states:
- Recognise and promote the benefits of regionally significant infrastructure, which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.*
77. **Policy 5.1.3(c)** goes on to state:
- Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:*
- c) *The operation, maintenance or upgrading of existing or planned regionally significant infrastructure.*
78. PC109 aims to identify the regionally significant transport infrastructure within Whangarei to recognise and encourage the protection of these assets. This is done through the proposed transportation network hierarchy and associated provisions.
79. Having reviewed the NRPS, it is considered that PC109 gives effect to the NRPS.

Regional Plans

80. There are a number of Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Draft Regional Plan (**DRP**) combines the operative Regional Plans into one combined plan. Having reviewed each document and taking into account all of the provisions it is considered that PC109 is consistent with the Regional Plans.

The 30 Year Transport Strategy for Northland 2010 (TSN)

81. The TSN sets the direction for the Region's transport system. The TSN primarily focuses on the provision and maintenance of regional infrastructure rather than infrastructure provided by individual developers. The TSN does however provide general guidance with regard to transportation management through district plans. The TSN establishes the following vision:

People and freight in Northland have access to an affordable, integrated, safe, responsive, and sustainable transport system.

82. The TSN also establishes a series of strategic outcomes to achieve the above vision. The outcomes that are relevant to PC109 include:
1. *A sustainable transport system that supports the growth and existing economic development of Northland and New Zealand.*
 2. *All road users are safe on Northland's roads.*
 6. *Our people have transport choices to access jobs, recreation and community facilities.*
 7. *The transport system enhances the environmental and cultural values of Northland.*
83. PC109 has had regard to the outcomes identified in the TSN and is considered to assist in achieving the direction of the TSN.

4.7 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 2010 (30/50)

84. To manage projected growth sustainably, Council has formulated a long term sub-regional growth strategy. 30/50 identifies economic drivers of development, assesses future growth potential, determines existing and potential land use patterns, and assesses and plans for infrastructural requirements for the District over a 30-50 year time frame.
85. 30/50 identifies a preferred future development pattern (Future Three) that was chosen and used to provide a broad development path around which further analysis can be undertaken. Future Three represents a managed, consolidated development path based upon a structured five tier settlement pattern. This hierarchical arrangement is as follows:
- Whangarei City as the primary district and regional urban centre with a strong, protected and enduring CBD;
 - A satellite town at Marsden Point/Ruakaka which complements (but does not compete with) Whangarei City;
 - Five urban villages within greater Whangarei;
 - One rural (Hikurangi) and two coastal growth nodes (Parua Bay and Waipu); and
 - Two rural villages along with eight coastal villages located along the coastline from Waipu Cove in the south to Oakura in the north.
86. Consolidated development is more commonly associated with lower levels of vehicle use, and higher levels of public transport patronage than dispersed land use. This can in turn potentially reduce the adverse environmental effects of high private vehicle usage. Providing transportation choices for communities is therefore a key aspect in achieving the preferred development path.
87. PC109 aims to encourage alternative modes of transport throughout the District, which can help to reduce sprawl and encourage and support consolidated development patterns. PC109 also aims to integrate transport planning with land use planning which can mitigate adverse effects on the transport network and can give increased certainty to infrastructure provision. It is considered that PC109 is consistent with the development path signalled in 30/50.

Long Term Plan 2018 – 2028 (LTP)

88. The Local Government Act 2002 (LGA) requires every council to produce a Long Term Plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The LTP was adopted by Council in June 2018 and covers the period 1 July 2018 to 30 June 2028.

89. Some of the key community outcomes identified in the LTP include:

It is easy and safe for everyone to travel around our District.

There are opportunities to walk and cycle.

Services are supplied in ways that benefit the environment.

Our District is well prepared for growth and can adapt to change.

90. PC109 aims to increase the safety, efficiency and effectiveness of the District's transport network while also encouraging alternative modes of transport. PC109 also encourages increased landscaping within parking areas and additional consideration to the provision of street trees within roads. PC109 proposes to classify the transport network assets under the proposed hierarchy and identify strategic road protection areas and indicative roads to protect the transport network for future growth.

91. It is considered that PC109 is consistent with and supports the outcomes identified in the LTP.

Whangarei District Operative Plan 2007 (WDP)

92. The preparation of the first Whangarei District Plan under the RMA commenced in 1993. Council initially commenced preparation of the new Plan in territorial sections – with an Urban section for the Whangarei City area, Rural and Coastal sections for the County area, and a Hikurangi section – reflecting the Transitional County and City Plan structures. A District Plan Review Committee was established to be responsible for the preparation of the Plan. In 1995 the initial approach was revised and one Plan covering the whole district was commenced. The Review Committee held a series of workshops and formal meetings over the next six years to formulate the Proposed District Plan (**PDP**). Various sections and revisions of the plan were adopted as it advanced through the subsequent stages of Plan development. Various reports were commissioned to address significant issues identified for the PDP.

93. The draft PDP was released for public comment on 12 December 1997. The draft PDP was then revised by the District Plan Review Committee, based upon decisions made on public comments received and additional policy development work by staff, adding and deleting sections where necessary. The PDP was approved by Council for notification on 13 September 1998. The PDP became Operative as the WDP on 3 May 2007 following the submission, hearing, and appeal processes.

94. On 1 October 2009 the Resource Management Amendment Act introduced changes to s79 of the RMA, which prescribes the review requirements for district plans. Council must now ensure that each provision of a district plan has been reviewed within any 10 year time period. In response to this requirement the Council adopted a 'rolling review' approach. To implement this decision Council undertook Plan Change

106, which amended the introduction to the WDP to set out an explanation of the rolling review process, future district plan structure, and set expectations of future Council and private plan change applications.

95. Monitoring of the WDP has identified a need to clarify some processes, and update objectives, policies and methods. As part of the rolling review procedure, provisions will be moved towards a stronger effects-based plan with a policy driven approach. A new district plan structure and layout has been introduced to simplify the use of the WDP by mimicking the logic and flow of a typical planning application, moving from high-level policy to low-level detail, methods and requirements.
96. In August 2012 Council completed the 5 year efficiency and effectiveness review of the WDP which has been used to inform the consideration of alternatives in PC109.
97. A number of plan changes have been proposed as a part of the rolling review of the WDP. PC109 has relevance to numerous zones within the WDP because is proposed to be a general district wide chapter. As a result, consequential amendments are required to relocate provisions that are scattered in various chapters to one district wide chapter. It is important that PC109 maintains a consistent approach across the District and is well integrated with the Operative and Proposed chapters.
98. The National Planning Standards also have an impact on the integration of PC109 with the WDP. The draft Standards provide for any additional sections to address matters on a district wide basis to be included within the General District Wide matters chapter (**S-GDW**). PC109 has been drafted to be consistent with the draft Standards and to be incorporated as a section within the future S-GDW Chapter.

Whangarei District Council Parking Management Strategy 2011 (PMS)

99. The purpose of the PMS is to provide a framework by which parking is managed in Whangarei, primarily within the City Centre and the city fringe areas. The PMS investigates the use of parking management techniques, such as: time, price, monitoring and enforcement. The PMS made eleven recommendations, which mostly related to these techniques. However, the first recommendation was for Council to embark on a plan change to remove minimum parking requirements due to the fact that minimum parking requirements can restrict development opportunities, contribute to sprawl and artificially hide the costs of parking. The PMS suggests most businesses will provide parking as an incentive for their customers.
100. The WDP currently requires a minimum number of car parking spaces based on activity type and scale; however, two areas (shown as unshaded in Figures 1 and 2 below) near the City Centre are exempt from the minimum parking requirements.

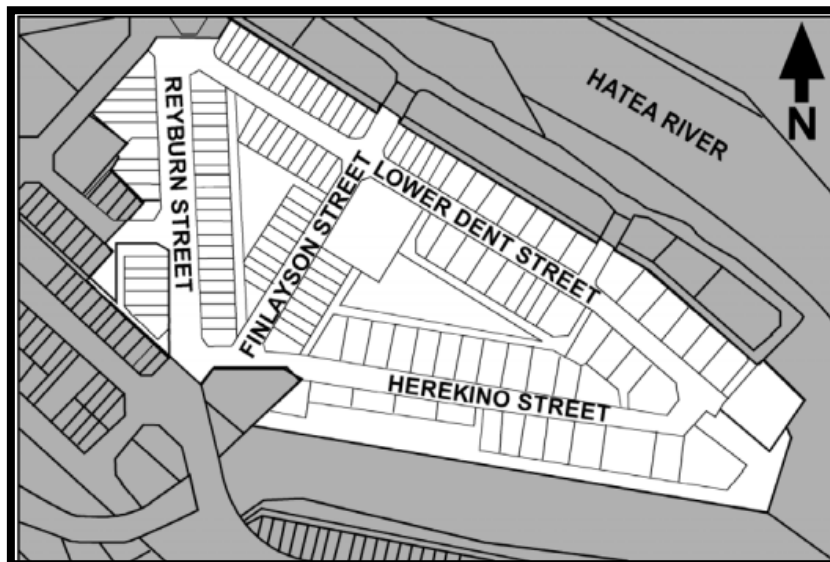


Figure 1: WDP Appendix 6A.1 Parking Exemption Areas



Figure 2: WDP Appendix 6A.2 Parking Exemption Areas

101. PC109 proposes to expand the areas exempt from minimum parking requirements and to amend the parking requirements in other areas so that fewer car parking spaces are required and to enable reduced on-site car parking where certain criteria are met.
102. Having regard to the proposed objectives under PC109, it is considered that they are consistent with the intentions of the PMS. PC109 seeks to remove minimum parking requirements where appropriate while ensuring that parking requirements remain in areas where no on-site parking may compromise the accessibility, safety and efficiency of the road transport network.

Whangarei District Council Walking and Cycling Strategy 2012 (WCS)

103. Adopted in 2012, the WCS provides a long-term plan for improving cycling and walking routes throughout the District. The WCS prioritises proposed on-road and off-road tracks including an estimate of costs for the improvements to strategically develop a programme of priority actions. The WCS promotes providing a safe transport system that is pedestrian and cyclist friendly. A key

principle of the WCS is providing a clear transport hierarchy which enables and promotes walking and cycling infrastructure.

104. Many of the WCS proposed initiatives and projects are largely driven by mechanisms beyond the District Plan and RMA processes. However, it is considered that PC109 is consistent with the intent of the WCS and aims to promote walking and cycling throughout the District while enhancing the safety, efficiency and effectiveness of these modes of active transport.

Whangarei 20/20 Plus: CBD Guideline Development Plan 2006 (20/20 Plus)

105. 20/20 Plus is a central city development plan, founded on a precinct approach. 20/20 Plus provides a co-ordinated approach for the larger CBD area. It creates a conceptual framework based on a series of six pedestrian scale character precincts, each with at least one catalyst project site for development. 20/20 Plus seeks to connect the strong elements of Whangarei's City Centre into a vibrant pedestrian oriented area with a broad mix of destinations and facilities.
106. 20/20 Plus identifies existing and future connections including major vehicle routes, bus routes, waterways, cycling and walking tracks. 20/20 Plus also provides several recommendations regarding roading design as part of a roading hierarchy. 20/20 Plus suggests that a holistic approach is required to transportation planning in the District in a sustainable manner that will assist in enabling the identified objectives and vision for Whangarei's transport.
107. PC109 proposes an integrated approach to land use and transportation planning and implements a new roading hierarchy. The design standards of the roading hierarchy are proposed to be contained within the ES 2018 which will be used as a means of compliance in PC109. Having reviewed 20/20 Plus it is considered that PC109 is consistent with the proposed initiatives.

Whangarei 20/20 Momentum 2016 (20/20 Momentum)

108. 20/20 Momentum brings together a number of projects from the LTP, private projects and possible future projects. The document outlines 'big picture' projects and developments in central Whangarei which have either been completed, are planned or are conceived as being critical to the future success of Whangarei.
109. Many of the proposed initiatives and projects are largely driven by mechanisms beyond the District Plan and RMA processes, though several completed and planned projects are relevant to transportation issues, such as the Hatea Loop, the Hatea Drive parking facility and the transit centre gateway. Having reviewed 20/20 Momentum, it is considered that PC109 is consistent with the proposed initiatives.

Whangarei Urban Design Strategy 2011 (UDS)

110. The UDS adopts an ongoing incremental approach to building higher quality urban environments that will help develop Whangarei into a vibrant meeting place and destination and secure its sustainable future. To achieve this vision, urban development is encouraged to be compact, connected, distinctive, diverse, attractive, appropriate, sustainable and safe. A number of design objectives, stakeholder

responsibilities and mechanisms have been identified and set according to their priorities for implementation.

111. A key aspect of the UDS is the emphasis on public transport. Public transport is largely driven by mechanisms beyond the District Plan and RMA processes. However, PC109 discourages the continued reliance on private vehicles and promotes a condensed urban form with an improved and accessible transportation network. It is considered that this will help promote public transport.
112. Another key aspect of the UDS is public safety. PC109 aims to enhance the safety of motor vehicleists, pedestrians and cyclists alike by reviewing the access and vehicle crossing standards.
113. Having regard to the proposed PC109 objectives, it is considered that they are consistent with the intentions of the UDS.

Whangarei Urban Growth Strategy 2003 (UGS)

114. Adopted in 2003, the UGS was developed to provide a 20 year strategic direction to manage urban growth in the District. The aim of developing the UGS was to better understand the issues related to growth in and around the urban area of Whangarei. The document sets out the vision for the urban area of Whangarei, the philosophy for growth, and 16 key issues relating to urban growth that need to be addressed in order to achieve the vision for Whangarei City. The UGS vision for Whangarei is 'to be an accessible green city, where people can live work and shop in safe and clean surrounds, where art and culture are celebrated and leisure opportunities abound'.
115. The key issues identified in the UGS that are relevant to PC109 are:
 - **Key Issue 4** – Adequate suburban centres that are accessible and convenient for local residents and help reduce vehicle usage without detracting from the urban centre.
 - **Key Issue 5** – The effects of roading design, roading development, traffic volume, and heavy vehicles on traffic flow and safety.
 - **Key Issue 6** – The provision of public transport, pedestrian walkways, and cycleways within the city and linking to and between suburbs.
116. Having regard to the proposed PC109 objectives, it is considered that they are consistent with the intentions of the UGS. The objectives aim to enhance accessibility, efficiency and safety and to promote alternative modes of transport.

Coastal Management Strategy 2003 (CMS)

117. Adopted in 2003, the CMS provides guidance for the use and protection of the District's unique coastal environment over the next 20 to 50 years. The CMS contains nine specific study areas and a detailed Structure Plan has been developed for each area.
118. The CMS does not place much emphasis on transportation issues and many of the proposed initiatives and projects are largely driven by mechanisms beyond the District Plan and RMA

processes. However, a safe and convenient coastal transport network is promoted along with increased opportunities for active transport.

119. Having reviewed the CMS, it is considered that the proposed PC109 objectives are consistent with the relevant provisions of the CMS as PC109 aims to enhance the safety and efficiency of the transport network and encourage active transport. Furthermore, the new roading hierarchy includes 'tourism routes' as identified under the RPS. The tourist routes are key to several study areas within the CMS.

Rural Development Strategy 2013 (RDS)

120. The RDS was adopted by Council in 2013 and examines the rural issues that are relevant to the District. The RDS creates a strategic vision for the role that rural environments play in the future in accordance with the direction of 30/50.
121. The RDS identifies redefining the roading hierarchy as a key future action. PC109 includes a new roading hierarchy which features sub-categories that consider a range of factors. Additionally, one of the sub-categories is 'freight routes' as identified under the RPS. Identifying freight routes will help support the on-going use and maintenance of heavily used freight routes in the rural areas while also considering impacts on surrounding and established rural settlements.
122. Having assessed the RDS, it is considered that the proposed PC109 objectives are consistent with the intent of the RDS.

Rural Development Strategy: Transport Issues and Options Paper 2011 (RDST)

123. The RDST considers issues and options for transport in the rural area of the Whangarei District. The paper makes a number of recommendations relevant to PC109 which are summarised below:
- Protect transport routes, such as those required for logging trucks, milk tankers and tourism, by limiting development along these routes.
 - Identify routes suitable for high productivity vehicles (over 44 tonnes).
 - Emphasise the transportation management approach; which looks at identification, protection and enhancement of transportation corridors as the best means to mitigate the effects of future growth in travel demand. This could also include, investigating and supporting transport connections between significant population centres and centres of employment.
 - Integrate land use and transportation planning, as detailed in legislation and higher level strategies including relevant Regional policies.
 - Encourage walking and/or cycling through consolidated growth, to allow for shorter travel distances that can be covered by bicycle or on foot.
 - Ensure that roads are upgraded to a satisfactory level to allow the efficient flow of traffic to and from locations and the state highway.

124. PC109 has had regard to the RTDS and is considered to be consistent with the relevant recommendations.

5. Section 32 Analysis

5.1 Appropriateness in Terms of Purpose of RMA

125. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in PC109 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, sections 5.1 – 5.4 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA as well as other higher order documents and objectives in the Strategic Direction Chapter. The level of analysis undertaken in this report is considered appropriate to the scale of the proposal.
126. PC109 proposes the following objectives, the reasons for which are detailed in Table 4:

TABLE 4: S32 ASSESSMENT OF PROPOSED TRA OBJECTIVES	
Proposed TRA Objectives	Reason/Issue
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.	This objective aims to ensure that an efficient transport network is provided to enable people to provide for their social, cultural and economic well-being.
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.	Integrating land use and transport planning can help achieve positive outcomes for both landuse activities and the transport network. Managing effects at the planning stage is more efficient than relying on post development intervention.
TRA-O3 – Active and Public Transport Encourage and facilitate active transport and public transportation.	This objective aims to enhance the sustainability of the transport network and the social and physical well-being of people and communities by promoting active and public transport.
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.	This objective aims to ensure that transport infrastructure is appropriately designed in a manner that protects the safety and efficiency 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.	This objective recognises the importance of amenity values in accordance with s7(c) of the RMA.
TRA-O6 – Future Growth Ensure that future growth can be supported by appropriate transport infrastructure.	The efficiency and functionality of the transport network must be protected for future generations.

127. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 5 demonstrates that the proposed TRA Objectives achieve the purpose of the RMA. Many sections within Part 2 of the RMA are not relevant to PC109. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that PC109 is inconsistent with s8.

		TABLE 5: LINKAGE OF PROPOSED TRA OBJECTIVES WITH PART 2 OF THE RMA					
		Proposed Transport Objectives					
		TRA-O1	TRA-O2	TRA-O3	TRA-O4	TRA-O5	TRA-O6
RMA Part 2 Sections	5(2)(a)	-	✓	✓	-	-	✓
	5(2)(b)	✓	-	-	-	-	-
	5(2)(c)	✓	-	-	-	-	-
	6(a)	✓	-	-	-	-	-
	6(h)	-	-	-	✓	-	-
	7(b)	-	✓	✓	-	-	✓
	7(c)	✓	-	-	-	✓	-
	7(f)	✓	-	-	-	-	-

128. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management.

5.2 Appropriateness in Relation to Higher Order Documents

129. The provisions of higher order documents were considered in the formulation of the objectives and policies in PC109. Section 4 provides a comprehensive evaluation of the consistency of PC109 in relation to relevant higher order documents. Table 6 provides an overview of the proposed TRA objectives' consistency with the most relevant higher order documents.

		TABLE 6: LINKAGE OF PROPOSED TRA OBJECTIVES WITH HIGHER ORDER DOCUMENTS					
		Proposed Transport Objectives					
		TRA-O1	TRA-O2	TRA-O3	TRA-O4	TRA-O5	TRA-O6
Higher Order Documents	Northland Regional Policy Statement	✓	✓	✓	✓	-	✓
	Transport Strategy for Northland	✓	✓	✓	✓	-	✓
	Long Term Plan 2015 – 2025	✓	✓	✓	✓	-	✓
	Whangarei District Growth Strategy – 30/50	-	✓	-	✓	-	-
	Parking Management Strategy	✓	-	✓	✓	-	-
	Walking and Cycling Strategy	-	-	✓	-	✓	-
	20/20 Plus Whangarei CBD Development Guide	-	✓	-	-	✓	-
	Whangarei Urban Design Strategy	-	-	-	-	✓	-

	Whangarei Urban Growth Strategy	✓	-	✓	-	✓	-
	Whangarei Rural Development Strategy	✓	-	-	-	-	✓

5.3 Appropriateness in Relation to the Strategic Direction Chapter

130. The proposed TRA objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed TRA objectives are shown in Table 7 below. This table illustrates that the objectives of the TRA are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 7: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND TRA OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed TRA Objectives
SD-03 – 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-P6	TRA-O6
SD-04 – 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-P18	TRA-O5
SD-07 – 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-P5, P6, P-12	TRA-O1
SD-09 – Land Use and Transport Planning Maintain and enhance accessibility for communities and integrate land use and transport planning.	SD-P6, P7, P9, P13	TRA-O1 – O6
Regional Significant Infrastructure Objectives		
SD-022 – Recognised Benefits Identify and protect Regionally Significant Infrastructure and recognise the benefits it provides.	SD-P15	TRA-O1
SD-023 – Adverse Effects Avoid remedy or mitigate adverse effects of the development, operation and maintenance of Regionally Significant Infrastructure.	SD-P16, P17	TRA-O1

5.4 Effectiveness and Efficiency of Proposed Policies and Methods

131. S32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. In this instance, PC109 proposes six objectives and this s32 assessment must assess whether the proposed provisions are the most appropriate to achieve these proposed objectives. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

132. PC109 proposes a number of new provisions (see **Proposed Plan Changes Text and Maps**). The following sections of this report will assess the efficiency and effectiveness of the preferred provisions and compare them to other reasonably practicable options.

5.4.1 One Chapter

133. It is proposed that all of the provisions relating to transport be located in one chapter. Reasonably practicable options for the chapter structure are as follows:

- **Option 1:** Status Quo – retain the objectives and policies within Chapter 22 and rules within Chapter 47 and Part H Subdivision chapters.
- **Option 2:** Proposed Provisions (plan change option) – combine objectives, policies and rules into one Transport Chapter.
- **Option 3:** Include all transport provisions in the new Subdivision Chapter.

134. It is considered that option 2 represents the most appropriate option for the following reasons:

- Option 2 is consistent with the structure of the WDP under the rolling review. Other plan changes that have been recently made operative, such as Noise and Vibration (NAV) and Historic Heritage (HH) have incorporated all provisions for their relevant topic area into one comprehensive chapter. This is desirable as all provisions relating to a particular topic are located in one chapter without the need to cross reference to different chapters as is the case with Option 1. This enables better understating of what is to be achieved by locating the explanation and objectives and policies alongside the rules. This makes it easier for plan users to navigate the plan and to determine requirements for a specific area or topic.
- The draft Standards provide for any additional sections to address matters on a district wide basis to be included within the General District Wide matters chapter (**S-GDW**). PC109 has been drafted to be consistent with the draft Standards and to be incorporated as a section within the future S-GDW Chapter.
- Option 3 would work from a subdivision perspective; however, the provisions that relate to landuse would need a different chapter. Therefore, it is considered more appropriate to locate all of the transport provisions within one chapter.
- There are no economic growth and employment opportunities arising from the options for this component of PC109.
- There is no risk due to insufficient information.

5.4.2 Mapping of Transport Network

135. Spatial mapping can be an appropriate method of achieving objectives and policies within a District Plan. The WDP does not provide for a 'road zone', but rather applies the zoning of the adjacent Environment to roads. A road in the context of the District Plan has the same meaning as defined in

s315 of the Local Government Act 1974¹ and means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. The appropriateness of the WDP approach has been evaluated and the following four options have been considered:

Option 1: Status Quo: Apply adjacent zone to public roads. (Plan change option)

Option 1 maintains the status quo whereby 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.

Option 2: Create a specific Road zone to apply to public roads.

Option 2 would result in a new zone being introduced in the District Plan. The Road Zone would apply to all land that is a formed public road as defined in the LGA 1974 section 315. This zone could also include railway corridors, which are currently designated. The Road Zone would not include private roads. The rules applicable within this Zone could provide for a range of activities such as: road maintenance, public amenities, temporary activities and signs.

Option 3: Apply no zoning to roads and instead rely on other legislation for road management.

Option 3 would remove roads from management under the RMA via the District Plan. All transport related works by Road Controlling Authorities within transport corridors would be undertaken pursuant to other pieces of legislation such as the Local Government Act, The Land and Drainage Act, Regional Plans, By-laws, etc. However, district wide rules would still apply to un-zoned land.

Option 4: Designate all public roads.

Option 4 would see Council prepare new designations for all roads within the District. The designations would manage the activities and development that occur within roads. However, the adjacent land use zone would still apply as the underlying zone of roads; therefore, any activities outside the scope of the designation would need to be assessed under the District Plan.

136. Each of the above options has costs and benefits associated with it; however, Options 2 and 4 are not viable. Option 2 is not consistent with the draft Standards as there is not a 'Road Zone' provided for in

¹ "road means the whole of any land which is within a district, and which—

(a) immediately before the commencement of this Part was a road or street or public highway; or

(b) immediately before the inclusion of any area in the district was a public highway within that area; or

(c) is laid out by the council as a road or street after the commencement of this Part; or

(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or

(e) is vested in the council as a road or street pursuant to any other enactment;— and includes—

(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988;

(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roadway Powers Act 1989."

the draft Standards. Option 4 is reliant on the requiring authority designating the roads and is outside the scope of PC109. Option 3 is viable, but does not provide certainty regarding the development of transport infrastructure and does not appropriately manage RMA issues and effects. Additionally, Option 3 is not considered to be consistent with higher order policy direction as it would not effectively promote active and public transport or integrate land use and transport planning. Therefore, Option 1 is considered the most appropriate method of achieving the proposed TRA objectives.

5.4.3 Overview

137. An Overview section is proposed that discusses the issues and approach provided in the TRA chapter. Reasonably practicable options for the overview section are as follows:

- **Option 1:** Status Quo – duplicate Overview information from Chapter 22 of the WDP.
- **Option 2:** No overview provided.
- **Option 3:** (Plan change option) Include an Overview section at the beginning of the proposed TRA chapter.

138. It is considered that Option 3 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option as the overview for the TRA chapter would not be updated to match the new approach to transport management and the new structure under the rolling review and the draft Standards.
- Option 2 is not an efficient or effective option as it would represent a lack of consistency with the new WDP structure, and the draft National Planning Standards, and would make the expectations and reasons unclear for plan users.
- Option 3 will ensure that the expectations and reasons for the TRA chapter are clear, thus making the subsequent provisions easier to understand for plan users. This is also consistent with the structure of the WDP under the rolling review where each chapter has its own overview section.
- There are no economic growth and employment opportunities arising from the options for this component of PC109.
- There is no risk due to insufficient information.

5.4.4 TRA.1.3 Policies

139. The proposed TRA objectives are achieved through the application of policies and methods, in this case the use of land use and subdivision rules.

140. The policies proposed for inclusion (see **Proposed Plan Changes Text and Maps**) are considered to achieve the objectives by:

- Establishing the expected outcomes and issues to consider for the design, construction and maintenance of transport infrastructure.

- Ensuring subdivision and development takes into account the capacity of the transport network and potential effects on capacity.
- Promoting active transport.
- Managing adverse effects from the formation quality of transport infrastructure and the design and location of vehicle crossings and access and intersections.
- Managing the quality and quantity of car parking, bicycle parking and loading spaces.
- Protecting the future growth requirements of the transport network.
- Establishing a road hierarchy and protecting the functions of roads.

141. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules in the proceeding sections of the TRA chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 8 below demonstrates that the policies proposed for the TRA implement the proposed TRA objectives, and that the methods implement the proposed TRA policies:

TABLE 8: LINKING OF PROPOSED TRA PROVISIONS		
Proposed TRA Objective	Proposed TRA Policies	Proposed TRA Methods
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-P1 – P15	TRA-R2 – R18
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-P3, P4, P19	TRA-R2, R14 – R18
TRA-O3 – Active and Public Transport Encourage and facilitate active transport and public transportation.	TRA-P1 – P5, P11	TRA-R2, R6, R14 – R18
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-P1, P6 – P10	TRA-R2 – R8, R14
TRA-O5 – Urban Design Design and locate transport infrastructure in a manner which contributes to amenity and quality urban design outcomes.	TRA-P1, P2, P13	TRA-R10 – R12, R15 – R18
TRA-O6 – Future Growth Ensure that future growth can be supported by appropriate transport infrastructure.	TRA-P1 – P4, P14, P15	TRA-R9, R14 – R18

142. An alternative option to the proposed policies was to rely on the existing higher order policies in Part D of the WDP. However, the existing policies are not considered to be effective in integrating landuse and transport planning, encouraging alternative modes of transport, or incorporating urban design

consideration into transport infrastructure. Therefore, the existing policies present additional costs and risk compared to the proposed policies.

5.4.5 Minimum Parking Rates

143. Proposed Rule TRA-R2 seeks to provide for a range of transportation modes and manage the positive and negative effects of on-site parking by establishing minimum requirements for on-site car, loading and bicycle parking spaces.

Car Parking

144. PC109 proposes to review the minimum car parking spaces required for various activities. It is not proposed to undertake a complete overhaul of the operative minimums, rather it is proposed to slightly decrease the minimum number of car parking spaces required for certain activities, as discussed below.
145. The economic costs of minimum car parking requirements can be prohibitive to development. As an example to demonstrate the costs, a potential retail development on a 600m² greenfield allotment in the Business 3 Environment has been considered. The land value of the example allotment is assumed to be \$700,000.
146. Appendix 6 of the WDP requires 1 parking space per 45m² Gross Floor Area (**GFA**), including indoor and outdoor retail and display areas. Within the Business 3 Environment the maximum building coverage is 70%, enabling a building coverage of 420m² on a 600m² allotment. A 420m² retail building would require 9 car parking spaces which would require an area of 225m². Combined this would exceed the 600m² allotment area. In order to provide the required number of car parking spaces the GFA of the retail activity would be limited to a maximum of 382m², which would require 8 parking spaces with a total area of 200m². This results in a third of the allotment being utilised for parking and limits the maximum building coverage to approximately 64%.
147. Using the land value of the allotment (\$700,000), each m² of the allotment has a value of approximately \$1,167. Therefore, each parking space has a total cost of \$49,175 (land value + cost of creation), and the total cost of 8 parking spaces is \$393,400². In order for the proposed activity to comply with the District Plan requirements, land valued at approximately \$233,400 must be utilised to provide parking, which provides little economic return for the developer. Additionally, the maximum building coverage has been limited in order to provide car parking. Economic impacts such as this are necessary to consider when establishing minimum car parking rates.
148. Given the above it is considered that reducing the minimum number of car parking spaces required under the district plan would provide economic benefits for development. The status quo provides methods with immediate, highly visible benefits and deferred, hidden costs. It was considered to remove parking minimums altogether; however, through consultation and research it became apparent that Whangarei is still heavily dependent on private motor vehicles and does not have the public transport infrastructure to support complete removal of parking minimums.

² This estimate relies on the assumption taken from the Parking Management Strategy 2011 that the average car parking space requires approximately 25m² and the cost of creating a car parking space is approximately \$20,000.

149. PC109 also proposes to extend the minimum parking exemption area to include a larger portion of the City Centre area – see greyed out area in Figure 3 below. In addition, PC109 proposes to implement maximum on-site car parking figures in this parking exemption area. The maximums only relate to residential units, visitor accommodation and commercial services. The intention of the maximums is to limit the amount of on-site car parking provided in Whangarei City to place more priority on pedestrians and cyclists.

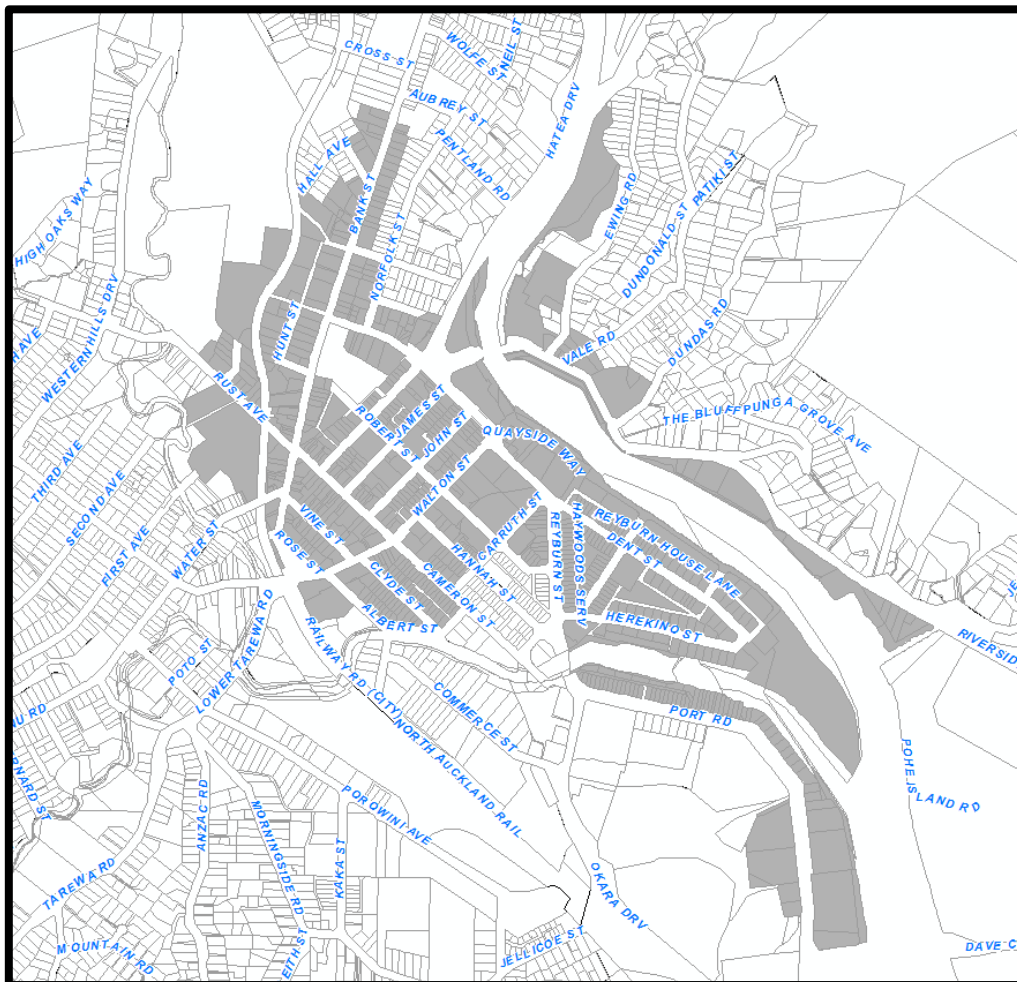


Figure 3: Proposed car parking and loading space exemption area shown as grey shading

150. PC109 proposes to introduce parking reduction factors which enable activities outside of the exemption area to provide less on-site car parking than the stated minimums where certain criteria are met (e.g. in proximity to public transport stops, bicycle routes or public parking lots, or where additional landscaping or bicycle parking is provided on-site). These reduction factors aim to encourage integrated developments and promote alternative modes of transport.

Loading Space Parking

151. PC109 proposes to amend the methodology of determining loading space parking requirements. The WDP states minimum loading space parking requirements for each specific activity. PC109 proposes a streamlined approach which sets loading space requirements for goods handling activities and non-goods handling activities. It is considered that the loading requirements of each specific activity are not unique enough to warrant individualised minimum standards.

Cycle Parking

152. PC109 proposes to introduce minimum bicycle parking requirements for certain activities depending on their scale. Where certain numbers of bicycle parking are required it is also proposed to require end-of-trip facilities (i.e. showers, lockers, etc.) on-site. These provisions aim to encourage more cycling within Whangarei, particularly for commuters.
153. The option of retaining the status quo was considered; however, increased usage of alternative modes of transport is strongly supported in higher order documents and has significant environment, economic and social benefits. Without provisions in the District Plan to encourage/enforce bicycle parking, Council would not be taking a proactive step towards achieving this goal. Additionally, having no provisions relating to alternative modes of transport is not considered to be consistent with the RPS.
154. The option of only providing policy (rather than rules) for the encouragement of alternative modes of transport was also considered. However, with no methods for achieving this policy it is considered that this would not be an efficient means of meeting the proposed TRA objectives as any permitted activity would not require consideration for alternative modes of transport.

Conclusion

155. Given the above, the proposed provisions relating to minimum parking rates are considered to be the most appropriate way of achieving the TRA objectives. Table 9 further assesses the appropriateness of the proposed provisions.

TABLE 9: S32 ASSESSMENT OF PROPOSED MINIMUM PARKING RATE PROVISIONS	
Costs	Benefits
<p><u>Environmental</u></p> <p>Proposed provisions may result in an oversupply of on-site parking as maximums are only proposed in the City Centre area. This may result in adverse effects on amenity if excessive on-site car parking is provided in commercial areas.</p> <p><u>Economic</u></p> <p>If parking over-spill becomes an issue, additional costs may be required to implement a Residents Parking Scheme and monitor on-street parking.</p> <p><u>Social</u></p> <p>Potential for undersupply of on-site parking in some areas which could have adverse effects, particularly in residential areas, if there is a significant increase in on-street car parking.</p> <p><u>Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Would ensure that minimum car, loading and bicycle parking rates reflect the context and surrounding environment by way of parking reduction factors.</p> <p>Reduced car dependency contributes to reduced greenhouse gas emissions.</p> <p>Less land area required for parking which can be used for things like landscaping instead to improve amenity.</p> <p><u>Economic</u></p> <p>Reduced dependency on private motor vehicles reduces the need to invest in additional roading infrastructure.</p> <p>Can increase walkability of areas, benefiting businesses by increasing foot-traffic.</p> <p>Minimum parking exemptions provides flexibility for developers.</p> <p>Reducing parking requirements for residential units can reduce housing prices.</p> <p>Focusing on parking pricing is a more flexible approach than requiring set rates of minimum on-site parking.</p> <p><u>Social</u></p> <p>Can provide health benefits by encouraging more active transport usage.</p>

	Provisions aim to provide sufficient on-site parking in areas susceptible to over-spill to minimise potential adverse effects. <u>Cultural</u> None identified.
Efficiency	Effectiveness
The proposed provisions are considered to be an efficient method of achieving the proposed PC109 objectives.	The proposed provisions are considered to be effective at promoting alternative modes of transport while ensuring that sufficient car parking and loading spaces will be provided on-site.
Economic Growth and Employment Opportunities	
The proposed provisions are considered to have positive effects on economic growth and employment opportunities when compared to the status quo as developers are provided greater flexibility with less on-site car parking required.	
Risk of acting and not acting if there is uncertain or insufficient information	
<p>The proposed provisions have been prepared using technical advice, assistance from transport engineers and an analysis on the effectiveness and efficiency of the WDP provisions. Therefore, the level of information used in the preparation of the proposed provisions is considered to be well founded. Accordingly, the risk of acting based on the information available on this topic is considered to be low. There is however a degree of risk that there may be parking over-spill in some areas. It is envisaged that this will be managed through alternative methods outside the District Plan such as parking pricing or resident parking permits.</p> <p>The risk of not acting is that the District Plan would not support a range of transport choices in accordance with the RPS and other higher order documents. Additionally, not acting may result in more adverse effects on the safety, efficiency and sustainability of the transport network.</p>	

5.4.6 Parking and Loading Design

156. Proposed Rules TRA-R2, R3, R4 and R7 relate to providing for a safe and efficient transport network by regulating the design and construction of parking, loading and manoeuvring areas.

Manoeuvring Space

157. The WDP provides for off-street parking as a permitted activity provided that on-site manoeuvring is provided to ensure that no vehicle is required to reverse either onto or off a site where:
- The site has vehicle access to a State Highway, arterial or collector road; or
 - The site requires 3 or more vehicle parking spaces; or
 - The site is a rear site, or access is provided by a shared access.
158. The WDP also requires parking and manoeuvring areas to be designed so that vehicles are not required to undertake more than one reverse manoeuvre when manoeuvring in or out of any parking or loading space.
159. It is considered appropriate to avoid reverse manoeuvring in specific situations and to ensure sufficient manoeuvring space to enable the safe and efficient use of the transport network. PC109 proposes to replace the operative rules with Rule TRA-R7 which contains the following:

- TRA-7.1(a) requires sites to provide sufficient manoeuvring space to avoid needing to reverse either onto or off the site, except where access is gained from an Access or Low Volume Road and less than 3 car parking spaces are required on-site.
- TRA-7.1(b) avoids stacked parking except for specific activities.
- TRA-7.1(c) requires sufficient queuing space to be provided for specified activities.
- TRA-R7.1(d) – (e) requires sufficient tracking curves and manoeuvring areas to be provided for car and loading parking spaces.

160. It is considered that the combination of proposed rules will ensure that sufficient space is provided on-site to achieve a safe and efficient transport network.

161. One alternative considered was to not state specific tracking curves and instead require sufficient space to ensure that manoeuvring in and out of a parking/loading space shall not require more than one reverse manoeuvre for the intended vehicle occupants. This option would help to simplify and streamline the proposed provisions. However, the wording of this option was not considered to provide enough certainty for plan users. The proposed provisions provide more clarity regarding what manoeuvring space needs to be provided on-site.

162. Another alternative considered was to have no rules managing on-site manoeuvring space and instead rely on developers to provide sufficient space. This option enables more flexibility and site-specific design, but is not considered appropriate as poorly designed on-site manoeuvring space can have significant external adverse effects which are appropriate to manage under the district plan.

Parking Space Dimensions

163. The WDP requires parking space dimensions to comply with the Australia and New Zealand Standard AS/NZS 2890.1. This document is referenced in the EES 2010. It is considered that the parking space dimensions should be contained within the District Plan as this would increase the ease of use and efficiency of the provisions. PC109 proposes to state the parking space dimensions in Appendix 1G. The dimensions stated in Appendix 1G have been developed with the asset engineers on the Roding team at Council to ensure appropriateness.

164. The WDP does not establish minimum dimensions for loading spaces. PC109 proposes minimum dimensions for loading spaces that will be used by articulated trucks and spaces that will not be used by articulated trucks. This is to ensure that sufficient space is provided to achieve the purpose of loading spaces. An alternative considered was to retain the status quo with no dimensions stated; however, this causes uncertainty in terms of what is required in order to comply with the WDP rules.

Gradient

165. The WDP currently provides for off-street parking spaces, loading spaces and manoeuvring areas for non-residential activities as a permitted activity provided they are no steeper than:

- 1 in 16 for surfaces at 90° to the angle of the parking, and/or

- 1 in 20 for surfaces parallel to the angle of the parking.

166. It is considered that this rule is appropriate to retain as it ensures that parking spaces are safely and easily accessible. More restrictive and less restrictive alternatives were considered; however, the status quo has operated effectively and efficiently and is therefore not considered appropriate to change.
167. However, the rule is currently contained in the EES 2010, but is cross-referenced in the WDP. It is proposed to remove this rule from the EES 2010 and to incorporate it into the proposed TRA Chapter as Rule TRA-R4.

Permanent Identification

168. Under the WDP, off-street parking spaces are not required to be marked or identified. It is considered beneficial for off-street parking spaces for non-residential activities to be permanently marked or delineated so that customers, employees, visitors, etc. know where to park and can park in an orderly manner. Accordingly, businesses often mark or delineate parking spaces without being required to do so. However, without a requirement under the WDP this is non-enforceable.
169. It is considered appropriate to require car parking spaces and loading spaces to be permanently marked, except in the case of a residential unit. Allowing exemptions for other activities such as industrial or emergency services was considered. However, the benefits of requiring parking spaces to be marked in these instances are considered to outweigh any costs.

Location

170. The WDP provides for parking spaces and loading spaces as permitted activities where they are not located on any access, manoeuvring area or outdoor living court. It is considered that this provision is appropriate and is proposed to be retained. The option of removing this requirement was considered; however, this may have more than minor adverse effects on the safety and efficiency of the transport network as internal accessways and manoeuvring areas may be blocked. Additionally, removing this requirement would affect on-site amenity as the space available for outdoor living courts would be reduced or completely eliminated.
171. It is also proposed to require parking spaces to be located outside of Strategic Road Protection Areas. A parking space within the Strategic Road Protection Area will not necessarily compromise future works or the future widening of the road. However, in the instance that the road were widened it may compromise the usability of the parking space which could in turn adversely affect the efficiency and safety of the transport network.

Conclusion

172. Given the above, the proposed provisions relating to parking and loading design are considered to be the most appropriate way of achieving the TRA objectives. Table 10 further assesses the appropriateness of the proposed provisions.

TABLE 10: S32 ASSESSMENT OF PROPOSED PARKING AND LOADING DESIGN PROVISIONS	
Costs	Benefits

<u>Environmental, Social and Cultural</u> None identified when compared to status quo. <u>Economic</u> Additional costs to developers to mark or identify parking spaces.	<u>Environmental</u> Increases the safety and efficiency of the transport network. <u>Economic</u> Applicants no longer require access to AS/NZS 2890.1 to determine permitted parking space dimensions. <u>Social</u> Provisions contained in the EES 2010 are moved to the District Plan to enable easier use for users of the District Plan. Easier to use parking areas with identified parking spaces. <u>Cultural</u> None identified.
Efficiency	Effectiveness
The status quo has generally been efficient in managing parking and loading design. However, the proposed provisions aim to increase the efficiency by stating the parking dimensions in the District Plan rather than by referring to the EES which refers to AS/NZS 2890.1.	It is considered that the proposed provisions effectively contribute towards achieving a safe and efficient transport network in accordance with the proposed TRA objectives.
Economic Growth and Employment Opportunities	
It is considered that the proposed provisions will have a low impact on economic growth and employment opportunities. The provisions are largely similar to the status quo (except for the requirement to permanently mark parking spaces and slight amendments to on-site manoeuvring space requirements) and are intended to increase the safety and efficiency of the transport network.	
Risk of acting and not acting if there is uncertain or insufficient information	
The status quo has generally operated efficiently and effectively. The changes proposed by these provisions are not considered to be significant; therefore, the risk of acting or not acting is considered to be low.	

5.4.7 Access and Vehicle Crossings

173. Proposed Rules TRA-R5 and R6 seek to provide for a safe and efficient transport network by regulating access and vehicle crossing design.

Separation Distances

174. The WDP does not contain any provisions requiring separation distances between separate vehicle crossings; nor does the WDP establish a separation distance between vehicle crossings and other transport network infrastructure (e.g. railway level crossings and dedicated pedestrian crossing facilities). This enables vehicle crossings to be located in close proximity to each other and to other transport network infrastructure, which may in turn compromise the safety of the transport network.
175. The status quo is considered inappropriate as the WDP only controls the separation distance of vehicle crossings from intersections. Therefore, it is proposed to manage the location of vehicle crossings by providing for crossings as a permitted activity where they are:
- At least 30m from any railway level crossing.
 - At least 8m from any dedicated pedestrian crossing facility (e.g. a pedestrian crossing, mid-block pedestrian signals, refuge islands, etc.).

- At least 2m from any separate vehicle crossing.
- Able to comply with minimum distance from intersections based on the road hierarchy classification.
- Able to comply with minimum vehicle crossing sight distances based on the road hierarchy classification.

176. It is considered that the proposed rules will enhance the safety and efficiency of the transport network by reducing the impacts of multiple vehicles simultaneously entering or exiting sites in proximity, and by reducing the risk of accidents associated with railways, pedestrian crossings and intersections. The proposed provisions are also considered to help support pedestrianised environments by locating vehicle crossings in a manner which does not compromise pedestrian safety.
177. More restrictive and less restrictive options were evaluated. The proposed separation distances have been developed with the asset engineers on the Roding team at Council and are considered to appropriately address the issues without being overly restrictive.
178. It is noted that any vehicle crossing that fronts a National or Regional road is proposed to be a discretionary activity. This rule was not initially proposed; however, after discussing with the Roding team at Council it became apparent that developing permitted activity standards for vehicle crossings on National or Regional roads was very challenging as they require careful design and location. Therefore, the proposed rule is considered appropriate to protect the safety and efficiency of National and Regional roads.

Number of Vehicle Crossings

179. Under the EES 2010 there is a limit on the number of vehicles crossings permitted per site based on frontage length and the road hierarchy classification. This requirement manages the safe and efficient functioning of the transport network while also promoting pedestrianised environments by not enabling an excess of vehicle crossings which interrupt the footpath and restrict street parking. This is considered an appropriate provision for the district plan and there are no identified issues with the operative approach. However, it is proposed to move the rule from the EES 2010 to the proposed TRA Chapter.
180. Where new vehicle crossings result in former crossings becoming redundant it is proposed to require the unused crossing to be reinstated to match the existing footpath and kerbing. This aims to promote and facilitate walkability.

Private Access Standards

181. The EES 2010 contains requirements for the design of private access (e.g. minimum widths, footpath requirements, maximum gradients, etc.). It is proposed to retain these provisions as there are no identified issues with them. However, is proposed to move the rule from the EES 2010 to the proposed TRA Chapter and to make slight amendments to improve the legibility of the rule.

Conclusion

182. Given the above, the proposed provisions relating to access and vehicle crossings are considered to be the most appropriate way of achieving the TRA objectives. Table 11 further assesses the appropriateness of the proposed provisions.

TABLE 11: S32 ASSESSMENT OF PROPOSED ACCESS AND VEHICLE CROSSINGS PROVISIONS	
Costs	Benefits
<p><u>Environmental and Cultural</u></p> <p>None identified when compared to status quo.</p> <p><u>Economic</u></p> <p>May restrict development in some areas where access may require resource consent.</p> <p>Consenting costs to comply with rules.</p> <p><u>Social</u></p> <p>New rules in District Plan for users to become accustomed to.</p>	<p><u>Environmental</u></p> <p>Provides for a safe and efficient transport network.</p> <p>Promotes walkability and prioritises pedestrians.</p> <p>Reduced congestion and greenhouse gasses.</p> <p><u>Economic</u></p> <p>May reduce number of vehicle accidents.</p> <p>Promotes walkability and safe and accessible parking spaces which can benefit business by increasing foot traffic.</p> <p>Protects the safety and efficiency of National and Regional roads.</p> <p><u>Social</u></p> <p>Creates pedestrian friendly environments.</p> <p>Provides safer and easier to use transport network with less conflicting accesses.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Efficiency	Effectiveness
<p>The proposed provisions efficiently manage access and design location without being overly prescriptive. Shifting the provisions from the EES 2010 to the District Plan will increase the efficiency of the rules.</p>	<p>The proposed provisions contribute towards achieving the proposed TRA objectives, with particular regard to providing for a safe and efficient transport network and promoting walkability.</p>
Economic Growth and Employment Opportunities	
<p>The proposed provisions have a low impact on economic growth and employment opportunities as sites are able to provide vehicle crossings which do not meet the permitted standards through the resource consent process where no alternatives are possible. It is considered that enhancing the safety and efficiency of the transport network and reducing congestion on the road will enable the District to grow over the long term.</p>	
Risk of acting and not acting if there is uncertain or insufficient information	
<p>The risk of not acting is moderate as under the status quo vehicle crossings are permitted in locations which may compromise driver and pedestrian safety. Additionally, the status quo presents the risk of failing to achieve a range of transport choices in accordance with the RPS and walkability in accordance with several high order documents. The risk of acting is low as the proposed provisions are designed to minimise risks arising from conflicting vehicle crossings.</p>	

5.4.8 Formation Standards

183. Proposed Rule TRA-R8 relates to providing a safe and sustainable transport network by managing the formation of internal access areas, parking and loading areas and manoeuvring areas. This is currently managed through the EES 2010 which states specific pavement, subgrade, sub-base and basecourse material requirements.

