

**Whangarei District Council**  
**Thursday, 28 May 2020**

**Urban and Services Plan Change  
Package**  
**Attachment 1 – All Reports**

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# **Report 1 – Overview**

## **Proposed Plan Changes 82A, 82B, 88A-J, 109, 115, 136, 143, 144, 145, 148, 147**

### **Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**



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## Abbreviations

We have used the following abbreviations in our reports:

The Resource Management Act 1991	The Act
Whangārei District Council Operative District Plan	WDP
Section 42A of the Act	s42A
New Zealand Transport Agency	NZTA
Whangārei District Council	The Council
Northland Regional Policy Statement	NRPS
Kāinga Ora – Homes and Communities <sup>1</sup>	Kāinga Ora
Fire and Emergency Services New Zealand	Fire NZ
Foodstuffs North Island Limited	Foodstuffs
Bunnings Limited	Bunnings
Ministry of Education	MoE
Department of Corrections	Corrections
KiwiRail New Zealand	KiwiRail
National Institute of Water and Atmospheric Research	NIWA
Ngā Tai Ora – Public Health Northland, Northland District Health Board	Public Health
Northland Regional Council	NRC
New Zealand Coastal Policy Statement	NZCPS
National Policy Statement on Urban Development Capacity	NPS:UDC
National Policy Statement on Electricity Transmission 2008	NPSET
Integrated Transport Assessment	ITA
Earthworks	EARTH
Transport	TRA
Three Waters Management	TWM
Strategic Directions	SD
District Growth and Development	DGD
Urban Form and Development	UFD
Plan Change 82A Signs	PC82A
Plan Change 82B Lighting	PC82B
Plan Change 88 Urban Plan Changes Technical Introduction	PC88
Plan Change 88A City Centre Zone	PC88A
Plan Change 88B Mixed-use Zone	PC88B

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<sup>1</sup> Successor to Housing New Zealand Corporation (submitter #268)

Plan Change 88C Waterfront Zone	PC88C
Plan Change 88D Commercial Zone	PC88D
Plan Change 88E Local Commercial Zone and Neighbourhood 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 109 Transport	PC109
Plan Change 115 Green Spaces Zones	PC115
Plan Change 136 Three Waters Management	PC136
Plan Change 143 Airport Zone	PC143
Plan Change 144 Port Zone	PC144
Plan Change 145 Hospital Zone	PC145
Plan Change 147 Earthworks	PC147
Plan Change 148 Strategic Direction and Subdivision	PC148
Urban Growth Strategy	UGS
Whangārei District Growth Strategy - Sustainable Futures 30/50	WDGS

## Introduction

1. This is the first of a series of reports on the following plan changes:
  - Plan Change 82A Signs (**PC82A**)
  - Plan Change 82B Lighting (**PC82B**)
  - Plan Change 88 Urban Plan Changes Technical Introduction (**PC88**)
  - 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 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 109 Transport (**PC109**)
  - Plan Change 115 Green Spaces Zones (**PC115**)
  - Plan Change 136 Three Waters Management (**PC136**)
  - Plan Change 143 Airport Zone (**PC143**)
  - Plan Change 144 Port Zone (**PC144**)
  - Plan Change 145 Hospital Zone (**PC145**)
  - Plan Change 147 Earthworks (**PC147**)
  - Plan Change 148 Strategic Direction and Subdivision (**PC148**)
2. These plan changes are collectively known as the Urban and Services Plan Changes to the Whangārei District Council Operative District Plan (**WDP**). A description of the plan changes as notified is set out in Part 1 of the section 42A reports (**s42A Reports**).
3. The plan changes were publicly notified on 8 May 2019. A total of 317 submissions and 79 further submissions were received.
4. Whangārei District Council (**the Council**) delegated to the Hearings Panel the responsibility to hear and make recommendations on the plan changes pursuant to section 34A of the Resource Management Act (**the Act**). The Hearings Panel comprised three independent commissioners: Mr Richard Knott – Chair, Ms Rachel Dimery and Mr Bill Smith.
5. We wish to convey our thanks to all the submitters who appeared at the hearing for their time and assistance helping us understand their submissions. We acknowledge the large volume of material which meant that it was no easy task for submitters to review the material and prepare submissions. We were particularly grateful to those submitters who provided summaries of the matters they supported or opposed in the recommendations. We also wish to thank the Council staff who assisted us. Ms McGrath and her team of planners put in many hours of hard work during the hearing in order to continue to work with submitters, and where possible, to reach agreement on submission points. Lastly, we would like to specifically acknowledge the assistance and efforts of Eden Edwardson and Ataria Sharman who provided outstanding hearing support to the panel.

## Structure and Approach to Reports

### General Approach

6. Clause 10 of Schedule 1 to the Act sets out the requirements for decisions.

*(1) A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.*

*(2) The decision—*

*(a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*

*(i) the provisions of the proposed statement or plan to which they relate; or*

*(ii) the matters to which they relate; and*

*(ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and*

*(b) may include—*

*(i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*

*(ii) any other matter relevant to the proposed statement or plan arising from the submissions.*

*(3) To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*

*(4) The local authority must—*

*(aaa) have particular regard to the further evaluation undertaken in accordance with sub-clause (2)(ab) when making its decision; and*

*(a) give its decision no later than 2 years after notifying the proposed policy statement or plan under clause 5; and*

*(b) publicly notify the decision within the same time.*

*(5) On and from the date the decision is publicly notified, the proposed policy statement or plan is amended in accordance with the decision.*

7. Due to the number of plan changes included in the Urban and Services Plan Change package, there was a large amount of material which we considered in our deliberations. We have sought to minimise the repetition of material where possible, while still conveying the key issues and reasons for our recommendations. Where possible we have referred the reader to the relevant s42A Report and/or Right of Reply (**RoR**) rather than duplicate the material in our reports. Where our reasons for accepting, accepting in part or rejecting a submission depart from those in the relevant s42A Report or RoR, we have set out our reasons in the relevant report.
8. Where we have accepted or rejected a submission, then the corresponding further submission is accepted or rejected in accordance with our recommendation on the primary submission.

### **Structure of the Reports**

9. This first report provides an overview of the hearing and outlines the statutory framework for our recommendations. It also deals with preliminary matters and procedural issues that were raised during the hearing process.
10. We have structured our recommendation reports to align with the structure of the s42A reports. In total there are 13 reports as follows:
  - Report 1 - Overview Report (PC82A, 82B, 88A-J, 109, 115, 136, 143, 144, 145, 148, 147)
  - Report 2 – General Topics and Definitions (PC82A, 82B, 88A-J, 109, 115, 136, 143, 144, 145, 148, 147)

- Report 3 – Strategic Direction and Subdivision (PC148)
  - Report 4 – Commercial (PC88A – D and F)
  - Report 5 – Centres (PC88E)
  - Report 6 – Industry (PC88G and H)
  - Report 7 – Residential (PC88I)
  - Report 8 – Regionally Significant Industry (PC143-145)
  - Report 9 – Zoning (PC88A – J and PC115)
  - Report 10 – Services (PC109, 136, 147)
  - Report 11 – Signs and Lighting (PC82A and B)
  - Report 12 – Open Spaces (PC115)
  - Report 13 – Precincts (PC88J)
11. This report should be read in conjunction with Reports 2 – 13. We note that all submissions relating to subdivision have been covered in Report 3. This is a departure from the structure of the s42A Reports, which included analysis of submissions on the subdivision rules in Reports, 3, 4, 5 and 6.

## **Preliminary Matters**

12. The Chair issued a minute on 27 September 2019 with directions regarding the pre-circulation of evidence. Further minutes were issued during the hearing in relation to procedural matters, which we discuss below. All minutes issued are available on Council's website.

### **Conflict of Interest and Procedural Issues**

13. On the opening day of the hearing, we were advised that a submitter, Ms Jenny Edwards, wished to raise issues relating to a conflict of interest and errors and omissions in the s42A Reports. The Chair invited Ms Edwards to address the panel to outline her concerns. Ms Edwards advised that she considered there was a possible conflict of interest for Mr David Badham, on the basis that he had prepared s42A Reports and his firm Barker & Associates had lodged a number of submissions and further submissions. Ms Edwards later supplied the panel with a table summarising the possible conflicts. Ms Edwards also raised concerns about errors and omissions in the s42A Reports and similarly supplied us with a table summarising these matters. Ms Edwards told us that her main concern is public perception of the process and that planning consultants are paid with ratepayer dollars.
14. The Chair invited Mr Badham to respond. Mr Badham advised us that he was the reporting planner for Part 7 Regionally Significant Infrastructure and Part 10 Signs and Lighting (where he authored the Lighting section and a colleague authored the Signs section). He advised us that his company carefully manages potential conflicts of interest and provided a memorandum to Council on 13 November 2019 setting out how conflicts are managed, in this instance, he was satisfied that there was no overlap between the submissions lodged on behalf of clients and the matters addressed by Barker & Associates staff in the s42A Reports.
15. Ms Shaw addressed this matter in her legal submissions for Council. She submitted that there is sufficient separation between the roles of Barker & Associates consultant planners and no conflict of interest has arisen.<sup>2</sup>
16. Ms Shaw, provided a further response on these matters under cover of a Memorandum of Counsel dated 26 November 2019. The memorandum included a table of the further submission points lodged

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<sup>2</sup> Submissions of Counsel for Whangārei District Council as to scope, dated 21<sup>st</sup> November 2019

by Barker & Associates on behalf of clients and concluded that as the relevant s42A Report was authored by Council staff<sup>3</sup>, there was no conflict of interest.

17. Separate staff in separate offices at Barker & Associates prepared the s42A Reports and submissions on behalf of clients. In a large plan review process, such as this, it is common for councils to use consultants to assist with the preparation of the statutory reports. We do not see the use of consultants as an actual or perceived conflict of interest per se. The issue we must satisfy ourselves with is that there is no overlap between the Barker & Associates staff that prepared s42A reports and the interests of their clients, for whom they prepared submissions. We are satisfied that this is the case. The Barker & Associates staff that prepared the s42A Reports had no overlap with any matters raised in submissions for their clients. We find that there is no conflict of interest associated with the involvement of staff from Barker & Associates with the preparation of s42A reports.
18. We note that under Clause 10, subclause 3 of Schedule 1 to the Act, the local authority's decision is not required to address each submission individually and in our view, by extension, nor is the s42A Report. The errors and omissions identified by Ms Edwards were addressed in Part 1 of the RoR prepared by Ms McGrath. We accept that there were some submission points not specifically discussed in the s42A Reports that were raised in Ms Edwards submissions. These points have now been responded to in the RoR and we are satisfied that all submission points have been considered.

#### Late Submissions and status of further submissions

19. The Reporting Officer<sup>4</sup> advised us that no primary submissions were received significantly late and recommended we accept late submissions. Subsequent to the s42A Report being provided, a late submission was lodged by Mr Moore on 18 November 2019 and two further submissions were lodged by Mr Hedges on 21 November 2019.
20. The late submission and further submissions by Mr Moore and Mr Hedges were received over a year since the closing date for submissions and further submissions. In the interests of procedural fairness, we resolve to reject the submission by Mr Moore and the further submissions by Mr Hedges. We accept all other late submissions, as recommended in the s42A Report.
21. The Reporting Officer also identified that many of the further submissions received were from submitters who did not make an original submission. The recommendation was to accept these further submissions on the basis that the submitters have interests greater than the general public. We resolve to accept these submissions under Schedule 1 Clause 8 of the Act, as recommended in the s42A Report.

#### Late Evidence

22. The Chair granted a waiver to Kāinga Ora – Homes and Communities (**Kāinga Ora**) to file its evidence by 4pm on 14 November 2019. Kāinga Ora circulated some of its evidence on 14 November 2019, with the last of its evidence being provided on 19 November 2019.
23. The Chair issued a minute on 2 December with directions to submitters in relation to the late filing of evidence by Kāinga Ora. The minute invited any submitter on Kāinga Ora's submission to have a further opportunity to appear at a reconvened hearing on 10 December.
24. Three submitters<sup>5</sup> presented submissions at the reconvened hearing. A representative for Kāinga Ora was in attendance.<sup>6</sup>

#### Scope Issues

25. Ms Shaw, legal counsel for Council, provided submissions as to the scope of submissions and the scope of evidence. She referred us to two High Court decisions as to whether a submission and the relief it

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<sup>3</sup> Ms McGrath and Mr Pickering

<sup>4</sup> Part 1, s42A Report at paragraph 64

<sup>5</sup> Mr Poynter, Mrs Morgan and Mrs Edwards

<sup>6</sup> Mr Masefield



seeks is “on” a plan change.<sup>7</sup> She submitted that the package of plan changes should be considered as plan changes and not a full plan review. On this basis she concluded that the appropriate tests in terms of scope are those set out in the two cases she referred us to. We accept these submissions. We turn now to our findings on each of the specific scope issues raised.

26. We find that the request from Atlas Concrete Limited<sup>8</sup> to include its Byrnderwyn quarry in the Quarry Resource Area Appendix to the WDP is not within scope. This appendix does not form part of the suite of plan changes and is therefore not within scope. We find that amendments to the Strategic Direction provisions are within scope as this is “on” the plan change.
27. We find that the amendments to Strategic Direction provisions relating to natural hazards (now the District Growth and Development provisions) sought by Northland Regional Council<sup>9</sup> are within scope. This is discussed in further detail in Report 3. We find that amendments to introduce new maps and provisions associated with the maps<sup>10</sup>; and the deletion of the Flood Susceptible Area notation are not within scope for the reasons given in Ms Shaw’s submissions.
28. We find that the further submission by Mr Mitchell<sup>11</sup> is out of scope as it seeks a new zone, rather than supporting or opposing the zoning sought in the primary submission.<sup>12</sup>
29. We find that the relief sought in Ms Lisa Doran’s<sup>13</sup> evidence is within the scope of the relief sought in her primary submission for the reasons given in Ms Shaw’s submissions.
30. Ms Shaw submitted that the relief sought in evidence for the Department of Conservation<sup>14</sup> to include a new Strategic Direction policy on Kauri dieback was not a matter fairly and reasonably raised in the submission and was therefore out of scope. Ms Shaw emphasised that the submission sought new policies with respect to Kauri dieback in two zones and the Earthworks chapter. In comparison the Strategic Directions provisions apply to all zones. Counsel for the Director-General of Conservation, Ms Michelle Hooper, disagreed with Ms Shaw and urged us to take a substance over form approach to the submission.<sup>15</sup> She emphasised that the provisions sought would assist Council in performing its mandated function under section 31 of the Act and further submitted that the Earthworks chapter is a district-wide chapter and as such, a policy in the Strategic Direction chapter would not apply much more widely. We find that the addition of a policy in respect of Kauri dieback in the Strategic Direction chapter is not within scope. While the Earthworks chapter is a district-wide chapter, its subject matter is confined to the management of earthworks associated with subdivision. To include a policy in the Strategic Direction chapter would have much broader application and as such does not fairly and reasonably relate to the amendments sought in the submission. We have more to say about the issue of Kauri dieback below in the section relating to general issues.
31. Ms Shaw submitted that amendments sought in evidence for the New Zealand Transport Agency (NZTA) in respect of gross floor area triggers associated with the preparation of an Integrated Transport Assessment (ITA) in rules TRA-R15 and TRA-R16 were not fairly and reasonably raised in the submission. She also submitted that it was unclear whether the amendments sought in evidence for NZTA in respect of signs were fairly and reasonably raised in the submission. Mr Gribben, legal counsel for NZTA, submitted<sup>16</sup> that we should also consider consequential changes and changes arising from further submissions when determining scope. In this regard, he advised that the ITA triggers were formulated in response to a further submission opposing significant changes to the Plan Changes by Kāinga Ora. The matter is finely balanced. We agree with Mr Gribben and find that the relief sought by NZTA is within scope. Mr Gribben also submitted that as NZTA’s submission clearly raised the potential for increased controls on digital signs, the amendments proposed in evidence are within the ambit of

<sup>7</sup> *Clearwater Resort Ltd v Christchurch CC* HC Christchurch AP34/02, 14 March 2003; *Palmerston North CC v Motor Machinists Ltd* [2013] NZHC 1290 at [54] – [55];

<sup>8</sup> Submission 129

<sup>9</sup> Submission 264 and supporting submission x333 by the Director-General of Conservation

<sup>10</sup> Submission 264

<sup>11</sup> Submission x349

<sup>12</sup> Submission 180

<sup>13</sup> Submission 155

<sup>14</sup> Submission 143

<sup>15</sup> Legal submissions on behalf of the Director-General of Conservation, dated 29 November 2019

<sup>16</sup> Legal submissions on behalf of the New Zealand Transport Agency, dated 22 November 2019



the submission as a whole. We agree and find that the amendments sought relating to the sign provisions are within scope.

32. Ms Shaw submitted that the amendments sought in evidence for Kāinga Ora pertaining to the deletion of the Earthworks chapter or alternatively, the deletion of certain rules are out of scope as these outcomes were not sought in the primary submission, nor do they align with the relief sought in the primary submissions that Kāinga Ora filed further submissions on. Mr Sadlier, legal counsel for Kāinga Ora accepted that this relief is likely beyond the scope of the submission<sup>17</sup> and primary submissions to which Kāinga Ora is a further submitter. We therefore find that this relief is out of scope.
33. In evidence on behalf of Marsden Maritime Holdings, Mr Keogh proposed rezoning a strip of land 80m either side of Marsden Bay Drive to Light Industrial. Ms Shaw submitted that this alternative relief was not within scope as rezoning would have broader consequences than providing for commercial activities as a permitted activity. We agree and find that this relief is out of scope.
34. We accept Ms Shaw's legal submissions with respect to the relief sought in evidence for the Northland District Health Board<sup>18</sup> and find that the amendments sought are not within scope.
35. We accept Ms Shaw's legal submissions with respect to the relief sought in evidence for the National Institute of Water and Atmospheric Research and the University of Auckland, which requested new precincts as alternative relief to that sought in primary submissions. We find that this relief is within scope.
36. We also accept Ms Shaw's legal submissions with respect to the relief sought in evidence for Southpark Corporation Limited (**Southpark**)<sup>19</sup>, that the use of a precinct does not fairly and reasonably relate to the submission. We agree that the relief would introduce more stringent provisions and relate to the 2007 footprint, compared to the relief in the submission which related to the existing footprint of the Ruakaka Shops. For these reasons, we find the relief is not within scope.
37. We do not accept the legal submissions on behalf of Northport<sup>20</sup> that the more refined relief proposed in evidence for Northport is within scope, save for the proposal that existing dwelling being altered or added to within the Port Noise Management Area must complete sound insulation/protection works. We find that introducing the proposed Inner and outer control boundary in evidence was not fairly and reasonably raised in the submission and would be unfair to the port's neighbours.

### Trade Competition

38. We heard legal submissions from Ms Shaw for Council and Mr Allan for Southpark in respect of Mr Hood's assertions that Southpark is a trade competitor of Town Centre Properties Limited (**TCPL**). The Southpark submission sought to change the zoning for the Ruakaka Shops from the notified Local Commercial Zone to Neighbourhood Commercial Zone; decrease the extent of the zone; and consequential changes to delete the reference to the Ruakaka Shops within the Local Commercial chapter.
39. Ms Shaw submitted that Southpark is a trade competitor as it seeks to restrict the commercial activities of TCPL, which is not competition for a resource, but rather relates directly to competing uses; Mr Heath's evidence for Southpark does not assert that there is no trade competition, but rather that the retail effects 'go beyond' trade competition; the proponent<sup>21</sup> of the private plan change for Marsden Primary Centre (**MPC**) sought a finding from the hearing panel that TCPL was a trade competitor, although the panel found it was unnecessary to make a finding on this matter.<sup>22</sup> The essence of Ms Shaw's submissions was that 'however significant the retail distributional effects described by Mr Heath

<sup>17</sup> At paragraph 6.3 of the Legal submissions on behalf of Kāinga Ora-Homes and Communities (formerly Housing New Zealand Corporation), dated 3 December 2019

<sup>18</sup> Submission 206, Statements of Evidence from Messrs Styles and McAlley

<sup>19</sup> Submission 154 and further submission x359

<sup>20</sup> Legal submissions for Northport Limited, dated 10 December 2019

<sup>21</sup> North Holdings Limited

<sup>22</sup> We presume the inference is that as Southpark manages a significant portion of this land for the new owner, it too is a trade competitor

may be, they relate to the effects of trade competition.<sup>23</sup>

40. In contrast to Ms Shaw, Mr Allan submitted that where trade competition produces social and economic effects that are significant, they go beyond the effects ordinarily associated with trade competition and should be considered.<sup>24</sup> He noted that the only expert evidence before us was the statement by Mr Heath, whose opinion was that the extent of the Local Commercial Zone has the potential to delay, if not prevent the development of the Marsden Primary Centre zoned land.<sup>25</sup>
41. Mr Foy, Council's economic expert, responded to Mr Heath's evidence in Part 1 of the RoR at Attachment 4.
42. Returning to the issue of trade competition, we find that Southpark is a trade competitor, as the retail distributional effects have a connection with an effect of trade competition. In reaching this decision, we also had particular regard to Policy PA3(c) of the National Policy Statement: urban Development Capacity. This directs planning decisions to have particular regard to: 'Limiting as much as possible adverse impacts on the competitive operation of land and development markets.' However, in case we are wrong and Southpark is not a trade competitor of TCPL we have considered the merits of South's relief in Report 5.

### **Declaration of Interest by Commissioners**

43. The commissioners made the following declarations:
44. Commissioner Dimery recorded that her husband prepared a submission on PC88I on behalf of St Just Enterprises; during the course of deliberations she advised that her husband was the planning advisor to Department of Corrections in relation to a new project in Whangārei. Commissioner Dimery took no part in the deliberations or recommendations concerning either submission. We are satisfied that this satisfactorily addresses any actual or perceived conflict of interest.
45. Commissioner Knott recorded that he is working as a consultant for Countdown on other projects outside of the Whangārei area. He also confirmed that he acted as consultant on a Housing New Zealand (now Kāinga Ora) project in Auckland. This project received consent sometime before the start of the hearing at which point his involvement ceased. We are satisfied that this does not represent any actual or perceived conflict of interest.
46. Commissioner Smith did not have any interests to declare that could be perceived as an actual or potential conflict of interest.

## **Statutory Framework**

47. The statutory framework of the Resource Management Act (**Act**) is set out in detail in the s32 Report and s42A Report. For completeness we agree and adopt that analysis.<sup>26</sup>
48. As we have discussed above, we are required to include reasons for accepting or rejecting submissions. We are also required to include a further evaluation of any proposed changes to the plan changes arising from submissions.<sup>27</sup> The evidence presented by submitters, the s42A Report and the RoR, and this report fulfil the requirement for further evaluation under s32AA. That material should be read in conjunction with this report.

## **The Hearing**

49. Hearing of the Urban and Services Plan Change Package occupied nine days of hearing time between

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<sup>23</sup> At paragraph 16

<sup>24</sup> At paragraph 20.d

<sup>25</sup> At paragraph 22

<sup>26</sup> Refer Section 2 of s32 Evaluation Report for the Urban Plan Changes: Technical Introduction and Section 4 of s42A Part 1

<sup>27</sup> In accordance with s32AA of the Act

25 November and 10 December 2019.

50. We undertook site visits during the hearing on 29 November, 2 December and 9 December.
51. Parties we heard from are set out at Attachment 1.
52. Additionally, the following Council officers and advisors were in attendance to respond to questions during different parts of the hearing were:
  - Melissa McGrath, District Plan Manager
  - Sarah Shaw, Legal Counsel
  - Evan Cook, Senior Policy Planner
  - Robert Burgoyne, Senior Planner
  - Sarah Brownie, Intermediate Planner
  - Sam Pickering, Planner
  - Taya Baxter, Planner
  - Sarah Horton, Consultant Planner
  - David Badham, Consultant Planner
  - Briar Belgrave, Consultant Planner
  - Alice Hosted, Consultant Planner
  - Don McKenzie, Transport Advisor
  - Jon Styles, Acoustic Consultant
  - Derek Foy, Economics Consultant
  - Brad Coombs, Consultant Landscape Architect
53. We received pre-circulated evidence and tabled statements from submitters who were unable to appear and/or for whom we advised we had no questions (refer Attachment 2).
54. Copies of tabled statements, evidence filed and legal submissions are available on Council's website.

### ***Information Received During the Hearing***

55. We asked a number of parties to provide additional information for our consideration during the hearing. A list of the parties who provided summaries and supporting information is set out at Attachment 3. This information is available on Council's website.
56. The Chair directed that Council provide its reply by 31 January 2020. In the reply<sup>28</sup> Council provided a provisional recommendation that the Port Nikau Development Area be included, subject to the submitter providing plans to accompany the provisions by 21 February 2020. It was our understanding that discussions were taking place between the Council and the submitter at this time and given that it appeared likely that the majority of matters would be resolved by this continued discussion the Chair agreed to this request. A revised set of provisions was provided by Council on 6 March 2020. An

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<sup>28</sup> Right of Reply, Part 11 Precincts

addendum to Council's reply was provided on 12 March 2020.

57. Being satisfied that we had all necessary information for our deliberations, we closed the hearing on 20 March 2020.
58. All information received during the hearing is available on Council's website.

## General Issues

59. In the course of preparing our recommendations, we have identified topics which we recommend Council consider promulgating variations and/or plan changes in respect of. These topics relate to various anomalies and strategic issues for Council's consideration. For convenience, we have identified those issues below, together with our recommendations on these issues:

### Tangata Whenua/Mana Whenua, including sites and areas of significant to Māori

60. The issue of the protection of cultural landscapes and sites of significance to Māori was raised in relation to our consideration of the Port Zone (PC144). This is a matter that does not appear to be adequately addressed in the Operative District Plan. Provision for the development of Māori development and Papakāinga was another relevant matter traversed at the hearing. One submitter<sup>29</sup> told us that Council was still learning how to use papakāinga legislation. We consider it would be beneficial if any issues with the Papakāinga provisions in the Operative District Plan could be reviewed to identify implementation issues and whether a plan change is warranted.
61. We note that Plan Change 100: Sites of Significance to Māori is identified on Council's website as being in the process of being prepared. At the hearing Ms McGrath advised that Council was still working with hapū to identify sites of significance.
62. We encourage Council to prioritise the review of the Tangata Whenua provisions in the Operative District Plan and notification of Plan Change 100.

### Flood and Coastal Hazard Risks

63. We considered the submission and evidence on behalf of the Northland Regional Council (**NRC**) and have made some changes to zonings in response to the evidence produced and the information supplied on the natural hazards in the district. The evidence on behalf of the NRC referred to the natural hazard policies of the NZCPS and NRPS being unimplemented within the Operative District Plan. We were also concerned to hear the Operative District Plan contains references to the 1994 NZCPS, rather than the current 2010 NZCPS. We share NRC's concerns around the length of time since the RPS was made operative (May 2016) and that amendments to the Operative District Plan to give effect to the NRPS are yet to be initiated. We acknowledge that Ms McGrath advised that natural hazards and flood mapping will be addressed in future plan changes. We also acknowledge the resourcing constraints and limitations
64. As we have set out in Report 3, we did not consider that we had scope to include the updated hazards maps and associated provisions, however we have recommended some amendments we consider to be in scope to the provisions in the District Growth and Development chapter. We recommend that the Council consider this issue as a matter of urgency and notify a Plan Change to give effect to the NZCPS and NRPS.

### Kauri dieback disease

65. The Department of Conservation (**DoC**) submitted on this issue at the hearing. We have (where we believe possible and within scope) amended Plan Change 147 – Earthworks and Plan Change 115 – Green Space Zones to include some provisions in relation to Kauri Dieback disease. It is our view is that the Council should as a matter of urgency review this issue, in conjunction with the DoC and iwi, and implement District-wide provisions to deal with Kauri Dieback disease. We note that evidence indicated that other councils have included such provisions within their district plans. These other plans could provide a basis for Council to consider when preparing similar provisions. As the subject of Kauri

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<sup>29</sup> Ms Jade Kake on behalf of Rewarewa Corporation

Dieback disease affects the whole of the Northland Region it may be an opportunity to introduce similar provisions within all districts on a regional basis.

**Rules requiring a 27metre set back from Mean High Water Springs (MHWS) and the top of any river bank that has a width exceeding 3m**

66. The subject of the application of a 27 metre setback rule was raised by a number of submitters and we have, where within scope and justified, reduced the 27 metre setback as a result of submissions. We also note that the Reporting Officers have also recommended a reduction of the 27 metre setback rule within some zones- such as the Shopping Centre Zone whereas the Mixed Use Zone and Commercial Zone still requires a 27m setback. The 27 metre setback was also raised in general and we believe that the Council should consider the rule in light of the fact that it has been in existence for a number of years, zonings have and will continue to change and the effect on some of the land within the 27 metre setback rule can be significant.

**Building Floor-to-Ceiling Height or Building Floor-to-Floor Height**

67. We have recommended amendments to these rules, to alter the reference to Building Floor-to-Ceiling Height to Building Floor-to-Floor Height. This is primarily as a result of a submission from Mr King in relation to Plan Change 88E and the Local Centre Zone – Rule LCZ-R5. The reasons why are included in Report 5. If we had scope we would have also recommended a similar amendment to other Zones such as the Waterfront Zone, to ensure consistency. We suggest that the Council review the provisions as they affect the other Zones and change the rule to align with what we have proposed for Plan Change PC88E and the Local Centre Zone.

**Okara West and Shopping Centre Zone**

68. Our recommendation, based on the evidence before us, is that the Shopping Centre Zone is the most appropriate zone for the Okara West Shopping Centre. As we have said in our Report<sup>30</sup>, we visited this site during the hearing and we observed that Okara Drive is busy and that it is difficult to cross to the site from the Okara Shopping Centre to the east. We therefore hope that Council will consider how pedestrian movement between the two areas can be improved to encourage them to function as one.

**Whangārei Airport**

69. During the hearing we heard evidence from Mr Badham, Mr Styles and Mr Westgate<sup>31</sup> in regards to the Airport. We have noted in our decision report that Mr Westgate referred to the OCB being re-assessed and redrawn (if proven to be needed); something which was apparently done some years ago with his submission referring to 2002 (18 years ago). Although we have recommended that his submission be rejected.
70. We recommend that the Council undertake a review and assessment of the OCB and other boundaries. We also note that Mr Badham in his Right of Reply stated that any review should take into account current and future projections for the airport and also the airports long-term future on the site. We believe and recommend to Council that it may be appropriate for the Council to review and reassess (in conjunction with the airport owners) the designations that are in place and consideration of the boundaries (Airport Noise Boundary, Outer Control Boundary and Airport Noise M) in a holistic review of the boundaries as they affect the wider area.

**Policy direction and vertical alignment of provisions**

71. NRC's submission made a general comment that many of the policies read as objectives rather than policies. The submission went on to suggest that such policies should be amended to provide more specific direction on how objectives will be achieved. Unfortunately, the submission stopped short of providing specific amendments to rectify this matter.
72. We agree with this observation and add that in some cases, the policies restate the objective and do not provide any additional direction on how the objective should be implemented (i.e. the course of

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<sup>30</sup> Report 9

<sup>31</sup> Submission 196



action) and/or provide ambiguous guidance<sup>32</sup>. Examples include DGD-O1, DGD-P2, DGD-O12 and DGD-P11.

73. We also observed that some objectives had no corresponding policy; some policies had no corresponding objective; and some rules had variable requirements that did not flow from associated policies. Examples include:
- a. DGD-O8;
  - b. HIZ-P5;
  - c. SUB-O6, SUB-P2, SUB-P3 and SUB-P4; and
  - d. Permitted activity standards for the height of trees and shrubs on road boundaries in COMZ-R10 – R 14; MUZ-R11 – R13; LIZ-R14 – R 16; HIZ-R8 - R10.
74. The absence of any submissions giving us scope to amend the above provisions meant that we did not recommend any amendments. However, we recommend that if the Council shares our view, then it notify a variation to amend these provisions.

### Major Structure and Minor Building provisions

75. The Council's submission requested the inclusion of 'major structure' and 'minor buildings' definitions and corresponding amendments to the rules. Heron was one of the few further submitters on this matter and raised an issue with the impact of the provisions on vessels and masts at ship building businesses in the Heavy Industry Zone. We have recommended amendments to address this in Report 6. However, we foresee potential unintended consequences and that there are likely to be other structures that will be captured by the definition of 'major structure' and the associated rules. For example, businesses that have gantry structures or repair/maintain equipment in yards. Where such structures and equipment exceed the 2.2m height they will be subject to setback and height in relation to boundary standards. We query whether this will result in the efficient use of land.<sup>33</sup>
76. We also consider that the inclusion of standards relating to height, area and volume within the definitions should more properly sit within the relevant rules. In this regard, the Ministry for the Environment's *Guidance for 14. Definition Standard* states that definition should avoid containing (or becoming) de facto rules.
77. We appreciate that the Council prepared the plan based on the draft National Planning Standards and then had little time to prepare a submission to propose amendments to achieve consistency with the National Planning Standards, which were gazetted after the plan changes were notified. We recommend that Council monitor the effectiveness of these provisions to identify any unintended consequences that may warrant a variation or plan change to address this matter.

## Summary of the Recommendations

78. Our recommendations on the plan changes are set out in detail in Reports 2 – 13 that accompany this report. We have not reproduced our recommendations here. We have however provided a summary of some of the more significant amendments we have recommended. These changes include:
- a. Relocating certain policies from the District Growth and Development chapter to the Urban Form and Development Chapter.
  - b. Amending the activity status of subdivision to restricted discretionary for certain types of subdivision proposals.
  - c. Amending the net site area required for subdivisions in the General Residential zone to 400m<sup>2</sup>

<sup>32</sup> For example, to 'manage effects', without directing how the effects are to be managed

<sup>33</sup> Section 7(b) of the Act

net site area.

- d. Amending the General Residential Zone provisions to emphasise the zone's traditional suburban character, including the deletion of the multi unit development rule.
- e. Reducing the size of the Maunu Town Centre Precinct and underlying Local Centre Zone.
- f. Deleting the Marsden Technology Park Precinct and to retain the Rural Production Environment zoning of this land.
- g. The addition of a new precinct PREC2 - Western Hills Drive Precinct (WHDP) to provide for small-scale commercial services.
- h. Amending the zoning of some land within the Coastal Flood Hazard Zones and River Flood Hazard Zones shown on Northland Regional Council maps. The amendments are to change the zoning from Medium Density Residential Zone to General Residential Zone.
- i. Including additional provisions to address Kauri dieback disease.

79. Lastly, we have recommended a number of minor changes to the text of the various chapters under cl. 16(2) of the First Schedule to the Act. These changes include:

- a. Standardising the spelling of frequently used terms like district-wide, land use, mixed use<sup>34</sup>; and standardising references to the 24-hour clock.
- b. Use of tohūtō / macrons for Māori words, including Whangārei, Māori and hapū.
- c. Amending references to 'drive through activities' to instead refer to the defined term 'drive through facilities'.
- d. Deleting superfluous text in the Noise and Vibration chapter that related to precincts which have been deleted (such as the Port Nikau Precinct).
- e. Correcting numbering to be sequential.
- f. Standardising the punctuation of lists.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**



## Attachment 1:

### List of parties we heard

#### Whangārei District Council<sup>34</sup>

- Sarah Shaw (counsel)
- Melissa McGrath

#### Northland Regional Council

- Michael Day

#### Freddrick Morgan

#### Fire and Emergency New Zealand

- Perri Unthank
- Graeme Quensell

#### Peter Hill

#### Udy Investments

- Adam Thompson
- Jono Payne

#### GO and AM King

#### North Haven Hospice Endowment Trust

- Geoff King

#### GO and AM King

#### Town Centre Properties Limited

- Brett Hood
- Jason Prisk

#### Marsden Maritime Holdings Limited

- Thomas Keogh

#### Ruakaka Economic Development Group and C & K Pyle

- Joseph Henehan

#### C Johnston, D and R Ford

- Vanessa Anich

#### Margaret Barbara Hicks

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<sup>34</sup> Refer to paragraph 52 for a list of Reporting Officers who attended the hearing to respond to questions

**Public and Population Health Unit NDHB**

- Warren Moetara
- Stephen Chiles

**New Zealand Transport Agency**

- Matthew Gribben
- Nita Chhagan
- Stephen Muir
- Richard Landon-Lane
- Tim Elliot
- Matthew Collins
- Catherine Heppelthwaite
- Dr Stephen Chiles

**KiwiRail Holdings Ltd**

- Tom Atkins
- Pam Butler
- Dr Stephen Chiles

**Chris Poynter**

**Quality Developments**

- Emma Miller

**Industrial Estates Ltd**

- Ajit Balansingham

**Mark Cromie Motor Group**

- Thomas Keogh

**Goal Holdings Ltd**

- Brett Hood
- Ken Orr

**Homeworld and I Begbie**

- Joseph Henahan

**Legend Investors Ltd**

- Larry Chi

**The Proprietors of Rewarewa D**

- Mike Kake
- Jade Kake

**Workman Properties Ltd**

- Lisa Doran

**JB & RM Trustees Ltd**

- John Keith

**Downer New Zealand Ltd**

- Gillian Chappell

**Department of Corrections**

- Sean Grace
- Pip Hurrell
- Clair Jones

**Northland Christian Camps Trust Board**

- Brett Hood

**Deborah Seerup**

**NZ Association of Radio Transmission Inc**

- Douglas Birt
- Peter Mull

**Margaret Gurney**

**Donald Hedges**

**Anne Lensink**

**Janine Abernethy**

**Selwyn Whitley**

**Rosemary Morgan**

**Kerry Grundy**

**Jennifer Edwards**

**Graham Chignell**

**Tom Steele**

**124 Tauroa Street Limited**

- Mark Arbuthnot

**Heron Construction Holdings Limited**

- Mark Arbuthnot

**Patuharakeke Te Iwi Trust**

- Juliane Chetham

**Kāinga Ora Homes and Communities (formerly Housing New Zealand)**

- Daniel Sadlier
- Alex Devine
- Brendon Liggett
- Sarah Johnston (standing in for Annette Jones)
- Matthew Lindenberg
- Phillip Osborne
- Timothy Heath
- Blair Masefield

**Director General of Conservation**

- Michelle Hooper
- Andrew Riddell
- Dr Antony Beauchamp

**Carol Messenger**

**WDC Infrastructure**

- Heather Osborne

**University of Auckland**

- David Badham

**Foodstuffs North Island Ltd**

- Stacey Sharp
- Matthew Norwell

**Transpower New Zealand Limited**

- Ainsley McLeod

**CS Gibson and G Jonas**

**Murray, John and Gregory Webby**

**Clarkes Limited**

- Blair Masefield

**United Port Limited**

- Blair Masefield
- Ajit Balansingham

**D, P and J Robinson**

- Blair Masefield
- Derek Robinson

**Port Nikau Joint Venture and Port Nikau Three Joint Venture**

- Brett Hood
- Claire Davies Colley

**Commercial Centres**

- Jo Baguley

**Southpark Corporation Limited**

- Douglas Alan
- Tim Heath
- Nick Roberts

**Positive Ageing Advisory Group**

- Robin Lieffering

**Jan Irving**

**Colleen and Arthur Rushton**

**Vivian Kloosterman**

**National Institute of Water and Atmospheric Research**

- Vicki Morrison-Shaw
- Luke Faithfull
- Kenneth Becker

**Advance Developments Ltd**

- Brett Hood
- Barry Trass

**Northland District Health Board**

- Ian McAlley
- Janette Underwood
- Simon Cocker
- Stephen Chiles

**Northport Limited**

- Brett Hood
- Craig Fitzgerald

**Refining NZ**

- Chris Simmons
- Riaan Elliot
- Jack Stewart
- Blair Masefield

**Norsand Ltd**

- Stephen Westgate

**Stephen Westgate**

**Attachment 2:**

**Submitters who tabled statements or evidence who were unable to attend the hearing and/or from whom we did not require to hear**

*Atlas Concrete Limited*

- Kaaren Rosser

*Circa Marine and Industrial Limited*

- Thomas Keogh

*EB Developments (179)*

- Joseph Henehan

*Bunnings Ltd*

- David Badham

*Carter Holt Harvey Ltd*

- Gillian Chappell

*Fonterra*

- Dean Chrystal

*General Trust Board of the Diocese of Auckland*

- Emily Reid

*Horticulture New Zealand*

- Jordyn Landers

*Ministry of Education*

- Jess Rose

*Northpower*

- David Badham

*The Oil Companies*

- Georgina McPherson

*Woolworths*

- M J Foster

*GEK Property Nominees (Marsden Point) Limited, North Sawn Lumber Limited, Volume Two Limited*

- Vicki Toan

**Z Energy**

- Karen Blair



**Attachment 3:****List of parties who tabled summaries and supporting information during the hearing**

- Patuharakeke Te Iwi Trust Board
- Fire and Emergency New Zealand
- Jennifer Edwards
- Peter Hill
- D and R Ford and C Johnston
- G.O King
- Geoffrey King
- Marsden Maritime Holdings Limited
- North Haven Hospice
- New Zealand Transport Agency
- Ruakaka Economic Development Group
- Margaret Hicks
- Douglas Birt
- Refining New Zealand
- Town Centre Properties Ltd
- Circa Marine Ltd
- Goal Holdings Ltd
- Quality Developments Ltd
- John Keith
- Donald Hedges
- Homeworld Ltd
- Deborah Seerup
- Clare Rosemary Morgan
- Janine Abernethy
- Kerry Grundy
- Margaret Gurney
- Northland Christian Camps Trust
- Vivian Kloosterman

- KiwiRail
- Freddrick Morgan
- Director General of Conservation
- Graham Chignell
- Kāinga Ora Homes and Communities
- Heron Construction Ltd
- Carol Messenger
- Foodstuffs North Island Limited
- Geoffrey Gibson
- Glenn Jonas
- University of Auckland
- D, P and J Robinson
- United Port Road
- Whangārei District Council Infrastructure and Planning
- Atlas Concrete Ltd
- Northport Ltd
- Commercial Centres
- Southpark Ltd
- Colleen Rushton
- Jan Irving
- Jock Whitley
- National Institute of Water and Atmospheric Research
- Robin Lieffering
- Advance Developments Ltd
- Northland District Health Board
- Norsand
- Stephen Westgate
- Chris Poynter



# **Report 2 – General Topics and Definitions Proposed Urban and Services Plan Changes**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Definitions Chapter
2. How the Plan Works Chapter
3. Recommended District Plan Maps - Zone Maps
4. Recommended District Plan Maps - Resource Area Maps
5. Consequential Amendments

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 1 of the s42A Report.
4. Where this report refers to the s42A Report it is referring to Part 1. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 1.

## Evaluation of Submissions

### Topic A: Duplicate Submissions

#### Relevant Submissions

Submitter	Submission# & Point #
Carolyn Marriner	66.1
Ken and Kathleen Baker	274.1

#### Principal Issues Raised

- Two submissions received were duplicate submissions, with submission 66 being a duplicate of submission 96, and submission 274 being a duplicate of 216.

#### Reporting Planner's s42A Recommendation

11. This was dealt with in paragraph 67 of the s42A Report and the recommendation from Ms McGrath was to reject submission points 66.1 and 274.1 as duplicates.

#### Evidence from Submitters and Right of Reply

12. No evidence was presented on this topic.

#### Discussion and Reasons

13. We adopt the analysis in the s42A Report and recommend these submissions are rejected as they are duplicates of other submissions.

### Topic B: Consultation

#### Relevant Submissions

Submitter	Submission# & Point #
J Green	103.1
PBRR	139.16
WHCA	201.12 & 13
Nga Hapu o Whangārei	215.5 & 11
DAG	221.7
M Arseneault	226.1
M Norris	252.1
J Edwards	283.13
H Infanger and P Marty	286.5
A Jameson	291.9
PPT	310.1

### Principal Issues Raised

- Opposition to the plan changes as submitters believed that Council had not undertaken adequate consultation and provided insufficient time for submitters to make submissions.
- Relief sought either requests that Council declines all of the plan changes in their entirety or provides more time to consider the plan changes.
- Requested further engagement and consultation with the public and hapū and mana whenua for future development and plan changes.

### Reporting Planner's s42A Recommendation

38. This was dealt with in paragraphs 71 to 75 of the s42A Report and the recommendation from the Reporting Officer was to reject the submissions and retain the notified provisions, noting that amendments have been recommended in response to other submissions. Ms McGrath's opinion was that the consultation on the proposed plan changes was comprehensive, including consultation prior to the formal notification of the plan changes, going well above the minimum requirements of the Act.

### Evidence from Submitters and Right of Reply

39. Ms Edwards spoke to her submission, supporting her concern about the plan change consultation and strategic planning. Ms Edwards raised a concern that her submission is not about consultation, it is about the lack of strategic planning. Ms McGrath responded to this concern in the RoR page 3. We did not receive any evidence from the other submitters.

### Discussion and Reasons

40. Ms Edwards was concerned by the lack of recognition of strategic planning documents, many of which had been consulted on previously. She was also critical of the lack of collaboration between Council and in identifying and assessing potential changes to the residential zones. We agree that it would have been desirable for greater consultation and collaboration between Council, Kāinga Ora, iwi authorities and other Ministers of the Crown. At the hearing we sought clarification from the reporting planners that the appropriate Ministers had been consulted on the plan changes. Mr Burgoyne confirmed this but could not recall the nature of any responses received. We are satisfied that the minimum requirements of the Act have been fulfilled and whilst it would be desirable for greater collaboration between agencies and Council, the time constraints involved with statutory processes often constrain this. In this case, the WDP became operative on 3 May 2007. Section 79 of the Act requires review of plans to be commenced within 10 years. The Council has elected to undertake a rolling review. Given the time elapsed since the WDP became operative, there was insufficient time for greater collaboration and consultation.
41. We recognise the difficulty for lay submitters to respond to the large volume of information that is generated to support plan reviews, such as in this process. We do not have the remit to revisit matters such as the submission period or to require further consultation.
42. As outlined above, we are satisfied that the statutory requirements have been fulfilled and recommend that these submission points are rejected for the foregoing reasons and those given in the s42A Report and RoR.

## **Topic C: General Support**

### Relevant Submissions

Submitter	Submission# & Point #
Department of Corrections	168.5
T King	174.1
GEK Property Nominees (Northland Hospitals) Limited	218.9



### Principal Issues Raised

- General support for various sections and provisions of the Urban and Services Plan Changes.

### Reporting Planner's s42A Recommendation

51. This was dealt with in paragraph 78 of the s42A Report and Ms McGrath acknowledged the support for the Plan Changes.

### Evidence from Submitters and Right of Reply

52. No evidence was presented on this topic.

### Discussion and Reasons

53. We adopt the s42A Report recommendation that the submissions in support are accepted in part to the extent that the notified provisions have been retained with amendments in response to other submissions.

## Topic D: Physical Infrastructure and Rates

### Relevant Submissions

Submitter	Submission# & Point #
C Nicholson	2.1
Unknown	5.1
D Hewitt	6.1
L Mexted	9.1
E Pennington	15.1
D Simpson	18.1
A Anderson and C Borcas	20.1
B and A Burrows	22.1
T Harder and M Seifarth	42.1
L Foulkes	49.1
T Meyer	81.1
I Dunn	82.1
B Hall	83.1, 2, 4 & 6
I and D Beattie	109.1 & 2
PBRR	139.6, 11 & 12
A and J Morgan	170.3, 13, 14 & 17
WHCA	201.6-8
NorthChamber	203.1
J Stoddard	212.3 & 4
T Savage	214.1, 3 & 4
Northland Craft	220.2
DAG	221.3-6
J Boyes	245.1 & 3
T Savage	255.1
J Dempster	277.1
J Dempster	278.2
H Infanger and P Marty	286.1
A Jameson	291.1, 2 & 4
E Morrell	296.2-4
K Tattley	300.2 & 4
Northland AA	304.18
Bernina Northland	309.1, 2, 3 & 5
RPRRA	314.5

### Principal Issues Raised

- Physical works or rates relief was requested by various submitters. The relief sought included road improvements, speed limit reductions, tree maintenance, reduced rates, provision of car parking, and improved bus services.

### Reporting Planner's s42A Recommendation

122. These issues were addressed in paragraph 81 of the s42A Report, Ms McGrath stated that physical works, infrastructure upgrades and rates relief were beyond the scope of the plan changes, she did not support any amendments to the plan changes in response to these submissions.

### Evidence from Submitters and Right of Reply

123. No evidence was presented on this topic.

### Discussion and Reasons

124. We agree with the reporting planner that these submissions are out of scope. Council's Annual Plan and Long Term Plan process is the appropriate avenue for consideration of many of the issues raised. We therefore recommend that these submission points are rejected and no amendments are made to the notified provisions.

## **Topic E: Other Relief Sought**

### Relevant Submissions

Submitter	Submission# & Point #
NIWA	77.16
PNTJV	142.2
Kneehy	144.4
SCS	145.2
SOM	146.2
NDC	147.9
Boys High	148.2
Classic	149.2
Workman	150.2
BBM	151.2
Quality	157.2
EB	179.2
REDG	180.4
C & K Pyle	194.3
Fonterra	202.40
Summerset	205.36
NDHB	206.31
Goal	208.2
Downer	217.23
PNJV	224.3 & 40
Clarkes	227.1 & 2
Udy	241.2
Homeworld	244.2 & 3
ADL	251.2
Circa	256.4
Mark Cromie	258.4
MMH	259.9 & 10
Refining NZ	260.31

Kamo Vets	261.2
SSDL	263.2
Housing NZ	268.1

### Principal Issues Raised

- Numerous submitters requested generic consequential amendments to provisions or relief that were considered necessary to address the primary concerns raised within their submissions.

### Reporting Planner's s42A Recommendation

189. This issue has been addressed in paragraph 84 of the s42A Report, Ms McGrath noted that the need for any consequential amendments was considered at the same time as the specific submission points were addressed. She did not consider it necessary to make further consequential amendments in response to these generic submission points.

### Evidence from Submitters and Right of Reply

190. No evidence was presented on this topic.

### Discussion and Reasons

191. Where consequential amendments or other relief is necessary, we have discussed this in the relevant parts of this report. For example, in Part 9, we have recommended other relief to satisfy the issues raised in the Homeworld submission. We therefore recommend that these submissions are rejected or accepted in part insofar as this accords with our recommendations in the other parts of this report.

## Topic F: Corrections and Clarifications

### Relevant Submissions

Submitter	Submission# & Point #
Bunnings	60.7
J Edwards	193.26 - 28
F Morgan	229.18
WDC Planning	236.71 and 72
G King	237.5
G.O and A.M. King	238.5
Krivoklat Trust	239.5

### Principal Issues Raised

- Amendment of any references "Trade Supplier Activities" to "Trade Supplier".
- Amendment to policy 17.4.2 in Chapter 17 of the WDP to delete the words 'Residential and'.
- Amendment of all proposed chapters to ensure consistency of rules such as:
 

Building Height	Building Setbacks
Building Height in Relation to Boundary	Impervious Areas
Fences	Car Parking
Outdoor Areas of Storage or Stockpiles	Residential Unit
Pedestrian Centric Environment	Building Frontage
New Vehicle Crossing Over a Footpath	Verandahs
- Amendment of all proposed chapters to correct any minor spelling, grammatical or formatting errors.
- Amendment of references to the "Living Zones" be replaced with "Residential Zones".
- Replacement of references to "Green Space Zones" with "Open Space" for PC115.
- Checking of the sentence in 5.1.1 of the PC88 s32 report to confirm what it means and if reference to Auckland is relevant or helpful.
- Clarification of references to the "Draft Standards" in the s32 report to state which standards are

being referred to.

#### Reporting Planner's s42A Recommendation

208. Paragraphs 92 to 94 of the s42A Report addressed these issues. Ms McGrath supported the submissions seeking amendments to chapters to improve consistency and correct minor errors. She did not recommend amendments to policy 17.4.2.

#### Evidence from Submitters and Right of Reply

209. Ms Edwards spoke to her submission, supporting her concern that the plan change documentation contains errors. Ms McGrath responded to this issue in page 3 and further errors raised by Ms Edwards are responded to in paragraphs 6 and 7, pages 17 and 18 of the RoR.

#### Discussion and Reasons

210. We adopt the analysis in the s42A Report and its recommendations on these submission points.

### Topic G: Consequential Amendments

#### Relevant Submissions

Submitter	Submission# & Point #
K Grundy	73.1 & 2
Atlas	129.14
Fire NZ	165.1 & 4
WDC Planning	236.74
NZTA	240.95-97 & 101
WDC Infrastructure	242.51
KiwiRail	265.40 & 41
Kainga Ora (Housing NZ)	268.180
Puriri Park Society	301.1

#### Principal Issues Raised

- Requested that either a new chapter on amenity values be inserted, or alternatively, new provisions relating to amenity values be included in the proposed plan changes, particularly PC88I, PC115 and PC148, and that existing provisions relating to amenity values be strengthened.
- Amendment to the chapters to provide more detail by way of explanations and reasons, anticipated environmental results, and/or more specificity in the provisions themselves or by way of explanatory notes.
- Amendments be made to ensure it is clear for plan users that all rules must be considered when assessing compliance.
- Retention of HPW-R6.1(r) as notified.
- Amendments to HPW-R6.1(w) to delete the words 'to locate within the RPZ'.
- Amendments to HPW-R6.1, HPW-R7.1 and HPW-R9 to refer to 'transport networks' and to insert additional clauses relating to reverse sensitivity, safe movement of people and vehicles and the transport system.
- Amendments to HPW-R6.1(j) and (n) and HPW-R7.1(q) to refer to level crossings and effects on existing infrastructure networks.

- Amendment of HPW-R6 to provide applicable assessment criteria which properly reflect the purpose of each zone or resource area chapter.
- Deletion of HPW-R6 and R7 and reviewed to be recast as an assessment framework for Restricted Discretionary Activities.
- Amendments to Part C 4.2 to introduce a new subsection of the General Rules of interpretation to make sure that ancillary uses/activities are not to be assessed separately to the main use/activity.
- Insertion of a new rule in the HPW Chapter to clarify the application of definitions.
- Amendments to RLZ.2.3.8 and RUEZ.2.3.9 to delete reference to 'emergency service'.

#### Reporting Planner's s42A Recommendation

211. These issues are dealt with in paragraphs 107 to 114 of the s42A Report. Ms McGrath's opinion was that amenity values were appropriately address within the zone chapters and she did not recommend any amendments to the provisions. Ms McGrath did not recommend the inclusion of more detail by way of explanations, reasons and anticipated environmental results, her opinion was that the notified provisions provide an appropriate level of detail to be effectively interpreted and implemented. Ms McGrath recommended amendments to HPW-R6, R7 and R9, retention of RLZ.2.3.8 and RUEZ.2.3.9 as notified and the inclusion of a new rule in the HPW works chapter titled "Application of Activity Definitions".

#### Evidence from Submitters and Right of Reply

212. Ms Unthank presented evidence on behalf of Fire and Emergency Services NZ (**Fire NZ**), she considers it appropriate to amend HPW-R6.1(w), because new emergency services would trigger discretionary activity consent in a number of zones and the location and design of fire stations is identified through the functional requirements for fire stations and is appropriate that it is a matter to be considered. Ms McGrath responded on page 3 of the RoR.
213. Dr Grundy presented evidence in support of his original submission and on behalf of Puriri Park Residents, he highlighted the importance of sense of place and local character in support of his original submission seeking an amenity values chapter.

#### Discussion and Reasons

214. The notified plan changes take a different approach to that in the WDP, which contained a district-wide chapter on Amenity Values. The plan changes addressed amenity values in the Strategic Directions chapter and various zone chapters, as opposed to a standalone chapter. We agree with Dr Grundy that anticipated amenity values should be clearly articulate in district plans to give people and communities certainty as to future land uses on neighbouring properties. We find that the approach taken in the Urban and Services plan changes appropriately addresses amenity values, subject to recommended amendments to specific provisions as discussed in the other parts of this report. We therefore recommend rejecting the request to include a new chapter on amenity values.
215. We agree with the reporting officer that explanations, reasons and anticipated environmental results are not required under the Act<sup>1</sup> or the National Planning Standards. We also agree with Dr Grundy that such provisions can provide a useful guide to interpretation and can help to avoid ambiguity. However, given the extent of changes that would be required and the lack of specific relief outlining these changes, we find that it is not appropriate to recommend any such amendments.
216. We agree with Ms Unthank that HPW-R6 should be amended to apply to discretionary activities in all zones and not just the Rural Production Zone. Ms Unthank acknowledged that as a discretionary activity, any relevant effects can be considered whether stated in the plan or otherwise. Given the critical nature of emergency services, we think that it is appropriate to explicitly acknowledge that the functional needs of these activities are a relevant assessment matter. We do not have any evidence on the relevance of

<sup>1</sup> Section 75(2) provides a discretion to include these, but it is not a requirement

this matter for places of assembly in zones other than the RPZ and therefore recommend splitting the rule as follows:

HPW-R8.1...

(w) *The effect of and functional need of places of assembly ~~and emergency services~~ to locate within the RPZ.*

(x) *The effect of and functional need of emergency services to locate within any zone.*

217. In all other respects, we adopt the analysis of the s42A Report and the RoR and the recommendations on these submission points.

## Topic H: National Planning Standards

### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning	236.1 – 4 and 73
J Edwards	283.2

### Principal Issues Raised

- Amendment to the proposed district plan text and maps to improve consistency with the Standards, including:
  - Amendments to zone names to match the zone names and descriptions prescribed by the Standards.
  - Renaming all “Overview” sections to “Issues”.
  - Amending the acronyms used to match the prescribed acronyms.
  - Amendments to formatting and plan structure.
  - Amendments to map colours and symbology.
  - Amendments to include the Standards in the plan as appropriate.

### Reporting Planner’s s42A Recommendation

218. These issues are addressed in paragraphs 118 and 119 of the s42A Report, Ms McGrath supported the requested amendments to achieve consistency with the Standards.

### Evidence from Submitters and Right of Reply

219. No specific evidence was presented.

### Discussion and Reasons

220. We adopt the analysis of the s42A Report and its recommendations on these submission points.

## Topic I: Biodiversity and Natural Hazards

### Relevant Submissions

Submitter	Submission# & Point #
Y Clark	31.2
T Meyer	81.2
I Dunn	82.2
J Nicole	136.1
Nga Hapu o Whangārei	215.1

NRC	264.1
T Steele	315.1

### Principal Issues Raised

- That the existing stream along Toetoe Road not be destroyed with any development.
- Inclusion of provisions for dealing with a disaster similar to the Fox River Landfill disaster and that landfills and waste disposal must not occur close to water courses.
- Insertion of specific provisions to reduce the additional impact of development for housing and commercial development on waterways, erodible soils, areas within the 100-year flood, and sea level change areas.
- Inclusion of the finalised river flooding and coastal hazard maps that NRC have produced be included, and that a comprehensive regime for managing natural hazard risk in the district be provided.
- That housing be reduced on lower building areas.
- Expression of general concern for environmental and biodiversity values including water quality and stream and wetland habitats.

### Reporting Planner's s42A Recommendation

221. These principal issues were addressed in paragraphs 127 to 133 of the s42A Report. Mr Pickering acknowledged the concerns raised by submitters. In his opinion natural hazards would need to be addressed as a separate plan change as part of the rolling review. He considered that the inclusion of hazard maps is outside the scope of the plan changes. Mr Pickering recommended the retention of the provisions as notified, noting that amendments have been recommended in response to other submissions.

### Evidence from Submitters and Right of Reply

222. Mr Day presented evidence on behalf of Northland Regional Council (**NRC**), he disagreed with the s42A recommendation and supported the inclusion of the RPS hazard maps and amendments to policy direction in the Urban and Services Plan Changes. Ms McGrath responded on pages 3 and 4 of the RoR. In her opinion it is necessary to notify a plan change to incorporate the NRC hazard maps following a First Schedule process. Ms McGrath provided further clarification with respect to how the NRC hazard maps were used to inform the s42A Report zoning recommendations.
223. Ms Edwards raised concern about the WDP Chapter 17 Indigenous Vegetation and Habitat containing old outdated information. Ms McGrath responded on page 5 of the RoR, in her opinion the matter raised is outside the scope of the Urban and Services Plan Changes.

### Discussion and Reasons

224. Ms Shaw presented legal submissions on the opening day of the hearing. She submitted that only two provisions in the notified provisions refer to hazard prone areas<sup>2</sup> and that the Council has not notified any plan change provisions with respect to Chapter 56, flood susceptible areas, natural hazards or flooding. She concluded that the Northland Regional Council (**NRC**) submission was therefore not within the 'ambit' of the plan changes and not within scope.
225. We think it is more nuanced than that. NRC's submission provided specific wording to amend SD-O10, SD-P3 and SD-P18. We consider these submissions are 'on' the plan change. The plan changes also included a new subdivision chapter and matters of control for subdivision.<sup>3</sup> Clause (t) of HPW- R7 (renumbered HPW-R9) reads 'Avoidance or mitigation of natural or man-made hazards'. Again, we consider that amendments to the subdivision provisions are 'on' the plan change. The RoR states that the scope of policy SD-P3 is sufficient and 'partially gives effect to the Hazard provisions in the RPS.'<sup>4</sup> We are unclear how a policy can be 'sufficient', particularly where it only 'partially' gives effect to the RPS and NZCPS. The requirement of the Act is to 'give effect'. We will have more to say on this in our

<sup>2</sup> Submissions of Counsel for Whangārei Council as to scope, dated 21 November 2019, at paragraph 24

<sup>3</sup> How the Plan Works, HPW-R7 (renumbered HPW-R9).

<sup>4</sup> RoR, Part 2, at paragraph 47



recommendations on these submission points in Part 3 of our report.

226. As Mr Day observed, the management of significant risks from natural hazards is a matter of national importance.<sup>5</sup> The exclusion of Natural Hazards from this package of plan changes and the previous review has been a matter that has concerned us greatly. We are required to make recommendations in accordance with the Act, which specifies district plans must give effect to any NZCPS and any RPS. The RPS became operative in May 2016 and included methods directing that district councils notify a plan change to incorporate the flood hazard maps and coastal hazard maps. In Part 2 of the RoR, the reporting officer notes that the NRC's flood maps only cover priority rivers and further, the most recent map was completed in May 2018. We were supplied with access to Council's GIS system to provide information on the NRC hazards maps and zones as notified and we have also viewed the Council's own hazard mapping. We discuss this further in Part 9 of our report.
227. We consider that the inclusion of new maps is not 'on' the plan change and would raise issues of natural justice, as maps were not appended to the submission. We think this presents a risk that directly, or potentially directly affected persons would be denied the ability to respond to this relief. However, we have recommended amendments in Part 3 of our report to specifically deal with the issue of natural hazards in a way that gives effect to the RPS.
228. However we believe that it is important that we consider whether it is appropriate to 'upzone' and to increase the residential capacity of areas within the NRC's identified 1 in 100 year flood area, Coastal Flood Hazard Area or covered by the Council's own hazard maps. In particular whether it is appropriate that such areas are zoned MRZ. We believe that to apply the MRZ zoning to these areas would fail to take account of RPS Policy 7.1.1. (b) as it would increase the vulnerability of the subdivision, use and development of the land. It would also ignore RPS Policies 7.1.2 as it has not been shown that (a) to (g) of that policy are likely to be able to be met and 7.1.7(6) as the risk of natural hazards have not been assessed.
229. We understand that the NRC mapping provides the most up to date data. We therefore recommend that proposed MRZ areas coinciding with the NRC 1 in 100 flood area instead be zoned GRZ.
230. In all other respects we adopt the analysis and recommendations of the s42A Report and RoR and recommend that the submissions are rejected.

## Topic J: Aerials and Aerial Support Structures

### Relevant Submissions

Submitter	Submission# & Point #
NZART	72.1, .2 and 3

### Principal Issues Raised

- Amendments to include some permitted aerials for Radio Amateurs to use on their own properties.
- Retention of restricted discretionary activity status for cases when the permitted limits are exceeded and clarification of the assessment criteria.
- Amendment of the definitions need to be extended or modified to allow for Amateur Radio Configurations and to re-establish the earlier definition of Building which exempted aerials and aerial support structures.
- Amendments to allow dish antennas close to the ground with a maximum diameter of 5 metres and a maximum pedestal height of 4 metres as a permitted activity for Licensed Amateur Radio Operators.

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<sup>5</sup> s6(h)



### Reporting Planner's s42A Recommendation

231. This is dealt with in paragraph 136 of the s42A Report, where Mr Pickering recommended that the definition of Major Structure be amended to include aerial and aerial support structures.

### Evidence from Submitters and Right of Reply

232. Douglas Birt presented evidence on behalf of New Zealand Association of Radio Transmitters Incorporation (**NZART**). He was accompanied by Peter Mulhare, the Northern District Councillor for NZART. We were somewhat confused having received two briefs of evidence from Mr Birt; the first dated 7 November and received in accordance with the timetable and the second dated 26 November 2015 and tabled at the hearing on 28 November 2019.
233. Mr Birt sought a new definition be included for amateur radio configurations, together with permitted activity status for support structures up to 20m in height. Mr Pickering responded on page 5 of the RoR, in his opinion an exemption for the height of aerial and aerial support structures would change the character of residential zones and will affect neighbouring properties.

### Discussion and Reasons

234. We were grateful to Mr Birt for his detailed explanation of the operational requirements for amateur radio configurations. As he described to us, the configurations can take many forms:

*If a planner came to my place, and I asked him/her to count my aerials, the count would probably be five. There actually are 11, but some are disguised, and some are inconspicuous. How, for instance, would you count an 80m wire dipole antenna mounted at 12 metres, supported by a pole at each end? Is it one aerial, or one aerial and two supporting structures?<sup>6</sup>*

235. At paragraph 7.4, Mr Birt explained how height impacts on the effectiveness of aerials, with a 12m aerial being effective 30% of the time and a 20m aerial being effective 61.7% of the time. He supplied photographs to illustrate different types of configurations, which included a crank up lattice mast, mount mounted antenna and roof mounted antenna. Mr Birt contrasted this with a picture of a 5m diameter trampoline in his own neighbourhood, which has a safety net enclosure reaching the second storey of the house.
236. We think that these pictures illustrate the issue quite clearly. A trampoline is a common structure in a residential neighbourhood and is viewed against the backdrop of the surrounding houses. In contrast, the amateur radio configurations extend a considerable height above a single storey house. This is an operational necessity. They are also uncommon. Mr Birt advised us there are around 140 licenced amateurs in the region, of which no more than 3 would be active.
237. We are required to evaluate plan provisions and whether the provisions are the most appropriate way to achieve the objectives. Objective SD-01 (renumbered as DGD-O1) is as follows:

*Provide for differing character and amenity values by having a range of Zones with differing expectations.*

238. The associated policy for residential zones is to 'provide for a range of residential activities...'.<sup>7</sup> The residential zone objectives refer to residential activities remaining the dominant activity.<sup>8</sup> The objectives also seek to maintain and/or provided for residential amenity.<sup>9</sup> As evident from the photographs Mr Birt supplied, the configurations can have varying effects depending on the size/nature of the configuration, size of the property, presence of vegetation and location of the configuration on the property. We do not see a one size fits all approach being appropriate given the range of different configurations and site characteristics.
239. In conclusion, we agree with the reporting officer that amateur radio configurations have the potential to

<sup>6</sup> Statement of Evidence, D. Birt, 26 November 2015 [presented at hearing on 28 November 2019], paragraph 7.3

<sup>7</sup> SD-P31 (renumbered as DGD-P21)

<sup>8</sup> RES-O3 (renumbered as LRZ-O3), MDR-O4 (renumbered as GRZ-O4), HDR-O4 (renumbered as MRZ-O4)

<sup>9</sup> RES-O2 (renumbered as LRZ-O2), MDR-O3 (renumbered as GRZ-O3), HDR-O3 (renumbered as MRZ-O4)

affect neighbouring properties. We do not think that providing for amateur radio configurations as a permitted activity is the most appropriate way to achieve the relevant objectives. While there is likely to only be a small number of licenced amateur radio operators in the district, we think it is more effective for the configurations to be assessed on a case by case basis.

## Topic K: Community Corrections Activities

### Relevant Submissions

Submitter	Submission# & Point #
Department of Corrections	168.1, 3 and 4

### Principal Issues Raised

- Insertion of a new 'Community Correction Activity' definition and undertake any necessary consequential amendments.
- Amendment of CCZ, MUZ, WZ, COMZ, LCZ and LIZ rules to provide reference to Community Corrections Activities as permitted (without explicit bulk or location controls applicable to such).
- Amendment of NCZ, SCZ, HIZ, LDRZ, MDRZ, HDRZ, RESZ, OSZ, CONZ, SARZ, SPAZ, SPPOZ, SPHZ rules to provide reference to Community Corrections Activities as a discretionary activity.

### Reporting Planner's s42A Recommendation

240. This issue is dealt with in paragraph 139 of the s42A report, in Mr Pickering's opinion the 'Place of Assembly' definition incorporates Community Correction Activities, and it is therefore unnecessary to include a new definition or rule as it will contradict 'Place of Assembly' and create confusion. He did not recommend any change to the notified activity status.

### Evidence from Submitters and Right of Reply

241. Mr Grace presented evidence on behalf of Department of Corrections (**Corrections**) his opinion was that a separate definition for 'community correction activities' is appropriate and recommended this be included as part of the 'place of assembly' definition. He supported the separate assessment of community correction activities as a discretionary activity for the Open Space and Rural Village Centre Zones and requested that Community Correction Activities be a permitted activity within the Commercial and Light Industrial Zones. Mr Pickering responded to this evidence on page 6 of the RoR, he agreed with the amendments requested by Corrections.

### Discussion and Reasons

242. We adopt the analysis and recommendations of the s42A Report, as amended by the RoR on these submission points.

## Topic L: Rail Corridor Setbacks

### Relevant Submissions

Submitter	Submission# & Point #
KiwiRail	265.9 - 14

### Principal Issues Raised

- Amendments to the LIZ, HIZ, LDRZ, MDRZ, HDRZ and RESZ building setback provisions which would result in the same building setback from roads also applying to railway boundaries.

### Reporting Planner's s42A Recommendation

243. This issue has been addressed in paragraphs 142 – 143 of the s42A Report. Mr Pickering considered that the notified side and rear boundary setbacks would manage any adverse or reverse sensitivity effects. In his opinion requiring property owners to comply with a railway setback will be too onerous and will add additional consent costs, he recommended no change to the notified building setback provisions.

### Evidence from Submitters and Right of Reply

244. Ms Butler presented evidence on behalf of KiwiRail New Zealand (**KiwiRail**) supporting a 5m setback rule for all new or altered buildings adjacent to the rail corridor to ensure the safe and efficient operation of the rail network. Mr Pickering addressed this evidence in pages 6 and 7 of the RoR, in his opinion the notified building setbacks are appropriate to manage accessibility for maintenance purposes, he did not support the requested 5m setback.
245. Mr Arbuthnot presented evidence on behalf of Heron Construction Holdings Limited in opposition to the requested railway setbacks. He highlighted that KiwiRail had not undertaken a section 32 assessment of the proposed provisions and whether it was the most appropriate way to achieve the plan's objectives.

### Discussion and Reasons

246. Ms Butler saw the 5m setback rule as necessary to avoid or minimise the potential adverse effects on the safety of the rail corridor, particularly as land uses intensify over time. She outlined the "Permit to Enter" system that KiwiRail administers to provide access to the rail corridor and noted the extensive planning required for temporary track closures. She therefore favoured the setback of structures as the most efficient and effective means of mitigating adverse effects on safety.
247. Ms Butler observed that the provisions as notified contained setbacks for roads. We have compared these provisions and note that the setback for roads is considerably less at 0.5m and only applies to Strategic Road Protection Areas, not all roads. The Section 32 evaluation commented that this was a reduction compared to the WDP provisions and further, that a number were deleted as the justification was not sufficiently robust to impose restrictions on landowners.<sup>10</sup>
248. We were perplexed by Ms Butler's opinion that the proposed setback rule was not unduly onerous on landowners, as it did not prevent the establishment of new buildings within 5m of the railway boundary. Ms Butler did not offer any assessment of the impact on developable areas of imposing the provision. If we accept that the setback is justified for safety reasons, we have difficulty understanding how a resource consent could be approved to reduce this. Further, no rationale was provided for the calculation of the 5m setback.
249. We agree with Mr Arbuthnot that we have insufficient evidence evaluating the appropriateness of the setback provisions in terms of the requirements of section 32 of the Act. The RoR provided some information on the presence of buildings in Business Zones with little or no setback from the rail corridor<sup>11</sup> and the number of properties in the Residential Zones that would be affected.<sup>12</sup> We do not have any evidence before us on the costs that would be imposed through the loss of development potential, particularly in the Business Zones. Nor do we have any evidence on the rationale for the calculation of the 5m setback.
250. We therefore find for the reasons given above and those in the s42A Report and RoR, that imposition of the proposed 5m setback is rejected as it would be an unjustified restriction, given the absence of a section 32 evaluation.

<sup>10</sup> Section 32 Evaluation Report Plan Change 109 at paragraph 193

<sup>11</sup> RoR, Part 8, at Appendix 1

<sup>12</sup> RoR, Part 1, at page 6

## Topic M: Outdoor Areas of Storage or Stockpiles

### Relevant Submissions

Submitter	Submission# & Point #
WDC Infrastructure	242.25, 34, 44, 53

### Principal Issues Raised

- Amendments to all proposed zones, particularly the OSZ, CONZ and SARZ, to have exclusions for temporary stockpiles that are visible from beyond the site to retain consistency.

### Reporting Planner's s42A Recommendation

251. This issue was addressed in paragraphs 146 to 150 of the s42A Report, Mr Pickering's recommendation was to amend the provisions to provide an exemption for construction materials within the MUZ, LIZ, HIZ, LCZ, NCZ, COMZ, LDRZ, RESZ, MDRZ, HDRZ, OSZ, CONZ and SARZ in his opinion such an exemption should not be included within the CCZ and WZ zones due to the high character and amenity values within those environments. Mr Pickering also recommended amendments to provisions to reflect a split of restricted discretionary and discretionary activity status.

### Evidence from Submitters and Right of Reply

252. Ms Osbourne presented evidence on behalf of WDC Infrastructure Department, she supported the s42A Report recommendation to provide for temporary outdoor stockpiles of construction materials for the proposed CON chapter and recommended an amendment to the s42A recommendation to allow for stockpiles on OS and SAR zones to not have to be used on the same site. Mr Pickering responded in page 7 of the RoR, agreeing with Ms Osbourne's evidence.
253. Mr Morgan presented in opposition to the s42A Report recommendation. In his opinion outdoor storage and stockpile problems are probably not significant enough an issue to warrant regulating in the LDRZ and he considered that the proposed text raises enforceability issues. Mr Pickering responded in page 7 of the RoR, disagreeing with Mr Morgan and maintaining his opinion.

### Discussion and Reasons

254. We adopt the analysis and recommendations of the s42A Report and RoR on these submission points.

## Topic N: Definitions

### Relevant Submissions

Submitter	Submission# & Point #
Mitre 10	36.9
Bunnings	60.1
The Oil Companies	101.36 – 39, 41
Atlas	129.15 - .18
Fire NZ	165.2 and 3
Corrections	168.2
J Edwards	193.8, .9, .11, .12, .19, .21
Summerset	205.32 - 35
Public Health Northland	207.3
K and K Baker	216.10
Foodstuffs	225.1
WDC Planning	236.5 – 35, 37 – 42, 45 – 47, 54 – 70 and .75
NZTA	240.98
WDC Infrastructure	242.30, .40, .48, .49, .50, .52 and .60
The University	248.1 - .3

MoE	267.20
Kainga Ora (Housing NZ)	268.181
Tall Kauri Ltd	158.2 and 3
NIWA	77.8

### Principal Issues Raised

- Retention of definitions of 'community signage', 'earthworks', 'educational facilities', 'emergency services', 'landscaping', 'official sign' and 'regionally significant infrastructure', 'residential unit', 'road' and 'trade suppliers' as notified.
- Amendments to the remove research facilities from the definition of 'industrial activities' and create a new definition for 'research activities'.
- Amendment to the definition of 'trade suppliers' to include hardware stores and garden centres.
- Amendment of 'manufacturing, servicing and storage' to exclude mineral extraction activities.
- Amendment of 'supported residential care' definition to exclude drug and violent offender and similar rehabilitation facilities.
- Inclusion of a new definition of 'general public amenities' and inclusion of new rules in each zone to provide for any 'general public amenity activity' as a permitted activity.
- Amendment of 'recreational facilities' to include playgrounds.
- Amendment of the definition of 'archaeological site' to replace the reference to the Historic Places Act with reference to the Heritage New Zealand Pouhere Taonga Act 2014.
- Amendment to the definition of 'food and beverage activity' to include the word 'preparation'.
- Rename 'grocery store' to be 'supermarket' and that any necessary consequential amendments be made to update references.
- Amendment of the definition of 'residential activity' to include "For the purpose of this definition, includes home detention (as defined in the Criminal Justice Act 1985), but not prisons or other places where residents are subject to detention".
- Inclusion of a new definition for 'household'.
- Amendment of 'minor residential unit' and 'principal residential unit' to relate specifically to the RESZ, MDRZ and HDRZ.
- Clarification if both 'habitable room' and 'living areas' definitions are used and need to be used.
- Amendment of 'supported residential care' to specifically exclude convicted criminals from those facilities.
- Amendment of 'minor residential unit' to ensure that the minor residential unit remains on the same allotment as the principal residential unit and is not subdivided off.
- Amendment of 'grocery story' to read 'grocery store'.
- Amendment of 'principal residential unit' to clarify that it does not include or apply to 'retirement village premises'.
- Delete the proposed definition of 'retirement village premises' and replace it with a new definition of retirement village premises and supplementary definitions of 'care home within a retirement village' and 'hospital within a retirement village'.
- Reviewed and amendment of definitions to ensure consistency with the first set of Standards.
- Amendment of the 'general industry activity' definition to provide for training facilities for industrial and trade activities.
- Amendment of the 'General Industry' to provide for research laboratories used for used for scientific, industrial or medical research, or any training facilities for an industrial activity.
- Amendment of 'industrial activity' to include marine science and research facilities.
- Amendment of the following definitions to be consistent with the Standards and any necessary consequential amendments to other definitions and provisions:
 

Ancillary Activity	Boundary	Building
Cleanfill Area	Cleanfill Material	Commercial Activity
Cultivation	Earthworks	Educational Facility
Green Infrastructure	Greywater	Gross Floor Area
Ground Level	Habitable Room	Height
Height in Relation to Boundary	Industrial Activity	Industrial and Trade Waste
Land Disturbance	Landfill	Minor Residential Unit
Net Floor Area	Net Site Area	Residential Activity
Residential Unit	Retirement Village	Sewage
Sign	Site	Stormwater
Temporary Military Training Activity		Visitor Accommodation
Wastewater		



- Amendment of the definitions of 'living zones', 'multi unit development', 'reticulated wastewater area', 'reticulated water supply area' and 'urban zones' to reflect the zone name changes in accordance with the Standards.
- Amendment to rule 4.2(h) in the definition chapter to insert "Each definition grouping activity must also comply with any building and built form rules that are relevant to the activity".

#### Reporting Planner's s42A Recommendation

255. Paragraphs 175 – 190 of the s42A Report address these issues, Ms McGrath recommended the following:

- Amend definitions and zone names to comply with the Standards and consequential amendments.
- Retain the definition of Trade Supplier as notified.
- Retain the definition of Manufacturing, Servicing and Storage as notified.
- Retain the definition of Supported Residential Care as notified.
- Insert a new definition of General Public Amenities and insert a restricted discretionary activity rule in HIZ.
- Amend the definition of Recreational Facilities.
- Amend the definition of Archeological Sites.
- Amend the definition of Grocery Store.
- Retain the definition of Residential Activity as notified.
- Retain the definitions of Residential Unit, Minor Residential Unit, Principal Residential Unit and Habitable Room as notified.
- Amend the definitions of Industrial Activities, Educational Facilities and General Industry.

#### Evidence from Submitters and Right of Reply

256. Mr Grace presented evidence on behalf of Corrections, he supported the s42A Report recommendation to retain the definitions of 'Residential Activity' and 'Residential Unit' as notified. In Mr Grace's opinion 'Visitor Accommodation' was clearly different to 'household', the definition of 'Supported Residential Care' did not overlap such that a definition of 'household' is unwarranted and there is a clear gap in the District Plan with regards to supported accommodation facilities. Ms McGrath responded in pages 7 and 8 of the RoR, she agreed with Mr Grace that a definition of household would provide greater certainty to the definition of residential unit and recommended an alternative definition which in her opinion was more appropriate.
257. Ms McGrath also recommended that a definition of 'Living Accommodation' be inserted to clarify that visitor accommodation for up to six people is smaller scale visitor accommodation and should be classed as a residential activity, and consequential amendments to delete LDRZ-R17.10 – 21.10, GRZ-R15.10 – GRZ-RNew4.10 and MRZ-R16.10 – Rnew3.10.
258. Mr King presented evidence on behalf of North Haven Hospice seeking amendment of the definition of 'Supported Residential Care' to be extended to include 'hospices'. In Mr King's opinion there is confusion between definitions and a risk that hospices will be lumped with hospitals. Ms McGrath responded in page 9 of the RoR, she did not agree with Mr King.
259. Ms Edwards spoke to her submissions, she has identified that the s42A Report did not discuss her original submission accurately. Ms Edwards requested amendments of the 'supported residential care' definition to exclude from those facilities convicted criminals. Ms McGrath responded in pages 9 and 10 of the RoR.
260. Mr Faithful presented evidence on behalf of National Institute of Water and Atmospheric Research (NIWA), he agreed with the s42A Report approach to include marine science, research and aquaculture activities within the definition of 'General Industry' however amendment requested to clearly capture NIWA's activities. Ms McGrath responded in page 10 of the RoR.
261. Ms Rosser tabled evidence on behalf of Atlas Concrete Limited, she is satisfied that the concern raised by Atlas, that quarrying activities would be considered earthworks, has been resolved given the s42A Report recommendation to insert a new rule 'Application of Activity Definitions'. Ms Rosser maintained a neutral position with respect to the s42A recommendation for the definition of 'Manufacturing, Servicing

and Storage’.

262. Ms Unthank presented evidence on behalf of Fire NZ, she confirmed support or agreement with the s42A recommendation for the definition group ‘Community Activities’ and the definition of ‘Emergency Services’.
263. Mr Shetty tabled evidence on behalf of Nga Tai Ora - Public Health Northland, Northland District Health Board (**Public Health**), his opinion was that the definition for ‘Registered Drinking Water Supply’ is relevant to their submissions on Earthworks, and it is consistent with the Northland Regional Council’s Proposed Regional Plan.
264. Ms Sharp and Mr Norwell presented evidence on behalf of Foodstuffs North Island Limited (**Foodstuffs**) confirming their support for the s42A Report recommendation in respect to ‘Noise Sensitive Activities’.
265. Mr Badham tabled evidence on behalf of Bunnings Limited (**Bunnings**) confirming support for the s42A Report recommendation in respect to ‘Trade Suppliers’.
266. Ms Rose tabled evidence on behalf of the Ministry of Education (**MoE**), confirming support for the S42A Report recommendation in respect to ‘Educational Facilities’.
267. Ms Osbourne presented evidence on behalf of WDC Infrastructure in relation to the definition of ‘Recreational Facilities’ and advised this had been resolved through discussions prior to the hearing. Ms Osbourne also considered the request to include a definition for ‘General Public Amenities’ was “effectively resolved” as the s42A Report recommendation was to accept the submission.

### Discussion and Reasons

268. We have discussed our recommendations on the NIWA submission in Part 6 of our report.
269. We adopt the analysis in the s42A Report, as amended by the RoR in all respects, aside from the definition of Multi Unit Development and consequential amendments to definitions discussed in other parts of our report.<sup>13</sup>

## Topic O: Hazardous Substances

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.34
Fire NZ	165.81 and 82
Public Health Northland	207.18

### Principal Issues Raised

- No roll over of the hazardous substances provisions into a separate District Plan section.
- Retention of HAZ-O1, P2 and P3 as notified.
- Amendment to HAZ-P1, to insert “which, have minimal risks of natural hazard including climate change effects (flooding), and”.

### Reporting Planner’s s42A Recommendation

270. These issues were dealt with in paragraph 195 of the s42A Report, Ms McGrath’s opinion is that the HAZ Chapter was not open for submission, the plan changes sought to relocate the provisions into a single “Hazardous Substances” Chapter as an interim measure to simplify and streamline the district

<sup>13</sup> Refer Parts 6 in respect of the definition groupings and definition of Trade Retail; refer to Part 7 in respect of the definition of Multi Unit Development; Report 10 in respect of the definition of Electric Vehicle Charging Station Space and Canopy Dripline; Report 11 in respect of the definition of Hours of Darkness and Resource Areas;

plan and achieve consistency with the Standards. Ms McGrath did not recommend any amendments.

### **Evidence from Submitters and Right of Reply**

271. Ms McPherson tabled evidence on behalf of The Oil Companies, opposing the roll-over of the hazardous substances provisions to a new chapter, which should only be considered after a rigorous review of the need for additional RMA controls on hazardous substances. Ms McPherson recommended not to incorporate the Hazardous Substances provisions in a stand-alone chapter. Ms McGrath responded to the evidence in page 10 of the RoR, she agreed with Ms McPherson that a comprehensive review and s32 evaluation of hazardous substances provisions must be completed. Ms McGrath's opinion was that the notification text clearly identified that the hazardous substances provisions were relocated text with no alteration and not open for submission, being relocated to comply with the Standards.
272. Ms Unthank presented evidence on behalf of Fire NZ supporting the s42A Recommendation with respect to the retention of objectives and policies for Hazardous Substances.

### **Discussion and Reasons**

273. We agree with Ms McPherson that it is concerning that the Hazardous Substances provisions have been rolled over without assessment. We disagree with Ms McGrath that this is a requirement of the National Planning Standards. The National Planning Standards simply require if provisions are to be addressed, they must be located in a chapter titled Hazardous substances under the Hazards and risks heading.<sup>14</sup> The National Planning Standards do not require these provisions to be 'rolled over'. We understand that Council has taken this approach due to the existing provisions in the WDP being located within each 'Environment'. The Section 32 describes the approach as an interim measure and that a full review will occur as part of a separate plan change.
274. While we are concerned with the approach, we do not have any detail from Ms McPherson about the potential duplication with other legislation she has cited.<sup>15</sup> In the absence of any evaluation of which aspects of the management of hazardous substances are duplicated and which should reasonably be managed under the District Plan, we recommend that the Hazardous Substances provisions are retained as notified.

## **Topic P: Miscellaneous**

### **Relevant Submissions**

Submitter	Submission# & Point #
F Martin	13.1
P Doar	76.1
W Peat	80.1
G Chignell	114.1
House Movers	166.1
T King	174.3
T Savage	214.2, 5 and 6
Nga Hapu o Whangārei	215.4
DAG	221.1 and 2
M Arseneault	226.2
J Boyes	245.7
A Jameson	291.8
K Tattley	300.1
Bernina Northland	309.4
PPT	310.6
Public Health Northland	207.9, 10, 14, 38, 52

<sup>14</sup> Mandatory direction 12 of Part 7. District-wide Matters Standard

<sup>15</sup> The Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015



### **Principal Issues Raised**

- Requests that:
  - Less units be built in so small an area, that they be single storey only, that traffic flow at peak times be addressed and that green space be preserved.
  - DVOR and NDB siting restrictions be considered but stated that it was not an official submission.
  - The size of Whangārei be limited and that a conservative size be planned for.
  - More flexibility for development contributions and requests a more desirable option for elderly and disabled to get into and out of town centre.
  - “In lieu of sites of significance plan change being drafted, a district-wide rule be introduced to work with WDC on the ground floor in pre consent work and that resource is provided for 1 FTE to provide a skilled hapū navigator to advise land use consent and give effect to Te Tiriti in a voluntary capacity in lieu of plan provisions”.
  - Rules encouraging development of accessible housing be implemented, and that more shared homes, more affordable housing, apartments and smaller residential units be encouraged.
  - The plan changes be put through the Government’s Wellbeing tests.
  - In the Whangārei Heads Area there should be no increase in residential development until stormwater issues are corrected.
  - Support for the fact that in situ constructed housing and relocated dwellings are not distinguished between each other and are treated similarly by the proposed provisions.
  - No support for discretionary status when compliance with development standards is not achieved.
  - Amendment so there should not be small sections in a large area, especially at the foot of Mt Manaia.
  - Encouragement for inner city living.
  - The change from defining building coverage area for a site to impervious area is problematical and unclear.
  - Various amendments to the NAV chapter seeking to amend:
    - NAV.6.5 as it relates to the CCZ seeking a higher standard of sound insulation.
    - NAV.6.5 as it relates to CCZ, MUZ, WZ, LCZ and PNP seeking to require ventilation to provide adequate thermal comfort so that windows can remain closed and sound insulation maintained.
    - NAV.6.5 by deleting references to COMZ, LIZ, and SARZ. Noting that If the sound insulation requirements are maintained for these zones in NAV.6.5, the requirements should be amended to require ventilation to provide adequate thermal comfort so that windows can remain closed, and sound insulation maintained.
    - Amend MUZ-R10, PNP-R1, WZ-R12 and WZ-R13 to require ventilation to provide adequate thermal comfort so that windows can remain closed, and sound insulation maintained with wording as detailed in the submission.

### **Reporting Planner’s s42A Recommendation**

275. Paragraphs 214 to 232 of the s42A addresses these issues. Mr Styles (s42A Report, Attachment 6) reviewed the submissions against NAV, Ms McGrath has relied upon his opinion and recommended amendments to NAV.

### **Evidence from Submitters and Right of Reply**

276. Dr Chiles provided technical evidence on behalf of Public Health he supported the relief sought in the original submission addressing: sound insulation requirements in the CCZ, mechanical ventilation requirements and sensitive activities in Industrial and Commercial zones. This evidence is responded to in pages 10 and 11 of the RoR. Mr Styles provided technical response in Attachment 6 of the RoR. Ms McGrath recommended amendments to NAV to require mechanical ventilation.

### **Discussion and Reasons**

277. Dr Chiles and Mr Styles agreed as to the need for provisions to address the need for mechanical ventilation to ensure thermal comfort. We are satisfied that the costs (in the order of 3% of a new house cost) of such a provision would not be unduly onerous and are the most appropriate way to achieve the

objectives of the plan.

278. We adopt the analysis and recommendations of the s42A Report, as amended by the RoR.

## Topic Q: Activity Status

### Principal Issues Raised

- Amendments to the activity status of bulk and location rules, primarily from discretionary activities to restricted discretionary activities.

### Reporting Planner's s42A Recommendation

279. This issue has been addressed in paragraphs 234 to 237 of the s42A Report, Ms McGrath recommended amendment to the following rules to have an activity status of restricted discretionary where compliance is not achieved:

- NCZ-R3 Building and Major Structure Setbacks (boundary setback restricted discretionary, water setback discretionary);
- NCZ-R4 Building and Major Structure Height in Relation to Boundary;
- NCZ-R8 Fences;
- LCZ-R3 Building and Major Structure Setbacks (boundary setback restricted discretionary, water setback discretionary);
- LCZ-R11 Fences;
- AIRPZ-R10 Building and Major Structure Setbacks;
- AIRPZ-R11 Building and Major Structure Height in Relation to Boundary;
- AIRPZ-R12 Building and Major Structure Coverage;
- PORTZ-R6 Building and Major Structure Setbacks;
- PORTZ-R7 Building and Major Structure Height in Relation to Boundary;
- PORTZ-R8 Outdoor Areas of Storage or Stockpiles;
- HOSZ-R10 Building and Major Structure Height in Relation to Boundary;
- HOSZ-R11 Building and Major Structure Setbacks;
- HOSZ-R12 Building and Major Structure Coverage.

### Evidence from Submitters and Right of Reply

280. No evidence was presented.

### Discussion and Reasons

281. We agree with Ms McGrath that it is appropriate for the bulk and location provisions list above to be amended as a consequential amendment. This will achieve consistency throughout the plan and result in greater efficiency for the processing of resource consent applications.

## Recommendations

282. For the reasons set out in this report, we recommend that Council:

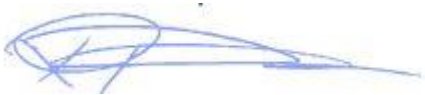
1. Amend the provisions as set out in Attachments 1 and 2.
2. Amend the planning maps as set out in Attachment 3 and 4.
3. Adopt the Reporting Officers' recommendations on the submissions and further submissions in Part 1 of the s42A Report, as amended by the RoR; with amendments to:
  - a. The definition of Multi Unit Development

- b. The definition grouping for Commercial Activities
  - c. HPW-R8.1
  - d. Include new definitions for Crime Prevention Through Environmental Design, Resource Areas, Hours of Darkness, Electric Charging Station Parking Space and Canopy Dripline.
4. Accept or reject submissions on Topics A - Q to the extent that would accord with the provisions in Attachments 1 and 2 and the planning maps in Attachment 3 and 4.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

## 4 Definitions

### 4.1 Introduction

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

### 4.2 General Rules of Interpretation

- a) Any term which is not defined in this section takes its common meaning from the Concise Oxford Dictionary (Ninth Edition) or the Williams Māori Dictionary (Seventh Edition).
- b) Lists of items (for example, conditions, standards and terms in rules) and sub-paragraphs within paragraphs are to be read conjunctively, unless expressed as alternatives.
- c) Singular includes plural and vice versa.
- d) Cross references are for the assistance of the reader and are not necessarily exhaustive.
- e) Definitions of Māori terms are necessarily a brief approximation of meaning and have to be expanded and understood in the context of the specific usage and local language differences.
- f) There are five “definition groupings” which gather specific land use activities into similar categories. These include: Rural Production Activities, Industrial Activities, Residential Activities, Commercial Activities and Community Activities. Within each grouping, activities are listed with the more general term on the left and the more specific term on the right. Where a District Plan rule manages a general activity, that general activity includes all of the specific activities listed in the definition grouping unless otherwise specified in the rules. Each definition grouping activity must also comply with any building and built form rules that are relevant to the activity. The five definition groupings are listed below:

Rural Production Activities	Farming
	Plantation forestry
	Intensive livestock farming
	Farm quarrying

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

Residential activities	Supported Residential Care	
	Retirement Village-	
	Residential Unit	Principal Residential Unit
		Minor Residential Unit
Commercial Activities	Retail Activity	Drive Through Facilities
		General Retail
		Grocery store
		Trade Retail
		Marine Retail
		Hire Premise
		Motor Vehicle Sales
		Trade Suppliers
		Garden Centres
		Commercial Services
		Food and Beverage Activity
		Entertainment Facilities
		Visitor Accommodation
		Service Stations
		Funeral Home
		General Commercial
Community Activities	Place of Assembly	Community Corrections Activity
	Recreational Facilities	
	Emergency Services	
	Care Centre	
	Educational Facilities	
	Hospital	
	General Community	

### 4.3 Definitions

#### Access

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

#### Access Lot

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

#### Access Strip

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

#### Act\*

means the Resource Management Act 1991, including amendments.

#### Active Frontage

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

#### Active Transport Modes

means non-motorised forms of transport involving physical activity, including walking and cycling.

**Activities Ancillary to Farming, or Forestry**

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

**Additions and Alterations**

means any work to existing scheduled built heritage resources which involves the addition, change, removal or replacement of walls, fabric, windows or features resulting in changes to external appearance or an increase in gross floor area or building coverage. It excludes demolition or destruction of a building, structure or feature.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Adaptive Re-use**

is a process that adapts buildings for new uses while retaining their historic heritage features.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Aerial**

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

**Aerial Support Structure**

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

**Air Noise Boundary**

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

**Air Noise Margin**

means the area of land that lies between the Air Noise Boundary and the Outer Control Boundary, as identified on the Planning Maps.

**Allotment**

Means:

- a. any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:
  - i. the subdivision shown on the survey plan has been allowed or subdivision approval has been granted, under another Act; or
  - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under the Resource Management Act 1991; or
- b. any parcel of land or building, or part of a building, that is shown or identified separately:
  - i. on a survey plan; or

- ii. on a licence within the meaning of Part I of the Companies Amendment Act 1964;  
or
- c. any unit on a unit plan; or
- d. any parcel of land not subject to the Land Transfer Act 1952.

**Alteration**

means reconstruction, relocation or structural changes to a building or major structure (excluding minor buildings).

**Amenity Values\***

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.

**Ancillary Activity**

means an activity that supports and is subsidiary to a primary activity.

**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 Whangārei District Council Engineering Standards.

**Archaeological Site (as defined in the Historic Places Act 1993)**

means any place in New Zealand that:

- a. either:
  - i. was associated with human activity that occurred before 1900; or
  - ii. is the site of the wreck of any vessel where that wreck occurred before 1900; and
- b. is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand.

**Archaeological Site for the Historic Heritage Chapter of the District Plan**

in terms of section 6 of the Heritage NZ Pouhere Taonga Act 2014, means any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. Modifications to archaeological sites as defined above require consent from Heritage New Zealand.

**Notes:**

- (i) *Under the RMA definition of 'historic heritage' the term 'archaeological site' is not limited to pre-1900 activity and may include evidence of archaeological significance such as sites of later activity of heritage interest (e.g former World War II army camps).*
- (ii) *Installing signs into pre-1900 built heritage sites may require an Authority from Heritage New Zealand.*
- (iii) *Nineteenth Century buildings and structures above and below ground are archaeological sites and may require an Authority depending upon the nature of the works proposed.*
- (iv) *This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Artificial Crop Protection Structures**

means open structures that are used to protect crops from damage:

- a. including:

- i. bird netting; and
  - ii. wind-break netting.
- b. excluding:
  - i. greenhouses.