184. It is considered that the current level of detail stated in the EES is too specific to be managed as an RMA issue. PC109 proposes to replace the EES 2010 requirements with a streamlined version requiring permanent all-weather surfacing within specific zones or instances. Permanent all-weather surfacing is proposed to be defined as:

means a pavement which is dust free and is trafficable under all weather conditions, with a sealed surface of, eg concrete, asphalt, bitumen.

185. The proposed approach is considered to be more streamlined and easier to interpret and enforce while also being more targeted at RMA issues. It is considered that the proposed provision is sufficient to achieve the intended outcomes and the proposed TRA objectives.
186. In addition, it is proposed to require any vehicle crossing accessing a sealed road to be sealed for a minimum distance of 10m from the road boundary to a standard not less than that of the adjoining road surface. This is consistent with the ES 2018.

5.4.9 Future Transport Infrastructure

187. Proposed Rule TRA-R9 seeks to protect the long-term future of the transport network by protecting strategic locations from development which may compromise the growth of the transport network.

Strategic Road Protection Areas

188. The WDP contains several building line restrictions (**BLR**) which are listed in Appendix 1 and shown on the Planning Maps. A BLR is defined in the WDP as:

“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.”

189. BLRs are considered to be appropriate tools, in certain circumstances, to ensure that sufficient area is retained for the potential future growth of the transport network. However, BLRs must be well justified to ensure that any restrictions placed on a site are warranted and reasonable. Therefore, the BLRs under the WDP have been reviewed through PC109.
190. Through the review of the operative BLRs it became apparent that the term “building line restrictions” has created controversy in the past as it conveys the message that it is a restriction on private property rights. In an attempt to better describe their purpose, “building line restrictions” is proposed to be changed to “strategic road protection areas” (**SRPA**) to shift the focus to protecting the future of the transport network rather than restricting development.
191. PC109 proposes to delete four of the SRPAs as either the road has already been widened in these areas, future road widening is unlikely, development has occurred to the extent that any future widening is already compromised, or the proposed road setbacks for the relevant zone are sufficient to protect the transport corridor. For similar reasons, it is proposed to amend one other SRPAs to reduce the width.

192. An alternative considered was to remove all the SRPAs from the WDP; however, for the SRPAs that are proposed to be retained it is anticipated that the transport network will grow in the future. Removing the SRPAs in these areas may compromise the future capacity of the transport network and would significantly increase the cost of future expansion.
193. A further alternative considered was to retain all the operative SRPAs and to potentially include more. However, the justifications for these SRPAs were not considered robust enough to impose restrictions on landowners, and no additional SRPAs were identified by the Roding team within Council as being necessary.
194. Proposed Rule TRA-R9.1 requires buildings to be setback at least 0.5m from SRPAs, and sensitive activities at ground floor to be setback at least 2m from SRPAs. An increased setback for sensitive activities is proposed to manage reverse sensitivity and protect amenity for sensitive activities, particularly residential units.

Indicative Roads

195. Indicative roads are identified in the WDP to illustrate where it is desirable to construct future roads, and can be used as a method to guide future development patterns. Indicative Roads are shown on the WDP Environments Maps.
196. Similar to SRPAs, indicative roads are a useful tool but must be well justified. Therefore, the indicative roads under the WDP have been reviewed through PC109. It is proposed to remove eight of them as either the road has already been built, or development has occurred to the extent that the indicative road is already compromised. It is also proposed to amend the alignment of two indicative roads to be more consistent with the roading network that has developed in the area.
197. PC109 proposes to require consent for any buildings that are within 10m of an indicative road. This distance has been developed with the asset engineers on the Roding team within Council to ensure sufficiency. It is considered that 10m is appropriate and the proposed policies aim to provide flexibility where resource consent is required.

Conclusion

198. The proposed provisions relating to the provision of future transport infrastructure are considered to be the most appropriate way of achieving the TRA objectives. The SRPAs and indicative roads that are proposed to be deleted have been identified as not being necessary, so there is no cost associated with their deletion. The SRPAs and indicative roads that have been retained are considered to be important for the future growth and linkages of Whangarei's transport network, and the benefits of retaining them in the district plan outweigh the costs of restricting development. The proposed building setbacks from SRPAs and indicative roads are considered to be sufficient to protect the transport network while also not being too onerous.

5.4.10 Landscaping

199. Proposed Rules TRA-R10 – R12 aim to protect amenity values and promote quality urban design by establishing minimum landscaping requirements.

200. There are currently no landscaping requirements for off-street car parking spaces in the WDP. It is considered that parking areas can have more than minor adverse effects on amenity, stormwater flows and walkability. Accordingly, it is considered appropriate to establish minimum landscaping requirements for car parking areas to achieve the following:
- Landscaping along road boundaries where parking areas are adjacent to roads – this improves street amenity and walkability along road frontages.
 - Minimum areas of landscaping within parking areas based on the number of car parks – this improves amenity within sites, breaks up large areas of impervious surfaces and can contribute to pedestrian safety and legibility.
 - Tree planting within parking areas based on the number of car parks – this helps improve amenity within sites and provides shading for pedestrians.
201. The proposed rules are worded in a way to ensure that landscaping is provided in a relevant area within or adjacent to the parking spaces, rather than being located in another part of the site where the benefits would be diminished.
202. More restrictive and less restrictive alternatives were considered; however, the proposed landscaping requirements are considered sufficient to achieve positive outcomes while not being too onerous. While the provisions have the potential to incur additional costs for developers, well designed and landscaped parking areas can have economic, environmental and social benefits which can outweigh the costs. Within the notes for the proposed rules, reference is made to Whangarei's Urban Design Guidelines to direct applicants to best practice guidance.
203. At the Council briefing prior to notification concerns were raised that the required minimum root area of 9m² was too large. This area was developed based on discussions with the Parks and Recreation team at Council. Following the briefing further discussions with the Parks and Recreation team were undertaken to confirm that a 9m² minimum area is appropriate. Based on these discussions, it is considered that 9m² is appropriate to protect the car parking area for damage from roots and to protect cars from possible damage from falling branches. It was also questioned at the Council briefing whether a maximum root area needs to be stated. It is not considered necessary to state a maximum as this is something that can be determined by the developer of the site.
204. The proposed landscaping provisions are considered to be the most appropriate way of achieving the TRA objectives. Table 12 further assesses the appropriateness of the proposed provisions.

TABLE 12: S32 ASSESSMENT OF PROPOSED LANDSCAPING PROVISIONS	
Costs	Benefits
<u>Environmental and Cultural</u> None identified when compared to status quo. <u>Economic</u> Additional costs to developer. Potentially reduced area for car parking spaces. <u>Social</u>	<u>Environmental</u> Enhanced ecological values, stormwater management, amenity values, walkability, and driver and pedestrian safety. <u>Economic</u>

New rules in District Plan for users to become accustomed to.	Pleasant and safe parking areas can increase businesses' attractiveness and encourage more customers. <u>Social</u> Enhanced walkability and amenity values within parking areas. <u>Cultural</u> None identified.
Efficiency	Effectiveness
The provisions require landscaping within parking areas without being overly prescriptive. The Urban Design Guidelines are referenced as a method of educating and encouraging developers to adhere to best practice.	The minimum landscaping requirements will effectively require landscaping in parking areas and contribute towards achieving the proposed TRA objectives.
Economic Growth and Employment Opportunities	
The proposed provisions are considered to have minimal impacts on economic growth and employment opportunities as the landscaping requirements are unlikely to deter development.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no identified risk due to uncertain or insufficient information.	

5.4.11 Electric Vehicle Charging Stations

205. Proposed Rule TRA-R13 requires at least 1 electric vehicle charging station to be provided per every 50 car parking spaces that are required on a site. Electric vehicles are becoming increasingly popular in Northland; however, a common reason that people do not choose to drive electric vehicles is their limited range and the infrequent charging stations. The WDP does not have any requirements for charging stations and this rule is proposed to enhance sustainability by supporting the use of electric vehicles.
206. The cost of a typical destination based charging unit is approximately \$1,500. This cost is not considered to be too onerous for the scale of development that would trigger the rule. There can be additional costs incurred to install the unit, especially if underground work is required and earthworks are needed within an existing car parking area. This rule aims to minimise the need for retrofitting of car parks by requiring consideration for charging stations at the beginning stages of development. It is considered that in the long run this can help reduce costs. Additionally, the charging station parking space counts towards the total number of parking space required so there is no additional space required to comply with the rule.
207. There was support for this proposed rule in the pre-notification consultation and there are no identified risks. It is considered that the rule is an appropriate method of achieving the proposed TRA objectives of providing a sustainable transport network.

5.4.12 Subdivision

208. Proposed Rule TRA-R14 provides for subdivision as a controlled activity where:
- The site does not contain an indicative road or a SRPA.
 - All proposed allotments can provide access and vehicle crossings that comply with the relevant standards.

- Any shared access serves no more than 8 allotments or 8 principal residential units in all zones except for the Rural (Urban Expansion) Zone where it is reduced to 3 allotments or 3 principal residential units and no more than 1 right of way is created.

209. Where any of the above requirements cannot be met, subdivision is proposed to be a discretionary activity.
210. The rule regarding indicative roads and SRPAs aims to protect the future growth of the transport network and achieve proposed Objective TRA-O6.
211. The rule regarding vehicle crossings and access ensures that all allotments are designed and located in a way that will protect the safe and efficient functioning of the transport network. This rule requires consideration to be given to access and crossing design at subdivision stage rather than delaying it until building consent or landuse consent is applied for.
212. The rules regarding shared access and rights of ways retains the status quo of the WDP, and require consideration to be given to the appropriateness of a shared access serving more than the stated threshold, or if a road should be constructed instead.
213. The proposed rules are accompanied by a list of matters of control to ensure appropriate design, location and construction of transport infrastructure, and to provide guidance to applicants.
214. A more restrictive alternative that was considered was to make all subdivision a restricted discretionary activity with the matters of discretion restricted to transport related issues. However, this approach is considered unnecessary as the risks and costs can be sufficiently managed by the controlled activity standards.
215. A less restrictive alternative that was considered was to enable all subdivision as a controlled activity with no transport rule requirements. It is considered that a controlled activity status would not be appropriate, as an application could not be declined and there would be limited ability to make significant changes to an application if the standards proposed by the applicant were unsuitable.
216. The proposed option largely retains the status quo of the WDP and is considered to be more appropriate than the less restrictive and more restrictive alternatives that were considered. It is noted that for larger scale subdivisions there are also requirements for Integrated Transport Assessments (ITAs). This is discussed in the section below.

5.4.13 Integrated Transport Assessments (ITA)

217. Proposed Rules TRA-R15 – R16 aim to protect the safety, efficiency and sustainability of the transport network by requiring an ITA for specific activities.
218. The New Zealand Transport Agency encourages territorial authorities to require ITAs to be prepared to support resource consent applications where the development may result in additional major trip-generating activities. ITAs consider the potential impact of a proposed development on the transport network and the effectiveness of any mitigation measures that are proposed.

219. PC109 proposes to require an ITA based on the scale of the activity proposed, as activities of a certain scale have the potential to generate significant adverse effects on the transport network. Smaller scale developments and subdivisions will either not require any ITA or will require a less detailed ITA while larger scale developments and subdivisions will require a more detailed ITA. The level of detail that is required in the ITA is listed in proposed information requirements TRA-REQ1 – REQ2. These information requirements are proposed to provide clarity regarding what information should be included in each level of ITA.
220. Currently there are no requirements for ITAs in the WDP. The most similar mechanisms are rules RUEE.3.4.1 in the Rural (Urban Expansion) Environment and 47.2.12 in the Road Transport Rules Chapter. These were introduced through Plan Change 86A and B, respectively. The rules were introduced to protect the future operation or extension of the roading network from inappropriate subdivision and development. The rules particularly targeted greenfield development, as Plan Changes 86A and B enabled a significant amount of greenfield capacity around the fringe of Whangarei city. The proposed ITA rules seek to refine this approach and apply it to all relevant zones and delete Rules RUEE.3.4.1 and 47.2.12 and the Living Overlay on the Planning Maps as a consequential amendment.
221. Table 13 assesses the appropriateness of the proposed provision.

TABLE 13: S32 ASSESSMENT OF PROPOSED ITA PROVISIONS	
Costs	Benefits
<u>Environmental</u> None identified.	<u>Environmental</u> Ensures appropriate assessment of activities generating effects on the transport network, including cumulative effects.
<u>Economic</u> Cost of resource consent and preparing an ITA. Cost of required mitigation works for developer. Development opportunities or flexibility may be constrained. Ongoing costs of travel demand management solutions. Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.	Creates case specific consideration of mitigation options and ensures land use proposals are integrated with the transport network. Protects the safety and efficiency of transport network and its users. Supports alternative modes of transportation as mitigation measures. Integrates land use and transport planning.
<u>Social</u> New District Plan methods and consenting requirements for users to become accustomed to.	Ensures proposals consider amenity values of the streetscape which are a component in supporting alternative travel modes.
<u>Cultural</u> None identified.	Ensures ITAs are prepared by suitably qualified and experienced practitioners so the information and assessment provided is robust.
	<u>Economic</u> Minimised effects on the transport network, reducing infrastructure provision expenses. Cost of preparing an ITA will be relevant to the scale of the activity and consent would not be required for smaller scale activities. Protects the transport network from reverse sensitivity effects which might otherwise hinder the operation of the network.

	<p>Reduced rate of growth and pressure on transport infrastructure through travel demand management interventions.</p> <p><u>Social</u></p> <p>Certainty on when ITA will be required and clarity on what should be included.</p> <p>Promotes alternative modes of transportation.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Efficiency	Effectiveness
The proposed provisions provide clarity and certainty for ITA requirements. Intervening through a consent process is an efficient way of ensuring the adverse effects of activities on the transport network are addressed. Avoiding or minimising effects at the planning stage is more efficient than relying on post development intervention.	The proposed provisions are effective because they provide a clear framework for managing the potential adverse effects of subdivision, use and development on the transport network.
Economic Growth and Employment Opportunities	
The proposed provisions are considered to have a low impact in terms of economic growth and employment opportunities. The ITA thresholds are designed to be relative to the scale of the activity so that the ITA requirements are unlikely to deter development and will protect the potential future growth of the transport network.	
Risk of acting and not acting if there is uncertain or insufficient information	
<p>The provisions relating to ITAs have been prepared using technical advice, assistance from transport engineers, and an analysis of the effectiveness and efficiency of the WDP provisions. Therefore, the level of information used in the preparation of the proposed provisions is considered to be well founded. Accordingly, the risk of acting is considered to be low.</p> <p>The risk of not acting is moderate as larger developments and subdivisions could adversely affect the safety, efficiency, accessibility and sustainability of the transport network.</p>	

5.4.14 New Roads and Alterations

222. Proposed Rules TRA-R17 – R18 require consent for any new public road or service lane or for any major roading alteration to an existing public road, which is proposed to be defined as:

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.

223. Currently the WDP requires compliance with the EES 2010 which has extensive engineering requirements for roads. As discussed in section 3.2 above, the EES 2010 (or the ES 2018) is no longer proposed to be incorporated by reference in the district plan. Therefore, the following options were considered regarding roading design and construction:
- Option 1: Shift all of the EES 2010 rules regarding road design and construction into the new TRA chapter.
 - Option 2: Do not require resource consent for roads and instead rely on the vesting process.
 - Option 3: (plan change option) Require consent for all new roads and major alterations.
 - Option 4: Only require consent for new roads but not major alterations.
224. Option 1 is not considered to be a viable approach as the EES 2010 standards are too ambiguous and discretionary to be converted into district plan rules. Additionally, this approach would not assist in simplifying and streamlining the district plan.
225. Option 2 is considered to have too much risk and cost associated with it as the vesting process does not appropriately consider relevant aspects such as amenity, urban design and alternative transport modes. Additionally, there are instances where Council constructs new roads and undertakes major alterations and it is important to ensure that appropriate standards are also applied to work undertaken by Council.
226. This results in Options 3 and 4 being considered the only viable options. Option 4 presents similar risks to Option 2 whereby major roading alterations would not be managed by the district plan. It is considered important to assess major roading alterations as there can be significant effects on the transport network and the surrounding amenity and character. Option 4 would also require consequential amendments to the WDP to remove any reference to the EES 2010 in other chapters and to link to the proposed TRA chapter where appropriate.
227. The proposed provisions are considered to be the most appropriate way of achieving the TRA objectives. Information requirements are proposed to be stated in TRA-REQ3 to provide guidance to applicants. Table 14 further assesses the appropriateness of the proposed provisions.

TABLE 14: S32 ASSESSMENT OF PROPOSED ROAD PROVISIONS	
Costs	Benefits
<u>Environmental and Cultural</u> None identified.	<u>Environmental</u> Ensures appropriate assessment of activities generating effects on the transport network, including cumulative effects. Protects safety and efficiency of transport network and users. Supports alternative modes of transportation as mitigation measures. Integrates land use and transport planning.
<u>Economic</u> Cost of resource consent and addressing information requirements. Cost of required mitigation works for developer. Development opportunities or flexibility may be constrained.	Ensures proposals consider amenity values of the streetscape.
<u>Social</u>	

New District Plan methods and consenting requirements for users to become accustomed to.	<p>Requires early consideration of effects and methods to manage effects.</p> <p><u>Economic</u></p> <p>Minimised effects on the transport network, reducing infrastructure provision expenses.</p> <p>Costs will be relevant to the scale of the activity.</p> <p>Protects the transport network from reverse sensitivity effects which might otherwise hinder the operation of the network.</p> <p>Reduced rate of growth and pressure on transport infrastructure through travel demand management interventions.</p> <p><u>Social</u></p> <p>Certainty on consenting requirements and clarity on what information should be included.</p> <p>Promotes alternative modes of transportation.</p> <p><u>Cultural</u></p> <p>None identified.</p>
Efficiency	Effectiveness
Intervening through a consent process is an efficient way of ensuring the adverse effects of activities on the transport network are addressed. Avoiding or minimising effects at the planning stage is more efficient than relying on the vesting process.	The proposed provisions are effective because they provide a clear framework for managing the potential adverse effects of new roads and major roading alterations.
Economic Growth and Employment Opportunities	
The proposed provisions are considered to have a low impact in terms of economic growth and employment opportunities.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no identified risk due to uncertain or insufficient information.	

5.4.15 Rooding Hierarchy

228. The WDP contains a road hierarchy, which categorises roads by their function to achieve a safe and efficient transport network. The hierarchy is composed of the following classifications:

- State Highways
- Arterial Roads
- Collector Roads
- Local Roads

229. The WDP road hierarchy is based on road function and planned levels of service and sets out the factors (length, width and volume) which define a road as being in a certain category. PC109 proposes to classifying roads in a two-tier hierarchy.

230. The proposed roading hierarchy aims to recognise and protect the purpose and expectations of assets in the transport network and to minimise reverse sensitivity. The first tier of the proposed roading hierarchy gives effect to the ONRC to be consistent with the national hierarchy system as established

by the New Zealand Transport Agency. The second tier gives effect to the NRPS by identifying regionally significant transport routes. Other categories and tiers were considered; such as cycle ways, shared paths, the blue green network, etc. However, the mapping for these categories would frequently be changing which would require on-going plan changes to update the district plan and could incur significant costs to Council.

231. The proposed two-tier roading hierarchy is considered to be the most appropriate way of achieving the TRA objectives. Table 15 further assesses the appropriateness of the proposed hierarchy.

TABLE 15: S32 ASSESSMENT OF PROPOSED ROADING HIERARCHY PROVISIONS	
Costs	Benefits
<u>Environmental</u> Two tier hierarchy may not reflect all of the unique characteristics of any given transport corridor. <u>Economic and Cultural</u> None identified. <u>Social</u> New roading categories in the district plan for community to adjust to. <u>Cultural</u> None identified.	<u>Environmental</u> Recognises and protects the form and function of transport corridors. Will result in street design typologies which will reflect the desired amenity of each transport corridor. <u>Economic</u> Enables more comprehensive planning of land uses based on the form and function of the surrounding transport corridors. <u>Social</u> Consistent approach to road design. <u>Cultural</u> None identified.
Efficiency	Effectiveness
A roading hierarchy is considered an efficient method of recognising transport network assets and establishing standards/rules around these assets.	It is considered that the proposed hierarchy effectively establishes clear standards and expectations for different assets of the transport network.
Economic Growth and Employment Opportunities	
The proposed hierarchy will operate similarly to the operative hierarchy; and is considered to have a low impact in terms of economic growth and employment opportunities.	
Risk of acting and not acting if there is uncertain or insufficient information	
The risk of acting is low as the proposed provisions implement the ONRC and give effect to the RPS.	

232. It is proposed to show the first-tier of the roading hierarchy on the Planning Maps. The categorisation of each road has been undertaken by the Roding team at Council. However, there are some roads that have not yet been mapped by the Roding team, including State Highway 15. It is intended for the Roding team to finalise the categorisations for these roads through submissions to the notified plan change. However, if Roding does not make any submission then State Highway 15 is proposed to be identified as a “Regional” road and all other uncategorised roads are proposed to be identified as Low Volume Roads.
233. There are also some private roads that are shown as being “uncategorised” on the proposed Planning Maps. It is intended that Roding will review these private roads and address them through submissions to the notified plan change. However, if Roding does not make any submission then all private roads will be removed from the mapping and not shown as any hierarchy category.

234. It is not proposed to map the second-tier of the roading hierarchy and to instead rely on the mapping provided in Appendix 3 of the Regional Policy Statement for Northland 2016.

5.4.16 Default to Permitted Activity Status

235. TRA-R1 proposes to default to permitted activity status where any activity is not listed in the chapter and the activity does not require consent under any other rule in the district plan. The default to a permitted activity, means that those activities which are not captured by the specific provisions are permitted and enabled within the TRA chapter. Alternatives considered were:

- **Option 1:** Proposed Plan Change: Include default to permitted activity in TRA-R1.
- **Option 2:** More restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, non-complying).

236. Option 1 is considered to be the most appropriate option for the following reasons:

- Option 1 is the most efficient and effective option. The TRA objectives and policies seek to enable and provide for a safe, efficient and effective transport network to support the economic and social wellbeing of the District, while managing adverse effects. By defaulting to a permitted activity status, Option 1 avoids imposing unnecessary restrictions and constraints on developers, utility operators and residents who can demonstrate compliance with the relevant standards and controls.
- Option 2 is not an efficient or effective option. Under the current structure of the TRA Chapter, having a more restrictive activity status requiring consent will present an unintended and unnecessary consenting barrier to the provision of transport infrastructure within the District. It is considered appropriate to permit such activities to establish, provided the appropriate standards are adhered to in order to support economic and social wellbeing of the community.
- Option 1 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective installation and use of the transport network.
- Given the reasons outlined above, Option 1 is considered to have the greatest benefits which outweigh the costs in comparison to Option 2.
- There is no known risk due to insufficient information.

6. Conclusion

237. Pursuant to s32 of the RMA, the proposed TRA objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.

238. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving

the proposed objectives and of addressing the underlying resource management issues relating to the transport network in the Whangarei District.

Appendix 1: Proposed Definitions

1. The following definitions are proposed through PC109.

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.

Electric Vehicle Charging Station

means a structure with the primary purpose of recharging an electric vehicle. The station must be available for public use.

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.

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.

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.

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.

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.

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.

2. It is also proposed that the following existing definitions in the Operative Whangarei District Plan are amended as shown below with underline and ~~strike through~~. Definitions **highlighted in yellow** are listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

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.

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.

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.

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.

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.

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.

Appendix 2: New Zealand Minimum Parking Industry Standard Rates Compared to WDP Requirements

1. Many industry standard best practice documents which are used by transport and planning professionals in New Zealand recommend the use of minimum parking requirements and outline recommended rates for different land uses. Three main documents found to be in use in New Zealand are:
 - Transfund New Zealand Research Report No 209, Trips and Parking Related to Land Use (2001) (**TDB**) and the associated Trips Database Bureau (**NZPDB**).
 - The Roads and Traffic Authority Guide to Traffic Generating Developments, Version 2.2 (2002). (**RTA**)
 - The Institute of Transportation Manual (2004), Parking Generation. (**ITE**)
2. A list of the parking rates provided in these guidelines compared to the Operative Whangarei District Plan (**WDP**) requirements is provided in Table 1:

TABLE 1: NEW ZEALAND MINIMUM PARKING INDUSTRY STANDARD RATES COMPARED TO THE OPERATIVE WHANGAREI DISTRICT PLAN REQUIREMENTS						
Category	Activity	Parking Standards				
		Guide to Traffic Generating Developments (RTA)	NZTA Trips and Parking Related to land Use Report (TBD)	New Zealand Trips and Parking Data Base (NZPDB)	Institute of Transport Engineers manual (ITE)	Operative Whangarei District Plan 2007 (WDP)
Residential	Dwelling Houses, Single Family Detached Housing	1-2 per household unit	2.8 per household unit (based on 85% surveyed satisfaction)		2 per household unit	2 per unit
	Residential Condominium/Townhouse				0.98 per household unit	
	Rental Townhouse				1.5 per household unit	
	Guest houses					2 per 3 guests, plus 2 for Manager's Residence
	Medium Density Residential Flat Buildings, Low/Mid Rise Apartment	1 per household unit, plus an additional 1 space per each 5 x 2 bedroom unit or part thereof. An additional space per each 2 x 3 or more bedroom unit or part thereof	1.8 per household unit (based on 85% surveyed satisfaction)		1.4 per household unit	
	High Density Residential Flat Buildings, High-Rise Apartment	Metropolitan Regional Centres: 0.4 spaces per 1 bedroom unit 0.7 spaces per 2 bedroom unit 1.2 spaces per 3 bedroom unit 1.0 space per 7 units (visitor parking) Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit 0.9 spaces per 2 bedroom unit 1.4 spaces per 3 bedroom unit 1.0 space per 5 units (visitor parking)			1.95 per household unit	

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	Housing for Aged and Disabled Persons, resident funded	2 per 3 units plus 1 space per 5 units (visitor parking)				1 per unit
	Housing for Aged and Disabled Persons, Hostels, Nursing and Convalescent Homes	1 space per 10 beds (visitor parking) plus 1 space per 2 employees plus 1 space per ambulance				
	Housing for Aged and Disabled Persons, Subsidised Development	Self-contained units: 1 space per 10 units plus 1 space per 10 units (visitor parking) Hostels, Nursing and Convalescent Homes: 1 space per 10 beds (visitor parking) plus 1 space per 2 employees plus 1 space per ambulance			Senior Adult Housing – Attached: 1.2 and 1.4 per household unit (based on two study sites) Congregate Care Facility: 0.5 per household unit Assisted Living: 0.5 per household unit	
	Hotel	1 per 5 rooms for a 5 star international hotel and 1 per 4 bedrooms for 3 and 4 star hotels	11 per 100m ² GFA (based on 85% surveyed satisfaction)		1.3 per room	1 per unit, plus 1 for every two employees, plus 1 coach park per 30 beds
	Motel (without Restaurant)		1.3 per 100m ² GFA or 1.0 per unit (based on 85% surveyed satisfaction)		1.1 per room	1 per unit, plus 2 for manager's Residence
	All Suites Hotel				1.1 per room	
	Resort Hotel				1.2 per room	
	Backpackers					1 per 4 occupants, plus 2 for Manager's Residence, plus 1 coach park per 15 beds
Retail	Shopping Centres	0 – 10,000 GLFA: 6.1 per 100m ² GLFA 10,000-20,000 GLFA: 5.6 per 100m ² GLFA 20,000-30,000 GLFA: 4.3 per 100m ² GLFA Over 30,000 GLFA: 4.1 per 100m ² GLFA	0 – 4,000 GFA: 8.0 per 100m ² GFA 4,001-10,000 GFA: 6.5 per 100m ² GFA Over 10,001 GFA: 5.4 per 100m ² GFA (based on 85% surveyed satisfaction)	0.9 – 7.2 per 100m ² GLFA with an average of 3.7 per 100m ² GLFA	0 – 9,290 GLFA: 4.4-4.7 per 100m ² GLFA 9,290 – 37,160 GLFA: 5.7 per 100m ² GLFA 37,160 – 74,320 GLFA: 6.6 per 100m ² GLFA Over 74,320 GLFA: 5.5 per 100m ² GLFA	
	Service Stations and Convenience Stores	6 per work bay plus 5 per 100m ² GFA (retail, if provided) plus 15 per 100m ² GFA or 1 per 3 seats, whichever is greater (restaurant, if provided)	5 per 100m ² GFA (based on 50% surveyed satisfaction)		5.7 per 100m ² GFA	1 per 45m ² GFA, excluding canopies, and petrol pumps, plus 4 per repair bay, plus 3 queuing spaces per car wash

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	Supermarket		7.5 per 100m ² GFA (based on 85% surveyed satisfaction)	4.5 – 6.2 per 100m ² GLFA with an average of 5.1 per 100m ² GLFA	7.2 per 100m ² GFA at suburban sites 2.3 per 100m ² GFA at rural sites 3.2 per 100m ² GFA at urban sites	1 per 20m ² GFA
	Drive-In Liquor Stores		3.0 per 100m ² GFA (based on 85% surveyed satisfaction)		7.8 per 100m ² GFA	
	Roadside Stalls	A minimum 4 off-street parking is recommended	8.5 per 100m ² GFA (based on 85% surveyed satisfaction)			
	Motor Showrooms	0.75 per 100m ² site area				
	Car Tyre Retail Outlets	3 per 100m ² GFA or 3 per work bay, whichever is greater				
	Bulky Goods Retail Stores		3.0 per 100m ² GFA (based on 85% surveyed satisfaction)			
	Markets	2 – 2.5 per stall				
	Video Stores	6.1 per 100m ² GFA			8.1 per 100m ² GFA	
	Restaurants, High-Turnover (Sit-Down) Restaurant	15 per 100m ² GFA or 1 space per 3 seats	13.5 per 100m ² GFA or 1 per 2 seats (based on 85% surveyed satisfaction)		Family restaurant: 15.4 per 100m ² GFA and 0.53 per seat Restaurant with a bar or lounge: 18.6 per 100m ² GFA or 0.53 per seat	Restaurant: 1 per 4 persons designed to be accommodated Bar/Tavern 1 per 5 persons designed to be accommodated
	Licensed wholesale premises					1 per 35m ² GFA
	Quality Restaurant				20.8 per 100m ² GFA or 0.52 per seat	
	Drive In Fast Food Outlets	12 per 100m ² GFA with no on-site seating or no drive through facilities 12 per 100m ² GFA or the greater of 1 per 5 seats (both internal and external seating), or 1 per 2 seats (internal seating) with onsite seating but no drive through facilities 1 per 2 seats (internal), or 1 per 3 seats (internal and external seating) with onsite seating and drive through facilities	11.6 per 100m ² GFA or 1 per 2 seats (based on 85% surveyed satisfaction)		Fast food restaurant without drive-through: 22.8 per 100m ² GFA Fast food restaurant with drive-through: 16.5 per 100m ² GFA or 0.60 per seat	
	General Retail			0.8 – 4.1 per 100m ² GLFA with an average of 2.2 per 100m ² GLFA		1 per 45.0m ² GFA including indoor and outdoor retail and display areas
	Large Format Retail			0.9 – 3.7 per 100m ² GLFA with an average of 2.0 per 100m ² GLFA		

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	Free Standing Discount Store				5.4 per 100m ² GFA	
	Hardware/Paint Store				7.2 per 100m ² GFA	
	Tire Store				5.4 per 100m ² GFA	
	Convenience Market (Open 24 Hours)				5.7 per 100m ² GFA	
	Discount Supermarket				7.4 per 100m ² GFA	
	Discount Club				5.4 per 100m ² GFA	
	Sporting Goods Superstore				5.3 per 100m ² GFA and 5 per employee	
	Home Improvement Superstore				5.3 per 100m ² GFA	
	Electronics Superstore				2.5 per 100m ² GFA	
	Toy/Children's Superstore				2.1 per 100m ² GFA	
	Pet Supply Superstore				4.4 per 100m ² GFA	
	Book Superstore				1.2 per 100m ² GFA	
	Apparel Store				6.8 and 21.0 per 100m ² GFA (based on 2 study sites)	
	Pharmacy/Drugstore without Drive Through Window				5.9 per 100m ² GFA and 10.8 per employee	
	Furniture Store				2.3 per 100m ² GFA and 3.5 per employee	
	Carpet Store				4.2 per 100m ² GFA and 6.3 per employee	
Entertainment and Recreation	Show homes (combined display and headquarters)					2 spaces, plus 1 space per employee
	Office Supply Superstore				1.3 per 100m ² GFA	
	Sports and Recreational Facilities	Squash Courts: 3 per court Tennis Courts: 3 per court Bowling Courts: 3 per alley Bowling greens: 30 for first green and 15 for each additional green			Tennis Courts: 6 per court Racquet/Tennis Club: 3.6 per court Bowling Alley: 5.6 per lane Roller Skating Rink: 6.2 per 100m ² GFA Ice Skating Rink: 4.2 per 100m ² GFA	4 spaces per court
	Gymnasiums	Metropolitan Regional Centres: 3.0 per 100m ² GFA if close to rail/bus services Metropolitan sub-regional areas: Minimum provision: 4.5 per 100m ² GFA Desirable provision: 7.5 per 100m ² GFA	7.0 per 100m ² GFA (based on 85% surveyed satisfaction)		6.4 per 100m ² GFA and 0.15 spaces per member	1 per 4 persons designed to be accommodated
	Marinas	0.6 per wet berth 0.2 per dry storage berth 0.2 per swing mooring 0.5 per marina employee			0.27, 0.35 and 0.59 per berth on a week day,	0.5 per berth or craft to be accommodated

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					Saturday and Sunday respectively	
	Caravan Parks	1 for each caravan site				
	City Park				0.37 per 100m ² area	
	Water Slide Park				0.30 per 100m ² area	
	Golf Course				12 per hole	
	Multipurpose Recreational Facility				2.7 per hole, 17.2 per 100m ² GFA and 0.59 per 100m ² area	
	Billiard Hall				6.9 per 100m ² GFA and 3.0 per billiard table	
	Adult Cabaret				5.2 and 5.3 per 100m ² GFA (based on 2 study sites)	
	Live Theatre				0.33 per seat	
	Movie theatre with matinee				0.27 per theatre seat (based on 1 study site)	
	Snow Ski Area				0.05 per 100m ² area and 0.4 per daily lift ticket sold	
	Casino/Video Lottery Establishment				15.2 per 100m ² GFA and 0.8 per gaming position	
	Athletic Club				4.2 per 100m ² GFA	
	Recreational Community Centre				3.2 per 100m ² GFA	1 per 5 persons designed to be accommodated
	Sports grounds and playing fields					15 spaces per ha
Industrial	Factories, Manufacturing	1.3 per 100m ² GFA	2.5 per 100m ² GFA (based on 85% surveyed satisfaction)		1.4 per 100m ² GFA and 1.3 per employee	
	Warehouses/Storage	1 per 300m ² GFA	0.2 – 3.3 per 100m ² GLFA with an average of 1.0 per 100m ² GLFA		0.54 per 100m ² GFA and 1.3 per employee	
	Plant Nurseries	0.5 per 100m ² site area, minimum of 15 spaces	1.5 per 100m ² GFA retail display area (based on 85% surveyed satisfaction)			
	General Light Industrial				1.2 per 100m ² GFA and 1.3 per employee	
	General Industrial			0.1 – 3.8 per 100m ² GLFA with an average of 1.2 per 100m ² GLFA		1 per 50.0m ² GFA of warehouse and buildings, and 1 per 100.0m ² of outdoor storage and display
	Industrial Park, Business Parks	Minimum 1.5 per 100m ² GLFA, plus 1.8 per 100m ² GLFA for Showrooms, plus			1.7 per 100m ² GFA and 1.2 per employee	

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		1.2 per 100m ² GLFA for Warehouse area				
	Forestry					1 per 2 workers on site
	Mineral Extraction					4 per 5 workers on site
Health and Community Services	Hospital		2.5 per bed (based on 85% surveyed satisfaction)		4.7 per bed and 0.82 per employee	
	Private hospital	Peak Parking Accumulation (PPA) = - 19.56 + 0.85 x Number of Beds + 0.27 x Average Staff per Weekday Day Shift (ASDS) When ASDS is unknown, PPA = - 26.52 + 1.18 x Number of Beds				2 for every three patients, plus 1 space for every 2 employees
	Nursing Home				1.6 per 100m ² GFA and 1.3 per employee and 0.45 per bed	1.7 per 75m ² GFA
	Professional Consulting Rooms, Clinic, Medical Centres	3 per surgery	6.0 per 100m ² GFA and 3.0 per health professional (based on 85% surveyed satisfaction)		5.9 per 100m ² GFA (based on 1 study site)	2.5 per professional, plus 1 space per support staff
	Child Care Centre	1 for every 4 children in attendance				1 per employee, plus 1 additional space
	Animal Hospital/Veterinary Clinic				2.5 per 100m ² GFA and 2.0 per employee	2.5 per professional, plus 1 space per support staff
	Funeral homes					1 per 5 persons designed to be accommodated, plus 1 space per employee
	Places of Assembly					1 per 5 persons designed to be accommodated, provided that where a church and hall are located on the same site and are not used at the same time, the minimum requirement applicable shall be the maximum requirement in respect of such church or hall, whichever is the greater.
Education	Primary School					1 per employee, plus 2 additional spaces
	Secondary School					2 per classroom
	Educational Facilities for Adults (including tertiary)		0.3 per student			1 per employee, plus 2 additional spaces, plus 1 per 10 pupils over the age of 16 years

TABLE 1: NEW ZEALAND MINIMUM PARKING INDUSTRY STANDARD RATES COMPARED TO THE OPERATIVE WHANGAREI DISTRICT PLAN REQUIREMENTS						
Category	Activity	Parking Standards				
		Guide to Traffic Generating Developments (RTA)	NZTA Trips and Parking Related to land Use Report (TBD)	New Zealand Trips and Parking Data Base (NZPDB)	Institute of Transport Engineers manual (ITE)	Operative Whangarei District Plan 2007 (WDP)
Offices and Services	Office Building		2.8 per 100m ² GFA (based on 85% surveyed satisfaction)	1.9 – 6.2 per 100m ² GFA with an average of 3.2 per 100m ² GFA	4.3 per 100m ² GFA and 1.1 per employee	1 per 35.0m ² GFA
	Medical-Dental Office Building				4.3 per 100m ² GFA	
	Government office Building				3.6 per 100m ² GFA and 0.85 per employee	
	Judicial Complex				4.4 per 100m ² GFA and 2.0 per employee	
	Dry Cleaners				3.9 per 100m ² GFA	
	Walk-in Bank				3.7 per 100m ² GFA and 1.3 per employee	
	Drive-in Bank				Suburban: 7.5 per 100m ² GFA Urban: 4.4 per 100m ² GFA	
Road Transport Facilities	Road Transport Terminals	1 per each vehicle present at the time of peak vehicle accumulation on the site				
	Container Depots	Off street parking and visitor parking must satisfy the peak demand, as determined by surveys of similar existing developments				
	Truck Stops	If overnight accommodation is provided: 1 per each motel unit plus 1 per 2 employees If public restaurant is present, plus 15 per 100m ² GFA or 1 per 3 seats, whichever is greater. 50% of the overnight accommodation and restaurant parking spaces should be truck parking spaces				
	Commercial Airport				A peak parking demand of 0.27 vehicles per daily enplanement has been observed at 1 study site	
	Light Rail Transit Station with Parking				0 and 150 per 1,000 daily boardings at the suburban and urban stations respectively	
Miscellaneous (Unique to WDP)	Business 1, 3 and Airport Environments (if activity not stated above)					1 per 35m ² GFA

TABLE 1: NEW ZEALAND MINIMUM PARKING INDUSTRY STANDARD RATES COMPARED TO THE OPERATIVE WHANGAREI DISTRICT PLAN REQUIREMENTS						
Category	Activity	Parking Standards				
		Guide to Traffic Generating Developments (RTA)	NZTA Trips and Parking Related to land Use Report (TBD)	New Zealand Trips and Parking Data Base (NZPDB)	Institute of Transport Engineers manual (ITE)	Operative Whangarei District Plan 2007 (WDP)
	Business 2 Environment and Town Basin Environment (if activity not stated above)					1 per 50m ² GFA
	Business 4 Environment (if activity not stated above)					1 per 75m ² GFA
	Marsden Point Oil Refinery Overlay Area (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
	The Kauri Dairy Factory and Marsden Point Port Environment (if not stated above)					0.75 parking spaces per employee engaging in dairy factory / port related activities onsite 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.

Appendix 3: Audit of Territorial Authorities' Minimum Parking Rates

1. Table 1 below compares the minimum car parking rates required under the Auckland Unitary Plan (**AUP**), the Hamilton City District Plan (**HCDP**), the Far North District Plan (**FNDP**) and the Operative Whangarei District Plan (**WDP**). The AUP, HCDP and FNDP were chosen as case studies for the following reasons:

- **AUP:** The AUP aims to reduce private vehicle usage by requiring less on-site parking and allowing for activities and areas that are exempt from on-site parking requirements. This is a similar approach to what is intended under Plan Change 109. While Auckland presents a different environment and demographic compared to Whangarei, it is considered that several specific localities and zones within Auckland are comparable to Whangarei. It is noted that the AUP does not require minimum parking rates in the City Centre, Metropolitan Centre, Town and Local Centre, Mixed Use, Terrace Housing and Apartment Buildings zones as well as the City Centre Fringe Overlay. Instead maximums are stated in these areas. Table 1 does not contain the maximum requirements in these areas or any other zones.
- **HCDP:** Hamilton is considered comparable in size and demographics to Whangarei District. Similar to the AUP, the HCDP represents a recent approach to minimum parking rates and provides for exemptions from minimum parking requirements in the Central City Zone.
- **FNDP:** FNDP was chosen as a case study due to Far North District's proximity and relationship with Whangarei. The FNDP allows for exemptions in the number of on-site car parking spaces provided where either on-site bicycle parking is provided or green space is provided.

TABLE 1: AUDIT OF TERRITORIAL AUTHORITIES' MINIMUM PARKING RATES					
Category	Activity	District/Unitary Plan			
		Auckland Unitary Plan	Hamilton City District Plan	Far North District Plan	Operative Whangarei District Plan (WDP)
Residential	Dwellings / household unit / townhouse	Mixed Housing Suburban Zone: -studio or 1 bedroom = 0.5 per dwelling -2 or more bedrooms = 1 per dwelling Mixed Housing Urban Zone: -studio or 1 bedroom = no minimum -2 or more bedrooms = 1 per dwelling All other areas: -Dwellings = 1 per dwelling	2 per household or dwelling	2 per unit	2 per unit
	Ancillary residential units and apartment buildings		1 per residential unit		
	Home Occupations	1 per dwelling except no additional space is required where both of the following apply: all employees live on the site of the home occupation	2 per household plus 1 per vehicle used solely for the home occupation	1 per nonresidential employee	1 in addition to that of the residential unit, plus 1 per employee, plus 1 in circumstances where clients visit the site

TABLE 1: AUDIT OF TERRITORIAL AUTHORITIES' MINIMUM PARKING RATES					
Category	Activity	District/Unitary Plan			
		Auckland Unitary Plan	Hamilton City District Plan	Far North District Plan	Operative Whangarei District Plan (WDP)
		goods and services are not sold from the site (except electronically or by mail/courier)			
	Pensioner Housing			1 per unit	
	Residential Centres		1 per FTE staff plus 1 per 3 bedrooms		
	Visitor Accommodation	1 per unit or, where accommodation is not provided in the form of units, 0.3 per bedroom	1 per FTE staff member plus the greater of either 1 per 3 visitors that the facility is designed to accommodate or 1 per unit		
	Guest houses				2 per 3 guests, plus 2 for Manager's Residence
	Boarding Houses	0.5 per bedroom (except that parking is not required for boarding houses which accommodate school students within the School zone)		1 per 2 persons accommodated	
	House on Papakainga			1 space for the first house plus one space per 2 additional houses	
	Kuia / Kaumatua housing on Papakainga			1 per house	
	Retirement villages	0.7 per unit / apartment plus 0.2 visitor space per unit / apartment plus 0.3 per bed for rest home beds within a retirement village	1 per unit plus 1 per every 4 units		1 per unit
	Home Stay/Bed & Breakfast			1 per 2 persons accommodated	
	Hotel			1 per 2 rooms plus 1 per 2 employees	1 per unit, plus 1 for every two employees, plus 1 coach park per 30 beds
	Motel			1 per unit plus 1 per 2 employees	1 per unit, plus 2 for manager's Residence
	Camping Grounds/Motor Camps		1 per unit, camp site or caravan site	1 per unit / camp site, plus 1 per 2 employees	
	Backpackers			0.5 per bed	1 per 4 occupants, plus 2 for Manager's Residence, plus 1 coach park per 15 beds
Retail	Shopping Centres			1 per 25m ² GBA	
	Service Stations and Convenience Stores			1 per 35m ² GFA shop plus 2 for every 3 employees present on site at any one time	1 per 45m ² GFA, excluding canopies, and petrol pumps, plus 4 per repair bay, plus 3 queuing spaces per car wash

TABLE 1: AUDIT OF TERRITORIAL AUTHORITIES' MINIMUM PARKING RATES					
Category	Activity	District/Unitary Plan			
		Auckland Unitary Plan	Hamilton City District Plan	Far North District Plan	Operative Whangarei District Plan (WDP)
	Supermarket		1 per 20m ² GFA devoted to retail sales activities and 1 per 40m ² GFA for all other activities	1 per 25m ² GFA	1 per 20m ² GFA
	Bulky Goods Retail Stores		1 per 50m ² GFA		
	Restaurants, High-Turnover (Sit-Down) Restaurant		1 per 10m ² GFA	1 per 10m ² GFA plus 1 per 15m ² outdoor area or 1 space for every 4 persons the activity is designed to accommodate, whichever is greater	Restaurant: 1 per 4 persons designed to be accommodated
	Taverns	1 per 30m ² GFA			1 per 5 persons designed to be accommodated
	Licensed wholesale premises		1 per 10m ² GFA		1 per 35m ² GFA
	Drive in Fast Food Outlets			1 per 10m ² GBA	
	Drive-through services		1 per 30m ² GFA (excluding canopy area over pumps) plus 5 queuing spaces per dispensing facility		
	General Retail	All other retail (including food and beverage): 1 per 25m ² GFA	GFA less than 5,000m ² : 1 per 20m ² GFA GFA between 5,000m ² – 10,000m ² : 1 per 30m ² GFA GFA greater than 10,000m ² : 1 per 40m ² GFA Outdoor only: 1 per 100m ² of uncovered display area		1 per 45.0m ² GFA including indoor and outdoor retail and display areas
	Indoor display areas for vehicles, boats and agricultural and industrial machinery only		1 per 150m ² GFA		
	Garden or Hire Centres			1 per 100m ² space open to public	
	Building Supply Outlets			4 per 100m ² GBA	
	Vehicle sales, repair, service	Repair and maintenance services: 4 per repair / lubrication bay plus 1 per additional 50m ² GFA Vehicle sales: 1 per 10 vehicle display spaces, plus 1 per additional 50m ²		1 per 150m ² vehicle display area plus 4 for each repair / lube bay plus 1 per each remaining 50m ² GBA	
	Commercial Premises / Services	1 per 25m ² GFA		1 per 40m ² GBA	
	Building Improvement centre (excluding nurseries and garden centres)		1 per 50m ² GFA		
	Show homes (combined display and headquarters)				2 spaces, plus 1 space per employee
	Sports and Recreational Facilities		1 per 20m ² GFA		4 spaces per court

TABLE 1: AUDIT OF TERRITORIAL AUTHORITIES' MINIMUM PARKING RATES					
Category	Activity	District/Unitary Plan			
		Auckland Unitary Plan	Hamilton City District Plan	Far North District Plan	Operative Whangarei District Plan (WDP)
Entertainment and Recreation	Gymnasiums			3 per 100m ² GFA	1 per 4 persons designed to be accommodated
	Marinas	0.35 per berth provided Minor Ports at Gabador Place, Tamaki and Onehunga: 0.5 per employee		0.8 per every 1 berth	0.5 per berth or craft to be accommodated
	Swing/Pile Moorings			0.5 per every 1 mooring	
	Boat ramps	No minimum rate for accessory parking associated with boat launching		15 (for car & trailer) per each 3m width of ramp	
	Golf Course			2.5 per 1ha	
	Golf Driving Range			1 per tee	
	Bowls			125 per 1ha devoted to the activity	
	Recreational Community Centre	0.2 per person the facility is designed to accommodate	1 per 30m ² GFA	1 per every 4 persons facility is designed for	1 per 5 persons designed to be accommodated
	Places of Entertainment			1 per every 4 persons designed to be accommodated	
	Tennis, Squash, Basketball, Badminton			3 per court	
Industrial	Sports grounds and playing fields	12.5 spaces per 1 ha	1 per 3 participants based on the maximum number of participants that the area is designed to accommodate	12.5 per 1 ha devoted to the activity	15 spaces per ha
	Nurseries and Garden Centres		1 space per 200m ² site area and a minimum of 4 spaces		
	General Industrial	1 per 50m ² GFA, or 0.7 per FTE, whichever is the lesser	Including warehouses but excluding trade and industry facilities: 1 per 150m ² GFA Trade and industry facilities only: 1 per FTE staff, plus 1 per 3 students the facility is designed to accommodate	1 per 100m ² GBA	1 per 50.0m ² GFA of warehouse and buildings, and 1 per 100.0m ² of outdoor storage and display
	Port / Sea Terminal			1 per 2 employees	
	Transport Depot		1 per 100m ² GFA of building or site area used for storage, whichever is the greater		
	Forestry			Exempt from parking requirements	1 per 2 workers on site
Health and Community Services	Mineral Extraction				4 per 5 workers on site
	Hospital	1 per 40m ² GFA	1 per 4 FTE staff plus 1 per 4 beds	1 per every 3 beds plus 5 per operating theatre plus 1 per remaining 25m ² GFA	
	Private hospital				2 for every three patients, plus

TABLE 1: AUDIT OF TERRITORIAL AUTHORITIES' MINIMUM PARKING RATES					
Category	Activity	District/Unitary Plan			
		Auckland Unitary Plan	Hamilton City District Plan	Far North District Plan	Operative Whangarei District Plan (WDP)
					1 space for every 2 employees
	Nursing Home	0.3 per bed	1 per 3 bedrooms plus 1 per every FTE staff member	1 per every 5 people facility is designed for plus 1 per 2 employees	1.7 per 75m ² GFA
	Professional Consulting Rooms, Clinic, Medical Centres	1 per 20m ² GFA	3 per consultant and 1 per FTE staff	1 per 20m ² GFA	2.5 per professional, plus 1 space per support staff
	Child Care Centre	0.10 per child or other person, other than employees plus 0.5 per FTE employee	For less than 6 children: 2 plus 1 per FTE staff member For 6+ children: 1 per FTE staff member plus 1 drop-off car space per 5 children that the facility is designed to accommodate	1 per every 4 children	1 per employee, plus 1 additional space
	Emergency service facilities	1 per employee on site plus 1 per emergency service appliance based at the facility	1 space per on-duty staff person plus sufficient space for all the emergency vehicles that use the site		
	Animal Hospital/Veterinary Clinic	1 per 20m ² GFA		1 per 20m ² GFA	2.5 per professional, plus 1 space per support staff
	Dentist / Physiotherapist			1 per 20m ² GFA	
	Funeral homes				1 per 5 persons designed to be accommodated, plus 1 space per employee
	Marae		1 per 25m ² GFA		
	Place of worship		1 per 30m ² GFA		
	Places of Assembly		Except Libraries and museums: 1 per 15 m ² GFA or 1 for every 5 persons the facility is designed to accommodate, whichever is the greater Libraries and Museum only: 1 per 30m ² GFA	1 per every 5 persons facility is designed for, provided that where a church and hall are erected on the same site the maximum requirement shall be the maximum requirement for the church or hall, whichever is the greater	1 per 5 persons designed to be accommodated, provided that where a church and hall are located on the same site and are not used at the same time, the min requirement applicable shall be the maximum requirement in respect of such church or hall, whichever is the greater.
Education	Research and Innovation activities		1 per 40m ² GFA		
	Primary School	0.5 per FTE employee plus 1 visitor space per classroom	1 per FTE staff plus 1 drop-off space per 50 primary and Intermediate students 1 bus space per 200 students where school bus services are provided.	2 per classroom	1 per employee, plus 2 additional spaces
	Secondary School	0.5 per FTE employee plus 1 visitor space per classroom	1 per FTE staff plus 1 drop-off space per 100 secondary students. 1 bus space per 200 students where school bus services are provided.	2 per classroom	2 per classroom

TABLE 1: AUDIT OF TERRITORIAL AUTHORITIES' MINIMUM PARKING RATES					
Category	Activity	District/Unitary Plan			
		Auckland Unitary Plan	Hamilton City District Plan	Far North District Plan	Operative Whangarei District Plan (WDP)
	Tertiary Education Facilities	Massey University at Albany Campus: 0.32 per EFT student Other tertiary education facilities: 0.5 per FTE employee plus 0.25 per EFT student the facility is designed to accommodate	1 per FTE staff, plus 1 per 3 students the facility is designed to accommodate	1 per 3 persons facility is designed for	1 per employee, plus 2 additional spaces, plus 1 per 10 pupils over the age of 16 years
Offices and Services	Office Building	A minimum of 1 per 45m ² GFA and a maximum of 1 per 30m ² GFA	1 per 40m ² GFA		1 per 35.0m ² GFA
	Catteries/kennels			1 per 10 animals which can be accommodated	
Miscellaneous	All other activities, except for activities within rural zones	1 per 50m ² GFA			
	All other activities where located in rural zones	No minimum rate			
	Farming			Exempt from parking requirements	
	Renewable Energy Use and Development Activities (refer to Section 12.9)			Exempt from parking requirements	
	Business 1, 3 and Airport Environments (if activity not stated above)				1 per 35m ² GFA
	Business 2 Environment and Town Basin Environment (if activity not stated above)				1 per 50m ² GFA
	Business 4 Environment (if activity not stated above)				1 per 75m ² GFA
	Marsden Point Oil Refinery Overlay Area (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
	The Kauri Dairy Factory and Marsden Point Port Environment, (if not stated above)				0.75 parking spaces per employee engaging in dairy factory / port related activities onsite 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.

Plan Change 136: [Three Waters Management]

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

1. Introduction

1.1 Overview

1. This report is in relation to proposed Plan Change 136 (**PC136**) to the Operative Whangarei District Plan (**WDP**) as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the Plan Change. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the Plan Change. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

3. PC136 seeks to introduce a new general district wide chapter relating to three waters resources (stormwater, wastewater and water). The overall focus of the proposed Three Waters Management Chapter (**TWM**) is to manage the impact of land use and subdivision on three waters resources. PC136 includes:
 - A new 'Three Waters Management' Chapter – with objectives, policies and district wide rules, including land use and subdivision provisions.
 - Consequential changes to the WDP.
 - New definitions for Chapter 4 of the WDP.

2. Background

2.1 Existing Environment

4. Three waters management involves managing the impact of land use and subdivision on stormwater drainage, wastewater collection, treatment and disposal and water supply. Three waters systems include:
 - Stormwater systems which 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 which collect and convey wastewater for subsequent treatment and disposal. This will normally consist of either connection to the public reticulated wastewater network or on-site treatment and disposal, either individual or communal in nature.
 - A water supply, which is necessary to ensure that a sufficient quality and quantity of water is available to all properties.

5. Within Whangarei there are public reticulated networks available in certain locations for stormwater, wastewater and/or water supply. Successfully implemented and managed public three waters networks have significant economic, social, environmental and cultural benefits.
6. Where a public reticulated network is not available, an alternative private system is required. 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.
7. Provisions relating to three waters management are currently located across multiple plan chapters and are repeated within each Environment (zone). The WDP requires three waters systems to be designed in accordance with the Whangarei District Council Environmental Engineering Standards 2010 (**EES 2010**) by incorporating the EES 2010 through reference. Various aspects of three waters management are also managed through Bylaws (e.g. the Stormwater Management Bylaw, the Wastewater Bylaw and the Water Supply Bylaw) and through the Northland Regional Plans.

2.2 Resource Management Issues

8. During the development of PC136 the following key topics were identified as issues:

- Connection to the public reticulated networks
- Consideration of three waters management at subdivision stage
- District Plan implementation and ease of use

2.2.1 Connection to the Public Reticulated Networks

9. The WDP currently requires connection to a reticulated three waters network “where available”. However, “where available” is not defined, and this results in uncertainty in determining activity status and whether or not an allotment or development should connect to the reticulated network. There have been instances where subdivisions have been approved and have not been required to connect to the reticulated network(s) where connection would have been a preferable outcome. The lack of clarity and strength in the existing provisions to require connection is a primary issue that PC136 aims to address.

2.2.2 Consideration of Three Waters Management at Subdivision Stage

10. Currently, many subdivision applications supply limited details regarding the provision of three waters systems and simply state that the design and construction of the three waters systems will comply with the EES 2010, which forms a condition of consent. However, when it comes time to construct the three waters system(s) there are frequently unanticipated circumstances that result in the EES 2010 not being able to be complied with. To avoid these situations PC136 aims to frontload some of the consideration of three waters management to ensure that what is proposed is feasible and is appropriately assessed.

2.2.3 District Plan Implementation and Ease of use

11. The current approach of incorporating the EES 2010 by reference and requiring compliance with the standards in the EES 2010 creates several issues including:

- Assessing, monitoring and enforcing compliance with the EES 2010 is difficult for applicants as well as Council. The EES 2010 is a large and complex technical document and ensuring that the correct consents have been applied for and that the standards are being met is challenging. As a result, the EES 2010 has not been properly enforced in some cases.
 - Engineering designs are often difficult to standardise as certain allotments or situations require specific design with a degree of flexibility. The EES 2010 has been written to allow for flexibility and enable engineers to have discretion in decision making. From an engineering perspective, this is appropriate; however, by referencing the EES 2010 in the WDP, third party decision making has been incorporated in an RMA process as it can be up to the discretion of an engineer or manager as to whether or not an activity complies with the rules.
 - The EES 2010 contains highly specific and detailed engineering standards, such as what colour pipe should be used in wastewater systems. While these aspects are valid engineering concerns, they do not necessarily have RMA related effects that justify management under a district plan.
 - Many of the standards in the EES 2010 overlap with functions carried out under bylaws, Regional Plans, vesting approval processes and building consents. The management of these issues in the WDP is therefore redundant and is often better addressed through the alternative processes.
 - By referencing the EES 2010 in the WDP, any updates or changes to the EES 2010 require a full plan change in order to be reflected in the WDP. Consequently, the EES 2010 has not been updated since 2010 due to the costs and uncertainty associated with a plan change, which in turn results in the EES 2010 not being up-to-date to reflect best practice.
12. Council has undertaken a review of the EES 2010 following industry feedback that the standards needed to be easier to follow and aligned with best practice. The updated version of the EES 2010, The Whangarei District Council Engineering Standards 2018 (**ES 2018**), has undergone consultation and several rounds of review. The review of the EES 2010 and the finalising of the ES 2018 has been undertaken to coincide with PC136 and the new district plan approach to three waters management. PC136 will aim to address these existing issues by not incorporating the EES 2010/ ES 2018 as a reference document.
13. An additional issue with the WDP is that the current three waters provisions are scattered across several chapters. As a means of simplifying and streamlining the WDP, PC136 will provide the policy direction for three waters management in a specific section of the WDP. This approach enables the policy framework and rules relating to the management of three waters to be located at a 'district wide' level in one chapter in the WDP.

2.3 Consultation

14. A draft version of PC136 was advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June 2018 through August 2018. Pre-notification consultation for PC136 was undertaken alongside the consultation for the Urban Plan Changes. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives. With regards to PC136 there were only 2 comments received, both

from Northland Regional Council. In response to the Northland Regional Council's feedback, further clarity was provided within PC136 regarding the responsibility of the developer to fund infrastructure upgrades that are directly attributed to the development.

15. A draft version of PC136 was presented and work-shopped with Te Karearea and Te Huinga, Council's iwi and hapu leaders committees.
16. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting. Following this, two additional Council briefing meeting were held to discuss the draft plan changes. Some of the key changes made in response to these meetings include:
 - Amendments to Policy TWM-P7 to more strongly promote the use of green infrastructure and low impact design solutions.
 - Amendments to the wording of the Overview section to clarify that connections to reticulated services are not required where they are not practicable.

3. Statutory Considerations

17. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, the Northland Regional Policy Statement (**NRPS**), Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC136 are discussed below.

3.1 Resource Management Act 1991 (RMA)

18. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:

'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety'

19. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated, to meet the purpose and principles of the RMA. Consideration has been given to the extent to which PC136 achieves the purpose and principles of Part 2 of the RMA.
20. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must "accord with" and "have regard to" are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

21. S79 of the RMA sets Councils the requirement to review district plans. Councils must complete a review of all district plan provisions within any 10 year time period. The WDP became operative on 3 May 2007, after eight years of formulation. The data that the WDP was based upon are therefore over ten years old. Monitoring of the WDP has identified areas of inconsistency and ineffectiveness.
22. S79 of the RMA provides the opportunity for Councils to undertake rolling reviews of district plan provisions. Using this opportunity to improve the integrity of the WDP, a rolling review process has been implemented. To remedy some of the missing links between WDP sections, a new structure has been adopted. The WDP structure will evolve and the chapter format will be adjusted through the rolling review to be more consistent with the manner in which the provisions are applied in practice.

3.2 National Policy

National Policy Statements

23. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently five National Policy Statements:
 - National Policy Statement on Urban Development Capacity
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Renewable Electricity Generation
 - National Policy Statement on Electricity Transmission
 - New Zealand Coastal Policy Statement
24. The NPS on Urban Development Capacity (**NPS:UDC**) identifies the role that urban areas play in accommodating New Zealand’s population. The NPS:UDC requires local authorities to plan for, monitor and facilitate urban development, responding to the growth and development needs of their urban areas. A component of this is the provision of three waters infrastructure to service the anticipated growth.
25. The NPS for Freshwater Management provides direction on how local authorities should carry out their responsibilities under the RMA for managing fresh water. Three waters systems can have impacts on fresh water management; however, the requirements under the NPS primarily relate to regional councils.
26. The NPS for Renewable Electricity Generation, the NPS for Electricity Transmission and the New Zealand Coastal Policy Statement do not specifically relate to three waters management.

National Environmental Standards

27. Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**). There are currently five National Environmental Standards:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standard for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES Soils**)
- National Environmental Standards for Plantation Forestry

28. There are no provisions in the NES for Air Quality, Telecommunication Facilities, Electricity Transmission Activities or Plantation Forestry which specifically relate to three waters management.
29. The NES for Sources of Drinking Water sets requirements for protecting sources of human drinking water from becoming contaminated and requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Drinking water quality is relevant to three waters management, and PC136 has recognised the NES for Sources of Drinking Water to ensure that the plan provisions will not be more lenient than the NES.
30. The NES Soils applies to the removal or replacement of fuel storage, small scale soil disturbance activities, soil sampling, and the change of use or subdivision of land which is identified as or may be subject to contamination. Regional authorities have the functions of identifying and monitoring land which may be contaminated and generally maintain a register of sites which is shared with the territorial authority. The provision of three waters systems on land which is identified as contaminated will require consideration under the relevant provisions.

3.3 Iwi and Hapu Management Plans

31. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan 2016 and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
32. Within the management plans there are several policies relating to the management of stormwater and wastewater to protect water quality. These issues are mainly managed by the Regional Council and WDC By-laws. However, PC136 has taken into account those matters of relevance to three waters management to help ensure that adverse environmental effects are managed appropriately.

3.4 Local Government Act 2002

33. The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of protecting the public from nuisance, protecting, promoting, and maintaining public health and safety, minimising the potential for offensive behaviour in public places. Sections 146 and 147 provide for the creation of more specific bylaws. Whangarei District has several bylaws; the most relevant to the consideration of PC136 include the Stormwater Management Bylaw 2014, Wastewater Bylaw 2014, Trade Waste Bylaw 2012 and Water Supply Bylaw 2012.
34. The purpose of the Stormwater Management Bylaw is to manage stormwater within the Whangarei District to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution. It covers connection to the stormwater system, the responsibility of property owners for maintenance of the system on private property, and sets out the point of discharge.
35. The Wastewater Bylaw covers wastewater drainage from domestic premises into Council's public wastewater network. The bylaw provides for the application for consent to connect to or disconnect from the public wastewater network, to discharge domestic wastewater into the public wastewater network, and to excavate or develop close to and build over the public wastewater network. It sets out the requirements and responsibilities of property owners for connection to, and maintenance of, the wastewater system to protect it from misuse and damage.
36. The Trade Waste Bylaw regulates the discharge of trade wastes to the public reticulated wastewater network.
37. The primary purpose of the Water Supply Bylaw is to protect the water supply network and set out customers' entitlements and responsibilities regarding the reticulated water supply.

3.5 Building Act 2004

38. The Building Act 2004 sets standards for the design and construction of three waters systems. PC136 aims to avoid overlap with the Building Act to minimise redundancies for applications. However, care has been taken in preparing PC136 that proper consideration is given to three waters management at subdivision stage to ensure that future development will be practicable.

3.6 Regional Policy

Northland Regional Policy Statement 2016 (NRPS)

39. The NRPS policies of most relevance to PC136 are discussed below.
 - Policy 4.2 aims to improve the overall quality of Northland's water resources. District Councils are required to include methods in district plans to manage the effects of subdivision and the development of land for the purposes of improving the overall quality of fresh and coastal waters.
 - Policy 4.3 aims to promote the benefits of water harvesting, storage, and conservation measures for new developments and changes in land use.

- Policy 4.7 recognises the benefits of actively managing aspects such as water quality and quantity and encourages district plans to use incentives to promote active management of these aspects.
 - Policy 5.1 aims to create a framework to achieve coordinated development in a strategic and pro-active manner. The policy also requires adverse effects to be avoided on regionally significant infrastructure (which includes public reticulated three waters networks).
 - Policy 5.2 encourages development that efficiently uses three waters resources.
 - Policy 5.3 relates to the protection and provision of regionally significant infrastructure.
 - Policy 6.1 relates to ensuring that district plans are efficient, effective, simple and consistent.
 - Policy 7.1 requires risks from hazards, particularly flooding, to be managed and requires new regionally significant infrastructure to be well designed and maintained.
40. The NRPS is relevant to PC136 with regard to managing adverse effects from on-site three waters systems and managing existing and proposed reticulated three waters networks to ensure they are efficiently and effectively utilised and are well designed and maintained. There are additional references to the management of water quality and quantity which relate to PC136. However, many of these references primarily relate to Regional Council functions, and PC136 aims to avoid overlaps between District and Regional Council functions.

Regional Plans

41. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan (**RWSP**), the Air Quality Plan and the Coastal Plan. The most relevant to the consideration of PC136 is the RWSP which covers the effects of landuse activities on water and soil in the region. The RWSP identifies the significant water and soil issues for the region and seeks to address these through specific policies and rules.
42. The Draft Regional Plan (**DRP**) proposes to combine the operative Regional Plans into one combined plan. Similar to the operative RSP, specific policies and rules are proposed to manage three waters resources and the effects of three waters systems.
43. The RWSP and DRP manage three waters resources from a regional council perspective and the operative and proposed provisions in these documents have been taken into consideration in the drafting of PC136 to avoid redundancies.

3.7 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 2010 (30/50)

44. To manage projected growth sustainably, Council has formulated 30/50 as a long term Sub-regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the District over a 30-50 year time frame.

45. PC136 seeks to ensure that public reticulated three waters networks are effectively and efficiently provided to service projected growth. PC136 also seeks to require connection to available reticulated networks to enable consolidation, ensure networks are appropriately extended, and to achieve the strategic direction of 30/50.

Long Term Plan 2018 – 2028 (LTP)

46. The LGA requires every council to produce a Long Term Plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The 2018 – 2028 LTP was adopted by Council in June 2018. It covers the period 1 July 2018 to 30 June 2028.
47. Key to Council activities is the provision of infrastructure. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans have been developed with regard to the strategic direction of 30/50. PC136 aims to support this strategic direction.

Whangarei District Operative Plan 2007 (WDP)

48. The preparation of the first Whangarei District Plan under the RMA commenced in 1993. Council initially commenced preparation of the new Plan in territorial sections – with an Urban section for the Whangarei City area, Rural and Coastal sections for the County area, and a Hikurangi section – reflecting the structure of the Transitional County & City Plans. A District Plan Review Committee was established to be responsible for the preparation of the Plan. In 1995 the initial approach was revised and one Plan covering the whole district was commenced. The Review Committee held a series of workshops and formal meetings over the next six years to formulate the Proposed District Plan (**PDP**). Various sections and revisions of the PDP were adopted as it advanced through the subsequent stages of Plan development. Various reports were commissioned to address significant issues identified for the PDP.
49. The draft PDP was released for public comment on 12 December 1997. The draft PDP was then revised by the District Plan Review Committee, based upon decisions made on public comments received and additional policy development work by staff, adding and deleting sections where necessary. The PDP was approved by Council for notification on 13 September 1998. The PDP became Operative as the WDP on 3 May 2007 following the submission, hearing, and appeal processes.
50. On 1 October 2009 the Resource Management Amendment Act introduced changes to s79 of the RMA, which prescribes the review requirements for district plans. Council must now ensure that each provision of a district plan has been reviewed within any 10 year time period. In response to this requirement the Council adopted a 'rolling review' approach. To implement this decision Council undertook Plan Change 106, which amended the introduction to the WDP to set out an explanation of the rolling review process, future district plan structure, and set expectations of future Council and private plan change applications.
51. Monitoring of the WDP has identified a need to clarify some processes, and update objectives, policies and methods. As part of the rolling review procedure, provisions will be moved towards a stronger effects-based plan with a policy driven approach. A new district plan structure and layout has been

introduced to simplify the use of the WDP by mimicking the logic and flow of a typical planning application, moving from high-level policy to low-level detail, methods and requirements.

52. In August 2012 Council completed the 5 year efficiency and effectiveness review of the WDP which has been used to inform the consideration of alternatives in PC136.
53. A number of plan changes have been proposed as a part of the rolling review of the WDP. PC136 has relevance to numerous zones within the WDP because is proposed to be a general district wide chapter. As a result, consequential amendments are required to relocate provisions that are scattered in various chapters to one district wide chapter. It is important that PC136 maintains a consistent approach across the District and is well integrated with the Operative and Proposed chapters.
54. The National Planning Standards also have an impact on the integration of PC136 with the WDP. The draft Standards provide for any additional sections to address matters on a district wide basis to be included within the General District Wide matters chapter (**S-GDW**). PC136 has been drafted to be consistent with the draft Standards and to be incorporated as a section within the future S-GDW Chapter.

4. Section 32 Analysis

4.1 Appropriateness in Terms of Purpose of RMA

55. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in PC136 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, sections 4.1 – 4.4 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA as well as other higher order documents and objectives in the Strategic Direction Chapter. The level of analysis undertaken in this report is considered appropriate to the scale of the proposal.
56. PC136 proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED TWM OBJECTIVES	
Proposed TWM Objectives	Reason/Issue
TWM-O1 - Connections Ensure that connection to reticulated three waters networks is provided for within a reticulated area.	Requiring connection to reticulated networks improves the efficiency and effectiveness of the networks and enhances environmental and human health.
TWM-O2 – Reticulated Networks Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks.	Development needs to be designed and constructed in a manner that does not negatively affect reticulated networks.
TWM-O3 – Integrated Infrastructure Plan and provide for three waters infrastructure in an integrated and comprehensive manner.	Where development occurs, it should consider potential future development in the surrounding area and integrated approaches to three waters management.
TWM-O4 – Private Systems Ensure that private three waters systems are provided where connections are not provided to reticulated networks.	Where no public reticulated networks are available, subdivision and development must ensure that three waters resources are appropriately managed via private systems.

TWM-O5 – Adverse effects Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.	Public and private stormwater systems should be designed to minimise adverse environmental, social and economic effects.
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57. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 2 demonstrates that the proposed TWM Objectives achieve the purpose of the RMA. Many sections within Part 2 of the RMA are not relevant to PC136. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that PC136 is inconsistent with s8.

TABLE 2: LINKAGE OF PROPOSED TWM OBJECTIVES WITH PART 2 OF THE RMA						
Proposed Three Waters Management Objectives						
		TWM-O1	TWM-O2	TWM-O3	TWM-O4	TWM-O5
RMA Part 2 Sections	5(2)(a)	✓	✓	✓	✓	✓
	5(2)(b)	✓	-	-	✓	✓
	5(2)(c)	-	✓	-	-	✓
	6(a)	-	-	-	-	✓
	6(h)	-	✓	-	-	✓
	7(b)	-	✓	✓	-	-
	7(d)	-	-	-	-	✓
	7(f)	✓	-	-	-	✓
	7(h)	-	-	-	-	✓

58. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management.

4.2 Appropriateness in Relation to Higher Order Documents

59. The provisions of higher order documents were considered in the formulation of the objectives and policies in PC136 as discussed in Section 3 above. Table 3 provides an overview of the proposed TWM objectives' consistency with the relevant higher order documents.

TABLE 3: LINKAGE OF PROPOSED TWM OBJECTIVES WITH HIGHER ORDER DOCUMENTS						
Proposed Three Waters Management Objectives						
		TWM-O1	TWM-O2	TWM-O3	TWM-O4	TWM-O5
Higher	National Policy Statement on Urban Development Capacity	✓	✓	✓	-	-
	Northland Regional Policy Statement	✓	✓	✓	-	✓

	Long Term Plan 2015 – 2025	✓	✓	✓	-	-
	Whangarei District Growth Strategy – 30/50	✓	✓	✓	✓	-
	Whangarei District Council Bylaws	✓	✓	-	-	-

4.3 Appropriateness in Relation to the Strategic Direction Chapter

60. The proposed TWM objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed TWM objectives are shown in Table 4 below. This table illustrates that the objectives of the TWM are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND TWM OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed TWM Objectives
SD-06 – 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-P18	TWM-O5
SD-07 – 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-P5, P6, P-12	TWM-O1 – O3
SD-08 – Cultural Values Ensure that growth and development takes into account Maori cultural values.	SD-P16, P18	TWM-O5
SD-010 – Hazards Minimise the risks and impacts of natural hazard events on people, property and infrastructure.	SD-P3	TWM-O5
Urban Area Objectives		
SD-11 – Residential and Business Demand Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.	SD-P8	TWM-O1 – O3
Rural Area Objectives		
SD-019 – Rural Villages Provide for managed growth of rural villages.	SD-P6, P38	TWM-O1 – O4

4.4 Appropriateness of Proposed Policies and Methods

61. S32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. In this instance, PC136 proposes five objectives and this s32 assessment must assess whether the proposed provisions are the most appropriate to achieve these proposed objectives. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

62. PC136 proposes a number of new provisions (see **Proposed Plan Changes Text and Maps**). The following sections of this report assesses the efficiency and effectiveness of the preferred provisions and compare them to other reasonably practicable options.

4.4.1 One Chapter

63. It is proposed that all of the provisions relating to three waters management be located in one chapter. Reasonably practicable options for the chapter structure are as follows:

- **Option 1:** Status Quo – retain the objectives and policies within Chapters 5, 6, 8 and 23 and the rules within Chapters 71, 73 and 74.
- **Option 2:** Proposed Provisions (plan change option) – combine objectives, policies and rules into one Three Waters Management Chapter.
- **Option 3:** Include all three waters management provisions in the new Subdivision Chapter.

64. It is considered that option 2 represents the most appropriate option for the following reasons:

- Option 2 is consistent with the structure of the WDP under the rolling review. Other plan changes that have been recently made operative, such as Noise and Vibration (NAV) and Historic Heritage (HH) have incorporated all provisions for their relevant topic area into one comprehensive chapter. This is desirable as all provisions relating to a particular topic are located in one chapter without the need to cross reference to different chapters as is the case with Option 1. This enables better understating of what is to be achieved by locating the explanation and objectives and policies alongside the rules. This makes it easier for plan users to navigate the plan and to determine requirements for a specific area or topic.
- The draft Standards provide for any additional sections to address matters on a district wide basis to be included within the General District Wide matters chapter (**S-GDW**). PC136 has been drafted to be consistent with the draft Standards and to be incorporated as a section within the future S-GDW Chapter.
- Option 3 is effective from a subdivision perspective; however, the provisions that relate to landuse would need to be in a different chapter. Therefore, it is considered more efficient and effective to locate all of the three waters management provisions within one chapter as proposed in Option 2.
- There are no economic growth and employment opportunities arising from the options for this component of PC136.
- There is no risk due to insufficient information.

4.4.2 Overview

65. An Overview section is proposed that discusses the issues and approach provided in the TWM chapter. Reasonably practicable options for the overview section are as follows:

- **Option 1:** Status Quo – duplicate Overview information from Chapters 5, 6, 8 and 23 of the WDP.

- **Option 2:** No overview provided.
- **Option 3:** (Plan change option) Include a new Overview section at the beginning of the proposed TWM chapter.

66. It is considered that Option 3 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option as the overview for the TWM chapter would not be updated to match the new approach to three waters management and the new structure under the rolling review and the draft Standards.
- Option 2 is not an efficient or effective option as it would represent a lack of consistency with the new WDP structure and the draft Standards, and would make the expectations and reasons unclear for plan users.
- Option 3 will ensure that the expectations and reasons for the TWM chapter are clear, thus making the subsequent provisions easier to understand for plan users. This is also consistent with the structure of the WDP under the rolling review where each chapter has its own overview section.
- There are no economic growth and employment opportunities arising from the options for this component of PC136.
- There is no risk due to insufficient information.

4.4.3 Policies

67. The proposed TWM objectives seek to ensure that suitable connections to reticulated three waters networks are provided for in an integrated and comprehensive manner in reticulated areas, while ensuring that private three waters systems are provided in non-reticulated areas and that adverse effects are minimised. These objectives are achieved through the application of policies and methods, in this case the use of land use and subdivision rules.

68. The policies proposed for inclusion (see **Proposed Plan Changes Text and Maps**) are considered to achieve the objectives by:

- Requiring landuse and subdivision to provide three waters infrastructure in a coordinated manner, particularly for larger, 'greenfield' developments.
- Requiring connection to the public reticulated networks where available and ensuring that the infrastructure connecting to the network is appropriately designed.
- Ensuring that sufficient capacity exists within reticulated three waters networks to accommodate development and that potential future development is taken into account.
- Requiring private three waters systems to be provided in non-reticulated areas and managing adverse effects from the systems.
- Clarifying the responsibility of developers to fund upgrades and extensions necessary for the proposed subdivision or development.

69. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules in the proceeding sections of the TWM chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 5 below demonstrates that the policies proposed for the TWM implement the proposed TWM objectives, and that the methods implement the proposed policies:

TABLE 5: LINKING OF PROPOSED TWM PROVISIONS		
Proposed TWM Objective	Proposed TWM Policies	Proposed TWM Methods
TWM-O1 - Connections Ensure that connection to reticulated three waters networks is provided for within a reticulated area.	TWM-P2, P4, P9	TWM-R3.1(b), R4.1(b), R5.1(b)
TWM-O2 – Reticulated Networks Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks.	TWM-P1 – P5, P8, P9	TWM-R3.1(b), R4.1(b), R5.1(b)
TWM-O3 – Integrated Infrastructure Plan and provide for three waters infrastructure in an integrated and comprehensive manner.	TWM-P1, P4, P8, P9	TWM-R6 – R7
TWM-O4 – Private Systems Ensure that private three waters systems are provided where connections are not provided to reticulated networks.	TWM-P6	TWM-R3.1(a), R4.1(a), R5.1(a)
TWM-O5 – Adverse effects Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.	TWM-P1 – P8	TWM-R2, R3.1(a), R4.1(a), R5.1(a), R6, R7

70. An alternative option to the proposed policies was to rely on the existing higher order policies in Part D of the WDP. However, the existing policies are not considered to be effective in requiring connection where appropriate or in assessing capacity when connections to reticulated services are proposed. Therefore, the existing policies present additional costs and risk compared to the proposed policies.

4.4.4 Reticulated Areas

71. It is proposed to introduce three new definitions to clearly establish where reticulated services are “available”. The definitions are as follows:

Reticulated Stormwater Area

Means any site within 200m of an existing public primary stormwater system.

Reticulated Wastewater Area

Means any site:

- Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- 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:

- Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- Within 135m of an existing public reticulated water supply distribution main.

72. These definitions are proposed to be used as activity status triggers in rules so that where a site is within a reticulated area it would require consent to have on-site services rather than connecting to the reticulated system(s) available. This approach is consistent with the status quo, but the status quo uses the term “where available” rather than clearly defining where the reticulated areas are.
73. In order to assess the appropriateness of the proposed definitions in achieving the TWM objectives, the following three options were evaluated:
- **Option 1: Status Quo** – Use the phrase “where available” to refer to areas where reticulated services are available, but no parameters or definitions clarify what determines ‘where available’.
 - **Option 2: Proposed definitions for reticulated wastewater, water supply and stormwater areas.** (plan change option)
 - **Option 3: Map reticulated areas on the Planning Maps.**
74. Evaluation of these options has been summarised in Table 6 below:

TABLE 6: S32 ASSESSMENT OF RETICUALTED AREAS OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<p><u>Environmental</u> Does not clearly establish where reticulated infrastructure should be provided and enables on-site services in inappropriate locations.</p> <p><u>Economic</u> Does not clarify where reticulation should extend to, which adversely affects the efficiency and effectiveness of the reticulated networks.</p> <p><u>Social</u> Uncertainty created as to where reticulated services will be provided and where the rules will apply.</p> <p><u>Cultural</u> None identified.</p>	<p><u>Environmental, Social and Cultural</u> None identified.</p> <p><u>Economic</u> Reduces consenting costs for sites that are in proximity to the reticulated network but cannot feasibly connect.</p>
	<u>Costs</u>	<u>Benefits</u>
Option 2: Plan Change Option	<p><u>Environmental, Social and Cultural</u> None identified.</p> <p><u>Economic</u> Costs associated with consent applications to breach standards and the potential for costs associated with connecting to the reticulated network.</p>	<p><u>Environmental</u> Clearly establishes where reticulation will be required which will prevent on-site servicing in inappropriate areas.</p> <p><u>Economic</u> Improves the efficiency and effectiveness of the reticulated networks.</p> <p><u>Social</u> Provides clarity as to where reticulated networks will be provided and where the rules will apply.</p> <p><u>Cultural</u> None identified.</p>

	<u>Costs</u>	<u>Benefits</u>
Option 3: Map the reticulated areas	<u>Environmental and Cultural</u> None identified. <u>Economic</u> Costs associated with consent applications to breach standards and the potential for costs associated with connecting to the reticulated network. Significant plan change costs to continually update mapping as network extends. As physical network extends there could be a delay in updating mapping which could result in sites on the periphery of physical network not triggering connection and thereby resulting in inefficient use of the reticulated networks. <u>Social</u> Would require ongoing plan changes to update mapping which would require public involvement.	<u>Environmental</u> Establishes where reticulation will be required which will prevent on-site servicing in inappropriate areas. <u>Economic</u> Improves the efficiency and effectiveness of the reticulated networks. <u>Social</u> Provides clarity as to where reticulated networks will be provided and where the rules will apply. <u>Cultural</u> None identified.
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1:	This option is inefficient as it has led to a lack of clarity regarding what areas should be required to connect to the reticulated networks.	This option does not ensure that the reticulated networks are effectively utilised and extended.
Option 2:	This option will efficiently achieve the TWM objectives by clarifying what areas should be reticulated.	This option will effectively require connection to the reticulated network in areas that are intended to be reticulated.
Option 3:	This option will not be efficient as ongoing plan changes will be required to continually update the maps.	This option will effectively require connection to the reticulated network in areas that are intended to be reticulated, provided that the mapping is up to date.
Economic Growth and Employment Opportunities		
Option 1:	This option has a negative impact in terms of economic growth as reticulated networks are not required to extend in logical areas which compromises the future growth and extension of that area.	
Option 2:	This option has a positive impact in terms of economic growth as the reticulated networks would be appropriately extended or consideration would be required as to why connection is not practicable or appropriate.	
Option 3:	This option has a positive impact in terms of economic growth as the reticulated networks would be appropriately extended or consideration would be required as to why connection is not practicable or appropriate. However, if the mapping is not up to date then this positive impact may not be realised.	
Risk of acting and not acting if there is uncertain or insufficient information		
Option 1:	The risk associated with Option 1 is moderate as retaining the status quo provides less clarity as to where the reticulated networks will extend in the future.	
Option 2:	The risk associated with acting is low in the instance of Option 2 as clarity would be provided for reticulated areas to ensure that the network is appropriately utilised and extended.	
Option 3:	The risk associated with acting is low to moderate in the instance of Option 3 as clarity would be provided for reticulated areas to ensure that the network is appropriately utilised and extended; however, if the mapping was not kept up to date then Option 3 would present the risk of connections not being appropriately provided.	

75. As shown in Table 6, Option 2 (the proposed plan change) is considered to be the most appropriate method of achieving the TWM objectives as it will efficiently and effectively utilise the existing infrastructure and require appropriate extension of the networks. Further alternatives for the specific details of the proposed definitions in Option 2 (e.g. the distances specified from the existing network and the Environments exempt from connection) have been considered. However, proposed definitions have been developed with the WDC Infrastructure and Services team to ensure appropriate and practicable terminology and methodology.
76. It is noted that additional definitions are proposed as part of PC136. These terms have been defined in the draft National Planning Standards and have been included within PC136 to ensure consistency with the Standards and provide additional clarity for the interpretation of provisions. It is anticipated that changes may be required to these definitions through submission depending on the final version of the National Planning Standards to ensure consistency.

4.4.5 Subdivision Rules

77. Proposed Rules TWM-R4 – R6 seek to replace the operative subdivision rules and are summarised as follows:
- Rule TWM-R3 (Stormwater): Allotments must provide for the collection, treatment and disposal of stormwater in a manner that meets several technical measurements (e.g. flow rates, attenuation, design life, etc.) and must connect to the reticulated network within a reticulated stormwater area.
 - Rule TWM-R4 (Wastewater): Allotments must provide for the collection, treatment and disposal of wastewater and must connect to the reticulated network within a reticulated wastewater area.
 - Rule TWM-R5 (Water Supply): Allotments must provide a water supply and must connect to the reticulated network within a reticulated water supply area.
78. Where the above rules are met, it is proposed to be a Restricted Discretionary activity, and where compliance is not achieved then it is proposed to be a Discretionary activity.
79. In assessing the appropriateness of the proposed provisions there are several factors to consider (e.g. whether or not to reference an external engineering document, what should the activity status be, the need for information requirements, the specific wording/detail of the rules, etc.). These factors are best assessed holistically rather than in isolation; therefore, the following four overarching options for the three waters management subdivision provisions have been considered:

Option 1: Status Quo: Reference, and require compliance with, EES 2010 / ES 2018 as a controlled activity

Option 1 maintains the status quo whereby the subdivision rules for each Environment require all sites to provide a water supply, a means for the disposal of collected stormwater and a means for the disposal of sewerage. Where these are provided, and the design of the system complies with the EES 2010, then the subdivision is a Controlled activity. Where these are not provided or the EES 2010 is not complied with, then it is a Restricted Discretionary activity

Option 2: State all technical requirements in the District Plan rather than in an external document

Option 2 would essentially result in the standards contained in the ES 2018 being shifted to the TWM chapter of the District Plan. These standards would be contained in appendices to the TWM chapter. The status quo of controlled activity status would be retained where the rules are complied with.

Option 3: Require prior approval from the Infrastructure Development Department

Option 3 would require applicants to seek approval from the Infrastructure Development Department within Council prior to applying for subdivision consent. The Infrastructure Development Department would establish a separate 'approval' process outside of the District Plan with their own information requirements, standards, etc. Where approval has been provided then the subdivision would be a controlled activity (provided other district plan rules are complied with). Where approval had not been obtained then the subdivision would be a restricted discretionary or discretionary activity.

Option 4: Require consent as a restricted discretionary activity as the lowest threshold for any subdivision with certain rule requirements in the TWM chapter that must be met (plan change option).

Option 4 would remove references to the EES 2010 / ES 2018 and would contain all relevant rules in the TWM chapter. Information requirements would be stated to ensure that any subdivision application provides sufficient information to assess the activity. Where compliance with the restricted discretionary activity requirements is not achieved then the subdivision would be a discretionary activity. Consequential amendments to the WDP would be required to remove any reference to the EES 2010 in other chapters and to link to the proposed TWM chapter where appropriate.

80. With regard to Option 1, as discussed in Section 2.2.3 above, the current approach of requiring compliance with the EES 2010 is not efficient or effective and enables third party decision making in an RMA process. Therefore, the status quo is not a valid approach. To enable Option 1 to be valid, the EES 2010 would need to be redrafted to have clear 'black and white' rules where compliance can be clearly determined. However, the ES 2018 have been drafted similarly to the EES 2010 and do not provide the level of clarity needed to make referencing them a valid approach. Amending the ES 2018 is outside the scope of PC136; therefore, the status quo approach of referencing and requiring compliance with the EES 2010 (or ES 2018) is not efficient or effective and has not been further considered.
81. The benefit of Option 2 would be that all rules would be contained within the District Plan and the requirements for three waters systems would be clear. However, Option 2 would not simplify and streamline the District Plan as there would be numerous appendices required to contain all the technical standards needed for three water systems. Additionally, after consultation with the infrastructure asset managers within Council, it became clear that stating 'black and white' rules for three waters systems was challenging, if not impossible. Engineering designs are often difficult to standardise as certain allotments or situations require specific design with a degree of flexibility. Therefore, Option 2 is not considered efficient or effective and has not been further considered.

82. The benefits of Option 3 are that the District Plan would be simplified and streamlined and that applicants would need to consider servicing issues prior to a subdivision application, which could encourage more comprehensive designs and better outcomes. However, Option 3 has similar issues to Option 1 whereby the activity status of a subdivision would depend on a third-party approval outside the RMA process. The process of obtaining approval from the Infrastructure Development Department would not be clearly defined by the District Plan and could be subject to change without a plan change. This could lead to uncertainty for applicants, and potentially unfair or inconsistent decisions. Additionally, the expenses associated with obtaining the level of detail that could be required to gain approval could be prohibitive as the actual subdivision consent would still not have certainty if it was a restricted discretionary, discretionary or non-complying activity. Given the above, Option 3 is not efficient or effective and has not been further considered.
83. Option 4 is considered to be the most appropriate approach to three waters management in subdivision. There are several mechanical aspects of Option 4 that also require s32 assessment to ensure appropriateness, those being: activity status, technical standards within the rules, and information requirements.

Activity Status

84. It is proposed that where the rule requirements of rules TWM-R3 – R5 are met that the subdivision is a restricted discretionary activity and where compliance is not achieved that the subdivision is a discretionary activity. This is a change from the status quo of a controlled activity where the rule requirements are met and restricted discretionary activity where compliance is not achieved.
85. Retaining the controlled activity status was considered; however, under Option 4 there are limited technical engineering standards stated in the District Plan, and the ES 2018 is not proposed to be incorporated as a referenced document. It is considered that a controlled activity status would not be appropriate under Option 4 as an application could not be declined, even if engineering reports raised significant issues, and there would be limited ability to make significant changes to an application if the standards proposed by the applicant were unsuitable.
86. It is proposed to list targeted matters of discretion for the subdivision rules to guide applicants and the assessment. The ES 2018 is also mentioned in a note as a means of compliance with the restricted discretionary activity rules. This enables applicants to use the ES 2018 as a guide for meeting the rules, but also provides the option of using different standards provided that adverse effects are managed.
87. One potential cost of changing the minimum activity status from controlled to restricted discretionary is the additional consenting costs and uncertainty in the consenting process. However, analysing Council's resource consent statistics database has revealed that there is minimal costs or uncertainty associated with changing the activity status. Since 2014 there have been 46 controlled activity subdivisions and 88 restricted discretionary activity subdivisions¹. Only one restricted discretionary activity was limited

¹ These numbers do not include applications such as boundary adjustments, change to conditions, extensions of timeframes, etc., and only include applications for which the full set of data had been recorded in the resource consent statistics database.

notified and none of the applications were declined. In terms of total fees charged to the applicants, the controlled subdivisions had an average total cost of \$2,892 and the restricted discretionary subdivisions had an average total cost of \$3,052 (a difference of \$160).

88. It is considered that the proposed restricted discretionary activity status is more appropriate under Option 4 and that the potential additional consenting costs are likely to be minimal.

Technical Standards within the Rules

89. For the Wastewater and Water Supply Rules (TWM-R4.1(a) and R5.1(a)) it is proposed to require provision for the collection, treatment and disposal of wastewater and for a water supply. There are no additional rules stated regarding the standards required for these services. The rationale of not stating additional rule standards is that these aspects are sufficiently covered by Northland Regional Plans, Whangarei District Council Bylaws (especially through the vesting process where the wastewater or water supply system will be provided by way of connection to a reticulated network) and Building Act requirements. Restating additional rule standards in the district plan is considered to be redundant and could create additional risks and/or costs if other external standards are changed and a plan change is required to maintain consistency. Additionally, the proposed restricted discretionary matters for consideration will enable assessment of the design of three waters systems to ensure this is considered.
90. For the Stormwater Rule (TWM-R3.1(a)) it is proposed to include a list of standards for the collection, treatment and disposal of stormwater. Compared to wastewater and water supply, there are limited controls for stormwater in Northland Regional Plans, Whangarei District Council Bylaws and Building Act requirements. Therefore, it is considered necessary to include additional rules to manage adverse effects. The rule standards have been developed through consultation with Council's Waste and Drainage Asset Engineers to ensure appropriateness. Due to the technical nature of the rules, a definition for "Annual Exceedance Probability" is proposed to be introduced (see **Appendix 1**) to provide additional clarity and certainty for rule interpretation.
91. The status quo option does not include specific standards within the rules, and instead references and requires compliance with the EES 2010. This has been assessed above as not being appropriate. Alternatives considered (Options 2 and 3) were to either remove the standards from the stormwater rule or include standards in the wastewater and water supply rules. As discussed above these options are not considered appropriate. Table 7 below demonstrates the appropriateness of proposed Rules TWM-R3.1(a), R4.1(a) and R5.1(a) (Option 4):

TABLE 7: S32 ASSESSMENT OF TECHNICAL STANDARDS WITHIN SUBDIVISION RULES	
Costs	Benefits
<u>Environmental</u> No standards included within Rules TWM-R5.1(a) and R6.1(a) means other legislation will be relied on to manage adverse environmental effects relating to wastewater and water supply. <u>Economic, Social and Cultural</u> None identified.	<u>Environmental</u> Inclusion of standards in Rule TWM-R4.1(a) will manage adverse environmental effects relating to stormwater. <u>Economic</u> Reduced up-front consenting costs as detailed engineering design is not necessary to comply with wastewater and water supply rules. <u>Social</u>

	Rules that are redundant with other legislation have been removed to simplify and streamline the district plan and avoid inconsistencies. <u>Cultural</u> None identified.
Efficiency	Effectiveness
Rules are clear and straightforward. The stormwater rules do contain technical aspects but this is a symptom of the topic and is necessary to ensure positive outcomes. Improves efficiency by removing redundancies with other legislation.	The proposed rules are considered effective in meeting the objectives of the proposed TWM Chapter by managing three waters at subdivision stage.
Economic Growth and Employment Opportunities	
The proposed rules are not considered to have significant impacts on economic growth and employment.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no known risk due to insufficient information.	

Information Requirements

92. The EES 2010 contains details of the information that needs to be provided with resource consent applications. By removing the EES 2010 as an incorporated reference document these information requirements are also removed from the district plan. Therefore, it is considered necessary to include information requirements within the TWM Chapter to provide guidance to applicants. The proposed information requirements have been developed through consultation with Council's Waste and Drainage Asset Engineers to ensure appropriateness. The option of providing no information requirements was considered as the information could be requested through the consent process; however, this is considered to be inefficient as it would likely result in additional information being requested under section 92 for most applications.

4.4.6 Landuse Rules

93. It is proposed to retain the status quo regarding wastewater and water supply as these are managed from a landuse perspective through Northland Regional Plans, Whangarei District Council Bylaws and Building Act requirements.
94. The WDP does not have any landuse rules relating to three waters management. There are building coverage and impervious area rules that help manage stormwater, but there are no specific rules managing stormwater if the coverage and impervious areas are complied with. This has resulted in perverse outcomes whereby new impervious surfaces that are not triggered through subdivision and comply with all other rules have adverse environmental effects. Therefore, the status quo is not considered appropriate.
95. Proposed Rule TWM-R2 requires any new impervious surface to comply with the technical standards for stormwater management stated in Rule TWM-R3.1(a). This rule ensures that new impervious surfaces that comply with the impervious area limits of the relevant zone, must still be designed to manage adverse effects. As discussed above, the standards have been developed through consultation with Council's Waste and Drainage Asset Engineers to ensure appropriateness.

4.4.7 Integrated Three Waters Assessments

96. Proposed Rule TWM-R6 requires discretionary consent for any subdivision resulting in 8 or more additional allotments. Proposed Rule TWM-R7 requires controlled consent for impervious areas between 1,000m² – 5,000m² and discretionary consent for impervious areas greater than 5,000m² in the Business Zones. These rules also require an 'Integrated Three Waters Assessment' to be provided as part of any application.
97. An Integrated Three Waters Assessment allows site and proposal specific assessment and identification of best practicable options for three waters management and integration with land use. The proposed approach helps ensure that water sensitive designs are considered for larger scale developments as this can provide benefits to the wider community and environment as well as to the developer and/or residents.
98. The WDP does not have any provisions that are similar to proposed Rules TWM-R6 – R7. It was considered to retain the status quo with no 'Integrated Three Waters Assessment' requirements. However, consultation with the Waste and Drainage Asset Engineers at Council and with local community members and hapu representatives identified the lack of provisions in the WDP as an issue.
99. Various thresholds were considered for the proposed provisions. With regard to TWM-R6, 8 allotments is considered an appropriate threshold as this is consistent with the Transport provisions whereby 8 allotments triggers the requirement for a public road and is representative with an urban form of development.
100. With regard to TWM-R7, the thresholds of 1,000m² and 5,000m² have been established through discussions with Council's Asset Engineers to ensure appropriateness. The thresholds have been tested against existing vacant sites within the Business Zones and have identified 36 sites that may trigger the controlled activity status and an additional 34 sites that may trigger the discretionary activity status. Table 8 below demonstrates the appropriateness of proposed Rules TWM-R6 – R7.

TABLE 8: S32 ASSESSMENT OF INTEGRATED THREE WATERS ASSESSMENT RULE	
Costs	Benefits
<u>Environmental Social and Cultural</u> None identified.	<u>Environmental</u> Provides certainty that larger proposals consider opportunities to reduce impacts on water resources by incorporating water sensitive designs. Provides certainty that larger proposals are considered against Catchment Management Plans which provides environmental benefits from reduced impact on water resources. Provides an opportunity to consider site or proposal specific solutions to three waters infrastructure and water efficiency.
<u>Economic</u> Financial and time costs to developers to prepare and implement measures identified in integrated three waters assessments. Opportunities or flexibility for development may be reduced as a result of development having to meet water efficiency measures.	<u>Economic</u> Long term economic benefits for individuals (three water cost savings) and the community (three water cost savings and reduced pressure to increase capacity by upgrading existing or providing new three water infrastructure). <u>Social and Cultural</u>

	None identified.
Efficiency	Effectiveness
The proposed rule is efficient in that it is clear and enforceable and its stated benefits outweigh the likely costs.	The rule is effective at ensuring that larger scale proposals are assessed in accordance with any Catchment Management Plan, and assessing how the proposal responds to or otherwise provides for three waters infrastructure and achieves water efficiencies. Larger proposals have more opportunities to provide a coordinated and comprehensive response to water efficiency and impacts on water resources.
Economic Growth and Employment Opportunities	
The proposed rules are not considered to have significant impacts on economic growth and employment.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no known risk due to insufficient information.	