### **Artisan Industrial Activities**

means manufacture, repair, storage or maintenance associated with production of art, crafts or specialist foodstuffs. This definition is included within the Industrial Activities definition grouping.

### **Bed\***

means

- a. in relation to any river,
  - i. for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:
  - ii. in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and
- b. in relation to any lake, except a lake controlled by artificial means,
  - i. for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin:
  - ii. in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and
- c. in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and
- d. in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

### **Bicycle Parking Spaces**

means parking spaces available for bicycle parking which enable a cyclist to manoeuvre and attach or secure a bicycle to each stand/space.

### **Bird Scaring Device**

means a gas gun, avian distress alarm, firearm or other such device used primarily for the purposes of bird scaring.

### **Boundary**

means:

- a. in relation to fee simple titles, the site boundary.
- b. in relation to cross-lease titles, the boundary of any restrictive covenant area.
- c. in relation to unit titles, the boundary of the accessory unit associated with a particular principal unit.

### **Boundary Relocation**

means a subdivision in the Rural Production Zone that relocates an existing boundary between adjacent allotments where separate computer freehold registers (records of title as per Land Transfer Act 2017) has been issued for those allotments without:

- a. altering the number of allotments.
- b. cancelling existing amalgamation conditions.



- c. creating additional capacity to subdivide as a controlled activity in accordance with the relevant SUB rules.

For the purposes of this definition “adjacent allotments” means allotments that are:

- a. part of a contiguous landholding; or
- b. separated only by a road, access allotment, railway, stream or river.

#### **Buffer Area**

means that part of the Quarrying Resource Area which is outside of the Mining Area.

#### **Building**

means a temporary or permanent moveable or immovable physical construction that is:

- a. partially or fully roofed, and
- b. is fixed or located on or in land, but
- c. excludes any motorised vehicle or other mode of transport that could be moved under its own power.

#### **Building Area**

means an area of land on which a building could be accommodated. The building area does not include areas associated with minor buildings, parking, manoeuvring, landscaping, effluent treatment and disposal or private open space.

#### **Building Coverage**

means the proportion of the net site area which is covered by buildings and includes any part of overhangs or eaves in excess of 0.80 metres in width.

#### **Building Frontage**

means a side of a building that is facing the frontage of the allotment.

#### **Built Form**

defined as (a) the general pattern of built form and development intensity and (b) the structural elements that define the District physically, such as natural features, transportation corridors, open space, public facilities, as well as activity centres and focal elements. Built form refers to the physical layout and design of the city.

#### **Built Heritage**

means physical or built forms of historic heritage predominantly comprising historic sites, structures, places, areas and associated settings/surroundings.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

#### **Business Net Floor Area**

means the net floor area occupied exclusively for a single commercial activity or a single community activity.

#### **Business Zones**

means the City Centre, Mixed-Use, Waterfront, Commercial, Shopping Centre, Local Centre, Neighbourhood Centre, Light Industrial and Heavy Industrial Zones.

#### **Canopy Dripline**

Means the outermost circumference of the tree's canopy, from which water drips onto the ground.

#### **Care Centre**

means an activity used for any one or more of the following purposes:

- a. children, in addition to the children of the person in charge, aged six years or younger are cared for.
- b. children, in addition to the children of the person in charge, aged five years or older and are cared for out of school hours.
- c. elderly people are cared for during the day.
- d. people with disabilities (including mental health, addiction, illness or intellectual disabilities) are cared for during the day.

excludes:

- a. supported residential care.
- b. care provided by family members within a residential activity.
- c. educational facilities.

This definition is included within the Community Activities definition grouping.

### **Cleanfill Area**

means an area used exclusively for the disposal of cleanfill material.

### **Cleanfill Material**

means virgin excavated natural material including clay, gravel, sand, soil and rock that are free of:

- a. Combustible, putrescible, degradable or leachable components;
- b. Hazardous substances and materials;
- c. Products and materials derived from hazardous waste treatment, stabilisation or disposal practices;
- d. Medical and veterinary wastes, asbestos, and radioactive substances;
- e. Contaminated soil and other contaminated materials; and
- f. Liquid wastes.

### **Coastal Hazard Area**

means an area of coastal land that is or is likely to be, subject to the effects of natural coastal hazards such as erosion, landslip and flooding over a defined planning horizon.

### **Coastal Hazard Area 1**

means an area of coastal land bounded by the coastline and Coastal Hazard Area 2 that is at relatively high to extreme risk from the effects of coastal hazards, over a planning horizon of 50 years.

### **Coastal Hazard Area 2**

means an area of coastal land, landward and adjacent to Coastal Hazard Area 1, that is at relatively low to moderate risk from the effects of coastal hazards over a planning horizon of 100 years.

### **Coastal Marine Area**

has the same meaning as in section 2 of the RMA.

### **Commercial Activity**

means an activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

**Commercial Services**

means businesses that sell services rather than goods. For example: banks, real estate agents, travel agents, dry cleaners, health care facilities and hair dressers. Includes offices conducting activities within a building and focusing on business, government, professional, IT or financial services and includes the personal service elements of these activities offered to consumers or clients where visits by members of the public are accessory to the main use. This definition is included within the Commercial Activities definition grouping.

**Communal Open Space**

means a quantity of outdoor area freely available to all residents on the site, exclusive of driveways, buildings, major structures and private outdoor space of individual residential units.

**Community Activities**

means activities for recreational, sporting, cultural, safety, health, welfare, worship, educational or similar community and well-being purposes for members of the community. It includes provision for ancillary activities.

**Community Corrections Activity**

means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

**Community Sign**

means a sign displaying information relating to the location of public facilities, place-names, destinations of historical, cultural, spiritual, sporting, or scenic significance. The advertising of public, sporting, recreational, community, social or cultural events.

**Conservation**

means all of the processes of understanding and caring for a built heritage item so as to safeguard its historic heritage values.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Consolidated Sign Installation**

means a sign which identifies or advertises at least three different businesses, activities, or events (or a combination thereof) within a single permanent structure.

**Contaminant\***

includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar or other substances, energy or heat:

- a. when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- b. when discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged.

**Contaminated Site**

means an area of land on which hazardous substances occur at concentrations above background levels, and where assessment indicates the substance poses, or is likely to pose an immediate or long term hazard to human health or the environment.

**CPTED (Crime Prevention Through Environmental Design)**

means a framework promoted by the Ministry of Justice Tāhū o te Ture for incorporating crime prevention within quality urban design by focusing on reducing the opportunity to commit crime, therefore lessening the motivation to offend.

**Crop Support Structure**

means open pervious, structures with the primary purpose to provide support for horticultural crops. Crop support structures are stand-alone unattached to any building or major structure.

**Cultivation**

means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock), for the purpose of sowing, growing or harvesting of pasture or crops.

**Day**

means the period 07:00 to 22:00 unless specified otherwise.

**Demolition or destruction**

means any activity that destroys, damages or modifies in whole or in part the fabric of a historic heritage item and adversely affects the heritage values that contribute to its significance. The temporary dismantling of parts of a building or structure for the purposes of seismic upgrading does not constitute 'demolition or destruction.'

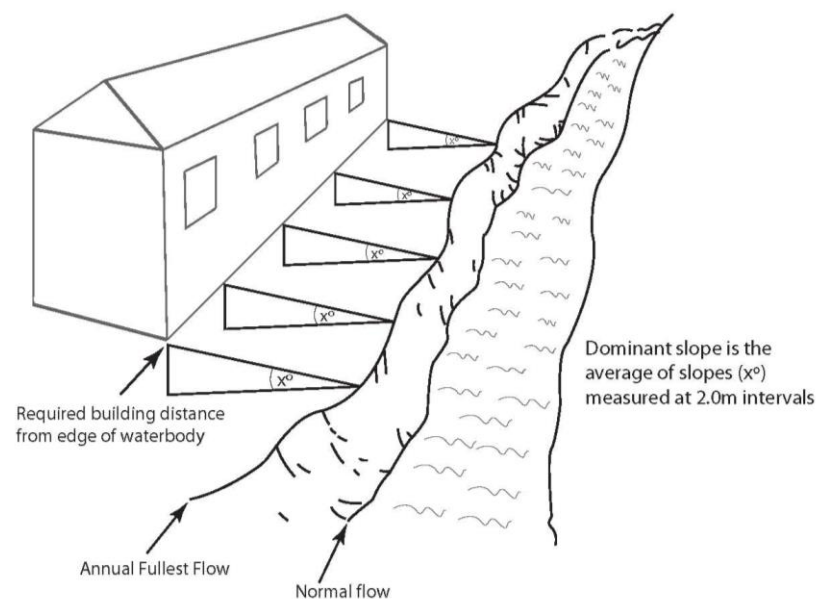
*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Discharge**

has the same meaning as in section 2 of the RMA.

**Dominant Slope**

means the average slope of land above the level of annual fullest flow of a river or lake adjacent to the width or length of the proposed building or major structure. The Dominant Slope is determined by averaging measurements taken at 2 metre intervals above the Annual Fullest Flow between projections of the outer dimensions of the proposed building or major structure (see illustration below). When determining Building and Major Structure Setbacks from Water Bodies the dominant slope rule applies only to any river bed that has a width of less than 3.0m or the bed of a lake under 8ha. For the purposes of determining Dominant Slope, annual fullest flow in relation to a river is the highest point at which the river can rise without overtopping the bank and in the case of a lake the point at which the waters cover at the highest level without exceeding its margin.

**Illustration of Dominant Slope****Drinking Water**

means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.

**Drive through Facilities**

means any part of any fast food or restaurant activity where the product is sold directly to the customer while in their vehicle. This definition is included within the Commercial Activities definition grouping.

### **Dry Stone Wall**

means a wall that has been constructed by hand, without mortar, from locally sourced volcanic rocks, as opposed to man-made construction materials. Located primarily within the areas of Maungatapere, Maunu, Glenbervie, Three Mile Bush and Maungakaramea, these walls were generally constructed between the 1850's and World War II. Pre -1900 dry stone walls are also classed as 'archaeological sites'.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Earthworks**

means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

### **Earthworks Associated with Subdivision**

means earthworks undertaken in anticipation of, or as part of, the subdivision of land. Includes earthworks for:

- a. the stripping of topsoil.
- b. infrastructure and services.
- c. access and roads.
- d. building platforms.
- e. site stabilisation.
- f. the compaction of fill material.

### **Eaves**

eaves means that portion of the roof extending beyond the exterior wall of a building having a maximum overhang of 800 mm.

### **Educational Facilities**

means land or buildings used for teaching or training by child care services, schools, and tertiary education services, including any ancillary activities. This definition is included within the Community Activities definition grouping.

### **Effect\***

means:

- a. any positive or adverse effect; and
- b. any temporary or permanent effect; and
- c. any past, present or future effect; and
- d. any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration or frequency of the effect, and also includes:
- e. any potential effect of high probability; and
- f. any potential effect of low probability which has a high potential impact.

### **Electric Vehicle Charging Station**

means a structure with the primary purpose of recharging an electric vehicle. The station must be available for use by electric vehicles.

### **Electric Vehicle Charging Station Parking Space**

means a parking space of sufficient dimensions to accommodate infrastructure for an electric vehicle charging station.

### **Electricity Infrastructure**

means all transmission and distribution systems for electricity comprising of lines, cables, substations and switchyards and other paraphernalia provided by a network utility operator, but excluding generation facilities. Electricity infrastructure within the District is comprised of the National Grid and the Electricity Distribution Network.

### **Emergency Services**

means the activities of authorities who are responsible for the safety and welfare of people and property in the community and include fire, ambulance and police services. This definition is included within the Community Activities definition grouping.

### **End-of-trip Facilities**

means facilities provided primarily for cyclists but also for walkers and runners at the end of their trip, and must include showers and changing areas.

### **Entertainment Facilities**

facility used for leisure or entertainment. Includes:

- a. nightclubs.
- b. theatres.
- c. cinemas.
- d. concert venues.

This definition is included within the Commercial Activities definition grouping.

### **Environment\***

includes:

- a. ecosystems and their constituent parts, including people and communities; and
- b. all natural and physical resources; and
- c. amenity values; and
- d. the social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition, or which are affected by those matters.

### **Environmental Protection Authority and EPA\***

means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011.

### **Equine Related Activities**

means any activities within the Ruakaka Equine Environment that relate to the agistment (resting and grazing), training, housing and racing of horses. These activities include, but are not limited to:

- a. stabling and care of horses together with incidental buildings and major structures.
- b. equine training and educational facilities.
- c. accommodation for horse trainers, students and caretakers.
- d. car parking areas.
- e. broadcasting.
- f. TAB and related gaming facilities.
- g. grandstand/viewing areas.
- h. entertainment (related to race days).
- i. race meetings.
- j. racecourse administration with incidental buildings and major structures.
- k. sale and auction of race horses and stock.
- l. catering activities associated with racing days.
- m. pony clubs and riding schools.
- n. activities associated with horse breeding and training, including feed supplies, veterinary services, horse transport, riding schools, saddlery and farriers.

### **Esplanade Reserve**

means an area of land adjoining a water body and vested in the territorial or regional authority or the Crown, for the purposes of section 229 of the Resource Management Act 1991 (conservation, public access and recreational use). The land is surveyed and titled, and its boundaries do not alter with changes to the margins of the water body, and includes esplanade reserves, as defined in the Resource Management Act 1991.

### **Esplanade Strip**

means an area of land adjoining a water body that complies with the purposes of section 229 of the Resource Management Act 1991, and ownership of the strip remains with the landowner with a note of interest expressed on the title. An esplanade strip is defined as an area of specified width from the margins of the water body, and also includes esplanade strip, as defined in the Resource Management Act 1991.

### **Existing Use Rights**

is the term that is commonly applied to the rights protected under section 10 and section 10A of the Resource Management Act 1991. A summary of the rights protected by those sections of the Resource Management Act 1991 follows. This summary is designed to assist an understanding of the term, but is not a substitute for the statutory provisions.

Existing use rights apply to the use of land or to activities that contravene a rule in a district plan or proposed district plan. The rights apply if:

- The use or activity was lawfully established before the rule became operative or the proposed plan was notified; and
- The effects of the use or activity are similar in character, scale and intensity to those that existed before the rule became operative or the proposed plan was notified.

Existing use rights are extinguished if a use or activity is discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified. However, an extension can be granted by the territorial authority on application up to two years after the use or activity is first discontinued.

### **Exploration**



means any activity undertaken for the purpose of identifying mineral deposits or occurrences, and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and "to explore" has a corresponding meaning.

### **Fabric**

means all the physical material associated with a built heritage item, including structures, interior and exterior surfaces, fixtures and fittings.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Farming**

means any agricultural or horticultural activity having as its primary purpose the commercial production of any livestock or vegetative matter for human or animal consumption. The production of livestock or vegetative matter utilises the in situ production capacity of the soil, water and air as a medium for production.

Farming includes:

- a. all types of livestock breeding, cropping, grazing, aquaculture.
- b. horticulture, including covered cropping as in greenhouses.
- c. apiaries.
- d. normal rural practices including associated buildings and structures.
- e. crop support structures and artificial crop protection.
- f. airstrips.

But excludes:

- a. plantation forestry and intensive livestock farming.
- b. equine related activities.

This definition is included within the Rural Production Activities definition grouping.

### **Farm quarry(ies)**

means the extraction of minerals for uses accessory to farming, horticulture, or forestry, where:

- a. the quarried material is used only on the property of extraction;
- b. no extracted material, including any aggregate is removed from the property of origin; and
- c. there are no retail or other sales of quarried material.

This definition is included within the Rural Production Activities definition grouping.

### **Field Trials (Tests)**

means, in relation to a genetically modified organism, the carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.

### **Financial Contribution\***

means a contribution of:

- a. money; or



- b. land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of the Māori Land Act 1993 unless that Act provides otherwise; or
- c. a combination of land and money.

### **Flood Susceptible Area**

means an area which has been assessed as being likely to experience water covering the surface of the land in a 1 in 50 year stormwater flood event. A flood susceptible area does not imply any particular duration or level of flood water but is generally part of a contiguous area of flood susceptibility. It includes areas likely to experience surface water, either ponding or flowing, from heavy rainfall and overflows from rivers, streams, and drainage channels. In areas adjacent to the coast, the flood susceptible area relates to areas which are or are likely to be, subject to permanent or temporary inundation from sea water due to sea level rise, storm tides or tsunamis over a planning horizon of 100 years. In the coastal areas there is also the potential for inundation to occur as a result of the combination of storm water and sea water flood events.

### **Food and Beverage Activity**

means activities where the primary business is selling food or beverages. Includes:

- a. restaurants and cafes;
- b. food halls; and
- c. takeaway food bars and bakeries.

Excludes:

- a. Retail shops; and
- b. Grocery Stores.

This definition is included within the Commercial Activities definition grouping.

### **Freestanding Sign**

means a sign placed on or mounted or supported off the ground independent of any other building or structure for its primary support. Includes tower signs, pole signs, head post signs and goal post signs.

### **Frontage**

means any boundary of a site abutting a legal road, or contiguous to a boundary of a road designation.

### **Funeral Home**

means an activity for holding funerals. Includes:

- a. mortuary facilities (excluding those ancillary to a hospital); and
- b. funeral chapels.

This definition is included within the Commercial Activities definition grouping.

### **Garage**

means a building or part of a building that is principally used for the housing of vehicles and other miscellaneous residential items. Includes a carport/lean-to.

*Note: Building rules apply to any garage as well.*

### **Garden Centre**

means the sale of plants, trees or shrubs. Provided that the sale of the following is accessory to the sale of plants, trees or shrubs, it also includes the sale of:

- a. landscaping supplies

- b. bark and compost
- c. statues and ornamental garden features

This definition is included within the Commercial Activities definition grouping.

#### **General Commercial**

means any commercial activity which is not a commercial service, entertainment facility, food and beverage activity, funeral home, retail activity, service station or visitor accommodation. This definition is included within the Commercial Activities definition grouping.

#### **General Community**

means any community activity which is not a care centre, educational facilities, place of assembly, emergency services, hospital or recreational facility. This definition is included within the Community Activities definition grouping.

#### **General Industry**

means any industrial activity which is not manufacturing, storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill. It includes any research laboratories used for scientific, industrial or medical research, or any training facilities for an industrial activity. This definition is included within the Industrial Activities definition grouping.

#### **General Public Amenities**

means facilities established by the Council, or their authorised representative, for the convenience and amenity of the public. Includes:

- a. landscaping and planting.
- b. public toilets.
- c. seating and picnic tables.
- d. bicycle stands and cycle parking structures.
- e. fountains.
- f. drinking fountains.
- g. rubbish bins.
- h. barbeques.
- i. footpaths and walking tracks.

*Note: All buildings subject to relevant building rules.*

#### **General Retail**

means any retail activity which is not motor vehicle sales, garden centres, trade suppliers, marine retail, drive through facilities, grocery stores, or a hire premise. This definition is included within the Commercial Activities definition grouping.

#### **Genetically Modified Organism and GMO**

means, unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:

- a. have been modified by in vitro techniques; or
- b. are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques.

*Note: For the absence of doubt, this does not apply to GM products that are not viable (and are thus no longer GM organisms), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods).*

#### **Genetically Modified Veterinary Vaccine**

means a veterinary vaccine that is a genetically modified organism as defined in this Plan.

#### **Goat Resistant Fencing**

means a fence constructed so that the following requirements are met:

- a. the line of the fence is bulldozed or cleared by some other method to ensure that the bottom wire is no more than 70mm from the ground.
- b. there is a minimum of 9 wires (kept tight at all times) such to meet the following standards:
  - minimum high tensile 2.5mm diameter galvanized steel is used;
  - the wires shall be spaced at the following intervals from the bottom – 100, 100, 100, 110, 120, 135. 150 and 165mm;
  - the top wire shall be approximately 50mm below the top of the post;
  - the bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.
- c. there are no internal stays.
- d. all posts are at the following spacings:
  - less than 30° ground slope – 5m;
  - 30° to less than 45° ground slope – 4m;
  - more than 45° ground slope – 3 m
- e. all battens are at 1m intervals.
- f. where a water body crosses the boundary of the area to be fenced, either one or both of the following requirements shall be adhered to in order to maintain the integrity of the area to be fenced to prevent stock escape:
  - Fences which meet the above specifications shall be constructed alongside waterways with an appropriate setback to avoid the possible effects of bank erosion and slumping which may cause a breach of the fencing standard; and/or
  - Fences across water bodies, shall require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that it will allow the passage of water but will not cause a breach of the fence by stock escaping up or down the watercourse. Wire netting is not to be used in floodgate construction. Floodgates across culverted water bodies shall be on the downstream side of the culvert.

### **Green Infrastructure**

means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:

- a. Provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and
- b. Provide services to people and communities, such as storm water or flood management or climate change adaptation.

### **Greywater**

means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures but does not include sewage or industrial trade waste.

### **Grocery Store**

means a self-service retail activity selling mainly food, beverages and small household goods. This definition is included within the Commercial Activities definition grouping.

### **Gross Floor Area (GFA)**

means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells),

- a. where there are exterior walls, measured from the exterior face of those exterior walls.
- b. where there are walls separating two buildings, measured from the centre lines of the walls separating the two buildings.
- c. where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, measured from the edge of the floor.

**Ground Level**

means:

- a. the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created).
- b. if the ground level cannot be identified under paragraph (a), the existing surface level of the ground.
- 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 exterior surface of the retaining wall or retaining structure where it intersects the boundary.

**Habitable Room**

means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

**Hapū Environmental Management Plan (Iwi Management Plan)**

means a plan prepared by an iwi, hapū, or whānau for management of resources within its rohe.

**Hazardous Facility**

means any activity involving hazardous substances and sites at which these substances are used, stored, handled or disposed of (including on-site movements and the transit storage, for example, in stationary vehicles or containers) for a period of time exceeding one hour.

**Hazardous Substance**

has the same meaning as in Section 2 of the RMA.

**Hazardous Substances and New Organisms Act and HSNO**

means the Hazardous Substances and New Organisms Act 1996.

**Hazardous Sub Facility**

means a facility that is separated by more than 30 metres from any other hazardous facility on the same site.

**Heavy Vehicle**

means any vehicle exceeding 3500kg gross laden weight.

**Height**

means the vertical distance between a specified reference point and the highest part of any feature, structure or building above the point.

**Height in Relation to Boundary**

means the height of a structure, building, or feature, relative to its distance from either the boundary of a:

- a. Site, or
- b. Other specified reference point.

**High Noise Area**

means an area where the average background sound level ( $L_{A90}$ ) is greater than 45 dB  $L_{A90}$  between 0630 and 2130 hours; or greater than or equal to 35 dB  $L_{A90}$  between 2130 and 0630 hours.

### **Highly Erodible Land**

means Land Use capability Classes 6e17, 6e19, 7e1-7e10, 8e1-8e3 and 8s1 as mapped in the New Zealand Land Resource Inventory.

### **Highly Versatile Soils**

means Land Use Capability Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory.

### **Hire Premise**

means an activity for the hiring of machinery and equipment. Includes:

- a. servicing and maintenance of hire equipment; and
- b. storing hire equipment.

Excludes: premises for the hire or loan of books, videos, DVD, kayaks and other similar entertainment and tourist related items which are classified as general retail. This definition is included within the Commercial Activities definition grouping.

### **Historic Heritage**

has the same meaning as in section 2 of the RMA.

### **Historic Heritage Resources**

means heritage items, features or components, (including archaeological features, buildings, objects or structures) that contribute to historic heritage as defined in the RMA and as adopted in the Proposed Regional Policy Statement.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Historical and cultural heritage**

as referred to in the Heritage NZ Pouhere Taonga Act 2014 is similar in meaning to the RMA definition of historic heritage.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Hospital**

means any regionally significant infrastructure that provides for the medical, surgical or psychiatric care, treatment and rehabilitation of persons.

### **Hospital Related Activities**

means activities associated with the provision of medical, surgical or psychiatric care, treatment and rehabilitation of persons within a Hospital, including:

- a. Offices and administration facilities;
- b. Pharmacies, food and beverage activities, bookstores, gift stores and florists;
- c. Commercial services including banks and dry cleaners;
- d. Ambulance facilities and first aid training facilities;
- e. Conference facilities;
- f. Helicopter facilities;
- g. Hospices;

- h. Hospital maintenance, operational and service facilities, including kitchens, storage facilities, waste processing and laundries;
- i. Medical research and testing;
- j. Mortuaries;
- k. Rehabilitation facilities;
- l. Training; and
- m. Private specialist and general medical facilities, services and practices.

### **Hours of Darkness**

means that time between sunset and sunrise

### **Household**

means a person or a group of people who reside together and directly interact on a daily basis to maintain an independent and self-contained housekeeping unit.

### **Illuminated sign**

means any sign with a specifically designed means of illumination of the whole or any portion of its visible area. Includes internally illuminated and externally illuminated (floodlit) signs, reflective signs, digital signs, and signs that incorporate flashing, animation and variable message displays.

### **Impervious Area**

means an area with a surface which prevents or significantly retards the soakage of water into the ground.

Includes:

- roofs.
- paved areas including driveways and sealed/compacted metal parking areas, patios.
- sealed tennis or netball courts.
- sealed and compacted metal roads.
- engineered layers such as compacted clay.
- artificial playing surfaces or fields.

Excludes:

- grass and bush areas.
- gardens and other landscaped areas.
- permeable paving and green roofs.
- slatted decks.

### **'Inappropriate' Subdivision, Use and Development**

includes inappropriate intensity, scale, character and design and inappropriate location.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Indigenous Vegetation**

means plants which belong naturally in the ecological locality and includes Manuka and Kanuka.

### **Indigenous Wetland**

means a naturally occurring wetland of 50m<sup>2</sup> or more (with a minimum width of 5 metres) which is permanently or seasonally wet (in that the water table is at or near the ground surface during high water table conditions), and which is dominated by indigenous wetland plant species including all or some of the following:

- i. Raupo
- ii. Flax

- iii. Sedge associations
- iv. Kahikatea
- v. Cabbage tree
- vi. Manuka/kanuka on peatlands
- vii. Mangrove and saltmarsh
- viii. Kuta

For the purposes of this Plan indigenous wetlands that have been created for conservation purposes, as a requirement of a resource consent, are included within the definition of “indigenous wetland”.

The definition excludes wetlands created and subsequently maintained principally for, or in connection with:

- a. Effluent treatment and disposal systems; or
- b. Storm water management; or
- c. Water storage; or
- d. Other artificial wetlands, water courses or open drains.

The definition also excludes:

- a. Trees with a pasture under storey; or
- b. Exotic rush/pasture communities; or
- c. Land which has been modified prior to the date of notification of this Plan, to the extent that it is no longer ecologically viable.

*Note: This definition does not include indigenous wetlands which have been created voluntarily, that is not as a requirement of a resource consent. If you are unsure if an area is an indigenous wetland and is subject to rules in the Plan, contact the Whangārei District Council for advice.*

### **Industrial Activity**

means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

### **Industrial and Trade Waste**

means liquid waste, with or without matter in suspension, from the receipt, manufacture or processing of materials as part of a commercial, industrial or trade process, but excludes sewage and greywater.

### **Infrastructure**

has the same meaning as in section 2 of the RMA.

### **Intensive Livestock Farming**

means any intensive farming of animals and/or includes fungi (mushrooms), dependent on a high input of food or fertiliser from beyond the site and which is predominantly carried out in buildings or outdoor enclosures where the stocking density precludes the maintenance of pasture or ground cover and includes pig farming and cattle feedlots. Poultry farming is excluded if it is considered free range in accordance with the relevant minimum standards outlined in the MAF Animal Welfare (Layer Hens) Code of Welfare 2005. This definition is included within the Rural Production Activities definition grouping.

### **Integrity**

is a term applied to heritage resources that retain a high proportion of their original characteristics or fabric.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Intermittently Flowing River**

means a river that is dry at certain times and has one or more of the following characteristics:



- a. Appears on the NSMS260 1:50,000 map; or
- b. Has stable pools in late summer; or
- c. Supports species of plants and animals that are adapted to wet conditions, for example:
  - Native fish (bullies, kokopu, inanga)
  - Crayfish
  - Aquatic snails or shrimp
  - Mayflies, stoneflies or caddisflies.

**Iwi Authority\***

means the authority which represents an iwi, and which is recognised by that iwi as having authority to do so.

**Kaitiaki**

means, for the purpose of this Plan, those nominated by tangata whenua to exercise kaitiakitanga on their behalf.

**Kaitiakitanga\***

means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources, and includes the ethic of stewardship.

**L<sub>AE</sub> (Sound Exposure Level)**

means the sound level of one second duration which has the same amount of energy as the actual noise event measured. This is usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

**L<sub>Aeq</sub>**

has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

**L<sub>AF(max)</sub>**

has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

**L<sub>A90</sub>**

has the same meaning as 'Background sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

**L<sub>Cpeak</sub>**

has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

**L<sub>dn</sub>**

has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound.

**Land**

has the same meaning as in section 2 of the RMA.

**Landfill**

means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas. This definition is included within the Industrial Activities definition grouping.

**Landscaping**

means land which is planted in lawns, trees, shrubs or gardens.

**Land Disturbance**

means alteration or disturbance of land, (or any matter constituting the land including, soil, clay, sand and rock), that does not permanently alter the profile, contour or height of the land.



**Land Preparation**

means the disturbance of the soil by machinery in preparation for planting or replanting crops or pasture grasses or trees, and includes blading, contour ploughing and ripping.

**Live/Work**

means a residential and work format entailing the establishment of residential units above work units such as office, retailing, manufacturing and services.

**Living Accommodation**

includes visitor accommodation for up to six people.

**Living Areas**

means a living room, lounge, family room or dining room.

**Low Noise Area**

means an area where the average background sound level ( $L_{A90}$ ) is less than or equal to 45 dB  $L_{A90}$  between 0630 and 2130 hours; or less than or equal to 35 dB  $L_{A90}$  between 2130 and 0630 hours.

**Maintenance**

means regular and ongoing protective care of a built heritage item to prevent deterioration and to retain its historic heritage value. Maintenance differs in meaning from 'repairs'.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Major Roothing 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 500m<sup>2</sup>.

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.

**Major Structure**

means any:

- a. vehicle used as residential activity, excluding temporary activities.
- b. network system exceeding 1.5m in height above ground level or 3m<sup>2</sup> ground coverage.
- c. fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height shall be measured from the lowest ground level of either to the highest point of either.
- d. tank or pool exceeding 35,000 litres.

- e. structure greater than 2.2m in height above ground level or greater than 9m<sup>2</sup> ground coverage, including outdoor stockpiles or areas of storage.
- f. aerial or aerial support structure.

**Mana Whenua\***

means customary authority exercised by an iwi or hapū in an identified area.

**Manufacturing**

means activities involving:

- a. making items by physical labour or machinery.

includes:

- a. assembly of items.

excludes:

- a. retail;
- b. service stations;

This definition is included within the Industrial Activities definition grouping.

**Marine Industry**

means manufacture, repair, storage, maintenance, including their facilities associated with production or processing of boats, accessory goods or seafood, marine scientific and research. This definition is included within the Industrial Activities definition grouping.

**Marine Retail**

means the sale or hire of boats, wholesale and retail sale of fish, and accessory goods and services. This definition is included within the Commercial Activities definition grouping.

**Mineral**

means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

**Mineral Extraction**

means the excavation of minerals from the ground, including:

- The removal of overlying earth and soil;
- The stacking, crushing, storing, depositing, treatment, transportation and sale of excavated materials;
- The placement of overburden;
- The removal of unwanted material and the rehabilitation of the site;
- The works, machinery and plant used to undertake the activities above.

**Mining Area**

means that part of the Quarrying Resource Area which is owned by or under the control of the quarry operator at the time the QRA is established or extended. It is where the full range of mineral extraction activities may occur.

**Mining Hazard Area**

means an area which is subject to possible subsidence due to past coal mining activities undertaken on the land.

**Mining Hazard Area 1**

indicates the area where there is a possibility of crown-holing and major subsidence due to there being less than 10.t cover (t being seam thickness).

**Mining Hazard Area 2**

indicates:

- a. areas where there is up to 100 metres of cover and "medium" subsidence is possible; and
- b. areas where there has been 2 seam pillaring and greater than 100 metres of cover exists.

**Mining Hazard Area 3**

indicates areas where there is greater than 100 metres of cover. Although this is a low risk zone, it is possible for buildings to be affected by mining.

**Minor Building**

means:

- a. a network system which is 1.5m or less in height above ground level and which has 3m<sup>2</sup> or less ground coverage.
- b. any tank or pool not exceeding 35,000 litres.
- c. any tent or marquee erected on a temporary basis.
- d. any structure 300mm or less in height above ground level.
- e. any structure which is 2.2m or less in height above ground level and which has 9m<sup>2</sup> or less ground coverage.

**Minor Residential Unit**

means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

**Minor Upgrading**

means an increase in the carrying capacity, efficiency or security of any network utility operation utilising the existing support structures or structures with the effects of a similar scale, character, bulk and form. It includes, in regard to electricity, telecommunication and radio-communication services:

- the addition of circuits and conductors;
- the reconductoring of the line with higher capacity conductors;
- the resagging of conductors;
- the addition of longer and more efficient insulators;
- the addition of earth wires (which may contain telecommunications lines), earth peaks and lightning rods;
- additional telecommunication lines;
- the replacement of existing cross arms with cross arms of an alternative design;
- the replacement or alteration of existing antennae;
- the replacement or alteration of existing masts, poles and associated structures in the same or similar location and in accordance with the relevant New Zealand Standard.

minor upgrading shall not include:

additional structures or the replacement of structures with the effects that are not of a similar scale, character, bulk and form.

**Mixed Use**

means development that integrates compatible land uses such as commercial, residential and retail.

**Motor Vehicle Sales**

means the sale or hire of motor vehicles and caravans. This definition is included within the Commercial Activities definition grouping.

**Multi Title Site**

means a site where an activity is situated on two or more separate certificates of title and is indicated on the planning maps as a “Multi Title Site”.

**Multi Unit Development**

means development of three or more principal residential units on a site within the Medium Density Residential Zone.

**National Grid**

means part of the National Grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand. National Grid means the assets used or owned by Transpower NZ Limited.

**National Grid Corridor**

means an area of 12m from the outer edge of a support structure and 12m from the centreline of the National Grid shown on the planning maps while they are owned or operated by Transpower NZ Limited.

**Natural and Physical Resources\***

Includes land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

**Natural Hazard\***

means any atmospheric or earth or water-related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects, or may adversely affect, human life, property or other aspects of the environment.

**Net Environmental Benefit**

means an activity where it is demonstrated that the benefits of environmental protection and on-going management are greater than the adverse effects created by subdivision and associated land development. The benefits achieved through environmental protection and on-going management do not include:

- a. with respect to the area to be protected:
  - i. requirements of a condition of a prior consent, unless the prior consent has not been implemented and will be surrendered on the grant of a subdivision that proposes environmental protection and on-going management of an environmental protection area.
  - ii. requirements of existing legal mechanism such as a covenant, easement, designation or private agreement / contract.
  - iii. the level of protection provided under regional or district plan rules.
- b. methods required to avoid, remedy or mitigate adverse effects of the allotments being created (such as planting to integrate allotments into their surroundings, and control of cats and dogs).

**Net Floor Area**

- a. means the sum of any gross floor area and
- b. includes
  - i. both freehold and leased areas; and
  - ii. any stock storage or preparation areas; but
- c. excludes
  - i. void areas such as liftwells and stair wells, including landing areas;
  - ii. shared corridors and mall common spaces;
  - iii. entrances, lobbies and plant areas within a building;
  - iv. open or roofed outdoor areas, and external balconies, decks, porches and terraces;
  - v. off street loading areas;
  - vi. building service rooms;
  - vii. parking areas and basement areas used for parking, manoeuvring and access; and
  - viii. non-habitable floor spaces in rooftop structures.

### **Net Site Area**

means the total area of the site, but excludes:

- a. any part of the site that provides legal access to another site;
- b. any part of a rear site that provides legal access to that site;
- c. any part of the site used for access to the site;
- d. Any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

### **Network System**

means any building or major structure owned or operated by a network utility operator whose purpose is to provide reticulation from a network system to and from individual properties and structures, including all structures and equipment owned or used by a network utility operator.

### **Network Utility Operator\***

means a person who:

- a. undertakes or proposes to undertake, the distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy; or
- b. operates or proposes to operate a network for the purpose of telecommunication or radio communication, as defined in section 2(1) of the Telecommunications Act 1987; or
- c. is an electricity operator or electricity distributor, as defined in section 2 of the Electricity Act 1992, for the purpose of line function services, as defined in that section; or
- d. undertakes or proposes to undertake, the distribution of water for supply (including irrigation); or
- e. undertakes or proposes to undertake, a drainage or wastewater system; or
- f. constructs, operates or proposes to construct or operate, a road or railway line; or
- g. is an airport authority, as defined by the Airport Authorities Act 1966 for the purposes of operating an airport, as defined by that Act; or
- h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or

- i. includes the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information, including telecommunication, radio and satellite links required as part of meteorological activities; or
- j. undertakes, or proposes to undertake, a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act. The words "network utility operation" have a corresponding meaning.

### **Night**

means a period 22:00 to 07:00 hours unless specified otherwise.

### **Noise Sensitive Activities**

means those activities that involve habitation of people within which concentration (of thoughts) is required and includes, residential activities, marae, hospitals, and education facilities, excluding Airport staff and aviation training facilities or aero clubs (other than airport staff training facilities).

### **Notional Boundary**

means a line 20 metres from the facade of any noise sensitive activity, or the legal boundary, where this is closer to the noise sensitive activity.

### **Official Sign**

means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.

### **Open Space and Recreation Zones**

means the Open Space, Natural Open Space and Sport and Active Recreation Zones.

### **Outdoor Living Court**

means an area of outdoor open space which may be either permeable or impervious or a combination of both and includes balconies, recessed balconies decks and roof terraces, available for the exclusive use of the occupants of the residential unit to which the space is allocated, that has direct access to a main living area and that does not contain structures that would impede its use for outdoor living purposes.

### **Outdoor Living Space**

means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

### **Outer Control Boundary**

defines an area outside the Air Noise Boundary within which there shall be no further incompatible land uses. The predicted 3 month average night-weighted sound exposure at or outside, the outer control boundary shall not exceed 55 dB L<sub>dn</sub>.

### **Overburden**

means clay, soil, vegetation and rock associated with mineral extraction activities.

### **Parent Lot**

means land held in one certificate of title or land held by the same owner in adjoining certificates of title, separated by no more than a (formed or unformed) legal road.

### **Pedestrian Arcade**

means an area with a minimum dimension of 5m and minimum area of 30m<sup>2</sup> between a building and a public place that provides visual and pedestrian access onto the site and can be used for activities such as outdoor dining or informal leisure or recreation space.

### **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.

### **Place of Assembly**

means facilities for the wellbeing of the community generally on a not for profit basis.

includes:

- a. arts and cultural centres (including art galleries and museums);
- b. places of worship;
- c. community centres;
- d. halls;
- e. libraries;
- f. marae;
- g. citizens advice bureaux;
- h. justice facilities (including community corrections activities);
- i. visitor information centres.

excludes:

- a. entertainment facilities; and
- b. care centres.

this definition is included within the Community Activities definition grouping.

#### **Plantation Forestry**

means the ongoing management of trees or stands of trees, for the production of timber or timber related products, and includes planting, pruning, felling, and removal of trees from the site but does not involve the processing of timber. This definition is included within the Rural Production Activities definition grouping.

#### **Port Activities**

means the use of land and/or building within the Port Zone for port related activities, including but not limited to:

- a. port and ancillary port activities;
- b. cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- c. debarking;
- d. fumigation;
- e. transport, storage and goods handling activities;
- f. maritime passenger handling/services;
- g. construction, maintenance and repair of port operations and facilities;
- h. port administration;
- i. refuelling/fuel handing facilities;
- j. activities associated with surface navigation, berthing;
- k. maintenance or repair of a reclamation or drainage system;
- l. marine and port accessory structures and services.
- m. repair and maintenance services and facilities ancillary to Port Activities.

- n. waste management facilities.

**PPV (Peak Particle Velocity)**

means the measure of the vibration aptitude, zero to maximum. This parameter can be used for assessing building structural damage and also has application to human annoyance.

**Principal Residential Unit**

means a residential unit that is not ancillary to any other residential unit. This definition is included within the Residential Activities definition grouping.

**Public Place**

means a place:

- a. that is under the control of the territorial authority; and
- b. that is open to, or being used by, the public, whether or not there is a charge for admission; and

includes:

- a. a road, whether or not the road is under the control of a territorial authority; and
- b. any part of a public place

**Radio-Communication**

means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 300 gigahertz, propagated in space without artificial guidance.

**Raft**

has the same meaning as section 2 of the RMA.

**Rear Site**

means a site with a frontage of less than 6 metres to a legal road, except that a site served by a service lane is not a rear site.

**Recognised Acoustician**

means a recognised member of the Acoustical Society of New Zealand or equivalent as determined at Whangārei District Council's discretion.

**Recreational Facilities**

means a facility where the primary purpose is to provide for sport and recreation activities.

includes:

- a. recreation centres;
- b. aquatic facilities, swimming pools, both indoor and outdoor;
- c. fitness centres and gymnasiums;
- d. indoor sports centres; and
- e. playgrounds.

this definition is included within the Community Activities definition grouping.

**Refinery Activities**

means the use of land, buildings and major structures within the Marsden Point Energy Precinct for refinery related activities, including:

- a. operation of storage and fuel tanks;



- b. process plants;
- c. distribution of products;
- d. electricity generation plants and associated transmission lines;
- e. ancillary offices;
- f. ancillary support and community activities;
- g. visitor centres;
- h. canteens/cafes associated with the refinery; and
- i. ancillary facilities catering to the needs of staff and visitors.

### **Regionally Significant Infrastructure**

means the infrastructure listed in Appendix 3 of the Regionally Policy Statement for Northland 2016.

### **Release**

means to allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987.

A release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.

### **Repair/s**

means making good decayed or damaged material using the same or similar materials, colour, texture, form and design.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Repair and Maintenance Services**

servicing, testing or repairing vessels, vehicles or machinery.

includes:

- a. articles or goods by traders;
- b. automotive mechanics;
- c. panel beating; and
- d. devanning, storage and testing of LPG cylinders.

this definition is included within the Industrial Activities definition grouping.

### **Requiring Authority\***

means -

- a. A Minister of the Crown; or
- b. A local authority; or
- c. A network utility operator approved as a requiring authority under section 167 of the Resource Management Act 1991.

### **Residential Activity**

means the use of land and building(s) for people's living accommodation.

### **Residential Unit**

means a building(s) or part of a building that is used from a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

### **Residential Zones**

means the Large Lot Residential, Low-Density Residential, General Residential and Medium-Density Residential Zones.

### **Resource Area**

means areas of the District which have characteristics, values and qualities that require special management to protect these features and control activities that would adversely affect them. These areas are listed in Part F of the District Plan.

### **Retail Activity**

means activities selling, exposing, displaying, or offering: of goods, merchandise, or equipment for sale or direct hire to the public. This definition is included within the Commercial Activities definition grouping.

### **Reticulated**

means, in respect of infrastructure, connection to a system of pipes and ancillary development owned and operated by a network utility operator for the purposes of gas supply, telecommunications, power supply, water supply or stormwater or wastewater drainage.

### **Reticulated Stormwater Area**

means any site within 200m of an existing public primary reticulated stormwater system that can accept gravity flow from the site.

### **Reticulated Wastewater Area**

means any site:

- a. within the General Residential, Medium Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b. within the Rural Village Zone, Strategic Rural Industries Zone or the Rural (Urban Expansion) Zone (except the Toetoe or Whau Valley areas of the Rural (Urban Expansion) Zone) and within 150m of an existing public reticulated wastewater network (excluding rising mains).

### **Reticulated Water Supply Area**

means any site:

- a. Within the General Residential, Medium Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b. Within 135m of an existing public reticulated water supply distribution main as measured along roads, right of ways or access paths.

### **Retirement Village**

means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities. This definition is included within the Residential Activities definition grouping.

### **Reverse Sensitivity**

means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity.

### **Right of Way**

means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land and shall have the same meaning, as defined in Schedule 4 of the Land Transfer Regulations 2002.

### **River\***

means a continually or intermittently, flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal).

### **RMS (Root Mean Square) Velocity**

means the RMS averaged velocity of vibration, typically given in mm/s. RMS velocities are typically measured using single axis vibration transducers such as accelerometers.

### **Road**

has the same meaning as in section 2 of the RMA.

*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.*

### **Road Sign**

means any signs which is erected for the purpose of traffic control or public road safety, including illuminated and reflective signs where they are designed and operated in accordance with the requirements of the road controlling authority.

### **Rural Area**

means the area of the District comprising the Rural Zones.

### **Rural Centre Service Activity**

means the use of land and buildings within the Rural Village Centre Sub-Zone for commercial and service activities including the sale or hire of goods, equipment or services, automotive service and repair, post boxes, service stations, shops, markets and takeaways.

### **Rural Production Activity**

means the use of land and buildings for farming, intensive livestock farming, farm quarrying and plantation forestry.

### **Rural Zones**

means the Rural Countryside, Strategic Rural Industries, Rural Village, Rural Living and Rural (Urban Expansion) Zones.

### **Safe Potable Water Supply**

means water that is fit for human consumption and may be supplied by rainwater collection, artesian bore, reticulated network or a natural water source.

### **Scheduled Built Heritage**

means built heritage resources included in the Schedule of Built Heritage Items (BH.1.11).

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Scheduled Historic Area**

means an area of land containing an inter-related group of historic heritage resources included in the Schedule of Built Heritage Items (BH.1.11).

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Sea-Farers Mission and Managers Accommodation**

means the Christian welfare centre located within the Port Zone providing communal facilities for transitional merchant seafarers. Includes a single residential unit to be used solely for the purpose of providing accommodation for the Manager/Pastor of the Sea-Farers Mission and immediate family. Does not include motels or hotels, backpackers, bed and breakfast, farmstay or homestay accommodation, or any other types of accommodation.

**Segregation Strip**

means a strip of land vested (or upon subdivision to be vested) in the roading authority to limit or preclude legal access directly onto an adjoining street or road.

**Seismic Upgrading**

means structural works required to meet relevant earthquake-prone buildings legislation and related Council Policy.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Sense of Place**

generally means the attachments of people and communities to their land or special places, developed through experience and knowledge of an area. Sense of place may be experienced at an individual or personal level or by a group of people. It comprises two essential elements - the 'community' or those people who feel attachment or a sense of belonging to a particular place, and the physical, cultural and intangible elements of a place that contribute to its special character, familiarity, or sense of belonging.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

**Sensitive Activities**

means, childcare and education facilities, Residential Activity, hospitals.

**Service Lane**

shall have the same meaning as defined in Section 315 of the Local Government Act 1974 and includes any private access for non-residential developments that are not managed under TRA Appendix 2D of the Transport Chapter.

**Service Station**

means any site where the dominant activity is the retail of motor vehicle fuels (including petrol, LPG, CNG and diesel), and may include any one or more of the following: the sale of kerosene, alcohol based fuels, lubricating oil, tyres, batteries, motor vehicle spare parts and other accessories; retail premises; convenience food premises; mechanical repair and servicing of motor vehicles (including motor cycles, caravans, boat motors, trailers) and domestic gardening equipment; warrant of fitness testing; trailer hire; and car wash facilities.

**Setback**

means the horizontal distance between a building and a **water body**, boundary or frontage of its site. For the purposes of this definition, intrusions of eaves or guttering of up to 800mm are excluded, except where an eave would overhang an easement or a boundary.

**Sewage**

means human excrement and urine.

**Shared Access**

means any access that is used by two or more lots, principal residential units or commercial or industrial activities and includes any access lot.

**Showroom**

means an area where merchandise can be displayed, but does not include any areas for customer self-service.

**Sign**

means any device, character, graphic or electronic display, whether temporary or permanent which:

- a. is for the purpose of-
  - i. identification of or provision of information about any activity, property or structure or an aspect of public safety;
  - ii. providing directions; or

- iii. promoting goods, services or events; and
- b. is projected onto, or fixed or attached to, any, structure or natural object; and
- c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

### **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 the total signage area that may be viewed from every viewable perspective (including front and back, and inflatable or three dimensional signs). Structural supports and building surfaces are not included in the calculation of sign area, except where they form an integral part of the sign.

### **Site**

means:

- a. an area of land comprised in a single (record of title as per Land Transfer Act 2017); or
- b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the Council; or
- c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per Land Transfer Act 2017 could be issued without further consent of the Council; or
- d. except that in relation to each of subclause (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or 2010 or a cross lease system, a site is the whole of the land subject to the unit development or cross lease.

### **Site Surrounds**

means all the curtilage (including trees, gardens, buildings and structures) associated with a scheduled built heritage item that contributes to its significance, the removal of which would detract from the item's inherent heritage significance and value. Unless otherwise specified in the Schedule of Built Heritage, 'site surrounds' includes all land within the title boundary.

*Note: This definition only applies to the Historic Heritage and SIGNS Chapters of the District Plan.*

### **Standalone Car Park Facility**

means either indoor or outdoor on-site car parking which is not directly associated with any other activity within the site.

### **Statement of Significance**

means a report from a recognised heritage expert, describing the heritage values of an historic heritage item, based on District Plan scheduling criteria.

*Note: This definition only applies to the Historic Heritage Chapter of the District Plan.*

### **Stone Wall**

means a wall that has been constructed by hand, from locally sourced rocks, as opposed to man-made construction materials.

### **Storage**

means activities involving:

- a. Facilities used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer.

- b. Business that provides facilities to the public for storing possessions.
- c. Facility used for receiving, despatching or consolidating goods in transit by road, rail, air or sea.

includes:

- a. direct collection of materials;
- b. articles or goods by traders;
- c. carriers' depots;
- d. courier services;
- e. mail distribution centres;
- f. trucking depots; and
- g. electronic data servers.

excludes:

- a. composting plants; and
- b. waste management facilities refuse transfer stations.

this definition is included within the Industrial Activities definition grouping.

### **Stormwater**

means run-off that has been intercepted, channeled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.

### **Strategic Rural Industries**

means industrial activities that require a rural location because of factors such as access to resources or the large area of land required for the operation of the activity. Strategic Rural Industries are significant at a regional or national scale rather than solely at a district level due to the area they supply; the investment in infrastructure required for the establishment of the activity or their contribution to the economy. Within the District Plan the term is applied specifically to the Strategic Rural Industries Zone and does not include strategic industries located within urban areas with specialized business or industrial functions such as Port Marsden or the Marsden Point Energy Precinct.

### **Stream**

refer to definition of River.

### **Structure\***

means any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.

### **Subdivision\***

means:

- a. the division of an allotment:
  - i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
  - ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or

- iii. by a lease of part of the allotment which, including renewals, is or could be for a term of 35 years; or
- iv. by the grant of a company lease or cross lease in respect to any part of the allotment; or
- v. by the deposit of a unit plan or) an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226.

### **Subsidiary**

means incidental and occurring within the same building and being held in common ownership with the primary activity.

### **Supported Residential Care**

means a residential activity of more than one household providing accommodation and fulltime care, support or supervision for aged or disabled people, or people receiving health support (including mental health, addiction, illness or intellectual disabilities) or people receiving reintegration or rehabilitation.

excludes:

- a. hospitals.

this definition is included within the Residential Activities definition grouping.

### **Surface Water**

means all water, flowing or not, above the ground. It includes water in continually or intermittently flowing rivers, artificial watercourses, lakes and indigenous wetlands and water impounded by structures such as dams or weirs, but does not include water while in pipes, tanks, cisterns, nor water within the Coastal Marine Area.

### **Tangata Whenua\***

means, in relation to a particular area, the iwi or hapū that holds mana whenua over that area.

### **Taonga**

means treasure, or all that is held precious.

### **Telecommunication**

has the same meaning as in section 2(1) of the Telecommunications Act 1987.

### **Temporary Activity**

means any commercial activity undertaken in a temporary or moveable structure within a road or an activity which is undertaken for a short term, not exceeding 3 days duration, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year, and includes any gala, sports event, festival, hui or other community activity or any Temporary Military Training Activity not exceeding 60 days duration.

### **Temporary Military Training Activity**

means a Temporary Activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under s5 of the Defence Act 1990 which are:

- a. The defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act:
- b. The protection of the interests of New Zealand, whether in New Zealand or elsewhere:



- c. The contribution of forces under collective security treaties, agreements, or arrangements:
- d. The contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations:
- e. The provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:
- f. The provision of any public service.

### **Temporary Sign**

means any sign, whether portable or fixed which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include signs associated with; real-estate, election(s), construction or redevelopment.

*Note: Unless otherwise stated community signs will be considered as temporary signs where they are erected no more than 21 days prior to the event and are removed within two days after the event concludes.*

### **Trade Retail**

means Motor Vehicle Sales, Garden Centres, Marine Retail, Trade Suppliers and Hire Premises.

### **Through-site Link**

means a defined pedestrian access which is continuous and clearly identifiable and is designed specifically to traverse a site to connect roads or other public places or other through-site links. A through-site link provides a shorter and more convenient public pedestrian route than the existing alternative.

### **Tikanga Māori\***

means Māori customary values and practices.

### **Trade Suppliers**

means an activity supplying one or more of the categories below, engaged in sales to businesses and institutional customers but may also include sales to the general public:

- a. automotive suppliers;
- b. building suppliers;
- c. catering equipment suppliers;
- d. farming and agricultural suppliers;
- e. industrial clothing and safety equipment suppliers;
- f. landscape suppliers; and
- g. office furniture, equipment and systems suppliers.

this definition is included within the Commercial Activities definition grouping.

### **Traffic Movement**

means any movement of a motor vehicle to or from a site, whether the vehicle parks on or off the site or moves through the site without stopping. When a vehicle travels to a site and subsequently leaves the site (or vice versa) this is counted as two traffic movements.

### **Transport Infrastructure**



means facilities, assets and structures that are necessary for the functioning of the transport network and that cater for the needs of all transport users (including active transport modes and public transport) including:-

- a. cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;
- b. pedestrian facilities and accessways, including footpaths, footways and foot bridges;
- c. railway tracks, bridges, tunnels, signalling, access tracks and facilities;
- d. roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;
- e. lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;
- f. safety devices including handrails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;
- g. other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls and traffic and cycle monitoring devices;
- h. parking control devices;
- i. site access including vehicle crossings;
- j. street and rail furniture, artworks, passenger shelters and ticketing/tolling facilities;
- k. ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;
- l. noise attenuation walls or fences;
- m. stormwater management facilities, ventilation structures, drainage devices and erosion control devices.

#### **Urban Area**

means the area of the District comprising the Urban Zones.

#### **Urban Environment Allotment**

has the same meaning as section 76 of the RMA as set out below:

means an allotment within the meaning of section 218—

- a. that is no greater than 4,000m<sup>2</sup>; and
- b. that is connected to a reticulated water supply system and a reticulated sewerage system; and
- c. on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and
- d. that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

#### **Urban Zones**

means the Residential and Business Zones and includes the Airport, Hospital, Port, Ruakaka Equine and Marsden Primary Centre Zones.

**Vegetation Clearance**

means any activity that results in the cutting, disturbance, removal or destruction of indigenous vegetation.

**Vegetation Cover**

means an area that is principally covered in indigenous vegetation.

**Vehicle Crossing**

means the formed and properly constructed vehicle entry or exit point from the carriageway of any road, up to and including that portion of the road boundary of the site across at which a vehicle entry or exit point occurs and includes any culvert, bridge or kerbing.

**Verandah**

means a weatherproof covering, substantially covering a footpath used by the public.

**Versatile Soils**

means those soils identified as Class I, II or III on the New Zealand Land Inventory Worksheets.

**Veterinary Vaccine**

means a biological compound controlled by the Agricultural Compounds and Veterinary Medicines Act that is used to produce or artificially increase immunity to a particular disease and has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.

**Viable Genetically Modified Veterinary Vaccine**

means a genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

**Visitor Accommodation**

means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities. This definition is included within the Commercial Activities definition grouping.

**Visual Permeability**

means the amount of transparency through an object such as a screen, fence or wall.

**Waahi Tapu**

means a place which is sacred or spiritually meaningful to tangata whenua.

**Waste Management Facility**

means an activity receiving waste for transfer, treatment, disposal, or temporary storage. Includes:

- a. refuse transfer stations; and
- b. recycling.

excludes:

- a. landfills.

this definition is included within the Industrial Activities definition grouping.

**Wastewater**

means any combination of two or more of the following wastes: sewage, grey water, or industrial and trade waste.

**Water\***

means water in all its physical forms, whether flowing or not and whether over or under the ground, and

- a. Includes fresh water, coastal water and geothermal water; and
- b. Does not include water in any form while in any pipe, tank or cistern.

**Water Body\***

means fresh water or geothermal water in a river, lake, stream, pond, wetland or aquifer or any part thereof that is not located within the coastal marine area.

**Wind Turbine**

means a wind turbine used to extract kinetic energy from the wind and having a swept area of greater than 200m<sup>2</sup>.

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## HPW – How the Plan Works

The purpose of this chapter is to facilitate the on-going development and use of the District Plan. This section contains information about the use and implementation of the District Plan.

### HPW.1 District Plan Rolling Review

#### 1. Introduction

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

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

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

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

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

#### 2. Expectations

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

#### 3. Outcomes Sought

- District Plan shall be streamlined and simplified.

## Part B – Introduction to Procedures

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- Policies and rules shall direct consenting process to provide certainty.
- Comprehensive policies and objectives shall reflect the sustainable management outcomes sought for the respective District Plan Zones and District-Wide Matters.
- District Plan shall address resource management matters only and will cross reference to external legislation as required.
- Some methods shall only be utilised where expressly stated in the relevant Zone Rules Chapter.

## HPW.2 New District Plan Structure

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

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

- Part A – Table of Contents: Part A contains the cover page and table of contents.
- Part B – Introduction: Part B contains the following chapters:
  - 1 – Introducing the District Plan
  - HPW – How the Plan Works
- Part C – Procedures / Statutory Requirements: Part C Contains the following chapters:
  - 4 – Definitions
  - 8 – Financial Contributions
  - 85 – Designations
  - REF – Referenced Documents
  - SAK – Statutory Acknowledgements
- Part D – Objectives and Policies: These objectives and policies are those which remain from the old District Plan structure. As each Chapter is reviewed under the rolling review, the relevant chapter in Part D will be deleted. The following chapters form Part D:
  - 7 – Tangata Whenua
  - 9 – Financial Contribution
  - 11 – Riparian and Coastal Margins
  - 12 – Water Bodies
  - 17 – Indigenous Vegetation and Habitat
  - 19 – Natural Hazards
  - 20 – Contaminated Sites
  - 23 – Network Utility Operations
  - 27 – Local Authority Cross Boundary Issues
- Part E – District Wide: District Wide provisions apply to the use and development of natural and physical resources across the Whangārei District regardless of which Zone they occur in. The following operative Chapters are District Wide:
  - PKH – Papakāinga Housing
  - NTW – Network Utilities
  - NAV – Noise & Vibration
  - DGD – District Growth and Development
  - UFD – Urban Form and Development
  - SUB – Subdivision
  - TRA – Transport
  - TWM – Three Waters Management
  - EARTH – Earthworks
  - LIGHT – Lighting

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- SIGN – Signs
  - HSUB – Hazardous Substances
  - Part F – Resource Areas: Resource Area provisions apply to areas of the District which have characteristics, values and qualities that require special management to protect these features and control activities that would adversely affect them. The following operative chapters are Resource Area chapters:
    - 56 – Natural Hazard Resource Area Rules
    - 60 – Sites of Significance to Maori Resource Area Rules
    - 61 – Esplanade Priority Resource Area Rules
    - 63 – Contaminated Sites Rules
    - CEL – Critical Electricity Lines and Substations
    - HH – Historic Heritage
    - NTW – Network Utilities
    - CA – Coastal Area
    - LAN – Landscapes and Features
    - MIN – Minerals
    - NPT – Notable and Public Trees
  - Part G – Zones: Zones manage the way in which areas of land in the district are managed. All land in the District has a Zone which are identified on the Planning maps. The District Plan has the following zones:
    - MPC – Marsden Primary Centre
    - REZ – Ruakaka Equine Zone
    - RPZ – Rural Production Zone
    - SRIZ – Strategic Rural Industries Zone
    - RVZ – Rural Village Zone
    - RLZ – Rural Living Zone
    - RUEZ – Rural (Urban Expansion) Zone
    - CCZ – City Centre Zone
    - MUZ – Mixed-use Zone
    - COMZ – Commercial Zone
    - WZ – Waterfront Zone
    - SCZ – Shopping Centre Zone
    - LCZ – Local Centre Zone
    - NCZ – Neighbourhood Centre Zone
    - LIZ – Light Industrial Zone
    - HIZ – Heavy Industrial Zone
    - LLRZ – Large Lot Residential Zone
    - LRZ – Low Density Residential Zone
    - GRZ – General Residential Zone
    - MRZ – Medium Density Residential Zone
    - PORTZ – Port Zone
    - AIRPZ – Airport Zone
    - HOSZ – Hospital Zone
    - PREC – Precincts
    - NOSZ – Natural Open Space Zone
    - OSZ – Open Space Zone
    - SARZ – Sport and Active Recreation Zone
  - Part H – Appendices: this contains additional information referred to in the other Parts of the District Plan. The District Plan has the following appendices:
    - Appendix 4 – Sites of Significance to Maori
    - Appendix 5 – Esplanade Priority Areas
    - Appendix 8a – Use, Storage and On-Site Movements of Hazardous Substances
    - Appendix 8b – Use, Storage and On-Site Movements of Hazardous Substances – Procedures
    - Appendix 8c – Base Quantities for Use and Storage of Hazardous Substances

- Appendix 8d – Rating Criteria for Storage of Hazardous Substances

### HPW.3 How to use this District Plan

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

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

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

#### 1. Planning Maps

The District Plan planning maps are comprised of three series:

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

#### 2. District Plan Text

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

#### Issues

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

#### Objectives

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

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

#### Policies

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

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

## Rules

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

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

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

Where:

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

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

### XXX-R2 Permitted Rules

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

### XXX-R2 Controlled Rules

Any Controlled rules will be contained in light blue boxes.

### XXX-R3 Restricted Discretionary Rules

Any Restricted Discretionary rules will be contained in medium blue boxes.

### XXX-R3 Discretionary Rules

Any Discretionary rules will be contained in dark blue boxes.

### XXX-R4 Non-Complying Rules

Any Non-Complying rules will be contained in purple boxes.

### XXX-R5 Prohibited Rules

Any Prohibited Rules will be contained in red boxes.

### XXX-REQ1 Information Requirements

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

## 3. Plan Provisions

The Plan uses five main types of plan provisions:

### District Wide Matters Rules

District-wide provisions, including the Strategic Direction objectives and policies, apply to the use and development of natural and physical resources across Whangārei District regardless of the zone in which they occur.

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



### **District Wide Matters Overlay Rules**

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

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

### **Zones**

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

Zones are identified on the planning maps.

### **Precincts**

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

### **Development Areas**

A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. Development areas may apply across multiple zones. The provisions for development areas are located in the development area chapter of the District Plan.

### **Guidelines and Standards**

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

## **4. Activity Status**

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

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

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statements are provided to assist users of the Plan to understand how this hierarchy has been applied.

### **Permitted activity**

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

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

### **Controlled activity**

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

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

### **Restricted discretionary activity**

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

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

### **Discretionary activity**

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

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

### **Non-complying activity**

Resource consent is required for a non-complying activity. As threshold matters, the proposal must be assessed to determine whether its adverse effects on the environment will be no more than minor or whether it will not be contrary to the objectives and policies of the Plan. If the proposal is found not to breach one or other of those thresholds, then its merits may be

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considered on a broadly discretionary basis and consent may be granted (with or without conditions) or refused. If it is found to breach both thresholds, then consent must be refused.

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

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

### Prohibited activity

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

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

## HPW.4 Interpretation Rules

### General

HPW-R1	Applications on sites with multiple zones, overlays or precincts or on parts of sites
	<ol style="list-style-type: none"> <li>1. Where a proposal will take place: <ol style="list-style-type: none"> <li>a. In two or more zones; or</li> <li>b. Where two or more overlays apply to it; or</li> <li>c. On a site which is partially affected by an overlay or a precinct;</li> </ol> then the proposal must comply with the overlay, zone and precinct rules applying to the particular part of the site in which the relevant part of the proposal is located. </li> <li>2. Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the district-wide matter rules, then the activity status in the precinct shall over ride the activity status in the zone or district-wide matter rules, whether that activity status is more or less restrictive. Overlay provisions apply in addition to zone or precinct provisions, unless it is stated otherwise in the rules.</li> </ol>
HPW-R2	Applications for more than one activity
	<p>Where</p> <ol style="list-style-type: none"> <li>1. A proposal: <ol style="list-style-type: none"> <li>a. Consists of more than one activity specified in the Plan; and</li> </ol> </li> </ol>

- b. Involves more than one type of resource consent or requires more than one resource consent; and
  - c. The effects of the activities overlap;

the activities may be considered together.
- 2. Different activities within a proposal are subject to different parts of the Plan, each activity, will be assessed in terms of the objectives, policies and rules which are relevant to that activity.
- 3. Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

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

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

#### HPW-R4 Numerical Limits

1. Where any rule specifies a numerical limit using the words “up to” or “greater than”, those words must be read to mean:
  - a. The words “up to” in relation to a number include that number; and
  - b. The words “greater than” in relation to a number do not include that number.

#### HPW-R5 Fractional Amounts

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

#### HPW-R6 Zoning of Roads, Railways and Rivers

1. All public roads (including state highways), railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. Roads, railways and rivers are

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zoned the same as the zoning of adjoining sites. Where a different zone applies on either side of the road, railway or river then the zoning will apply to the centreline of the road, railway or river.

**HPW-R7 Application of Activity Definitions**

1. Where an activity could be captured by more than one definition grouping classification, the most specifically defined activity and most specific rule shall over-ride the more general definition and rule.

**HPW-R8 Assessment of Discretionary Activities**

1. When assessing resource consent applications for discretionary land use and subdivision activities the assessment shall include (but is not limited to) the following matters (where relevant):
  - a. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
  - b. The nature and location of the activity, the type and frequency of use and hours of operation.
  - c. Effects on amenity values, existing residences, visual amenity, outlook and privacy, availability of daylight, and shading.
  - d. Effects of dust, odour and other nuisance.
  - e. Effects on natural character, landscape and historic heritage values, skylines and ridges, land stability and the natural functioning of ecosystems.
  - f. Visibility from the road, road frontage domination, location of buildings, scale and bulk in relation to the site, built characteristic of the locality, colour and design of buildings, major structures and landscaping.
  - g. The cumulative effects of signs and the orientation, strength, intensity, colour and frequency of flashing of signs.
  - h. The effects of land use and subdivision on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.
  - i. The number, need, availability, location, design and suitability of parking spaces, on-site manoeuvring, queuing spaces, loading areas and access.
  - j. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.
  - k. The convenience and safety of disabled persons and consideration of alternative provision for disabled persons access to the site.
  - l. The design, standard, lengths, distance between, number and construction of and alternative location of vehicle crossings, internal access and private access ways.

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- m. Effects on the amenity of the locality, increase in exposure to noise, dust and stormwater runoff as a result of parking, access or road design.
  - n. The need for forming or upgrading roads, level crossings and other traffic control measures in the vicinity due to increased traffic from the proposed land use or subdivision.
  - o. The need for footpaths/cycleways and kerb and channel on roads, arising from a subdivision or land use.
  - p. The necessity for street lights and the spacing and height of the lights.
  - q. The efficient provision of services to the land being subdivided, and to nearby land that might be subdivided in future.
  - r. The water system's ability to ensure an adequate supply of potable water and the ability to meet firefighting requirements, to accommodate anticipated flows, and withstand pressures and loads.
  - s. The stormwater system's ability to protect property and the environment from the adverse effects of surface water and its ability to accommodate the anticipated flows and withstand the anticipated loads.
  - t. The capacity, availability and accessibility of any Council wastewater system to serve the proposed subdivision and the proposed system's ability to treat sewage and the ability to accommodate anticipated flows and withstand the anticipated loads.
  - u. The necessity, extent and location of earthworks, the proposed type of machinery to be used and the hours of operation, potential adverse effects to ecological, historic heritage and landscape values and effects on water bodies including indigenous wetlands.
  - v. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
  - w. The effects of and functional need of places of assembly to locate within the Rural Production Zone.
  - x. The effect of and functional need of emergency services to locate within any zone.
  - y. The impact on the transport network, taking into account the two-tier transport network hierarchy.

## Subdivision

### HPW-R9 Additional Matters Over Which Control Has Been Reserved or Discretion Restricted:

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

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

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- v. Those matters described in sections 108 and 220 of the Resource Management Act 1991.
  - w. The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.
  - x. The potential for reverse sensitivity effects on existing lawfully established activities and any measures proposed to avoid remedy or mitigate those effects.
  - y. The impact on the transport network, taking into account the two-tier transport network hierarchy.

#### HPW-R10 Cross Leases, Company Leases and Unit Titles:

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

#### HPW-R11 Limited Access Roads

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





# **Report 3 – Strategic Direction and Subdivision Proposed Plan Change 148**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**  
**Commissioner Rachel Dimery**  
**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Strategic Direction (District Growth and Development) Chapter
2. Recommended Urban Form and Development Chapter
3. Recommended Subdivision Chapter

## Introduction

4. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
5. The abbreviations used in this report are set out in Report 1.
6. This report follows the same structure as Part 2 of the s42A Report. It is split into 3 parts:
  - I. General
  - II. Strategic Direction
  - III. Subdivision
7. Where this report refers to the s42A Report it is referring to Part 2. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 2.
8. The s42A Report recommended changes to the Strategic Direction chapter name in accordance with the National Planning Standards. The changes are detailed below.

### Notified Chapter Name

Strategic Direction (**SD**)

### S42A Recommended Chapter Name

District Growth and Development (**DGD**)

Urban Form and Development (**UDF**)

## Evaluation of Submissions

### Part I: General

#### Topic A: Definitions

##### Relevant Submissions

Submitter	Submission# & Point #
Trustpower	48.1
Transpower	247.5
KiwiRail	265.39
Trustpower	48.1
Transpower	247.5

##### Principal Issues Raised

- Submissions sought a definition of Regionally Significant Infrastructure and to retain the definition of Regionally Significant Infrastructure as notified.
- Clarification of what is meant by 'regionally significant industries'

##### Reporting Planner's s42A Recommendation

9. This was dealt with at paragraphs 31-32 of the s42A Report. The recommendation of the Reporting Officer was to retain the definition of Regionally Significant Infrastructure and amend the overview of the SD chapter.

##### Evidence from Submitters and Right of Reply

10. Transpower presented evidence at the hearing seeking additional changes to the Strategic Direction chapter (renamed the DGD and UFD chapters) and consequential amendments to the Network Utilities

(NTW) rules. In response Mr Cook recommended amendments to the overview for the DGD Chapter.

### Discussion and Reasons

11. We have discussed all amendments requested to the overview for the chapter below at Part II, Topic A.
12. We find that the definition of Regionally Significant Infrastructure should be retained as notified, as this would best give effect to the NRPS.
13. Ms Ainsley McLeod gave planning evidence on behalf of Transpower. She identified that the introduction of the definition of earthworks from Direction 14 of the National Planning Standards would result in a gap in the NTW rules, whereby holes for fences posts would no longer be controlled under the NTW rules. She requested a consequential amendment to Rule NTW.2.4 as follows:

*“Within the National Grid Corridor the following activities are permitted:*

*vi. Earthworks, vertical holes and Mineral Extraction which is not deeper than 300mm within 6m, and not deeper than 3m between 6 to 12m, of the outer visible edge of a transmission tower support structure;*

*vii. Earthworks, vertical holes and Mineral Extraction which does not create an unstable batter that will affect a transmission support structure; and ...”*

14. We agree with Ms McLeod that this consequential amendment is required to continue to give effect to the National Policy Statement on Electricity Transmission 2008 (**NPSET**).

## **Topic B: General**

### Relevant Submissions

Submitter	Submission# & Point #
C Newbold	187.1
NRC	264.2
AJ and JK Morgan	170.7-10
J Edwards	193.22
C Morgan	290.7
T Savage	214.2
Transpower	247.4 & 13
NIWA	77.15
NRC	264.15
J Edwards	283.20
PBRRA	139.13
B Hall	83.11 & 12
H Infanger and P Marty	286.3
WDC Planning	236.76
Radio NZ	243.3,5 & 8

### Principal Issues Raised

- Support for the intent of the plan change
- Requests to make amendments to change the policy direction in relation to managing the risks and impacts of natural hazard events.
- Requests to delay PC148 until adequate consultation has taken place
- A request to check the status of Whangarei District under the NPS-UDC
- A request to specify the matters to be considered in determining the needs of the community

(e.g. built environment, built form, neighbourhood character, streetscape, sense of place etc).

- A request that all subdivision rules be specified.
- Clarification of the provisions to ensure that the plan change does not 'write down', limit or contradict the provisions in other parts of the plan that give effect to the NPSET.
- Consequential changes in relation to the NIWA facility at Ruakaka.
- Concerns that WDC will not apply the objectives and policies, particularly in relation to the Whangārei Heads area and the coastal environment. Submitters also objected to past zoning actions in these areas and sought action to protect the natural character of the coast in areas where development has been enabled.
- Concerns about 'high density housing'.
- A request to change the structure of the Strategic Direction chapter to ensure compliance with the National Planning Standards by splitting the chapter into two chapters within the Strategic Direction section of the Plan.

#### **Reporting Planner's s42A Recommendation**

15. This was dealt with at paragraphs 48 to 56 of the s42A Report. The recommendation of the Reporting Officer was to proceed with the plan change, retain the Strategic Direction Chapter as notified, noting that amendments have been recommended elsewhere in response to other submissions and to reject submissions outside the scope of the plan change.

#### **Evidence from Submitters and Right of Reply**

16. Mr Michael Day (NRC) and Mr Andrew Riddell (DoC) presented evidence at the hearing in relation to natural hazards. Mr Day recommended interim policies be included in the plan change that would apply until the Hazards plan change (PC90) is promulgated and suggests strengthening SD-P3 with additional wording. Mr Cook's opinion was that the Strategic Direction hazard provisions were appropriate and that it would be more efficient and effective to introduce the new flood maps comprehensively through a plan change.
17. Ms Edwards presented evidence but did not refer to these submission points.
18. Ms Morrison Shaw presented legal submissions but did not refer to these submission points.
19. Ms McLeod presented evidence on behalf of Transpower seeking greater clarity on the relationship between the Strategic Direction chapter and other plan provisions that give effect to the NPSET. Mr Cook recommended changes to the DGD chapter overview to address these submission points.

#### **Discussion and Reasons**

20. We adopt the analysis and reasoning in the s42A Report, as amended by the RoR in all respects bar the submission points relating to natural hazard events and the split of the Strategic Direction Chapter.
21. We have discussed our findings on the scope of the NRC submission generally in Part 2 of our report. While we agree that the inclusion of new maps is out of scope, we find that there is scope to amend both the Strategic Directions chapter and the Subdivision chapter (as a consequential amendment). We discuss the recommended amendments in Part II of this report (below).
22. We agree with WDC that it is necessary to split the Strategic Directions chapter in order to implement the National Planning Standards, 4. District Plan Structure Standard, Direction 4. However, we find that there are some structural issues with the recommended split. We discuss these issues for each of the relevant objectives and policies in Part II below. In summary, we have recommended relocating policies relating to urban zoning to the Urban Form and Development Chapter, as we consider this better aligns with the subject matter of the chapter.

## Part II: Strategic Direction

### Topic A: Overview

#### Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.41
Heron	161.24
F Morgan	229.19
Fonterra	202.1
NZTA	240.1
Transpower	247.6
Housing NZ	268.2

#### Principal Issues Raised

- Submissions to retain the overview as notified.
- Change the title from 'Overview' to 'Issues'.
- Amendments to the wording in the overview.
- Changes to the key resource management issues to include: Protection of strategic business and industry within the District, managing growth and development, and alignment of land use and transport planning.

#### Reporting Planner's s42A Recommendation

23. This was dealt with at paragraphs 71-76 of the s42A Report. The recommendation of the Reporting Officer was to retain the overview subject to changes to the title, and an addition of strategic business and industry to the significant issues.

#### Evidence from Submitters and Right of Reply

24. Ms McLeod presented evidence on behalf of Transpower. seeking greater clarity on the relationship between the Strategic Direction chapter and other plan provisions that give effect to the NPSET. Mr Cook recommended changes to the DGD chapter overview to address these submission points.
25. Mr Masefield sought a number of changes to the Urban Form and Development overview. The amendments would change the focus of the chapter from the protection of existing residential amenity to a more enabling approach.
26. Mr Cook's opinion was that residential and commercial growth is appropriately provided for and enabled within the Urban and Services plan change (USPC), provided that activities seek to locate in a zone in which that activity is anticipated. The extent to which each zone is enabling is set by the permitted activity thresholds, with strong policy that seeks to protect the amenity and character of each zone.
27. Mr Cook saw the changes sought by Kāinga Ora as weakening the objectives and policies to allow unanticipated activities to locate in zones where they are unexpected. This would undermine the zoning framework in the WDP. Mr Cook did recommend some changes to the overview based on Mr Masefield's evidence giving recognition to the positive effects of development.

#### Discussion and Reasons

28. The WDC submission proposed the splitting of the chapter into a District Growth and Development (DGD) chapter and an Urban Form and Development (UFD) chapter. As we have foreshadowed, we find that the restructuring of the SD chapter has not been entirely successful. It has resulted in a number of objectives and policies relating to urban development sitting in the new DGD chapter.<sup>1</sup> The issues

<sup>1</sup> For example, SD-O3, SD-P6 and SD-P10-SD-P21 (as numbered in the Right of Reply Recommended Clean Chapter)



section ('overview' in the notified provisions) for the UFD chapter describes urban form as referring to 'the physical layout and design of the city', yet the objectives and policies have little in the way of detail to guide layout and design, whereas the DGD chapter objectives and policies describe in detail the characteristics of the urban zones.

29. The National Planning Standards, 4. District Plan Structure Standard, Direction 2 requires district plans to include an 'Urban form and development' chapter. Table 4, District plan structure specifies this chapter is to be in Part 2 – District-Wide Matters, under the heading Strategic Direction.
30. The Ministry for the Environment guidance describes the mandatory UFD chapter as addressing the following:

*Urban form includes the physical characteristics that make up built-up areas, such as their shape, size, density and the configuration of settlements on them. Urban development refers to the different aspects of urbanisation, including:*

- *physical (land-use change such as urban sprawl and increase in artificial surfaces)*
- *geographical (population and employment concentration)*
- *economic (markets, agglomeration economies and knowledge spillovers)*
- *societal (social and cultural change).*

*The Strategic direction heading is mandatory because we expect this is where councils will put content relating to NPS-UDC. Even if a council is low growth or declining growth, this context will influence the urban form of the district/city.<sup>2</sup>*

31. The issues section ('overview' in the notified provisions) for the UFD chapter describes urban form as referring to 'the physical layout and design of the city', yet the objectives and policies have little in the way of detail to guide layout and design, other than a high level objective and policy on 'high quality urban design'. In comparison the Residential and Business zone policies<sup>3</sup> in the DGD chapter address the locational attributes of each zone, land uses and design characteristics. For this reason, we find that the zone policies for urban areas contained in the DGD chapter as recommended in the RoR should be moved to the UFD chapter.
32. We note that 'Urban Area' is defined as areas comprised in 'Urban Zones', which are in turn defined as:
 

*means the Residential and Business Zones and includes the Airport, Hospital, Port, Ruakaka Equine and Marsden Primary Centre Zones.*
33. The Airport, Hospital and Port are included in the definition of regionally significant infrastructure. Some regionally significant infrastructure traverses both rural and urban areas<sup>4</sup>. We therefore find the most appropriate place for objectives and policies on regionally significant infrastructure to be the DGD chapter, as this chapter relates to the entire district and not just the urban areas.
34. Southpark Corporation Limited requested amendments to the Strategic Direction objectives and policies. These amendments are discussed under Topics B and C below. However, we record at this point, that as the Plan Changes are amendments to the WDP and the Marsden Primary Centre comprises part of the WDP, we consider it appropriate for the objectives and policies to include reference to the Marsden Primary Centre. The Marsden Primary Centre is clearly part of the 'Urban Area' as defined in the WDP and therefore is a relevant consideration for the UFD chapter.

<sup>2</sup> April 2019, Ministry for the Environment, *National Planning Standards: Guidance for District Plans Structure and Chapter Standards*

<sup>3</sup> DGD-P10-DGD\_PP19 and DGD-P21 (as numbered in the RoR)

<sup>4</sup> Such as state highways and the national grid

35. The Strategic Direction chapter as notified described the objectives and policies as being overarching and as guiding decision making at the strategic level. Ms McLeod, giving planning evidence on behalf of Transpower, considered that clarification was required. In her opinion, the statement could be taken to mean that the strategic provisions are afforded greater weight, or alternatively, that the provisions guide and aid plan interpretation of more specific provisions.<sup>5</sup>
36. Ms McLeod referred us to the wording of a recent Environment Court decision<sup>6</sup> in relation to a partial plan review of the Operative Queenstown Lakes District Plan, which was notified in August 2015. We note that this was well in advance of the National Planning Standards being introduced. We therefore prefer to rely on the wording in the National Planning Standards, 7. District-wide Matters Standard, Direction 1.a. which directs that objectives are to address key strategic or significant matters for the district and *guide decision making at the strategic level* (emphasis added). Ms McLeod's evidence was that she assumed the Strategic Direction provisions applied in addition to the Network Utilities provisions included elsewhere in the District Plan. We think this is could be made clearer by referring to the 'objectives and policies in other parts of the plan', rather than the relevant zone and District-wide provisions (the notified wording).
37. We therefore recommend that the last paragraph of the issues section for both the DGD and UFD chapters is amended to include the following sentence:

*The objectives and policies of this chapter guide decision making at the strategic level and apply in addition to the objectives and policies in other parts of the District Plan.*

38. Our recommended wording for the Issues section of the DGD and UDF chapters is included at Attachments 1 and 2.

## Topic B: Objectives

### All Objectives Generally - Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.42
Heron	161.25

### Principal Issues Raised

- Submissions sought to retain the objectives as notified.

### Reporting Planner's s42A Recommendation

39. This was dealt with in paragraph 79 of the s42A Report. The recommendation of the Reporting Officer was to retain the Strategic Direction objectives as notified, noting that amendments have been recommended elsewhere in response to other submissions.

### Evidence from Submitters and Right of Reply

40. No evidence was presented on these submission points.

### Discussion and Reasons

41. We adopt the s42A Report recommendation that the submissions are accepted to the extent that the objectives have been retained with amendments in response to other submissions.

### SD-01 - Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.28
J Boyes	245.4

<sup>5</sup> Statement of evidence, A McLeod on behalf of Transpower New Zealand Limited at paragraph 31

<sup>6</sup> *Darby Planning Limited Partnership & Ors. v Queenstown Lakes District Council* [2019] NZEnvC 133

Housing NZ	268.3
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#### Principal Issues Raised

- Submitters supported the objective as notified.

#### Reporting Planner's s42A Recommendation

42. This was dealt with in paragraph 81 of the s42A Report. The recommendation of the Reporting Officer was to accept the submissions.

#### Evidence from Submitters and Right of Reply

43. No further evidence was presented in relation to this matter.

#### Discussion and Reasons

44. We adopt the s42A Report recommendation, subject to a minor grammatical correction to SD-O1 (renumbered DGD-O1), as set out in Attachment 1.

#### SD-O2 - Relevant Submissions

Submitter	Submission# & Point #
J Boyes	245.4
Housing NZ	268.4

#### Principal Issues Raised

- One submitter supported the objective as notified.
- Kāinga Ora (Housing NZ) sought amendments to the objective by adding more enabling language.

#### Reporting Planner's s42A Recommendation

45. This was dealt with in paragraph 86 of the s42A Report. The recommendation of the Reporting Officer was to retain SD-02 as notified.

#### Evidence from Submitters and Right of Reply

46. Mr Masfield presented evidence for Kāinga Ora and suggested that amenity should be protected in the rural area. He suggested that the objective be split with more enabling language applying to the urban area. Mr Cook agreed with this approach in his right of reply and recommended a new objective be added to the UFD chapter (UFD-O4) to provide for development in the Urban Area.

#### Discussion and Reasons

47. We adopt the analysis and recommendation as set out in the RoR and its recommended amendments.

#### SD-O3 - Relevant Submissions

Submitter	Submission# & Point #
J Boyes	245.4
Northpower	127.1
Housing NZ	268.5
AJ and JK Morgan	170.11
NZTA	240.2
Public Health Northland	207.69
Southpark	154.2

Corporation	
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### Principal Issues Raised

- Submitters sought to retain the objective
- Several submitters sought to amend the objective.

### Reporting Planner's s42A Recommendation

48. This was dealt with at paragraphs 99-101 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified.

### Evidence from Submitters and Right of Reply

49. Mr Masfield considered that SD-O3 should be amended to refer to intensification and to reference local and neighborhood commercial centers. Mr Cook agreed the reference to intensification was appropriate, as to was the reference to local centres. However, he did not agree that neighbourhood centres should be classed as a suburban node, arguing that in many cases, neighbourhood centres may be a single shop such as a dairy.
50. Mr Roberts provided planning evidence for Southpark Corporation and supported recognition of Marsden Primary Centre in SD-O3.

### Discussion and Reasons

51. As discussed earlier in our report, we have recommended that a number of objectives and policies are moved to the UFD chapter, to better reflect the focus of that chapter on urban form. While this objective principally relates to urban growth, it also refers to rural villages. The Rural Village zone is included in the definition of Rural Zones. We have therefore retained this objective in the DGD chapter but have recommended amendments to align with the definitions. The term 'suburban node' is not defined. Mr Masfield considered that both Local Centre and Neighbourhood Centre zones constitute suburban nodes. As Mr Cook pointed out, some Neighbourhood Centres are small and may be a single shop. We therefore think it is more appropriate to refer to Local Centre zones in the objective, rather than an undefined term 'suburban node'. The Local Centre zone is most likely to provide for business, service and community activities for surrounding residential areas at a scale that can support intensification. We have also recommended a minor amendment to clarify that 'rural villages' are the Rural Village zone.
52. There was disagreement between Mr Roberts and Mr Cook as to the appropriateness of including reference to the Marsden Primary Centre in the objective. In the s42A Report, Mr Cook stated that the objective as notified was wide enough to consider all aspects of the amendments sought by Southpark, NZTA and Public Heath Northland. Mr Cook's view changed during the course of the hearing and in the RoR he stated that:

*The growth strategy and implementation plan recognises that commercial development will need to occur in Marsden/Ruakaka as the population grows, but does not elevate the development of one centre over another, in fact the Implementation strategy states that it may be preferable to continue to develop the Ruakaka Town Centre (Action 2.2).*

53. Mr Cook went on to state that as the Southpark submission was based on trade competition<sup>7</sup> that the reference to Marsden Town Centre in the provisions could be seen as an attempt to stifle development at the Ruakaka town centre. We did not understand Ms Shaw's legal submissions to be directed at the changes to SD-O3, but rather the submission points seeking to alter the notified zoning of the Ruakaka shops from Local Commercial to Neighbourhood Commercial zone and to decrease the extent of the zone.
54. We were not persuaded that there was a trade competition issue with the amendments sought by Southpark in respect of SD-O3. Nor were we persuaded that by including a reference to Marsden

<sup>7</sup> RoR at page 12, relying on the legal submissions of Ms Shaw, Counsel for Whangārei District Council

Primary Centre in the objective would create some kind of hierarchy. The objective as notified and as recommended in the RoR does not confer any hierarchy and nor did any submitter seek amendments to require this. The objective simply directs future growth to be consolidated around existing urban areas as opposed to expanding into rural areas.

55. As discussed above at paragraph 33, the Marsden Primary Centre is listed as one of the zones included in the definition for both 'urban area' and 'urban zone'. It is part of the WDP and in our view, much the same as other parts of the WDP are referred to the Strategic Directions Section, such as Rural Areas, we can see no issue with referring to a zone that is in an urban area and is defined as an urban zone. We find that as the Strategic Direction chapter (now the DGD and UFD chapters) are to set the strategic direction for the WDP, it is entirely appropriate to refer to an existing urban zone within the strategic provisions. We think that it would be a perverse outcome for an objective relating to growth to exclude an existing urban zone that can accommodate growth and demand for business land, albeit potentially in the medium to long-term.
56. We agree with NZTA that the objective should be restructured to better reflect its purpose. The restructuring of the objective would align with the structure of other provisions in the DGD chapter, where numbered lists have been used to set out individual clauses within provisions.
57. The amended objective would achieve the purpose of the Act and would give effect to the NRPS, specifically the policies relating to Regional Form.<sup>8</sup> We therefore recommend that SD-O3 (renumbered DGD-O3) is amended as set out in Attachment 1.

#### **SD-O4 - Relevant Submissions**

Submitter	Submission# & Point #
J Boyes	245.4
Housing NZ	268.6

#### **Principal Issues Raised**

- Encouraging the protection of heritage.

#### **Reporting Planner's s42A Recommendation**

58. This was dealt with at paragraphs 106-107 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified.

#### **Evidence from Submitters and Right of Reply**

59. Mr Masfield for Kāinga Ora recommended changes to SD-O4 Sense of Place to specify that the objective applies to historic heritage values. Mr Cook recommended that the objective be retained as notified, as in his opinion, sense of place is created through a range of values, not solely historic heritage.

#### **Discussion and Reasons**

60. Throughout the hearing we heard submissions from residents who described the qualities of their neighbourhoods and the district, which they valued.<sup>9</sup> These qualities included the modest homes, gardens, lack of traffic and the setting of Whangārei itself, which Ms Edwards<sup>10</sup> eloquently described as follows:

*... an amazingly beautiful setting squeezed between hills, volcanoes and valleys; and development is strung out along main routes and state highways. It is unlike anywhere else except perhaps Dunedin.*

61. Clearly the community value many different aspects of the district. We agree with Mr Cook that the amendments sought by Kāinga Ora would unnecessarily narrow the application of this objective and

<sup>8</sup> Section 32 Evaluation Report PC148, pages 11-13

<sup>9</sup> For example, Mrs Margaret Gurney (submission 89), Mr Chris Poynter (further submission 392), Dr Kerry Grundy (submission 73) and Puriri Park and Maunu Residents' Society (submission 301)

<sup>10</sup> Submissions 283 and 193

therefore recommend that it is retained as notified.

#### **SD-O5 - Relevant Submissions**

Submitter	Submission# & Point #
J Boyes	245.4
NZTA	240.3
KiwiRail	265.1
NZDF	156.1
Refining NZ	260.2
Housing NZ	268.7 & 9
PNJV	224.23
PNTJV	142.30
Fonterra	202.2
RNZ	243.2
The Oil Companies	101.28

#### **Principal Issues Raised**

- Retain the objective as notified
- Merge objectives SD-O13 and SD-O5 into one objective.
- Amend the objective to manage rather than avoid land use conflicts.
- Change the title of the objective to Reverse Sensitivity.

#### **Reporting Planner's s42A Recommendation**

62. This was dealt with at paragraphs 118-121 of the s42A Report. The recommendation of the Reporting Officer was to amend the title of the objective, and to amend the wording to include reference to remedying and mitigating conflict between incompatible activities.

#### **Evidence from Submitters and Right of Reply**

63. Ms McLeod, who gave planning evidence for Transpower, recommended that SD-O5 should seek to avoid rather than remedy and mitigate conflict between incompatible land uses. She also requested that the title of the objective refer to reverse sensitivity.
64. Mr Cook did not agree with Ms McLeod's suggested changes to SD-O5 to remove the options to remedy or mitigate conflicts between incompatible land uses. He considered that given Strategic Direction chapter is a general chapter that applies across all zones it may be appropriate that incompatible land uses are avoided remedied or mitigated and this may be achieved by a specific direction for each zone. Mr Cook recommended that the objective be retitled to refer to reverse sensitivity and incompatibility.
65. Mr Masfield recommended changes to SD-O5 to focus on a management approach. He also recommended that SD-O5 and SD-O13 are merged.
66. Mr Cook recommended a change to the title of the objective. In terms of the wording of the Objectives and Policy he did not recommend any further changes from those recommended in his s42A Report.
67. Ms Heppelthwaite, planning witness for NZTA, supported the changes in the S42A report.
68. Mr Hood, planning witness for PNJV and PNTJV did not present any evidence in relation to this objective.
69. Ms McPherson tabled a statement on behalf of The Oil Companies in support of the s42A amendments.
70. Mr Chrystal tabled a statement on behalf of Fonterra. He noted the s42A recommended rejecting the submission points and advised he was willing to accept the opinion expressed in the s42A Report.



71. KiwiRail and Refining NZ did not present any evidence specific to SD-O5.
72. Mr Poynter spoke to his further submission in opposition to Kāinga Ora's submission. He advised that he opposed any change to the objectives that specified 'manage' rather than 'avoid'.

### Discussion and Reasons

73. The provision as notified read:

*Avoid conflict between incompatible land use activities from new subdivision and development.*

74. Some witnesses were concerned that the use of avoid was too absolute<sup>11</sup>, while others considered it necessary to give effect to higher order planning documents such as the NPSET and NRPS.<sup>12</sup>
75. We discussed at length the concept of a 'management approach' and the use of 'avoid' in SD-O5, SD-O13 and SD-P2 with planning witnesses during the hearing. When we discussed what a management approach would encapsulate, Mr Masfield told us that compared to the WDP, the new provisions have changed to an activity/zoning-based approach. In his opinion the rule framework and associated activity status cascades deal with what is appropriate and manages the zone interface. Mr Cook supported the addition of 'remedy and mitigate' to the objective as he considered this was consistent with the Rural Area objectives and Part 2 of the Act. In the RoR Mr Cook advised that where it is appropriate to 'avoid' this could be achieved by a specific direction in provisions such as Network Utilities and the Heavy Industry Zone.
76. We had concerns about the use of 'manage' in this objective and other provisions in the plan change package. In our view, it lacks specificity and does not clearly state what is to be achieved. This in turn leads to ambiguity in evaluating whether the policies will achieve the objective. We agree that zoning may be one method that a policy may employ, but the objective still needs to clearly articulate the end state of what is to be achieved.
77. We find that the amendments proposed by Mr Masfield and Mr Cook would not give effect to the NRPS. The relevant policy 5.1.3 states:

*Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:*

- (a) Primary production activities in primary production zones (including within the coastal marine area);
- (b) Commercial and industrial activities in commercial and industrial zones;
- (c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and
- (d) The use and development of regionally significant mineral resources.

78. This policy is wide-ranging and applies not just to reverse sensitivity, but all adverse effects of new subdivision, use and development on the activities listed. We agree with Ms McLeod that the inclusion of 'remedy or mitigate' in SD-O5 would not give effect to this policy. We also agree with Ms McLeod that the objective would not give effect to Policies 10 and 11 of the NPSET.
79. The objective does not refer to 'use' and we recommend that this is rectified to better give effect to the NRPS. We therefore find that the objective should be amended to read:

*DGD-O5 Incompatible Activities and Reverse Sensitivity*

*Avoid conflict between incompatible land use activities from new subdivision, use and development.*

<sup>11</sup> For example Mr Masfield, planning witness for Kāinga Ora and Mr Cook, reporting planner for Council

<sup>12</sup> Ms McLeod, planning witness for Transpower

80. This amendment would be the most appropriate way to achieve the purpose of the Act.

#### **SD-O6, O7 and O8 - Relevant Submissions**

Submitter	Submission# & Point #
J Boyes	245.4
Housing NZ	268.3
Public Health NZ	207.70

#### **Principal Issues Raised**

- Retain the objectives as notified.
- Amend SD-O8.

#### **Reporting Planner's s42A Recommendation**

81. This was dealt with at paragraph 127 of the s42A Report. The recommendation of the Reporting Officer was to retain the objectives as notified.

#### **Evidence from Submitters and Right of Reply**

82. Mr Riddell presented planning evidence on behalf of the Department of Conservation in relation to the spread of plant pathogens including *Phytophthora agathidicida* (Kauri dieback). In his evidence he recommended that a new policy be included in the Strategic Direction chapter to implement SD-O6. He considered that the department's submission point seeking any such other relief as necessary to address the concerns in the submission gave scope for this amendment.
83. Mr Cook's right of reply raised a question of scope given that DoC's submission did not ask for changes to the Strategic Direction chapter. He did not oppose Mr Riddell's recommendations however due to the scope issue he recommended that this change not be accepted.
84. Mr Cook also noted that note that the draft NPS on biodiversity has now been released for consultation. WDC has commenced drafting a biodiversity plan change (PC141) to review the existing biodiversity provisions as well as identifying Significant Natural Areas.

#### **Discussion and Reasons**

85. We agree with Mr Cook and the legal submissions from Ms Shaw that we do not have scope to add a policy to the Strategic Direction chapter. Furthermore, even if we had scope, we found Mr Riddell's evidence did not assist us in this task, as he provided a list of matters a policy would need to address but stopped short of providing any specific wording. The list was extremely detailed listing nine matters to be addressed and read more like a rule than a policy. We therefore adopt the analysis and recommendations in the s42A Report and RoR and recommend the objectives are retained as notified and that no additional policies are included to implement these objectives.

#### **SD-O9 - Relevant Submissions**

Submitter	Submission# & Point #
NZTA	240.4
Housing NZ	268

#### **Principal Issues Raised**

- Amend the objective to add the words 'safety and liability' and to provide for mode neutral transport planning.
- Retain the objective.