4.4.8 Default to Permitted Activity Status

101. TWM-R1 proposes to default to permitted activity status where any activity is not listed in the chapter and the activity does not require consent under any other rule in the district plan. The default to a permitted activity, means that those activities which are not captured by the specific provisions are permitted and enabled within the TWM chapter. Alternatives considered were:

- **Option 1:** Proposed Plan Change: Include default to permitted activity in TWM-R1.
- **Option 2:** More restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, non-complying).

102. Option 1 is considered to be the most appropriate option for the following reasons:

- Option 1 is the most efficient and effective option. The TWM objectives and policies seek to enable and provide for efficient and effective three waters management to support the economic and social wellbeing of the District, while managing adverse effects. By defaulting to a permitted activity status, Option 1 avoids imposing unnecessary restrictions and constraints on developers, utility operators and residents who can demonstrate compliance with the relevant standards and controls.
- Option 2 is not an efficient or effective option. Under the current structure of the TWM Chapter, having a more restrictive activity status requiring consent will present an unintended and unnecessary consenting barrier to three waters management within the District.
- Option 1 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective management of three waters.
- Given the reasons outlined above, Option 1 is considered to have the greatest benefits which outweigh the costs in comparison to Option 2.
- There is no known risk due to insufficient information.

5. Conclusion

103. Pursuant to s32 of the RMA, the proposed TWM objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
104. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to three waters management in the Whangarei District.

Appendix 1: Proposed Definitions

1. The following definitions are proposed through PC136. Definitions highlighted in yellow are listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

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.

Coastal Marine Area

has the same meaning as in section 2 of the RMA.

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.

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.

Greywater

means untreated liquid waste from sources such as household sinks, basins, baths, showers and similar appliances but does not include any sewage.

Infrastructure

has the same meaning as in section 2 of the RMA.

Reticulated Stormwater Area

Means any site within 200m of an existing public primary stormwater system.

Reticulated Wastewater Area

Means any site:

- c) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- d) 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:

- c) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- d) Within 135m of an existing public reticulated water supply distribution main.

Sewage

means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes.

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.

Swale

means an area of land that has been shaped to allow a watercourse to form during stormwater collection.

Wastewater

includes sewage, and greywater.

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.

2. It is also proposed that the following existing definition in the Operative Whangarei District Plan is amended as shown below with underline and ~~strike through~~. The definition is **highlighted in yellow** as it is listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

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.

Plan Change 147: Earthworks

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

1. Introduction

1.1 Overview

1. This report is in relation to proposed plan change 147 (PC147) to the Operative Whangarei District Plan (**WDP**) as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the Plan Change. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the Plan Change. The report then goes on to address the RMA's s32 evaluation requirements

1.2 The Proposed Plan Change

3. PC147 seeks to introduce a district wide chapter relating to earthworks. The overall focus of the proposed "Earthworks" Chapter is to manage the impact of subdivision within the wider environment.

PC147 includes:

- A new 'Earthworks' Chapter – with objectives, policies and district wide rules.
- Consequential changes to the WDP.
- New definitions for Chapter 4 of the WDP.

2. Background

4. Managing the effects of earthworks undertaken for land development involves managing and minimising the impact of erosion, land instability, compaction and sedimentation. Earthworks includes:
 - A cut and fill process which may modify the shape of the land surface.
 - A process which may include the removal of aggregate, excavation, infilling, re-contouring, and construction of any road, track, landing or drainage channel.
5. Provisions relating to earthworks are currently located across multiple plan chapters and are undertaken within each Environment (zone). The WDP requires earthworks to be designed in accordance with the Whangarei District Council Environmental Engineering Standards 2010 (**EES 2010**) by incorporating the EES 2010 through reference. The EES 2010 primarily relates to managing the effects of earthworks on land instability hazards. Chapter 56 of the WDP manages other natural hazards including coastal hazards, flooding and mining subsidence. Chapter 63 of the WDP manages contaminated sites. Various aspects of earthworks are also managed through the Northland Regional Plans.

2.1 Resource Management Issues

6. During the development of PC 147 the following were identified as issues:

- District Plan implantation and ease of use
- No specific earthworks land use rules

2.2 District Plan Implementation and Ease of Use

7. The current approach of incorporating the EES 2010 by reference and requiring compliance with the standards in the EES 2010 creates several issues including:

- Assessing, monitoring and enforcing compliance with the EES 2010 is difficult for applicants as well as Council. The EES 2010 is a large and complex technical document, and ensuring that the correct consents have been applied for and that the standards are being met is challenging. As a result, the EES 2010 has not been properly implemented or enforced in some cases.
- Engineering designs are often difficult to standardise as certain allotments or situations require specific design with a degree of flexibility. The EES 2010 has been written to allow for flexibility and enable engineers to have discretion in decision making. From an engineering perspective, this is appropriate. However, by referencing the EES 2010 in the WDP, third party decision making has been incorporated in an RMA process. It can be up to the discretion of an engineer or manager as to whether or not an activity complies with the rules.
- Many of the standards in the EES 2010 overlap with functions carried out under the Regional Council, vesting approval processes, and building consent process. The management of these issues in the WDP is therefore redundant and is often better addressed through the alternative processes.
- By referencing the EES 2010 in the WDP, any updates or changes to the EES 2010 require a full plan change to be reflected in the WDP. Consequently, the EES 2010 has not been updated since 2010 due to the costs and uncertainty associated with a plan change, which in turn results in the EES 2010 not being up-to-date to reflect best practice.

8. Council has undertaken a review of the EES 2010 following industry feedback that the standards needed to be easier to follow and aligned with best practice. The updated version of the EES 2010, the Whangarei District Council Engineering Standards 2018 (**ES 2018**), has undergone consultation and several rounds of review. The review of the EES 2010 and the finalising of the ES 2018 has been undertaken to coincide with PC147 and the new district plan approach to earthworks management. PC147 will aim to address these existing issues by removing the EES 2010 as a referenced document.

9. The current earthworks provisions are scattered across several WDP chapters. As a means of simplifying and streamlining the WDP, PC147 will provide the policy direction for earthworks management in a specific section of the WDP. This approach enables the policy framework and rules relating to the management of earthworks to be located at a 'district wide' level in one chapter in the WDP, consistent with the WDP rolling review.

2.3 No Specific Earthworks Land Use Rule

10. The WDP contains rules managing earthworks as a land use activity in the following instances:

- Within natural hazard areas (e.g. coastal hazards, mining subsidence areas, flood susceptibility areas, and contaminated sites)
- Within Landscapes and Feature overlays
- Within the Coastal Area
- Where the activity is considered a Farm Quarry or a Mineral Extraction activity

11. Outside these areas/activities the WDP rules only manage earthworks that are associated with a subdivision. This creates a gap where unlimited earthworks may be carried out as a permitted activity. One means of addressing this is the Building Act which can manage earthworks when they are associated with a building. However, the WDP subdivision rules and the Building Act can often be circumvented by developers undertaking earthworks before they are “associated” with a subdivision or a building.

12. The Northland Regional Council manages earthworks under the Regional Plan. The Regional Plan is more focused on environmental aspects (such as sedimentation and discharges) than amenity, and only requires resource consent for earthworks at a large scale.

13. It has been identified that there is a need to consider implementing rules in the WDP to manage earthworks from a land use perspective. This would help to manage effects on amenity caused by earthworks, and would address the current gap in the WDP earthworks land use rules.

14. As discussed in more detail in section 4 below, PC147 does not seek to address the land use component of earthworks. Rather PC147 seeks to slightly modify the operative subdivision rules with the intention being that the land use component will be reviewed more comprehensively as part of a future plan change during the WDP rolling review. It is intended to undertake plan changes covering natural hazards and biodiversity following this round of Urban and Services plan changes. Therefore, PC147 will act as a “placeholder” and will retain the operative approach to earthworks management pending further review of land use earthworks provisions in future.

2.4 Consultation

15. No specific pre-consultation has been undertaken for PC147, as the plan change is intended to be a placeholder with a more comprehensive review of earthworks being undertaken in a future plan change.

3. Statutory Considerations

16. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, RPS, Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC147 are discussed below.

3.1 Resource Management Act 1991 (RMA)

17. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:

‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety’

18. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated to meet the purpose and principles of the RMA. Consideration has been given to the extent to which PC147 achieves the purpose and principles of Part 2 of the RMA.

19. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must “accord with” and “have regard to” are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

20. S79 of the RMA sets Councils the requirement to review district plans. Councils must complete a review of all district plan provisions within any 10-year time period. The WDP became operative on 3 May 2007, after eight years of formulation. The data that the WDP was based upon are therefore over ten years old. Monitoring of the WDP has identified areas of inconsistency and ineffectiveness.
21. S79 of the RMA provides the opportunity for Councils to undertake rolling reviews of district plan provisions. Using this opportunity to improve the integrity of the WDP, a rolling review process has been implemented.
22. The rolling review provides an opportunity to include further objectives and policies on an Environment (zone) by Environment basis. A policy heavy approach to the WDP has been introduced. The new structure provides opportunity for policy at a district wide, geographical, locality or neighbourhood context. The scope and degree of specification in the objectives and policies will be proportional to the level of context and relevance to ensure objectives and policies at each level do not overlap or contradict each other.

3.2 National Policy

National Environmental Standards

23. Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**).

There are currently five NES's:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standard for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES Soils**)
- National Environmental Standards for Plantation Forestry (**NES Plantation Forestry**)

24. There are no provisions in the NES for Air Quality, Telecommunication Facilities, Electricity Transmission Activities, Sources of Drinking Water or Plantation Forestry which specifically relate to Earthworks management.

25. The NES Plantation Forestry applies to earthworks for plantation forestry purposes. The regulations under the NES however do not apply to:

- Vegetation clearance that is carried out before afforestation
- Any activities or general provisions and conditions not specified

26. If these regulations do not apply to a particular activity, there may be rules in the regional or district plans that apply to that activity. Earthworks is permitted from a territorial authority perspective; however, resource consent could be needed from a regional authority. A forestry earthworks management plan is required for all earthworks that involve more than 500m² of soil disturbance in any 3-month period under the NES.

27. The NES Soils applies to the removal or replacement of fuel storage, small scale soil disturbance activities, soil sampling, and the change of use or subdivision of land which is identified as or may be subject to contamination. Regional authorities have the functions of identifying and monitoring land which may be contaminated and to maintain a register of sites which is shared with the territorial authority. The undertaking of earthworks on land which is identified as a contaminated site requires consideration under the relevant provisions of the NES.

National Policy Statements

28. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently five National Policy Statements:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management

- National Policy Statement for Renewable Electricity Generation
 - National Policy Statement on Electricity Transmission
 - New Zealand Coastal Policy Statement
29. The NPS on Urban Development Capacity, the NPS for Freshwater Management, the NPS for Renewable Electricity Generation, and the NPS on Electricity transmission do not specifically relate to Earthworks.
30. The New Zealand Coastal Policy Statement (**NZCPS**) identifies sedimentation, erosion, coastal hazards, and subdivision use, and development in areas of coastal hazard risk, which are associated to earthworks. As part of the framework the NZCPS addresses these hazards which demonstrates how adverse effects will be prevented. Specific policies include Policy 22 which addresses sedimentation particularly in coastal areas. Policy 25 is relevant as it addresses subdivision, use and development in areas of coastal hazard risk. Both policies are relevant to PC147 due to sedimentation controls needed during earthworks and the potential effects of earthworks during or arising from earthworks needed for subdivision, use and development.

National Planning Standards

31. The National Planning Standards (**Standards**) are scheduled to be gazetted in April 2019, and will have an impact on the integration of PC147 with the WDP. The draft Standards direct that an Earthworks section is to be included within the General District Wide matters chapter (**S-GDW**). PC147 has been drafted to be consistent with the draft Standards and for the proposed Earthworks chapter to be later incorporated as a section within a future S-GDW Chapter.

3.3 Iwi and Hapu Management Plans

32. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, there are five such documents accepted by Council, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan 2016 and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated. PC147 has considered those matters of relevance as follows:
- The Ngati Hau Hapu Environmental Management Plan addresses minerals and mining associated to earthworks.
 - The Iwi o Ngatiwai Iwi Environmental Policy Document addresses earthworks in the water, wahi tapu and ngatiwai landscapes policies.

- The Patuharakeke Te Iwi Trust Board Environmental Plan addresses soils and minerals and has several policies which include earthworks management.
- The Ngati Hine Iwi Environmental Management Plan addresses soils and minerals (geothermal), but does not specifically mention provisions relating to earthworks management.
- The Te Uriroi Hapu Environmental Management Plan/Whatatiri Environmental Plan address the importance of providing earthworks management plans for earthworks consent application detailing the management of erosion, sediment control, possible archaeological or cultural sites and rehabilitation.

3.4 Local Government Act 2002

33. The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of protecting the public from nuisance, protecting, promoting, and maintaining public health and safety, minimising the potential for offensive behaviour in public places. Sections 146 and 147 provide for the creation of more specific bylaws. Whangarei District has several bylaws; however, none relate specifically to earthworks.

3.5 Building Act 2004

34. The Building Act 2004 sets standards for Earthworks. PC147 aims to avoid an overlap with the Building Act. Care has been taken in preparing PC147 that proper consideration is given to earthworks at a subdivision stage to ensure that future built development will be practicable.

3.6 Regional Policy

Northland Regional Policy Statement (NRPS)

35. The NRPS became operative on 9 May 2016. The policies of most relevance to PC147 are discussed below
- Policy 3.13 addresses the natural hazard risk and the activities that may occur that could compromise the effectiveness of existing defences including infilling of flood plains resulting from earthworks.
 - Policy 4.6.1 addresses the management of effects on the characteristics and qualities of natural character, natural features and landscapes. Particularly in the coastal environment where it is required that the scale and intensity of earthworks is appropriate considering the scale, form and the vulnerability of instable ground.
 - Policy 4.6.3 states that methods in the district plan shall include the control of the location and scale of earthworks removal and the disturbance, demolition or alteration of physical elements.
 - Policy 6.1 relates to ensuring that district plans are efficient, effective, simple and consistent.

- Policy 7.1.2 relates to new subdivision, stating that land use may be appropriate within 10-year and 100- year flood hazard areas provided that earthworks do not divert flood flow onto neighbouring properties.
36. The NRPS is relevant to PC147 regarding managing adverse effects from the processes carried out during earthworks which include controlling sedimentation, run off and erosion. Earthworks carried out will be managed correctly and will prevent any environmental, economic, social or cultural issues.

Regional Plans

37. There are several operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan (**RWSP**), the Air Quality Plan and the Coastal Plan. The most relevant to the consideration of PC147 is the RWSP which covers the effects of land use activities on water and soil in the region. The RWSP identifies the significant water and soil issues for the region and seeks to address these through specific policies and rules.
38. The RWSP addresses general environmental standards in relation to practicable measures that shall be taken to avoid creating erosion features such as sheet wash, slips, slumps, rills and gullies, wind erosion, blow outs and stream bank erosion and to mitigate the effects of existing erosion features. As part of managing instability, it is important that specific areas which are erosion prone do not have vegetation clearance or that exposed soil is revegetated within a practical timeframe to help prevent sediment discharges.
39. The Proposed Regional Plan (**PRP**) proposes to combine the operative Regional Plans into one plan. Similar to the operative RSP, in the PRP specific policies and rules are proposed to manage the effects of earthworks. As part of the PRP, erosion and sediment control measures are proposed to be implemented in accordance with the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region (2016)* for the duration of the activity. The PRP addresses instability, minimising erosion and avoiding slope failure, however the earthworks thresholds that the PRP associates to is significantly larger than what will be addressed in PC147.
40. The RWSP and PRP manage earthworks from a regional council perspective and the operative and proposed provisions in these documents have been taken into consideration in the drafting of PC147 to avoid redundancies including any overlaps between the two plans.

3.7 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 2010 (30/50)

41. To manage projected growth sustainably, Council formulated 30/50 as a long term Sub-Regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for future development for the District over a 30-50-year time frame.
42. PC147 seeks to ensure that any earthworks are effectively and efficiently managed to prevent land instability and coastal hazards such as coastal erosion and is intended to manage or prevent any

adverse effects and human health and safety caused by earthworks. PC147 seeks to manage the effects of earthworks on land instability hazards.

4. Section 32 Analysis

4.1 Appropriateness in Terms of Purpose of RMA

43. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in PC147 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, sections 4.1, 4.2 and 4.3 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA as well as other higher order documents and objectives in the proposed Strategic Direction Chapter (PC 148). The level of analysis undertaken in this report is considered appropriate to the scale of the proposal.
44. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 1 details the proposed EARTH objective, its main reasoning and demonstrates that the proposed objective achieves the purpose of the RMA. Many sections within Part 2 of the RMA are not relevant to PC147. With regard to s8, pre-notification consultation with Tangata Whenua has not been undertaken for PC147 due to the plan change largely relocating existing WDP content into a single chapter. It is not considered appropriate to keep the current earthworks objectives as they relied on the EES which will no longer be relevant.

TABLE 1: S32 ASSESSMENT OF PROPOSED PC147 PROVISIONS		
Proposed EARTH Objectives	Reason/Issue	Sections of Part 2 of the RMA that are addressed
<u>EARTH-O1 – Land Instability</u> Minimise the risk of land instability and manage compaction.	To address the risk of land instability and manage compaction.	Section 5, Section 6(h), Section 7(f)(g), Section 8

45. Having assessed the proposed objective against Part 2 of the RMA it is considered that it achieves the purpose of the RMA and promotes sustainable management.

4.2 Appropriateness in Relation to Higher Order Documents

46. The provisions of higher order documents were considered in the formulation of the objective and policies in PC147 as discussed in Section 3. An overview of the proposed EARTH objective's consistency with the relevant higher order documents follows.
47. The provisions of higher order documents were considered in the formulation of the objective and policies in PC 147 as discussed in section 3 of this report. The main higher order documents of relevance to the proposed EARTH objective are listed below, and their relevance has been detailed above.
- Northland Regional Policy Statement
 - Draft Northland Regional Plan
 - Whangarei District Growth Strategy 30/50

- Northland Regional Plan

4.3 Appropriateness in Relation to the Strategic Direction Chapter

48. The proposed EARTH objective links to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 147. The relevant overarching Strategic Direction Chapter objective and policy and their links to the proposed EARTH objectives are shown in Table 2 below. This table illustrates that the objectives of the EARTH are effectively linked to the relevant objective and policy of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 2: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND EARTH OBJECTIVES		
Proposed Strategic Direction Objective	Proposed Strategic Direction Policies	Proposed EARTH Objectives
SD-010 – Hazards Minimise the risks and impacts of natural hazard events on people, property and infrastructure.	SD-P3	EARTH-01

4.4 Appropriateness of Proposed Policies and Methods

49. S32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. In this instance, PC147 proposes one objective and this s32 assessment must assess whether the proposed provisions are the most appropriate to achieve the proposed objective. The risk of acting or not acting where uncertain information exists must also be considered.

4.4.1 One Chapter

50. It is proposed that all the provisions relating to earthworks be located in one chapter. Reasonably practicable options for the chapter structure are as follows:

- **Option 1:** Status Quo – retain Chapters 5, 6, 8 and 23 for policy content, and Chapters 71, 73 and 74 for rules.
- **Option 2:** One chapter (plan change option) – combine objectives, policies and rules into one Earthworks Chapter.
- **Option 3:** Include all earthworks management provisions in the new Subdivision Chapter.

51. It is considered that Option 2 represents the most appropriate option for the following reasons:

- Option 2 is consistent with the structure of the WDP under the rolling review. Other district wide plan changes that have been recently made operative, such as Noise and Vibration (NAV) and Historic Heritage (HH), have incorporated all provisions for their relevant topic area into one comprehensive chapter. This is desirable as all provisions relating to a particular topic are located in one chapter without the need to cross reference to different chapters as is the case with Option 1. This enables better understating of what is to be achieved by locating the explanation and

objectives and policies alongside the rules. This makes it easier for plan users to navigate the plan and to determine requirements for a specific area or topic.

- The draft Standards provide specifically for an Earthworks section to be included within the General District Wide matters chapter (**S-GDW**). Option 2 is consistent with the draft Standards, as it is intended that the Earthworks chapter will become a section in a future S-GDW chapter.
- There are no economic growth and employment opportunities arising from the options for this component of PC147.
- There is no risk due to insufficient information.

4.4.2 Overview

52. An Overview section is proposed that discusses the issues and approach provided in the EARTH chapter. Reasonably practicable options for the overview section are as follows:

- **Option 1:** Status Quo – duplicate Overview information from Chapters 5, 6, 8 and 23 of the WDP.
- **Option 2:** No overview provided.
- **Option 3:** (Plan change option) Include a revised Overview section at the beginning of the proposed EARTH chapter.

53. It is considered that Option 3 represents the most appropriate option for the following reasons:

- Option 3 will ensure that the expectations and reasons for the EARTH chapter are clear, thus making the subsequent provisions easier to understand for plan users. This is also consistent with the structure of the WDP under the rolling review where each chapter has its own overview section.
- Option 1 is not an efficient or effective option as the overview for the EARTH chapter would not be updated to match the new approach to earthworks management and the new structure under the WDP rolling review and the draft Standards.
- Option 2 is not an efficient or effective option as it would represent a lack of consistency with the new WDP structure and the draft Standards, and would make the expectations and reasons unclear for plan users.
- There are no economic growth and employment opportunities arising from the options for this component of PC147.
- There is no risk due to insufficient information.

4.4.3 Policies

54. The proposed EARTH objective seeks to ensure that any earthworks carried out has a minimal effect to land instability on the surrounding environment. It also includes people, property and infrastructure

which could also be affected if earthworks are not managed to a certain standard. This objective is achieved through the application of policies and methods, in this case the use of subdivision rules. There is the option to retain the operative policies, however due to the changes needed, including land stability and removing the EES reference, it is considered necessary to amend the policies associated to earthworks.

55. The policies proposed for inclusion (see **Appendix A**) are considered to achieve the objective:

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

56. The proposed policies are considered the most appropriate for achieving the objective and provide a coherent link to the methods and rules in the proceeding sections of the EARTH chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the WDP rolling review. Table 5 below demonstrates that the policies proposed for the EARTH implement the proposed EARTH objective, and that the methods implement the proposed EARTH policies:

TABLE 3: LINKING OF PROPOSED EARTH PROVISIONS		
Proposed EARTH Objective	Proposed EARTH Policies	Proposed EARTH Methods
EARTH-01 Minimise the risk of land instability and manage compaction.	EARTH-P1 and P2	EARTH-R1

4.4.4 Subdivision Rules

57. The WDP currently provides a controlled activity earthworks rule in relation to subdivision, cascading to a Restricted Discretionary activity if the works:

- Do not comply with the relevant standards in Whangarei District Council's Environmental Engineering Standards 2010.
- Cause changes to the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland.
- Occur within a Site of Significance to Māori or within 10m of any archaeological site.
- Occur within an Outstanding Landscape Area in excess of the extent permitted by Rule LAN.3.1.3.

58. Proposed Rule EARTH-R1 seeks to replace the operative subdivision rules, accompanied by a new information requirement rule EARTH-REQ1. The rule requirements are summarised as follows:

1. The subdivision does not result in earthworks which

a) Change the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland.

b) Occur within a Site of Significance to Maori or within 10.0m of any archaeological site.

2. A 100m² building area can be provided and identified within each allotment where a residential unit can be constructed.

3. Access to the identified building area is identified building area is identified within each allotment.

59. The rule requirements are grouped and discussed under the following themes:

- EES 2010 reference
- Water levels and natural eco-systems
- Proximity to sites of significance to Maori and archaeological sites.
- Cross references to Landscapes Chapters

EES 2010 Reference

60. The EES 2010 section 2 (Site Suitability) requires a preliminary site evaluation which manages instability. As part of the preliminary site evaluation the developer's geotechnical engineer/geo-professional is required to carry out a preliminary site evaluation and prepare a geotechnical report, unless the developer can otherwise demonstrate that the site is stable and suitable for the proposed use and the proposed earthworks on site are minor in scale. An Independently Qualified Person (IQP) is required to carry out an evaluation on other hazards. PC147 has considered the following options to address the EES.

- Option 1: Retain the reference to the EES

Currently the EES is a referenced document and is a compliance requirement within the subdivision chapter. Due to the issues stated above in section 2.2, retaining the reference to the EES as part of the subdivision rule is not the preferred option.

- Option 2: incorporate the EES requirement as an information requirement rule (The plan change option)

The preferred option is to reformat and select parts of the EES that would be relevant to the earthworks rule. The EES requirement to prepare a preliminary site evaluation and geotechnical report is vital when assessing earthworks as it is a standard assessment to address any effects relating to the management of site instability. The option of providing no information requirements was considered as the information could be requested through the consent process; however, this is inefficient as it would likely result in additional information being requested under section 92 for most applications. Transferring the site suitability requirement from the EES into a new proposed information requirement rule EARTH-REQ1 is considered more efficient and effective than retaining the EES as a referenced document.

- Option 3: Mapping of the hazard areas

The option to map hazard areas, which would include low, medium and high instability hazards, was considered but not preferred because further data collection, research and technical advice would be needed to determine where these hazard areas would be and then map them. The mapping option would be effective, but not efficient due to significant up front cost across the entire district.

Water levels and natural eco-systems

The operative rule requirement referring to water levels and natural eco-systems is proposed to stay the same. There is no change considered necessary because the effects of earthworks on the natural range of water levels or the natural ecosystem of flora and fauna in any indigenous wetland should be assessed.

Proximity to sites of significance to Maori and archaeological sites.

61. The operative rule requirement referring to sites of significance to Maori and archaeological sites is proposed to stay the same. There is no change considered necessary because the effects of earthworks within proximity to sites of significance to Maori and archaeological sites should be assessed.

Cross references to Landscapes Chapters

62. The operative rule which refers to earthworks within an outstanding landscape is not proposed to be included within the PC147 because it is already covered in the recently operative LAN chapter and does not need to be repeated.

Activity Status

63. It is proposed that where the rule requirements of rule EARTH-R1 are achieved, that the subdivision is a restricted discretionary activity, and where compliance is not achieved that the subdivision is a discretionary activity. This is a change from the status quo of a controlled activity where the rule requirements are met and restricted discretionary activity where compliance is not achieved.
64. Retaining the controlled activity status was considered. However, there are limited technical engineering requirements stated in the District Plan, and the ES 2018 is not proposed to be incorporated as a referenced document. It is considered that a controlled activity status would not be appropriate as an application could not be declined and there would be limited ability to require significant changes to an application by conditions if the proposal by the applicant was assessed to be unsuitable.
65. It is proposed to list targeted matters of restricted discretion for the subdivision rules to guide applicants and the assessment. The ES 2018 is also proposed to be mentioned in a note as a means of compliance with the restricted discretionary activity rules. This enables applicants to use the ES 2018 as a guide to meeting the rules, but also provides the option of proposing different methodologies provided that adverse effects are appropriately managed.

66. One potential cost of changing the minimum activity status from controlled to restricted discretionary is the additional consenting costs and uncertainty in the consenting process. However, analysing Council's resource consent statistics database has revealed that there is considered to be minimal cost or uncertainty associated with changing the activity status. Since 2014 there have been 46 controlled activity subdivisions and 88 restricted discretionary activity subdivisions¹. Only one restricted discretionary activity was limited notified, and none of the restricted discretionary applications were declined. In terms of total fees charged to the applicants, the controlled subdivisions had an average total cost of \$2,892 and the restricted discretionary subdivisions had an average total cost of \$3,052 (a difference of \$160). It is therefore considered that any additional potential consenting costs are minimal.

67. It is considered that the proposed restricted discretionary activity status is the most appropriate option.

4.4.5 Timing of plan change

68. As discussed in section 2.4 above there is currently a gap in the WDP with relation to earthworks land use rules. PC147 has considered the following options to address this issue:

- Option 1: Undertake full review of earthworks provisions to implement land use rules

The option to undertake a full review of the earthworks provisions has been considered. However, the time and research needed to fully review and implement all earthworks provisions would be unrealistic to keep pace with the Urban and Services plan changes. Therefore, this was not the preferred option at this time. A full review of all earthworks provisions (subdivision and land use) could be deferred to further along the rolling review, but it is not clear when this would be able to be reviewed. This would not satisfy the RMA requirement to review operative provisions within 10 years.

- Option 2: Proposed PC147 provisions and include a placeholder earthworks chapter (plan change option)

The option chosen involves addressing instability and hazards in relation to earthworks for subdivision which will retain the status quo. This option will address the ten-year review requirements under the Resource Management Act and the draft Standards, and is therefore more efficient and effective than Option 1. As such reviewing, only the earthworks rules relating to subdivision is considered to be the most appropriate option at this stage.

- Option 3: Bylaw

The option to include an earthworks bylaw has been considered. An earthworks bylaw would be useful as it would manage effects cause by small scale earthworks. However due to the lack of environmental enforcement available under the Local Government Act 2002, an earthworks bylaw

¹ These numbers do not include applications such as boundary adjustments, change to conditions, extensions of timeframes, etc., and only include applications for which the full set of data had been recorded in the resource consent statistics database.

is not considered effective in this instance. An earthworks bylaw could be considered in the future that addresses health and safety or damage to property.

5. Conclusion

69. Pursuant to s32 of the RMA, the proposed EARTH objective has been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objective is the most appropriate way to achieve the purpose of the RMA.
70. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to earthworks in the Whangarei District.

Appendix 1: Proposed Definitions

1. The following definitions are proposed through PC147. The definitions are listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

Cleanfill

means an area used for the disposal of exclusively inert, non-decomposing material.

Land disturbance

means the alteration to land, including by moving, cutting, placing, filling, or excavation of soil, cleanfill, earth or substrate land.

2. It is also proposed that the following existing definitions in the Operative Whangarei District Plan are amended as shown below with underline and ~~strike through~~. The definitions are listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

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.~~

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.

Plan Change 82A: Signs

Section 32 Evaluation Report

March 2019

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List of Abbreviations

Control of Advertising Signs Bylaw 2014	CAS Bylaw
Coastal Marine Area	CMA
Coastal Management Strategy	CMS
Historic Heritage	HH
Infrastructure and Services	I&S
Land Transport Act	LTA
Local Government Act 2002	LGA
Long Term Plan	LTP
National Environmental Standards	NES
National Environmental Standard for Electricity Transmission Services	NES Electricity
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	NES Soils
National Planning Standards	NP Standards
National Policy Statements	NPS
National Policy Statement for Urban Development Capacity	NPSUDC
New Zealand Coastal Policy Statement	NZCPS
New Zealand Transportation Agency	NZTA
Operative Regional Air Quality Plan	RAQP
Operative Regional Coastal Plan	RCP
Operative Regional Water and Soil plan	RWSP
Plan Change 82A	PC82A
Proposed Regional Plan	PRP
Public Places Bylaw	PPB
Regional Policy Statement	RPS
Reserve Management Plan	RMP
Resource Management Act 1991	RMA
Ruakaka Equine Zone	REZ
Rural Production Environment	RPE
Section 32 of the RMA	s32
Signage	SI
Standards – District Wide Matters	S-DWM
Urban Growth Strategy	UGS
Whangarei District Council, Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50

1. Introduction

1.1 Overview

1. This report is in relation to proposed changes to the Whangarei District Plan (WDP) seeking to review the provisions relating to signage, as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act (RMA) and incorporates an evaluation under Section 32 (s32). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the signage provisions. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the signage provisions.
3. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

4. Plan Change 82A (PC82A) involves the review of the signage provisions and the introduction of a new signs chapter into the WDP. Currently these provisions are located across a number of plan chapters. The review also includes Appendix 12 and Appendix 14.
5. PC82A proposes the deletion and replacement of the various WDP provisions with one plan chapter for Signs referred to as the 'SI' chapter. This report provides a review and assessment of the proposed objectives, policies and methods or rules for the SI chapter.
6. PC82A is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC82A has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)
- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)

- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

2. Background

2.1 Background - Signs

2.1.1 *What is Signage and what are the Main Characteristics*

7. Signs are generally considered to be any device intended to attract the attention of viewers for the purpose of conveying information, directing, identifying, informing or advertising. Signs can take many forms, they may be interactive, moving, illuminated, integrated into development or freestanding/isolated and they may convey all manner of information. Examples of signs may range from conventional two-dimensional signs to flags, painted signs on facades, inflatable signs and larger signs such as billboards.
8. Illuminated signs may be illuminated by several means, they may be back lit by one or more lighting fixture so that the sign itself is the light source, or they may have a light source directed at them in order to illuminate their content.
9. Signs play an important role in communication and may be used to identify places, provide information about community facilities, events 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 business trade and assisting customers in locating goods and services.

10. The intensity of uses or activities and the number of consumers passing through an area will generally reflect on the signage that might be anticipated. For example, directional signs or advertising signs are often located at intersections to more distant locations identifying the attractions, goods and services that can be located at the destination. Signs are generally more prevalent in relation to commercial land uses with business seeking to both identify their premise and convey information about their goods or services and how to access, park and enter premises. A need for signage in residential areas is generally more limited and is more typically street numbers, property names, community information signs and more limited signage associated with smaller scale home-based services like bed and breakfasts, home produce or offices.
11. Overall signs are varied and serve an important function in conveying a range of information throughout the District.

2.1.2 WDP Approach

12. Signs are currently managed through a combination of 'planning' rules in the WDP and the application of a Bylaw (Control of Advertising Signs Bylaw 2014 '**CAS Bylaw**'). Planning rules, empowered by the RMA apply to signage primarily where it is located on private land and deal with amenity, character, cumulative effects and traffic safety. The WDP includes a note with the signage rules stating under what circumstances signs are regulated by Council's Bylaws.
13. The CAS Bylaw includes provisions which apply to offensive and discriminatory signs, signs on council roads, parks and reserves, real estate signs, signs on or over roads, footpaths and public places, signs on verandahs, signs affecting traffic safety, commercial signs, signs on vehicles, sign parks, banners in the Cameron Street mall, sporting, cultural, public amenity or community event signs and election signs. The CAS Bylaw also includes general requirements for construction and maintenance of signs. The CAS Bylaw does not apply to public amenity signs, council signs containing traffic or direction information, street or place naming signs, signs indicating the presence of any hazardous substances and/or a hazardous facility, signs erected pursuant to any statute or regulation, or signs that have obtained a resource consent.
14. The WDP provisions which apply to signage are located across several sections within the WDP. The policy direction relevant to the use or requirement for signs is primarily located within the general chapters - chapter 5 'Amenity Values', chapter 6 'Built Form and Development' and chapter 8 'Subdivision and Development'. Inclusions in other 'higher order' WDP chapters are also applicable in relation to those policies which apply to particular Resource Areas and specific locations within the District. An analysis of the 'higher order' WDP provisions is included at section 3.4.
15. Rules relating to the management of signs are included in each of the Environment¹ chapters and apply in relation to the specified environment, specifying the number, illumination and other relevant controls.

¹ Under the WDP zones are referred to as Environments.

Appendix 12 includes an alternative to the signage provisions included in the Environment chapters. Overall the approach in the WDP is to:

- Permit signage which is not visible from public places, neighboring properties or the road.
- Permit signage required for health and safety purposes, including for road safety purposes where it is installed by the road controlling authority within the road corridor.
- Permit a limited amount of signage in the Living, Open Space, Rural Production (formerly known as Countryside Environment) and Town Basin Environments where it relates to good and services on site, is a property name or number or is a Community Sign (excluding illuminated or flashing signs).
- Provide for a degree of increased signage in the Living Environments as a restricted discretionary activity, defaulting to non-complying where this allowance is exceeded. Controls relate to (but are not limited to) matters including visual amenity and traffic safety.
- Permit illuminated signs in the Business Environments where they are not located in proximity to intersections with controls on lux measures.
- Limit signage where it is located on any scheduled built heritage item or within its surrounds whether or not it is visible from a public place.

2.2 Resource Management Issues

16. Sections 2.2.1 – 2.2.2 discuss the following key resource management issues in relation to signage.

- Visual amenity and character effects; and
- Impact on the roading network.

2.2.1 *Visual amenity and Character effects*

17. The need or desire for signage is related to the activities taking place at that location(s) or within the wider area. Signage can be located in areas not directly related to the activity or place. Examples of this are advertising signs which may be located in numerous places designed to be viewed by as many people as possible. Directional or informative signs may also be proliferated in various locations, primarily where there are high volumes of people to view them, such as within or adjacent to the road corridor. Signs both individually and cumulatively can result in a range of adverse effects such as:

- Signs can detract from the amenity or established character of a location, having a visual (and physical) impact.
- Where areas or places have established features, which have a social and/or cultural value such as heritage buildings, landscapes or natural environments, signage can negatively impact these values or qualities where it is placed in or on these features.
- A proliferation of signage can result in cumulative effects and visual 'clutter' which may detract from the intended purpose of any one sign.

- Signs may also impact on the ongoing use and maintenance of infrastructure dependent on their location, number and size.

2.2.2 Impact on roading network

18. Signage can have significant impacts on the general safety and efficiency of the road, and how the public use the road. Therefore, careful consideration needs to be given where the potential conflicts of signage with the roading network are increased. Signs, both individually and cumulatively, can result in a range of adverse effects on the roading network such as:

- Where located within or adjacent to the road corridor, signs can impact on traffic safety, obstructing sight lines, distracting drivers and obscuring other important traffic safety signs due to inappropriateness of the location, design, size or type of sign.
- Where located in public places or on foot paths, signs may impact on pedestrian movement and impede the use of footpaths.
- The poor location or design of a sign could also cause an impulsive driver action, such as stopping or sudden turning movements without giving adequate warning signal.
- The poor location or design of a sign could also result in an important road sign being obscured and not visible to a pedestrian, cyclist or driver.

19. Careful consideration of the size and design of signs is also required to ensure consistency with other regulations. For example, signs over a certain size may be classed as buildings and may be subject to controls under the Building Act 2004 to ensure that they are constructed correctly. Signs (and other structures) located within the road corridor may also be required to be frangible in the event of an accident and may therefore be subject to additional design requirements.

2.3 Consultation

2.3.1 Consultation with Council Staff

20. Consultation with WDC staff regarding signs, signage issues and the WDP provisions took place in early 2017. The consultation involved staff from the Resource Consents, Compliance and Monitoring, Infrastructure and Services (**I&S**) and Bylaws divisions of WDC. A series of workshops were held to discuss specific issues and experiences with the provisions in the WDP. This has resulted in the following feedback being provided and key issues identified:

- Aspects of the current 'dual' management system of using the WDP and CAS Bylaw have been identified as requiring improvement or clarification.
- The need to ensure considerations relating to character and amenity apply to all 'permanent' signage associated with a site, and community signs, regardless of the location.
- Whether there is a need to provide more specifically for sign parks or rather consolidated signage installations which may be established to 'consolidate' signs and how these are best managed.

- Need to clearly identify the scope of roading signage including directional 'tourist' signs.

Living Environments

- To limit signage in residential areas for amenity reasons. 'Creep' of commercial activities and associated signage into nearby Living Environments is also impacting on the amenity and character of whole streets.
- Where the permitted activity conditions are not met this then defaults to a restricted discretionary activity status, if these controls are not met then the default is a non-complying activity status. This is not considered to be a 'reasonable' method for considering signage in these Environments.

Rural Production Environment (formerly Countryside Environment)

- While not a significant concern, there are several examples where a proliferation of signage associated with activities in the Rural Production Environment (**RPE**) (formerly known as the Countryside Environment) is identified as adversely affecting the visual amenity of an area.
- Also commonly located either in the RPE or within the road corridor are a proliferation of signs at particular intersections advertising the good services or attractions located at the end of a road/destination.

Business and 'Industrial' Environments

- A more permissive approach to signage in the 'Industrial' Environment is supported.
- Signage in the Town Basin area requires more careful control to retain a high level of amenity. This includes the use of illuminated signs.
- Signage within the central city (Business 1 Environment) including flags, sandwich boards, and shop window signage can create visual clutter and detract from the center. Both the WDP and the Bylaw currently apply in these Environments and a more coordinated approach may be required.
- The alternative signage provisions in Appendix 12 are confusing.

Illuminated signs

- Concern and disputes have arisen around compliance of installations where professional measurement was required.
- Illuminated signs are becoming more common in the Whangarei District resulting in concerns about the level of control for these signs included in the WDP provisions.
- Examples of illuminated signage which was of concern (both with respect to amenity and traffic safety) was assessed by qualified professionals applying the WDP provisions and identified as being compliant with the relevant 'Lux' standards. This confirmed concerns that the current provisions do not provide an appropriate tool for managing illuminated signage.

- Concerns were raised that controls associated with illuminated signs and setbacks from roads are too permissive. The measurement/standards are not adequate standards to apply to ensure that effects, particularly on traffic safety, are mitigated.

Signage in proximity to Roads and the State Highways

- I&S also have identified concerns related to illuminated signage, especially the most recent type of signage which in some cases may be animated. The main concern associated with this signage is that of driver distraction leading to accidents.
- Provision for road signs and traffic controlling devices located beyond the road corridor was also identified as meriting review in order to permit such installations or more clearly identify how they are provided for.

21. All feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting.

2.3.2 Consultation with Stakeholders

22. Proposed PC82A provisions (objectives, policies and rules) were released for draft consultation in October 2017, the consultation period closed on 10 November 2017. Five formal responses were received through the consultation process. Ongoing consultation has also been undertaken involving presentations to elected councillors and the Te Karearea committee along with internal staff departments.
23. The feedback has identified several key themes and areas where clarification or minor amendments to the provisions were sought and to be considered in the further development and refinement of the SI provisions. The feedback included:
 - Submitters identified support for a range of matters including the consolidation of signage provisions into one chapter, the need to manage effects of signage on amenity and traffic safety, and the need for consistency in relation to policy relating to signage and illuminated signs.
 - Concerns were identified in regard to the use of a default to a discretionary activity, and in regard to controls which limit the location of signage within 100m of an intersection.
 - One respondent identified a preference for a percentage measure of signage coverage (applicable to the face of a building) as opposed to the square meters control.
 - Respondents identified areas where clarification was required to ensure that amenity values were considered in relation to the *anticipated* amenity of an Environment or area in which they are located (when considering application of the policies).
 - Clarification was sought regarding how the illuminated signs provisions interface for those providing for health and safety or road safety signage (where this may be illuminated). Confirmation was also sought that illuminated signage where located within a site (not visible from beyond that site) would be considered as a permitted activity. These matters have been clarified in the updated provisions.

- The use of the term 'sign parks' was identified as confusing for plan users due to the manner in which this term is used in the CAS bylaw and elsewhere in the district. An alternative term 'consolidated sign installations' was preferred to resolve this potential confusion.
- More specifically respondents sought additional defined terms, specific provisions for sites identified as 'scheduled sites' in the WDP and more stringent restrictions be applied in specific Environments.
- The provision for additional signage associated with specific activities in the Business 2 and 3 Environments was identified as an issue of fairness, providing for specific activities to have additional signage while others continued to be limited by the general provisions. The ability to achieve the stated outcomes, managing signage throughout the Business 2 and 3 Environments to achieve the plan outcomes was also questioned where additional allowance was provided for specific activities.

2.4 Background Research and District Plan Comparisons

24. To assist with the drafting and development of the SI chapter, background research and comparisons with other district plans was undertaken. This research was used to inform the SI provisions.
25. A desktop review and research of the WDP provisions relating to signs began in September 2016. A technical review was undertaken by *Focus Environmental*. A further report referred to as the '*Focus Report*' which included relevant technical explanations was also prepared (**refer to Appendix 1 – PC82B**). In addition, meetings were held with Council staff and consent statistics were sought.
26. In addition to the above research, the following District Plans were reviewed for comparisons:
 - Far North District Plan.
 - Kaipara District Plan.
 - Hutt City Council.
 - Napier City Council.
 - Nelson City Council.
 - Rotorua Lakes Council.
 - New Plymouth District Council.
 - Invercargill City Council.
 - Ashburton District Council.
 - Timaru District Council.
 - Tauranga City Council.
 - Queenstown Lakes Council.

27. The key findings from the District plan review included:

- Other Districts rely on both the District Plan and associated provisions and Bylaws to control and manage signs.
- The Bylaws tend to regulate signs in terms of the use of public places, exemptions for parking and traffic control signs, regulates signage content, posts or signs on or over the road, footpaths, public places, real estate signage, temporary signs etc.
- Limits on the size, height, number and placement of signs is used in other District Plans to control and manage signs.

3. Statutory Considerations

28. The WDP sits within a layered policy framework, which incorporates the National Policy Statements (**NPS**), National Environmental Standards (**NES**), Iwi Management Plans, Regional Policy Statements (**RPS**), Regional Plans, Structure Plans and the Long Term Plan (**LTP**). Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC82A are discussed below.

3.1 National Policy

National Policy Statements

29. Section 55 of the RMA requires local authorities to recognise NPS and Section 75 requires local authorities to give effect to them in their plans. There are currently five NPS:

- National Policy Statement on Urban Development Capacity (**NPSUDC**).
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- New Zealand Coastal Policy Statement (**NZCPS**).

30. Upon review, the NZCPS and the NPS's for Urban Development, Freshwater Management, Renewable Electricity Generation and Electricity Transmission are not considered relevant to PC82A.

National Environmental Standards

31. Section 44 of the Act requires local authorities to recognise NES. There are currently six NES:

- National Environmental Standards for Air Quality.
- National Environmental Standard for Sources of Drinking Water.
- National Environmental Standards for Telecommunication Facilities.
- National Environmental Standard for Electricity Transmission Activities (**NES Electricity**)
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES Soils**).
- National Environmental Standards for Plantation Forestry.

32. The NES Electricity specifically provides for the transmission of electricity and applies regulations with respect to the activities which are related to electricity transmission. Regulations 23 and 24 relate to signs located on a transmission line support structure of an existing transmission line. The regulations permit, subject to conditions, “the installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation...”. The conditions associated with this require that identification signs have a combined area of no more than 1m² and safety and navigation signs have a collective area of no more than 6m². Regulation 24 identifies restricted discretionary activities as those which do not achieve the conditions in regulation 23 and the location of a sign next to a support structure. It is considered that the SI provisions are consistent with the NES Electricity as there are provisions which provide for official signs associated with transmission lines as a permitted activity, subject to conditions and the network utility rules will continue to apply.
33. The NES Soils was considered to be required due to the past use of chemicals in industry, agriculture and horticulture which has led to soil contamination in New Zealand. Much of this contamination has arisen due to the storage and use of hazardous substances and the disposal of hazardous waste. The NES applies to the removal or replacement of fuel storage, small scale soil disturbance activities, soil sampling and the change of use or subdivision of land which is identified as or may be subject to contamination. Regional authorities have the functions of identifying and monitoring land which may be contaminated and generally maintain a register of sites which is shared with the territorial authority. This could be reasonably anticipated to include the use of official signage. While there are no NES Soils regulations of direct relevance to signage, it is considered that the SI provisions are consistent with the NES soils as they provide for health and safety signage, which includes those associated with hazardous substances or hazardous facilities, as a permitted activity (subject to conditions).
34. The NES for Air Quality, Drinking Water, Plantation Forestry and Telecommunication Facilities are not considered relevant to PC82A.

National Planning Standards

35. The Government is introducing a set of draft National Planning Standards (**NP Standards**), which are intended to make council plans and policy statements easier to prepare, understand, compare and comply with. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content. The NP Standards were introduced as part of the 2017 amendments to the RMA and will be implemented between April 2019 – April 2024.
36. Under the draft NP Standards, all local authorities must implement the District Wide Matters Standard (**S-DWM**). Signage (**SI**) is listed as a general district-wide matter to be incorporated into district plans.
37. PC82A is proposing to implement the S-DWM for SI to achieve consistency with the draft NP Standards.

3.2 Legislation

Local Government Act 2002

38. The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of protecting the public from nuisance, protecting, promoting, and maintaining public health and safety, minimising the potential for offensive behaviour in public places. Sections 146 and 147 provide for the creation of more specific bylaws.
39. The Whangarei District has several bylaws² some of which have a greater relevance to the management of signs within the District. The proposed SI provisions have been developed to be complimentary to, and not conflict with the requirements of the Public Places Bylaw (**PPB**) and CAS Bylaw as discussed further in paragraphs 88 – 93 below.

Building Act

40. The Building Act 2004 provides for signs of a certain dimension to be managed under Schedule 1 of the Building Act. Schedule 1 applies to building work for which 'building consent is not required'. Building work in conjunction with a sign is therefore exempt based on the dimensions of the sign or where a sign is greater than a specified dimension, the sign may continue to be exempt where the work is carried out by a chartered professional engineer. Structures associated with network utility operators or similar organisations are also noted as exempt under Schedule 1. Motorway signs are specifically mentioned in this exemption. It is considered that the SI provisions are consistent with Schedule 1 of the Building Act 2004 as the SI provisions do not permit signage with dimensions greater than those specified in Schedule 1 of the Building Act 2004. There are no other SI provisions which may conflict with those outlined in Schedule 1 of the Building Act 2004.

Land Transport Act 1998

41. The Land Transport Act (**LTA**) is applicable to the management of structures, lights and signs within road corridors. Section 22AB(y) enables Road Controlling Authorities to make certain bylaws which may regulate, control or prohibit signage in or on any land adjoining any road which is the property of the relevant road controlling authority or where the display is visible from a road or public space.

...(y) regulating, controlling, or prohibiting the display or continuance of the display of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes on or over public buildings or bridges, or on or over buildings, walls, fences, posts, trees, pavements, or hoardings, that are situated—

- (i) in or on or adjoining any land or road that is the property of, or under the control of, the relevant road controlling authority; or
- (ii) where that display is visible from a road or public place: ...