### Reporting Planner's s42A Recommendation

86. This was dealt with at paragraph 130 of the s42A Report. The recommendation of the Reporting Officer was to accept the submission in part and amend the objective.

### Evidence from Submitters and Right of Reply

87. Ms Heppelthwaite's planning evidence for NZTA stated that NZTA generally accepted the recommendation in the s42A Report.

### Discussion and Reasons

88. We adopt the analysis in the s42A Report and its recommendations on these submission points.

### SD-O10 - Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.28
NRC	264.7

### Principal Issues Raised

- Retain the objective as notified.
- Insert provisions on the identification of natural hazards.

### Reporting Planner's s42A Recommendation

89. This was dealt with at paragraphs 135-136 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified. Additionally, at paragraph 206 the Reporting Officer stated if the panel was of a mind to include an objective on climate change, it should relate to adaptation and reducing the risk of natural hazards, in accordance with the NRPS.

### Evidence from Submitters and Right of Reply

90. Mr Day gave planning evidence for NRC and highlighted the relevant NRPS policies that we are required to give effect to. He acknowledged the Council is developing a plan change on natural hazard management but considered that an interim approach was necessary to ensure the adequate assessment of risk from natural hazards.
91. Mr Cook's right of reply maintained that the addition of hazard maps was out of scope and advised that NRC's flood maps only cover 'priority' rivers. He did not agree that additional provisions should be included in the Strategic Direction chapter.

### Discussion and Reasons

92. As we have discussed in Report 2, we are required to give effect to the NRPS and NZCPS. The RoR suggests that the provisions on natural hazards 'partially' give effect to the NRPS. This is unsatisfactory and does not meet the obligations under s75(3)(b) and(c). The management of significant risks from natural hazards is also a matter of national importance.<sup>13</sup>
93. We accept that the future Hazards plan change will comprehensively review the approach to hazards. However, we consider in the interim, some amendments are necessary in order to give effect to the NRPS. We have considered the relevant provisions of the NRPS and NRC's request to include an objective and policy on climate change. NRPS Objective 3.13 and Policy 7.1.6 acknowledge the influence of climate change effects on natural hazards. We therefore recommend SD-O10 is amended

<sup>13</sup> S6(h) of the Act

to read:

*Minimise the risks and impacts of natural hazard events, including the influence of climate change, on people, property and infrastructure.*

94. We find that these amendments to SD-O10 are the most appropriate way to achieve the purpose of the Act and will give effect to the NRPS.

#### **SD-O11 - Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ	268.3
Public Health Northland	207.71

#### **Principal Issues Raised**

- Retain the objective as notified.
- Amend the objective to add 'in a sustainable manner'.

#### **Reporting Planner's s42A Recommendation**

95. This was dealt with at paragraphs 140-141 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified and to relocate the objective to the UFD chapter.

#### **Evidence from Submitters and Right of Reply**

96. This submission point was not specifically addressed in the evidence for Public Health Northland.

#### **Discussion and Reasons**

97. We adopt the analysis in the s42A Report and its recommendations on these submission points.

#### **SD-O12 - Relevant Submissions**

Submitter	Submission# & Point #
NZTA	240.5
Housing NZ	268.8

#### **Principal Issues Raised**

- Retain the objective as notified.
- Amend the objective.

#### **Reporting Planner's s42A Recommendation**

98. This was dealt with at paragraph 146 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified.

#### **Evidence from Submitters and Right of Reply**

99. Mr Masfield presented planning evidence in support of Kāinga Ora's submission. He put forward amended wording for the objective that in his opinion, would better reflect Council's Urban Design Strategy.
100. Mr Cook advised in the RoR that he agreed with Mr Masfield's amendments.

#### **Discussion and Reasons**

101. We agree with Mr Masefield that an objective should set a high-level outcome and the policy should 'flesh out how that outcome is achieved'.<sup>14</sup> We discuss the associated policy under Topic C below. We recommend the objective (now renumbered UFD-O2) is amended as agreed by Mr Masefield and Mr Cook and as set out in Attachment 2.

#### **SD-O14 - Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ	268.3
NRC	264.5

#### **Principal Issues Raised**

- Retain the objective as notified.

#### **Reporting Planner's s42A Recommendation**

102. This was dealt with in paragraph 155 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified.

#### **Evidence from Submitters and Right of Reply**

103. Mr Masefield presented evidence for Kāinga Ora in support of the retention of the notified objective.

#### **Discussion and Reasons**

104. We adopt the analysis in the s42A Report and its recommendations on these submission points.

#### **SD-O15 - Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ	268.3
NRC	264.5
RNZ	243.4

#### **Principal Issues Raised**

- Retain the objective as notified.
- Amend the objective.

#### **Reporting Planner's s42A Recommendation**

105. This was dealt with at paragraphs 159 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective as notified.

#### **Evidence from Submitters and Right of Reply**

106. Mr Masefield presented evidence for Kāinga Ora in support of the retention of the notified objective.

#### **Discussion and Reasons**

107. We adopt the analysis in the s42A Report and its recommendations on these submission points.

<sup>14</sup> Statement of Evidence of Blaire Masefield for Kāinga Ora at paragraph 5.44

### SD-O16 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.3
NRC	264.5
RNZ	243.3,5 & 8
PNJV	224.23
PNTJV	142.30
Atlas	129.1

### Principal Issues Raised

- Retain the objective as notified.
- Amend the objective.

### Reporting Planner's s42A Recommendation

108. This was dealt with at paragraphs 165 of the s42A Report. The recommendation of the Reporting Officer was to retain the objective.

### Evidence from Submitters and Right of Reply

109. Mr Masefield presented evidence for Kāinga Ora in support of the retention of the notified objective.
110. PNTJV, PNJV, RNZ and NRC did not present any evidence on this objective.
111. Ms Kaaren Rosser filed planning evidence in support of Atlas Concrete's request to amend the objective to add reference to mineral extraction activities.
112. Mr Cook in his right of reply advised that there was no new material that would prompt him to revise his original recommendation.

### Discussion and Reasons

113. For reasons that are not clear to us, the Atlas Brynderwyn quarry was not included as a Quarry Resource Area during the review of the Rural Plan Changes package, which included provisions for minerals. Ms Rosser advised that the Brynderwyn quarry is the second aggregate quarry by volume in the district yet was not recognised in the Quarrying Resource Areas in Appendix 1 to the WDP. Ms Shaw, counsel for Council, addressed us at the opening of the hearing where she submitted that the inclusion of the quarry in QRA Appendix 1 and the Resource Area maps is not within scope.
114. SD-O16 is one of the objectives from the Rural plan change package that was made operative in March 2019. Mr Cook argued that due to the short timeframe that had elapsed since being made operative, no changes were recommended. While this is a short timeframe, the objectives were notified as part of Plan Change 148. In our view submitters are therefore entitled to request changes and for these to be considered.
115. Ms Rosser supported the amendments requested by Atlas Concrete, as in her opinion, the quarry could be subject to reverse sensitivity effects, particularly from rural living. She considered it appropriate that this be recognised in order to provide an overarching statement of the issues in the Strategic Directions section of the Plan.<sup>15</sup>
116. We agree with Ms Rosser that rural living can constrain quarry activities. This is reflected in description for the operative Minerals chapter, which states:

<sup>15</sup> Statement of Evidence of Kaaren Rosser for Atlas Concrete, at paragraph 15

*The Whangārei District contains mineral deposits that are of considerable social and economic importance to the district, region and the nation, but in some cases can be constrained by conflicting land uses.*

117. The Section 32 Evaluation Report identifies NRPS Policy 5.1.3<sup>16</sup> as being relevant to Plan Change 148. The objectives and policies as amended in the ROR address primary production activities and regionally significant infrastructure. However adverse effects on regionally significant mineral resources are not addressed. We find that the overarching strategic objectives should be amended to give effect to NRPS 5.1.3. We find that the wording proposed by Ms Rosser is too broad: mineral extraction activities could apply to any scale operation. We therefore consider that the objective should be amended to refer to 'regionally significant mineral resources', as this would give effect to the NRPS and would be the most appropriate way achieve the purpose of the Act. We recommend that SD-O16 (renumbered DGD-O18) is amended as set out in Attachment 1.

#### **SD-O17-O21 - Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ	268.3

#### **Principal Issues Raised**

- Retain the objective as notified.

#### **Reporting Planner's s42A Recommendation**

118. This was dealt with at paragraph 168 of the s42A Report. The recommendation of the Reporting Officer was to retain the objectives as notified.

#### **Evidence from Submitters and Right of Reply**

119. Mr Masefield presented evidence for Kāinga Ora in support of the retention of the notified objectives.

#### **Discussion and Reasons**

120. We adopt the analysis in the s42A Report and its recommendations on these submission points.

#### **SD-O22 - Relevant Submissions**

Submitter	Submission# & Point #
Trustpower	48.2
NZTA	240.5
NRC	264.5
The University	248.18
Refining NZ	260.1
KiwiRail	265.1
Northpower	127.2
The Oil Companies	101.28
RNZ	243.6
NZDF	156.2
Transpower	247.7
Housing NZ	268.10

#### **Principal Issues Raised**

- Retain the objective as notified.

<sup>16</sup> See paragraph 74 above for full text of the policy

- Amend the objective.
- Split the objective into two separate objectives.
- Refer to nationally significant infrastructure in the objective

#### **Reporting Planner's s42A Recommendation**

121. This was dealt with at paragraphs 175-180 of the s42A Report. The recommendation of the Reporting Officer was to split the objective into two objectives.

#### **Evidence from Submitters and Right of Reply**

122. Ms Heppelthwaite for NZTA supported the changes in the S42A report.

#### **Discussion and Reasons**

123. We adopt the analysis in the s42A Report and its recommendations on these submission points.

#### **SD-O23 - Relevant Submissions**

Submitter	Submission# & Point #
Trustpower Ltd	48.3
NZTA	240.5
Transpower	247.8
NRC	264.5
The University	248.18
New Zealand Defence Force	156.2
The Oil Companies	101.30
Northpower Ltd	127.2
Refining NZ	260.2
RNZ	243.7
Northport Ltd	132.9

#### **Principal Issues Raised**

- Retain the objective as notified.
- Amend the objective.

#### **Reporting Planner's s42A Recommendation**

124. This was dealt with at paragraphs 187-194 of the s42A Report. The recommendation of the Reporting Officer was to amend the objective to include reference to upgrading and the offsetting of adverse effects.

#### **Evidence from Submitters and Right of Reply**

125. The RoR recommended that the objective be amended to replace 'avoid, remedy or mitigate' with 'manage', however this was not discussed in the RoR. and to include reference to upgrading and the offsetting of effects.
126. Ms McLeod for Transpower opposed the reference to off-setting, unless this was qualified with 'in situations where off-setting is offered'. She emphasised that the Act does not required off-setting but enables it to be considered where offered by the applicant/requiring authority as part of a resource consent or notice of requirement for a designation.<sup>17</sup> She was concerned that the objective may have

<sup>17</sup> Sections 104(1)(ab) and 171(1B) of the Act

the effect of compelling or requiring offsetting. She also sought the addition of upgrading to the objective to give effect to the NRPS.

### Discussion and Reasons

127. As we have discussed earlier in this report<sup>18</sup>, we consider using 'manage' in an objective lacks the necessary specificity. We find that the reference in the objective to 'avoid, remedy or mitigate', as notified and supported by many of the submitters, should be retained. We agree with Mr Cook that the addition of offsetting is appropriate. As Ms McLeod pointed out, offsetting must be either proposed by or agreed to by and applicant/requiring authority. The application of the objective is bound by the scheme of the Act and we do not agree that such an objective could be used to compel offsetting. We have however recommended amendments to the associated policy, which we discuss in Topic C below.
128. We recommend that SD-O23 (renumbered DGD-O15) is amended as set out in Attachment 1, as this would give effect to the NRPS and achieve the purpose of the Act.

### New Objectives - Relevant Submissions

Submitter	Submission# & Point #
Fonterra	202.4
Fonterra	202.5
NRC	264.6
NRC	264.3
NRC	264.4

### Principal Issues Raised

- Request for a new objective to manage non-rural activities in rural areas or retain RA1.2.5
- Request for a new objective to enable the ongoing operation of strategic rural industries.
- Request for a new objective to enable the use of overlays in the District Plan
- Request for a new objective to link the WDP to the Whangārei District Growth Strategy
- Request for a new objective to manage the effects of climate change.

### Reporting Planner's s42A Recommendation

129. This was dealt with at paragraphs 203-207 of the s42A Report. The recommendation of the Reporting Officer was to not add new objectives to the Strategic Direction chapter.

### Evidence from Submitters and Right of Reply

130. Mr Chrystal tabled a statement on behalf of Fonterra. He noted the s42A recommended rejecting the submission points and advised he was willing to accept the opinion expressed in the s42A Report.
131. Mr Day gave evidence on behalf of NRC. His evidence focused on the management of natural hazard risks and did not expand on the submission points above, other than in relation to climate change.
132. The RoR did not recommend the addition of any new objectives.

### Discussion and Reasons

133. During the hearing we heard about the relevance of the Whangārei District Growth Strategy - Sustainable Futures 30/50 (**WDGS**) and recent consultation on the Urban Growth Strategy (**UGS**). The s42A Report describes the WDGS as a non-statutory document that has no legal weight in the

<sup>18</sup> Refer to discussion on SD-O5 at paragraphs 70-77



determination of resource consents, but that it may be considered as an 'other matter' when considering resource consents. The s42A Report also confirmed that the WDGS had been taken into account when preparing the plan changes. As noted in the s32 Evaluation Report, the WDGS has a 30 to 50 year timeframe and the Strategic Direction Chapter seeks to implement only those relevant actions within the 10 year life of the WDP. We therefore find that appropriate consideration has been given to the WDGS and there is no need to explicitly refer to it in the objectives.

134. We have discussed the request by NRC to include an objective relating to climate change at paragraphs 89-91. In all other respects, we adopt the analysis of the s42A Report and its recommendations on these submission points.

## Topic C: Policies

### All Policies - Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.43
Heron	161.26

### Principal Issues Raised

- Retain the Policies as notified.

### Reporting Planner's s42A Recommendation

135. This was dealt with at paragraphs 209-210 of the s42A Report. The recommendation of the Reporting Officer was to retain the Strategic Direction policies as notified, noting that amendments have been recommended elsewhere in response to other submissions.

### Evidence from Submitters and Right of Reply

136. Mr Arbuthnot, for Heron Construction, confirmed in his evidence that Heron accepts the changes recommended to the Strategic Direction chapter.

### Discussion and Reasons

137. We adopt the s42A Report recommendation that the submissions are accepted to the extent that the objectives have been retained with amendments in response to other submissions.

### SD-P1 - Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.29
Housing NZ	268.11

### Principal Issues Raised

- Retain the Policy as notified.

### Reporting Planner's s42A Recommendation

138. This was dealt with at paragraphs 212-213 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

139. The evidence for the submitters supported the s42A Report recommendation to retain the policy as notified.



### Discussion and Reasons

140. We adopt the analysis in the s42A Report and its recommendations on these submission points.

### SD-P2 - Relevant Submissions

Submitter	Submission# & Point #
NZTA	240.6
The Oil Companies	101.29
Refining NZ	260.3
NZDF	156.3
Fonterra	202.3
NRC	264.8
Atlas	129.2
KiwiRail	265.2
Housing NZ	268.11

### Principal Issues Raised

- Retain the Policy as notified.
- Amend the Policy.
- Re-title the policy to refer to reverse sensitivity.

### Reporting Planner's s42A Recommendation

141. This was dealt with at paragraphs 220-224 of the s42A Report. The recommendation of the Reporting Officer was to amend the policy and re-title it 'reverse sensitivity'.

### Evidence from Submitters and Right of Reply

142. Ms Heppelthwaite recommended changes to the policy to replace 'avoid' with 'minimise'.
143. Mr Cook did not agree with the suggested changes. In his opinion the NRPS is very clear in 5.1.1(e) that subdivision use, and development should be located designed and built in a planned and coordinated manner which should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity. He did not recommend any changes.
144. Ms McLeod recommended that the title should refer to reverse sensitivity. Mr Cook was not opposed to the change and recommended that it be accepted.

### Discussion and Reasons

145. We have discussed the amendments to the corresponding objective (SD-O5, now DGD-O5) above. We agree with Ms McLeod that both incompatible activities and reverse sensitivity should be included.
146. We adopt the analysis in the RoR and its recommendations on these submission points.

### SD-P3 - Relevant Submissions

Submitter	Submission# & Point #
J Boyes	245.5
The Oil Companies	101.29
The University	248.19
NRC	264.9
PNTJV	142.31
PNJV	224.24

Housing NZ	268.12
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### Principal Issues Raised

- Retain the Policy as notified.
- Amend the Policy to 'manage' the risk from natural hazards rather than 'avoid'.
- Amend the Policy to insert additional text regarding not increasing the risk of or vulnerability to natural hazards for redevelopment and changes in land use.
- Amend the Policy to enable land to be rezoned where natural hazards can be avoided through remediation measures.

### Reporting Planner's s42A Recommendation

147. This was dealt with at paragraphs 238-240 of the s42A Report. The recommendation of the Reporting Officer was to accept Housing NZ's submission point in part and amend the policy.

### Evidence from Submitters and Right of Reply

148. We have discussed Mr Day's evidence at paragraphs 89-91 above.
149. Mr Masfield presented evidence for Kāinga Ora. He favoured a management approach as in his view natural hazard issues can sometimes be resolved through engineering design. He was concerned that there could be inefficient patterns of urban development as a result of development being precluded due to natural hazards.

### Discussion and Reasons

150. We agree that SD-P3 (now DGD-P3) should be amended to give effect to the NRPS. We have adopted Mr Day's wording, except that we have omitted his reference to 'the most up to date information'. We think that any suitably qualified expert preparing a flood assessment would take all relevant information into account.
151. We agreed with Mr Masfield's view that there can sometimes be an engineering design solution to address natural hazard issues and that zoning should not necessarily be precluded because of the presence of natural hazards. We are however in a difficult position, as the WDP natural hazard provisions are yet to be reviewed. We are not confident, having compared the NRC flooding maps and the WDP maps, that the existing provisions would enable adequate assessment of flooding risks to ensure that inappropriate development is prevented.
152. We therefore recommend SD-P3 is amended to read:

*To avoid increasing the risk of natural hazards of people and property by:*

1. *Assessing the risk of coastal and flood hazards on subdivision, use and development over a 100-year timeframe.*
2. *Ensuring new subdivision, use and development does not increase the risk from coastal and flood hazards.*
3. *Ensuring measures to mitigate and adapt to the effects of climate change are provided for in development, growth and transport planning.*
4. *Avoiding the zoning of land for more intensive development within identified hazard prone areas.*
5. *Avoiding locating regional significant and critical infrastructure within identified hazard zones unless there is a functional or operational need for its location.*

153. We find that these amendments are the most appropriate way to achieve objective SD-O10 (now DGD-O10) and will give effect to the NRPS.

#### **SD-P4 - Relevant Submissions**

Submitter	Submission# & Point #
The Oil Companies	101.29
Housing NZ	268.13
Summerset	205.28

#### **Principal Issues Raised**

- Retain the Policy as notified
- Amend the Policy to delete the reference to existing amenity and instead refer to amenity, to recognise that amenity will change over time.

#### **Reporting Planner's s42A Recommendation**

154. This was dealt with at paragraphs 244-247 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

#### **Evidence from Submitters and Right of Reply**

155. Mr Masfield asserted that the policy as currently worded, in conjunction with the zone activity status framework proposed, could be used to unreasonably frustrate good urban design outcomes.
156. Mr Cook disagreed with this view. In his opinion the urban zones are enabling for activities that are anticipated and compatible with other activities in the zone and set a level of development that the community expects and is comfortable with.
157. Mr Cook considered that the policy should be very clear to enable an assessment of whether a proposal is contrary to the policy or not. He does not share the view that being consistent with the existing level of amenity precludes good quality design but considered that new activities must be in keeping with the character or level of development expected in that zone.

#### **Discussion and Reasons**

158. The level of change that will occur throughout the district as a result of the new provisions promoted in the Urban and Services Plan Change package was one of the key issues raised by submitters. Some submitters, such as Kāinga Ora were concerned that the existing environment should not become an unintended constraint to anticipated change.<sup>19</sup> Others, such as Dr Grundy emphasised maintaining and enhancing the existing sense of place that attracts people to Whangārei.<sup>20</sup> Dr Grundy described how neighbourhood identity, community character, aesthetic coherence and sense of place are all values that are included in the Act's definition of amenity values and the Whangārei Growth Strategy.
159. We agree with Mr Masfield that better recognition is required of how amenity values may change. Planning is forward looking. Plan provisions may either protect the status quo or envisage a degree of change, sometimes quite radical, such as a new urban zone. We also agree with Dr Grundy that where change is not anticipated, then amenity values should be maintained and enhanced; and the plan provisions should be clear where this is to apply.
160. Overall, we find that it would be clearer to refer to the 'anticipated' level of amenity to recognise that there will be change in some, but not all, areas. Referring to the anticipated level of amenity also leaves open the possibility that there will be no change. Then in turn, the zone policies will provide direction on

<sup>19</sup> Statement of Evidence of Blair Masfield, for Kāinga Ora, at paragraph 5.57

<sup>20</sup> Statement of Evidence of Dr Kerry Grundy on behalf of Puriri Park and Maunu Residents' Society Inc. and his own submission, at paragraph 30

how the nature and character of change and expected level of amenity.

161. We therefore recommend that the policy is amended as set out in Attachment 1, as this would be most appropriate way to achieve objectives SD-O1 (now DGD-O1) and SD-O4 (now DGD-O4).

#### **SD-P5 - Relevant Submissions**

Submitter	Submission# & Point #
NZTA	240.6
Fire NZ	165.80
Refining NZ	260.3
KiwiRail	265.3
NZDF	156.3
Housing NZ	268.14
PNTJV	142.32
PNJV	224.25

#### **Principal Issues Raised**

- Retain the Policy as notified.
- Amend the Policy to manage rather than avoid adverse effects.
- Lack of clarity about what the Policy is seeking to achieve.

#### **Reporting Planner's s42A Recommendation**

162. This was dealt with at paragraphs 244-247 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

#### **Evidence from Submitters and Right of Reply**

163. Mr Masfield recommended changes to change the directive language of the policy. Mr Cook did not recommend any changes as a result of this submission point.
164. Ms Heppelthwaite, on behalf of NZTA, supported the changes proposed in the s42A report.
165. Mr Hood, the planning witness for PNTJV and PNJV, did not present any evidence on this submission point.
166. Mr Cook, the Reporting Officer, did not recommend any change in his RoR.

#### **Discussion and Reasons**

167. Mr Masfield considered that 'avoid' policies need to be reserved for exceptional issues, of which, do not include the provision of infrastructure. We understand the need to carefully consider the use of the term 'avoid'. However, as with other submission points requesting the replacement of the word 'avoid' with 'manage', we find that this lacks particularity. We cannot think of any instance where it would be appropriate for subdivision and land use to not be served by infrastructure. It is an essential requirement of subdivision and development. We therefore find that in this instance, 'avoid' is the appropriate term to use.
168. A policy should state how the objectives are to be achieved. As with some other provisions, we find that the associated objective SD-O7 (now DGD-O7) provides greater direction than the policy itself. The outcome sought by the objective is that onsite and reticulated infrastructure is provided and that its provision/extensions are coordinated with land use and development. In contrast the policy seeks to avoid adverse effects on infrastructure provisioning by ensuring subdivision and land use is appropriately designed, located and constructed. We agree with the submission by PNTJV and PNJV that the policy as notified is unclear. We find that the policy should be amended to read as follows:

*To avoid adverse effects on the sustainable provision of infrastructure by ensuring that all subdivision and land use is served by infrastructure and services that are appropriately designed, located and constructed.*

169. We are satisfied that the policy as amended would be most appropriate to achieve objective SD-O7 (now DGD-O7).

#### **SD-P6 - Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ	268.15
Refining NZ	260.4
PNTJV	142.33
PNJV	224.26
NZTA	240.7

#### **Principal Issues Raised**

- Retain the Policy.
- Amend the Policy.
- Clarify the relationship between this SD-P6(3) and SD-P6(2).

#### **Reporting Planner's s42A Recommendation**

170. This was dealt with at paragraphs 252-256 of the s42A Report. The recommendation of the Reporting Officer was to accept Refining NZ's submission point in part and amend the policy.

#### **Evidence from Submitters and Right of Reply**

171. Mr Masfield, for Kāinga Ora, recommended changes to change the directive language of the policy. Mr Cook did not recommend any changes as a result of this submission point.
172. Ms Heppelthwaite, for NZTA, recommended changes to the policy to provide for multimodal transport. Mr Cook did not agree with the change and maintained the recommendation in the S42A report.

#### **Discussion and Reasons**

173. We agree with Mr Cook and find that the amendments proposed by Mr Masfield would weaken the policy. The opening sentence of the policy relates to 'inappropriate' urban expansion. We do not agree that this should be 'managed'. If the policy did not have the qualifier 'inappropriate', our view may have been different. We also find that requiring rather than encouraging consolidation better achieves SD-O3 (now DGD-O3).
174. Mr Cook recommended amendments to clause 3 of the policy in response to Refining New Zealand's submission. The policy as notified directed that urban development should avoid sprawling into rural areas. The amendments as set out in the s42A Report direct that residential development should avoid sprawling into rural areas and heavy industrial zones. We think that these amendments unnecessarily narrow that application of the policy and mean that it would not fully achieve the associated objective, SD-O3 (now DGD-O3). Residential development is a subset of urban development. There was no justification in the submission or evidence why other types of urban development such as commercial or industrial development should be excluded. The reasons in the submission were focused on avoiding conflicts between incompatible uses such as residential activity in industrial areas. We think that this issue is more appropriately addressed by policies SD-P2 (now DGD-P2) and SD-P15 (now UFD-P9). We therefore recommend that clause 3 of the policy is retained as notified.
175. Turning to the issue of multi modal transport, Mr Cook did not consider that urban development in an area that is not served by multi modal transport to be inappropriate in all instances. Ms Chhagan presented corporate evidence on behalf of NZTA. In her evidence she highlighted the strengths and weaknesses of the different transport modes and emphasised that all modes have a role to play in an integrated system. In her opinion, multiple transport outcomes can be realised through better integrating

land use planning and transport planning.<sup>21</sup> She highlighted that walking and cycling may be useful for shorter trips, while private vehicles and public transport may be more appropriate for longer trips. Ms Heppelthwaite emphasised the need for greater land use integration. She sought to address this concern by proposing amendments in her evidence to insert a reworded clause as follows:

*In areas which are served by multi modal transport options or, if not currently serviced and where future connection is likely, by providing active transport mode infrastructure in new urban developments.*

176. While this amendment would address situations where future transport options are planned, it would not address situations where no future connections are likely, for instance in smaller rural villages. We agree the integration of transport and land use is important. To this end, we discussed the issue of public transport and provision for cycle facilities with various witnesses during the hearing. Council Officers were reluctant to include reference to 'multi modal' as the term is not used in the plan at present and in their opinion, it is unclear as there is no definition.<sup>22</sup> We agree that the term would not likely be understood by the general public. Based on the evidence of Ms Chhagan, we understand the term to be referring to a choice or range of transport modes. Indeed, the NRPS objectives and policies for regional form refer to transport choices.
177. Mr McKenzie, Council's Transport witness, provided advice in the RoR<sup>23</sup> that from his review of the City Link Whangārei services, the current bus system achieves 30 minute frequencies at best. In his report attached to the s42A<sup>24</sup> he provides an overview of public transport, walking and cycling in the district. In this, he notes that walking plays a significant role in the multi-modal approach to the district's transport system. Key Council strategies to increase walking and cycling modes include the development of the Whangārei Walkway-Cyclepath Network, The Hatea Loop Walkway and various traffic design measures to reduce speed and improve cycle facilities.
178. We find that including a reference to transport choices in the policy would appropriately capture the concerns raised in NZTA's submission, in a way that can be readily understood.
179. We therefore recommend that clause 1.b of the policy is amended to add 'including a range of transport choices' (as set out in Attachment 1). This would give effect to the NRPS and would achieve the objectives, including SD-O3 (now DGD-O3) and SD-O9 (now DGD-O9).

#### **SD-P7 - Relevant Submissions**

Submitter	Submission# & Point #
J Boyes	245.5
NZTA	240.8
Housing NZ	268.11

#### **Principal Issues Raised**

- Retain the Policy as notified
- Amend the Policy to better reflect NZTA's strategic and statutory objectives.

#### **Reporting Planner's s42A Recommendation**

180. This was dealt with at paragraphs 259-261 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

#### **Evidence from Submitters and Right of Reply**

<sup>21</sup> Statement of evidence of Nita Chhagan on behalf of NZTA

<sup>22</sup> For example, Part 10 – Signs and Lighting

<sup>23</sup> Part 1, Attachment 5, at p7

<sup>24</sup> Part 1, Attachment 5, at p4-5



181. Ms Heppelthwaite recommended amending the policy to read as follows:

To enable a safe, effective, efficient and accessible ~~manage an effective and efficient~~ transport system by:

1. Integrating and coordinating transport and land use planning.
2. Improving access to alternative transport options.
3. Enhancing the walkability and cycle connections within ~~of~~ neighbourhoods.
4. Concentrating more intensive urban development in close proximity to public transport infrastructure.

182. Mr Cook did not agree with the changes and commented that it may be appropriate in some, but not all, zones.

### Discussion and Reasons

183. We agree with Ms Heppelthwaite that it is appropriate to recognise cycling in addition to walking. We however accept Mr Cook's view that this may not be appropriate in all zones. This policy applies to the entire district, including its rural zones. We find that it is appropriate to amend the policy with the qualifier that it applies to urban neighbourhoods and rural villages.
184. We also agree with Ms Heppelthwaite that it is appropriate to concentrate more intensive development in locations served by public transport. We also find that adding 'safe' and 'accessible' to the opening sentence would better align with SD-O9 (now DGD-O9).
185. We find that the amendments as set out in Attachment 1 would be the most appropriate to achieve SD-O9 (now DGD-O9).

### SD-P8 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.16

### Principal Issues Raised

- Delete the term 'feasible' from the policy.

### Reporting Planner's s42A Recommendation

186. This was dealt with at paragraphs 264-267 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified. The Reporting Officer noted that the term feasible is defined in the NPS:UDC.

### Evidence from Submitters and Right of Reply

187. Mr Masfield presented evidence for Kāinga Ora and advised that he supported the position in the s42A Report.

### Discussion and Reasons

188. We adopt the analysis in the s42A Report and its recommendation on this submission point. We note that this policy has been relocated as is now UFD-P1 (refer to Attachment 2).

### SD-P9 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.17

NZTA	240.9
Public Health Northland	207.72

#### Principal Issues Raised

- Clarify that suburban development is referring to the Local Commercial and Neighbourhood Commercial Zones.
- Amend the Policy to refer to active modes and managing the provision of car parking.

#### Reporting Planner's s42A Recommendation

189. This was dealt with at paragraphs 271-274 of the s42A Report. The recommendation of the Reporting Officer was to accept Public Health Northland's submission point in part and amend the policy to refer to active or public transport infrastructure.

#### Evidence from Submitters and Right of Reply

190. Mr Masefield presented evidence on behalf of Kāinga Ora in support of the amendments recommended in the s42A Report.
191. The Reporting Officer did not recommend any further changes in the RoR. Mr Cook noted that he did not agree a Neighbourhood Centre should be classed as a suburban node.

#### Discussion and Reasons

192. This policy has been relocated and is now UFD-P2.
193. The amended wording refers to 'active or public transport infrastructure'. We think this is unclear and recommend this amendment is deleted. Furthermore, we have recommended amendments to SD-P7 (now DGD-P7) that in our view, better address the provision of 'active' (i.e. walking and cycling) modes of transport.
194. We agree with Kāinga Ora's submission that the term 'nodes of suburban development' is unclear. Given the small scale of many Neighbourhood Centres, we agree with Mr Cook that these should not be a focus for intensification. We therefore find that the policy should be amended to refer to Local Centre Zones. The amendments are set out in Attachment 2.

#### SD-P10 - Relevant Submissions

Submitter	Submission# & Point #
NZTA	240.6
Housing NZ	268.18
Summerset	205.29
The Oil Companies	101.33

#### Principal Issues Raised

- Retain the Policy as notified
- Amend the Policy to recognise functional and operational requirements of activities.
- Amend the Policy to delete 'protect' and replace with 'maintain'.

#### Reporting Planner's s42A Recommendation

195. This was dealt with at paragraphs 278-279 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

#### Evidence from Submitters and Right of Reply



196. Mr Masfield supported Kāinga Ora's submission and considered that the policy should 'maintain character' rather than 'protect character'. He asserted that high quality urban design is an appropriate tool to manage the effects of urban consolidation and intensification. Mr Cook disagreed with the proposed changes and continued to recommend retaining the policy as notified.

### Discussion and Reasons

197. This policy has been relocated and is now UFD-P3.
198. We find that this policy lacks detail and particularity about how built form is to be managed. Mr Masfield referred us to Council's Urban Design Strategy in his evidence<sup>25</sup> and set out the eight urban design qualities of a good public environment. In our view, referring to these qualities in the policy would give far greater direction. It would also address the issues raised in Dr Grundy's evidence regarding character and sense of place, which we have discussed in relation to SD-P4 above.
199. As this is an overarching policy that applies to all zones, we find that it more appropriate for the policy to 'maintain and enhance character and amenity'. We agree with the reasoning in Summer's submission that some zones such as the High Density Residential Zone (now the Medium Density Residential Zone) anticipate changes to amenity values as a result of intensification. The relevant zone policies are the more appropriate place to direct where protection, rather than maintenance, of amenity values is required.
200. We find that the policy should be amended to read as follows:

*To ~~protect~~ maintain and enhance character and amenity values by ~~managing built form and encouraging best practice urban design~~ applying high quality urban design that demonstrates how the development will contribute to a compact, connected, distinctive, diverse, attractive, appropriate, sustainable and safe urban form.*

201. These amendments are the most appropriate way to achieve SD-O12 (now UFD-O2).

### SD-P11 and P14 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.19
PNTJV	142.34
PNJV	224.27

### Principal Issues Raised

- Retain the Policies as notified.
- Review the provisions in relation to highly versatile soils (no relief stated).

### Reporting Planner's s42A Recommendation

202. This was dealt with at paragraphs 282-284 of the s42A Report. The recommendation of the Reporting Officer was to retain SD-P11 and SD-P14 as notified.

### Evidence from Submitters and Right of Reply

203. Mr Masfield presented evidence on behalf of Kāinga Ora acknowledging and supporting the s42A recommendation.

### Discussion and Reasons

<sup>25</sup> Statement of Evidence, Blaire Masfield, on behalf of Kāinga Ora, at paragraphs 5.42 and 5.43

204. We adopt the analysis in the s42A Report and its recommendation on these submission points. We note that these policies have been relocated and are now DGD-P11 (was SD-P14) and DGD-P20 (was SD-P11).

#### **SD-P13 - Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ	268.19
NZTA	240.10
AJ and JK Morgan	170.12

#### **Principal Issues Raised**

- Retain the Policy as notified.
- Amend the Policy to refer to walking and cycling linkages.

#### **Reporting Planner's s42A Recommendation**

205. This was dealt with at paragraphs 288-289 of the s42A Report. The recommendation of the Reporting Officer was to accept the submissions in part and amend the policy.

#### **Evidence from Submitters and Right of Reply**

206. No evidence was presented.

#### **Discussion and Reasons**

207. This policy is now DGD-P10 (refer Attachment 1).
208. We adopt the analysis in the s42A Report and its recommendation on these submission points.

#### **SD-P15 - Relevant Submissions**

Submitter	Submission# & Point #
The University	248.20
Trustpower	48.4
Northpower	127.3
Housing NZ	268.19
The Oil Companies	101.31
Northport	132.10
NZDF	156.4
NZTA	240.11

#### **Principal Issues Raised**

- Retain the Policy as notified.
- Amend the Policy to provide for upgrading.
- Amend the Policy to provide for offsetting and compensation.
- Amend the Policy to focus on the benefits.
- Add a reference to nationally significant infrastructure.
- Amend the Policy to add a qualifier 'where necessary'.

### Reporting Planner's s42A Recommendation

209. This was dealt with at paragraphs 299-306 of the s42A Report. The recommendation of the Reporting Officer was to amend the policy to provide for development and offsetting and to retain the wording 'to have regard to' as it would better give effect to the NRPS.

### Evidence from Submitters and Right of Reply

210. Ms McLeod who presented evidence for Transpower proposed the words 'when offered' be added after offset.
211. Ms Heppelthwaite presented evidence for NZTA where she proposed adding the words 'where practicable' in relation to offsetting.
212. Ms McPherson tabled a statement on behalf of the Oil Companies seeking the addition of the words 'to the extent practicable' with references to adverse effects.
213. Mr Hood presented evidence on behalf of Northport in support of a specific reference to offsetting and compensation in SD-O23 and SD-P15-17.
214. Mr Cook did not agree that adding offsetting to the policy had the effect of making offsetting mandatory and recommended adding the words 'where practicable'.

### Discussion and Reasons

215. Objective 3.7 of the NRPS seeks to 'recognise and promote the benefits of regional significant infrastructure. We therefore agree with Ms McLeod that the wording 'to recognise and provide for' is more appropriate and would better give effect to the NRPS.
216. We do not agree that the words 'where practicable' should be added to the end of this policy. As well as applying to off-setting, this would have the effect of only requiring adverse effects to be avoided, remedied or mitigated 'where practicable'. We prefer the wording proposed by Ms McLeod, which better reflects the wording of the Act. We agree off-setting qualified by the recognition that this can only be required when offered. We also find that it is also appropriate to add 'or agreed to' to better reflect the requirements of the Act. Lastly, we recommend an amendment to correct a grammatical error (replace it's with its).
217. We recommend that the policy is amended as set out in Attachment 1 and that submissions are accepted or rejected accordingly.

### SD-P16 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.19
Trustpower Ltd	48.5
Northport	132.11
Refining NZ	260.6
KiwiRail	265.5
NZTA	240.12
Public Health Northland	207.73
RNZ	243.10
Transpower	247.10
Northpower	127.4
NZDF	156.5
The Oil Companies	101.32

### Principal Issues Raised

- Retain the Policies as notified.

- Amend the Policy to provide for upgrading.
- Clarify the role of network utilities and nationally significant infrastructure.
- Delete reference in the Policy to agreement with affected iwi or hapū.

#### Reporting Planner's s42A Recommendation

218. This was dealt with at paragraphs 320-331 of the s42A Report. The recommendation of the Reporting Officer was to amend the policy to provide for upgrading and offsetting.

#### Evidence from Submitters and Right of Reply

219. Ms Heppelthwaite recommended changes to the policy to provide for offsetting adverse effects 'where practicable'. She provided revised wording for the policy in response to questions in order to better give effect to the NRPS.
220. Ms McLeod who presented evidence for Transpower opposed the addition of upgrading within the policy. She considered the words 'when offered' should be added after offset as a qualifier.
221. Ms McPherson who tabled evidence on behalf of the Oil Companies opposed the addition of upgrading within the policy. She asserted that this would significantly increase the range of activities and would go beyond the scope of NRPS Policy 5.3.3. She also advised that there was an error in the relief sought in respect of clause 2 and proposed new wording to recognise and provide for the relationship of iwi with sites and taonga of significance.
222. Mr Masefield presented evidence on behalf of Refining NZ and proposed amendments to all the objectives and policies for regionally significant infrastructure in order to give effect to the NRPS.
223. Mr Cook did not agree with Mr Masefield that the policies were overly restrictive and had concerns about the introduction of undefined terms such as 'Minor Regionally Significant Infrastructure'. He recommended adding 'where practicable' to the policy in the RoR.

#### Discussion and Reasons

224. This policy is now DGD-P16.
225. The amendments sought by the submitters evolved during the course of the hearing and in response to questions. At the heart of the issue was how to best give effect to the NRPS and NPSET. Some experts preferred restricting the application of the policy to new network utilities and regionally significant infrastructure, while others favoured applying the policy to upgrading as well as new infrastructure. The policy as notified only applied to new infrastructure. Mr Cook attempted to distinguish between this policy and SD-P17 (now DGD-P17) by recommending the addition of the defined term 'Minor Upgrading' to that policy, leaving this policy to address new and upgraded infrastructure.
226. The relevant NRPS policy is 5.3.3. We agree with Mr Masefield that the relevant policies as notified, have misinterpreted the intent of Policy 5.3.3. We disagree with Mr Masefield's interpretation that NRPS Policy 5.3.3(3) stands alone and applies to activities that effect the level of effects in the preceding clauses. We could see no wording within the policy to this effect. Rather our reading is that clause 3 provides a list of matters for decision makers to give weight to. We agree that the omission of these matters means that the policy is not giving effect to NRPS 5.3.3. The amendments as recommended in the RoR similarly do not give effect to the NRPS, as consideration of the matters in NRPS 5.3.3(3) is omitted. Ms Heppelthwaite provided amended wording for the policy under cover of a memorandum<sup>26</sup> in response to questions from the panel on this issue. We prefer this approach, subject to some minor amendments to include clause (3)(g) which was omitted.
227. We agree with Mr Cook that the introduction of a new undefined term 'Minor Regionally Significant Infrastructure' is problematic and do not favour restructuring the policies in the manner proposed by Mr Masefield. We also agree with Ms McLeod that distinguishing the effect of new regionally significant

<sup>26</sup> Memorandum of Council for the New Zealand Transport Agency, dated 5 December 2019

infrastructure from the maintenance and upgrading is consistent with NRPS Policy 5.3.3.

228. While we understand Ms McPherson's concerns with clause 2 of the policy (now renumbered clause 8), which she considered could be interpreted as need for iwi approval, we note that this wording is identical to that used in NRPS Policy 5.3.3. We therefore find that the clause should be retained as notified as this would give effect to the NRPS.
229. We find that the policy as amended (refer Attachment 1) would be the most appropriate to achieve SD-O22 (now DGD-O14) and SD-O15 (now DGD-O15). We recommend submissions are accepted or rejected accordingly.

### **SD-P17 - Relevant Submissions**

Submitter	Submission# & Point #
NZTA	240.6
Trustpower	48.6
KiwiRail	265.6
The Oil Companies	101.29
Housing NZ	268.19
The University	248.20
NZDF	156.5
Refining NZ	260.7
Northport	132.12
RNZ	243.11
Transpower	247.11
Northpower	127.4

### **Principal Issues Raised**

- Retain the Policy as notified.
- Amend the Policy to provide for nationally significant infrastructure.
- Delete the reference to upgrading.
- Amend wording in the policy in relation to adverse effects

### **Reporting Planner's s42A Recommendation**

230. This was dealt with at paragraphs 339-346 of the s42A Report. The recommendation of the Reporting Officer was to retain the Policy as notified.

### **Evidence from Submitters and Right of Reply**

231. Kāinga Ora and NZTA supported the s42A recommendation.
232. NZTA proposed further amendments to the policy in its memorandum of 5 December, which responded to questions from the Panel.
233. Ms McLeod presented evidence on behalf of Transpower which opposed the reference to upgrading in both SD-P16 and SD-P17. This issue was addressed in the RoR which amends SD-P17 to refer to 'Minor Upgrading'.

### **Discussion and Reasons**

234. This policy is now DGD-P17.
235. We have discussed the approach to regionally significant infrastructure above. As can be seen from our discussion in respect of SD-P16 (now DDG-P16), we favour retaining the approach in the policy as notified of restricting this policy to operation, maintenance and upgrading and addressing new

infrastructure in DGD-P16.

236. We find that the amendments as set out in Attachment 1 would give effect to the NRPS and are the most appropriate to achieve SD-O22 (now DGD-O14) and SD-O15 (now DGD-O15). We recommend submissions are accepted or rejected accordingly.

#### **SD-P18 - Relevant Submissions**

Submitter	Submission# & Point #
J Boyes	245.5
Housing NZ	268.19
NRC	264.10

#### **Principal Issues Raised**

- Retain the Policy as notified
- Amend the Policy in relation to natural hazards

#### **Reporting Planner's s42A Recommendation**

237. This was dealt with at paragraphs 349-351 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

#### **Evidence from Submitters and Right of Reply**

238. Mr Day gave evidence on behalf of NRC and did not specifically address this policy.
239. Mr Masfield presented evidence on behalf of Kāinga Ora acknowledging and supporting the s42A recommendation.
240. Mr Cook did not recommend any amendments in the RoR.

#### **Discussion and Reasons**

241. This policy is now DGD-P8.
242. We have discussed the approach to natural hazards earlier in this report and are satisfied that no amendments are required to this policy. In all other respects we adopt the analysis in the s42A Report and its recommendations on these submission points.

#### **SD-P19 - Relevant Submissions**

Submitter	Submission# & Point #
Southpark	154.3

#### **Principal Issues Raised**

- Retain the Policy as notified.

#### **Reporting Planner's s42A Recommendation**

243. This was dealt with at paragraphs 353-354 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

#### **Evidence from Submitters and Right of Reply**

244. No evidence was presented on this matter.

### Discussion and Reasons

245. This policy is now DGD-P9.
246. We adopt the analysis in the s42A Report and its recommendations on these submission points.

### SD-P20 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.20
NZTA	240.13

### Principal Issues Raised

- Amend the Policy.

### Reporting Planner's s42A Recommendation

247. This was dealt with at paragraphs 357-358 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

248. Ms Heppelthwaite presented evidence for NZTA and supported the s42A recommendation.
249. Mr Masefield's evidence for Kāinga Ora did not specifically address this submission point.

### Discussion and Reasons

250. As we have alluded to briefly in our discussion in Part I, Topic B above, we consider further finetuning is necessary in relation to the split of the provisions that were in the notified Strategic Directions Chapter, which have been recommended in the RoR to be relocated to the DGD and UFD chapters. The focus of the newly constituted UFD chapter was generally agreed between the submitters and Reporting Officer as being focused on the location and form of urban development. We find that the policies relating to the application of urban zones, should with some exceptions, be relocated in the UFD chapter. Zoning is one of the key tools that influences the location and form of urban development. We recommend that the provisions for Open Space and Special Purpose Zones remain in the DGD chapter, as these zones can occur in rural villages and rural areas. We also recommend the zoning policies for regionally significant infrastructure such as the hospital and airport remain in the DGD chapter.
251. Accordingly, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter. We recommend that the spelling of Whangārei is corrected in this policy, and throughout the plan change provisions, to include the macron.
252. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P4 (refer to Attachment 2).

### SD-P22 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.19
NZTA	240.14

### Principal Issues Raised

- Retain the Policy as notified
- Amend the Policy in relation to access to transport modes.



### Reporting Planner's s42A Recommendation

253. This was dealt with at paragraphs 361-363 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

254. Mr Masfield presented evidence on behalf of Kāinga Ora acknowledging and supporting the s42A recommendation.
255. Ms Heppelthwaite presented evidence for NZTA and supported the s42A recommendation.

### Discussion and Reasons

256. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
257. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P6 (refer to Attachment 2).

### SD-P23 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.21

### Principal Issues Raised

- Amend the Policy.

### Reporting Planner's s42A Recommendation

258. This was dealt with at paragraphs 365-366 of the s42A Report. The recommendation of the Reporting Officer was to retain the Policy as notified.

### Evidence from Submitters and Right of Reply

259. Mr Masfield's evidence for Kāinga Ora did not specifically address this submission point.

### Discussion and Reasons

260. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
261. In all other respects, we adopt the analysis in the s42A Report and its recommendation on this submission point. We note that this policy has been relocated as is now UFD-P7 (refer to Attachment 2).

### SD-P24 - Relevant Submissions

Submitter	Submission# & Point #
NZTA	240.15
Commercial Centres	210.7

### Principal Issues Raised

- Retain the Policy as notified
- Amend the Policy



### Reporting Planner's s42A Recommendation

262. This was dealt with at paragraphs 370-371 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

263. Ms Heppelthwaite presented evidence for NZTA and supported the s42A recommendation.

### Discussion and Reasons

264. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
265. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P8 (refer to Attachment 2).

### SD-P25 - Relevant Submissions

Submitter	Submission# & Point #
Refining NZ	260.3
NZTA	240.16
Atlas	129.4

### Principal Issues Raised

- Retain the Policy as notified
- Amend the Policy

### Reporting Planner's s42A Recommendation

266. This was dealt with at paragraphs 375-377 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

267. Ms Heppelthwaite presented evidence for NZTA and supported the s42A recommendation.
268. Mr Masefield's evidence for Refining NZ did not specifically address this submission point.

### Discussion and Reasons

269. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
270. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P9 (refer to Attachment 2).

### SD-P26 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.22
Commercial Centres	210.8

### Principal Issues Raised

- Amend the Policy to delete the maximum size limit for local centres.