² Alcohol Fees Bylaw 2016, Control of Vehicles on Beaches Bylaw 2009, Dog Management Bylaw 2013, Fires in the Open Air Bylaw 2015, Food Businesses Grading Bylaw 2016, Hawkers, Mobile Shops, Stands & Stalls Bylaw 2005, Liquor Management Bylaw 2011, Parking and Traffic Bylaw 2009, Public Places Bylaw 2014, Control of Advertising Signs Bylaw 2014, Solid Waste Management Bylaw 2013, Speed Limits Bylaw 2005, Stormwater Management Bylaw 2014, The Keeping of Animals, Poultry and Bees Bylaw 2007, Trade Waste Bylaw 2012, Wastewater Bylaw 2014, Water Supply Bylaw 2012

42. Section 157 relates to rules controlling roads. This section enables road controlling authorities to prescribe signs which are required as a 'traffic control device' and to prohibit the use of reflective material on signs which may pose a traffic hazard on any road.
43. It is considered that the SI provisions are consistent with the LTA. In particular, Policy SI – P4 Traffic Safety Signs provides 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. In addition, Rule SI-R13 permits road signs for the purpose of traffic control, direction or public safety while noting that signage erected in the road reserve and areas subject to the control of the roading authority may also be subject to other requirements under the LTA.

New Zealand Transport Agency Bylaw

44. The New Zealand Transport Agency (**NZTA**) provides further controls on signs through the 'Signs on State Highways Bylaw 2010'. NZTA play a role in providing written approval to sign proposals adjacent to the State Highway and the provision of guidance and industry best practice documents i.e. 'Traffic Control Devices Manual' and 'Road and Traffic Series 7 – Advertising signs and road safety: design and location guidelines'.
45. The NZTA Bylaw applies at a national level and therefore applies to those portions of the state highway which traverse the Whangarei District. Clarification of this relationship is provided in the SI Description and Expectations section.
46. It is considered that the SI provisions are consistent with the NZTA Bylaw as they provide for the management of signs visible from road corridors, including the State Highway. These provisions include controls on the location, size and design of signage visible from the road corridor. In addition, the SI provisions recognise that written approval may be required for sign proposals adjacent to the State Highway.

Electoral (Advertisements of a Specific Kind) Regulations 2005

47. Central Government has also imposed specific legislation related to election advertising through the Electoral (Advertisements of a Specific Kind) Regulations 2005. These regulations limit the size, design, illumination, animation, shape, colour and the size of lettering and line spacing related to electoral signage.
48. The SI chapter (SI-R1) acknowledges that temporary signage, including electoral signage, are regulated by Council Bylaws and is a permitted activity provided that all relevant SI and district wide rules are complied with.

Signage required or reference in other legislative tools

49. There are a number of Acts and Regulations that may be applicable in relation to health and safety signage. These Acts and Regulations include but are not limited to:
- Health and Safety at Work Act 2015.
 - WorkSafe New Zealand Act 2013.

- Mines Rescue Act 2013.
- Crown Entities Act 2004.
- Hazardous Substances and New Organisms Act 1996.
- Electricity Act 1992.
- Gas Act 1992.
- Civil Aviation Act 1990.

50. Health and safety signage are various in form and the situations to which it may relate. More commonly signage is required in association with both man-made and natural hazards.
51. Having reviewed each document and taking into account all of the provisions it is considered that the proposed provisions for PC82A are consistent with the intent of each of the above listed legislative tools and associated Bylaws.

3.3 Regional Policy

Northland Regional Policy Statement (RPS)

52. The RPS provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making. The RPS became operative on 9 May 2016.
53. The RPS does not contain any references or objectives specific to signage, however the 'Regional Form Development Guidelines' and 'Regional Urban Design Guidelines' have been strongly reflected in the RPS through relevant objectives, policies and methods. The relationship between urban design, amenity values, health and safety, and the vibrancy of town centres are all relevant to this proposed plan change. The following references are noted in relation to PC82A:

Objective 3.6 deals with economic activities – reverse sensitivity and sterilisation in relation to primary production activities, industrial land uses, mining, existing and planned regionally significant infrastructure.

Objective 3.7 refers to recognition and protection of regionally significant infrastructure and states the following: "Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing."

Objective 3.11 deals with regional form, seeking that Northland has sustainable built environments that effectively integrates infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices. The explanation associated with this objective acknowledges that rural settings are largely made up of businesses (including but not limited to primary production and their support industries) and the objective seeks development that is compatible with surrounding uses and values, is served by an appropriate level of infrastructure, and is appropriate within the context of the surrounding environment.

Objective 3.14 deals with natural character, outstanding natural features, outstanding natural landscapes and historic heritage. The objective requires that the qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins; the qualities and characteristics that make up outstanding natural features and outstanding natural landscapes; and the integrity of historic heritage are identified and protected from inappropriate subdivision, use and development.

54. These references to the character and amenity values, the need to support economic activities, regionally significant infrastructure and ensure good regional form, encouraging renewable energy and energy conservation are broadly relevant to the management of and signs within the District.
55. Signs are an integral part of urban development and play a role in supporting the safety, accessibility and viability of towns and positively contributing to the vibrancy and legibility of urban areas. In addition, signage plays an important role in supporting the health and safety of communities, warning of hazards and conveying important information. Proposed changes to the WDP will give effect to the increased emphasis on urban design and regional form.
56. Having reviewed the RPS in its entirety, it is considered that the proposed objectives for PC82A give effect to the objectives in the RPS for the following reasons:
 - The proposed SI objectives provide for the use of signs in relation to a variety of activities across the zones in a manner which enables these activities to occur while requiring externalised adverse effects to be managed.
 - The proposed SI objectives refer to the need to avoid and mitigate effects on infrastructure which is identified in the RPS as a physical resource, so as to support the continued function of the infrastructure enhancing Northland's economic, cultural, environmental and social wellbeing.
 - Proposed Objective 3.14 in the RPS refers to natural character, outstanding natural features, outstanding natural landscapes and historic heritage to be identified and protected from inappropriate subdivision, use and development. This is reflected in the proposed SI objectives.

Regional Plans

57. There are a number of Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan (**RWSP**), Air Quality Plan (**RAQP**) and the Coastal Plan (**RCP**).
58. The RWSP contains no specific objectives, policies or rules which relate to signs and PC82A. The RAQP includes controls for the application of agrichemicals which requires signage to be erected advising of the relevant details including the spray being applied, the contractor details and any safety requirements/precautions. It is considered that the proposed SI provisions for PC82A are not inconsistent with the RAQP.
59. Signs are identified in the RCP along with buildings as having a significant visual effect and are noted as needing to be controlled and limited for this reason. Signs are controlled through restrictions on their purpose, type, size and location. Where signs are placed on a consented structure, they must be

regulatory, operational or safety signs or relate to the goods and services on the site. In most instances, they are restricted to an area of 1.25m² per sign, with the exception of some areas³ where the area is further limited. Signs are not permitted to be flashing, reflective or neon. The RCP also provides for temporary signs with limitations on the duration of their placement and percentage of the sign which can include sponsorship details.

60. PC82A has been developed to have specific provisions on providing for a lesser intensity of signage in zones with higher visual amenity. Proposed PC82A is therefore consistent with the provisions of the RCP.

The Proposed Regional Plan

61. The Proposed Regional Plan (**PRP**) combines the operative Regional Plans applying to the Coastal Marine Area (**CMA**), land and water and air, into one combined plan. References to signage in the PRP are limited. A general reflection of amenity and character is integrated into the objectives and policies of the PRP. More specific references are included in the definitions and rules as discussed below.
62. Section C.1.1.5 sets out those signs within the coastal marine area which are permitted 'Signs- permitted activity' as detailed below. Where a sign does not comply with the requirements of C.1.8 it is proposed to be considered primarily⁴ as a discretionary activity. In addition, Rule C.1.1.9 provides for additions and alterations to structures within the CMA as a permitted activity where they meet the requirements of the general conditions. In areas with identified 'significant values' if signs do not comply with the requirements of C.1.1.5 or C.1.1.9 they are considered as a non-complying activity.
63. Chapter C.6.5 relates to the use of agrichemicals. Rule C.6.5.1 requires that when spraying in public amenity areas: "e) ...signs are placed within the immediate vicinity, prior to the commencement of the spraying and remain in place for any required stand—down period afterword's... and f) in addition, for spraying by any method in road and rail corridors: i) prominent signs are placed at the beginning and end points of the area to be sprayed".
64. C.6.5.2 which permits the application of agrichemicals into water where it meets specified requirements, requires the same use of signage as stated above in relation to rule C.6.5.
65. In the PRP definitions section 'Aids to Navigation' are defined as "All marks and signs in aid of marine navigation, including navigation aids and ski access lane markers".
66. PC82A has been developed to have specific provisions on providing for a lesser intensity of signage in zones with higher visual amenity and to take into account relevant health and safety standards. Proposed PC82A is therefore consistent with the provisions of the RCP.

³ The total signage per enterprise or activity shall not exceed 1.25m² except, in Mangonui and Russell where it shall not exceed 0.5m²

⁴ Activity status varies where different overlays are identified.

3.4 District Policy

Whangarei District Operative Plan 2007

67. The WDP became operative in May 2007. There is no single chapter outlining objectives for signs, rather signs are more indirectly referenced in the objectives and (policies) in WDP chapters outlined below.

Chapter 5 – Amenity Values, Chapter 6- Built Form and Development & Chapter 8 Subdivision and Development

68. Currently, Chapter 5 – Amenity, Chapter 6 – Built Form and Development and Chapter 8 – Subdivision and Development include policies relevant to signs and the management of signage in the Whangarei District. It is noted that these chapters are proposed to be removed from the WDP as part of the Urban and Services Plan Change package and replaced with a district wide, Strategic Direction Chapter (refer to section 4.3 for further details).

Chapter 22 – Road Transport, Chapter 24 – Airport and Chapter 25 – Marsden Point Port Environment

69. Chapters 22 – Road Transport, Chapter 24 – Airport and Chapter 25 – Marsden Point Port Environment are also relevant for signage given that infrastructure within these zones requires the use of signs in varied forms, such as signs required for health and safety or directional purposes. It is noted that as per the chapters above, each of these chapters are subject to plan changes (PC109 - Transport, PC143 - Airport and PC144 – Port) through the Urban and Services Plan Change package.

Chapter 26 – Town Basin Environment

70. The objectives for the Town Basin Environment seek to develop a successful and cohesive staged development process for the wider town basin area, maintain and enhance special amenity, recreation and cultural values, tangata whenua values and the sense of place unique to the maritime setting.
71. The proposed SI objectives reflect the need to maintain the character and amenity of the zones/Environments in which they are to be located and reflect the unique values of these environments. In the case of the Town Basin Environment, there is also provision in the existing objectives to enhance these values through the use of signage. As such, the proposed SI objectives are considered consistent with those of Chapter 26.

Chapters 15 – Open Space, HH – Historic Heritage, CA – Coastal Area, LAN – Landscapes and Features

72. Collectively the chapters relating to the specified values of the coastal environment, landscapes, open space and historic heritage seek to maintain and enhance these values and ensure that subdivision, use and development does not adversely affect the attributes of these areas or resources.
73. In particular, the Historic Heritage chapter contains specific policies relating to the management of built heritage, such as policy BH.1.5.8 which seeks to achieve the objectives through “...avoiding adverse visual and physical effects of signage on scheduled built heritage items or within their surroundings by restricting unnecessary, unsympathetic, large-scale or inappropriate signage including signs that will damage, dominate, obscure or detract from the built heritage item or surrounds.”

74. The proposed SI objectives are considered to be consistent with the objectives in the aforementioned chapters. The outcomes sought by these objectives being delivered by a variety of policies and rules across the WDP chapters, including the proposed SI provisions.

Whangarei District Growth Strategy, Sustainable Futures 30/50 2010 (30/50)

75. The Whangarei District experienced significant growth over the period 2001 – 2008. Further growth for the district is projected to continue and, in some areas, particularly Marsden Point/Ruakaka has the potential to be substantial. The growth presents both challenges and opportunities to the District communities, individuals and families, businesses and governing bodies.
76. To manage the projected growth sustainably, WDC has formulated the Whangarei District Growth Strategy, Sustainable Futures 30/50 **(30/50)** as a long term Sub-Regional Growth Strategy.
77. There is no section within 30/50 directly relating to signage, nor is signage identified specifically as an issue in the strategy. However, looking at the intentions of 30/50 holistically, particularly in terms of the social and economic outcomes sought, it is considered that the proposed SI objectives for signage are consistent with the directions contained within it. The proposed SI objectives provide for signage in a manner which supports the growth and development of the District.

Long Term Plan 2015 – 2025 (LTP)

78. The LGA requires every council to produce a LTP every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The latest LTP was adopted by WDC in June 2018 and covers the period 1 July 2018 to 30 June 2028.
79. Some projects for Council over the next 10 years involve signage including roading network safety signage, civil defence emergency signage and inner-city beautification signage.
80. Having reviewed the key projects outlined in the LTP, it is considered that the PC82A is not inconsistent with the outcomes in the LTP.

Whangarei District Liquor Licensing Policy 2010

81. The Liquor Licensing policy was formally adopted by Council on 25 August 2010. The Policy has been developed and adopted through a special consultative process to allow all people in the community to have a say on how alcohol is provided in the District. The Policy defines licensing hours and how liquor enforcement will be undertaken. The Policy applies to new and existing premises.
82. One of the key features of the Policy is that premises which are situated adjacent to residential areas will be required to close earlier. This is intended to protect adjacent residents from the potential effects generated from the operation of premises.
83. There are no specific overlaps between this Policy and PC82A. However, signage associated with the implementation and resulting trade enabled by the policy will have an overlap with the SI provisions, which has been considered when reviewing the provisions as a part of PC82A.

84. It is considered that the proposed provisions are, on balance, consistent with the intent of the Liquor Licensing Policy.

Coastal Management Strategy 2003

85. The Coastal Management Strategy (**CMS**) was adopted by Council in 2003 and provides guidance for how we use and protect the district's unique coastal environment over the next 20 to 50 years. It contains nine specific study areas and a detailed Structure Plan has been developed for each area.
86. Signage is referenced in the policies in relation to its use in identifying important community facilities and the role that safety signs play in the coastal environment.
87. Having reviewed the CMS it is considered that the proposed SI objectives and relevant provisions are consistent with the relevant provisions of the CMS.

Council Bylaw- Public Places Bylaw 2014

88. The purpose of the PPB is “to control a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.” The PPB includes specific controls for signage which relate to the display of any poster, placard, notice or other document in any public place. The PPB also requires application of signage in relation to safe areas on Ruakaka Beach.
89. It is considered that the SI provisions are consistent with the PPB as they seek to maintain amenity values and safety, including in public places, whilst also recognising that signage in public places is subject to Council Bylaws (including the PPB). In regard to safe areas on Ruakaka Beach, Policy SI-P3 specifically provides for signage required to protect the health and safety of the community.

Council Bylaw- Control of Advertising Signs 2014

90. The CAS Bylaw relates to the control of advertising signage in the Whangarei District. The bylaw was prepared in accordance with the LGA, the LTA and the Bylaws Act 1910. The purpose of the bylaw is to “ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or danger to public safety. The bylaw recognises there is a need to advertise businesses and promote activities, events and commerce whilst also seeking to maintain aesthetic standards and preserve amenity values.”
91. The Bylaw includes definitions and controls/standards for a range of advertising signs and enables the seizure of property. The Bylaw applies to the following situations/signs:
- Offensive and discriminatory signs – which are generally prohibited.
 - Signs on council roads parks and reserves- requiring permission.
 - Real Estate Signs – limiting display area, number of signs and duration.
 - Signs on or over roads, footpaths and public places- limiting the size and placement of signs such as sandwich boards or flags, on structures located within ‘public places’.

- Signs on verandahs (overhanging a road or a public place)- requiring signs to achieve setbacks and clearances and limiting sign area, number and content.
- Signs affecting Traffic Safety- controlling the display of signs which would create a traffic hazard.
- Commercial signs- requiring signs to be related to the goods and services available on the site.
- Signs on vehicles- limiting the use of vehicles as a signage exhibition space.
- Sign parks-requiring council approval to utilise sign parks.
- Banners in the Cameron Street Mall- controlling the display of banners in the mall area.
- Sporting, cultural, public amenity or community event signs- providing for the temporary display of community signs subject to controls on placement and size.
- Election signs- controlling the placement, size, number and duration of signs.

92. The CAS Bylaw also includes requirements for the construction and maintenance of signs and includes several exemptions, including exempting those signs which have obtained a resource consent. It is also noteworthy that the CAS Bylaw includes a differing definition of sign to that which is included in the WDP. Effectively the bylaw addresses a combination of permanent and temporary signs located both within the road reserve and in 'public places', and on private land.

93. While the SI chapter does not explicitly provide for advertising signs, the SI chapter provides for a wide range of signs including many of those listed in Paragraph 91 above. In addition, the SI provisions recognise that advertising signage is important in supporting the social and economic wellbeing of the District and should be controlled in a manner that maintains amenity values and public/traffic safety. The SI chapter also recognises that some signs are regulated by Council Bylaws, which could include the CAS Bylaw. Overall, it is considered that the SI provisions are consistent with the CAS Bylaw given that the overall objective of both documents are well aligned.

3.5 Iwi and Hapu Management Plans

94. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008) and Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan. Each plan is comprehensive and covers a range of issues of importance to the respective iwi. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

95. The Iwi and hapu management plans identify the wellbeing of the environment and its inhabitants as being an important consideration. The objectives and policies refer to the amenity values of the environment, landscapes and features as being important and requiring management.

96. Having reviewed each document and taking into account all of the provisions it is considered that the proposed objectives for PC82A are consistent with the intent of each of the Iwi Management Plans.

4. Section 32 Analysis

4.1 Appropriateness in Terms of Purpose of RMA

97. Council must evaluate in accordance with s32 of the RMA, the extent to which each objective proposed in PC82A is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, section 4.1 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA. Section 4.2 of this report goes on to assess whether the proposed objectives are the most appropriate in regards to higher order documents and the WDP. The level of analysis undertaken in this report is commensurate/appropriate to the scale of the proposal.
98. PC82A proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED SI OBJECTIVES	
Proposed SI Objectives	Reason
<p>SI-O1 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. 	<p>This objective seeks to ensure that signage is provided across the District in a manner which maintains or enhances the character, amenity and values associated with an area. In particular, the objective addresses the potential adverse effects of signs on heritage values and pedestrian and road safety.</p>
<p>SI-O2 Illuminated signage is provided for where it contributes to the social, cultural and economic wellbeing of the District in a manner which:</p> <ol style="list-style-type: none"> 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. 	<p>This objective seeks to ensure that signage is provided for in a way that enables people and communities to provide for their cultural, social and economic wellbeing and for their health and safety, and recognises that signs can contribute positively to the district through providing for illuminated signage where it maintains or enhances the amenity and character values associated with an area.</p> <p>In addition, this objective seeks to ensure that the potential adverse effects of signs on traffic safety, heritage values and the health and safety of people and communities are avoided and mitigated.</p>

99. Part 2 of the RMA provides the statutory framework for the sustainable management of natural and physical resources. Section 5 outlines the purpose and principles of the RMA, Section 6 lists matters of

national importance that shall be recognised and provided for, Section 7 lists other matters that all persons exercising functions and powers under the RMA shall have particular regard to and Section 8 addresses matters relating to the principles of the Treaty of Waitangi.

100. The following table assesses the appropriateness of the proposed objectives in achieving the purpose of the RMA. It is noted that several sections within Part 2 of the RMA are not relevant to PC82A, and only those sections which are relevant are addressed in Table 2 below.

TABLE 2: LINKAGE OF PROPOSED SI OBJECTIVES WITH PART 2 OF THE RMA			
		Proposed Signage Objectives	
		SI-O1	SI-O2
RMA Part 2 Sections	5(2)(a)	✓	✓
	5(2)(c)	✓	✓
	6(a)	✓	✓
	6(b)	✓	✓
	6(d)	✓	✓
	6(e)	✓	✓
	6(f)	✓	✓
	7(b)	✓	✓
	7(c)	✓	✓
	7(f)	✓	✓

101. Taking into account the comments above and having assessed the proposed SI objectives against the relevant sections of Part 2 of the RMA, it is considered that the two proposed objectives are consistent with the purpose of the RMA and promote the sustainable management of natural and physical resources.

4.2 Appropriateness in Relation to Higher Order Documents

102. The provision of higher order documents were considered in the formulation of the objectives and policies in PC82A. Of particular relevance to PC82A are the NPSUDC, RPS, RCP, PRP, 30/50, LTP and the CMS. Section 3 provides an overview and evaluation of the consistency of the proposed signage objectives in relation to these higher order documents.
103. Table 3 below provides an overview of the links and consistency of the proposed SI objectives with the relevant higher order documents.

TABLE 3: EVALUATION OF PROPOSED SI OBJECTIVES AGAINST HIGHER ORDER DOCUMENTS			
		Proposed Signage Objectives	
		SI-O1	SI-O2
Higher Order Documents	NPSUDC	✓	✓
	RPS	✓	✓
	RCP	✓	✓
	PRP	✓	✓
	30/50	✓	✓
	LTP	✓	✓
	CMS	✓	✓

4.3 Appropriateness in Relation to the Strategic Direction Chapter

104. The proposed SI objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed SI objectives are shown in Table 4 below. This table illustrates that the objectives of the SI are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND SI OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed SI Objectives
SD-01 – Range of Zones Provide for differing character and amenity values by having a range of Zones with differing expectations.	SD-P1, P19, P20 – SD-39	SI-O1 SI-O2
SD-02 – Rural and Urban Areas Protect the range of amenity values and characteristics in the Rural Area and the Urban Area.	SD-P4, P10	SI-O1 SI-O2
SD-04 – 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-P18	SI-O1 SI-O2

4.4 Appropriateness of Proposed Policies and Methods

105. A section 32 evaluation must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. It is important to determine whether the preferred approach will be more

effective and efficient than other alternatives and whether this effectiveness and efficiency comes at a higher cost than other alternatives. Below is an assessment of the proposed provisions.

106. The operative WDP refers to zones as “Environments”. The NP Standards require that these now be referred to as zones with standardised zone names. Unless reference is being made to a specific Environment in the operative WDP (e.g. the Business 1 Environment) the term “zones” will be used throughout the following assessment of the proposed provisions.

4.4.1 Plan Structure

107. In order to assess the appropriateness of the plan structure for signage, the following three options were evaluated:
- **Option 1:** Status quo: Location of rules in each zone and figures or additional material as an Appendix.
 - **Option 2:** Location of all relevant material in each zone so that consent may be determined in the body of the provisions without reference to the Appendix.
 - **Option 3:** Proposed Plan Change Option: The consolidation of objectives, policies, rules and the consent identification tool in one district wide chapter.
108. The rolling review of the WDP seeks to ensure that plan provisions have a clear link to the sustainable management direction in the RMA and higher order policy documents, through to the objectives and policy framework in the WDP. The methods required to achieve these outcomes may be clearly identified in the WDP and are driven by the policy direction.
109. Of the three options ‘Option 3’ is considered to be the most appropriate option. This format forms the basis for the establishment of the SI chapter. This option is considered to align with a policy driven planning framework. Furthermore, the NP Standards direct that signage needs to be addressed within the District Plan as a “district wide chapter” rather than within each zone. Therefore Option 1 and 2 are not appropriate as their structure is not consistent with the directive in the NP Standards.

4.4.2 Proposed SI Policies

110. The proposed SI policies seek to balance the need for signage in the Whangarei District with an ability to manage the effects associated with this, and maintain (or enhance) the amenity and character of the zones and wider environment. These policies are achieved through the application of rules in the SI chapter.
111. The policies proposed for inclusion are considered to achieve the proposed SI objectives through:
- Providing for signage at a scale and intensity which reflects the amenity of the zone in which it is located, requiring an assessment for signage which exceeds these permissible standards.
 - Ensuring that signage, including illuminated signage, which may be viewed from the road or State Highways does not negatively impact on traffic safety.
 - Providing for community signage in order to support social and economic wellbeing.
 - Providing for signage where it is required for health and safety reasons.

- Avoiding adverse effects of signage on scheduled built heritage.
- Encouraging shared location and consolidated signage.
- Controlling illuminated signage in order to protect amenity and character values and traffic safety.

112. The proposed policies are considered the most efficient and effective for achieving the objectives and provide a coherent link to the rules which are discussed further in the following sections. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 5 below demonstrates that the policies for the SI implement the proposed SI objectives.

TABLE 5: LINKING OF PROPOSED SI PROVISIONS	
Proposed SI Objective	Proposed SI Policies
<p>SI-O1 Provision for signs</p> <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. 	<p>SI-P1 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:</p> <ol style="list-style-type: none"> 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. <p>SI-P2 To avoid adverse effects of signage on scheduled built heritage items or within their surroundings by:</p> <ol style="list-style-type: none"> 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. <p>SI-3 To provide for signage required to protect the health and safety of the community and enable navigation.</p> <p>SI-P4 To manage signs visible from roads, including the State Highway, to maintain traffic safety by:</p> <ol style="list-style-type: none"> 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 the road corridor. <p>SI-P5 To provide for permanent community signage where:</p>

	<ol style="list-style-type: none"> 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. <p>SI-P6 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.</p>
<p>SI-O2 Illuminated Signs</p> <p>Illuminated signage is provided for where it contributes to the social, cultural and economic wellbeing of the District in a manner which:</p> <ol style="list-style-type: none"> 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. 	<p>SI-P7 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. <p>SI-P8 To require illuminated signage to be located and designed to manage the potential for adverse effects on traffic safety.</p>

4.4.3 Proposed SI Provisions

113. The proposed provisions in the SI chapter are assessed below and grouped according to topic. The evaluation of the provisions includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed rules and the risks of acting and not acting.

WDP Signage Controls and CAS Bylaw

114. Signage is often controlled using multiple statutory tools. The Whangarei District currently applies a 'dual' approach using both the WDP and CAS Bylaw to manage signage across the District.
115. Background research has identified that this approach is consistent with other District Plans, where a dual regime to managing signs is similarly applied. The review has identified that it is common for councils to utilise both rules in the district plan and the application of a bylaw to manage signage.
116. Several⁵ of the council's subject to the review also only used district plan controls to manage signage. Where only district plan controls are used, the signage sections in the district plan are lengthy and cover all manner of temporary and permanent signs.

⁵ For example, Queenstown Lakes District Council and Timaru District Council.

117. Alternatives considered were:

- **Option 1:** Status quo: WDP manages permanent signage on private land, Bylaw manages temporary signage and signs in 'public places' and other signage within the road reserve.
- **Option 2:** Proposed Plan Change Option: Review and clarify the relationship between the WDP and Bylaw- this approach is as included in the provisions appended in the **Proposed Plan Changes Text and Maps** and discussed in the body of the report.
- **Option 3:** District Plan only management approach. The WDP would control all signs including temporary signs and those within the road reserve.
- **Option 4:** Bylaw only management approach. The Bylaw would be the only tool used to manage signage within the District, therefore removing specific provisions and rules from the WDP.

118. It is considered that Option 2 is the most appropriate option for the following reasons (refer to **Appendix 1** for a more detailed assessment):

- Primarily, the use of both a bylaw and district plan controls to manage signage is a more adaptable regime for WDC and is considered to be more cost effective and efficient both in terms of how compliance is managed and in relation to application costs where consent or dispensation is sought. This dual management approach is considered to have associated social benefits through the continuation of an established approach which is familiar to plan users and broadly aligns with the approach in neighbouring districts. However, a review of the relationship has identified that some clarifications are required in order to ensure that the proposed SI objectives are achieved and enable the most efficient management of signage.
- A clarification 'note' is included in the SI chapter, to confirm that temporary signs and offensive signage content are managed through the CAS Bylaw. This enables signage associated with temporary events, elections and real estate sales to be managed and monitored utilising the CAS Bylaw. This process is considered to be timelier in managing these short term uses of signage and enable more efficient compliance processes where signage is located on public land.
- Under Option 2, all permanent signs are subject to the proposed SI provisions whether located on public or private land. This enables a comprehensive consideration of the impact of the signage on the amenity values and character of the environment in which it is proposed to be located. Some of the (permitted) controls apply to verandahs and have been proposed to be included in a manner that aligns with that which is required currently under the CAS Bylaw, ensuring that there is consistency in the manner in which the two regimes apply to signage associated with an activity. Where resource consent is required for a verandah sign which does not achieve the required limits it is recommended that the CAS Bylaw dispensation be considered alongside this in order to expedite the approval (or otherwise) of the proposed signage.
- Footpath signs are another commonly utilised sign within public areas (usually within the road reserve). Footpath signs or sandwich boards may be removable but are 'permanent' in nature and therefore may contribute to the overall appearance of signage associated with a site. However, this impact on

amenity and contribution to 'cumulative' signage is considered to be mitigated through the size of the signs and their general location within the road or on public land. As a result, the use of a bylaw remains the most efficient tool to manage these signs. Given the permitted inclusion in the bylaw at present this would limit footpath signs to 1m² in area and one per frontage. Signs are also required to be located so as not to impede footpaths or the road corridor.

- In terms of economic growth and employment opportunities arising from the options for this component of PC82A it is acknowledged that signs play an important role in identifying businesses. Provision for signage therefore can be an attractive feature for businesses locating within different areas of the District (or Northland). This may impact at a high level on the provision for growth of business and therefore increase employment opportunities however this is not a direct relationship.
- In terms of costs and benefits, given the above information Option 2 is considered to have the greatest benefits which outweigh any costs in comparison to the other alternative options.
- There is no risk associated with the preferred option due to insufficient information.

Permitted Activities

Any Activity not otherwise listed in this chapter

119. The proposed SI objectives seek to provide for a range of signs across the District. As such, a wide range of signage activities need to be provided for within the SI chapter, while character and amenity of the surrounding zone is maintained or enhance and any adverse effects managed.
120. Consistent with the approach in other chapters within the Urban & Services Plan Changes, SI-R1 states that any activity not otherwise listed in the SI chapter is a permitted activity (provided that resource consent is not required or the activity is not prohibited under any other rule in the District Plan). The approach within the SI chapter has been to list those specific activities that are permitted subject to standards and other activities such as illuminated signs or consolidated sign installation and state the specific activity status for them (e.g. restricted discretionary or discretionary). The default to a permitted activity, means that those activities which are not captured by the specific provisions are permitted and enabled within the SI chapter.
121. Alternatives considered were:
- **Option 1:** Status Quo: Retain the current sign rules.
 - **Option 2:** Proposed Plan Change Option: Include default to permitted activity in SI-R1.
 - **Option 3:** Default to non-complying activity.
122. It is considered that Option 2 is the most efficient and effective option for the following reasons:
- Option 1 is not an efficient or effective option. The current signage provisions require some updating and are dispersed throughout the various chapters. Retaining the rules as they are would be inconsistent with the NP Standards.

- Option 2 is the most efficient and effective option. The SI objectives and policies seek to provide for signage across a range of zones in the District while enhancing the amenity and character of surrounding zones and avoiding, remedying or mitigating any adverse effects. By defaulting signage not specifically listed in the SI chapter to a permitted activity status, Option 2 avoids imposing unnecessary restrictions and constraints to installing and displaying signage in circumstances where compliance with the relevance standards and controls can be demonstrated.
- Option 3 is not an efficient or effective option. Under the current structure of the SI chapter, a default non-complying activity status will present an unintended and unnecessary consenting barrier for signage activities in the SI. It is considered appropriate to allow such activities to occur, provided the appropriate standards are adhered to in order to support the economic and social wellbeing of the district.
- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective establishment of signage in the future.
- The benefits of option 2 are considered to be greater than the alternative options and outweigh any potential costs.
- There is no known risk due to insufficient information.

Any sign visible from beyond the site on which it is located

123. Proposed rule SI-R2 seeks to permit any signs that are visible from beyond the site on which it is located, subject to certain standards being achieved. SI-R2 is permitted where a sign:
- Does not obscure any official sign(s), traffic sign(s) or signals;
 - Is visible from a road with a speed limit of 70km/h or less and is located so as to provide an unrestricted view to the motorist for a minimum distance of 250m;
 - Relates to goods and services on the site, or be a property naming sign, or number; and
 - Complies with the relevant height in relation to boundary setback when located on a site adjacent to a Living or Open Space Zone.
124. The references to official signage, roading signage and community signage have been relocated to their own sections within the SI provisions.
125. An important amendment to this 'overarching' control is the revision of reference to 'public place' which is considered unclear and has a negative impact on the ability to administer the provisions. Rule SI-R2 proposes to revise this to refer to signs which are 'visible from beyond the site on which they are located including adjoining properties or the road'. This amended wording is considered to clarify the application of controls and eliminate conflicts in terms of the definition of public place.
126. Alternatives considered were:

- **Option 1:** Status Quo: Permitted activity rules retained across the various zone and Resource Area chapters.
- **Option 2:** Proposed Plan Change Option: Review and relocate the provision in the SI chapter as a permitted activity.
- **Option 3:** More restrictive activity status: Review and relocate the rule into the SI chapter as a restricted discretionary or discretionary activity.

127. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. Option 1 would result in the rule being retained as is across all the different zones and Resource Area chapters. This approach is inconsistent with the NP Standards, which require all signage provisions to be located in one consolidated District Wide chapter.
- Option 2 is the most efficient and effective option. The SI policies seek to provide for signage across of a range of locations throughout the District. This option will enable signs to be installed and displayed subject to certain standards being achieved by retaining a permissive activity status. In addition, it is considered that this option would align with the NP Standards requirements by rationalising this rule into the SI chapter.
- Option 3 is not an efficient or effective option. While option 3 is more favourable than option 1 in that the rule would be located in one chapter (SI chapter) rather than be located in different chapters across the plan, having a more restrictive activity status requiring consent would result in unnecessary costs and delays in relation to the installation and display of signage. Option 3 is also inconsistent with the policy framework and direction for the SI chapter.
- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective establishment of signage.
- Option 2 offers greater benefits than the other options which outweigh the costs.
- There is no risk due to insufficient information.

Zoning – Any sign rules

128. The general approach for all signs across the range of zones as proposed in PC82A is to provide for a controlled amount of signage as a permitted activity where certain standards are achieved, requiring an application for a restricted discretionary consent where these standards are not met (SI - R3 – R11). In most instances, the conclusion has been made to roll-over many of the existing signage rules in the WDP into the new zones.

129. As noted previously, the operative WDP refers to zones as “Environments”. The NP Standards require that these now be referred to as zones with standardised zone names.

130. A suite of zones are proposed as part of the Urban and Services Plan Change package, and the signage rules have been considered and determined based on the character and amenity of those zones and what level of signage would be appropriate.

SI-R3 Living, Neighbourhood Commercial, Marsden Primary Centre-Town Centre South, Rural Village Residential and Rural (Urban Expansion) Zones

131. Proposed rule SI-R3 seeks to control any sign in the Living, Neighbourhood Commercial, Marsden Primary Centre-town Centre South, Rural Village Residential and Rural (urban expansion) Zones. Signs are permitted in these zones provided the standards regarding the number, height and total area of the sign is met e.g. one sign per site and a total sign area of less than 1m².
132. The key issues identified in relation to these primarily residential zones related to the creep of commercial signage into these areas over time affecting the overall character of the area. This influx of commercial activities is primarily associated with the fringes of the central city area and is as much associated with the activities being established in these areas as it is related to the signage alone. As a result, the application of more onerous signage controls is not considered an effective option in managing this issue, rather it is the primary land use requiring signage which drives signage demand.
133. In other areas of the District, there was no fundamental issue identified in relation to signage associated with primarily residential zones. Signs in Living Zones generally relate to home occupations or the provision of accommodation such as bed and breakfast establishments which are secondary to the primary residential use of the site. As such, it is considered that there is little information available to support a change to more permissive or more restrictive controls for this zone.

SI-R4 Rural Production and Rural Living Zones

134. Proposed rule SI-R4 seeks to control any sign in the Rural Production and Rural Living Zones where certain criteria are achieved. Signs are permitted in these zones provided the standards regarding the number, height and total area of the sign is met e.g. one sign per site, a total sign area of no more than 3m².
135. Signs in Rural Production and Rural Living Zones are anticipated due to the range and nature of the activities and land uses within these zones. For example, in rural production areas, produce stands on the road side are a common occurrence and use of (limited) signage which is considered acceptable and necessary. Road speed limits in rural areas also tend to be greater (faster) than in urban areas, therefore the ability to identify properties from a distance is important when travelling at speed. Therefore, signage may need to be located and sized appropriately to enable this.
136. No specific issues were raised in relation to the provision of signage in the rural areas under the existing controls in the WDP. Due to this, and the nature and type of activities and land uses anticipated in these zones, a permitted activity status with associated standards for signs was considered to be appropriate.

SI-R5 Open Space and Conservation Zones

137. Proposed rule SI-R5 seeks to control any sign in the Open Space and Conservation Zones. Signs are permitted in these zones provided the standards regarding the number, height, total area of the sign is met and any sign is in accordance with an approved Reserve Management Plan (**RMP**).
138. Given the types of activities and land uses anticipated/accommodated in the Open Space and Conservation Zones, a higher degree of flexibility is allowed through the permitted activity standards. For example, three signs are permitted per site as opposed to one sign per site in other zones. The more permissive activity standards reflect the type of signage that may be required in these spaces.
139. The Open Space and Conservation Zones accommodate a range of activities and as a result may have very varied levels of amenity and differing characters. The WDP provides for signage subject to controls or where it is in accordance with an RMP. The Reserves Act 1977 requires that every reserve has an RMP, which typically contains objectives and policies for the management, protection and future development of a reserve and is required to go through a public consultation process. Given the public process associated with the development of RMP, it is considered appropriate that where signage is addressed in these plans, that this approach is utilised to manage signage within the particular area to which the RMP applies.
140. Allowing signage in accordance with an approved RMP will allow greater flexibility to Council in the management of its reserves which will subsequently reduce unnecessary consenting costs. It is noted however that there are limited RMP⁶ for the district at present.

SI-R6 Waterfront Zone and Rural Village Centre Zone

141. Proposed rule SI-R6 seeks to control any sign in the Waterfront Zone and Rural Village Centre Zone. Any sign is permitted in these provided the permitted activity standards regarding the number, height and total area of signs is met.
142. The Waterfront Zone and Rural Village Centre Zone accommodate a range of activities which contribute to the vibrancy, character and amenity of the areas. In addition, in the Waterfront Zone, the use of the area for maritime activities is also highlighted and signage may be required to enable navigation and promote health and safety in these areas. Given the range of activities occurring with the zones, a higher degree of flexibility within the permitted activity standards is proposed in PC82A in comparison to other zones, by permitting three signs per site.

SI-R7 Airport Zone

143. Proposed rule SI-R7 seeks to control any sign in the Airport Zone. Signs are permitted in this zone provided the permitted activity standards regarding the number, size and height of signs are complied with e.g. 2 signs per site not exceeding 2m in height.
144. The Airport Zone is limited to one geographical area within the District. Signage in this zone is generally required to identify the airport and in relation to health and safety associated with airport facilities.

⁶ Kensington Park, Parihaka and Hatea River, William Fraser Memorial Park and Pukenui Forest.

Therefore, it is important for signs in the Airport Zone to be permitted in the SI chapter. No issues have been identified or raised in associated with signage in this zone.

SI-R8 Ruakaka Equine Zone

145. Proposed rule SI-R8 seeks to control any sign(s) within the Ruakaka Equine Zone (**REZ**). Signs in this zone are permitted provided a permitted activity standard is met.
146. The REZ was established through a private plan change process to provide for the future development of the wider Ruakaka racecourse area. There are no specific signage controls identified as applying within the REZ. The term signage is mentioned in three locations in relation to management strategies. Signage is noted as possibly being required to convey information relating to the management of domestic pets, the significance of the area and on appropriate behaviour, and behaviours that should be avoided by residents, workers and visitors and the seasonal management of bird nesting areas.
147. The REZ covers a large land area and much of the site is internally facing. As signage has not been identified as a particular matter for consideration in the policy framework, control of signage within the REZ is not considered to be required, hence the permitted activity standards are less than that required in other zones. However, signage which can be viewed from beyond the REZ may result in adverse effects on the amenity of surrounding land uses and zones. As a result, one standard is included in the SI chapter limiting signage which is visible from beyond the REZ to that which may be anticipated in adjoining zones (relating to the goods and services available on the site) and signage which is required for the management of the REZ such as informative signage as discussed above.

SI-R9 City Centre, Commercial, Shopping Centre, Light Industry, Active Sport and Recreation, Rural Village Industry Zone, Mixed Use and Local Commercial Zones

148. Proposed rule SI-R9 seeks to permit signage in the City Centre, Commercial, Shopping Centre, Light Industry, Active Sport and Recreation, Rural Village Industry Zone Mixed Use and Local Commercial Zones subject to permitted activity standards being met.
149. The need for control of signage is considered to relate to the level of amenity anticipated, the character of the zone and the activities and land uses anticipated. In these zones which are centred around business/commercial activities, there is a medium – high level of amenity anticipated, particularly around the city centre and shopping centres for example. As discussed previously in this report, there are aspirations that the district, and in particular the central areas will develop into a vibrant well-connected centre accommodating a mix of uses. In order to ensure that this aspiration can be achieved and to protect the amenity, character and nature of these zones, a more controlled approach to permitting signage is required. PC82A proposes to strike a balance between providing for signage which is recognised as being required in these zones (e.g. advertise goods and services available) while protecting the interface with more sensitive land uses which surround these zones.
150. The permitted activity standards proposed to apply to SI-R9 seek to control:
 - The number of signs (no more than 5 per site);
 - Number of freestanding signs and height of freestanding signs;

- Signs on sites with frontages less than 25m; and
- Directional signage.

151. No specific issues have been raised with the signage controls applying to the existing business and commercial areas. In addition, the alternative provisions in Appendix 12 of the WDP (previously applicable to Business 2 and 3 Environments) are considered to be inconsistent with the level of amenity anticipated with these zones, given the interfaces between these zones and other land uses. As a result, the application of alternative signage limits is proposed to be removed, as discussed in below (paragraph 203 – 207).

SI-R10 Heavy Industry, Marsden Primary Centre Industry Zones, Port and Strategic Rural Industry Zones

152. Proposed rule SI-R10 seeks to control signage in the Heavy Industry, Marsden Primary Centre Industry, Port and Strategic Rural Industry Zones subject to permitted activity standards relating to height being met.

153. In the Heavy Industry (referred to as Business 4 in the operative WDP), Marsden Primary Centre Industry, Port and Strategic Rural Industry Zones, the need for control of signage is considered to relate to the level of amenity anticipated. Given the nature of activities and land uses anticipated within these zones a lower level of amenity is anticipated and therefore the control of signage needs to be less restrictive for a permitted activity. In the WDP, the current signage controls applying to these zones are very permissive and PC82A seeks to generally retain this permissive approach. This is considered generally appropriate and reflects the existing character within the Heavy Industry, Marsden Primary Centre Industry Zones, Port and Strategic Rural Industry zones.

154. Reviews of the current provisions identified that there is currently no height limitation associated with signage freestanding or otherwise. While the amenity within these zones is reduced, if signage was to protrude above the generally established height of the building's adverse impacts on the surrounding zones may occur. Therefore, PC82A proposes to introduce the following height controls for rule SI-R9:

- Signs affixed to a building, do not exceed the building height.
- Any freestanding sign does not exceed 9m in height.

155. Introducing the height limits is considered appropriate in continuing to enable any signs within these zones while ensuring that any potential adverse effects on surrounding zones are managed.

SI-R11 Hospital Zone (SPH)

156. Proposed rule SI-R11 seeks to permit any sign(s) within the SPH. Signs in this zone are permitted provided that a specific permitted activity standard is met.

157. Signage is noted as possibly being required within the SPH to convey information relating to the facilities and services available within the zone, direct speed limits and parking requirements, direct patients, staff and visitors to areas, buildings and facilities and to prevent access to restricted areas.

158. The hospital covers a large land area and much of the site is internally facing. As signage has not been identified as a particular matter for consideration in the policy framework, control of signage within the SPH is not considered to be required, hence the permitted activity standards are less than that required in other zones. However, signage which can be viewed from beyond the SPH may result in adverse effects on the amenity of surrounding land uses and zones. As a result, one standard is included in the SI chapter limiting signage which is visible from beyond the SPH to that which may be anticipated in adjoining zones (relating to the goods and services available on the site) and signage which is required for the management of the SPH such as informative signage as discussed above.

Default Activity Status

159. For all zone rules in the SI chapter (SI-R3 – R11), the signage provisions progress through to a restricted discretionary activity status, where the permitted activity standards are not met, with the matters of discretion being listed beside each of the specific zone rules. The matters of discretion are restricted to the following for all zones in the SI chapter:

- Visual amenity and character;
- Scale, location and design;
- Lighting and traffic safety effects;
- Effects on landscape values and natural character;
- Effects on cultural and heritage values;
- Cumulative effects; and
- Duration of consent.

160. A restricted discretionary status where the permitted standards are not complied with, was considered appropriate in these zones, given the matters in which Council would be concerned with in regards to signs were clear and clear assessment considerations could be listed; this provides Council with the degree of control they require to appropriately manage signs and the potential adverse effects.

Reasonably Practicable Options for Sign rules for each zone

161. Alternative options for signage rules and permitted standards for each of the above zones considered were:

- **Option 1:** Status Quo: Retain the sign activity status' and standards and the location of the provisions across the range of zones within the operative WDP.
- **Option 2:** Proposed Plan Change: Review and update the SI provisions to address issues identified.
- **Option 3:** More permissive: Review and amend the permitted activity standards to be more permissive across all zones.

- **Option 4:** More restrictive: Review and amend the permitted activity standards to a more restrictive activity status requiring consent across all zones.

162. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is not considered to be an efficient or effective option. As the rules would be left as they are currently, there would continue to be some clarification and interpretation issues with the rules which would be an ongoing limitation and issue for plan users and potentially lead to unnecessary costs and time delays.
- Option 2 is consistent with the policy framework for the SI chapter which seeks to enable signs across a range of zones by retaining a permitted activity status for signage. Option 2 is the most efficient and effective option as it strikes an appropriate balance between enabling signage across a range of zones while creating limitations to what can be achieved in each zone as a permitted activity reflective of the character of the environment and the activities and land uses anticipated. Option 2 allows for an appropriate level of signage relative to the zone to be provided for, while adequately maintaining traffic safety, amenity and character values of the zones. This option recognises the economic, social and cultural benefit of signage in the District by taking a permissive approach to enabling signs while ensuring that suitable limits are set through the permitted activity standards and where these are not complied with, a detailed case by case assessment of the proposed signage would take place.
- Options 3 and 4 are not considered to be efficient or effective as they do not appropriately balance the need to control signage with the benefits associated through the use of signage. A more permissive approach would enable greater proliferation of signage across the zones which may impact on the character, traffic safety and amenity of the zones. A more restrictive approach would impose unnecessary consenting and compliance costs for the establishment of a reasonable level of signage. This would not enable people to provide for the social and economic wellbeing through the use of signage to support businesses and identify essential goods and services. Both options 3 and 4 would be inconsistent with the policy framework for the SI chapter, through not appropriately managing the impact and adverse effects of signage or for a restrictive approach not providing for signage across a range of zones. There is also little information available to justify and support a change to a more permissive or restrictive approach to managing signs.
- The employment and growth considerations associated with the options are limited to a high-level consideration of the provision for signage being an attractive feature for businesses locating within different areas of the District (or Northland) which may influence the growth of businesses and therefore increase employment opportunities. In this regard, Option 3 would likely allow the greatest flexibility for increased promotion of businesses, however it is considered that the potential proliferation of signage that a more permissive regime would create could have adverse effects on the quality of the environment which could have negative flow on effects to businesses. Option 4 would be the most restrictive and reduce flexibility for promotion for businesses. Ultimately, it is considered that option 2 strikes the most appropriate balance between providing for appropriate signage while adequately maintaining traffic safety, amenity and character values.

- For the reasons outlined above, it is considered that the costs outweigh the benefits for Options 1, 3 and 4. Option 2 has greater benefits in comparison to the associated costs.
- It is considered that there is no risk due to insufficient information.

Signs on Verandahs

163. The proposed SI objectives seek to provide for signs across a range of zones throughout the District. To achieve this, it is recognised that a range of different types of signs need to be provided for without undue constraints in the SI chapter.
164. Proposed rule SI-R12 seeks to permit signs on verandahs in any zone subject to permitted activity standards being met. Signs on verandahs are currently controlled under the CAS Bylaw. However, these signs contribute to the overall appearance of a building/premise and therefore have the potential to affect amenity and character. Accordingly, it is considered appropriate to include permitted activity rules in the SI chapter subject to standards for signs on verandahs.
165. Alternatives considered were:
- **Option 1:** Status Quo: No specific rules for signage on verandahs in the WDP.
 - **Option 2:** Proposed Plan Change: Permitted activity status for signage on verandahs.
 - **Option 3:** More restrictive activity status for signage on verandahs requiring resource consent.
166. Option 2 is considered to be the most appropriate option for the following reasons:
- Option 1 is not an efficient or effective option. Having no rules is not considered to be appropriate as under the WDP signage on verandahs could establish with no consideration given to managing the effects of the signage on traffic, amenity and character. Option 1 would lead to continued confusion on how the CAS Bylaw and WDP provisions interact and are administered. In addition, this option could lead to adverse amenity effects and visual clutter through signs generally being able to establish under the WDP and then additional signage for signs on verandahs being able to establish under the CAS Bylaw creating a double dipping effect.
 - Option 2 is the most efficient and effective option. A permitted activity status is appropriate in enabling signage on verandahs, defaulting to a restricted discretionary activity where specific standards are not met. This is considered the most appropriate option in terms of providing for signage on verandahs where standards regarding compliance with underlying zone rules, the number of signs, height of signs and total area of signs are met, to ensure that the signage is limited and adverse effects on amenity, character and traffic are appropriately controlled.
 - Option 3 is not an efficient or effective option. Having a more restrictive activity status requiring consent for signage on verandahs would result in unnecessary costs and delays in relation to the installation and display of signage. Option 3 would also create inconsistencies with the manner in which the WDP provisions interact with the CAS Bylaw in regards to signage as the two regimes would have conflicting requirements.

- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- Option 2 has the greatest benefits which outweigh the costs. Options 1 and 3 have greater costs than benefits.
- It is considered that there is no risk due to insufficient information.