### Reporting Planner's s42A Recommendation

271. This was dealt with at paragraphs 379 and 380 of the s42A Report. The recommendation of the Reporting Officer was to Delete clause 6 from SD-P26 and make consequential changes to the LC Overview.

### Evidence from Submitters and Right of Reply

272. Mr Masfield presented evidence on behalf of Kāinga Ora acknowledging and supporting the s42A recommendation.

### Discussion and Reasons

273. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
274. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P10 (refer to Attachment 2).

### SD-P27 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.23
Southpark	154.4

### Principal Issues Raised

- Amend the Policy to delete the maximum size limit for neighbourhood centres.

### Reporting Planner's s42A Recommendation

275. This was dealt with at paragraphs 383-385 of the s42A Report. The recommendation of the Reporting Officer was to delete clause 3 (maximum contiguous land area) from the policy and make consequential changes to the Neighbourhood Centre Zone Overview.

### Evidence from Submitters and Right of Reply

276. Mr Masfield presented evidence on behalf of Kāinga Ora acknowledging and supporting the s42A recommendation.
277. Mr Roberts presented evidence for Southpark and agreed with Council's recommendations.

### Discussion and Reasons

278. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
279. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P11 (refer to Attachment 2).

### SD-P31 - Relevant Submissions

Submitter	Submission# & Point #
Commercial Centres	210.9
NZTA	240.17 and 240.18
Housing NZ	268.24
Summerset	205.30

#### **Principal Issues Raised**

- Retain the Policy as notified.
- Amend the Policy.

#### **Reporting Planner's s42A Recommendation**

280. This was dealt with at paragraphs 390-393 of the s42A Report. The recommendation of the Reporting Officer was to accept NZTA's submission points in part and amend the Policy.

#### **Evidence from Submitters and Right of Reply**

281. Mr Masfield presented evidence on behalf of Kāinga Ora in support of the recommendations in the s42A Report.
282. Ms Heppelthwaite presented evidence on behalf of NZTA in support of the amendments recommended in the s42A Report.

#### **Discussion and Reasons**

283. As we have discussed above, we recommend that SD-P20 – SD-P28 and SD-P31 are relocated to the DFD chapter.
284. In all other respects, we adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been relocated as is now UFD-P13 (refer to Attachment 2).

#### **SD-P35 - Relevant Submissions**

Submitter	Submission# & Point #
RNZ	243.12
Atlas	129.5

#### **Principal Issues Raised**

- Amend the Policy.

#### **Reporting Planner's s42A Recommendation**

285. This was dealt with at paragraphs 396-397 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified with minor amendments to correct grammatical errors.

#### **Evidence from Submitters and Right of Reply**

286. Ms Rosser prepared evidence on behalf of Atlas, where she advised that the submitter is satisfied with, or takes a neutral position on submission points not specifically addressed in her evidence (such as this point).

#### **Discussion and Reasons**

287. We adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been renumbered DGD-P22 (refer to Attachment 1).

### SD-P36 - Relevant Submissions

Submitter	Submission# & Point #
Atlas	129.6

### Principal Issues Raised

- Amend the Policy in relation to setbacks from mineral extraction activities.

### Reporting Planner's s42A Recommendation

288. This was dealt with at paragraphs 399-400 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

289. Ms Rosser prepared evidence on behalf of Atlas, where she advised that the submitter is satisfied with, or takes a neutral position on submission points not specifically addressed in her evidence (such as this point).

### Discussion and Reasons

290. We adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been renumbered DGD-P23 (refer to Attachment 1).

### SD-P39 - Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.19
Fonterra	202.8
NZTA	240.19

### Principal Issues Raised

- Retain the Policy as notified
- Amend the Policy in relation to connections to transport modes.

### Reporting Planner's s42A Recommendation

291. This was dealt with at paragraphs 404-406 of the s42A Report. The recommendation of the Reporting Officer was to retain the policy as notified.

### Evidence from Submitters and Right of Reply

292. Mr Masfield presented evidence on behalf of Kāinga Ora in support of the recommendations in the s42A Report.
293. Ms Heppelthwaite presented evidence on behalf of NZTA in support of the recommendations in the s42A Report.
294. Mr Chrystal tabled a statement on behalf of Fonterra. He noted the s42A recommended rejecting the submission points and advised he was willing to accept the opinion expressed in the s42A Report.

### Discussion and Reasons

295. We adopt the analysis in the s42A Report and its recommendation on these submission points. We note that this policy has been renumbered DGD-P26 (refer to Attachment 1).

### **New Policies - Relevant Submissions**

Submitter	Submission# & Point #
Fonterra	202.6
Atlas	129.3
Fonterra	202.7
Summerset	205.31
Transpower	247.12

### **Principal Issues Raised**

- Add a new policy relating to recognition of the economic benefits of strategic rural activities
- Add new policies in relation to reverse sensitivity on existing mineral extraction activities,
- Add new policies providing for a diverse range of housing options, and high density housing in residential areas to provide for the elderly and those requiring care or assisted living.
- Add a new policy that sets out how regionally significant infrastructure will be protected.

### **Reporting Planner's s42A Recommendation**

296. This was dealt with at paragraphs 422-427 of the s42A Report. The recommendation of the Reporting Officer was to not add additional policies.

### **Evidence from Submitters and Right of Reply**

297. Mr Chrystal tabled a statement on behalf of Fonterra. He noted the s42A recommended rejecting the submission points and advised he was willing to accept the opinion expressed in the s42A Report.
298. Ms Rosser prepared evidence in support of Atlas' submission, seeking a new policy to avoid certain uses in areas with existing or future mineral resources or Quarrying Resource Areas.
299. Ms McLeod presented evidence on behalf of Transpower and did not specifically address the new policy sought in the submission.

### **Discussion and Reasons**

300. We found Ms Rosser's proposed policy problematic. We do not understand how an area could have 'future mineral resources' and how these could be considered if they are not yet identified.
301. We agree with Mr Cook that the provisions for the Rural Production Environment, Strategic Rural Industries and Minerals satisfactorily address the issues raised in submissions. We also agree with Mr Cook that it is unnecessary to include new policies as sought by Summerset and that effects of a proposal should be considered on their merits, irrespective of the age of residents.
302. In conclusion, we adopt the analysis in the s42A Report and its recommendation on these submission points.

## Part III: Subdivision

### Topic A: Overview

#### Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.123

#### Principal Issues Raised

- Amend the overview to clarify that not all subdivision has adverse effects.

#### Reporting Planner's s42A Recommendation

303. This was dealt with at paragraphs 430-432 of the s42A Report. The recommendation of the Reporting Officer was to accept Housing NZ's submission point in part and amend the Overview.

#### Evidence from Submitters and Right of Reply

304. Mr Masfield presented evidence on behalf of Kāinga Ora and advised that the s42A recommendation satisfies the intent of the relief sought.

#### Discussion and Reasons

305. We adopt the analysis in the s42A Report and its recommendation on this submission point. In addition, we recommend correcting all references to 'district wide' to refer to 'district-wide' to align with the National Planning Standards. We recommend that this amendment is applied throughout the chapter.

### Topic B: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
G Dow	70.9
K Grundy	73.14
Fire NZ	165.79
Public Health Northland	207.82
Public Health Northland	207.83
Public Health Northland	207.84
F Morgan	229.20
KiwiRail	265.7
Housing NZ	268.125
Housing NZ	268.124
Housing NZ	268.126
Puriri Park Society	301.12
Radio New Zealand	243.1

#### Principal Issues Raised

- Retain the objectives as notified.
- Amend objective SUB-O2 to limit protection of resources through subdivision to where it 'is appropriate'.
- Include provisions to protect neighbourhood identity, local character and amenity values both tangible and intangible including community coherence and sense of place.
- Delete SUB-O3.

- Amend SUB-O3 to provide for 'sustainable subdivision'.
- Reverse sensitivity

#### **Reporting Planner's s42A Recommendation**

306. This was dealt with at paragraphs 454-453 of the s42A Report. The recommendation of the Reporting Officer was to:
- a) Retain SUB-O1 as notified.
  - b) Retain SUB-O2 as notified.
  - c) Accept Public Health Northland's submission in part and amend SUB-O3.
  - d) Retain SUB-O4 as notified.
  - e) Accept Public Health Northland's submission in part and amend SUB-O5.

#### **Evidence from Submitters and Right of Reply**

307. Mr Masfield sought to temper the protection and enhancement aims of SUB-O2 by inserting 'where appropriate' after protection and to also include reference to maintaining the features and resources. He also recommended that the title of the policy be changed to Valued Features and Resources or similar.
308. Mr Cook agreed with the renaming of the objective but did not support the changes to the wording. He considered that not all effects needed to be avoided but that each category listed has a level of protection under the NRPS.
309. Dr Grundy presented evidence on behalf of Puriri Park and Maunu Residents' Society Inc. and his own submission. He urged the panel to amend SUB-O3 to provide more detail, as the objective as notified was in his view ambiguous. He considered that it should include reference to the built environment, neighbourhood identity, local character, amenity values and sense of place.

#### **Discussion and Reasons**

310. We do not agree with Mr Masfield assessment that only three of the listed features and resources in SUB-O2 are linked to 'avoid' provisions. NRPS Policy 4.4.1 refers to avoiding adverse effects on indigenous vegetation and habitats in the coastal environment; and avoiding, remedying or mitigating adverse effects of subdivision outside the coastal environment. NRPS Policy 4.6.1 refers to avoiding significant effects on values<sup>27</sup> in the coastal environment and outside the coastal environment. NRPS Policy 4.6.2 similarly refers to avoiding significant adverse effects of subdivision on historic heritage resources. NRPS Policy 5.1.1 refers to not materially reducing the potential for production on land with highly versatile soils. In our view the wording as notified to protect and enhance the identified features and resources better gives effect to the NRPS. Furthermore, we consider the use of the word protect to be consistent with s6 of the Act.<sup>28</sup> We prefer the wording as notified and adopt the reasoning in the s42A Report and RoR.
311. Turning to SUB-O3, we find Dr Grundy's suggested changes to have some merit. The objective as notified provides no guidance on what the needs of the community may be. There are differing views on what these needs are within the community and agencies that operate in the district, as reflected in the evidence we heard. Accordingly, we recommend the objective is amended to read:

<sup>27</sup> Including those associated with natural character, natural features and natural landscapes

<sup>28</sup> In relation to the preservation of natural character of the coastal environment and protection of outstanding natural features, outstanding natural landscapes, areas of significant indigenous vegetation, significant habitats of indigenous fauna and historic heritage.

Land is subdivided in a manner that provides for the changing needs of people and communities, and for future generations, while taking into account:

1. Amenity values including good quality urban design.
2. Local character and sense of place.
3. The outcomes anticipated by the relevant zone, overlay and district-wide provisions.

312. We consider that these amendments would be the most appropriate way to achieve the purpose of the Act.
313. Lastly, we recommend the heading for SUB-O5 is amended to align with the changes recommended to the body of the objective in the s42A. We adopt the recommendation of Mr Cook in the RoR to rename the objective 'Managing Adverse Effects'.
314. In all other respects, we adopt the analysis and recommendations in the s42A Report and RoR on these submission points.

## Topic C: Policies

### Relevant Submissions

Submitter	Submission# & Point #
NRC	264.16
F Morgan	229.21
G Dow	70.10
K Grundy	73.15
Puriri Park Society	301.13
C Haines	106.5
NRC	264.17
PTB	173.3
Housing NZ	268.127
Housing NZ	268.128
Housing NZ	268.130
F Morgan	229.22
Housing NZ	268.129
Northpower	127.5
C Morgan	290.8
KiwiRail	265.8
Housing NZ	268.131

### Principal Issues Raised

- Provide for the protection of highly versatile soils.
- Consideration of existing on-site and off-site amenity values when considering subdivision consents.
- Avoiding reverse sensitivity.
- Support for the protection and enhancement of sites of significance to Maori.
- Protection vs maintenance and enhancement of amenity values.

### Reporting Planner's s42A Recommendation

315. This was dealt with at paragraphs 469-482 of the s42A Report. The recommendation of the Reporting Officer was to



- a) Retain SUB-P1 as notified.
- b) Accept Housing NZ's submission in part and amend SUB-P2.
- c) Retain SUB-P3 as notified.
- d) Retain SUB-P4 as notified.
- e) Accept the submission from C Morgan in part and amend SUB-P5.

#### Evidence from Submitters and Right of Reply

- 316. Mr Masfield noted that versatile soils and significant natural areas are included in the SUB objective but not Policy SUB- P1. He also recommended that the words 'and reinforce' be deleted from the first clause of SUB-P1.
- 317. Mr Cook recommended that versatile soils and significant natural areas be added to SUB-P1.
- 318. Dr Grundy presented evidence on behalf of Puriri Park and Maunu Residents' Society Inc. and his own submission. He was concerned that SUB-P1 lacked specificity and that it omitted any reference to amenity values, a matter to which particular regard is to be had under s7 of the Act. The RoR did not provide any additional comment on these submission points.

#### Discussion and Reasons

- 319. We agree with Mr Masfield that 'and reinforce' should be deleted from SUB-P1, as the wording fails to recognise the change that will be enabled in some zones within the urban area. We also recommend some minor grammatical corrections to SUB-P1.4.

- 320. The overview for the chapter states:

*The way a site is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but also impacts on adjacent sites and the future use of the land.*

- 321. The impact of subdivision on character is recognised in SUB-P1.1, however there is no explicit recognition of impacts on adjacent sites and amenity values, as sought by the Puriri Park and Maunu Residents' Society Inc and Dr Grundy. We find that recognition of amenity values should be included in SUB-P1.1. By requiring subdivision to be compatible with amenity values, this will require consideration of both on-site and off-site amenity.
- 322. Accordingly, we recommend that SUB-P1 is amended to read:

*To enable subdivision where it meets the relevant zone, overlay and district-wide policies, where subdivision and development is designed to:*

1. *Reflect ~~the~~ patterns of development that are compatible with ~~and reinforce~~ the role, function, amenity values and predominant character of the zone.*
2. *Maintain the integrity of the zone with lot sizes sufficient to accommodate intended land uses.*
3. *Respond positively to and ~~is integrated~~ integrate with the surrounding context.*
4. *Appropriately avoid, remedy or mitigate adverse effects on:*
  - a. *Outstanding Natural Features.*
  - b. *Outstanding Natural Landscapes.*
  - c. *Coastal Areas.*

- d. Areas of High Natural Character.
- e. Areas of Outstanding Natural Character.
- f. Sites of Significance to Māori.
- g. Historic Heritage.
- h. Significant Natural Areas.
- i. Highly Versatile Soils.

323. In all other respects, we adopt the analysis and recommendations in the s42A Report and RoR on these submission points.

## Topic D: Rules

### Relevant Submissions

Submitter	Submission# & Point #
B Hall	83.8
B Hall	83.5
AJ and JK Morgan	170.16
A Jameson	291.3
G McGregor	118.1
Northpower	127.10
J Irving	128.1
Housing NZ	268.138
King	174.2

### Principal Issues Raised

- Car parking and manoeuvring space.
- Delete SUB-R3 and R4
- Matters of control for subdivision.
- Activity status for infill subdivision.
- Providing for boundary adjustment subdivision in all zones.
- Enabling subdivision in accordance with an approved subdivision consent.
- The use of a minimum lot size to manage density or define zones.

### Reporting Planner's s42A Recommendation

324. This was dealt with at paragraphs 490-498 of the s42A Report. The recommendation of the Reporting Officer was to:
- a. Not introduce new rules on car parking and manoeuvring.
  - b. Retain the matters of control in HPW- R7.
  - c. Retain the activity status for non-compliance in TRA-R14.
  - d. Not add a boundary adjustment rule for all zones.

- e. Not add a new rule for subdivision of existing development unless further information is provided.
- f. Retain the SUB provisions subject to amendments.

### Evidence from Submitters and Right of Reply

325. Mr Masfield provided evidence on behalf of Kāinga Ora in support of the categorisation of certain subdivisions as restricted discretionary activities, with a clear distinction between controlled, restricted discretionary and discretionary activity statuses. He attached an amended set of provisions, with refinements to the approach sought in the submission.

### Discussion and Reasons

326. We asked the Reporting Officer to clarify how SUB-R1 would apply if a proposal did not comply with other rules. The RoR advised that the rule provides guidance on how to interpret the rules. We consider this guidance to be unclear, as it is possible that a subdivision may require resource consent under other rules and would therefore not 'comply' with other rules. We recommend a minor correction to this rule to specify that subdivision 'is subject to' the rules.
327. The Reporting Officer recommended retaining SUB-P2 as notified but did not agree with Kāinga Ora's request to include a new rule to provide for and enable subdivision in accordance with an approved land use consent. The s42A Report raised concerns regarding the *vires* of such a rule and invited Kāinga Ora to provide wording for the rule that would be 'legally compliant' with reference to two environment court decisions.<sup>29</sup> Mr Sadler, legal counsel for Kāinga Ora did not address this matter in his submissions.
328. Our reading of these decisions is that the issues in contention were whether a resource consent can purport to authorise a plan (outline development plan, framework plan or concept plan) about future activities; whether the activity status could turn on whether an activity complies with an approved consent; and whether rules in a plan can be replaced by standards in an outline development plan or framework plan resource consent. The Court found that it is *ultra vires* the Act for a rule to authorise a plan absent any activities; it is *ultra vires* for activity status to be determined based on whether a proposal *complies* with an approved consent; and lastly, that it is *ultra vires* for a resource consent to purport to replace rules in a plan and set standards for a future resource consent.
329. We note that the notified version of the chapter and RoR amendments included a specific policy to provide for subdivision to create sites for existing buildings and where it is in accordance with an approved land use consent. We agree with the Reporting Officer that there is some uncertainty whether referring to being in accordance with an approved land use consent is analogous to a rule determining activity status on compliance with an approved consent. We consider this can be easily remedied by the rule referring to buildings that *have obtained* an approved land use consent.
330. We consider that providing for subdivision as a restricted discretionary activity where a land use consent has already been obtained is more efficient and effective than classifying such subdivisions as a discretionary activity. We noted Mr Masfield's comments around his observations, in terms of preparing applications for clients and processing resource consents for Auckland Council, that most subdivisions are land use led. We agree that this can be more efficient as land use consents in existing urban areas can be more challenging. Testing the waters with a land use consent is more cost effective than proceeding with a combined land use and subdivision consent, particularly if there is uncertainty around whether the land use consent will be approved. We think this is recognised in SUB-P2 as notified and can see no reason why the subdivision of a site where the use is authorised by a resource consent should be classified as a discretionary activity.
331. We do not agree with Mr Masfield's amendments to SUB-R2 as this would classify a number of activities that could have more significant adverse effects as restricted discretionary.<sup>30</sup> We recommend amendments to confine restricted discretionary classification to uses that are expressly allowed by a resource consent in the General Residential, Neighbourhood Centre, Medium Density Residential

<sup>29</sup> *Queenstown Airport Corporation Limited v Queenstown Lakes District Council* [2014] NZEnvC 93 and *Re Auckland Council* [2016] NZEnvC 56.

<sup>30</sup> For instance, servicing urban allotments with overhead lines

zones. We were less persuaded on the relevance of an approved land use consent for uses in the City Centre, Mixed Use, Waterfront, Local Centre or Commercial zones. Compared with residential zones which anticipate predominantly residential uses, the Business Zones enable a broad range of uses, often with multiple different uses on one site. We therefore think that whether a land use consent has been approved does not necessary provide a suitable basis for subdivision. Mr Masfield's evidence was focused on the connection between residential lot sizes and the resultant form of development.<sup>31</sup> We do however agree that restricted discretionary activity status is appropriate in the Business Zones, with the exception of Light Industrial and Heavy Industrial Zones. The effects of subdivision are well known, and we agree with Mr Masfield that discretionary activity status can introduce a degree of subjectivity and ambiguity that can increase the costs associated with applying for resource consent. Our reasons for retaining discretionary activity status for subdivision in the Light Industrial and Heavy Industrial zones is that industrial activities can require larger allotments.

332. Accordingly, we find that the subdivision rules should be amended as set out in Attachment 3. We also recommend consequential amendments to SUB-P2 to amend clause two as follows:

*...2. Where it enables the creation of sites for uses that ~~are in accordance with~~ have an approved land use resource consent....*

333. Lastly, we do not agree with Mr Masfield's amendments to enable subdivision to a higher density in the General Residential and Medium Density Residential Zones, for sites over 1 hectare. As we have discussed, there were a large number of submissions opposing higher density residential development, particularly in the General Residential Zone. We find that there was insufficient evidence for us to conclude that development to the density proposed would meet the outcomes anticipated in the zones.
334. In all other respects, we adopt the analysis and recommendations in the s42A Report and RoR on these submission points.

## Recommendations

335. For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachments 1, 2 and 3.
2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 2 of the Section 42A Report and as amended by the Part 2 of the Right of Reply, with additional amendments to:
  - a. Relocate policies from the District Growth and Development chapter to the Urban Form and Development chapter, as set out in Attachments 1 and 2.
  - b. The issues section of the District Growth and Development chapter and Urban Form and Development chapter.
  - c. SD-O3 (now DGD-O3), SD-O5 (now DGD-O5), SD-O10 (now DGD-O10), SD-O12 (now UFD-O2), SD-O16 (now DGD-O18), SD-O23 (now DGD-O15), SD-P3 (now DGD-P3), SD-P4 (now DGD-P4), SD-P5 (now DGD-P5), SD-P6 (now DGD-P6), SD-P7 (now DGD-P7), SD-P9 (now UFD-P2), SD-P10 (now UFD-P3), SD-P15 (now DGD-P15), SD-P16 (now DGD-P16), SD-P17 (now DGD-P17), SUB-O2, SUB-O3, SUB-O5, SUB-P1, SUB-P2, SUB-R1, SUB-R2 and SUB-R5-R8.
  - d. Delete SD-O13 (UFD-O3 in the RoR).
3. Consequential amendments to Rule NTW.2.4 as follows:

*"Within the National Grid Corridor the following activities are permitted:*

<sup>31</sup> See for example, at paragraph 6.23-6.23 of Mr Masfield's Statement of Evidence on behalf of Kāinga Ora

...

vi. Earthworks, vertical holes and Mineral Extraction which is not deeper than 300mm within 6m, and not deeper than 3m between 6 to 12m, of the outer visible edge of a transmission tower support structure;

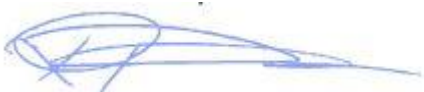
vii. Earthworks, vertical holes and Mineral Extraction which does not create an unstable batter that will affect a transmission support structure; and ..."

4. Accept, accept in part or reject submissions to the extent that would accord with provisions in Attachment 1, 2 and 3.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# District Growth and Development

## Chapter (DGD)

### Issues

This chapter contains overarching objectives and policies in relation to growth and development in the district. The Urban Form and Development (UFD) chapter contains more detailed objectives and policies in relation to growth and development in Urban Areas.

The objectives and policies seek to address significant resource management issues for the Whangārei District including the following:

- Managing growth and development;
- Managing existing and future development in areas subject to natural hazards and environmental risks;
- Protection of natural heritage (landscapes, biodiversity and natural features);
- Issues of significance to Mana Whenua;
- Protection of built and cultural heritage;
- Fragmentation of the rural environment;
- The protection of and efficient development, operation and maintenance of infrastructure.
- The protection of strategic business and industry.
- The provision of land for open space and recreation.

The objectives and policies of this chapter guide decision making at the strategic level and apply in addition to the objectives and policies in other parts of the District Plan.

### Objectives

DGD-O1 – Range of Zones	Provide for differing character and amenity values in a range of Zones with differing expectations.
DGD-O2 – Rural Areas	Protect the range of amenity values and characteristics in the Rural Area.
DGD-O3 – Growth	Accommodate future growth through: <ol style="list-style-type: none"> <li>1. Urban consolidation and intensification of Whangārei City, Marsden Primary Centre, existing Local Centre and Rural Village Zones.</li> <li>2. Avoiding urban development sprawling into productive rural areas.</li> </ol>
DGD-O4 – Sense of Place	Identify and protect buildings, major structures, sites, features and areas which are valued by the community and contribute to the District's unique identity and sense of place.
DGD-O5 – Incompatible activities and Reverse Sensitivity	Avoid conflict between incompatible land use activities from new subdivision, use and development.
DGD-O6 – Indigenous Biodiversity	Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity.

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## Chapter (DGD)

DGD-O7 – Onsite and 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.
DGD-O8 – Cultural Values	Ensure that growth and development takes into account Māori cultural values.
DGD-O9 – Land Use and Transport Planning	Maintain and enhance accessibility and safety for communities and integrate land use and transport planning.
DGD-O10 – Hazards	Minimise the risks and impacts of natural hazard events, including the influence of climate change, on people, property and infrastructure.

Policies	
DGD-P1 – Range of Zones	To manage effects on character and amenity values by providing for a range of zones with differing expectations.
DGD-P2 – Incompatible Land Uses and Reverse Sensitivity	To manage the establishment and location of new activities and expansion of existing activities to avoid conflicts between incompatible land uses.
DGD-P3 – Natural Hazards	<p>To avoid increasing the risk of natural hazards on people and property by:</p> <ol style="list-style-type: none"> <li>1. Assessing the risk of coastal and flood hazards on subdivision, use and development over a 100-year timeframe.</li> <li>2. Ensuring new subdivision, use and development does not increase the risk from coastal and flood hazards.</li> <li>3. Ensuring measures to mitigate and adapt to the effects of climate change are provided for in development, growth and transport planning.</li> <li>4. Avoiding the zoning of land for more intensive development within identified hazard prone areas.</li> <li>5. Avoiding locating regionally significant and critical infrastructure within identified hazard zones unless there is a functional or operational need for its location.</li> </ol>
DGD-P4 – Amenity	To ensure that the scale and nature of new land use activities are complementary to the anticipated level of amenity and the stated overview for the relevant zone.
DGD-P5 – Sustainable Infrastructure	To avoid adverse effects on the sustainable provision of infrastructure by ensuring that all subdivision and land use is served by infrastructure and services that are appropriately designed, located and constructed.
DGD-P6 – Urban Expansion	<p>To avoid inappropriate urban expansion by:</p> <ol style="list-style-type: none"> <li>1. Ensuring that urban development occurs: <ol style="list-style-type: none"> <li>a. In a planned and coordinated manner.</li> </ol> </li> </ol>



# District Growth and Development

## Chapter (DGD)

	<p>b. Where appropriate infrastructure and services can be provided, including a range of transport choices.</p> <p>2. Requiring new urban development to be consolidated within or adjacent to Urban Areas and rural villages.</p> <p>3. Avoiding urban development sprawling into the Rural Area.</p>
DGD-P7 – Transport System	<p>To enable a safe, effective, efficient and accessible transport system by:</p> <p>1. Integrating and coordinating transport and land use planning.</p> <p>2. Improving access to alternative transport options.</p> <p>3. Enhancing walkability and cycle connections within urban neighbourhoods and rural villages.</p> <p>4. Concentrating more intensive urban development in close proximity to public transport infrastructure.</p>
DGD-P8 – Resource Areas	<p>To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and Sites of Significance to Māori from inappropriate subdivision and development by mapping resource areas, and applying rules to protect the values, attributes, characteristics and qualities of these areas.</p>
DGD-P9 – Special Purpose Zones	<p>To provide for specific activities or areas where special circumstances apply by identifying and zoning areas as Special Purpose Zones.</p>

### Objectives – Open Space and Recreation

DGD-O11 – Sufficient Open Space	<p>Provide sufficient quality open space for the social and cultural well-being of a growing population.</p>
DGD-O12 – Range of Open Space	<p>Provide a range of open space land in the District to enable recreational, cultural, community, conservation, and educational use.</p>

### Policies – Open Space and Recreation

DGD-P10 – Open Space Linkages	<p>To increase the functionality and effectiveness of the open space network by ensuring that linkages (including walking and cycling linkages) are created between new and existing areas of open space through subdivision design.</p>
DGD-P11 – Range of Open Space and Recreation Zones	<p>To identify and manage the range of Open Space and Recreation Zones to provide for active sport and recreation, conservation and open space.</p>



# District Growth and Development

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DGD-P12 – Natural Open Space Zone	<p>To protect and enhance natural, ecological, landscape, cultural and heritage values of the District by applying the Natural Open Space Zone in locations primarily publicly owned and operated and:</p> <ol style="list-style-type: none"> <li>1. Categorised as the following New Zealand Reserve Association categories - unmanaged natural park areas, unmanaged recreation and ecological linkages, and unmanaged green space.</li> <li>2. That play a special role in educating residents and visitors and providing recreation opportunities.</li> <li>3. Where generally, the natural elements and unmodified nature of the area gives it a sense of wilderness and isolation.</li> <li>4. That help to preserve and define Whangārei's natural character and provide a connection to our natural heritage.</li> <li>5. Where the management emphasis for the area is the conservation and protection of natural resources.</li> <li>6. Where levels of development, facilities and management range from none to medium.</li> <li>7. Where there are minimal buildings and structures, ensuring a largely undeveloped area and open expanse of land.</li> </ol>
DGD-P13 – Sport and Active Recreation Zone	<p>To provide for a range of sport and active recreation opportunities by applying the Sport and Active Recreation Zone in locations primarily publicly owned and operated and:</p> <ol style="list-style-type: none"> <li>1. Categorised as the following New Zealand Reserve Association Park Categories: sport and recreation, civic spaces, public gardens, and cultural heritage.</li> <li>2. Primarily used for organised activities including events and indoor and outdoor organised sports.</li> <li>3. Containing cultural and historical buildings and major structures and provide for heritage conservation.</li> <li>4. Area used for commemoration, mourning and remembrance.</li> <li>5. Containing gardens developed to a high standard with collections of plants and landscaping for relaxation, contemplation, education, amenity/intrinsic value.</li> <li>6. Used by local, district and regional population and visitors, includes venues for regional and national events.</li> <li>7. That have a medium to high levels of development, facilities and management.</li> <li>8. That contain buildings and structures to support active recreation, and or civic recreation, such as grandstands, sports and community buildings, toilets and changing facilities.</li> </ol>
DGD-P14 – Open Space Zone	<p>To establish a network of quality open spaces providing for informal recreation by applying the Open Space Zone in locations primarily publicly owned and operated and:</p> <ol style="list-style-type: none"> <li>1. Categorised as the following New Zealand Reserve Association Park Categories: neighbourhood green space, managed recreation and ecological linkages, and managed natural park areas.</li> <li>2. Primarily used for outdoor informal recreation and community use.</li> </ol>

# District Growth and Development

## Chapter (DGD)

3. Used predominately by local residents.
4. Where levels of development, facilities and management range from low to medium.
5. Featuring limited buildings and structures that support the use of the public space, such as barbeques and picnic facilities, playgrounds, skate parks, informal hard courts, shelters, toilet and changing facilities, and small-scale community buildings.
6. Where expected social interaction within the area is medium levels.

### Objectives – Regionally Significant Infrastructure

#### DGD-O13 – Identification and Protection

Regionally Significant Infrastructure is identified and protected.

#### DGD-O14 – Recognised Benefits

The benefits of Regionally Significant Infrastructure are recognised and provided for.

#### DGD-O15 – Adverse Effects

Avoid, remedy, mitigate or offset adverse effects arising from the development, operation, maintenance, and upgrading of Regionally Significant Infrastructure.

### Policies – Regionally Significant Infrastructure

#### DGD-P15 – Benefits of Regionally Significant Infrastructure

To recognise and provide for the social, economic and cultural benefits of Regionally Significant Infrastructure by enabling its ongoing operation, maintenance, development, and upgrading where adverse effects can be avoided, remedied, mitigated or off-set (when offered or agreed to).

#### DGD-P16 – New Regionally Significant Infrastructure

Allowing adverse effects from new network utilities and Regionally Significant Infrastructure that have been avoided, remedied, mitigated or off-set (where offered or agreed to), while taking into account the following matters:

1. Benefits of the activity.
2. Any recognition within a national policy statement.
3. Constraints that limit the design and location of the activity.
4. Whether the proposal is a regionally significant infrastructure lifeline utility which meets the foreseeable needs of Northland.
5. The extent to which the adverse effects of the activity can be practicably reduced including any positive effects on the subject site or elsewhere (provided that the positive effects accrue to the community of interest and/or resource affected).
6. Any monitoring programme for identified significant adverse effects with uncertain outcomes which can be addressed by and adaptive management regime where the infrastructure assists in achieving efficient land use.

# District Growth and Development

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	<ol style="list-style-type: none"> <li>7. Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.</li> <li>8. 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.</li> </ol>
DGD-P17 – Managing Adverse Effects of Existing Regionally Significant Infrastructure	<p>To manage adverse effects from the operation, maintenance and upgrading of existing network utilities and Regionally Significant Infrastructure by:</p> <ol style="list-style-type: none"> <li>1. Allowing adverse effects that are not significant while the maintenance or upgrading is being undertaken.</li> <li>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.</li> <li>3. Taking into account the following matters: <ol style="list-style-type: none"> <li>a. Benefits of the activity.</li> <li>b. Any recognition within a national policy statement.</li> <li>c. Constraints that limit the design and location of the activity.</li> <li>d. Whether the proposal is a regionally significant infrastructure lifeline utility which meets the foreseeable needs of Northland.</li> <li>e. The extent to which the adverse effects of the activity can be practicably reduced including any positive effects on the subject site or elsewhere (provided that the positive effects accrue to the community of interest and/or resource affected).</li> <li>f. Any monitoring programme for identified significant adverse effects with uncertain outcomes which can be addressed by and adaptive management regime where the infrastructure assists in achieving efficient land use.</li> <li>g. Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.</li> </ol> </li> </ol>
DGD-P18 – Airport Zone	<p>To recognise and provide for Whangārei Airport as regionally significant infrastructure by applying the Airport Zone in locations where there is a functional need to support airport operations.</p>
DGD-P19 – Hospital Zone	<p>To recognise the regionally significant nature of the Whangārei Hospital and provide for the wide range of existing and future medical facilities and supported activities by applying the Hospital Zone in the locations of Whangārei Hospital and associated medical facilities.</p>

### Objectives – Rural Area

#### DGD-O16 – Productive Functions

Protect the long-term viability of the productive functions of rural land in a manner that delivers economic benefit and sustains the environment.

# District Growth and Development

## Chapter (DGD)

DGD-O17 – Rural Area Land Uses	Provide for a range of appropriate land uses in the Rural Area, including rural production activities, residential, rural residential, rural lifestyle, commercial, industrial, strategic rural industries, activities ancillary to farming or forestry and mineral extraction activities in appropriate areas.
DGD-O18 – Viability of Productive Functions	Avoid adverse effects on the viability of the productive functions of rural land and regionally significant mineral resources in the Rural Area resulting from ad hoc or scattered residential, rural residential and rural living subdivision and development.
DGD-O19 – Rural Living	Consolidate rural living subdivision and development by zoning appropriate areas as Rural Living Zone.
DGD-O20 – Rural Residential Development	Provide for areas of rural residential development on the fringe of Whangārei City while ensuring that these areas can accommodate future urban growth.
DGD-O21 – Rural Villages	Provide for managed growth of rural villages.

### Policies – Rural Area

DGD-P20 – Residential Activities	To protect highly versatile soils from activities which would materially reduce the potential for soil-based rural production activities.
DGD-P21 – Development Scale and Design	To manage the cumulative effects of onsite wastewater discharge in the Rural Village Residential Zone, Rural Living Zone and Rural (Urban Expansion) Zone 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.
DGD-P22 – Rural Production Zone	<p>To identify areas as Rural Production Zone to provide for the protection of productive rural land resources to enable a diverse range of rural production activities, and activities that support rural production activities and rural communities, and to maintain biodiversity and rural character, where:</p> <ol style="list-style-type: none"> <li>1. There is a prevalence of:             <ol style="list-style-type: none"> <li>a. Existing production land use.</li> <li>b. Significant ecological and biodiversity values, such as indigenous bush and wetlands.</li> </ol> </li> <li>2. Larger land parcels are prevalent and the area is not compromised by significant clusters of rural living built development.</li> <li>3. An area is not:             <ol style="list-style-type: none"> <li>a. Located on the fringe of Whangārei City between the urban and rural environments</li> <li>b. Suitable to provide for the future reticulated expansion of the Whangārei City Residential Zones.</li> </ol> </li> </ol>

# District Growth and Development

## Chapter (DGD)

	c. The criteria for the Rural Urban Expansion Zone and the Rural Living Zone are not met.
DGD-P23 – Rural Living Zone	<p>To identify areas as Rural Living Zone to provide for a variety of rural living opportunities in the District without materially reducing the potential of the Rural Area for productive use of land by providing for the Rural Living Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Have an existing average allotment density between 2 and 4ha.</li> <li>2. Demonstrate a predominantly rural living character.</li> <li>3. Are not identified as hazard prone area.</li> <li>4. Are not identified as an Outstanding Natural Landscape or Feature, Significant Indigenous Vegetation or Habitat, or an Outstanding Natural Character Area.</li> <li>5. Do not gain direct access from an unsealed through road with significant volumes of traffic.</li> <li>6. Are located within close proximity to community facilities, such as schools.</li> <li>7. Are not located in close proximity to existing reticulated infrastructure.</li> <li>8. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.</li> <li>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.</li> </ol>
DGD-P24 – Strategic Rural Industries Zone	<p>To identify the Strategic Rural Industries Zone in locations where established Strategic Rural Industries operate and to limit the addition of new locations through the statutory plan change process where it can be demonstrated that activities:</p> <ol style="list-style-type: none"> <li>1. Are consistent with the District Plan definition of 'Strategic Rural Industries'.</li> <li>2. Have valid operational reasons to require a Strategic Rural Industries Zone.</li> <li>3. Contribute positively to the economy of the District.</li> <li>4. Provide local employment opportunities.</li> <li>5. Can meet and fund local infrastructure requirements.</li> <li>6. Incorporate appropriate mitigation and management methods designed to ensure environmental effects are acceptable in the area in which the activities are proposed to be located.</li> </ol>
DGD-P25 – Rural Village Zone	<p>To identify areas suitable for consolidated residential (Rural Village Residential Sub-Zone), commercial (Rural Village Centre Sub-Zone) and industrial (Rural Village Industry Sub Zone) development within rural villages in locations that:</p> <ol style="list-style-type: none"> <li>1. Are contiguous with existing Rural Village Zone.</li> <li>2. Are predominantly comprised of land uses and character consistent with the Rural Village Zone.</li> <li>3. Are not identified as hazard prone.</li> </ol>

# District Growth and Development

## Chapter (DGD)

	<ol style="list-style-type: none"> <li>4. Do not comprise high Land Use Capability Class soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character or significant indigenous vegetation.</li> <li>5. Are located in close proximity to existing reticulated infrastructure.</li> <li>6. Do not compromise the long-term development potential of the rural village.</li> <li>7. Have an identified demand for residential and/or commercial land to meet the projected growth requirements over the lifespan of the District Plan.</li> </ol>
DGD-P26 – Rural (Urban Expansion) Zone	<p>To identify areas as Rural (Urban Expansion) Zone that:</p> <ol style="list-style-type: none"> <li>1. Are contiguous with Residential Zones on the fringe of Whangārei City.</li> <li>2. Are predominantly comprised of existing rural residential character.</li> <li>3. Legitimise the zoning of existing clusters of rural residential development.</li> <li>4. Are not identified as significantly hazard prone.</li> <li>5. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation.</li> <li>6. Have existing lot density of less than 2 ha.</li> <li>7. Are predominately suitable for future reticulated urban expansion of Whangārei City.</li> <li>8. Do not compromise the future expansion of urban growth.</li> <li>9. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.</li> </ol>



# Urban Form and Development

## Chapter (UFD)

### Issues

Urban form refers to the physical layout and design of the city. The way in which a district or city grows and its resulting urban form, can have significant impacts both positive and adverse, on its environment, the quality of life for its residents and the economic well-being of business.

The location and form in which urban development occurs in the District affects how efficiently services can be provided and amounts of energy consumed. Inefficient design in terms of lay-out and density can lead to an environment that is less sustainable in physical and social terms. Energy efficiency and conservation measures can be implemented by residential, commercial and industrial activities, and will slow the depletion of non-renewable energy resources.

This chapter contains the policy direction for the Urban Areas of Whangārei District. The District Growth and Development Chapter contains policy direction for Regionally Significant Infrastructure, including the hospital and airport.

Objectives and policies have been included to assist in the management of urban growth that will enable a range of lifestyle options and types of buildings while recognising the constraints to development in the District. One of the overarching objectives of this chapter is to provide strategic direction on the appropriate location, shape and form of future urban development in the Whangārei District, providing for a range of lifestyle choices types of buildings whilst managing the impact of urban development on existing activities and valued resources.

The objectives and policies in this chapter guide decision making at the strategic level.

### Objectives – Urban Area Form and Development

UFD-O1 – Residential and Business Demand	Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.
UFD-O2 – Urban Design	Promote high quality urban design that responds positively to the local context and the expected outcome for the zone.
UFD-O3 – Urban Amenity	Maintain the range of amenity values and characteristics of the Urban Area while enabling appropriate use and development.

### Policies – Urban Area Form and Development

UFD-P1 – Housing and Business Capacity	To ensure that there is sufficient residential and business development capacity by zoning land where development is feasible and: <ol style="list-style-type: none"> <li>1. Is serviced with development infrastructure; or</li> <li>2. Funding for development infrastructure is identified in the Long Term Plan.</li> </ol>
UFD-P2 – Alternative Modes of Transport	To support alternative modes of transport by promoting higher residential densities around Local Centre Zones and public transport infrastructure.
UFD-P3 – Urban Design	To maintain and enhance character and amenity values by applying high quality urban design that demonstrates how the development will contribute



# Urban Form and Development

## Chapter (UFD)

	to a compact, connected, distinctive, diverse, attractive, appropriate, sustainable and safe urban form.
UFD-P4 – City Centre Zone	<p>To ensure that the viability, vibrancy and activity of the City Centre is maintained and enhanced by applying the City Centre Zone to a limited area:</p> <ol style="list-style-type: none"> <li>1. In the core of Whangārei City where a consolidated centre is maintained.</li> <li>2. With high amenity values and active frontages at ground floor.</li> <li>3. Where existing uses and development support a vibrant and pedestrianised environment.</li> </ol>
DGD-P5 – Shopping Centre Zone	<p>To provide for compatible larger general retail activities by applying the Shopping Centre Zone where:</p> <ol style="list-style-type: none"> <li>1. The combined existing net retail area exceeds 2,000m<sup>2</sup>.</li> <li>2. The net floor area for existing retail activities has a minimum average of 450m<sup>2</sup>.</li> <li>3. Three or more existing retailers are located at a single existing 'destination' shopping centre.</li> <li>4. Multiple brands are present.</li> <li>5. The shopping centre can be planned, managed and developed as a single facility.</li> <li>6. Shared common public facilities (such as parking, restrooms, rest areas, pedestrian network) are provided.</li> <li>7. The City Centre Zone is within 1km of the shopping centre.</li> </ol>
DGD-P6 – Commercial Zone	<p>To provide for a mix of commercial, business and small scale industrial activities without materially reducing the economic potential of other Business Zones by applying the Commercial Zone in locations where:</p> <ol style="list-style-type: none"> <li>1. There is a range of existing commercial, business and small scale industrial activities.</li> <li>2. Good transport access is available.</li> <li>3. The area is within 1km of the City Centre Zone.</li> <li>4. There is a low to moderate presence of active frontages at ground floor.</li> <li>5. There is a low presence of residential and retail activities.</li> <li>6. The criteria for other Business Zones are not met.</li> </ol>
DGD-P7 – Mixed use Zone	<p>To improve the amenity adjacent to the City Centre and provide opportunities for residential activities while minimising potential reverse sensitivity conflicts by providing for the Mixed use zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Are adjacent to the City Centre zone.</li> <li>2. Are adjacent or in proximity to key arterial transport routes or the Waterfront Zone.</li> <li>3. Have an existing presence of active frontages at ground floor.</li> <li>4. Have an existing level of amenity that is compatible with residential activities.</li> </ol>
DGD-P8 – Light Industrial Zone	<p>To provide for small scale industrial activities and larger scale trade retail activities by providing for the Light Industrial zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Contain an existing range of industrial and large scale retail activities.</li> <li>2. Are in proximity to major transport routes.</li> </ol>

# Urban Form and Development

## Chapter (UFD)

	<ol style="list-style-type: none"> <li>3. Enable adverse effects on proximate Residential and Open and Recreation Zones to be avoided.</li> <li>4. Have minimal existing active frontages at ground floor.</li> <li>5. Have a supply of medium to large sized sites.</li> <li>6. Are in proximity to key resources and infrastructure.</li> </ol>
DGD-P9 – Heavy industrial zone	<p>To enable noxious and large scale industrial activities to operate, expand and establish by providing for the Heavy Industrial Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Contain an existing presence of large scale industrial activities.</li> <li>2. Are in proximity to major transport routes.</li> <li>3. Are not adjacent to Residential Zones.</li> <li>4. Have no existing active frontages at ground floor.</li> <li>5. Have an existing supply of large sized sites.</li> <li>6. Are in proximity to key resources and infrastructure.</li> <li>7. Will not compromise significant natural, historical or cultural features.</li> </ol>
DGD-P10 – Local centre zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the Local Centre Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Contain a range of existing small scale commercial and community activities to support the surrounding residential community.</li> <li>2. Have predominately active street frontages and strong pedestrian networks.</li> <li>3. Are not identified as hazard prone.</li> <li>4. Are not located within 500m of the City Centre Zone and maintain the viability of the City Centre Zone.</li> <li>5. Have an identified demand for business, service and community activities for the surrounding residential community.</li> </ol>
DGD-P11 – Neighbourhood centre zone	<p>To maintain the community focal point and provide convenient business and service activities by applying the Neighbourhood Centre Zone in locations that:</p> <ol style="list-style-type: none"> <li>1. Contain a range of existing small scale commercial and community activities to support the surrounding residential community.</li> <li>2. Have predominately active street frontages and strong pedestrian networks.</li> </ol>
DGD-P12 – Waterfront Zone	<p>To provide a mixed-use environment while protecting and promoting the maritime, open space, recreation and tourism themes of the Waterfront by applying the Waterfront Zone in locations:</p> <ol style="list-style-type: none"> <li>1. Adjacent to the Open Space Zone, Hatea River or Waiarohia Stream.</li> <li>2. In proximity to the Hatea Loop Walkway.</li> <li>3. That are well connected to convenient transport routes and major facilities.</li> </ol>
DGD-P13 – General, Medium Density, Low Density and Large Lot Residential Zones	<p>To provide for a range of residential activities to accommodate the population growth of Whangārei District by applying:</p> <ol style="list-style-type: none"> <li>1. The General Residential Zone in locations that:</li> </ol>

# Urban Form and Development

## Chapter (UFD)

- a. Are contiguous with existing Residential Zones in Whangārei City or Ruakaka/Marsden Point.
  - b. Feature sufficient, safe and accessible transport networks to accommodate increased development.
  - c. Are not identified as hazard prone.
  - d. Do not comprise highly versatile soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character, significant indigenous vegetation or high concentrations of archaeological sites.
  - e. Are serviced by Council's reticulated three waters infrastructure with sufficient capacity available.
  - f. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.
  - g. Will not compromise the rural character of an area.
2. The Medium Density Residential Zone in locations that:
    - a. Meet the criteria under UFD-13.1.
    - b. Are in proximity to commercial centres and sufficient Open Space and Recreation Zones.
    - c. Are feasible for higher density residential development.
    - d. Are well served by active transport and public transport modes.
3. The Low Density Residential Zone in locations that:
    - a. Are contiguous with existing Residential Zones on the fringe of Whangārei City.
    - b. Are not identified as significantly hazard prone.
    - c. Do not comprise highly versatile soils, Outstanding Natural Landscapes or Features, High or Outstanding Natural Character, significant indigenous vegetation or high concentrations of archaeological sites.
    - d. Do not compromise the future expansion of urban growth.
    - e. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.
    - f. Will not compromise the rural character of an area.
4. The Large Lot Residential Zone in locations that:
    - a. Are contiguous with Residential Zones and Rural Urban Expansion Zone on the fringe of Whangārei City.
    - b. Are predominantly of rural character.
    - c. Are not identified as significantly hazard prone.
    - d. Do not comprise Outstanding Natural Landscapes or Features or significant indigenous vegetation.
    - e. Have existing low density of clustered residential development with a rural outlook.
    - f. Do not compromise the future expansion of urban growth.
    - g. Will not materially increase the potential for reverse sensitivity effects in the Rural Area.
    - h. Will act as a transition from the Urban Area to the Rural Area.

# Subdivision Chapter (SUB)

## Issues

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

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

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

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

Māori land is exempt from the subdivision provisions of the Resource Management Act 1991 and must be undertaken through the Māori Land Court.