Official Signs

167. The draft NP Standards have introduced a new definition for 'official sign' which is required to be incorporated into district plans. PC82A proposes to incorporate official sign as a definition into the WDP which is discussed further below. Official signs as per the draft NP Standards means "all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety". Official signs can include signs relating to public health, navigational aids, transmission lines and hazardous substances or hazardous facilities.
168. Currently, the WDP contains permitted activity rules for health and safety signs across the various zone chapters. The purpose and intent of the health and safety rules currently in the WDP align and fall within the scope of the "official sign" definition in the draft NP Standards. PC82A proposes to retain the rules for signs required for health and safety however under the new definition of "official signs".
169. Proposed rule SI-R13 seeks to permit official signs in all zones in the SI chapter in order to provide for public health and safety. Incorporating official signs into the WDP through a definition and permitted activity rule is considered to be consistent with the draft NP Standards. Official signs are important to ensure that people are well informed and able to identify matters of public importance e.g. man-made and natural hazards, uneven surfaces and hazardous substances.
170. Alternatives considered were:
- **Option 1:** Status Quo: Retain permitted activity rule for health and safety signs across the zone chapters.
 - **Option 2:** Proposed Plan Change Option: Amend health and safety signs and replace with official sign and retain the permitted activity rule status.
 - **Option 3:** More restrictive activity status requiring consent (controlled, restricted discretionary or discretionary) for official signs.
171. Option 2 is considered to be the most appropriate option for the following reasons:
- Option 1 is not considered to be efficient or effective. While option 1 essentially provides for the same signs as Option 2, the wording is inconsistent with the NP Standards. In addition, the current health and safety rules are not supported by a definition and therefore if left as is, it could conflict with the approach required by the draft NP Standards.
 - Option 2 is the most efficient and effective option. Option 2 effectively retains the current WDP approach of providing for signs to enable people and communities to provide for their health and

safety and ensure that risks are well identified. However, Option 2 is more appropriate than Option 1 as the changes to reflect the new official sign definition will provide consistency with the NP Standards and remove any potential for duplication if the health and safety rules were left in and additional rules added for official signs. In addition, Option 2 would locate all the relevant rules in one chapter with all other sign provisions and therefore can easily be read in conjunction with the policy framework and interpreted by the plan users.

- Option 3 is neither efficient or effective. Having a more restrictive activity status requiring resource consent, would result in unnecessary costs and delays for all signs required by statute or regulations or those required to protect public health and safety, thus not achieving the proposed objectives for the SI chapter. This would also conflict with the direction of other legislation which requires official signage in some instances.
- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- Option 2 has greater benefits that outweigh costs in comparison to the other options.
- There is no risk due to insufficient information.

Road Signs

172. The proposed SI objectives seek to provide for signs across a range of zones throughout the District. To achieve this, it is recognised that a range of different types of signs need to be provided for without undue constraints in the SI chapter.
173. Proposed rule SI-R14 seeks to permit all road signs in the SI chapter. This is a rollover from the existing WDP which provides for signs which are erected by a road controlling authority for the purposes of traffic control or public safety and located within the legal road reserve. However, PC82A proposes to include the road sign rule within the SI chapter as opposed to being listed in each zone chapter.
174. The proposed rule is considered to align with the proposed objectives and policies regarding maintaining the safety of those using the roading infrastructure.
175. Alternatives considered were:
- **Option 1:** Status quo - Retention of the exemption (Proposed Plan Change option).
 - **Option 2:** Removal of the exemption.
176. Option 1 is considered to be the most appropriate option for the following reasons:
- Option 1 the status quo or retention of the exemption is considered to be the most effective and efficient option because: It enables the road controlling authority to provide for people's health and safety through the utilisation of signs within the road corridor for the purpose of traffic safety and direction.

- Option 2 is not efficient or effective as it does not enable the use of signage within the road corridor to provide direction and information to motorists to enable the safe and efficient operation of the road corridor. This option would require a consent to be obtained for permeant road signage which would incur time delays and consenting costs even through the provisions of this signage is considered to achieve the objectives.
- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- It is considered that Option 1 has greater benefits that outweigh costs in comparison to Option 2.
- There is no risk due to insufficient information.

Community signs

177. The proposed SI objectives and policies seek to provide for signs across a range of locations, zones and resource areas throughout the Whangarei District. To achieve this, it is recognised that a variety of different types of signs need to be provided for without undue constraints in the SI chapter.
178. Currently in the WDP, community signs are enabled through the inclusion of a permitted activity status subject to conditions in the various zoning and resource area chapters. This enables community signs to be located on private sites where they comply with the general conditions for the zone in which they are located. Community signs located in the road corridor or in public places are subject to the CAS Bylaw.
179. The issue around consideration of permanent or temporary signs is also relevant to the consideration of community signs. The WDP provisions are unclear with respect to the consideration particularly of permanent community signs, located within the road reserve. These signs have the potential for ongoing effects on amenity which may on balance outweigh any benefits associated with the sign. The present regime would require dispensation from the CAS Bylaw where the sign exceeds the permitted duration but do not clearly require resource consent.
180. PC82A proposes to relocate and amend the rules relating to community signs into the SI chapter. Proposed rule SI-R15 seeks to permit community signs subject to the permitted activity standards being met. The permitted activity standards for community signs include for example, the zoning controls for signage being complied with, the signs having to contain information for non-profit community associations/groups only and the signs not being illuminated, flashing or animated.
181. Alternatives considered were:
 - **Option 1:** Status quo: Community signs located on private land must comply with the controls of the underlying zone, community signs located in public places (including roads) are limited through the use of the CAS Bylaw.
 - **Option 2:** Proposed Plan Change Option: Revision of the status quo - Permanent community signs located on private land are required to comply with the controls for the zone in which they are located, are limited to one per site and are limited to display non-commercial events or activities.

Temporary community signs where located on public or private land continue to be managed by the CAS Bylaw.

182. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. Option 1 does not address the issues identified in relation to the WDP provisions. In addition, retaining the status quo would result in the community sign rules being located across various chapters which is inconsistent with the approach of the WDP rolling review and the NP Standards which require all sign provisions to be located in one specific 'signs' chapter.
- Option 2 is the most efficient and effective option. Option 2 is consistent with the NP Standards as all the sign provisions, including community signs would be located in the one chapter. In addition, Option 2 clarifies that where a community sign is permanent in nature it would be subject to the WDP requirements regardless of whether it is located in or on public or private land. This approach acknowledges that the Bylaw and/or other permissions may also apply where signs are located within the road reserve but enables a consideration of amenity, therefore achieving the objectives and policies for the SI chapter. Option 2 is efficient and effective in that it enables temporary community signs located on public or private land to be regulated and managed through the CAS Bylaw.
- Option 2 also introduces an additional control for content complimenting the definition of "community sign" and limiting the proliferation of signs of a more commercial nature.
- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- For the reasons outlined above, Option 2 has greater benefits that outweigh costs in comparison to Option 1.
- There is no risk due to insufficient information.

Signage Controls for Historic/Built Heritage

183. The proposed SI objectives seek to provide for signs across a range of zones and Resource Areas throughout the District. To achieve this, it is recognised that a range of different types of signs need to be provided for without undue constraints in the SI chapter.

184. Signage associated with built heritage has been recently considered through a plan change which resulted in the formation of the Historic Heritage chapter (**HH**). This included the development of a specific policy in relation to built heritage and the inclusion of a discretionary activity relating to the placement of signs on built heritage where they do not achieve specified criteria.

185. PC82A proposes to relocate and re-classify the signs rule relating to historic/built heritage into the SI chapter. Proposed rule SI-R16 seeks to permit signs on a scheduled built heritage item or within the site surrounds where the sign is only for providing information directly related to the item's heritage values, does not damage the built heritage and does not exceed specific sizes in different zones.

186. Alternatives considered were:

- **Option 1:** Status quo retain the discretionary activity for signage on built heritage in the HH chapter.
- **Option 2:** Proposed Plan Change Option: Relocate the sign rule from the HH chapter to the SI chapter as a permitted activity.
- **Option 3:** More restrictive activity status: Relocate the sign rule from the HH chapter to the SI chapter and retain the discretionary activity status.

187. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is considered to be efficient through the inclusion of the provisions with rules associated with heritage controls, however it is not considered to be an effective option as the provision for signage is not clearly identified within the HH chapter. Option 1 would be inconsistent with the NP Standards and the requirements to have all sign provisions located in one consolidated chapter. A discretionary activity status would result in unnecessary consenting and compliance costs and is inconsistent with the objectives and policies for the SI chapter which seek to provide for signs across the zones and resource areas throughout the district.
- Option 2 is considered to be the most efficient and effective option. Option 2 aligns with the objectives of the rolling WDP review and represents the most logical place in the WDP to locate rules which relate to signs. Having all sign rules including those relating to heritage in one location, is consistent with the NP Standards which requires all sign provisions to be addressed in one district wide chapter. This option would incorporate the heritage rule for signage as a permitted activity in the SI chapter with a default to discretionary where the specific standards are not met. This is considered to be the most appropriate option in terms of enabling signage for heritage purposes provided it meets standards regarding content, size, and damage to the heritage item to ensure that any adverse effects are appropriately controlled or mitigated. Option 2 aligns with and helps to achieve the policy direction for the SI chapter which seeks to enable and provide for signage across the District, provided effects are managed.
- Option 3 is neither efficient nor effective. While option 3 is more favorable than option 1 in that all the signage rules would be located in one sign specific chapter making it consistent with the NP Standards, having a more restrictive activity status requiring consent would result in unnecessary costs and delays in relation to the installation and display of signage. Option 3 would not be enabling of providing for signage in the District and therefore is not consistent with the objectives and policies for the SI chapter.
- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- The costs outweigh the benefits for Options 1 and 3. It is considered that option 2 has greater benefits.
- There is no risk due to insufficient information.

Restricted Discretionary Activities

Illuminated Signage

188. The WDP currently includes rules and controls which addresses illuminated signage across the various zones of the District. Proposed rule SI-R17 seeks to provide for illuminated signage as a restricted discretionary activity in the following Zones: City Centre, Mixed Use, Commercial, Shopping Centre, Local Commercial, Light Industry, Heavy Industry, Sport and Active Recreation, Port, Marsden Primary Centre – Town Centre South and Industry, Strategic Rural Industry and Hospital.
189. The provision for illuminated signage throughout the District is considered to be of concern in relation to the impacts on amenity and impacts on the safe and efficient function of the road network. It has been identified that the application of a measure of brightness is required to accurately and consistently quantify the brightness and therefore potential for effects related to illuminated signage. In business/commercial and industry type zones, there is a recognised need to address the concerns identified around the proliferation of illuminated signage and its compliance with relevant standards. An ability to consider whether proposed illuminated signage meets the objectives is considered necessary.
190. Given the concerns and issues around the effects of illuminated signage, careful consideration is required around illuminated signage, particularly given the increased use of these signs for advertising purposes. However, this needs to be balanced with ensuring that illuminated signage can be provided for in the locations (e.g. commercial and industrial areas) where it is generally anticipated or there would be reasonable intent for these types of signs. As such, it has been considered appropriate to provide for illuminated signs as a restricted discretionary activity in these aforementioned zones in SI-R17, so that it can be considered on a case by case basis in terms of the proposed matters of discretion which include: light spill and glare, amenity values and character of the zone, scale, location and operation hours/duration of the illuminance, traffic safety effects and the safe functioning of the road network, cumulative effects and duration of the consent.
191. Alternatives considered:
- **Option 1:** Status Quo: Retain the permitted activity status and the application of a lux (light spill) control to control illuminated signage in the various zone chapters.
 - **Option 2:** Proposed Plan Change Option: Relocate to the SI chapter and update the illuminated signage rules to be a restricted discretionary activity and to use the application of a luminance measure to control the brightness associated with illuminated signage.
 - **Option 3:** Discretionary Activity Status: Relocate and update the illuminated signage rules to the SI chapter as a restricted discretionary activity.
192. Option 2 is considered to be the most appropriate option for the following reasons:
- Option 1 is not considered to be efficient or effective. Retaining the illuminated signage rules in each of the above chapters would be inconsistent with the draft NP Standards and the new requirement to have all signage provisions located in one consolidated chapter. A permitted activity status does not provide an ability to consider and control the effects of the illuminated signage on

the underlying zone or surrounding zones, or the effects on the safe functions of the road network. Furthermore, Option 1 does not enable a process for ensuring the measure with which the sign is required to comply with is achieved. This issue is present regardless of the measure being light spill or brightness. Retaining the measure of light spill (lux) also cannot be taken as a measure of the appearance of brightness and therefore the main effect associated with illuminated signage cannot be accurately measured utilising this option.

- Option 2 is the most efficient and effective option. While there will be consenting costs associated with this option, it allows for the consideration on a case by case basis of the illuminated signage while recognising that illuminated signage has the potential to contribute to the social, economic and cultural wellbeing of the district. The matters of discretion provide greater direction as to what the relevant matters are that need to be assessed within a resource consent application for illuminated signage. This option provides a clear indication that illuminated signage may be appropriate within the above zones subject to assessment against the matters of and relevant objectives and policies. Option 2 also proposes to update the illuminated signage rules to use a measure of luminance (as discussed in the *Focus Report*) which would provide for the more effective control of illuminated signage and the associated effects. Option 2 is consistent with the NP Standards which require all signage provisions to be located in a dedicated signage chapter.
- Option 3 is not an efficient or effective option. The application of a more restrictive activity status e.g. discretionary activity would result in the 'perception' that signage in commercial and industry type zones is the same as in more sensitive residential type zones. A discretionary activity status does not provide the ability to include controls which assist both plan users and Council in determining what an appropriate lighting level may be when assessing the effects of this level of illuminance on the surrounding zones. A discretionary activity status is not considered to clearly communicate that illuminated signs may not be anticipated in certain zones where specified limits are achieved.
- There are no specific economic growth or employment opportunities associated with these options.
- The costs outweigh the benefits for Options 1 and 3. It is considered that option 2 has greater benefits.
- There is no risk associated with a lack of necessary information.

Discretionary Activities

Illuminated Signage

193. The WDP currently includes rules and controls which addresses illuminated signage. Proposed rule SI-R18 seeks to provide for illuminated signage as a discretionary activity in the following Zones: Living, Neighbourhood Commercial, Open Space and Conservation, Waterfront, Marsden Primary-Town Centre South, Airport, Ruakaka Equine, Rural Production, Rural Living, Rural Village Residential, Rural Urban Expansion, Rural Village Industry and Rural Village Centre zones.

194. The provision for illuminated signage throughout the District is considered to be of concern in relation to the impacts on amenity and impacts on the safe and efficient function of the road network. It has been identified that the application of a measure of brightness is required to accurately and consistently quantify the brightness and therefore potential for effects related to illuminated signage. In addition, concerns were identified in relation to illuminated signage and its impact on adjoining land uses or more sensitive land uses located within the same zone. Illuminated signage requires careful consideration particularly in zones where this type of signage is not generally expected to be required due to the primary activities for which the zone provides.
195. Provision for illuminated signage in SI-R18 is proposed to be subject to a consent requirement in particular zones (e.g. living, open space, rural living Zones). Applying a discretionary activity status to these zones is considered appropriate to control any illuminated signage and ensure that any adverse effects are appropriately managed. This approach provides Council with the ability to consider any relevant matter when deciding whether or not to grant or decline a resource consent in zones with higher levels of amenity which could be adversely affected and areas where illuminated signage is generally not anticipated or completely compatible with the zone.
196. Alternatives considered were:
- **Option 1:** Status Quo: Retain the non-complying status in the above zone chapters.
 - **Option 2:** Proposed Plan Change Option: Relocate illuminated signage rules into the SI chapter and apply a discretionary activity status.
 - **Option 3:** More permissive: Relocate illuminated signage rules into the SI chapter and apply a permitted activity status.
197. Option 2 is considered the most appropriate option for the following reasons:
- Option 1 is not considered to be an efficient or effective option. A non-complying activity status would present a to higher threshold for illuminated signs. The non-complying activity status signals that illuminated signs in the above zones are not appropriate or in any way anticipated. While illuminated signs are generally not expected to be required in the more 'sensitive' residential, living and open space type zones, there are instances (for example, home occupations) where illuminated signage may be appropriate and/or necessary and align with the intent of the policy framework. There a non-complying threshold which make it unnecessarily difficult to assess those circumstances where an illuminated sign may be appropriate in these zones on a case by case basis.
 - Option 2 is the most efficient and effective option. Option 2 best reflects the policy framework for the SI chapter in regards to allowing a consent to be obtained for illuminated signs, however ensuring that appropriate consideration is given to the effects on the zone, traffic safety and amenity. While there will be consenting costs associated with this option, it is necessary to allow for the consideration on a case by case basis against the policy framework to determine whether illuminated signage is appropriate, particularly in these zones where illuminated signage is generally not as readily anticipated. Option 2 also allows Council to impose consent conditions to

manage the effects on the zone and ensure that the illuminated signage will be appropriate in the location that it is proposed.

- Option 3 is not an efficient or effective option. A permitted activity status does not provide an ability to consider the potential effects on the zone in which the illuminated sign would be located or surrounding zones. This option provides no control over the establishment of illuminated signs and no ability to consider what effects it may have in the above zones. This lack of control could compromise the amenity and character of the zones, particularly where this activity is generally not anticipated.
- There are no economic growth and employment opportunities arising from the option for this component of PC82A.
- The costs outweigh the benefits for Options 1 and 3. It is considered that option 2 has greater benefits.
- There is no risk due to insufficient information.

Consolidated Sign Installations (Sign Parks)

198. SI-R19 proposes to provide for “consolidated sign installations” in the WDP as a discretionary activity. “Consolidated sign installations” or otherwise referred to as “sign parks” in the CAS Bylaw are intended to provide a means for consolidating signs associated with activities, services, goods or destinations where they are located off site from these land uses. Off-site location of these signs is commonly established at major intersections or “turn offs” to the location or area containing the advertised uses. Signs may cover a range of goods, services and businesses and may also contain community signs.

199. Currently the CAS Bylaw addresses ‘sign parks’ providing for:

“Sporting, cultural, public amenity or community event signs may be erected in designated Council sign parks only with the approval of the Chief Executive Officer or delegate. Sites are available subject to any terms and conditions the Chief Executive Officer or delegate may specify, including payment of a fee in accordance with Council’s current Fees and Charges schedule.”

200. Identified sign parks at Tarewa, Hatea, Maunu and Riverside, have an associated application form process which limits the types of signs which may be provided and the duration for which they can be displayed.

201. Alternatives considered were:

- **Option 1:** Status quo: no specific provisions for signage parks or consolidated signage where located on ‘public’ (including road) or private land.
- **Option 2:** Proposed Plan Change Option – Discretionary activity status for consolidated sign installations and include a definition for this activity.
- **Option 3:** Provisions for consolidated signage installations (including standards applicable to their establishment) as a permitted activity.

202. Option 2 is considered to be the most efficient and effective option for the following reasons:

- Option 1 is not an efficient or effective option. Having no specific provision for consolidated signage installation does not provide clear direction in the WDP in relation to how these types of signs are provided for and managed.
- Option 2 is the most efficient and effective option. While a discretionary activity status will result in consenting costs and reduced flexibility for sign installations, it is considered necessary to manage consolidated sign installations in signage parks and the associated effects. Including a rule and a definition for consolidated sign installation in the SI chapter provides clear direction for WDP users that the establishment of consolidated signs regardless of its location is subject to a consent requirement in addition to any CAS Bylaw requirements. A discretionary activity status allows consideration of the actual and potential effects on the surrounding environment, the relationship with other signs, the frequency and content of signs. This consent process will mean that consolidated sign installation can be more effectively managed through the consenting process and conditions of consent in addition to the CAS Bylaw (and application process).
- Option 3 is not an efficient or effective option. While it will result in greater flexibility and less compliance costs than Option 2, it does not provide for the adequate consideration of signs being installed in signage parks and the adverse effects associated with a signage park on the surrounding environment.
- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- For the reasons outlined above, it is considered that Option 2 has the greatest benefits. The costs outweigh any benefits for Options 1 and 3.
- There is no risk due to insufficient information.

Other Rules

Appendix 12: Alternative provisions for specific activities

203. Appendix 12 in the WDP includes alternative permitted standards for signage in relation to specific activities listed such as, supermarkets, service stations and drive through facilities. This appendix has been identified by Council staff, and through the review of the provisions, as being confusing to apply due to the drafting, structure and terminology used in the Appendix. In addition, the review identified that providing for increased or more prominent signs associated with particular land uses can result in adverse effects on the character of these areas, and the visual amenity of the suburban centres.
204. The intent of Appendix 12 and the associated provisions is to provide additional signage allowance (as a permitted activity) to activities such as supermarkets, service stations and drive through facilities. The signage limits provided in Appendix 12 are greater in size, number and overall prominence than that which is provided for in the zoning rules. While the zone rules provide for signs subject to limits on the number, overall area and height of the sign(s), the Appendix provides no upper limit for the number of signs (limiting façade signs to 3m²) and enables freestanding or 'primary identification signs' at a height and with an area exceeding that which is enabled in relation to the freestanding signs in the zone rules.

205. PC82A proposes to remove Appendix 12 from the WDP and the references to this Appendix from the zone rules. This is considered to be appropriate in helping to rationalise the provisions and remove difficulties with applying the additional provisions for supermarket, service station and drive through facility activities. Removing the Appendix will create greater transparency with the signage rules as it is likely that consent would be required under the relevant zone anyway and provide greater certainty in managing any adverse effects on the zones in which these activities are located.

206. Alternative options for Appendix 12 are identified below and assessed in detail in table 6 below:

- **Option 1:** Status Quo: Retain Appendix 12.
- **Option 2:** Retain and update the provisions in Appendix 12 and relocate to the SI chapter.
- **Option 3:** Proposed Plan Change Option: Remove Appendix 12 and the provision for additional signage from the WDP.

TABLE 6: EVALUATION OF APPENDIX 12 – ADDITIONAL SIGNAGE PROVISIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<p><u>Environmental</u></p> <p>The provision for increased signage for supermarkets, service stations and drive through facilities above what the zone allows may result in adverse impacts on the character of the areas in which these activities are occurring within, or the adjacent/adjoining zones. This can occur where the establishment of activities involving higher volumes of signage is enabled without a requirement to consider the impact of the signage in relation to the characteristics of the surrounding area.</p> <p><u>Social, Cultural & Economic</u></p> <p>There are no identified social, cultural or economic costs.</p>	<p><u>Economic & Social</u></p> <p>Retaining economic and social benefit in maintaining the approach which Plan users are familiar and not requiring familiarisation with a new regime.</p> <p>Lower consenting and compliance costs for the activities (e.g. supermarkets, service stations) which may require a higher degree of signage than that permitted in the underlying zones.</p> <p><u>Environment & Cultural</u></p> <p>There are no identified environmental or cultural benefits.</p>
Option 2: Retain, Update and Relocate provisions to SI chapter	<p><u>Environmental & Social</u></p> <p>The reformatting of the provisions into the SI chapter does not address the appropriateness of the provisions and the potential for social and environmental costs to occur in relation to the signage provided for with less controls applied.</p> <p>Retaining the additional signage provisions may result in adverse amenity impacts and impacts to the nature and character of the zone in which the activities are located or more sensitive adjoining/adjacent zones e.g. Living Zones.</p> <p><u>Economic & Cultural</u></p> <p>There are no identified economic or cultural costs.</p>	<p><u>Social & Economic</u></p> <p>Benefit to plan users, enabling a clearer understanding of the provisions and therefore their use of implementation.</p> <p>Lower and/or reduced consenting and compliance costs for the activities (e.g. supermarkets, service stations) which require a higher degree of signage than that permitted in the underlying zones.</p> <p><u>Environmental & Cultural</u></p> <p>There are no identified environmental or cultural benefits.</p>
Option 3: Proposed Plan Change - Remove Appendix	<p><u>Economic</u></p> <p>The removal of additional provisions for signs associated with supermarkets, service stations or drive through facilities would likely result in consent being required to be obtained, and for an assessment of the proposed signage to be undertaken to ensure</p>	<p><u>Environmental</u></p> <p>Positive benefit in relating to maintaining the character, nature and amenity of the underlying zone the activity is locating in and reducing any adverse effects on more sensitive adjoining zones.</p> <p><u>Social & Cultural</u></p>

12 from WDP	<p>it achieves the objectives of the SI chapter and WDP more broadly. This cost would be borne by those businesses looking to establish and may result in the costs associated with consenting and compliance.</p> <p>Alternatively, compliance with the more limited zone provisions applicable to other activities locating in the zone would avoid the requirement to seek consent for an infringement but would require a lesser and more controlled degree of signage.</p> <p><u>Environmental, Social & Cultural</u></p> <p>There are no identified environmental, social or cultural costs identified.</p>	<p>Through enabling a more refined assessment of signage there are also identified social and cultural benefits in ensuring that any signage responds positively to the surrounding environment.</p> <p>This option will also enable plan users to more easily identify the relevant provisions and apply them in a more streamlined and rationalised manner.</p> <p><u>Economic</u></p> <p>There are no economic benefits identified.</p>
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1	<p>Option 1 would require the retention of an appendix and reference to this in the provisions in the SI chapter which does not align with the new plan structure. Furthermore, this does not resolve the issues of amenity and 'special' treatment for certain activities within this environment.</p> <p>This option is not considered to be effective in achieving the intent of the objectives and ensuring that signage maintains the character and amenity of the zones in which it is located. This option is efficient to an extent in that it maintains an established approach in the WDP, however it is not considered efficient overall due to the complexity of its application.</p>	
Option 2	<p>Option 2 proposes the incorporation of the provision in the Appendix into the SI chapter, removing the need for the Appendix to streamline the WDP but retaining the general application of the provisions.</p> <p>This option has a similar effectiveness as Option 1, however would be more efficiently applied due to the updated structure of being incorporated into the SI chapter and creating greater consistency and alignment with the NP Standards requirements.</p>	
Option 3	<p>Option 3 involves the removal of the provisions in order to respond to concerns raised regarding the 'fairness' of these provisions and the ability to achieve the stated outcomes in relation to signage in the SI provisions.</p> <p>Option 3 is considered to be more consistent with the structure of the WDP by providing a more streamlined and rationalised approach for plan users through removing unnecessary and confusing provisions. Furthermore, social benefits have been identified in relation to maintaining the character of the underlying and adjoining zones within the district, and ensuring that signage responds positively to the surrounding environment.</p> <p>Option 3 is identified as the most efficient and effective option for achieving the objectives, rationalising the permitted extent of signage, and enabling a better assessment of the impacts of signage throughout the District. In terms of efficiency, this option will be reflected in the provisions in the SI chapter and it will be clear that all activities and signage must comply with the rules for the applicable zone. This will improve the plan usability and implementation for users.</p> <p>Option 3 will enable plan users to more easily identify the relevant provisions and apply them.</p>	
Economic Growth and Employment Opportunities		
<p>Option 2 and 3 would provide the greatest economic growth and employment opportunities through the provision of additional signage allowance. Option 3 would have the least economic growth and employment opportunities due to providing less flexibility for supermarkets, service stations and drive through facilities to have a greater provision for more signage beyond what is permitted in the zones. However, for the reasons outlined above, it is considered appropriate to remove Appendix 12 from the WDP and rely on the zone rules.</p>		
Risk of acting and not acting if there is uncertain or insufficient information		
<p>Option 1 (status quo) implies no change, as such there is little risk in acting to Council in terms of the plan change process. However, there is moderate risk of inaction in the event that the costs identified occur. The risk associated with Option 2 which involves the reformatting of the Appendix into the SI chapter is low. With option 2, the role of the provisions and their application does not change, only the location in which they are identified. The risk associated with Option 3 relates to the opposition to the removal of this enabling provision from the WDP and the ability for particular activities e.g. supermarkets, service stations and drive through facilities to have greater flexibility with the signage that can be established. This is countered by the risk of inaction described in relation to the other two options.</p>		

207. Option 3 (removing Appendix 12 and the additional provisions from the WDP) is considered to be the most efficient and effective option to best achieve the SI objectives and policies.

Definitions

208. The SI objectives seek to provide for signs across a range of zones, while maintaining, or where appropriate enhancing the character and amenity of the surrounding zone and avoiding, mitigating or remedying any adverse effects. As outlined in the sections above, specific rules have been proposed for inclusion within the new SI chapter relating to signs. As such, there is a need for existing definitions to be updated and new definitions included to assist with interpreting and administering the SI chapter.
209. The definitions proposed for inclusion in the SI chapter are instrumental in understanding and applying the provisions. They assist plan users in understanding the provisions and the type of signs referred to in the provisions.
210. Three existing definitions in the WDP are proposed to be rolled over and incorporated in the SI chapter, subject to a few minor wording amendments, specifically to the 'sign' definition in order to align with the NP Standards definitions. The amendments to the existing definitions are needed to address issues which have been identified with the application of the definitions in the past, remove conflict with definitions in the CAS bylaw and avoid duplication with other sign related definitions. The existing definitions proposed to be included in the SI chapter are:

- **Sign –**

(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: ~~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;~~

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 principal 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 objective; 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.*

- **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, ~~t~~The advertising of public, sporting, community, social or cultural events.

211. Six new definitions are proposed to be incorporated to the SI chapter. One definition, 'official sign' is proposed to be introduced in order to align with the NP Standards definitions which are required to be used in District Plans. The remaining new definitions proposed for inclusion are consistent with other definitions for signs in other District Plans throughout the country. The new definitions proposed for inclusion are:

- **Official Sign** – means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.
- **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.
- **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.
- **Road Sign** – means any sign 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.
- **Consolidated Sign Installation** – means a sign which identifies or advertises at least three different businesses, activities, or events (or a combined thereof) within a single permanent structure.
- **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.

212. Alternatives considered were:

- Option 1: Status Quo – Retain the definitions as they appear in the WDP.
- Option 2: Proposed Plan Change – Review and update the definitions in accordance with the NP Standards. This involves the revision of the definitions of 'sign', 'sign area' and 'community sign', and the introduction of 'official sign', 'freestanding sign', 'temporary sign', 'road sign', 'consolidated sign installation' and 'illuminated sign'.
- Option 3: Removal of definitions – Deletion of all definitions from the WDP relating to signs.

213. It is considered that Option 2 represents the most efficient and effective option for the following reasons:

- Option 1 is not an efficient nor effective option. Retaining the status quo definitions without amendment, and not defining those terms which are not currently defined in the WDP would result in confusion and affect the application of the SI rules. The SI rules would be unclear for plan users and potentially lead to issues and inconsistencies with interpreting and applying the SI provisions. Furthermore, some of the existing definitions are not consistent with the NP Standards which require the inclusion of particular definitions.
- Option 2 is the most efficient and effective option. This option will achieve the expectations of the SI chapter as per the NP Standards and best achieve the proposed SI objectives. The definitions provide a clearer expectation for the community as to what is expected in terms of signs in the District and the types of signs being controlled specifically through the WDP. Providing new definitions will also assist in reducing any uncertainties with the consenting process, thus potentially cutting down on any unnecessary costs and delays.
- Option 3 involves the removal of all definitions relating to signs from the WDP. This is not an efficient nor effective option as it would result in the SI provisions being unclear for plan users in their interpretation and application. In addition, plan users would need to refer to chapter 4 and then determine the best practice approach to the interpretation of these terms, potentially referencing third party documents. This method is considered to be inefficient and does not provide a clear rule framework for plan users to follow.
- There are no economic growth and employment opportunities arising from the options for this component of PC82A.
- Option 1 and 3 are considered to have too many costs which outweigh the benefits. Option 2 has greater benefits.
- There is no known risk due to insufficient information.

5. Consequential amendments

214. As a result of providing a separate chapter for 'Signs' (SI) a revision of the provisions and controls across the WDP is required.
215. Broadly this involves:
- Amendment to Part B – Introduction – Meaning of the Words
 - Deletion of the signage policies in Part C- Policies: Chapter 5- Amenity values
 - The deletion of the signage provisions as included in Part G – Environments (Zone Rules).
 - Deletion of the specific policies and rules for signage in Chapters HH/BH.
 - The deletion of Appendix 12.
216. These changes are considered to be required to implement the proposed SI provisions which have been assessed as the most efficient and effective way for achieving the objectives. An analysis of the options associated with WDP structure is discussed in previous sections.

217. It is considered that these consequential changes are necessary and represent the most efficient and effective approach to achieving the proposed objectives.

6. Conclusion

218. PC82A has been developed as part of the Urban and Services plan changes to review the existing provisions relating to signs in the WDP. The review of these provisions has identified that the existing provisions require some revision and restructuring.
219. The proposed SI chapters has been prepared in order to align with the NP Standards which require a District Wide chapter for signs. Pursuant to s32 of the RMA, two proposed SI objectives have been developed, and analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
220. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness, and risk in accordance with the relevant clauses of S32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to signage, and managing the effects of signs on the surrounding environment.

Appendix 1: Table Reviewing Options for Various Provisions

Options for Review: Method for Managing/Controlling Signage	Option 1- Status Quo	Option 2- Revised Bylaw and District Plan Method	Option 3- District Plan Only	Option 4- Bylaw Only	Benefits			Costs		
					Environmental	Economic	Social/Cultural	Environmental	Economic	Social/Cultural
As with option 3 the ability to manage all signage through one 'tool' or regime is beneficial in terms of consistency and ability for 'new' Plan users to understand the approach. This may result in a positive environmental outcome through increased application and adherence to the rules.	The status quo indicated no change, as such no additional environmental benefits are identified.	All aspects of signage are able to be considered more effectively in relation to the objectives in the WDP and the adverse effects. This approach to the consideration of permanent signage also enables a more comprehensive consideration of cumulative effects. Both in relation to signs on one site and their relationship to the wider street scape.	The ability to consider all signage and therefore the effects on amenity and on the health and safety of people through one tool with a common regulatory process and objectives would have the potential to achieve a beneficial environmental outcome.	The ability to consider non-compliance in relation to all signs through the RMA process ensure that the outcomes identified in the WDP are achieved, resulting in environmental benefits.	The cost of applications for 'dispensation' under the Bylaw are less costly than the resource consent process.	The cost of applications for 'dispensation' under the Bylaw are less costly than the resource consent process.	The same benefit is identified for this option as Option 3- People will become familiar with the use of one statutory tool for managing signs, this may assist people with their understanding of where to identify the relevant controls.	This option involves the potential for decreased litigation costs to the Council and as a result the public due to the Bylaw decision making process.	The enforcement tools associated with the Bylaw do not enable the same ability to consider adverse effects, therefore there is the potential for adverse effects in term of visual amenity to result.	The use of a Bylaw may not achieve or be as efficient at implementing the policy framework, as this tool is removed from the RMA decision making process and where applications for dispensation are sought it is not the same consideration had as that which would be under the RMA framework.
	The status quo represents a familiar approach and as a result may be considered to be economically beneficial to continue with this approach.	This approach achieves economic efficiencies in terms of the cost of processing applications under both the Bylaw and WDP.	A less complex regime may enable a more efficient process for both Council and applicants this has the potential for economic efficiencies.	People will become familiar with the use of one statutory tool for managing signs, this may assist people with their understanding of where to identify the relevant controls.						
	The status quo is familiar to Plan users, no change in this approach may benefit those who are familiar with the current process.	The WDP is not overly complicated by needing to provide for and include reference to a wider variety of signs including many temporary signs (such as electoral signs).	The community has a greater opportunity to challenge whether the rules for all sign types and any decisions on resource consent applications are consistent with or promote the objectives of the plan and are avoiding, remedying or mitigating the adverse effects.	There are no particular identified environmental costs associated with this option which enables the consideration of all signs subject to the policy framework in the WDP.						
	The continued application of provisions which have identified issues will continue to result in the adverse effects on the amenity of the environment which have resulting social and economic impacts.	Plan users retain the benefit of consideration through the RMA for more complex situations involving permanent signage installations which merit a more detailed consideration of the policy framework and of adverse effects.	Temporary signs are more efficiently managed and dealt with through the Bylaw process, enabling timeframes to be achieved and compliance issues to be resolved in relation to temporary signs.	Temporary signs do have the potential to generate adverse effects, however the potential adverse effects are not considered to be any greater than option 1.						
The key costs associated with a revised approach is the requirement for consent applications for signs which may have not previously be captured for consent where they are located within the road reserve.	The continued application of provisions where dual approval will be required which will require application to be made to both the Council and potentially NZTA where signs are located within the road or in proximity to the State Highway.	There also may be instances where temporary signs do have temporary effects on amenity values and therefore negatively impact on the community.	Plan users will need to familiarise themselves with a new regulatory regime.	As with option 2 there remain instances where dual approval will be required which will require application to be made to both the Council and potentially NZTA where signs are located within the road or in proximity to the State Highway.	The potential for community involvement in decision making processes would be considerably lessened than that which is enabled under the resource consent process and would have a lesser opportunity to challenge if decisions are consistent with the objectives and policy framework.	Equally those seeking to install signage have a more limited ability to challenge decisions made in relation to the Bylaw.	Plan users will need to familiarise themselves with a new regulatory regime.	The potential for community involvement in decision making processes would be considerably lessened than that which is enabled under the resource consent process and would have a lesser opportunity to challenge if decisions are consistent with the objectives and policy framework.	Equally those seeking to install signage have a more limited ability to challenge decisions made in relation to the Bylaw.	Plan users will need to familiarise themselves with a new regulatory regime.

Efficiency & Effectiveness	Risk of Acting/not acting	Overall	
<p>The status quo is not considered to be effective or efficient due to the issues identified.</p>	<p>Information relating to this option is clear and sufficient to understand the issues.</p> <p>The risk associated with this option is high due to this option being assessed as failing to give effects to the objectives due to the identified issues and costs.</p>	<p>Overall the status quo has a number of issues identified with its application which have been identified in section 1.0 of the report. These issues result in this option being considered neither effective or efficient. The revision of the option has resulted in the approach considered under option 2.</p>	<p>Option 2 retains the dual approach with which the District is familiar (and neighbouring districts) and enables the effective management of signs through the WDP and Bylaw to maximise efficiencies in relation to consenting and compliance while ensuring that the regime will achieve the objectives. The benefits of this dual approach are considered to outweigh the potential costs and the risk identified with this option is considered to be low to moderate due to the familiarity of the dual method and the proposed interaction of the two statutory tools.</p> <p>Option 2 is the preferred option and is considered the most effective and efficient in achieving the objectives.</p> <p>This option ensures the consideration of all signs in relation to the objectives of the WDP and as a result has the potential to ensure good environmental outcomes. The use of the WDP only also has identified costs both in terms of resource consent applications but also with respect to the compliance process associated with this option and may have reduced efficiency where consent continues to be required from the local authority for the location of signs in public areas and from road controlling authorities. On balance the benefits are outweighed by the costs and this approach is not considered to be the most efficient and effective.</p>
<p>While this option has some identified efficiencies in terms of the process for applying for dispensation or for undertaking enforcement action it is not considered to effectively achieve the objectives.</p>	<p>Information relating to this option is clear and sufficient to understand the issues.</p> <p>There is a moderate to high risk associated with the management of signs subject to the Bylaw alone due to the potential costs associated with the ability for this option to achieve decision making which is consistent with the objectives.</p>	<p>The use of a Bylaw to manage signage through the District has identified benefits in terms of the efficiency of the process but also have significant risks and costs associated with the ability for this option to achieve the objectives. Social costs are identified through the lack of participation in decision making and in relation to the manner in which decisions can be challenged.</p> <p>While there is merit in apply one regime this is outweighed by the potential costs and the option is not considered to effectively and efficiently achieved the objectives.</p>	<p>The use of the WDP and RMA regime to consider those signs which potentially have the greatest impact on amenity values while enabling the use of temporary signage through the Bylaw is an effective means of implementing the objectives. This approach is also considered to be efficient as it enables temporary signs to be managed both in terms of approval and compliance in an efficient manner while ensuring that signs which merit a more detailed consideration are subject to this consideration and may be managed through the RMA compliance process.</p> <p>Information relating to this option is clear and sufficient to understand the issues.</p> <p>The risk associated with this option are low to moderate as it introduces a new regime which Plan users will need to familiarise themselves with and requires review of the CAS Bylaw which will need to be undertake to ensure the effective relationship between the two tools.</p> <p>Option 2 is the preferred option and is considered the most effective and efficient in achieving the objectives.</p> <p>This option ensures the consideration of all signs in relation to the objectives of the WDP and as a result has the potential to ensure good environmental outcomes. The use of the WDP only also has identified costs both in terms of resource consent applications but also with respect to the compliance process associated with this option and may have reduced efficiency where consent continues to be required from the local authority for the location of signs in public areas and from road controlling authorities. On balance the benefits are outweighed by the costs and this approach is not considered to be the most efficient and effective.</p>

Plan Change 82B: Lighting

Section 32 Evaluation Report

March 2019

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List of Abbreviations

Alfresco Dining Policy	ADP
Coastal Marine Area	CMA
Department of Conservation	DoC
Environmental Engineering Standards 2010	EES
Infrastructure and Services	I&S
Land Transport Act	LTA
Liquor Licensing Policy	LLP
Local Government Act 2002	LGA
Long Term Plan	LTP
National Environmental Standards	NES
National Environmental Standard for Assessing and Managing	
National Planning Standards	NP Standards
National Policy Statements	NPS
National Policy Statement on Urban Development Capacity	NPSUDC
New Zealand Coastal Policy Statement	NZCPS
Noise and Light	NL
Operative Regional Air Quality Plan	RAQP
Operative Regional Coastal Plan	RCP
Operative Regional Water and Soil plan	RWSP
Plan Change 82B	PC82B
Proposed Regional Plan	PRP
Public Places Bylaw	PPB
Regional Policy Statement	RPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Standards – District Wide Matters	S-DWM
Whangarei Urban Growth Strategy	UGS
Whangarei District Council, Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Weekend and Night Time Economy Strategy	WNTE

1. Introduction

1.1 Overview

1. This report is in relation to proposed changes to the Operative Whangarei District Plan (**WDP**) seeking to review the provisions relating to artificial lighting, as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the artificial lighting provisions. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the artificial lighting provisions in terms of how they are understood and applied.
3. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

4. Plan Change 82B (**PC82B**) involves the review of the lighting provisions in the WDP and the introduction of a new lighting chapter into the WDP. Currently these provisions are located across a number of plan chapters including, the 'meaning of words', policies in chapter 5- Amenity values, plan provisions across the various zone chapters. Artificial lighting provisions are also located in the Subdivision Rules for the Living, Business Town Basin, Marsden Point Port, Port Nikau and Airport Zones and the requirement for the provision of lighting in Chapter 47 Road Transport Rules. The review also includes Appendix 15.
5. PC82B proposes the deletion and replacement of the various WDP provisions with one plan chapter for Artificial Lighting referred to as the '**NL**' chapter. This report provides a review and assessment of the proposed objectives, policies and methods or rules for the NL chapter.
6. PC82B is part of a comprehensive package of plan changes encompassing area specific zoning matters and district wide matters for Whangarei District. As a collective package the plan changes will introduce new zone chapters, with objectives, policies and rules; new district wide chapters, with objectives, policies and rules; changes to the Planning Maps; new definitions and consequential changes to the WDP. PC82B has been drafted to be consistent with the overall approach and format of the plan change package. The proposed plan changes are listed below and a s32 report has been prepared for each plan change to evaluate the matters relevant to that topic.

Proposed zoning plan changes

- Plan Change 88 – Urban Plan Changes Technical Introduction
- Plan Change 88A – City Centre Zone (PC88A)
- Plan Change 88B – Mixed-use Zone (PC88B)
- Plan Change 88C – Waterfront Zone (PC88C)

- Plan Change 88D – Commercial Zone (PC88D)
- Plan Change 88E – Local Commercial Zone and Neighbourhood Commercial Zone (PC88E)
- Plan Change 88F – Shopping Centre Zone (PC88F)
- Plan Change 88G – Light Industrial Zone (PC88G)
- Plan Change 88H – Heavy Industrial Zone (PC88H)
- Plan Change 88I – Living Zones (PC88I)
- Plan Change 88J – Precincts (PC88J)
- Plan Change 115 – Green Space Zones (PC115)
- Plan Change 143 – Airport Zone (PC143)
- Plan Change 144 – Port Zone (PC144)
- Plan Change 145 – Hospital Zone (PC145)

Proposed district wide plan changes

- Plan Change 148 – Strategic Direction and Subdivision (PC148)
- Plan Change 109 – Transport (PC109)
- Plan Change 136 – Three Waters Management (PC136)
- Plan Change 147 – Earthworks (PC147)
- Plan Change 82A – Signs (PC82A)
- Plan Change 82B – Lighting (PC82B)

2. Background

2.1 Background – Artificial Lighting

What is Artificial Lighting and what are the Main Characteristics

7. Artificial lighting involves the use of light sources to illuminate areas, most commonly during times of low light such as night time or where a certain light level is required in relation to specific activities. For example, sport stadia requiring lighting to enable live broadcasting and street lighting provided to enable the safe use of the road networks. Artificial lighting is used at a domestic scale for various reasons including:
 - For flood lighting;
8. To illuminate areas associated with residential properties;

- Security 'sensor' lighting;
 - Lighting associated with landscaping and outdoor activities such as tennis courts.
 - Outdoor artificial lighting may also be provided for a number of other reasons including:
 - To provide a safe working environment at night on construction sites, or where industries require activities to occur outside, after daylight hours.
 - To provide adequate illumination for the safe movement of vehicles or pedestrians along road corridors, cycleways, shared paths or walkways. Lighting may also be required for navigational purposes such as leading lights associated with marine transport, airports or aviation activities.
 - For security purposes to deter intruders from entering an area and/or enable surveillance.
 - To enhance the night appearance of architectural or historical features on buildings or within gardens, parks or landscaped areas.
 - For advertising, promotion or display of goods and services in shop windows, or through the illumination of signs or other displays.
9. Artificial lighting is often subject to a number of complaints due to its high visibility at night. Outdoor lighting generally produces some impact onto the surrounding environment. The requirement to provide adequate lighting for the functionality of the area can be in conflict with the containment of light spill, as illumination may be required in a volume of space i.e. to illuminate a ball in a football training ground, rather than direct illumination onto the horizontal surface. In all cases, good design and the correct choice of lighting fixtures and lamps can mitigate the impact of lighting on the surrounding environment.
10. Artificial lighting is generally measured in candela with special measuring techniques applied to measure how many candelas are emitted in any one direction. Light from a luminaire (or single light source) may be emitted in any direction, this is controlled and directed by the fixture or fitting in which the luminaire or luminaires are housed. The amount of light (lumens) falling onto a surface is known as illuminance and is measured in lux (which is lumens/square meter) which is relatively easy to measure, and is generally referred to as light spill. Illumination levels can vary considerably. The following are general illuminance values:
- Direct sunlight – approximately 100,000 lux;
 - An office desk area – 400-500 lux;
 - An average domestic lounge – 50-75 lux;
 - A road intersection – 10 lux; and
 - Direct moonlight – approximately 0.1-0.5 lux.
11. The other characteristic associated with artificial lighting is glare. There are two classes of glare (discomfort glare and disability glare), both a result of viewing a bright light source against a darker background. Discomfort glare causes visual discomfort without necessarily causing visual impairment, while disability glare impairs the ability to see detail.
12. Glare is more difficult to measure than light spill because the evaluation of glare is highly subjective. Factors such as distance, angle of view, size of the light source and background luminance all contribute to the effect, and glare is usually evaluated by calculation rather than measurement as light intensity in any given direction needs a luminance meter to enable measurement. This is an expensive instrument

which is not readily available and the use of which generally requires a professional Illumination Engineer.

WDP Approach

13. The WDP provisions which apply to artificial lighting are currently located across several sections within the WDP. The policy direction relevant to the use or requirement for artificial lighting is primarily located within the following general chapters:
 - Chapter 5 - Amenity Values;
 - Chapter 6 - Built form and Development; and
 - Chapter 8 - Subdivision and Development.
14. Inclusions in other 'higher order' WDP chapters are also applicable in relation to those policies which apply to particular Resource Areas and specific locations within the District. An analysis of the 'higher order' plan provisions is included at section 3.4.
15. Rules relating to the management of lighting are included in each of the Environment¹ rules chapters and apply in relation to the specified Environment. Appendix 15 of the WDP includes an illustration of the permitted activity standard which is linked to the rules in the Environment chapters. Overall, the approach in the WDP is to:
 - Permit lighting required under health and safety legislation.
 - Permit street lighting, navigational lighting and traffic signals.
 - Require all other lighting to comply with a set of criteria relating to lux, shielding of the light source, the nature of the light (not to be flashing or moving).
 - Enable lighting on vehicles associated with mineral extraction and related activities, or flashing beacons in accordance with the Land Transport Road Use Rule 2004.
 - Require lighting to comply with the New Zealand Standards Series 1158/1996.
 - Rules in the Subdivision section of the WDP require street lighting to be provided which complies with the Whangarei District Council's Environmental Engineering Standards 2010 and provisions in Appendix 9.
 - Chapter 47 of the WDP contains rules which require loading and parking areas, in a Business Environment, to be illuminated to a maximum maintained level of 5 lux.
16. These controls essentially function to limit and control the effects of artificial lighting (light spill) and require that lighting be provided at certain points during the development of land.
17. Illuminated signs are not subject to the artificial lighting controls and are solely managed through the signage provisions in the WDP.

¹ The WDP currently refers to zones as "Environments."

2.2 Resource Management Issues

18. Sections 2.2.1 – 2.2.2 discuss the following key resource management issues in relation to Lighting.

- Incompatible land uses; and
- Crime Prevention and perceived safety.

Incompatible land uses

19. Artificial lighting, while required to enable activities to safely and efficiently take place after dark, may also result in light spill and glare where lights are not appropriately or well angled, shaded and controlled. Artificial lighting is generally a requirement or result of an activity taking place at a site, or associated with an activity. As such, lighting is often just one component of a variety of other attributes such as noise, which may be associated with an activity occurring in low light or after dark. The management of activities in proximity to one and another to avoid incompatibility of land uses is instrumental in managing actual or potential adverse effects.

20. The main effects associated with artificial lighting are generally related to instances where the lighting becomes 'obtrusive' or impacts on other values, such as:

- Light spill or glare impacting on the amenity of neighbouring properties or land uses. This includes effects between sites which have a similar land use (residential to residential), and between differing land uses for example, a stadium in a Business Environment impacting a Living Environment. Effects may include abnormal brightness on walls, external facades or gardens and can lead to disturbance of sleep patterns impacting on human health.
- Light spill or glare adversely affecting drivers or users of roads, through distraction, or the deterioration of the ability to view essential information, such as traffic safety or directional signs.
- Ability to view the night sky is diminished through an artificial 'sky glow effect' causing deterioration of the night sky viewing and astronomical observations. This has the ability to impact on the enjoyment surrounding night viewing of the sky.
- The introduction of lights into environments or landscapes which are predominantly 'dark' is often more noticeable and can impact on viewer's perception of the environment and its overall character.