## Objectives

SUB-O1 – Zone, Overlay and District-Wide Objectives	Land is subdivided to achieve the objectives of each relevant zone, overlays and district-wide provisions.
SUB-O2 – Valued Features and Resources	Subdivision provides for the protection and enhancement of the District's: <ol style="list-style-type: none"> <li>1. Highly versatile soils.</li> <li>2. Outstanding Natural Features.</li> <li>3. Outstanding Natural Landscapes.</li> <li>4. Coastal Area.</li> <li>5. Areas of High Natural Character.</li> <li>6. Outstanding Natural Character.</li> <li>7. Significant Natural Areas.</li> <li>8. Sites of Significance to Māori.</li> <li>9. Historic Heritage.</li> </ol>
SUB-O3 – Community Needs	Land is subdivided in a manner that provides for the changing needs of people and communities, and for future generations, while taking into account: <ol style="list-style-type: none"> <li>1. Amenity values including good quality urban design.</li> <li>2. Local character and sense of place.</li> <li>3. The outcomes anticipated by the relevant zone, overlay and district-wide provisions.</li> </ol>
SUB-O4 – Infrastructure	Subdivision and development provides for the efficient and orderly provision of services and infrastructure.

# Subdivision Chapter (SUB)

## SUB-O5 – Managing Adverse Effects

Subdivision is designed to avoid, remedy or mitigate any adverse effects on the environment and occurs in a sequenced and coherent manner.

### Policies

#### SUB-P1 – Zone, Overlay and District-Wide Policies

To enable subdivision where it meets the relevant zone, overlay and district-wide policies, where subdivision and development is designed to:

1. Reflect patterns of development that are compatible with the role, function, amenity values and predominant character of the zone.
2. Maintain the integrity of the zone with lot sizes sufficient to accommodate intended land uses.
3. Respond positively to and integrate with the surrounding context.
4. Appropriately avoid, remedy or mitigate adverse effects on:
  - a. Outstanding Natural Features.
  - b. Outstanding Natural Landscapes.
  - c. Coastal Areas.
  - d. Areas of High Natural Character.
  - e. Areas of Outstanding Natural Character.
  - f. Sites of Significance to Māori.
  - g. Historic Heritage.
  - h. Significant Natural Areas.
  - i. Highly Versatile Soils.

#### SUB-P2 – Existing Development

To provide for subdivision:

1. That creates sites to recognise existing development.
2. Where it enables the creation of sites for uses that are expressly allowed by a resource consent.
3. Where there is compliance with district wide, overlay and zone rules.

#### SUB-P3 – Boundary Adjustment

To provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with district-wide, overlay and zone rules.

#### SUB-P4 - Minor Residential Unit

To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum lot size and residential density.

#### SUB-P5 – Infrastructure

To achieve efficient and effective provision of services and infrastructure by ensuring new allotments are capable of being provided with adequate services and infrastructure.

### Rules

#### SUB-R1 Any Subdivision

1. Is subject to all relevant Overlay, Resource Area and District-wide subdivision and land use rules.
2. Is subject to all relevant Matters of Control and Matters of Discretion detailed in the How the Plan Works Chapter.

## Subdivision Chapter (SUB)

3. In the following Zones, shall refer to the relevant zone chapter for subdivision rules:
- Rural Production Zone.
  - Rural Living Zone.
  - Rural Village Zone.
  - Strategic Rural Industries Zone.
  - Ruakaka Equine Zone.
  - Marsden Primary Centre.

SUB-R2	Any Subdivision	
	Activity Status: Controlled Where:	Activity Status when compliance not achieved with SUB-R2.2 and the subdivision enables the creation of allotments for uses that have a land use consent: Restricted Discretionary Matters of discretion:
All Zones	<ol style="list-style-type: none"> <li>The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Māori or area of historic heritage is entirely within one of the allotments produced by the subdivision.</li> <li>The land contains existing buildings or major structures and the boundaries of the proposed allotments result in compliance with the relevant zone permitted activity building and major structure setback, building coverage, impervious surface, outdoor living courts, and height in relation to boundary rules.</li> </ol>	<ol style="list-style-type: none"> <li>The effect of the design and layout of the allotments and whether it enables the efficient use of land.</li> <li>The effects of infrastructure and servicing.</li> <li>Matters listed in the How the Plan Works Chapter.</li> </ol>
All Zones other than RUEZ, RLZ, RPZ, RVIZ, RVCZ, SRIZ, HIZ and LIZ	<ol style="list-style-type: none"> <li> <ol style="list-style-type: none"> <li>Every allotment is provided with an underground connection or easements to secure connection to a reticulated electrical supply system at the boundary of the allotment.</li> <li>A connection, or the ability to connect to a wireless, above ground or underground telecommunications system.</li> </ol> </li> </ol>	Activity Status when compliance is not achieved with any rule other than SUB-R2.2: Discretionary
RUEZ	<ol style="list-style-type: none"> <li> <ol style="list-style-type: none"> <li>Every allotment is provided with a connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the net site area of the allotment.</li> <li>A connection, or the ability to connect to a wireless, above ground or</li> </ol> </li> </ol>	

## Subdivision Chapter (SUB)

	underground telecommunications system.
RPZ & RLZ	<p>5. a. Every allotment is provided with the ability to connect, or easements to secure the ability to connect, to an electrical supply system at the boundary of the allotment.</p> <p>b. A connection, or the ability to connect to a wireless, above ground or underground telecommunications system.</p>
SRIZ, HIZ, LIZ	<p>6. Every allotment is provided with a connection to a reticulated electrical supply system at the boundary of the allotment; and;</p> <p>7. The electrical supply is underground where new roads are to be formed within the subdivision or the existing electrical supply is underground.</p>
All Zones	<p>8. An underground electrical supply system is provided where the subdivision is within an Outstanding Landscape Area or Outstanding Natural Character Area.</p>
All Zones	<p>9. The most efficient route for electrical supply to any allotment(s) is across other allotments or other land owned by the subdivider, and easements are provided to secure the route.</p>
Matters over which control is reserved:	
	<p>1. Matters listed in the How the Plan Works Chapter.</p>

SUB-R3	Subdivision in the Large Lot Residential Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <p>1. 50% of the total allotment area (excluding public road, access ways and impervious areas) shall be retained indefinitely:</p> <p>a. By legal protection such as covenant, consent notice or encumbrance that</p>	<p>Activity Status when compliance not achieved: Discretionary</p>



## Subdivision Chapter (SUB)

precludes building principal residential units and minor residential units.

- b. As a contiguous area.
2. The maximum allotment size does not exceed 2,500m<sup>2</sup>, except that:
  - a. 1 allotment may be larger.
  - b. Any allotment may be larger where that allotment in its entirety is subject to a conservation covenant, Reserve Act covenant or similar restriction.
3. Every allotment connected to a reticulated sewerage system has a minimum net site area of at least 500m<sup>2</sup>.
4. The yield of a subdivision shall not exceed one allotment per 5,000m<sup>2</sup> of net site area.
5. Every allotment shall identify a building area within 50m of an existing building or proposed building area within the Large Lot Residential Zone.
6. Every allotment contains an identified building area of at least 100m<sup>2</sup> within which a residential unit can be built so that there is compliance as a permitted activity with the zone rules.
7. Every allotment can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters over which control is reserved:

1. Matters listed in the How the Plan Works chapter.

SUB-R4	Subdivision in the Low Density Residential Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every allotment:           <ol style="list-style-type: none"> <li>a. Where the allotment is vacant contains an identified building area of at least 100m<sup>2</sup> within which a residential unit can be built so that there is compliance as a permitted activity with the Low Density Residential Zone rules.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>



## Subdivision Chapter (SUB)

- b. Has a net site area of at least 2,000m<sup>2</sup>.
- c. Can contain a circle with a diameter of 16m, or a square of at least 14m by 14m.

Matters over which control is reserved:

1. Matters listed in the How the Plan Works chapter.

SUB-R5	Subdivision in the General Residential and Neighbourhood Centre Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every allotment: <ul style="list-style-type: none"> <li>a. Has a net site area of at least 400m<sup>2</sup>.</li> <li>b. Has a minimum frontage width of 14m in the Neighbourhood Centre Zone.</li> <li>c. Can contain a circle with a diameter of 14m, or a square of at least 12m by 12m.</li> </ul> </li> <li>2. Where the allotment is in the General Residential Zone and is vacant, contains an identified building area of at least 100m<sup>2</sup> within which a residential unit can be built so there is compliance as a permitted activity with the General Residential Zone rules.</li> </ol> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> <li>1. Matters listed in the How the Plan Works Chapter.</li> <li>2. The ability of future buildings and access to comply with the relevant district wide and zone rules.</li> <li>3. The location and design of allotments to enable efficient use of land.</li> </ol>	<p>Activity Status when compliance not achieved with SUB-R5.1 and the subdivision enables the creation of allotments for uses that have a land use consent: Restricted: Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The effect of the design and layout of the allotments and whether it enables the efficient use of land.</li> <li>2. The effects of infrastructure and servicing.</li> <li>3. Matters listed in the How the Plan Works Chapter.</li> </ol> <p>Activity Status when compliance not achieved with SUB-R5.2 or the subdivision is not Restricted Discretionary Activity: Discretionary</p>
SUB-R6	Subdivision in the Medium Density Residential Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p>	<p>Activity Status when compliance not achieved with SUB-R6.2 and the subdivision enables the creation of allotments for uses that have a land use consent: Restricted: Discretionary</p>

## Subdivision Chapter (SUB)

1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m<sup>2</sup>.
2. Every allotment:
  - a. Has a net site area of at least 300m<sup>2</sup>.
  - b. Can contain a circle with a diameter of 12m, or a square of at least 10m by 10m.
3. Where the allotment is vacant, contains an identified building area of at least 100m<sup>2</sup> within which a residential unit can be built so there is compliance as a permitted activity with the Medium Density Residential Zone rules.

Matters over which control is reserved:

1. Matters listed in the How the Plan Works Chapter.
2. The ability of future buildings and access to comply with the relevant district wide and zone rules.
3. The location and design of allotments to enable efficient use of land.

Matters of discretion:

1. The effect of the design and layout of the allotments and whether it enables the efficient use of land.
2. The effects of infrastructure and servicing.
3. Matters listed in the How the Plan Works Chapter.

Activity Status when compliance not achieved with SUB-R6.2 or the subdivision is not Restricted  
Discretionary Activity: Discretionary

SUB-R7	Subdivision in the City Centre, Mixed Use, Waterfront or Local Centre Zones	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m<sup>2</sup>.</li> <li>2. Every allotment has a:               <ol style="list-style-type: none"> <li>a. Net site area not less than 100m<sup>2</sup>.</li> <li>b. Frontage no less than 6m, or 12m in the case of a corner allotment.</li> <li>c. Frontage no greater than 30m, or 60m in the case of a corner allotment.</li> </ol> </li> </ol> <p>Matters over which control is reserved:</p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The effect of the design and layout of the allotments and whether it enables the efficient use of land.</li> <li>2. The effects of infrastructure and servicing.</li> <li>3. Matters listed in the How the Plan Works Chapter.</li> </ol>

## Subdivision Chapter (SUB)

1. Matters listed in the How the Plan Works Chapter.
2. Physical and visual linkages provided between allotments and surrounding public places.

SUB-R8	Subdivision in the Commercial Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every unit title allotment created under the Unit Titles Act 2010 has a net site area of at least 50m<sup>2</sup>.</li> <li>2. Every allotment has a:               <ol style="list-style-type: none"> <li>a. Net site area not less than 300m<sup>2</sup>.</li> <li>b. Frontage no less than 15m, or 30m in the case of a corner allotment.</li> </ol> </li> </ol> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> <li>1. Matters listed in the How the Plan Works chapter.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The effect of the design and layout of the allotments and whether it enables the efficient use of land.</li> <li>2. The effects of infrastructure and servicing.</li> <li>3. Matters listed in the How the Plan Works Chapter.</li> </ol>
SUB-R9	Subdivision in the Light Industrial Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every allotment has a net site area greater than 500m<sup>2</sup>.</li> </ol> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> <li>1. Matters listed in the How the Plan Works Chapter.</li> <li>2. The location and design of allotments to ensure that they are suitable for future industrial activities.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
SUB-R10	Subdivision in the Heavy Industrial Zone	
	<p>Activity Status: Controlled</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

## Subdivision Chapter (SUB)

1. Every allotment has a net site area greater than 8,000m<sup>2</sup>.

Matters over which control is reserved:

1. Matters listed in the How the Plan Works Chapter at the HPW-R9.
2. The location and design of allotments to ensure that they are suitable for future industrial activities.

SUB-R11	Subdivision by way of Boundary Adjustment in the Open Space, Sport and Active Recreation and Natural Open Space Zones	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. No additional allotments are created.</li> </ol> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> <li>1. Matters listed in How the Plan Works Chapter.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
SUB-R12	Subdivision in the Shopping Centre, Port, Airport or Hospital Zones	
	Activity Status: Discretionary	
SUB-R13	Subdivision within Areas Subject to a 'No Residential Unit' Restriction	
Large Lot Residential Zone	<p>Activity Status: Prohibited</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any proposed allotment or part of any proposed allotment is within an area subject to any form of covenant, consent notice or encumbrance that precludes building principal residential unit and minor residential unit.</li> </ol>	



# **Report 4 – Commercial Proposed Plan Changes 88A, 88B, 88C, 88D and 88F**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended City Centre Zone Chapter
2. Recommended Mixed Use Zone Chapter
3. Recommended Waterfront Zone Chapter
4. Recommended Commercial Zone Chapter
5. Recommended Shopping Centre Zone Chapter



## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 3 of the s42A Report. It is split into 6 parts:
  - I. General
  - II. City Centre Zone (CCZ)
  - III. Mixed Use Zone (MUZ)
  - IV. Waterfront Zone (WZ)
  - V. Commercial Zone (COMZ)
  - VI. Shopping Centre Zone (SCZ)
4. Where this report refers to the s42A Report it is referring to Part 3. However, we also acknowledge that the Part 3 s42A Report also refers, in various sections, to amendments having been recommended in Part 1 s42A Report in response to other submissions. Where this report refers to the Right of Reply (RoR) report it is referring to Part 3.

## Evaluation of Submissions

### Part I: General

#### Topic A: General Submissions

##### Relevant Submissions

Submitter	Submission# & Point #
Francis and Marie Nicole	12.1
Windermere Holdings Ltd ( <b>Windermere</b> )	85.2
David Lornie	102.1
Noel Dyer	282.2
Northland Craft Trust / Quarry Arts Centre	220.1
Udy Investments Limited ( <b>Udy</b> )	241.1
Mervyn Williams	253.1
Northland Regional Council ( <b>NRC</b> )	264.19-22
North Chamber	203.2
J Stoddard	212.2
United Port Road Limited ( <b>United Port</b> )	162.6

##### Principal Issues Raised

- Support for PC88D and the provisions relating to the Commercial Zone.
- That zoning boundaries for Plan Change 88 are well considered before changes are made.
- Opposition for PC88F in full and that the plan change is refused in its entirety unless changes detailed within the submission are adopted.
- The Hihiaua Cultural Centre Trust should be allowed to develop a full Cultural Centre on the Open Space on lower Dent Street/Herekino Street.

- Opposition for the plan changes and seek that Council reject the proposed changes in their current form (particularly the SCZ).
- That Council amend CC, MU, WZ and COM to include specific reference to management of flood and coastal (inundation) risk, through the development of policies and rules that provide a framework to ensure that the risks and impacts of natural hazard events are minimised.
- Exemption from potential future development constraints that may come into effect under the proposed plan change (88D).
- Changes across the CC, MU, WZ, COM and SCZ chapters to give effect to National Planning Standards (**the Standards**), provide for rule clarity and consistent drafting, and to correct minor typographical errors.
- A reduction in height to boundary from a maximum of 15m to 11m will compromise efficient utilisation of available land in the CBD.
- Don't let the big development on Riverside remove the boatsheds.
- The MU provisions be amended to provide for the continuation of light industrial activities where reverse sensitivity and amenity effects can be adequately managed in adjacent zones. The request is made as an alternative means of relief if primary relief sought is rejected.

#### Reporting Planners 42A Recommendation

5. This was dealt with in paragraphs 40 – 49 of the s42A Report and the recommendation from the Reporting Officer was to retain the CC, MU, WZ, COM and SCZ chapters as notified.

#### Evidence from Submitter and Right of Reply

6. No specific evidence was presented on this topic. However, we acknowledge that some of the submitters did provide evidence on other submission topics and these have been dealt with in the appropriate Report.

#### Discussion and Reasons

7. In relation to the National Planning Standards we have accepted that the Plan Changes should give effect to the Standards and have recommended accordingly, where raised, in our Reports.
8. We adopt the analysis of the s42A Report and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic B: Plan Change Overviews

#### Relevant Submissions

Submitter	Submission# & Point #
124 Tauroa Street Limited ( <b>Tauroa</b> )	160.18
Clarkes Ltd	227.3
Udy	241.3
Housing NZ (Kāinga Ora)	268.73 and 109

#### Principal Issues Raised

- Amendments to the MU Overview to reflect that residential amenity is reduced in the Bank Street area because of very high traffic volumes, and also seeking the inclusion of industrial activities and reductions to the anticipated residential density, with specific wording provided.
- Amendments to the SCZ Overview to provide for range of supporting services and to reflect the

need to future proof the SCZ in the event of a changing commercial environment. Amendments are also sought to reflect the unique characteristics of the different shopping centres and to correct typographical errors.

#### Reporting Planners 42A Recommendation

9. This was dealt with in paragraphs 56 – 63 of the s42A Report and the recommendation from staff was to retain the CC, WZ and COM chapters as notified and to amend the Overview sections of the MUZ and SCZ as set out in attachments 3 and 6.

#### Evidence from Submitters and Right of Reply

10. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He suggested amendments to the MUZ Overview. Ms Brownie addressed this on page 4 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
11. Mr Payne presented evidence on behalf of Udy Investments Limited, in disagreement with the s42A Recommendation. He supported amending the SCZ Overview to include a statement about complementary uses within the SCZ. He suggested amendments to the MUZ Overview. Ms Brownie addressed this on page 4 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
12. No other evidence was presented on this topic.

#### Discussion and Reasons

13. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
14. We accept the evidence that the wording for the MUZ Overview has been derived from and reflects direction and the aspirations outlined in a number of strategic documents which recognise the need to address issues arising from poor amenity. We also heard evidence from other submitters (other topics) regarding poor amenity values and our view is that the MUZ Overview should not be amended as requested as it would create inconsistencies with the strategic documents.

## **Part II: City Centre – PC88A**

### **Topic A: Objectives**

#### Relevant Submissions

Submitter	Submission# & Point #
Fire and Emergency New Zealand ( <b>Fire NZ</b> )	165.5
Public Health Northland	207.5
Foodstuffs Northland Island Limited ( <b>Foodstuffs</b> )	225.16
Housing NZ (Kāinga Ora)	268.74

#### Principal Issues Raised

- Inclusion of two new objectives in the City Centre Zone, relating to community activities and safety, with specific wording provided.
- Amendment of CC-O2 to manage, rather than discourage activities, which cater primarily for customers in private motor vehicles.

#### Reporting Planners 42A Recommendation

15. This was dealt with in paragraphs 70 – 74 of the s42A Report, and the recommendation from staff was to retain CC-O3, CC-O4 and CC-O5 as notified (noting that amendments have been recommended in

Part 1 in response to other submissions), and amend CC-O1 and CC-O2. Ms Brownie's opinion was that there was a need to manage rather than discourage activities which cater to private motor vehicles, and that it is appropriate to consider safety and these issues could be addressed through amendments to CC-O1 and CC-O2. Ms Brownie did not consider there was sufficient justification to support a new objective for community activities.

#### **Evidence from Submitter and Right of Reply**

16. No evidence was presented on this topic.

#### **Discussion and Reasons**

17. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.

### **Topic B: Policies**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Fire NZ	165.6
Public Health Northland	207.6
NZ Transport Agency ( <b>NZTA</b> )	240.79 – 80
Housing NZ (Kāinga Ora)	268.75 – 78
WDC Planning and Development Department ( <b>WDC Planning</b> )	236.84

#### **Principal Issues Raised**

- Inclusion of three new policies in the City Centre Zone relating to community activities, safety and supporting the transition from private vehicle to public transport, with specific wording provided.
- Amendments to: CC-P1 to apply to residential activities, CC-P2 to provide clarity, CC-P5 and CC-P6 to remove the word 'protect' and CC-P9.3 to provide clearer policy direction.

#### **Reporting Planners 42A Recommendation**

18. This was dealt with in paragraphs 84 – 92 of the s42A Report and the recommendation from staff was to retain CC-P2, CC-P3, CC-P4, CC-P7, CC-P8 and CCP10 as notified, and amend CC-P1, CC-P5, CC-P6 and CC-P9 (as set out in Attachment 2 to the s42A Report). Also to insert a new policy for the CC as set out in Attachment 2 to the s42A Report.

#### **Evidence from Submitters and Right of Reply**

19. Ms Heppelthwaite presented evidence on behalf of The New Zealand Transport Agency, in disagreement with the s42A Recommendation. She did not agree that relying on existing policies is sufficient, and that the matter should be addressed within a new policy to provide certainty within the policies about the issue. Ms Brownie addressed this on page 5 of her RoR Report. She supported in part the amendments sought by Ms Heppelthwaite. Ms Brownie considers that the existing policies are collectively sufficient to address transition of the City Centre from private to public and active transport modes, she has no objection to providing additional clarity and certainty. She recommends that if the Commissioners are of a mind to make specific reference to transition from private to public and active transport modes, then she considers it appropriate to amend an existing policy (CC-P2).
20. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He stated that both CC-P5 and CC-P6 should be amended to remove reference to the word 'protection'. He considered that the term is not appropriate to use in reference to residential amenity. Ms Brownie addressed this on page 6 of her RoR Report. She supported the amendments sought by Mr Lindenberg and recommended the deletion of CC-P5 and CC-P6 and the insertion of a new policy.
21. No other evidence was presented on this topic.

### Discussion and Reasons

22. In regard to the submission and evidence from NZTA we have considered the RoR and we are in general agreement with the Reporting Officer that CCZ-P2 should be amended as shown in the RoR and recommend accordingly.
23. In relation to the submission and evidence on behalf of Kāinga Ora we accept the recommendation from the Reporting Officer as shown on page 6 of the RoR that CC-P5 and CC-P6 should be deleted and replaced with a new policy CC-P New which we believe will provide greater clarity and can be appropriately applied.
24. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accept in part or rejected accordingly.

## **Topic C: Bulk, Location and Amenity Rules**

### Relevant Submissions

Submitter	Submission# & Point #
Landowners Coalition Ltd ( <b>Landowners</b> )	138.1 – 3
Fire NZ	165.7 – 9
Public Health Northland	207.7 – 8
Body Corporate 196616 ( <b>Body Corporate</b> )	246.1 – 3
Housing NZ (Kāinga Ora)	268.79 – 81

### Principal Issues Raised

- CC-R2 – Removal of the requirement for a minimum of three stories. Opposition to the proposed minimum and maximum building heights. A change in activity status from discretionary to restricted discretionary.
- CC-R3 – Required consequential amendments to CC-R3 if the relief for CC-R2 is granted. Support for the controlled activity status, subject to increasing green roof coverage to at least 75%. A change in activity status from discretionary to restricted discretionary.
- CC-R4 – An exemption for emergency services where their operational requirements require a greater setback. That the setbacks are too tight and leave no room for variety of streetscape.
- CC-R5 – The deletion of the rule.
- CC-R6 – That the requirements are unnecessarily restrictive. An exemption for emergency services in relation to roller doors is provided for.
- CC-R7 – That the requirements are unnecessarily restrictive.
- CC-R22 – A change in activity status from discretionary to permitted for emergency services to establish and require a vehicle access to the site.
- CC-R25 – Change in activity status from non-complying to discretionary.

### Reporting Planners 42A Recommendation

25. This was dealt with in paragraphs 98–112 of the s42A Report and the recommendation from staff was to retain CC-R2 – R11 and CC-R22 and CC-R25 as notified. Noting that amendments have been recommended in Part 1 in response to other submitters.

### Evidence from Submitter and Right of Reply

26. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He wished to see amendment to CC-R2 and CC-R3 to enable higher density

development within the city centre. He also wished to see a change in activity status from discretionary to restricted discretionary. He did not support the retention of CC-R5 because it is not clear what adverse environmental effects it is seeking to manage. Ms Brownie and Ms Baxter addressed this on page 7 of their RoR Report. Their opinion and recommendation to reject the submission points had not changed.

27. No other evidence was presented on this topic.

#### Discussion and Reasons

28. With regard to the submission and evidence on behalf of Kāinga Ora we agree with the Reporting Officer's s42 analysis and comments in the RoR. The City Centre rules do provide incentives to provide the City Centre with certain benefits. Whether developers choose to use or not use the rules is their choice and we do not agree that any additional costs or uncertainties are created by the rules. Having a controlled activity status means any consent must be granted – giving developers certainty.
29. In relation to the activity status for non-compliance with CCZ-R2 (Building and Major Structure Height), this is matter that Kāinga Ora have expressed concern about consistently across various chapters. In the case of the GRZ and MRZ we agreed with their view that it should be considered as a restricted discretionary activity, although within the LCZ we recommend that it remain as a Discretionary Activity.
30. In this case, where we are considering, in the Whangārei context, large buildings we agree with the s42A report that to ensure a cohesive and quality outcome for the CC it is appropriate to assess the potential effects through a discretionary assessment on a case by case basis.
31. In relation to CCZ-R4, whilst we are not convinced by the merits of the allowable maximum 0.5m setback and have recommended alterations to the similar rule LCZ-R4(2), in this case we do not have scope to recommend a similar alteration.
32. In relation to floor to ceiling height we have as a result of other submissions amended rule LCZ-R5 to refer to floor to floor height and are of the view that this gives greater flexibility and options for the interior fit out of buildings and a corresponding greater flexibility for any future changes. Given that Kāinga Ora submitted that this rule should be deleted in its entirety we believe that there is scope for us to recommend that CCZ-R5 be amended in a similar manner by increasing each measurement by 300mm to take account of the typical depth of a floor structure/coverings.
33. Other than this matter, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be rejected accordingly.

## Topic D: Activity Rules

#### Relevant Submissions

Submitter	Submission# & Point #
Bunnings Limited ( <b>Bunnings</b> )	60.10
Landowners	138.3
Fire NZ	165.10
Foodstuffs	225.17
WDC Planning	236.85
Body Corporate	246.4 – 5
Ministry of Education ( <b>MoE</b> )	267.1
Housing NZ (Kāinga Ora)	268.82

#### Principal Issues Raised

- CC-R10 – To correct an error in the notified rule and to provide an appropriate rule for artisan industrial activities in the CC.



- CC-R11 – To delete clause 1. To reduce the size of the residential units in the CC.
- CC-R12 – Concern was expressed about the rule, but no relief was sought.
- CC-R13 – To delete the GFA restrictions and make grocery stores a permitted activity; and again, concern was expressed about the rule, but no relief was sought.
- CC-R23 – The deletion of the rule and amendment of the provisions so that the establishment of a “trade supplier” within the CC Zone is a permitted activity, subject to the same requirements as a “general retail activity” and “grocery store” in CC-R12 and CC-R13.
- CC-R25, CC-R34 and CC-R35 – To change to activity status from non-complying to discretionary.
- CC-R36 – To amend the activity status from Non-Complying to Controlled and amend the activity status when compliance is not achieved to Restricted Discretionary. Matters of discretion where proposed; and to change to activity status from non-complying to discretionary.

#### **Reporting Planners 42A Recommendation**

34. This was dealt with in paragraphs 121 – 131 of the s42A Report and the recommendation from staff was to retain CC-R12-R47 as notified and amend CC-R10 as set out in Attachment 2 to the s42A Report.

#### **Evidence from Submitter and Right of Reply**

35. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He supported the removal of the minimum floor sizes from CC-R11 and amendment of the activity status where compliance is not achieved to restricted discretionary because the matter is one of internal amenity. Ms Brownie addressed this on page 8 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
36. No other evidence was presented on this topic.

#### **Discussion and Reasons**

37. Having considered the submission and evidence on behalf of Kāinga Ora and the analysis in the s42A Report and in the RoR we agree with the Reporting Officer that the floor sizes do not just relate to a matter of internal amenity but can have wider effects such as on the residential density and other amenity issues. We also accept that the minimum permitted floor sizes are supported by industry best practice and that other Council Rules have been considered when setting floor sizes. However, in line with our recommendations regarding MRZ-R14 we are less convinced by the need for the rule to include dwelling sizes for dwellings larger than three bedrooms and are content that the market will decide appropriate sizing for these. We also note that the standards within CCZ-R11 for units larger than three bedrooms does not align with other proposed rules across the plan.
38. Given this we recommend that CCZ-R11 be amended to remove reference to units larger than three bedrooms as set out in Attachment 1. In line with the Council recommendations, the activity status when compliance is not achieved should be restricted discretionary.
39. Other than this matter, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted or rejected accordingly.

### **Part III: Mixed Use Zone – PC88B**

#### **Topic A: Objectives**

##### **Relevant Submissions**

Submitter	Submission# & Point #
Fire NZ	165.11 – 12
Public Health Northland	207.46 – 48
Clarkes	227.4 – 6
Housing NZ (Kāinga Ora)	268.110 – 112

### Principal Issues Raised

- The addition of a new objective, support for policies to be retained as notified and requests for amendments to objectives.

### Reporting Planners 42A Recommendation

40. This was dealt with in paragraphs 144 – 154 of the s42A Report and the recommendation from staff was to retain MU-O1, MU-O2, MU-O3 and MU-O4 as notified, and amend MU-O5 as set out in Attachment 3 to the s42A Report. Also noting that amendments have been recommended in Part 1 in response to other submissions.

### Evidence from Submitters and Right of Reply

41. Mr Lindenberg presented evidence on behalf of Kāinga Ora. He confirmed his support for the retention of the Objectives MUZ-O1, O3, and O4, but expressed concern about the use of an 'avoidance' approach in MUZ-O2. He supported using 'discourage' instead as he considers it better reflects the content of the MUZ Overview because of potential negative consequences in light of the King Salmon decision. Mr Lindenberg also expressed concern about the introduction of an avoidance approach within MU-O5 for similar reasons and supported retention of the term 'manage' as originally notified. Ms Brownie addressed this on page 10 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
42. Ms Sharp presented evidence on behalf of Foodstuffs, in disagreement with the s42A Recommendation. She expressed concern about the use of an 'avoidance' approach within MU-O2 and considers the policy as currently recommended inappropriately constrains existing commercial activities and presents a significant risk to potential future commercial activities. Using 'discourage' instead of 'avoid' as requested by Clarkes Limited is supported. Ms Brownie addressed this on page 10 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
43. Mr Badham presented evidence on behalf of The University of Auckland, in disagreement with the s42A Recommendation. He expressed concern about the use of an 'avoidance' approach within MU-O2 and considered that the policy as currently recommended is contradictory to the nature of the zone which seeks to provide for a range of activities. Mr Badham supported the management approach sought by Clarkes Limited. Ms Brownie addressed this on page 10 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
44. No other evidence was presented on this topic.

### Discussion and Reasons

45. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accept in part or rejected accordingly.
46. We agree with the Reporting Officer that the language (discourage, manage) requested in the submissions and evidence would weaken the objectives sought in the MU Zone and would not adequately provide direction to support the effective and efficient administration of the district plan. The objectives, where appropriate, do not only refer to 'avoid' and the word 'avoid' does not apply to every activity. The word 'mitigate' is also used. We are satisfied that the policies as worded allow activities which are able to properly treat any adverse effects generated need not be avoided. The wording is in effect in line with the avoid, remedy or mitigate wording in the RMA.



## Topic B: Policies

### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.13 – 15
Public Health Northland	207.49 – 51
Foodstuffs	225.12 – 13
Clarkes	227.7 – 14
WDC Planning	236.86
The University of Auckland ( <b>The University</b> )	248.5 – 7
Housing NZ (Kāinga Ora)	268.113 – 117

### Principal Issues Raised

- The addition of a new policy, support for policies to be retained as notified, requests for amendments to and deletion of policies.

### Reporting Planners 42A Recommendation

47. This was dealt with in paragraphs 178 – 201 of the s42A Report and the recommendation from staff was to retain MU-P5, MU-P6, MU-P7 and MU-P9 as notified and amend MU-P1, MU-P2, MU-P3, MU-P4, and MU-P8 as set out in Attachment 3 to the s42A Report. Also noting that amendments have been recommended in Part 1 in response to other submissions.

### Evidence from Submitter and Right of Reply

48. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He expressed concern about the language used in MU-P3, MU-P4, MU-P6 and MU-P8 and proposed amendments to shift the policies away from 'avoid' and 'protect' language. Ms Brownie addressed this on page 10 of her RoR Report. She supported in part the amendments sought by Mr Lindenberg and recommended the retention of MU-P8 as notified and the amendment of MU-P3, MU-P4 and MU-P6.
49. No other evidence was presented on this topic.

### Discussion and Reasons

50. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
51. Ms Brownie had recommended a number of amendments to the policies in light of the submissions received and these were shown on pages 10, 11 and 12 of the RoR. We agree with the suggested amendments and do not believe that the amended wording will affect the effective and efficient administration of the district plan and will still provide clarity to plan users – this being an extremely important issue for plan users and the lack of clarity being raised as an issue regularly.

## Topic C: Bulk, Location and Amenity Rules

### Relevant Submissions

Submitter	Submission# & Point #
G Gibson	17.1
C Hanger	21.1
Landowners	138.4 and 6
Fire NZ	165.16 and 18(2)
Foodstuffs	225.14
Clarkes	227.15 – 18
The University	248.8 – 9
Housing NZ (Kāinga Ora)	268.118 – 121

D.F and M.M Manning	311.1
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### **Principal Issues Raised**

- MU-R2 - To retain the rule as notified. Support for the intent of the rule with a request for specific wording to be added to account for the bonus building height. A change in the maximum height and to default to restricted discretionary activity status where compliance is not achieved.
- MU-R3 – The retention of the rule as notified. To default to restricted discretionary activity status where compliance is not achieved.
- MU-R4 - Amendments to provide for the operational requirements of emergency services and to change activity status to restricted discretionary where compliance is not achieved. The retention of the rule as notified. The replacement of the current rule with a 'Yards' rule and to default to restricted discretionary activity status where compliance is not achieved.
- MU-R5 – To delete the rule and introduce a flexible 'Height/bulk in Relation to Boundary Rule' and to default to restricted discretionary activity status where compliance is not achieved.
- MU-R6 – To retain the rule as notified. An amendment to exempt emergency services in relation to roller doors. The deletion of the rule. To default to restricted discretionary activity status where compliance is not achieved.
- MU-R7 - The retention of the rule as notified.
- MU-R8 – Sought new wording and to amend the activity status where compliance is not achieved.
- MU-R20 – Amendment to provide for emergency services. The retention of the rule as notified.
- MU-R21 - The retention of the rule as notified.
- MU-R29 – A change of activity status from non-complying to discretionary and the deletion of the rule.

### **Reporting Planners 42A Recommendation**

52. This was dealt with in paragraphs 216 – 233 of the s42A Report and the recommendation from staff was to Retain MU-R4-R5, MU-R7-R9 and MU-R29 as notified; amend MU-R2, MU-R6 and MU-R20 as set out in Attachment 3 to the s42A Report and to delete MU-R3.

### **Evidence from Submitters and Right of Reply**

53. Ms Sharp presented evidence on behalf of Foodstuffs, in disagreement with the s42A Recommendation. Ms Brownie and Ms Baxter addressed this on page 12 of their RoR Report. Their opinion and recommendation to reject the submission points had not changed.
54. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He provided evidence that supported increasing the permitted height of MUZ-R2. Mr Lindenberg also considered that MU-R4 is too onerous. He supported the deletion of MU-R4 and that it be replaced with a 'Yards' rule. He also supported amendment of the activity status for MUZ-R2 and MUZ-R4 from discretionary to restricted discretionary activity status where compliance is not achieved. Ms Brownie and Ms Baxter addressed this on pages 12 to 15 of their RoR Report. Their opinion and recommendation to reject the submission points had not changed.
55. No other evidence was presented on this topic.

### **Discussion and Reasons**

56. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
57. In particular we note the comments in the RoR which refer to the different approaches taken in the MU and LC zones in regards to carparking for urban design and amenity reasons with the MU providing a greater presence of on street parking and the LC providing parking on-site and in and around shopping centres and supermarkets when provided. We agree that in respect of parking that the MU and LC should be treated differently; this is reflected in the MU Objectives and Policies. In respect to existing supermarkets and in particular the supermarket identified in the submission we accept that carparking extensions may be able to meet the s104 Gateway test but obviously this will depend on the scale, location and district plan requirements at the time; this is in itself not a matter which has influenced our view.
58. In regard to the submission and evidence on behalf of Kāinga Ora we note the comments of the Reporting Officer that there was a discrepancy in the s42A Report and the recommended text for the MU zone and that the Officer's supported raising the permitted height to 16m as requested. The Officer's did not support the requested relief in regards to heights between 16m and 21m and we agree with the comments and analysis in the s42A Report and RoR on this issue. Developers/owners have an option whether to utilise the rule and if they do then the activity status is controlled which gives a degree of certainty as controlled resource consents must be granted.
59. In regards to the use of 'yard' versus 'setback' we have commented on this in our recommendation reports for Part 5 and Part 7 and agree with the analysis and comments of the Officer's in the s42A Report and RoR. As we have said the Whangārei District Plan uses the setback rule consistently throughout the plan and introducing a 'yard' rule now in part of the district plan would, in our view, compromise the Plan and also lead to inconsistency and make the plan less user friendly. We also agree with the analysis in the s42A Report and RoR in regard to the deletion of MU-R5 which is only applied to buildings constructed adjacent to a Residential, Open Space or Recreation Zone and agree that the Rule should be retained.
60. In relation to the activity status when rules are not met, we believe it is appropriate to follow a similar approach to that discussed in relation of the CC in Part II - Topic C above and that it is beneficial to provide the opportunity to assess the potential effects through a discretionary assessment on a case by case basis to ensure a cohesive and quality outcome for the MU zone.

## Topic D: Activity Rules

### Relevant Submissions

Submitter	Submission# & Point #
G Gibson	17.1
C Hanger	21.1
Bunnings	60.4
Landowners	138.5 – 6
Fire NZ	165.17
Foodstuffs	225.15
Clarkes Ltd	227.15 and 19 – 24
The University	248.10 – 14
MoE	267.2
Housing NZ	268.122

### Principal Issues Raised

- MU-R10 – The deletion of clause 1.
- MU-R11 – The deletion of clause 1. A change to the maximum Net Floor Area.
- MU-R12 – The deletion of the GFA restrictions. The deletion of clause 1. A change to the

maximum Net Floor Area.

- MU-R13 - The deletion of clause 1. A change to the maximum Net Floor Area.
- MU-R25 – To provide for small-scale food and beverage operations as a permitted activity.
- MU-R29 – A change from non-complying to discretionary.
- MU-R31 – Support for the retention of the rule if the relief sought to differentiate between industrial activities and research facilities within the rules of the MU is accepted.
- MU-R33 – R40 - A change from non-complying to discretionary.

#### Reporting Planners 42A Recommendation

61. This was dealt with in paragraphs 250 – 259 of the s42A Report and the recommendation from staff was to retain MU-R10 and MU-R14 - R47 as notified and amend MU-R11 - MU-R13 as set out in Attachment 3 to the s42A Report. Also noting that amendments have been recommended in Part 1 in response to other submissions.

#### Evidence from Submitters and Right of Reply

62. Ms Sharp presented evidence on behalf of Foodstuffs, in disagreement with the s42A Recommendation. She questioned Ms Brownie's interpretation of advice provided by Mr Foy on which she relied upon to form her s42 recommendation. Foodstuffs considered that because Mr Foy had supported no BNFA limit for grocery stores, that the BNFA limit recommended in MU-R12 should be deleted. Ms Brownie addressed this on page 15 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
63. Mr Badham presented evidence on behalf of The University of Auckland that refined the relief sought by The University with respect to the status of general industry activities and food and beverage activities within the Mixed Use Zone. Mr Badham supported the use of a precinct which amends MU-R31 to exclude 'Research Facilities' ancillary to Education Facilities; and amends MU-R25 to exclude Food and Beverage Activities ancillary to Education Facilities and subject to a GFA limit of 250m<sup>2</sup>. Ms Brownie addressed this on page 16 of her RoR Report. She supported in part the amendments sought by Mr Badham and recommended the amendment of MU-R12.
64. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He supported removal of the minimum floor sizes from MU-R10 and amendment of the activity status where compliance is not achieved to restricted discretionary because the matter is one of internal amenity. Ms Brownie addressed this on page 18 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
65. No other evidence was presented on this topic.

#### Discussion and Reasons

66. The Reporting Officer responded to the comments from Foodstuffs that she had misinterpreted the advice/evidence of Mr Foy and covered this on pages 15 and 16 of the RoR. She referred to Mr Foy's evidence that he had provided and which we have read and we agree that although Mr Foy supports no GFA limit from an economic perspective, he does recognise that GFA limits might be necessary for urban design or for planning reasons. We agree that the possible adverse effects that might be generated by larger scale activities need to be properly managed and assessed by way of a consenting regime and agree that the Rule should be retained.
67. Mr Badham on behalf of the University clarified and refined the relief sought in the submission and as a result the Reporting Officer agreed in principle with the refinements and recommended (on pages 16, 17 and 18 of the RoR) that the submission be accepted in part. Whilst we generally agree with the proposed amendments we believe that the recommended 09:00-15:00 hours of operation could be too limiting given the extended day often in operation at University premises. We therefore recommend that

this be extended to 08:00 – 18:00. Other than this matter we agree with the comments and analysis in the RoR and agree with the recommendation.

68. The evidence on behalf of Kāinga Ora supported the removal of the minimum floor sizes from MU-R10 and also amendment of the activity status if compliance not achieved to restricted discretionary. The Reporting Officer's dealt with this on pages 18 and 19 of the RoR and recommended that the submission be rejected and MU-R10 be retained. or similar reasons to our recommendation above regarding CC-R11 (Part II-Topic D). Whilst we are generally supportive of retaining the minimum net floor area for units up to 3 bedrooms, we are less convinced by the need for the rule to include dwelling sizes for dwellings larger than three bedrooms and are content that the market will decide appropriate sizing for these. We also note that the standards within MU-R10, like CC-R11, for units larger than three bedrooms do not align with other proposed rules across the plan. Given this we recommend that MU-R10 be amended to remove reference to units larger than three bedrooms as set out in Attachment 2. In line with the Council recommendations, the activity status when compliance is not achieved should be restricted discretionary.
69. Other than this matter, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## **Part IV: Waterfront Zone – PC88C**

### **Topic A: Objectives and Policies**

#### Relevant Submissions

Submitter	Submission# & Point #
Northland Development Corporation	147.7
Public Health Northland	207.93 – 94

#### Principal Issues Raised

- The amendment of WZ-O2 and WZ-P1.7.
- The support of WZ-O2, WZ-O4 and WZ-P2.

#### Reporting Planners 42A Recommendation

70. This was dealt with in paragraphs 264 – 267 of the s42A Report and the recommendation from staff was to retain WZ-O1, WZ-O2, WZ-O3, WZ-O4 and WZ-O5 as notified, retain WZ-P2 – WZ-P9 as notified, and amend WZ-P1 as set out in Attachment 4 to the s42A Report. Also noting that amendments have been recommended in Part 1 in response to other submissions.

#### Evidence from Submitters and Right of Reply

71. No evidence was presented on this topic.

#### Discussion and Reasons

72. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.

### **Topic B: Bulk, Location and Amenity Rules**

#### Relevant Submissions

Submitter	Submission# & Point #
K Kalis	123.1
Landowners	138.7 – 9

NDC	147.1 – 4
United Port	162.4 – 5

### **Principal Issues Raised**

- The building height and the setback from MHWS remains the same as the current standards in the Whangārei Town Basin Sub-Environment.
- WZ-R2 – An increase in the maximum building height and a change in activity status where compliance is not achieved to restricted discretionary.
- WZ-R4 – The removal of reference to a green space boundary and a change in activity status where compliance is not achieved to restricted discretionary.
- WZ-R5 – The removal of provision 1(a) and the amendment of 1(b) and a change in activity status where compliance is not achieved to restricted discretionary.
- WZ-R6 – That the clear glazing requirements are unnecessarily restrictive.
- WZ-R8 – The deletion of the rule.
- WZ-R9 – The deletion of the rule. An amendment of WZ-R9.1(b) to exclude the 27m setback requirement from MHWS when the car park is located inside a building and a change in activity status where compliance is not achieved to restricted discretionary.

### **Reporting Planners 42A Recommendation**

73. This was dealt with in paragraphs 275 – 293 of the s42A Report and the recommendation from staff was to Retain WZ-R2 - R7 and WZ-R10 as notified and amend WZ-R8 and WZ-R9 as set out in Attachment 4 to the s42A Report.

### **Evidence from Submitters and Right of Reply**

74. No evidence was presented on this topic.

### **Discussion and Reasons**

75. We note that NDC oppose the minimum floor to ceiling heights in WZ-R5. We recommend that in line with our suggestions regarding other similar rules across the plan, including CCZ-R5 above, that amending WZ-R5 to refer to floor to floor heights will give greater flexibility and options for the interior fit out of buildings and a corresponding greater flexibility for any future changes. We therefore recommend that WZ-R5 be amended in a similar manner by increasing each measurement by 300mm to take account of the typical depth of a floor structure/coverings.
76. We note that within other chapters we have recommended alterations to the rules equivalent to WZ-R12, to remove reference to units larger than 3 bedrooms. We do not believe that we have scope to recommend similar alterations to WZ-R12. Whilst we recognise that this brings inconsistency into the plan we do not believe that this should preclude us from recommending the changes to the other equivalent rules. Should Council wish to bring consistency to the plan they could do so with a plan change at a later date.
77. Other than this matter, we adopt the analysis of the s42A Report and agree that the submissions should be accepted in part or rejected accordingly.

## **Topic C: Activity Rules**

### **Relevant Submissions**



Submitter	Submission# & Point #
Landowners	138.10
Northland Development Corporation	147.8
Foodstuffs	225.18
WDC Planning	236.87
MoE	267.3 and 12
Judith Dempster	278.1

#### Principal Issues Raised

- WZ-R25 and WZ-R27 – R37 - A change in activity status where compliance is not achieved to restricted discretionary.
- Insertion of a new rule to manage Retirement Villages as a non-complying activity.
- Exclude all businesses from the WZ that are noisy and pollutants and to make the area only for residence and recreational public use.

#### Reporting Planners 42A Recommendation

78. This was dealt with in paragraphs 300 – 307 of the s42A Report and the recommendation from staff was to retain WZ-R11 though to WZ-R40 as notified and insert a new rule for retirement villages as set out in Attachment 4 to the s42A Report. Also noting that some amendments have been recommended in Part 1 in response to other submissions.

#### Evidence from Submitters and Right of Reply

79. No evidence was presented on this topic.

#### Discussion and Reasons

80. We adopt the analysis of the s42A Report and agree that the submissions should be accepted, accept in part or rejected accordingly.

### **Part V: Commercial Zone – PC88D**

#### **Topic A: Objectives**

#### Relevant Submissions

Submitter	Submission# & Point #
Mitre 10 Holdings Limited ( <b>Mitre 10</b> )	36.2
Tauroa	160.19
Public Health Northland	207.11 and 12

#### Principal Issues Raised

- To amend COM-O1 and COM-O2.
- To insert a new COM objective to promote the development of a safe and healthy Commercial Zone.

#### Reporting Planners 42A Recommendation

81. This was dealt with in paragraphs 313 – 319 of the s42A Report and the recommendation from staff was to retain COM-O1, COM-O2, COM-O3 and COM-O4 as notified and amend COM-O5 as set out in Attachment 5 to the s42A Report.

### Evidence from Submitters and Right of Reply

82. No evidence was presented on this topic.

### Discussion and Reasons

83. We adopt the analysis of the s42A Report and agree that the submissions should be accepted in part or rejected accordingly.

## **Topic B: Policies**

### Relevant Submissions

Submitter	Submission# & Point #
Mitre 10	36.3
Tauroa	160.20
Fire NZ	165.19
Public Health Northland	207.13
Foodstuffs	225.19
Housing NZ	268.83 – 84

### Principal Issues Raised

- To amend COM-P1, COM-P4, COM-P5 and COM-P6.

### Reporting Planners 42A Recommendation

84. This was dealt with in paragraphs 327 – 333 of the s42A Report and the recommendation from staff was to retain COM-P1-COM-P9 as notified and insert a new policy for the COM as set out in Attachment 5 to the s42A report. Also noting that amendments have been recommended in Part 1 in response to other submissions.