21. The type and design of lighting and the context or setting in which it is located plays an important role. Where lighting is located in areas with a darker background, or little to no other external lighting, the contrast between the artificial lighting and the background will be more noticeable and the light may be perceived to appear 'brighter'. Shielding of lights, the type of light and their height and angle also contribute to the impacts associated with artificial lighting.

22. As discussed in the Focus Environmental report (**Focus Report**) at **Appendix 1**, exterior lighting is often perceived to be the main issue because it is highly visible, which by its nature it needs to be in order to enable lighting of intended night time activities.

23. Many activities which occur in low light or after dark require artificial lighting to enable them to occur safely and efficiently. Examples of this may include:
- Lighting to enable pedestrians to safely navigate footpaths and parking areas;
 - The lighting of cycleways, shared paths or walkways;
 - Lighting at roading intersections to improve traffic safety;
 - Lighting for navigational purposes or aircraft, sports games and activities taking place after dark where light is needed to enable play;
 - Lighting of construction activity areas or repairs to utility services; and
 - Lighting of public areas within the central city to create a vibrant sense of place.
24. In addition to the effects of light spill and glare, there are other related considerations linked to artificial lighting, including the perceived safety that lighting provides and the sustainable use of lighting. Safety considerations relate to the use of lighting after dark, creating a perception of safety and encouraging use of public areas or pathways for example. If these areas are not well monitored, overlooked or well populated this can lead users to perceive an area as being 'safe' to frequent after dark when in fact there may be a safety or crime risk, and the use of artificial lighting needs to be carefully considered in this context.

2.3 Consultation

2.4.1 Consultation with Council Staff

25. Consultation with WDC staff regarding lighting issues and the provisions took place in early 2017. The consultation involved staff from the Resource Consents, Compliance and Monitoring, Infrastructure and Services (**I&S**) and Bylaws divisions of Council. A series of workshops were held to discuss specific issues and experiences with the provisions in the WDP. This has resulted in the following feedback being provided and key issues identified:
- A general preference was expressed for all lighting related controls to be located in one section within the WDP. The section should incorporate the relevant technical standards but avoid unnecessary technical jargon to assist with understanding and application.
 - The current lighting controls in the WDP were considered to be appropriate and did not appear to impose onerous restrictions on activities, nor result in high numbers of compliance issues. However, the complexity of measuring and assessing glare was identified as a limiting factor.
 - Concerns were raised in relation to inadequate lighting within public spaces, such as car parking areas on private sites, which is currently required by Chapter 47 of the WDP but is poorly implemented. In addition, Whangarei's central business district (Bank Street and the surrounding street network) was identified as lacking in the provision of street lighting.

- Inconsistencies were identified in the design and performance of street lighting installed by private developers, which in turn creates maintenance and compliance issues for WDC. As such, consistency and clarity surrounding lighting performance standards is sought and clarification on whether the lighting provisions of the WDP applied to street lights within the road reserve that complied with the relevant standards.
 - Lighting complaints received by WDC primarily related to light spill/glare from street lights on residential properties (particularly in semi-rural areas), highlights an ongoing conflict between providing for traffic safety and maintaining amenity levels for residents. Complaints were also received regarding lighting in undeveloped conservation areas administered by Department of Conservation (DoC) and those used for amenity/landscaping purposes within close proximity to neighbouring properties. Shielding of the light source was identified as being instrumental in resolving the latter situation.
26. All feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting.

2.4.2 Consultation with Stakeholders

27. The proposed provisions (objectives, policies and rules) developed for PC82B were released for draft consultation in October 2017, the consultation period closed on 10 November 2017. Four formal responses were received through the consultation process. Ongoing consultation has also been undertaken involving presentations to Councillors and the Te Karearea partnership along with internal WDC staff departments. In addition, the reference documents were released for public consultation which closed on Friday 22 March 2018. No feedback or comments were received on the reference material.
28. The feedback has identified several areas where clarification or minor amendments to the provisions were sought and identified some key themes to be considered in the further development and refinement of the NL provisions. The feedback included:
- The development of a single artificial lighting chapter, the proposed objectives, and the intended policy direction surrounding the provision of artificial lighting for health and safety and security purposes was generally supported.
 - The effects on human health resulting from artificial lighting use, including impacts on sleeping patterns, were highlighted as a primary concern. Respondents also sought that artificial lighting provisions recognise and provide for various types of lighting, noting particular roading or security lighting often does not comply with the shielding standards. The shielding of lighting is discussed in section 4.7 of this report.
 - Although reliance on Standard AS/NZS1158 was generally supported, the selection and use of specific standards in the proposed provisions was questioned, noting several standards are currently undergoing review. An analysis of the applicable standards and other tools utilised to support PC82B are discussed in section 4.7 of this report.

29. This feedback was summarised and presented back to the Council's Planning Committee, and has been incorporated into the drafting of the plan change.

2.4 Background Research and District Plan Comparisons

30. To assist with the drafting and development of the NL chapter, background research and comparisons with other district plans was undertaken. This research was used to inform the NL provisions.
31. A desktop review and research of the WDP provisions relating to artificial lighting began in September 2016. A technical review was undertaken by Focus Environmental. A further report including relevant technical explanations is appended to this report (**Appendix 1**) and referred to as the 'Focus Report'. In addition, consent statistics were sought. Initial findings were that the provisions in the WDP:
- Were repetitive as a result of being located across the various Environments.
 - Lacked clear links to policy and objectives.
 - Limited application of the artificial lighting provisions.
 - Included dated technical standards in relation to lighting and applied the A/NZS 1158 series on standards to all lighting.
32. In addition to the background desktop research the following District Plans were reviewed for comparisons:
- Far North District Plan.
 - Kaipara District Plan.
33. The key findings included:
- Artificial lighting is managed through the district plan provisions, using a measure of lux at the property boundary.
 - A curfew is used to apply differing lux limits between different hours of the day, generally between 22:00 and 07:00.
 - The AS/NZS 1158 is referenced in some plan provisions but not others.

3. Statutory Considerations

34. The WDP sits within a layered policy framework, which incorporates the National Policy Statements (**NPS**), National Environmental Standards (**NES**), Iwi Management Plans, Regional Policy Statement (**RPS**), Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC82B are discussed below.

3.1 National Policy

National Policy Statements

35. Section 55 of the RMA requires local authorities to recognise NPS and Section 75 requires local authorities to give effect to them in their plans. There are currently five NPS:
- National Policy Statement on Urban Development Capacity;
 - National Policy Statement for Freshwater Management;
 - National Policy Statement for Renewable Electricity Generation;
 - National Policy Statement on Electricity Transmission; and
 - New Zealand Coastal Policy Statement.
36. The NPS for Urban Development (**NPSUDC**) identifies the role that urban areas play in accommodating New Zealand's population. The NPSUDC requires local authorities to plan for, monitor and facilitate urban development, responding to the growth and development needs of their urban areas. A component of this is the provision of infrastructure to service and support this anticipated growth.
37. The NPSUDC requires adequate provision of development infrastructure and other infrastructure to support the development of land. With regards to this plan change, development infrastructure as defined under these regulations and includes network infrastructure for land transport, which in turn includes *infrastructure, goods, and services - the primary purpose of which is to improve public safety in relation to transport on land by any means*. As such, it is considered that roadside street lighting is included within the definition of development infrastructure under the NPSUDC.
38. With regards to the provision of street lighting in particular, given the relatively non-invasive and contained construction footprint associated with these structures, it is not anticipated that there will be any significant barriers to the provision of street lighting for future development proposals within the District. Nor will constraints relating to lighting levels and glare reduce the ability to develop land within the District. The WDP outlines requirements for subdivisions to provide street lighting and requires all street lights to be constructed in accordance with Council's Environmental Engineering Standards (**EES**). While these regulations relate to the provision of such infrastructure, the provisions of this plan change will identify appropriate lighting levels and designs to ensure the effects of street lighting are appropriately managed.
39. PC82B requires the provision of artificial lighting, including street lighting, and establishes controls to manage the design and effects of light spill and glare. The provisions of PC82B are not considered to restrict the installation of such infrastructure, and as such are considered to be consistent with the NPSUDC.
40. The New Zealand Coastal Policy Statement (**NZCPS**) identifies the importance of protecting and maintaining the characteristics and amenity of the coastal environment and it is necessary to consider the NZCPS in relation to PC82B. The purpose of the NZCPS is to state policies regarding the management of natural and physical resources in the coastal environment, in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.
41. Objectives and policies (Objective 2, Policy 9 and Policy 13) in the NZCPS focus on the protection of natural character and management of the coastal environment from inappropriate use and development,

while enabling people and communities to provide for their social, economic and cultural well-being which are applicable to lighting. PC82B is intended to be consistent with the NZCPS as the objectives and policies of the NL chapter seek to provide for the use of artificial lighting while controlling the direction and intensity of lighting sources in order to reduce adverse effects on the natural character of the coastal environment. PC82B also acknowledges that certain coastal facilities require artificial lighting for health and safety purposes, e.g. marinas and the Port. By providing policy support for such lighting requirements, provided the applicable lighting standards are adhered to, it is considered that PC82B gives effect to the NZCPS.

42. The NPS for Freshwater Management, Renewable Electricity Generation and Electricity Transmission are not directly relevant to this plan change.

National Environmental Standards

43. Section 44 of the RMA requires local authorities to recognise NES. There are currently six NES:
- National Environmental Standards for Air Quality.
 - National Environmental Standard for Sources of Drinking Water.
 - National Environmental Standards for Telecommunication Facilities.
 - National Environmental Standard for Electricity Transmission Activities.
 - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.
 - National Environmental Standards for Plantation Forestry.
44. Upon review it is considered that there are no NES relevant to this plan change.

National Planning Standards

45. The Government is introducing a set of draft National Planning Standards (**NP Standards**), which are intended to make council plans and policy statements easier to prepare, understand, compare and comply with. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content. The NP Standards were introduced as part of the 2017 amendments to the RMA and will be implemented between April 2019 – April 2024.
46. Under the draft NP Standards, all local authorities must implement the District Wide Matters Standard (**S-DWM**). Noise and Light (**NL**) is listed as a general district-wide matter to be incorporated into district plans.
47. PC82B is proposing to implement the S-DWM for NL to achieve consistency with the draft NP Standards.

3.2 Legislation

Local Government Act 2002

48. The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of

protecting the public from nuisance, protecting, promoting, and maintaining public health and safety, minimising the potential for offensive behaviour in public places. Sections 146 and 147 provide for the creation of more specific bylaws.

49. The Whangarei District has several bylaws² some of which have a greater relevance to the management of lighting within the District. The Public Places Bylaw 2014 is the most relevant for the consideration of provisions for lighting in the WDP.

Council Bylaw – Public Places Bylaw 2014

50. The Public Places Bylaw (**PPB**) requires any excavations or obstructions located in public places to provide appropriate lighting for safety purposes. The bylaw seeks to protect the public from nuisance and to support health and safety in public places.
51. PC82B is consistent with the PPB as the provisions of the NL chapter look to provide for artificial lighting within public places, with specific standards imposed for road lighting, and for activities requiring lighting for health and safety purposes. The NL chapter requires artificial lighting activities to demonstrate compliance with the relevant standards and legislation in order to support the safety of people, property and to maintain public pedestrian and traffic safety.

Land Transport Act 1998

52. The Land Transport Act (**LTA**) is applicable to the management of structures, lights and signs within road corridors and looks to promote safe road user behaviour and vehicle safety.
53. The proposed NL objectives seek to provide for the provision of artificial lighting to support the safety of both road users and pedestrians, provided the appropriate lighting standards are adhered to. Recognising the importance of creating a well-lit, accessible roading network is a key consideration for PC82B and as such, the proposed NL chapter is considered to align with the intent of the LTA.

Artificial lighting required or reference in other legislative tools

54. There are a number of Acts and Regulations that may be applicable in relation to health and safety lighting. These Acts and Regulations include but are not limited to:
- Health and Safety at Work Act 2015
 - WorkSafe New Zealand Act 2013
 - Mines Rescue Act 2013
 - Crown Entities Act 2004

² Alcohol Fees Bylaw 2016, Control of Vehicles on Beaches Bylaw 2009, Dog Management Bylaw 2013, Fires in the Open Air Bylaw 2015, Food Businesses Grading Bylaw 2016, Hawkers, Mobile Shops, Stands & Stalls Bylaw 2005, Liquor Management Bylaw 2011, Parking and Traffic Bylaw 2009, Public Places Bylaw 2014, Control of Advertising Signs Bylaw 2014, Solid Waste Management Bylaw 2013, Speed Limits Bylaw 2005, Stormwater Management Bylaw 2014, The Keeping of Animals, Poultry and Bees Bylaw 2007, Trade Waste Bylaw 2012, Wastewater Bylaw 2014, Water Supply Bylaw 2012

- Hazardous Substances and New Organisms Act 1996
 - Electricity Act 1992
 - Gas Act 1992
 - Civil Aviation Act 1990.
55. Lighting may be required both on a permanent or temporary basis across a range of environments. One example is that which is discussed in the *Focus Report*, in relation to construction activities.
56. As stated previously, maintaining the health and safety of people and communities is a key consideration for PC82B. As such, the NL chapter seeks to provide relatively permissive standards relating to the provision of artificial lighting within the District, provided the requirement to do so and compliance with the appropriate health and safety legislation and standards can be demonstrated. Road lighting and lighting associated with mineral extraction activities and navigation are specifically provided for within the NL chapter to ensure such activities are assessed against the appropriate standards and that safety is not compromised by amenity controls.
57. Overall, having reviewed each document and taking into account all of the provisions of the proposed NL chapter, it is considered that the proposed objectives for PC82B are consistent with the intent of the legislation listed above.

3.3 Regional Policy

Northland Regional Policy Statement (RPS)

58. The RPS provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making. The RPS became operative on 9 May 2016.
59. The RPS does not contain any references or objectives specific to lighting, however the 'Regional Form Development Guidelines' and 'Regional Urban Design Guidelines' have been strongly reflected in the RPS through relevant objectives, policies and methods. The relationship between urban design, amenity values, health and safety, and the vibrancy of town centres are all relevant to this proposed plan change. The following RPS references are noted in relation to PC82B:

Objective 3.6 deals with Economic activities – reverse sensitivity and sterilisation in relation to primary production activities, industrial land uses, mining, existing and planned regionally significant infrastructure.

Objective 3.7 refers to recognition and protection of regionally significant infrastructure: "Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing."

Objective 3.11 refers to regional form, seeking that Northland has sustainable built environments that effectively integrates infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices. The explanation associated with this

objective acknowledges that rural settings are largely made up of businesses (including but not limited to primary production and their support industries) and the objective seeks development that is compatible with surrounding uses and values, is served by an appropriate level of infrastructure, and is appropriate within the context of the surrounding environment.

Objective 3.14 refers to natural character, outstanding natural features, outstanding natural landscapes and historic heritage. The objective requires that the qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins; the qualities and characteristics that make up outstanding natural features and outstanding natural landscapes; and the integrity of historic heritage are identified and protected from inappropriate subdivision, use and development.

Appendix 2 contains regional development and design guidelines one of which specifies: "...New subdivision, use and development should: ...(p) Adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater storage and grey water recycling techniques; ..."

60. These references to the character and amenity values, the need to support economic activities, regionally significant infrastructure and ensure good regional form, encouraging renewable energy and energy conservation are broadly relevant to the management of artificial lighting within the District.
61. Having reviewed the RPS in its entirety, it is considered that the proposed objectives for PC82B give effect to the objectives in the RPS for the following reasons:
 - The proposed NL objectives provide for the use of lighting in relation to a variety of activities across the zones in a manner which enables these activities to occur while requiring externalised adverse effects to be managed.
 - The proposed NL objectives refer to the need to avoid and mitigate effects on infrastructure which is identified in the RPS as a physical resource, so as to support the continued function of the infrastructure enhancing Northland's economic, cultural, environmental and social wellbeing.
 - Proposed objective NL-O1 Provision of Lighting, supports Objective 3.11 in the RPS which refers to regional form. This RPS objective seeks that built environments effectively integrate infrastructure with subdivision and that development is compatible with surrounding uses and values and is served by an appropriate level of infrastructure within the context of the surrounding environment.
 - Objective 3.14 in the RPS refers to natural character, outstanding natural features, outstanding natural landscapes and historic heritage to be identified and protected from inappropriate subdivision, use and development. This is reflected in the proposed NL objectives.

Regional Plans

62. There are a number of regional plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan.

63. The Regional Water and Soil Plan (**RWSP**) and Regional Air Quality Plan (**RAQP**) contain no specific objectives, policies or rules which relate to artificial lighting and PC82B.
64. In the Operative Regional Coastal Plan (**RCP**), lighting is a matter included for consideration in relation to aquaculture activities and with respect to the placement of structures within the Coastal Marine Area (**CMA**). Lighting is also subject to a general performance standard (31.3.13 in RCP) as outlined below:
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
 - (i) a hazard to navigation and safety; or
 - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
 - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.³
65. In addition, in the Marine 3 (Marine Farming) Management Area there is also an additional clause requiring that lighting does not create “...an inconsistency with the Maritime New Zealand document “Guidelines for Aquaculture Management Areas and Marine Farms” produced in December 2005 (and any subsequent relevant amendments).”
66. PC82B has been developed to take into account relevant health and safety standards and to comply with the requirements of relevant standards or legislation. Proposed PC82B is therefore considered to be consistent with the provisions of the RCP.
67. The Proposed Regional Plan (**PRP**) combines the operative regional plans applying to the CMA, land and water and air, into one combined plan. References to lighting in the PRP are limited. A general reflection of amenity and character is integrated in to the objectives and policies. More specific references are included in the definitions and rules as discussed below.
68. With respect to lighting the PRP provides for additions and alterations to structures in the CMA, namely bridges-including bridge road lighting (attached to bridges) as a permitted activity subject to general conditions. Section C.1.3 relates to aquaculture and provides for the re-consenting of existing shellfish aquaculture as a controlled activity (where it is not located within a ‘significant’ area otherwise it is restricted discretionary) reserving control/discretion over the consideration of ‘lighting’ in relation to this activity. Additionally, re-consenting of aquaculture activities also identify lighting as a specific matter for consideration.
69. The general conditions at section ‘C.1.8 Coastal works general conditions’ require lighting to comply with the below controls where located in the CMA:
- “...Lighting:
 - 22) all lighting associated with activities in the coastal marine area must not by reason of its direction, colour or intensity, create:

³ Operative Regional Coastal Plan - General Performance standards.

a) a hazard to navigation and safety, or a hazard to traffic safety, wharves, ramps and adjacent roads, or

b) a nuisance to other users of the surrounding coastal marine area or adjacent land, ...”

70. PC82B has been developed to provide for a lesser intensity of lighting in zones with higher visual amenity, to take into account relevant health and safety standards and to comply with the requirements of relevant standards or legislation. Proposed PC82B is therefore consistent with the provisions of the RCP.

3.4 District Policy

Whangarei District Operative Plan 2007 (WDP)

71. The WDP became operative in May 2007. Within the WDP, there is no single chapter outlining objectives for lighting nor are there any objectives focusing specifically on these matters. Rather lighting is more indirectly referenced in the objectives (and policies) in the following Chapters:

Chapter 5 – Amenity Values, Chapter 6- Built Form and Development & Chapter 8 Subdivision and Development

72. Lighting is relevant to the amenity, location, shape and form and subdivision and development policies currently included in Chapters 5, 6 and 8 of the WDP. It is noted that these chapters are proposed to be removed from the WDP as part of the Urban and Services Plan Change package and replaced with a district wide, Strategic Direction chapter (refer to section 4.3 for further details).

Chapter 26 the Town Basin Environment

73. The objectives for the Town Basin Environment seek to develop a successful and cohesive staged development process for the wider town basin area, maintain and enhance special amenity, recreation and cultural values, tangata whenua values and the sense of place unique to the maritime setting.
74. The proposed NL objectives reflect the need to maintain the character and amenity of the zones in which they are to be located and reflect the unique values of these environments. In the case of the Town Basin Environment, there is also provision in the existing objectives to enhance these values through the use of lighting. As such, the proposed NL objectives are considered consistent with those of Chapter 26.

MIN - Minerals Chapter and Chapter 21 Hazardous Substances

75. The MIN chapter of the WDP includes objectives for ‘Minerals’ which seek to ensure that safe and efficient mineral extraction is not compromised by subdivision and development activities, and to ensure that mineral extraction avoids, remedies or mitigates any adverse effects on the environment.
76. The Objective of Chapter 21 seeks to protect the environment from the adverse effects and risks from activities involving the use, storage, manufacture, transport and disposal of hazardous substances.
77. PC82B seeks similar outcomes to the minerals and hazardous substances chapter of the WDP by enabling the use of artificial lighting for mineral extraction activities and for health and safety purposes.

The provisions of the NL chapter recognise the importance of ensuring such activities to continue to operate without undue constraint to support the social and economic wellbeing of the community and avoid any adverse effects on the environment. For these reasons, the proposed NL objectives are considered to be consistent with those of the Minerals and Hazardous Substances chapters.

Chapters 23, 24, 25 and the Network Utilities Chapter 'Infrastructure Provisions'

78. Infrastructure requires the use of lighting in varied forms, such as street lighting associated with the road corridor, cycleways, shared paths or walkways. The following objectives are considered in relation to infrastructure and the proposed lighting provisions.

- **Chapter 23 Network Utility Operations:** this chapter applies a similar approach seeking both the protection of network utility operations and the mitigation of adverse effects on the environment. In addition, existing Objective 2 seeks the protection of environmental form, including the natural character of the environment, sites of historical and cultural significance, and the amenity values of the surrounding area.
- **Chapter 24 Whangarei Airport**⁴: provides for the long-term operation of the airport while managing potential adverse effects on the community.
- **Chapter 25 Marsden Point Port Environment**⁵: provides for the establishment of a deep-water port.
- **NTW.1 Network Utilities:** providing for the operation of network utilities while ensuring their effects on the environment are avoided, remedied or mitigated.

79. The proposed NL provisions require artificial lighting infrastructure be provided at the time of development and recognise the importance of creating safe, active public spaces and in providing for health and safety and navigational requirements. As such, any artificial lighting associated with network utility operations and navigational requirements, including those of the airport and port as regionally significant infrastructure, are relatively permissive and limited to ensuring these activities operate in accordance with the relevant legislation and standards.

Whangarei District Growth Strategy, Sustainable Futures 30/50 (30/50)

80. The Whangarei District experienced significant growth over the period 2001 – 2008. Further growth for the District is projected to continue and, in some areas, particularly Marsden Point/Ruakaka, has the potential to be substantial. The growth presents both challenges and opportunities to the District communities, individuals and families, businesses and governing bodies.

81. To manage the projected growth sustainably, WDC has formulated the Whangarei District Growth Strategy, Sustainable Futures 30/50 (**30/50**) as a long term Sub-Regional Growth Strategy.

⁴ The Whangarei Airport is currently subject to a Plan Change (PC143) as part of the wider Urban & Services Plan Change package.

⁵ The Marsden Point Port Environment is currently subject to a Plan Change (PC144) as part of the wider Urban & Services Plan Change package.

82. There is no section within 30/50 directly relating to lighting, nor is lighting identified specifically as an issue in the strategy. However, looking at the intentions of 30/50 holistically, particularly in terms of the social and economic outcomes sought, it is considered that the proposed NL objectives for lighting are consistent with the directions contained within it. The proposed NL objectives provide for lighting in a manner which supports the growth and development of the District.

Whangarei Urban Growth Strategy 2003 (UGS)

83. The Urban Growth Strategy (2003) (**UGS**) was developed to ensure the issues and opportunities raised by growth in the District are dealt with in a sustainable manner in accordance with the views and aspirations expressed by the community during consultation.
84. While no specific references are made to lighting, the Urban Growth Strategy provides a growth philosophy for the urban area of Whangarei which could be affected by PC82B. Issues such as personal safety, especially at night are identified for several areas and policy is identified as playing a role in addressing the identified issue.
85. Having reviewed the Urban Growth Strategy, it is considered that the proposed NL objectives and relevant provisions are consistent with the relevant provisions of the Urban Growth Strategy.

Long Term Plan 2015 – 2025 (LTP)

86. The Local Government Act 2002 (LGA) requires every council to produce a Long Term Plan (**LTP**) every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The latest LTP was adopted by WDC in June 2018 and covers the period 1 July 2018 to 30 June 2028.
87. Some projects for Council over the next 10 years involve lighting, including street lighting upgrades and sports facility lighting provision and upgrades.
88. Having reviewed the key projects outlined in the LTP, it is considered that the PC82B is not inconsistent with the outcomes in the LTP.

Weekend and Night Time Economy Strategy 2014 (WNTE)

89. The purpose of the Weekend and Night Time Economy Strategy (**WNTE**) is to stimulate opportunities for activities in the inner city that could invigorate the weekend and night time economy over the next 30 years. The vision is that:

“The inner city will look, feel and function as the primary commercial, entertainment and cultural centre of Whangarei. Its unique waterfront location will define its character. During the evenings and weekends, it will have an intensity of activity and vibrancy that accompanies a thriving commercial sector.”

90. This strategy acknowledges that there are issues associated with the weekend and night time economy at present and that it is not necessarily operating to its full potential. The WNTE highlights that planning in Whangarei City has largely been day centric and neglected the weekend and night time economy.

Accordingly, the strategy advocates that “the weekend and night economy” be taken into account when considering planning initiatives.

91. Specific mention of lighting is made in relation to the perception of public safety. Section 5.2.1 of the WNTS discusses the findings in relation to lighting. A past study is referenced and identifies the current lighting as being inadequate, and suggests the commissioning of an up to date study and the potential to provide an up to date lighting scheme with a consistent theme throughout the central area. Lighting is identified as one, but not the only, measure required to make places safer at night time.
92. There are obvious overlaps between this strategy and PC82B. There is a key strategic recommendation identified for lighting in order to enhance attractiveness and safety, whilst also ensuring that the envisioned mix of activities, including residential activities do not unduly affect the ability of night life activities requiring additional artificial lighting from operating. In some instances, artificial lighting may also be used to enhance some of the areas within the City Centre and support specified events, such as night markets, parades, walkways and landmark buildings and areas.
93. Having regard to the proposed NL objectives, it is considered that they are consistent with the intention to improve lighting within the central city areas as discussed above. The NL objectives seek to allow appropriate activities to occur in various zones while ensuring that they are acceptable in terms of amenity and do not unduly compromise the ability of other activities to operate. The development of additional lighting within the central area is supported by the proposed NL objectives.

Whangarei District Liquor Licensing Policy 2010 (LLP)

94. The Liquor Licensing policy (LLP) was formally adopted by Council in August 2010. Of particular relevance to PC82B, the LLP defines licensing hours and how liquor enforcement will be undertaken. The policy applies to new and existing premises.
95. One of the key features of the policy is that premises which are situated adjacent to residential areas will be required to close earlier. This is intended to protect adjacent residents from the potential effects (including light spill) generated from the operation of premises.
96. There are no specific overlaps between the LLP and PC82B. However, lighting associated with the implementation and resulting trade enabled by the policy will have an overlap with the NL provisions, which has been considered when reviewing the provisions as a part of PC82B.

Whangarei District Alfresco Dining Policy 2013 (ADP)

97. The Whangarei District Alfresco Dining policy (ADP) was formally adopted by Council in February 2013. The policy applies to alfresco dining activity in the District on public land under Council's direct control. The policy applies to any organisation, community group, individual or business who wishes to have an alfresco dining area on public land, not including public parks.
98. The ADP includes provision for the lighting of these spaces, which are often located in close proximity to roads. Flashing and/or chasing lights are not permitted in Alfresco Dining Environments. Lighting is to be permanently fixed, must be in good working order, and should not create unreasonable spill into neighbourhood property. Portable lighting is not permitted.

99. The provision for lighting within the road corridor requires management to ensure that it does not adversely impact on road traffic safety. The lighting of such areas during night time hours also presents a need to ensure that pedestrian safety is maintained. This policy has been considered in relation to the development of the proposed NL objectives are considered to be consistent with the intent of the Alfresco Dining Policy.

3.5 Iwi and Hapu Management Plans

100. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008) and Ngati Hau Hapu Environmental Management Plan (2016) and Te Uriroi Hapu Environmental Management Plan and Whatatiri Environmental Plan. Each plan is comprehensive and covers a range of issues of importance to the respective iwi. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
101. The Iwi and hapu management plans identify the wellbeing of the environment and its inhabitants as being an important consideration with the objectives and policies referring to the amenity values of the environment, landscapes and features as being important and requiring management. However, none of these documents reference artificial lighting specifically.
102. Having reviewed each document and taking into account all of the provisions it is considered that the proposed objectives for PC82B are consistent with the intent of each of the Iwi Management Plans.

4. Section 32 Analysis

4.1 Appropriateness in Terms of Purpose of RMA

103. Council must evaluate in accordance with Section 32 of the RMA, the extent to which each objective proposed in PC82B is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, section 4.1 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA. Section 4.2 of this report goes on to assess whether the proposed objectives are the most appropriate in regards to higher order documents and the WDP. The level of analysis undertaken in this report is commensurate/appropriate to the scale of the proposal.
104. PC82B proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED NL OBJECTIVES	
Proposed NL Objectives	Reason
NL-O1 Artificial lighting is provided to enable activities to occur outside of daylight hours and	This objective reflects the need to provide for artificial lighting to enable activities to occur which are important to people and communities social,

support the health, safety and security of people, communities, and their property.	cultural and economic wellbeing and to ensure the safety of people and property.
NL-O2 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.	This objective seeks to ensure that adverse effects of lighting are managed and that any artificial lighting does not impact on amenity and character values. The objective recognises the value of controlling and restricting the use of lighting to avoid potential adverse effects arising from inappropriate forms of lighting.
NL-O3 The subdivision and development of land provides artificial lighting infrastructure, to support the safety of people and property and maintain public pedestrian and traffic safety.	This objective relates to the provision of lighting to ensure that land is developed in a manner which delivers lighting infrastructure to provide for the health and safety of those communities using the areas serviced by the lighting infrastructure

105. Part 2 of the RMA provides the statutory framework for the sustainable management of natural and physical resources. Section 5 outlines the purpose and principles of the RMA, Section 6 lists matters of national importance that shall be recognised and provided for, Section 7 lists other matters that all persons exercising functions and powers under the RMA shall have particular regard to and Section 8 addresses matters relating to the principles of the Treaty of Waitangi.

106. The following table assesses the appropriateness of the proposed objectives in achieving the purpose of the RMA. It is noted that several clauses within Part 2 of the RMA are not relevant to PC82B, and only those sections which are relevant are addressed in Table 2 below.

		TABLE 2: LINKAGE OF PROPOSED NL OBJECTIVES WITH PART 2 OF THE RMA		
		Proposed Lighting Objectives		
		NL-O1	NL-O2	NL-O3
RMA Part 2 Sections	5(2)(a)	✓	✓	✓
	5(2)(c)		✓	
	6(a)		✓	
	6(b)		✓	
	6(d)	✓		✓
	7(b)	✓	✓	✓
	7(c)	✓	✓	✓
	7(f)	✓	✓	✓

107. Taking into account the comments above and having assessed the proposed NL objectives against the relevant sections of Part 2 of the RMA, it is considered that the three proposed objectives are consistent with the purpose of the RMA and promote the sustainable management of natural and physical resources.

4.2 Appropriateness in Relation to Higher Order Documents

108. The provision of higher order documents were considered in the formulation of the objectives and policies in PC82B. Of particular relevance to PC82B are the NPSUDC, the NZCPS, the LGA (PPB), LTA, the RPS, the RCP, the PRP, 30/50, UGS, LTP, WNTL, LLP, and the ADP. Section 3 provides an overview and evaluation of the consistency of the NL Objectives in relation to these higher order documents.
109. Table 3 provides an overview of the links and consistency of the proposed NL objectives with the relevant higher order documents.

TABLE 3: EVALUATION OF PROPOSED NL OBJECTIVES AGAINST HIGHER ORDER DOCUMENTS				
Proposed Lighting Objectives				
		NL-O1	NL-O2	NL-O3
Higher Order Documents	NPSUDC	✓		✓
	NZCPS	✓	✓	
	LGA (PPB)	✓		
	LTA	✓		✓
	RPS	✓	✓	✓
	RCP	✓	✓	✓
	PRP	✓	✓	✓
	30/50			✓
	UGS	✓		✓
	LTP	✓		✓
	WNTL	✓	✓	✓
	LLP	✓	✓	

4.3 Appropriateness in Relation to the Strategic Direction Chapter

110. The proposed NL objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed NL objectives are shown in Table 4 below. This table illustrates that the objectives of the NL are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND NL OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed NL Objectives

SD-01 – Range of Zones Provide for differing character and amenity values by having a range of Zones with differing expectations.	SD-P1, P19, P20 – SD-39	NL-O1
SD-02 – Rural and Urban Areas Protect the range of amenity values and characteristics in the Rural Area and the Urban Area.	SD-P4, P10	NL-O1 NL-O2
SD-04 – 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-P18	NL-O1 NL-O2
SD-09 – Land Use and Transport Planning Maintain and enhance accessibility for communities and integrate land use and transport planning.	SD-P6, P7, P9, P13	NL-O3
Urban Area Objectives		
SD-012 – Urban Design Promote safe, compact, sustainable and good quality urban design that responds positively to the local context.	SD-P9, P10	NL-O1 NL-O3
Rural Area Objectives – N/A		
Open Space Objectives		
SD-0120 – Sufficient Open Space Provide sufficient quality open space for the social and cultural well-being of a growing population.	SD-P13	NL-O1 NL-O3
SD-021 – Range of Open Space Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.	SD-P13, P14	NL-O1 NL-O3
Regional Significant Infrastructure Objectives – N/A		

4.4 Appropriateness of Proposed Policies and Methods

111. A section 32 evaluation must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives by undertaking a cost benefit analysis of the economic, social, environmental and cultural effects of the provisions, including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered. It is important to determine whether the preferred approach will be more effective and efficient than other alternatives and whether this effectiveness and efficiency comes at a higher cost than other alternatives. Below is an assessment of the proposed provisions.
112. The operative WDP refers to zones as “Environments”. The NP Standards require that these now be referred to as zones with standardised zone names. Unless reference is being made to a specific Environment in the operative WDP (e.g. the Business 1 Environment) the term “zones” will be used throughout the following assessment of the proposed provisions.

4.5 Plan Structure

113. In order to assess the appropriateness of the plan structure for artificial lighting, the following three options were evaluated:

- **Option 1:** Status Quo: Location of rules in each zone and figures or additional material as an Appendix.
 - **Option 2:** Location of all relevant material in each zone so that consent may be determined in the body of the provisions without reference to the Appendix.
 - **Option 3:** Proposed Plan Change: The consolidation of objectives, policies, rules, the consent identification tool in one district wide chapter (**see Proposed Plan Changes Text and Maps**).
114. The rolling review of the WDP seeks to ensure that plan provisions have a clear link to the sustainable management direction in the RMA and higher order policy documents, through to the objectives and policy framework in the WDP. The methods required to achieve these outcomes may be clearly identified in the WDP and are driven by the policy direction. Furthermore, the draft NP Standards require that a district wide chapter for noise and lighting is established. Option 3 is consistent with this direction.
115. Of the three options 'Option 3' is considered to be the most appropriate option. This format forms the basis for the establishment of the 'NL- Artificial Lighting' chapter. This option is considered to align with a policy driven planning framework and the NP Standards.

4.6 Proposed NL Policies

116. The proposed NL policies seek to balance the need for artificial lighting in the Whangarei District with an ability to manage the effects associated with this, and maintain (or where appropriate enhance) the amenity and character of the environment. These policies are achieved through the application of rules in the NL chapter.
117. The policies proposed for inclusion are considered to achieve the objectives through:
- Providing for artificial lighting where it is required for health and safety reasons.
 - Ensuring that artificial lighting is managed to maintain a reasonable level of amenity anticipated at neighbouring properties.
 - Requiring lighting to be provided through the subdivision and development process, to ensure the safe and efficient operation of these areas where used after day light hours.
118. The proposed policies are considered the most efficient and effective for achieving the objectives and provide a coherent link to the rules which are discussed further in the following sections. The use of clear and direct policies also aligns with the policy driven approach to the rolling review. Table 5 below demonstrates that the policies for NL implement the proposed NL objectives.

TABLE 5: LINKING OF PROPOSED NL PROVISIONS	
Proposed NL Objective	Proposed NL Policies
NL-O1 Artificial lighting is provided to enable activities to occur outside of daylight hours and support the health, safety and security of people, communities, and their property.	NL-P1 To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.

	<p>NL-P2 To enable the use of artificial lighting where it is required for health and safety reasons, traffic and pedestrian safety or navigational purposes.</p> <p>NL-P3 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.</p>
NL-O2 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-P1 To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.
NL-O3 The subdivision and development of land provides artificial lighting infrastructure, to support the safety of people and property and maintain public pedestrian and traffic safety.	<p>NL-P4 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.</p> <p>NL-P5 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.</p>

119. An alternative option to the proposed policies was to rely on the existing policies in the WDP. However, the existing policies are not appropriate in that they are not consistent with the approach required under the NP Standards, the current policies are not specific enough to lighting and are scattered throughout the WDP. Accordingly, the existing policies present additional costs and risks compared to the proposed policies.

4.7 Proposed NL Rules

120. The proposed provisions in the NL are assessed below and grouped according to topic. The evaluation of the provisions includes the identification of alternative options and an assessment of the costs, benefits, efficiency and effectiveness of the proposed rules and the risks of acting and not acting.

Permitted Activities

121. The proposed provisions include rules for permitted activities in NL-R1 – R6 relating to artificial lighting. These rules are assessed below in terms of their efficiency and effectiveness under the following sub-heading.

Any Activity not otherwise listed in this chapter

122. The proposed NL objectives seek to provide for the installation and use of artificial lighting to create safe and vibrant public places, balancing operational health and safety requirements with the need to maintain suitable levels of amenity. In order to achieve this, a wide range of artificial lighting considerations are provided for within the NL, of which are relatively permissive, provided each activity can demonstrate compliance with the appropriate standards. Adherence to these standards is relied upon to ensure consistency in the application of lighting controls throughout the District and to appropriately manage any adverse effects of light spill and glare.

123. Consistent with the approach in other chapters within the Urban & Services Plan Changes, NL-R1 states that any activity not otherwise listed in the NL chapter is a permitted activity (provided that resource consent is not required or the activity is not prohibited under any rule in the District Plan). The approach within the NL chapter has been to list artificial lighting activities that are associated with road lighting, health and safety or navigation, and mineral extraction and reference the appropriate standards and legislation that applies to those activities. Should compliance with those requirements not be met, an activity status has been identified accordingly.
124. The default to a permitted activity, means that those activities which are not captured by the specific provisions are permitted and enabled within the NL chapter.
125. Alternatives considered were:
- **Option 1:** Status Quo: Retain the current artificial lighting rules.
 - **Option 2:** Proposed Plan Change: Include default to permitted activity in NL-R1.
 - **Option 3:** More restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, non-complying).
126. Option 2 is considered to be the most appropriate option for the following reasons:
- Option 1 is not an efficient or effective option. The current artificial lighting provisions are not fit for purpose as they are dispersed throughout various chapters of the WDP and do not reference the most up to date standards and legislation. The standards have been amended since the drafting of the WDP and as such, retaining the existing reference to these now, out of date standards, is no longer an appropriate mechanism of managing artificial lighting within the District.
 - Option 2 is the most efficient and effective option. The NL objectives and policies seek to enable and provide for the provision of artificial lighting across zones to support the economic and social wellbeing of the District, while managing the effects of light spill and glare on each zone. By defaulting artificial lighting to a permitted activity status⁶, Option 2 avoids imposing unnecessary restrictions and constraints on developers, utility operators and residents who can demonstrate compliance with the relevant standards and controls.
 - Option 3 is not an efficient or effective option. Under the current structure of the NL Chapter, having a more restrictive activity status requiring consent will present an unintended and unnecessary consenting barrier to the provision of artificial lighting within the District. It is considered appropriate to permit such activities to establish, provided the appropriate standards are adhered to in order to support economic and social wellbeing of the community.
 - Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective installation and use of artificial lighting and the activities it enables.

⁶ subject to compliance with the relevant standards and legislation, other rules in the NL chapter or District Wide or Resource Area provisions.

- Given the reasons outlined above, Option 2 is considered to have the greatest benefits which outweigh the costs in comparison to Options 1 and 3.
- There is no known risk due to insufficient information.

Any Artificial Lighting

127. The proposed NL objectives seek to provide for artificial lighting across a number of zones throughout the District. To achieve this, the need to provide for a range of artificial lighting types is acknowledged while also ensuring appropriate lighting levels and restrictions are imposed to maintain the unique amenity values and characteristics of each environment.
128. NL-R2 seeks to impose consistent requirements on all artificial lighting utilised within the District. The rule sets out a number of criteria that all artificial lighting activities must comply with in order to meet the requirements for a permitted activity, including those relating to: the nature of the activity, shield design, and lighting levels. NL-R2 also recognises the various lighting needs required to support activities undertaken within the Active Sport, Recreation and Open Space Zones, while imposing conservative lighting levels in areas within proximity of sensitive environments.
129. The lighting levels imposed under NL-R2 are a rollover from the WDP, although the requirement to illuminate public car parking and loading areas to a minimum of 5 lux at night has been replaced by the requirement to provide lighting in accordance with the AS/NZS 1158 series of standards, however this is assessed further below in paragraphs 148 - 152.
130. Technical advice has been provided within the Focus Report attached at **Appendix 1**, which examines the suitability of the specified lux levels across the various environments, concluding that the existing levels are appropriate and consistent with other artificial lighting requirements and restrictions around the country.
131. Alternatives considered were:
 - **Option 1:** Status Quo: Retain the current artificial lighting levels (Proposed plan change).
 - **Option 2:** More restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, non-complying).
 - **Option 3:** No rule in the NL chapter relating to lighting levels.
132. Option 1 is considered to be the most appropriate option for the following reasons:
 - Option 1 is the most efficient and effective option. The NL objectives and policies seek to enable and provide for the provision of artificial lighting across all zones to support the economic and social wellbeing of the District, while managing the effects of light spill and glare on each zone. The lighting levels have been reviewed and technical advice has been received confirming these are appropriate. With the permitted activity status⁷ proposed, option 1 avoids imposing unnecessary

⁷ subject to compliance with the relevant standards and legislation, other rules in the NL chapter or District Wide or Resource Area provisions.

restrictions and constraints on developers, utility operators and residents whose lighting infrastructure demonstrates compliance with the relevant standards and controls. There is no evidence or justification to support a change from the status quo.

- Option 2 is not an efficient or effective option. Under the current structure of the NL Chapter, having a more restrictive activity status requiring consent will present an unintended and unnecessary consenting barrier to the provision of artificial lighting within the District. Provided artificial lighting is operated in accordance with the appropriate standards, there are no other identified matters that require assessment and no further value that would be added should these processes be subject to a consenting process.
- Option 3 is not considered to be effective or efficient in achieving the objectives. This option does not manage the effects of artificial lighting and will potentially result in environmental, economic and social costs as a result of not achieving the outcomes sought.
- There are no economic growth and employment opportunities arising from the options for this component of PC82B.
- The benefits of Option 1 outweigh the costs. Option 1 provides the greatest benefits in comparison to Options 2 and 3 which present greater costs.
- There is no known risk due to insufficient information.

Any Artificial Road Lighting

133. The proposed NL objectives seek to provide for artificial lighting erected within the legal road reserve for the purpose of traffic control and public safety. To achieve this, the NL chapter recognises that the provision of such lighting needs to be supported, without imposing undue constraints on road controlling authorities. Of further consideration is ensuring that road lighting complies with the relevant standards to maintain pedestrian safety, traffic safety and also to contribute to the overall amenity of the urban environment.
134. Proposed rule NL-R3 seeks to permit all artificial road lighting in the NL chapter, subject to compliance with the relevant standards. This is effectively a rollover from the current WDP provisions, which exempt street lights, navigational lights (as discussed above) and traffic signals from its controls. However, NL-R3 has been clarified to highlight specifically what is captured by the rule (e.g. street lighting and illuminated traffic signals) and the spatial extent of the rule in terms of being limited to the legal road corridor to assist with interpretation.
135. It is noted that the current provisions of the WDP specifically excludes street lighting and traffic signals from its requirements. Proposed rule NL-R3 seeks to amend these inconsistencies and impose consistent standards for all road lighting within the District.
136. Alternatives considered were:
- **Option 1:** Status Quo: Retain current WDP provisions, referencing 'street lighting' and 'traffic signals' only.

- **Option 2:** Proposed Plan Change: Widen scope to include all 'road lighting' in NL-R3.
- **Option 3:** Widen scope to include all 'road lighting' and impose more restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, or non-complying).
- **Option 4:** No rule in the NL chapter relating to road lighting.

137. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option. Areas and infrastructure such as cycle paths or footpaths, which do not fall within the definition of street lighting or traffic signals, also require lighting to ensure that these areas enable the safe and efficient movement of people. This narrow scope of the current WDP provisions are not considered to be fit for purpose in catering for evolving technologies and the use of alternative modes of transport.
- Option 2 is the most efficient and effective option. Option 2 clarifies the scope of road lighting permissions and defaults artificial lighting to a permitted activity status⁸ to avoid unnecessarily restricting developers and utility operators. Option 2 will more clearly reflect the intention of the provisions relating to artificial road lighting, providing greater clarity to plan users on the spatial extent of the rule in terms of being limited to the legal road corridor therefore assisting with improved interpretation of the rule. This may improve the application of the provisions and is considered to be the most effective method in achieving the objectives and policies relating to maintaining a safe and efficient roading network.
- Option 3 is not an efficient or effective option. Under the current structure of the NL Chapter, having a more restrictive activity status requiring consent will present an unintended and unnecessary consenting barrier to the provision of artificial road lighting within the District and potentially inhibit the ability to efficiently provide this core infrastructure component. A restricted discretionary, discretionary or non-complying activity status would present an overly restrictive approach, particularly where it could be demonstrated that road lighting could meet set standards to provide for the artificial lighting while ensuring it is at a level suitable to avoiding adverse effects.
- Option 4 is not considered to be effective or efficient in achieving the objectives. This option does not manage or control the effects of road lighting and could lead to adverse environmental, economic and social effects as a result of not achieving the outcomes sought. This option would be inconsistent with the NL objectives and policies which seeks to enable lighting while managing the adverse effects associate with light spill and glare. Option 4 would provide no mechanism to control light spill and glare effects.
- Option 2 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective installation and use of all forms of artificial road lighting.

⁸ subject to compliance with the relevant standards and legislation, other rules in the NL chapter or District Wide or Resource Area provisions.

- Option 2 presents the greatest benefits that outweigh the costs. Options 1, 3 and 4 have higher costs than benefits and are therefore not the most favourable option.
- There is no known risk due to insufficient information.

Any Health and Safety or Navigational Artificial Lighting

138. The proposed NL objectives seek to provide for the use of artificial lighting when required for health and safety or navigational purposes. Safety lighting is often required to illuminate construction sites and navigation lighting is required to support the operation of many large-scale facilities, such as the Airport, Port and Hospital areas. To achieve this, the NL chapter recognises that the provision of such lighting needs to be supported, without imposing undue constraints on those who can demonstrate an operational need to utilise such lighting and do so in accordance with the relevant legislation and standards.
139. Proposed rule NL-R4 recognises the importance of providing lighting for health and safety and navigation purposes and accordingly seeks permitted activity statuses for such activities. NL-R4 requires evidence be provided to demonstrate a requirement to provide such lighting under the wide-ranging 'health and safety' umbrella and requires that it is done so in accordance with the relevant standards and controls. This is essentially a rollover from the current WDP provisions which exempts artificial lighting for health and safety and navigation purposes from its controls. However, these provisions were fairly general and no restrictions or direction exists in terms of what constitutes health and safety or navigational lighting.
140. NL-R4 aligns with the proposed NL objectives and policies and provides further clarity on expectations surrounding the use of artificial lighting for health and safety and navigation purposes. NL-R4 recognises that such forms of lighting take various forms and may be required and operated by numerous authorities under a range of legislative tools. Accordingly, no specific legislation or standard has been referenced within the rule, acknowledging that flexibility is required in this space.
141. Alternatives considered were:
- **Option 1:** Status Quo: Retain current WDP provisions, exempting all health and safety.
 - **Option 2:** Proposed Plan Change: Permitted activity in NL-R4.
 - **Option 3:** Impose more restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, or non-complying).
 - **Option 4:** No rule in the NL chapter.
142. Option 2 is considered to be the most appropriate option for the following reasons:
- Option 1 effectively achieves the same outcome as Option 2 but is not as clearly identified in the Plan, resulting in the provisions not being as effective in achieving the objectives. Option 1 also has the ability of being open to exploitation through the limited direction included in the Plan text.

- Option 2 is the most efficient and effective option. NL-R4 provides for health and safety and navigational lighting to be utilised where it is provided and operated in accordance with the applicable legislation and regulations. No controls are imposed on these activities to restrict lighting levels as the sole purpose of utilising such lighting is to attract attention. Consideration is also given to the often-temporary nature of health and safety lighting and isolated locations of navigation lighting (such as harbours and airports). Placing lighting level restrictions on health and safety lighting has the potential to reduce the effectiveness of these measures, which does not align with the objectives and policies of the NL chapter.
- Option 3 does not represent an efficient or effective option. The consent process would incur financial and time costs associated with the processing of an application. This would potentially result in social, economic and environmental costs, including risk to personal safety, where the lighting is required to be in place to mitigate risk, and is prevented from being erected for this purpose until consent is obtained. The intention of the objectives is to enable the use of artificial lighting to support the safety and security of people and their communities. As such, a resource consent process to determine that lighting is required to enable this outcome is not an efficient way of achieving the proposed objectives.
- Option 4 is neither efficient nor effective as health and safety operations and navigation activities are required to comply with different standards to other forms of artificial lighting (e.g. road lighting and stadium lighting). While the AS/NZS 1158 series of standards apply to all other forms of artificial lighting under PC82B, different legislation and standards apply to these activities. With no specific rule identifying these different requirements, these activities are captured under the 'all artificial lighting' rule and would be assessed against inappropriate standards.
- There are no economic growth and employment opportunities arising from the options for this component of PC82B.
- It is considered that the costs outweigh the benefits of Options 1, 3 and 4. Option 2 offers the greatest benefits.
- There is no risk due to insufficient information.

Any Artificial Lighting for Mineral Extraction Activities

143. The provisions of the NL chapter recognises that mineral extraction activities are subject to specific requirements associated with specified and spatially identified Quarrying Resource Areas under the WDP. Mineral extraction involves the use of heavy machinery to excavate and move aggregate both within and beyond the site. This often involves the need to use flashing lighting associated with vehicles, presumably to maintain the safety of those involved with the activities on site. As a result, the level of amenity associated with mineral extraction activities/areas is considered lower than that which may be anticipated in surrounding environments.
144. As such, PC82B seeks to provide for artificial lighting associated with these activities to occur, provided they are undertaken within the appropriate areas. NL-R5 aligns with the proposed objectives and policies by exempting lighting on vehicles associated with mineral extraction and related activities from

complying with any standards or lighting level controls as otherwise specified within the chapter. This exemption is provided alongside the operational need for flashing lights as required by the Land Transport Act 2004.

145. NL-R5 represents an efficient and effective mechanism of supporting the health, safety and economic feasibility of mineral extraction activities within the District by avoiding any unnecessary constraints or restrictions on operations.

146. Alternatives considered were:

- **Option 1:** Status Quo: No artificial lighting rules associated with mineral extraction activities.
- **Option 2:** Proposed Plan Change Option: Include default to permitted activity in NL-R5.
- **Option 3:** Impose more restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, or non-complying).

147. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is neither efficient nor effective in achieving the objective of the NL chapter, being to provide for the use of artificial lighting when required to support mineral extraction activities. Option 1 would result in such activities being captured under either the 'all artificial lighting' rule or the 'health and safety' rule. This lack of clarity has the potential to result in inconsistencies in application and in unnecessary and unintended consenting controls being imposed on these activities.
- Option 2 is considered to be the most efficient and effective means of providing for the continued operation of mineral extraction activities and of supporting the safety and security of people. NL-R5 applies only in relation to Quarrying Resource Areas, which limits the potential for adverse lighting effects to extend beyond those areas designated to accommodate such activities. This approach is effectively a rollover of the existing WDP provisions, which effectively provides for largely unrestricted mineral extraction activities, provided they are undertaken within appropriate areas of the District.
- Option 3 is not considered to be effective or efficient in achieving the objectives. Mineral extraction activities require artificial lighting to enable the safe and efficient operation of plants, equipment and machinery. Therefore, requiring consent to utilise artificial lighting for these activities does not present an efficient or effective method of ensuring mineral extraction activities retain the ability to operate without undue restriction, costs and delays. Option 3 would result in unnecessary consenting and compliance costs.
- Option 2 provides the potential to increase economic growth and employment opportunities by enabling the efficient and effective operation of mineral extraction activities within the District.
- For the reasons outlined above, Option 2 is considered to have the greatest benefits. Options 1 and 3 have greater costs that would outweigh the potential benefits. Therefore Option 2 is the most favourable option.

- There is no known risk due to insufficient information.

Any Artificial Lighting for Parking and Loading Spaces

148. The provisions of the NL chapter recognises the importance of ensuring that parking and loading spaces that are used by people after daylight hours are illuminated to maintain pedestrian and driver safety.
149. Accordingly, NL-R6 identifies appropriate zones that require parking and loading spaces to be illuminated and requires that such lighting is provided in accordance with the AS/NZS158 series of standards as a permitted activity. While this requirement is essentially a rollover of the Chapter 47 provisions of the WDP, PC82B proposes a change in the specific lighting requirements for these areas.
150. The current provisions of the WDP require that entire parking and loading spaces are to be illuminated to a minimum level of 5 lux. However, technical advice provided within the above-referenced Focus Report concluded that required lighting levels are variable dependent on the activities taking place, the use of the area, and the intention of the lighting. As such, lux recommendations for parking and loading areas vary from 2.5 lux to 25 lux dependent on a number of factors. These variances are accommodated within the AS/NZS 1158 series of Standards and as such, PC82B proposes to remove the 5 lux requirement and instead reference these standards in rule NL-R6 to ensure the level of lighting is appropriate with the specific activities undertaken within such areas.
151. NL-R6 aligns with the proposed objectives and policies by requiring that any parking and loading spaces are sufficiently lit within City Centre, Commercial, Light Industry, Heavy Industry, Waterfront, Local commercial, mixed use Strategic Rural Industry, Sport and Active Recreation, Port, Hospital, Airport, Marsden Primary Centre – Town Centre South and Industry, Rural Village Centre and Rural Village Industry Zones where it relates to:
 - An activity that is not a residential activity; and
 - An activity operating after daylight hours.
152. This rule is intended to help support and maintain safe, vibrant and functional public places. The reference to AS/NZS158 series of standards will ensure that the lighting is appropriate for the use and requirements of the area and ensure lighting levels are not overly onerous or restrictive. Where lighting for parking and loading spaces in the specific zones is not being provided, the activity would default to a discretionary activity status to be considered on a case by case basis.
153. Alternatives considered were:
 - **Option 1:** Status Quo: Retain the current parking and loading lighting requirements of 5 lux.
 - **Option 2:** Proposed Plan Change: Require parking and loading spaces lighting as a permitted activity referencing the 1158 series of standards.
 - **Option 3:** Reference the 1158 series of standards but impose more restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, or non-complying)
 - **Option 4:** No rule in the NL chapter.

154. Option 2 is considered to be the most appropriate option for the following reasons:

- Option 1 is neither efficient nor effective in achieving the objective of the NL chapter, as it requires a generalised standard of lighting which will not be appropriate in all instances. Maintaining a level of 5 lux may also be difficult to achieve within certain parts of a parking/loading area and may result in unnecessary costs and delays associated with installing such infrastructure.
- Option 2 is considered to be the most efficient and effective means of providing for the safety and security of people and road users in public spaces within the relevant zones. Option 2 provides an adaptable standard, enabling flexibility in design and ensuring efficiency and appropriateness of the infrastructure provided. Adherence to the 1158 series will also be effective in achieving the required level of lighting for a range of activities. This option provides certainty that car parking and loading spaces are required to be lit in particular zones but ensures that it is also enabled through the permitted activity status.
- Option 3 does not represent an efficient or effective option. The consent process would incur financial and time costs associated with the processing of an application for an activity that is required as opposed to being optional. This would potentially result in social and economic costs, including risk to personal safety, where lighting is required to be in place to mitigate risk, and is prevented from being erected for this purpose until consent is obtained. The intention of the objectives is to enable the safe and efficient use of areas which will be accessed by the general public after daylight hours. Requiring a resource consent to determine that lighting is required to enable this outcome is not an efficient way of achieving the objectives of the NL chapter.
- Option 4 is not considered to be an effective or efficient way of achieving the objectives. It does not support the requirement to provide artificial lighting to enable the safe and efficient use of areas after daylight hours, and has the potential to result in negative impacts on public safety.
- There are no economic growth and employment opportunities arising from the options for this component of PC82B.
- For the reasons detailed above, Option 2 is considered to have the greatest benefits in comparison to Options 1, 3, and 4. The other options all present greater costs than benefits and therefore Option 2 is the most appropriate option.
- There is no known risk due to insufficient information.

Any Subdivision

155. Proposed rule NL-R7 seeks to require and control artificial lighting for subdivision where new streets, walkways, cycleways and roads are created. The provision for lighting infrastructure at the time of subdivision is widely recognised as being more efficient than retrofitting this in at later stages. It also mitigates conflicts arising between the installation of infrastructure in and around existing properties. Where compliance with the controlled activity standards are not met, the activity will default to a restricted discretionary activity status.

156. Alternatives considered were:

- **Option 1:** Status Quo – controlled activity status in subdivision chapters for each zone defaulting to restricted discretionary where compliance is not achieved.
- **Option 2:** Proposed Plan Change: controlled activity status within the NL chapter defaulting to restricted discretionary where compliance is not achieved.
- **Option 3:** More restrictive activity status.
- **Option 4:** Permitted activity status.

157. It is considered that Option 2 is the most appropriate for the following reasons:

- Option 1 is not an efficient nor effective option. While Option 1 would result in a similar outcome as Option 2 as artificial lighting rules for subdivision would be provided for as a controlled activity, the status quo is not consistent with the format and structure of the WDP under the rolling review or the NP Standards.
- Option 2 is the most efficient and effective option. Option 2 results in a similar outcome to Option 1. Lighting is required to be provided at the time of subdivision in order to maintain pedestrian safety, traffic safety and also to contribute to the overall amenity of the surrounding environment. A controlled activity status means a consent for artificial lighting has to be granted and therefore still provides a permissive approach however, provides Council with scope to impose conditions relating to amenity, character, traffic and pedestrian safety to ensure any potential adverse effects are appropriately controlled where required. Unlike Option 1, Option 2 is also consistent with format and structure taken with the WDP rolling review and that required under the NP Standards.
- Option 3 is not an efficient or effective option. A more restrictive activity status would result increased consenting and compliance costs and sets a higher threshold than necessary for artificial lighting which is required to be provided as part of any subdivision. A higher activity status e.g. discretionary or non-complying starts to indicate that artificial lighting for subdivision is not anticipated or provided for. This is not the case and it is acknowledged that lighting is required at the time of subdivision in order to maintain pedestrian and traffic safety and contribute to the amenity of the surrounding area. As such, a more permissive and enabling activity status is required.
- Option 4 would provide the greatest flexibility and most permissive approach, however is not considered to be efficient or effective. While Option 4 would result in no compliance or consenting costs, a permitted activity status for lighting required for subdivisions could lead to potential adverse effects on amenity, character and traffic and pedestrian safety.
- Option 4 provides the greatest economic growth and employment opportunities by providing the greatest flexibility for future subdivisions through requiring no consent for lighting.

- Option 2 has the greatest benefits. The benefits of Option 2 outweigh the costs in comparison to the Options 1, 3 and 4 which have greater costs than benefits.
- There is no known risk due to insufficient information.

Rule Requirements (REQ)

Measurement for Artificial Lighting

158. PC82B proposes to introduce rule requirements REQ1 – 4 for the NL pursuant to rule NL-R2 'Any Artificial Lighting'. These lighting measurement standards are assessed below in terms of their efficiency and effectiveness in achieving the objectives of the NL chapter.
159. PC82B seeks to provide for artificial lighting whilst imposing direction and intensity restrictions on activities to manage adverse effects of such activities. In order to achieve this, directional controls and lighting levels are imposed to ensure light emissions do not project above a horizontal plane and that certain levels of amenity are maintained within each environment. The NL chapter sets relatively permissive controls of the use of artificial lighting, provided compliance can be achieved with the required standards.
160. The measurement of light is a technical assessment, requiring specialist input. As such, reliance on technical experts and engineered lighting designs and calculations forms the basis for assessing compliance with these provisions. As such, proposed NL-REQ1 establishes standardised methods of assessing, calculating, and measuring artificial lighting. These standards require that all lighting design calculations are determined by a proprietary lighting design program and that various other technical details are provided to confirm compliance with the required standards. NL-REQ1.3 also references a lighting standard specific to road lighting and lighting for parks, reserves and public areas that is to be complied with.
161. NL-REQ1.1 remains consistent with the provisions of the WDP with regards to establishing standardised methods and controls to assess artificial lighting. These have been subject to a technical review by Focus Environmental. The Focus Report attached at **Appendix 1** examines the suitability of the specified lux levels across the various zones and the reference to the 1158 series of Standards.
162. Alternatives considered were:
 - **Option 1:** Status Quo - Retain the current methods and standards in which lighting levels are measured and assessed against (proposed plan change).
 - **Option 2:** Change the standards that are referenced in the NL chapter.
 - **Option 3:** The removal of any measures associated with artificial lighting.
163. Option 1 is considered to be the most appropriate option for the following reasons:
 - Option 1 seeks to effectively roll over the current methods and standards in which lighting is measured and assessed against under the WDP. These standards are well understood and familiarity with the various requirements has been established over time. In addition, the current

measures have not been identified as being overly onerous or restrictive in controlling the use of artificial lighting across a range of environments.

- Option 1, the status quo, currently limits lux levels without the use of a curfew and applying the use of the AS/NZS 1158 Series of Standards to the design of road lighting and lighting in public spaces. The Focus Report (**refer to Appendix 1**) identified the specified lux levels as being suitable and simplistic to apply and generally aligns with those levels used commonly across New Zealand. As such it is considered that option 1 presents the most effective mechanism in achieving the objectives of the NL chapter.
- Option 2 does not represent an efficient or effective option in managing the effects of artificial lighting within the District. Alternatives considered included the introduction of a lighting limit for glare and the adoption of the Australian Standard for artificial lighting, which is being applied by some local authorities in other parts of New Zealand. However, issues have been identified with its application and the controls have been described as being an onerous standard to comply with. The Focus Report also identifies that the Australian Standard is anticipated to be reviewed and re-drafted to address such issues. Therefore, the inclusion of this Standard in the WDP at this point in time is not considered to be an effective or efficient method for achieving the objectives of the NL chapter.
- Option 3, being the removal of any specified measures and standards from the NL chapter is not considered to represent an efficient or effective method in managing the use and effects of artificial lighting. This approach is identified as having a considerable risk associated with it in that no requirement to provide lighting may result in the creation and establishment of areas which present safety risks for users, pedestrians and vehicles, both in terms of navigating the built environment but also in relation to the interface with the roading network. Further, having no restrictions on lighting levels does not provide any amenity protection for people and communities.
- There are no economic growth and employment opportunities arising from the options for this component of PC82B.
- Option 1 offers the greatest benefits that outweigh the costs and therefore is considered to be the most appropriate option. Options 2 and 3 have greater costs than benefits.
- There is no risk due to insufficient information.

5. Consequential amendments

164. As a result of providing a separate chapter for 'Artificial Lighting' (NL) a revision of the provisions and controls across the WDP is required.

165. Broadly this involves:

- Amendment to REF.1 Referenced Documents to reflect the updated Standards.

- The deletion of the artificial lighting (including street lighting requirements) provisions as included in Part D- Zone Rules for Chapters, 36, 38-46, 50, MPC, UTE, KWE.
 - The deletion of the Street Lighting rules in Part F – Subdivision Rules - Business 1, 2, 3, 4, Town Basin, Marsden Point Port, Port Nikau and Airport Zones
 - Deletion of the lighting standards at Part D – Zone Rules – Chapter 47 Road Transport Rules.
 - The deletion of Appendix 14.
 - Amendment / deletion of lighting rules in the Rural plan Change Zones.
166. These changes are considered to be required to implement the proposed NL provisions which have been assessed as the most efficient and effective way for achieving the objectives. An analysis of the options associated with WDP structure is discussed in previous sections.
167. It is considered that these consequential changes are necessary and represent the most efficient and effective approach to achieving the proposed objectives.

6. Conclusion

168. PC82B has been developed as part of the Urban and Services plan changes to review the existing provisions relating to artificial lighting in the WDP. The review of these provisions has identified that the existing provisions require some revision and restructuring.
169. The proposed NL chapter has been prepared in order to align with the NP Standards which require a District Wide chapter for noise and lighting. Pursuant to s32 of the RMA, three proposed NL objectives have been developed, and analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
170. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness, and risk in accordance with the relevant clauses of section 32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to artificial lighting, and managing the effects of lighting on the surrounding environment.

Appendix 1: Focus Environmental Report

**REPORT ON THE ARTIFICIAL LIGHTING AND ILLUMINATED SIGNS
PROVISIONS PRODUCED FOR WHANGAREI DISTRICT COUNCIL.**

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1. Exterior Lighting

- Outdoor lighting is provided for a number of reasons such as;
- For the illumination of sporting and other such activities.
- To provide a safe working environment at night.
- To provide adequate illumination for safe movement.
- For security purposes.
- To enhance the night appearance of architectural or historical features.
- For advertising, promotion or display of goods and services.

Irrespective of the reasons why artificial lighting has been installed, consideration needs to be given to the potential obtrusive effects of the lighting system and how these effects may be viewed by other parties.

Lighting is often a subject of complaints due to its high visibility at night. Outdoor lighting, no matter how well it is designed will generally produce some impact onto the surrounding environment. The requirement to provide adequate lighting for the functionality of the area can be in conflict with the containment of spill light, as illumination may be required in a volume of space i.e. to illuminate a ball in a football training ground, rather than direct illumination onto the horizontal surface.

As well as the impact of the lighting at night, the daytime appearance of the large light support structures may also be subject to dissatisfaction and considered intrusive.

In all case, good design practice and the correct choice of luminaires, and their associated lamp sources should be used to mitigate the impact of the lighting system on the surrounding environs.

1.1 Environmental Zones

The environment can be broadly classified into 'zone's that generalise the inherent surrounding darkness. This needs to be taken as a very general classification and individual situations may require better definition;

- Intrinsically dark areas – such as forested parks and other such dark landscapes.
- Low district brightness areas – rural village and farm locations, etc.
- Medium district brightness areas – small town centres, urban locations, etc.
- High district brightness areas – city or town centres with high levels of night time activity.

When considering the impact of exterior lighting or that of an illuminated sign, the zone background darkness has some bearing as it will influence the perception of the viewer and their corresponding response.

1.2 How light is measured

The standard unit for measuring the intensity of a beam of light in any given direction is the candela. While special measuring techniques are needed to evaluate how many candelas are emitted in any one direction, this information is published by the suppliers of the light fitting.

Light from a luminaire may be emitted in any direction, and this is generally controlled in to a controlled beam by the construction of the surrounding luminaire envelope and diffusers. Therefore, at different angles, the radiant flux can be different due to different amounts of candela being emitted within a defined solid (3D) angle. The unit for the radiant flux is a lumen, defined technically as candela per

steradian. This is the metric unit used to describe the quantity of light emitted by a luminaire or being received onto a surface. A 100 Watt incandescent lamp would emit around 100 lumens while a 250 Watt street light could emit around 28,000 lumens.

The amount of light (lumens) falling onto a surface is known as illuminance and is measured in lux (which is lumens/square metre) and this is relatively easy to measure. Spill light is measured in lux.

While the illumination level can vary considerably depending on the functionality of the space, the following are general illuminance values;

Direct sunlight	Approximately 100,000 lux
An office desk area	400 – 500 lux
An average domestic lounge	50- 75 lux
A road intersection	10 lux
Direct moonlight	Approximately 0.1 to 0.5 lux

1.3 Measurement at the Boundary

The most practical way to measure the spill light levels is at the boundary of the receiving residential property. This avoids intrusion onto the property which may not be welcome or possible. Because the level of illumination decreases in proportion to the square of the distance from the light source, it is easy to calculate the illuminance at a window if the distances between the light and the boundary, and the boundary and the window are obtained.

Throughout New Zealand, it is the impact of exterior lighting on adjacent residential houses that is addressed by obtrusive lighting controls. The impact onto commercial and industrial zones are not considered to be a nuisance or to degrade night visual amenity due to the high surrounding illumination present from other light sources.

1.4 Glare

It is generally accepted that there are two classes of glare, both a result of viewing a bright light source against a darker surround background. The 'lightness' of the background is important and the eye adjusts to this which can change the perception of glare. As an example, viewing a car headlights during the night produces glare, whereas viewing the same headlights at the same distance during the day does not. The intensity of light produced by the headlights does not change, but because the surrounding background is not dark during the day, the eye's mechanism adjusts better.

Glare is known as the discomfort or impairment of vision experienced when parts of the field in view are excessively bright in relation to the general surroundings. Generally, the two classes are known as;

- Discomfort Glare – This type of glare causes visual discomfort without necessarily cause visual impairment.
- Disability Glare – This type of glare impairs the ability to see detail.

The evaluation of glare is highly subjective and the degree to which it is received and evaluated by humans makes it difficult to be categorical on its effect to individual eyes. Factors such as distance, angle of view, size of the light source and background luminance all contribute to the effect and glare is usually evaluated by calculation rather than measurement.

1.5 Measurement Tools Available

As mentioned above, spill lighting is relatively easy to measure. The measurements are usually taken with the light meter aimed directly at the light source as well as in the horizontal and vertical planes. The direct plane will always have a higher reading than the horizontal or vertical plane readings.

The light intensity in any given direction needs a luminance meter to enable measurement and this is an expensive instrument is not readily available, generally needing the services of a professional Illumination Engineer. To simplify this evaluation, limits of intensity (candela) have been given within the controls to enable distinction between permitted and discretionary activities. Mathematically, these can be related back to the calculated evaluation of the glare potential.

1.6 Standards that are applied

The standard used for the design of road lighting, both for vehicle and pedestrian movement is the (AS/NZS) 1158 (Lighting for Roads and Public Spaces) series. This has a number of sub-series relating specifically to vehicle roads, pedestrian paths, pedestrian crossing and tunnel/overpass lighting requirements.

The relevant (AS/NZS) 1158 standards are;

AS/NZS 1158.0:2005 Road Lighting – Introduction.

Serves as a general introduction to the AS/NZS 1158 series and provides definitions of lighting categories and technical terms essential to the understanding of other Standards in the series especially Parts 1.1, 2, 3.1 and 6.

AS/NZS 1158.1.1:2005 Road Lighting – Vehicle traffic (Category V) lighting – Performance and design requirements.

Specifies performance and design requirements for Category V lighting schemes as described in AS/NZS 1158.0. Also specifies data needed to design for and assess compliance with those requirements.

AS/NZS 1158.1.2:2010 Road Lighting – Vehicle traffic (Category V) lighting – Guide to design, installation, operation and maintenance.

Sets out guidelines for the design, installation, operation and maintenance of lighting systems for roads which require Category V lighting complying with AS/NZS 1158.1.1, i.e. traffic routes, including arterial roads and freeways. It is intended to be read in conjunction with AS/NZS 1158.1.1 and provides background information and advice to assist in the application of the requirements of that Standard.

AS/NZS 1158.2:2005 Road Lighting – Computer procedures for the calculation of light technical parameters for Category V and Category P lighting.

Specifies the computer-based design procedures applicable to Categories V and P lighting for the calculation of light technical parameters (LTPs), as required, for the design or evaluation of road lighting in accordance with the requirements of AS/NZS 1158.1.1 and AS/NZS 1158.3.1. The source code of one computer program, designated SAA STAN, together with a shell program designated STANSHELL, are given for the calculation of the LTPs for Category V lighting on straight sections of road.

AS/NZS 1158.3.1:2005 Road Lighting – Pedestrian area (Category P) lighting - Performance and design requirements.

Specifies performance and design requirements for Category P lighting schemes as described in AS/NZS 1158.0. It also specifies the luminaire data and other data that is needed to facilitate the lighting design and the assessment of compliance with the requirements of this Standard.

SA/SNZ TS 1158.6.2015 – Lighting for Roads and Public Spaces – Part 6: luminaires – Performance.

Sets out requirements for luminaires that are intended for use in Category V lighting schemes in accordance with AS/NZS 1158.1.1, and in Category P lighting schemes in accordance with AS/NZS 1158.3.1. This Technical Specification covers the design, construction, performance and marking of luminaires, and the provision of supporting documentation that are in addition to the safety requirements of AS/NZS 60598.2.3. This Technical Specification includes recommendations and requirements for the use of SSL light sources.

These standards recommends that road lighting is exempt from obtrusive light controls as it is deemed that this will interfere significantly with the functionality of the lighting and degrade the intended illumination on the road. Against this, the rapid development and employment of LED (Light Emitting Diode) street lighting allows stricter and better control of stray light than was possible with the traditional street lighting.

The pedestrian (Category P) sub-series recommends lighting criteria depending on the level of pedestrian walking/cycle activity, perception of crime activity, and the need to enhance the prestige of the area in question.

Both for vehicle and pedestrian areas, the levels of illuminance produces are relatively low being an average of 10 lux or less, depending on the application.

The (AS) 4282:1997 (Control of Obtrusive Standard Effects of Outdoor Lighting)¹ addresses guidelines and evaluation method for both spill lighting and glare. While mentioned in a number of New Zealand Local Body controls, this standard has not been officially adopted in New Zealand. There is presently a joint Australian/New Zealand committee reviewing the standard with an intent to re-writing it.

Certain bodies have their own lighting requirements, e.g. the NZTA (New Zealand Transport Agency) has published guidelines on their website relating to lighting and illuminated signs adjacent to their road network.

1.7 Obtrusive Light

Obtrusive light generally takes the form of spill light, which is light that trespasses from one property boundary to another property in sufficient quantity to be considered a nuisance or a disturbance to the second party or the intensity of the trespass light causes deterioration of the night time amenity of the second party. The effect of the severe light intensity is known as glare.

When evaluating what are appropriate controls for obtrusive light, the following technical parameters are relevant;

- The level of existing lighting in the immediate area and the associated background ambience.
- The times the lighting is to operate.
- The functionality and type of the lighting used to light the activity.
- The use of readily available and easily understood technical information.

There are potentially adverse effects of unregulated exterior lighting to nearby residences which can include;

- Disturbance to sleep patterns.
- Abnormal brightness on walls or gardens.
- Increasing the artificial sky glow effect causing deterioration of the night sky viewing and astronomical observations.
- Reduction of the enjoyment surrounding night viewing.
- Deterioration of the ability to view essential information.
- Very excessive lighting can disturb native wildlife and may drive them away from their natural habitat.

¹ The AS 4282 Standard is undergoing review and is due to be published in late 2017 as a joint Australian/New Zealand Standard.

2. General Principles of for the Control of Light

The application of the following principles help with the control of obtrusive light.

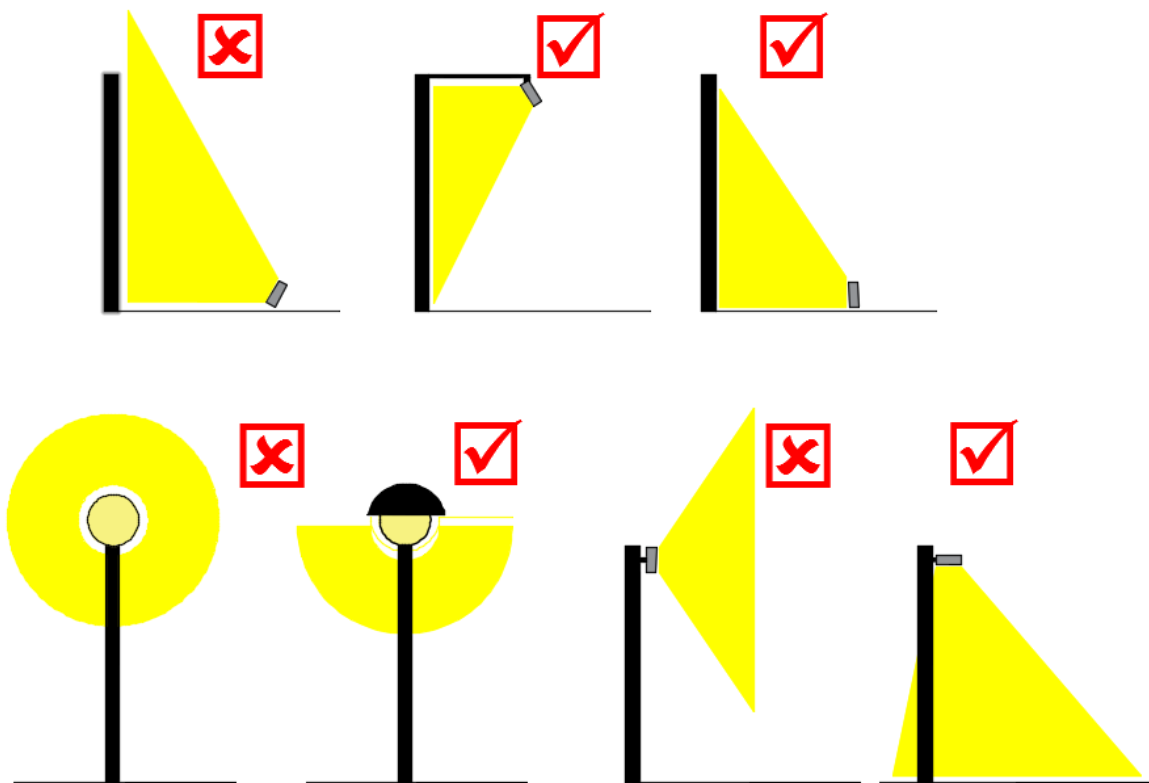


Figure 1 - EXAMPLES OF GOOD AND BAD LIGHTING SCHEMES

- Directing light downwards or away from the horizontal, with the intent of illuminating the target area only.
- If Uplighting is a must, then the use of shields and baffles or restricted beam control should be used to minimise the spill light as much as possible.
- Do not 'over light'. The use of modern luminaires and good design practices reduce light pollution and conserves energy costs.
- Keep glare to a minimum. Try and ensure the main beam angle is below 70°. It should be noted that the higher the light source, the lower the main beam angle can be. Take extra care with aiming and positioning.

- Wherever possible, use floodlights with asymmetrical beams that permit the luminaire face to be parallel to the surface being lit.

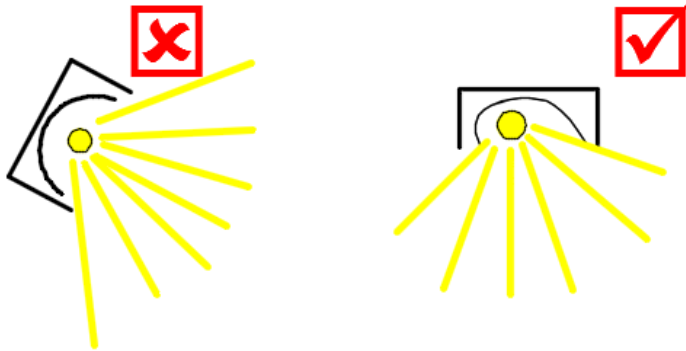


Figure 2 - SYMETRICAL AND ASSYMENTICAL LUMINAIRES

3. Setting Lighting Limits

3.1 Commonly Used limits in New Zealand

Many obtrusive lighting controls have time limits, i.e. a high spill light limit is allowed for the first part of the darkness hours with a reduced limit during the latter part of the night.

Many Local Authorities within New Zealand have different light limits depending on the time. These can range from 100 lux to 1 lux, depending on the time of night and the zoning or land use of an area.

Generally it is the range between 8 - 20 lux that is considered appropriate, with the preference towards the lower end rather than the higher value. With modern luminaires and good design these values are not difficult to achieve with the majority of lighting installations. For example:

- In a residential situation – a limit of 8 – 10 lux at the boundary is common although some Local Authorities have much tighter restrictions.
- In a commercial situation - a limit at the boundary of the commercial site of between 20 -50 lux should be considered acceptable provided any limit at an adjacent residential property complied with residential property limit.
- In rural areas – for lighting from packing shed or farm utility sheds, a limit of 10 – 15 lux at the boundary of the farm property would be considered acceptable.
- Parks/beach – for toilet block or walkway lighting, a limit of 10 lux at the boundary of the park property would be considered acceptable.
- Carparks – Depending of the intensity of the car parking required, a limit at the boundary of the car park of between 10 – 15 lux would be considered acceptable provided any limit at an adjacent residential property complied with residential property limit.

There are exceptions which would not achieve the lux limits, one such example would be a large sport stadium. Such an activity if undertaken during night time hours or low light situations would require an illumination standard of 1500 lux is necessary to enable colour television broadcasting. In such an instance the lighting required could exceed the light limits of 10 lux at the boundaries of the any closely situated residential properties. Similarly it is possible for a very large flood lighting facility such as high mast lighting required for a port or rail yard may also exceed the limits in certain situation as the requirements for security and work safety may need preference over the controls.

Special lighting such as from airport control tower or port navigation lighting is generally uncontrolled as the safety aspects relating to the lighting cannot be over-ridden without degrading their functions.

While there are a select few instances such as those mentioned above, it is unlikely that exterior lighting in rural, residential, commercial or similar environments cannot be designed to meeting the residential control limits.

3.2 Overseas examples and limits

There is limited research available, however the Australian Standard AS 4282 (Control of Obtrusive Effects of Outdoor Lighting) quotes the following information collected from a German survey²;

- Complaints about outdoor lighting were 10 times less frequent than those about noise.
- Approximately only 2.4% of the responders were troubled by spill light.
- Nominally 80% named the bedroom as the room where light emission impaired their quality of life while approximately 64% felt that excessive light disturbed their sleep.
- About 50% of those affected felt that spill light issues were disturbing, 20% declared it only just bearable and 30% felt unreasonably harassed.
- The assessment of disturbance appeared to increase with age.
- About 60% complained that excessive lighting impaired their health.

The German Investigators concluded that with a vertical illuminance of more than 3 lux at a window, complaints of a strong brightening of the room predominated.

The resulting German recommendations were;

LOCATION	MAX. VERTICAL LUX	
	0600 h TO 2200 h	2200 h TO 0600 h
Health services and residential areas	1 lux	1 lux
Mixed areas	3 lux	1 lux
Central, business and industrial areas	15 lux	5 lux

² The German study is referenced as Deutsche Lichttechnische Gesellschaft e. V Messing und beurteilung von lichtimmissionen (Measurement and evaluation of the disturbing effect on the environment caused by light emissions.) No. 12, Berlin, 1991.

Whereas the recommended guidelines produced in (AS) 4282 are;

Illuminance in the vertical plane (Ev)	Application Time	Commercial areas or boundary of commercial/residential zones	Residential Areas	
			Light Surrounds	Dark Surrounds
	Pre-curfew	25 lux	10 lux	10 lux
	Curfew Hours	4 lux	2 lux	1 lux

There is a potential conflict between the exterior lighting needed to facilitate the desired night activities which may typically be undertaken in an area and the degree of spill light control required to maintain the amenity and environmental integrity of the area.

It also needs to be noted that light level reduces as a square of the distance from the light source, therefore a level measured at 10 lux on the boundary rapidly reduces down to 3 lux at the window.

3.3 Bright Light Sources in the Field of View

The evaluation of the effect of a bright light source and the level of discomfort that is experienced is not particularly easy to calculate.

The sensation of glare – whether termed discomfort or distorting is subjective and the impression gained may be different to each observer, depending on his or her age, eyesight and angle of view.

Generally, glare is described in broad terms such as ‘uncomfortable’, intolerable, just perceptible’ etc. and there is much discussion on the appropriate way to describe it or sensibly measure it.

This report discusses two possible measurement techniques for measuring bright light sources:

- The Australian Standard (AS) 4282
- The application of a controlling dimension and maximum intensity for each luminaire

2.3.1 Australian Standard (AS) 4282

Australian Standard (AS) 4282 limits glare by calculation of the maximum light beam intensity, within certain angles, with different limits depending on pre-curfew and curfew times. The limiting values imposed in AS 4285, especially within the curfew times were considered by some parties to be onerous and have (in the past) attracted some adverse public comment.

For pre-curfew, it recommends a maximum intensity (in candela) depending on the distance of the observer to the light source. These distances are broadly classed as:

- up to 25 m distance,
- between 25 to 75 m distance and
- above 75 m distance.

At these distances, maximum acceptable beam intensities relative to each luminaire are listed as limits. The method is based on the evaluation of the light intensity with a ‘control direction’ and within a certain vertical angles, which are determined based on the area to be illuminated. This vertical angle is 10° below the horizontal for small areas i.e. the vertical angles 90° to 80° and 7° below the horizontal i.e. 90° to 83° for large areas. These angles have been chosen as best representative of the likely viewing angles of the public outside the nominated lit area.

During curfew hours, the maximum allowable beam intensities are greatly reduced and irrespective of distance between the observer and the light source. The limits are further classified by whether the light sources are in a commercial area, or viewed against a light or dark background.

The method is problematic in that it is only appropriate when the view of the observer is likely to be maintained, and not where momentary or short-term viewing is involved. Most complaints about the brightness of the lighting are a result of the light being visible (where previously there was no light) and irrespective of the time of viewing, hence even if a light system complies, complaints occurred.

	Application Time	Area to be illuminated (Note 1)	Maximum Intensity from Each Luminaire	
			Level 1 Control (Note 2)	Level 2 Control (Note 3)
Intensity emitted by each Luminaire (I)	Pre-curfew Hours	Large	7 500 cd	100 000 cd
		Medium	7 500 cd	50 000 cd
		Small	2 500 cd	25 000 cd
	Curfew Hours	Commercial/Residential Boundaries	Residential Areas	
			Light Surrounds	Dark Surrounds
		2 500 cd	1 000 cd	500 cd

The following explanatory notes are given;

Note 1

A large area is one where the light source is 75 m or more away.

A medium area is one where the light source is between 75m to 25 m away.

The small area is one where the light source is under 25 m away.

Note 2

Level 1 control is normally applicable for environmentally sensitive areas.

Note 3

Level 2 control will permit a wide range of lighting systems that can limit the intensities in particular directions to what may be reasonably expected of careful attention to design and the selection and aiming of luminaires. These intensities could be considered too liberal for many applications.

2.3.2 Controlling Dimension/Intensity

This is a relatively simplistic way of evaluation, provided the direction of viewing is known. If a method of determining whether a light system should be permitted or discretionary and subject to an assessment based on glare characteristic is required, this method, stripped of all the conditional clauses would be as functional as the AS4282 standard.

The method is again based on the evaluation of the light intensity with a 'control direction' and within a certain vertical angle, which is determined based on the area to be illuminated. This vertical angle

would be 10° below the horizontal for small areas and 7° below the horizontal for medium to large areas. These angles have been chosen as best representative of the likely viewing angles of the public outside the nominated lit area.

The limits nominated are for one (worst case) luminaire, irrespective of the number of luminaires mounted on a light frame.

This control is generally appropriate for the light control of environmentally sensitive areas i.e. where the existing environment is of high quality, where abutting properties are close to the installation and where they are residential in nature or where the existing ambient light levels are low and where the community requires the environmental safeguards to be applied.

SUGGESTED LIMITS

Maximum Intensity Limit per Luminaire		
Size of Area	Control Dimension	Maximum Intensity from Each Luminaire
Large	Greater than 75 m	7 500 cd
Medium	Between 25 m and 75 m	7 000 cd
Small	Under 25 m	2 500 cd

SUGGESTED METHOD OF EVALUATION

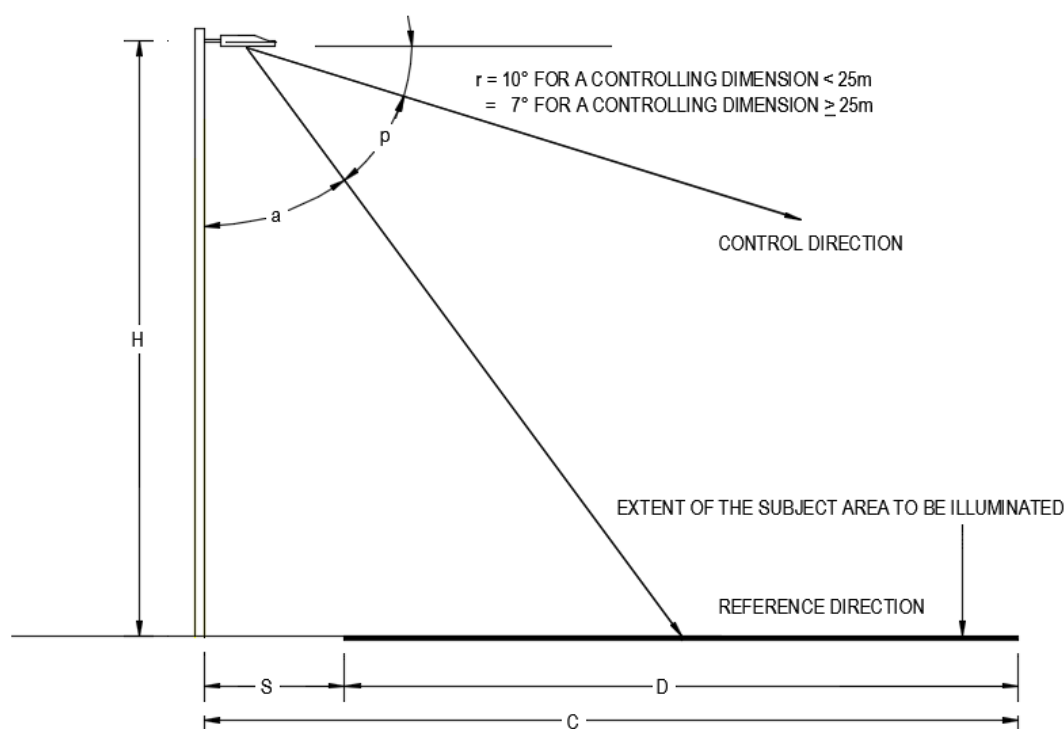


Figure 3 - METHOD OF DETERMINING THE CONTROL DIMENSION

The reference direction is the angle where the maximum intensity of the luminaire is aimed.

H = Height of the luminaire

S = Setback of the luminaire from the area to be illuminated

D = Length of the area to be illuminated

$C = \text{Controlling dimension} = S + D \text{ (metres)}$

$a = \text{Reference angle (the aiming angle of the point if this is the maximum intensity)}$

$p = \text{Angular displacement, in elevation, of the control direction for the reference direction.}$

$r = \text{Angular difference between the control direction and the horizontal. } r \text{ is taken as } 10^\circ \text{ if the control dimension (C) is less than 25 metres and taken as } 7^\circ \text{ if the control dimension is greater than 25 metres.}$

OUTCOME

If the intensity at angle p is less than or equal to the intensity limit, then the luminaire is a permitted activity. If it exceeds the intensity limit, it is a discretionary category.

EXAMPLE CALCULATION

The illuminated area is 55 m wide and the luminaire is offset back at 3 m. The aiming point for the beam of maximum intensity is 66° .

The control direction angle p is calculated from the equation:

$$p = 90^\circ - (a + r) = 90^\circ - (66^\circ + 7^\circ) = 17^\circ$$

($r = 7^\circ$ as the length of the area to be illuminated is greater than 25m).

Reference now needs to be made to the photometric performance chart of the luminaire (supplied by the Applicant) in which the light intensity value would be read off for a vertical angle of 17° from the horizontal i.e. the vertical angle of 73° .

If this intensity is less than 7000 cd (7000 cd because the distance of 55 m is between 25 m and 75 m), the luminaire would be deemed to be a permitted activity. If it was greater than 7000 cd, the luminaire would be treated as a discretionary activity.

4. Whangarei District Plan Spill Light Limits

The nominated levels of 15 lux (road reserve level) and 10 lux (other environments) generally falls within the ranges discussed above.

In the Open Space Environment, a lux limit of 20 lux applies to boundaries with the Business Environments. The Whangarei District Plan does not currently contain any criteria for evaluating glare in any environment.

The use of the lux limits appear appropriate for the Whangarei District Council to adopt given that they are seeking a simplistic approach to the limitation of spill light. The limits suggested are in line with other Local Authority controls and would not be deemed restrictive.

The evaluation at the planning submission stage is not onerous and can be modelled with commonly available lighting design software.

5. Illuminated Signs

Where illuminated signs are situated, the evaluation needs to cover the brightness of the sign against the environmental background darkness level as well as factors such as size, colour, movement and cyclic operation.

Technical Report No. 5, published by the Institution of Lighting Engineers (UK) is generally taken as guidance on best practice and are evaluated according to their location in one of our zones;

Zone E1 – Intrinsically dark areas e.g. national parks, etc.

Zone E2 – Low brightness areas e.g. road laybys, rural environments, etc.

Zone E3 – Medium brightness areas e.g. small town centres, urban environments, etc.

Zone E4 – High district brightness areas e.g. commercial areas, etc.

The intent is to evaluate the impact of the illumination against its background.

Luminance is a characteristic of how the sign is illuminated and is dependant of the position of the observer while being independent of the surrounding conditions. Generally, sign face is non-uniform and the luminance will vary across the face. The luminance will vary with the direction of viewing, generally being a maximum during direct frontal observation.

Brightness is the visual sensation experienced by the observer when viewing luminance. It depends on four main factors;

- Luminance.
- Size and distance from the observer
- Contrast against the viewed background.
- The observer's angle of viewing.

The effect of sign luminance may be explained by considering two identical signs in different settings. If one is placed in a well-lit shopping area with a high background luminance it will appear to be considerably less bright than its counterpart situated in a dark country lane. Although the signs are identical, one may appear attractive and the other offensive. The luminance is the same for both signs, but the contrast between the sign and the associated background makes the appearance of the brightness different.

The Report also limits the luminance of the sign depending on the size of the sign and this approach has been adopted by other local authorities in New Zealand.

The difficulty exists with determining, before construction, what the luminance will be and where on the sign it should be determined. Past experience has indicated that some sign manufacturers cannot easily ascertain what the averaged or maximum luminance will be and the information of LED or LCD signs can be difficult to obtain.

For back-lit signs, there are formulas that calculate the average luminance by knowing the total lumens produced by the (internal) light source x the transmission factor of the diffusing medium or coloured front adhesive. This would allow an estimation of the averaged luminance at the submission stage.

LED or LCD signs would need the published data to be submitted to enable evaluation.

The actual measurement of an installed sign needs an agreed methodology and a Luminance Meter. As the Luminance Meter costs around \$7000.00 to buy, there are only a few consultants or Illumination Engineers with this equipment, making the measurement of compliance an expensive and to some extent a complicated process. The measurement of a grid across the sign face would enable both the maximum and averaged luminance to be found and this measurement can be undertaken either at the installation site or at the manufacturing facility. The measuring instrument should be located nominally 5 x face length or 5 x face height, whatever is the longer distance.

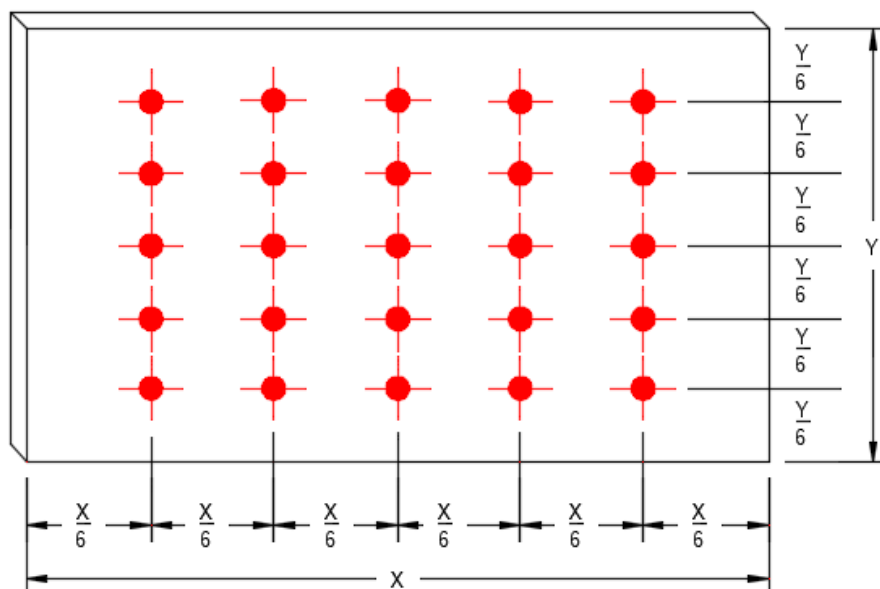


Figure 4 - SUGGESTED GRID POINTS FOR SIGN LUMINANCE MEASUREMENT

Spill light (in lux) to the boundary emitted from illuminated signs is not generally an issue and cannot be taken as a measure of the appearance of brightness. It is the visual intrusion of the sign against the associated viewing background or the interference to traffic or public safety that is the main cause of complaint.

6. Construction Site Lighting

Lighting for temporary construction yards and construction activities has the potential to cause spill lighting and glare to nearby residents and to drivers of vehicles travelling on adjacent roads. The lighting is required for the continuation of work after hours as well as security to minimise theft and/or unauthorised entry.

The construction lighting used for road, bridge or similar site construction activities usually consists of portable, battery powered trolley gantries. These are moved around to suit the work flow and can be easily positioned to avoid producing adverse effects to the immediate environs.

Through the use of good design practices and modern luminaires, there is no reason why construction yard and security lighting cannot meet the District Plan requirements.

7. Lighting for Safety

The following is general guidance only and reference should be made to (AS/NZS) 1158.3.1:2005 Road Lighting – Pedestrian area (Category P) lighting - Performance and design requirements to determine all the technical light parameters that are needed for the design such as minimum light levels, vertical light levels and uniformity characteristic.

General Area Description	Operating Characteristics	Pedestrian/ Cycle Activity	Risk of Crime	Need to Enhance Prestige	Illumination (Horizontal, Initial)
Collector Roads or Non-arterial Roads which collect and distribute traffic in an area, as well as serving abutting properties	Mixed vehicle and pedestrian traffic	N/A	High	N/A	10 lux
		High	Medium	High	5 lux
		Medium	Low	Medium	2.5 lux
		Low	Low	N/A	1.5 lux
Local Roads or streets used primarily for access to abutting properties, including residential properties	Mixed vehicle and pedestrian traffic	N/A	High	N/A	10 lux
		High	Medium	High	5 lux
		Medium	Low	Medium	2.5 lux
		Low	Low	N/A	1.5 lux
Common areas, forecourts of cluster housing	Mixed vehicle and pedestrian traffic	N/A	High	N/A	10 lux
		High	Medium	High	5 lux
		Medium	Low	Medium	2.5 lux
		Low	Low	N/A	1.5 lux
Pedestrian or cycleway, park pathways, walkways	Pedestrian or cycle traffic only	N/A	High	N/A	10 lux
		High	Medium	High	5 lux
		Medium	Low	Medium	2.5 lux
		Low	Low	N/A	1.5 lux
Areas predominately for pedestrian use e.g. city, town, suburban outdoor areas including outdoor shopping precincts, outdoor malls, open arcades, town squares, civic centres	Generally pedestrian movement only	N/A	High	High	30 lux
		Medium	Medium	Medium	20 lux
		Low	Low	N/A	10 lux
Transport terminals and interchanges, service areas	Mixed vehicle and pedestrian movement	High	High	High	30 lux
		Medium	Medium	Medium	20 lux
		Low	Low	N/A	10 lux
Connection elements such as steps, ramps, footbridges, pedestrian ways	Generally pedestrian movement only	All			10 lux
Connection elements such as subways including associated ramps or stairs	Generally pedestrian movement only	All			50 lux
Outdoor car parks, aisles and circulation ways	Mixed vehicle and pedestrian traffic	High	High	High	20 lux
		Medium	Medium	Medium	10 lux
		Low	Low	Low	5 lux
	Parks for people with disabilities	All			25 lux