### Evidence from Submitters and Right of Reply

85. Ms Unthank presented evidence on behalf of Fire and Emergency New Zealand, in disagreement with the s42A Recommendation. She suggested alternative wording to COM-P5 so that the policy restricts activities which create adverse effects on residential areas rather than activities based on hours of operation. Ms Brownie addressed this on page 20 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
86. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended that COM-P4 be amended to reflect that the issue being managed is reverse sensitivity and to address concerns with 'a blanket avoidance of residential activities' to provide a more balanced approach. He also proposed alternative wording to COM-P5 and recommended that 'protect' is replaced with 'manage' and that 'requiring' be replaced with 'encouraging'. Ms Brownie addressed this on page 21 of her RoR Report. She supported the amendments sought by Mr Lindenberg and recommended the amendment of COM-P4 and COM-P5.
87. No other evidence was presented on this topic.

### Discussion and Reasons

88. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
89. Ms Unthank's evidence provided alternative wording for COM-P5 which she considered improved the policy by focusing on the effects that an activity generates rather than relating to hours of operation which are not an effect. The Reporting Officer covered this issue on pages 20 and 21 of the RoR and although she agreed in principle with the argument put forward her opinion was that it is also appropriate to consider what the policy intends to achieve and the context of the directive for hours of operation



within COM-P5. Our view having re-read all of the evidence and the COMZ objectives and policies is that COM-P5 should be retained and we agree with the comments and analysis in the s42A Report and the RoR.

90. In regards to the submission and evidence on behalf of Kāinga Ora, on pages 21, 22 and 23 of the RoR the Reporting Officer recommended that the submission be accepted in part, agreed that COM-P4 and COM-P5 should be amended and provided an amended COM-P4 on page 22 and an amended COM-P5 on pages 22 and 23. We agree with the amended wording and recommended accordingly.

## Topic C: Bulk, Location and Amenity Rules

### Relevant Submissions

Submitter	Submission# & Point #
Mitre 10	36.4 – 6
Z Energy	62.2 – 3
Windermere	85.1
Tauroa	160.21 – 25
Fire NZ	165.20 – 22
Foodstuffs	225.20
Housing NZ (Kāinga Ora)	268.85

### Principal Issues Raised

- To amend COM-R2 to COM-R22 to restricted discretionary activity status.
- COM-R3 – To allow an exemption for emergency services.
- COM-R5 – To allow exemptions for trade suppliers and garden centres. To allow an exemption for emergency services.
- COM-R8 – To allow cleaning and administrative activities outside the hours of operation. To allow additional exemptions for operation outside the hours of operation. To delete the rule.
- COM-R9 – To provide further clarity to the rule.

### Reporting Planners 42A Recommendation

91. This was dealt with in paragraphs 341 – 360 of the s42A Report and the recommendation from the reporting officer was to retain COM-R1-R2, COM-R5-R6 as notified and amend COM-R3-R4, COM-R7-R9 as set out in Attachment 5 to the s42A Report. Also noting that amendments have been recommended in Part 1 in response to other submissions.

### Evidence from Submitters and Right of Reply

92. Mr Quensell and Ms Unthank presented evidence on behalf of Fire and Emergency New Zealand, in disagreement with the s42A Recommendation. Mr Quensell provided evidence about COM-R3 in relation to the operational requirements and design of fire stations. Ms Unthank supported an exemption for emergency services from COM-R3, so that they are permitted. She also identified that the setbacks permitted within COM-R3 are not consistent with the setback prescribed in the Transport Chapter and that achieving a permitted setback is possible. Ms Unthank also provided evidence to support the establishment of fire stations throughout the COM including within 50m of Residential Zones because of the transient nature of any adverse effects and the requirements for landscaping and screening adjacent to residentially zoned land. Ms Brownie and Ms Baxter addressed this on page 23 of their RoR Report. Their opinion and recommendation to reject the submission points had not changed.
93. No other evidence was presented on this topic.

### Discussion and Reasons

94. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
95. We note the evidence on behalf of Fire NZ focused on COM-R3 and COM-R8 and the operational requirements and design of fire stations and, like the Reporting Officer's, we acknowledge and accept that the operational requirements of emergency services are unique activities which have specific requirements. However, we agree with the Reporting Officer's opinion and analysis that an outright exemption for emergency services should not be provided and agree that for the reasons shown in the s42A Report and in the RoR the submissions should be rejected and COM-R3 and COM-R8 should be retained.

## **Topic D: Activity Rules**

### Relevant Submissions

Submitter	Submission# & Point #
Foodstuffs	225.20
Mitre 10	36.4 and 7 – 8
Bunnings	60.9
Z Energy	62.4
Tauroa	160.26 – 29
Fire NZ	165.23
MoE	267.4

### Principal Issues Raised

- Amend COM-R2 – COM-R22 to restricted discretionary activity status.
- To amend rules COM-R10 to COM-R14 to a maximum Net Floor Area of 4,000m<sup>2</sup>.
- COM-R23 – Amendment to the GFA per site.
- COM-R24 – Amendment to alter the hours of operation. To remove clause 2.

### Reporting Planners 42A Recommendation

96. This was dealt with in paragraphs 373 – 379 of the s42A Report and the recommendation from staff was to retain COM-R10 - R38 as notified noting that amendments have been recommended in Part 1 in response to other submissions.

### Evidence from Submitter and Right of Reply

97. No evidence was presented on this topic.

### Discussion and Reasons

98. We adopt the analysis of the s42A Report and agree that the submissions should be accepted or rejected accordingly.

## Part VI: Shopping Centre Zone – PC88F

### Topic A: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
Udy	241.4-5

#### Principal Issues Raised

- Amendments to SCZ-O3 and SCZ-O5.

#### Reporting Planners 42A Recommendation

99. This was dealt with in paragraphs 382 – 384 of the s42A Report and the recommendation from staff was to retain SCZ-O1, SCZ-O2 and SCZ-O4 as notified and amend SCZ-O3 and SCZ-O5 as set out in Attachment 6 to the s42A Report.

#### Evidence from Submitter and Right of Reply

100. No evidence was presented on this topic.

#### Discussion and Reasons

101. We adopt the analysis of the s42A Report and agree that the submissions should be accepted in part accordingly.

### Topic B: Policies

#### Relevant Submissions

Submitter	Submission# & Point #
Northpower Limited	127.11
Public Health Northland	207.68
Foodstuffs	225.22
Udy	241.6 – 12

#### Principal Issues Raised

- Amendments to SCZ-P4, SCZ-P6, SCZ-P7, SCZ-P8, SCZ-P9 and SCZ-P10.
- The addition of three new policies to address Tarewa Shopping Centre, complementary uses and market changes.

#### Reporting Planners 42A Recommendation

102. This was dealt with in paragraphs 393 – 402 of the s42A Report and the recommendation from staff was to retain SCZ-P2, SCZ-P3, SCZ-P5, SCZ-P8 and SCZ-P12 and SCZ-P13 as notified and amend SCZ-P1, SCZ-P4, SCZ-P6, SCZ-P7, SCZ-P9, SCZ-P10 and SCZ-P11 as set out in Attachment 4 to the s42A Report. Also, noting that amendments have been recommended in Part 1 in response to other submissions.

#### Evidence from Submitters and Right of Reply

103. Ms Blair presented pre-circulated evidence on behalf of Z Energy, in disagreement with the s42A Recommendation. She requested amendment of SCZ-P-New-1 to correct grammatical errors and to, better reflect that service stations don't fit within the broader policy intent for the zone, and to focus the

policy on maintenance and repair. Ms Brownie addressed this on page 26 of her RoR Report. She supported the amendments sought by Ms Blair and recommended the amendment of SCZ-PNew1 – Existing Service Stations and provided amended wording on page 26 of the RoR.

104. Mr Payne presented evidence on behalf of Udy Investments Limited, in disagreement with the s42A Recommendation. He supported amendment to SCZ-P1 so that the policy specifically makes reference to opportunities for additional height. He considered that this would ensure efficient and effective use of finite land resource by encouraging opportunities for additional height where appropriate. Mr Payne did not support inclusion of communal facilities within SCZ-P6. He considered that it would represent a doubling up of regulatory processes given this is a requirement of the building code. Mr Payne also supported addition of two new policies to address 'complementary uses' and 'market changes'. He considered that the requested policies are consistent with the overarching objectives of the SCZ and did not agree that the notified policies are adequate to provide for consideration of complementary uses and market changes. Mr Payne relied on evidence presented by Mr Thompson in relation to the policies sought. Ms Brownie addressed this on page 25 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
105. No other evidence was presented on this topic.

### Discussion and Reasons

106. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly acknowledging that the Reporting Officer had recommended amendment of SCZ-PNew1
107. In regard to the submission and evidence on behalf of Udy Investments Limited we agree with the Reporting Officer that SCZ-P1 does provide for an appropriate consideration of building height within the overall context of applying for resource consent and that building height is only one aspect of the built development that has to be considered.
108. The inclusion of policy SCZ-P6 relating to the provision of communal toilets was opposed by Udy Investments Limited. The evidence from Mr Payne was in opposition to the policy and he considered that there was a doubling up of regulatory processes given that provision is a requirement of the building code. However, as the Reporting Officer has pointed out there is no direction that those facilities that are provided must be communal or publicly available and from experience and evidence we are aware of this situation. We agree with the Reporting Officer that shopping centres should provide appropriate facilities for their patrons/people visiting their shopping centre and that policy SCZ-P6 should be retained. We note that the Reporting Officer's opinion and recommendation was formed, in part, by the economic evidence of Mr Foy.

## **Topic C: Bulk, Location and Amenity Rules**

### Relevant Submissions

Submitter	Submission# & Point #
Udy	241.15 – 21

### Principal Issues Raised

- SCZ-R2 – Amendments to enable small scale alterations.
- SCZ-R3 – To provide for the proposed new bonus building height.
- SCZ-R4 – To relax the rule similar to that proposed by the Mixed Use Zone.
- SCZ-R5 – To increase the GFA and to remove clause 2.
- SCZ-R6 – To remove clauses 2 and 3.
- SCZ-R7 – To increase the percentage of impervious area of the site.

- Add an additional rule to provide for a bonus building height control similar to the Mixed Use Zone.

#### Reporting Planners 42A Recommendation

109. This was dealt with in paragraphs 409 – 420 of the s42A Report and the recommendation from staff was to retain SCZ-R2-R3 and SCZ-R5-R7 as notified and amend SCZ-R4.

#### Evidence from Submitter and Right of Reply

110. Mr Payne presented evidence on behalf of Udy Investments Limited in relation to SZ-R2, supporting the s42A Recommendation with amendments. He suggested to permit small scale external alterations where they meet minimum urban design objectives. Ms Brownie and Ms Baxter addressed this on page 26 of their RoR Report. They supported the amendments sought by Mr Payne and recommended the amendment of SCZ-R2.
111. Mr Payne also presented evidence on behalf of Udy Investments Limited, in disagreement with the s42A Recommendation. Mr Payne proposed a reduction of permitted setbacks of buildings from Mean High Water Springs (to enable optimal use of shopping centre sites) and the introduction of permitted activity standards to establish residential units (to provide for a wider range of uses). Mr Payne also supported the deletion of the requirement to provide public bathroom facilities within buildings (SCZ-R5). As discussed above in relation to SCZ-P6, he considered this to be a doubling up of regulatory processes. Ms Brownie and Ms Baxter addressed this on pages 26, 27 and 28 of their RoR Report. Whilst they supported some of the amendments sought by Mr Payne and recommended some amendment they did not support amendment of SCZ-R5 as there is no existing requirement to provide public toilet facilities.
112. No other evidence was presented on this topic.

#### Discussion and Reasons

113. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted or accepted in part for the reasons given and we accept the recommended amendments to the Rules as shown in the RoR.

### Topic D: Activity Rules

#### Relevant Submissions

Submitter	Submission# & Point #
Woolworths New Zealand	51.7-8
Bunnings	60.5
Z Energy	62.16 – 17
Okara Shopping Centre Ltd	171.1
Foodstuffs	225.23
Udy	241.14 and 22 – 29
MoE	267.6
WDC Planning	236.94 – 95

#### Principal Issues Raised

- SCZ-R1 – To retain the rule as notified. To amend the rule.
- SCZ-R8 – To increase the Net Floor Area size in clause 1. To delete clause 3.
- SCZ-R9 – To increase the Net Floor Area size in clause 1. To delete clause 3.
- SCZ-R10 – To amend the Net Floor Area size in clause 1. To delete clause 2.
- SCZ-R11 – To amend the rule. To delete clause 2.

- SCZ-R14 – Trade Supplier to become a permitted activity not a non-complying activity.
- Appropriate provision is made for additions, alterations and modification for existing service stations which are located in the Shopping Centre Zone.
- SCZ-R12 – R18 and R20 – Amended to become permitted activities within the SCZ rather than non-complying.
- SCZ-R19 – Amend to become discretionary rather than non-complying.
- SCZ-R24 – Amend to become discretionary rather than prohibited.

#### Reporting Planners 42A Recommendation

114. This was dealt with in paragraphs 436 – 451 of the s42A Report and the recommendation from staff was to retain SCZ-R8, SCZ-R10, SCZ-R12 - R19 and SCZ-R21; and SCZ-R22 - R25 as notified, amend SCZ-R1, SCZ-R9, SCZ-R11 as set out in Appendix 6 to the S42A Report. Delete SCZ-R 20 and insert a new rule and policy (for existing service stations) as set out in Appendix 6.

#### Evidence from Submitters and Right of Reply

115. Mr Payne presented evidence on behalf of Udy Investments Limited, in disagreement with the s42A Recommendation. He provided economic evidence to support amendment of several activity rules. Ms Brownie addressed this on page 31 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
116. Ms Blair presented pre-circulated evidence on behalf of Z Energy, in disagreement with the s42A Recommendation. She proposed deletion of several conditions recommended in SCZ-R New 2 (Service Stations). Ms Blair considered that the rule (as recommended) does not adequately provide for the operational and functional needs of service stations (such as re-tanking). Ms Blair supported deletion of the conditions because the activity status for non-compliance for referenced rules is discretionary but for SCZ-R New 2 (and services stations) it is non-complying. Ms Blair considered that discretionary activity status is appropriate where compliance is not achieved. Ms Brownie addressed this on page 29 of her RoR Report. She supported the amendments sought by Mr Blair and recommended the amendment of SCZ-R-New-2.
117. No other evidence was presented on this topic.

#### Discussion and Reasons

118. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
119. Ms Blair's evidence proposed several amendments to the Rules and the evidence from the Reporting Officer and the RoR supported some of the amendments proposed. These were shown on pages 29, 30 and 31 of the RoR. We have re-read the submission and evidence, the comments in the s42A Report and the comments and analysis in the RoR and we agree with the opinion of and recommendations of the Reporting Officer and the suggested amendments to the Rules as shown.
120. The planning and economic evidence provided on behalf of Udy Investments Limited supported a number of amendments to several activity rules. We have re-read the submission and evidence and also the evidence (s32, S42A Report and attachments) from the Reporting Officer and Mr Foy and we agree with the Reporting Officer that the proposed amendments have the potential to create commercial centres which would compete with and compromise the City Centre. When read in whole we agree that the proposed amendments do not support the objectives and policies for the SCZ which has been set up to provide for larger general retail activities within a shopping centre format.

## **Topic E: SCZ Information Requirements**

#### Relevant Submissions

Submitter	Submission# & Point #
Z Energy	62.17
Foodstuffs	225.24
WDC Planning	236.96
Udy	241.13

### Principal Issues Raised

- To delete, amend or include an exemption for the activity from SCZ-REQ1.

### Reporting Planners 42A Recommendation

121. This was dealt with in paragraphs 456 – 460 of the s42A Report and the recommendation from staff was to amend information requirement SCZ-REQ1 as set out in Appendix 6.

### Evidence from Submitters and Right of Reply

122. Ms Sharpe presented evidence on behalf of Foodstuffs, in disagreement with the s42A Recommendation about the appropriateness of SCZ-REQ1 and to support the deletion of the whole information requirement. Ms Brownie addressed this on page 32 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
123. Mr Payne presented evidence on behalf of Udy Investments Limited, in disagreement with the s42A Recommendation about the appropriateness of SCZ-REQ1. He expressed concern about additional costs. Ms Brownie addressed this on page 32 of her RoR Report. Her opinion and recommendation to reject the submission points had not changed.
124. No other evidence was presented on this topic.

### Discussion and Reasons

125. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.
126. In regards to the submissions and evidence from Ms Sharp on behalf of Foodstuffs and Mr Payne on behalf of Udy Investments Limited and the opposition to SCZ-REQ1 we agree with the analysis of the Reporting Officer in the s42A Report and in the RoR on page 32 and agree that the submissions should be rejected and we are of the view that SCZ-REQ1 is necessary and appropriate and we accept that the SCZ is a Special Purpose Zone where good urban design is seen as a priority and good outcome.

## Consequential Amendments

### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning	236.88

### Principal Issues Raised

- To amend WZ Appendix 1.
- To address issues raised by Public Health Northland in relation to safety.
- Necessity to ensure consistency in relation to bonus building height.
- Amendments as a result of the reporting planning recommendation that rule TRA-R10 be deleted.



### Reporting Planners 42A Recommendation

127. This was dealt with in paragraphs 469 – 475 of the s42A Report and the recommendation from staff was to amend MU-O3 and CC-R2 and delete CC-R3.
128. Insert new policies for the MU, WZ and SCZ as set out in Attachments 3, 4 and 6 to the s42A Report and Amend WZ Appendix 1 in accordance with the legend as set out in Attachment 3 of Part 1 of the s42A Report.

### Evidence from Submitter and Right of Reply

129. No evidence was presented on this topic.

### Discussion and Reasons

130. We adopt the analysis of the s42A Report and agree that the submission should be accepted accordingly.

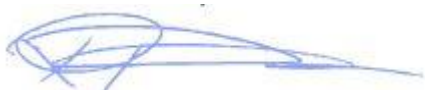
## **Recommendations**

131. For the reasons set out in this report, we recommend that Council:
  1. Amend the provisions as set out in Attachments 1, 2, 3, 4 and 5.
  2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 3 of the s42A Report and as amended by the Part 3 of the RoR; with amendments to:
    - a. CCZ-R5 and WZ-R5 to refer to floor to floor heights and for the dimensions to be updated accordingly.
    - b. CCZ-R11 and MUZ-R10 to remove reference to units larger than 3 bedrooms.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**





# City Centre Zone (CCZ)

## Issues

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

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

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

## Objectives

CCZ-O1 – Vibrancy	Enable the development of the City Centre as an attractive, safe and vibrant place to live, work and visit with a range of residential, commercial, retail and entertainment activities.
CCZ-O2 – Discouraged Activities	Discourage noxious activities and activities with lower amenity, and manage activities which cater primarily for customers in private motor vehicles.
CCZ-O3 – Residential Activities	Promote residential activities in the City Centre.
CCZ-O4 – Urban Design	Require high quality urban design outcomes and incentivise exemplary design.
CCZ-O5 – Active Frontage	Prioritise pedestrians and enhance active frontages at ground floor.

## Policies

CCZ-P1 – Character and Amenity	<p>To recognise the character and amenity values of the City Centre including but not limited to:</p> <ol style="list-style-type: none"> <li>1. A vibrant urban environment.</li> <li>2. Medium to high intensity development.</li> <li>3. A range of retail, commercial, business and residential activities.</li> <li>4. High levels of noise and lighting.</li> <li>5. Moderate access to sunlight.</li> <li>6. Presence of street trees.</li> <li>7. Active building frontages, particularly at ground floor.</li> <li>8. On-street parking with limited off-street parking.</li> <li>9. Pedestrian and cyclist oriented.</li> </ol>
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## City Centre Zone (CCZ)

CCZ-P2 – Activities	<p>To enhance the vibrancy, economic performance, walkability and amenity of the City Centre for residents and visitors by:</p> <ol style="list-style-type: none"> <li>1. Enabling residential activities, smaller scale retail activities, offices, restaurants, cafes, bars and entertainment facilities.</li> <li>2. Avoiding rural production activities and industrial activities (except for small scale artisan industrial activities).</li> <li>3. Managing the nature, scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> <li>a. Active frontage is maintained and enhanced at ground floor.</li> <li>b. Activity and building design are complementary to the City Centre context and retain narrow activity and site frontages.</li> <li>c. Buildings are designed to be flexible and adaptable to a range of uses and do not unduly restrict potential future uses of the site.</li> <li>d. Standalone car parking facilities and other large single use buildings at ground floor are sleeved by smaller scale commercial activities.</li> <li>e. Transition from private vehicle to public transport, active and shared transport modes is supported.</li> </ol> </li> </ol>
CCZ-P3 – Active Frontage	To require building design to achieve active frontage at ground floor to strengthen the interrelationship between buildings and the public realm.
CCZ-P4 – Residential Activities	To promote residential activities by encouraging residential units above ground floor while acknowledging that there may be a reduced level of residential amenity within the City Centre due to a mix of uses and late night activities.
CCZ-P5 – Residential	<p>To maintain and enhance residential amenity by requiring residential units to:</p> <ol style="list-style-type: none"> <li>1. Provide sufficient internal space, outdoor living courts and noise insulation.</li> <li>2. Be designed and constructed in a manner which is sensitive to and is compatible with surrounding active frontages where the residential units are provided at ground floor.</li> </ol>
CCZ-P6 – Outdoor Living Courts	To mitigate adverse effects on residential amenity by providing communal outdoor living spaces where individual outdoor living courts are not practicable.
CCZ-P7 – Building Scale and Design	To preserve sunlight access, retain a human scale in built form and encourage transitions in height by managing building scale and design.
CCZ-P8 – Pedestrian-Centric Environment	<p>To create a pedestrian-centric environment by:</p> <ol style="list-style-type: none"> <li>1. Managing new vehicle crossings and car parking areas to retain a safe and accessible pedestrian network.</li> <li>2. Requiring verandahs, which are limited in scale, along building frontages to create a defined building edge and provide shade and rain shelter.</li> <li>3. Designing subdivision to require sufficient site frontages to:</li> </ol>

## City Centre Zone (CCZ)

	<ul style="list-style-type: none"> <li>a. Avoid rear sites.</li> <li>b. Enable corner sites to be emphasised.</li> <li>c. Maintain narrow site frontages within the City Centre.</li> </ul>
CCZ-P9 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced, residential activities are provided, or where green rooves are provided.
CCZ-P10 – Safety	To reduce threats to personal safety and security by utilising urban design and CPTED principles in the design of developments in the City Centre Zone.

### Rules

CCZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted  Where: <ol style="list-style-type: none"> <li>Resource consent is not required under any rule of the District Plan.</li> <li>The activity is not prohibited under any rule of the District Plan.</li> </ol>	
CCZ-R2	Minor Buildings	
	Activity Status: Permitted  <i>Note: Minor buildings are exempt from rules CCZ-R3–R7.</i>	
CCZ-R3	Building and Major Structure Height	
	Activity Status: Permitted  Where: <ol style="list-style-type: none"> <li>The minimum building height is 3 stories, and</li> <li>The maximum building height and major structure height is 16m above ground level.</li> </ol> OR  Activity Status: Controlled  Where: <ol style="list-style-type: none"> <li>The minimum building height is 3 stories, and</li> <li>The building height and major structure height is between 16.01 and 24m above ground level and at least one of the following is provided:</li> </ol>	Activity Status when compliance not achieved: Discretionary

## City Centre Zone (CCZ)

- a. A green roof covering at least 50% of the total roof area.
- b. 1 – 3 residential units.

OR

Activity Status: Controlled

Where:

- 1. The building height and major structure height is between 24.01 and 32m above ground level and at least one of the following is provided:
  - a. A pedestrian arcade.
  - b. A through-site link.
  - c. More than 3 residential units.

Matters of control:

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

CCZ-R4	Building Setbacks
	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The building is within 0.5m of road boundaries at ground floor for the entire length of the site frontage for any front site, except for:           <ul style="list-style-type: none"> <li>a. Any site frontage where a strategic road protection area applies as detailed in TRA Appendix 4.</li> <li>b. Any combination of the following:               <ul style="list-style-type: none"> <li>i. One setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.</li> <li>ii. One setback of up to 6m for a maximum width of 6m</li> </ul> </li> </ul> </li> </ul>

Activity Status when compliance not achieved: Discretionary

## City Centre Zone (CCZ)

to allow for a pedestrian arcade.

- iii. One setback adjacent to a side boundary of the site for a maximum width of 6m to allow for a through-site link.

CCZ-R5	Building Floor-to-Floor Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The minimum interior floor-to-floor height is:               <ol style="list-style-type: none"> <li>3.8m at ground floor.</li> <li>3.0m above ground floor.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
CCZ-R6	Building Frontages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>At least 75% of the building frontage at ground floor is clear glazing.</li> <li>At least 25% of the building frontage above ground floor is clear glazing.</li> <li>Where the building is on a front site, the principal public entrance to the building is situated to face the road.</li> <li>There are no roller doors (except security grilles which allow views from the street into the premises) along site frontage.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
CCZ-R7	Verandahs	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings fronting a road, except where a strategic road protection area applies to the site frontage, provides a verandah:</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

## City Centre Zone (CCZ)

- a. Along the entire building frontage.
- b. That is at least 3m above the footpath and no more than 4m above the footpath.
- c. That is setback at least 600mm from the kerb.
- d. That has a minimum width of 1.5m, except where that would encroach on CCZ-R7.1(c) where the minimum width shall be to within 600mm from the kerb.
- e. That has a maximum fascia height of 0.5m.

CCZ-R8	Fences	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The fence is along site frontage and required by a bylaw or for public health and safety.</li> <li>2. The fence is not along road frontage.</li> </ol>	Activity Status when compliance not achieved: Discretionary
CCZ-R9	Outdoor Areas of Storage or Stockpiles	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The maximum height of any outdoor area of storage or stockpile is 8m above ground level.</li> <li>2. The outdoor area of storage or stockpile is screened from view from public places and surrounding sites.</li> </ol>	Activity Status when compliance not achieved: Discretionary
CCZ-R10	Car Parking	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The car parking space is not located between the building</li> </ol>	Activity Status when compliance not achieved: Non-Complying

## City Centre Zone (CCZ)

frontage and road boundaries of the site.

CCZ-R11	Artisan Industrial Activities	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The maximum GFA is 300m<sup>2</sup> per site.</li> </ol>	Activity Status when compliance not achieved: Non-Complying
CCZ-R12	Residential Unit	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Every residential unit provides a Net Floor Area of at least:               <ol style="list-style-type: none"> <li>a. For 1 bedroom – 45m<sup>2</sup></li> <li>b. For 2 bedrooms – 70m<sup>2</sup></li> <li>c. For 3 bedrooms – 90m<sup>2</sup></li> </ol> </li> <li>2. Every 1 bedroom residential unit contains an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.</li> <li>3. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m<sup>2</sup> and at least 2.4m depth.</li> <li>4. Every residential unit is above ground floor.</li> </ol>	Activity Status when compliance not achieved: Restricted Discretionary  Matters of discretion: <ol style="list-style-type: none"> <li>1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.</li> <li>2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> <li>3. Adverse effects on active frontage.</li> </ol> Notification:  Any application for a residential unit which does not comply with Rules CCZ-R12.1–3 shall not require the written approval of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
CCZ-R13	General Retail	
CCZ-R14	Grocery Store	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	Activity Status when compliance not achieved: Discretionary



## City Centre Zone (CCZ)

2. The maximum Business Net Floor Area is 600m<sup>2</sup>.

CCZ-R15	Commercial Services
CCZ-R16	Food and Beverage Activity
CCZ-R17	Entertainment Facilities
CCZ-R18	Visitor Accommodation
Activity Status: Permitted	
Where:	
1. The activity is a primary activity or ancillary activity.	
CCZ-R19	Place of Assembly
CCZ-R20	Recreational Facilities
CCZ-R21	Care Centre
CCZ-R22	Educational Facilities
Activity Status: Permitted	
Where:	
1. The activity is a primary activity or ancillary activity.	
2. The activity is above ground floor.	
3. The maximum Business Net Floor Area is 800m <sup>2</sup> .	
Activity Status when compliance not achieved: Discretionary	
CCZ-R23	Any New Vehicle Crossing Over a Footpath
Activity Status: Discretionary	
CCZ-R24	Trade Suppliers
Activity Status: Discretionary	
Where:	
1. The activity is a primary activity or ancillary activity.	
2. The maximum Business Net Floor Area is 600m <sup>2</sup> .	
Activity Status when compliance not achieved: Non-Complying	

## City Centre Zone (CCZ)

CCZ-R25	Standalone Car Parking Facility
Activity Status: Non-Complying	
CCZ-R26	Farming
CCZ-R27	Supported Residential Care
CCZ-R28	Retirement Village
CCZ-R29	Motor Vehicle Sales
CCZ-R30	Garden Centres
CCZ-R31	Marine Retail
CCZ-R32	Drive Through Facilities
CCZ-R33	Hire Premise
CCZ-R34	Service Stations
CCZ-R35	Funeral Home
CCZ-R36	Emergency Services
CCZ-R37	Hospital
CCZ-R38	General Commercial
CCZ-R39	General Community
Activity Status: Non-Complying	
Where:	
1. The activity is a primary activity or ancillary activity.	

CCZ-R40	Plantation Forestry
CCZ-R41	Intensive Livestock Farming
CCZ-R42	Farm Quarrying
CCZ-R43	General Industry
CCZ-R44	Manufacturing
CCZ-R45	Storage
CCZ-R46	Repair and Maintenance Services
CCZ-R47	Marine Industry
CCZ-R48	Waste Management Facility

## City Centre Zone (CCZ)

CCZ-R49	Landfill
<p>Activity Status: Prohibited</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	

# Mixed Use Zone (MUZ)

## Issues

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

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

A reasonable level of amenity should be maintained to improve the connectivity and walkability between the Mixed-Use Zone and the City Centre and Waterfront Zones.

The area is located along key streets, such as Cameron and Bank Streets, which should have high amenity and walkability.

Promoting and increasing residential uses within and adjacent to the City Centre is a key objective within the Urban Area. By improving amenity and increasing certainty for developers, the Mixed-Use Zone is an appropriate area to provide for high density residential use.

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

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

## Objectives

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

## Mixed Use Zone (MUZ)

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

## Mixed Use Zone (MUZ)

MUZ-P4 – Ground Floor Residential Units	To maintain and enhance residential amenity and provide for active frontages by sensitively designing residential units at ground floor with regard to aspect such as outlook, outdoor living courts, private entrances, noise, and light exposure.
MUZ-P5 – Outdoor Living Courts	To mitigate adverse effects on residential amenity by providing communal outdoor living spaces where individual outdoor living courts are not practicable.
MUZ-P6 – Cross Boundary Effects	To maintain amenity in adjacent Residential and Open Space and Recreation Zones by managing built form and requiring landscaping along shared zone boundaries.
MUZ-P7 – Esplanade Areas	To safeguard esplanade areas and waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.
MUZ-P8 – Walkability	<p>To enhance walkability and street amenity by:</p> <ol style="list-style-type: none"> <li>1. Managing, and where appropriate avoiding, new vehicle crossings to retain a safe and accessible pedestrian network.</li> <li>2. Designing subdivision to require sufficient site frontages to:               <ol style="list-style-type: none"> <li>a. Avoid rear sites.</li> <li>b. Enable corner sites to be emphasised.</li> <li>c. Maintain narrow site frontages within the Mixed-Use Zone.</li> </ol> </li> <li>3. Implementing traffic calming activities (e.g, lower speed limits and increased shared spaces)</li> <li>4. Providing bicycle parking facilities.</li> </ol>
MUZ-P9 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced or residential activities are provided.
MUZ-P10 - Safety	To reduce threats to personal safety and security by utilising urban design and CPTED principles in the design of developments in the Mixed Use Zone.

### Rules

MUZ-R1	Any Activity Not Otherwise Listed in this Chapter
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>
MUZ-R2	Minor Buildings
	<p>Activity Status: Permitted</p> <p><i>Note: Minor buildings are exempt from rules MUZ-R2 – R6.</i></p>

## Mixed Use Zone (MUZ)

MUZ-R3	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum building height and major structure height is 16m above ground level.</li> </ol> <p>OR</p> <p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum building height and major structure height is between 16.01 and 21m above ground level and at least one of the following is provided on-site: <ol style="list-style-type: none"> <li>2 or more residential units.</li> <li>A through-site link.</li> </ol> </li> </ol> <p>Matters of control:</p> <ol style="list-style-type: none"> <li>Means of ensuring ongoing compliance with rule.</li> <li>Appropriateness of through-site links in terms of location, design, size, safety and accessibility.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
MUZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The building is within 1m of a road boundaries for at least 75% of the site frontage for any front site, except for: <ol style="list-style-type: none"> <li>Any site frontage where a strategic road protection area applies as detailed in TRA Appendix 4.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

## Mixed Use Zone (MUZ)

- b. Any combination of the following:
  - i. One setback of up to 3m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.
  - ii. One setback adjacent to a side boundary of the site for a maximum width of 6m to allow for a through-site link.
- 2. All buildings and major structures are set back at least:
  - a. 3m from any Residential or Open Space and Recreation Zone boundary.
  - b. 20m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

MUZ-R5	Building and Major Structure Height in Relation to Boundary	
	Activity Status: Permitted Where:  1. All buildings and major structures do not exceed a height equal to 4m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone boundary.	Activity Status when compliance not achieved: Discretionary
MUZ-R6	Building Frontages	
	Activity Status: Permitted Where:	Activity Status when compliance not achieved: Discretionary



## Mixed Use Zone (MUZ)

1. At least 65% of the building frontage at ground floor is clear glazing.
2. At least 25% of the building frontage above ground floor is clear glazing.
3. The principal public entrance to the building is situated to face the road where the building is on a front site.
4. There are no roller doors (except for emergency services, and security grilles which allow views from the street into the premises) along site frontage.

MUZ-R7	Impervious Areas	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	Activity Status when compliance not achieved: Discretionary
MUZ-R8	Fences	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The fence is along site frontage and required by a bylaw or for public health and safety.</li> <li>2. The fence is not along a road frontage.</li> </ol>	Activity Status when compliance not achieved: Discretionary
MUZ-R9	Outdoor Areas of Storage or Stockpiles	
	Activity Status: Permitted Where:	Activity Status when compliance not achieved: Discretionary

## Mixed Use Zone (MUZ)

1. The outdoor area of storage or stockpile:
  - a. Complies with rules MUZ-R2, R4.2 and R5.
  - b. Is screened from view from adjacent public places and surrounding sites, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].

MUZ-R10	Car Parking	
	Activity Status: Permitted Where: 1. The car parking space is not located between the building frontage and road boundaries of the site.	Activity Status when compliance not achieved: Non-Complying
MUZ-R11	Residential Unit	
	Activity Status: Permitted Where: 1. Every residential unit provides a Net Floor Area of at least: <ol style="list-style-type: none"> <li>a. For 1 bedroom – 45m<sup>2</sup></li> <li>b. For 2 bedrooms – 70m<sup>2</sup></li> <li>c. For 3 bedrooms – 90m<sup>2</sup></li> </ol> 2. Every 1 bedroom residential unit contains an outdoor living court of at least 4m <sup>2</sup> and at least 1.5m depth. 3. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m <sup>2</sup> and at least 2.4m depth. 4. Every residential unit is above ground floor.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. 2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. 3. Adverse effects on active frontage. Notification: Any application for a residential unit which does not comply with MUZ-R10.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council

## Mixed Use Zone (MUZ)

decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

MUZ-R12	Trade Suppliers	
MUZ-R13	Grocery Store	
MUZ-R14	General Retail	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The maximum Business Net Floor Area is 600m<sup>2</sup>.</li> <li>3. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> </ol>	Activity Status when compliance not achieved: Discretionary
MUZ-R15	Commercial Services	
MUZ-R16	Visitor Accommodation	
MUZ-R17	Place of Assembly	
MUZ-R18	Recreational Facilities	
MUZ-R19	Emergency Services	
MUZ-R20	Educational Facilities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road</li> </ol>	Activity Status when compliance not achieved: Discretionary

## Mixed Use Zone (MUZ)

boundary where the maximum height is 1.2m above ground level.

MUZ-R21	Any New Vehicle Crossing Over <u>A</u> Footpath	
	Activity Status: Permitted Where: 1. Emergency services establish and require a vehicle access to the site.	Activity Status when compliance not achieved: Discretionary
MUZ-R22	Food and Beverage Activities	
	Activity Status: Discretionary Permitted Where: The activity is ancillary to an educational facility. The activity does not result in a combined GFA exceeding 250m <sup>2</sup> of food and beverage activity ancillary to the educational facility. The food and beverage activity does not operate outside of 08:00 - 18:00 Monday -Friday.	Activity Status when compliance not achieved: Discretionary
MUZ-R23	General Industry	
	Activity Status: Discretionary Permitted Where: The activity is a research laboratory ancillary activity to an educational facility.	Activity Status when compliance not achieved: Non-Complying
MUZ-R24	Standalone Car Parking Facility	
	Activity Status: Discretionary	
MUZ-R25	Supported Residential Care	
MUZ-R26	Retirement Village	
MUZ-R27	Drive Through Facilities	
MUZ-R28	Entertainment Facilities	
MUZ-R29	Service Stations	

## Mixed Use Zone (MUZ)

MUZ-R30	Care Centre
MUZ-R31	General Commercial
MUZ-R32	General Community
Activity Status: Discretionary Where: 1. The activity is a primary activity or ancillary activity.	

MUZ-R33	Farming
MUZ-R34	Manufacturing
MUZ-R35	Storage
MUZ-R36	Repair and Maintenance Services
MUZ-R37	Artisan Industrial Activities
MUZ-R38	Marine Industry
MUZ-R39	Motor Vehicle Sales
MUZ-R40	Garden Centres
MUZ-R41	Marine Retail
MUZ-R42	Hire Premise
MUZ-R43	Funeral Home
MUZ-R44	Hospital
Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	

MUZ-R45	Plantation Forestry
MUZ-R46	Intensive Livestock Farming
MUZ-R47	Farm Quarrying
MUZ-R48	Waste Management Facility
MUZ-R49	Landfill Activity
Activity Status: Prohibited Where: 1. The activity is a primary activity or ancillary activity.	

# Mixed Use Zone (MUZ)

## PREC4 – Hīhīāua Peninsula Precinct (HPP)

### Issues

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

### Objectives

#### HPP-O1 – Hīhīāua Peninsula

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

### Policies

#### HPP-P1 – Enabled Activities

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

### Rules

#### HPP-R1

#### Residential Unit

Activity Status: Permitted

Where:

1. Every residential unit provides a Net Floor Area-of at least:
  - a. For 1 bedroom – 45m<sup>2</sup>
  - b. For 2 bedrooms – 70m<sup>2</sup>
  - c. For 3 bedrooms – 90m<sup>2</sup>
  - d. For more than 3 bedrooms – 90m<sup>2</sup> plus 12m<sup>2</sup> for each additional bedroom.
2. Every 1 bedroom residential unit contains an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.
3. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m<sup>2</sup> and at least 2.4m depth.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

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

Notification:

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

## Mixed Use Zone (MUZ)

HPP-R2	General Retail	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The maximum Business Net Floor Area is 600m<sup>2</sup>.</li> </ol>	Activity Status when compliance not achieved: Discretionary
HPP-R3	Food and Beverage Activity	
	Activity Status: Permitted	

## Waterfront Zone (WZ)

### Issues

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

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

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

### Objectives

WZ-O1 – Pedestrians and Cyclists	Promote a safe, accessible and vibrant waterfront, which prioritises pedestrians and cyclists.
WZ-O2 – Enabled Development	Enable the development of the Waterfront Zone as a hub for tourism, recreation, arts and cultural activities.
WZ-O3 – Land Uses	Support a range of land uses that complement the City Centre Zone and are compatible with surrounding Residential and Open Space and Recreation Zones.
WZ-O4 – Amenity and Character	Protect and enhance the sense of place, amenity, character, cultural, heritage, ecological and recreational values unique to the Waterfront Zone.
WZ-O5 – Connections	Protect and enhance the Waterfront Zone's physical and visual connections with waterways, the coastal marine area and the City Centre.
WZ-O6 – Residential Activities	Promote residential activities in the Waterfront Mixed-Use Area.



## Waterfront Zone (WZ)

Policies	
WZ-P1 – Character and Amenity	<p>To recognise the character and amenity values of the Waterfront Zone including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Accessible connections to the waterfront.</li> <li>2. High levels of access to sunlight.</li> <li>3. Moderate levels of noise.</li> <li>4. Minimal exposure to noxious odour or noise associated with marine industrial activities.</li> <li>5. Ample opportunities for formal and informal social interactions.</li> <li>6. Limited off-street parking.</li> <li>7. Pedestrian and cyclist focused.</li> <li>8. Historical and cultural significance of the area.</li> <li>9. Ecological value of the waterbodies (and their margins).</li> </ol>
WZ-P2 – Land Uses	<p>To provide for a range of land use activities that are compatible with the context of the predominant maritime, open space, arts, culture, retail, recreation and tourism themes of the Waterfront Zone.</p>
WZ-P3 – Subdivision and Development	<p>To require subdivision and development to be designed, constructed and operated so that it:</p> <ol style="list-style-type: none"> <li>1. Complements the character of the Waterfront Zone.</li> <li>2. Enhances amenity values.</li> <li>3. Protects cultural and historic heritage values.</li> <li>4. Enables opportunities for passive surveillance.</li> <li>5. Provides direct and safe pedestrian and cyclist routes.</li> <li>6. Enhances the ecological value within the Waterfront Zone.</li> </ol>
WZ-P4 – View Shafts	<p>To protect view shafts and improve walkability by providing areas for public open space and visual and physical connections (e.g. cycleways, walkways and laneways) within the Waterfront Zone and to adjacent zones.</p>
WZ-P5 – Bulk and Location	<p>To manage the bulk and location of major structures to maintain a pedestrian scale of development and an open atmosphere with ample sunlight access.</p>
WZ-P6 – Esplanade Areas	<p>To ensure buildings and major structures are sufficiently set back from Mean High Water Springs to safeguard esplanade areas and manage flooding risks.</p>
WZ-P7 – Active Frontage	<p>To strengthen the interrelationship between buildings and the public realm by requiring building design to:</p> <ol style="list-style-type: none"> <li>1. Provide active frontage at ground floor level.</li> <li>2. Orientate entrances towards roads and waterways.</li> </ol>
WZ-P8 – Residential Activities and Visitor Accommodation	<p>To promote a mixed-use environment by enabling appropriately designed residential activities and visitor accommodation within the Waterfront Mixed-Use Area.</p>

## Waterfront Zone (WZ)

WZ-P9 – Subdivision	To enhance walkability and street amenity by requiring sufficient site frontages to: <ol style="list-style-type: none"> <li>1. Avoid rear sites.</li> <li>2. Enable corner sites to be emphasised.</li> <li>3. Maintain narrow sites frontages.</li> </ol>
WZ-P10 – Safety	To reduce threats to personal safety and security by utilising urban design and CPTED principles in the design of developments in the Waterfront Zone.

### Rules

WZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
WZ-R2	Minor Buildings	
	Activity Status: Permitted Note: Minor Buildings are exempt from rules WZ-R3 – R8.	
WZ-R3	Building and Major Structure Height	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is 11m above ground level.</li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	Activity Status when compliance not achieved: Discretionary
WZ-R4	Building and Major Structure Setbacks	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. All building and major structure is set back at least:               <ol style="list-style-type: none"> <li>a. 3m from any Residential or Open Space and Recreation Zone boundary.</li> <li>b. 10m from Mean High Water Springs and the top of the bank of any river that has a width</li> </ol> </li> </ol>	Activity Status when compliance not achieved: Discretionary

## Waterfront Zone (WZ)

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

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

WZ-R5	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building and major structure and any Residential or Open Space and Recreation Zone boundary.</li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
WZ-R6	Building Floor-to-Floor Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The minimum interior floor-to-floor height is:               <ol style="list-style-type: none"> <li>a. 3.8m at ground floor.</li> <li>b. 3.0m above ground floor.</li> </ol> </li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
WZ-R7	Building Frontages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. At least 55% of the building frontage at ground floor is clear glazing.</li> <li>2. At least 55% of any building face at ground floor is clear glazing where that building face is orientated towards an adjoining Open Space and Recreation Zone.</li> <li>3. The principal public entrance to the building is situated to face the road where the building is on a front site.</li> <li>4. The principal public entrance to the building is situated to face the</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

## Waterfront Zone (WZ)

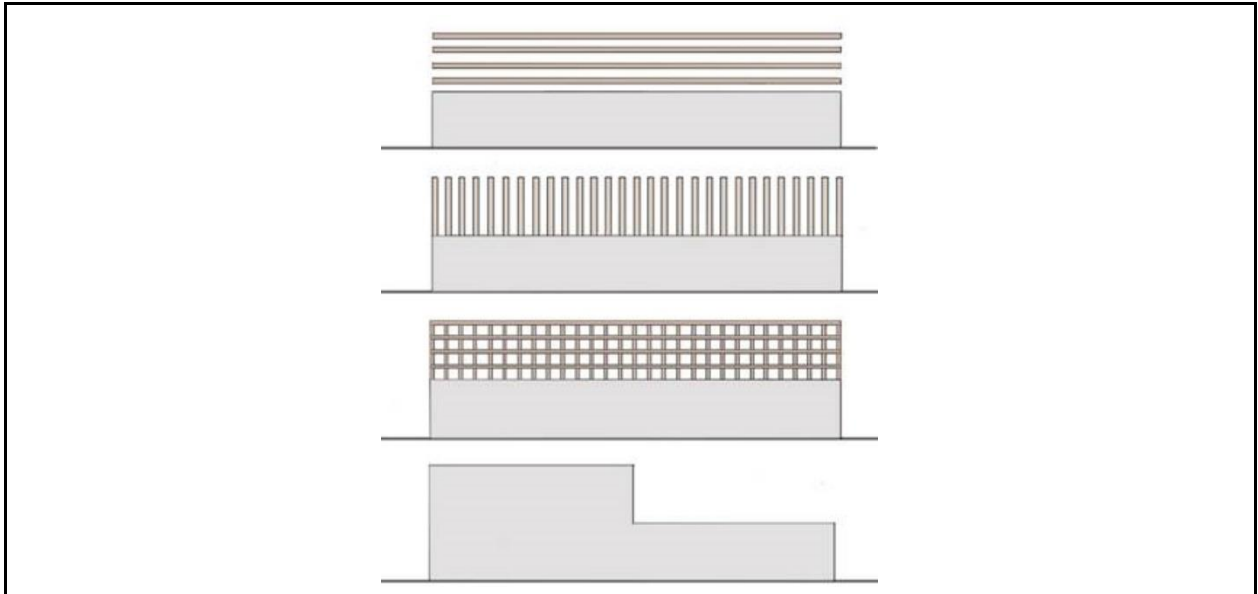
waterway where the building is on a site adjoining a Open Space and Recreation Zone, coastal marine area or waterway.

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

WZ-R8	Building and Major Structure Coverage	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum building and major structure coverage does not exceed 50% of a site.</li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
WZ-R9	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The fence has a maximum height of 2m above ground level.</li> <li>Fencing within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high.</li> <li>Fencing within 30m of Mean High Water Springs or along a boundary shared with a Open Space and Recreation Zone is at least 50% visually permeable for any portion above 1.5m high.</li> <li>The fence is not fortified with barbed wire, broken glass or any form of electrification.</li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on urban design and passive surveillance.</li> <li>Effects on streetscape character and amenity.</li> <li>Effects on active frontages.</li> <li>The extent to which the fencing is necessary due to health and safety reasons.</li> </ol>

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

## Waterfront Zone (WZ)



WZ-R10	Car Parking
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Car parking spaces are located at least:               <ol style="list-style-type: none"> <li>a. 2m from any road boundary, excluding garages and on street car parking spaces.</li> <li>b. 20m from Mean High Water Springs, except where the car parking is inside a building and is subsidiary to another activity.</li> </ol> </li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Non-Complying</p>
WZ-R11	Outdoor Areas of Storage or Stockpiles
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules WZ-R2 – R4.</li> <li>b. Is screened from view from public places and surrounding sites.</li> </ol> </li> </ol> <p><i>Note: Any application shall comply with information requirement WZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Waterfront Zone (WZ)

WZ-R12	Artisan Industrial Activity	
	Activity Status: Permitted Where: 1. The maximum GFA is 300m <sup>2</sup> .	Activity Status when compliance not achieved: Non-Complying

WZ-R13	Residential Unit	
<b>Waterfront Commercial Area</b>	Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	
<b>Waterfront Mixed-Use Area</b>	Activity Status: Permitted Where: 2. Every residential unit provides Net Floor Area of at least: <ol style="list-style-type: none"> <li>For 1 bedroom – 45m<sup>2</sup></li> <li>For 2 bedrooms – 70m<sup>2</sup></li> <li>For 3 bedrooms – 90m<sup>2</sup></li> <li>For more than 3 bedrooms – 90m<sup>2</sup> plus 12m<sup>2</sup> for each additional bedroom.</li> </ol> 3. Every 1 bedroom residential unit contains an outdoor living court of at least 4m <sup>2</sup> and at least 1.5m depth. 4. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m <sup>2</sup> and at least 2.4m depth. 5. The activity is a primary activity or ancillary activity.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: <ol style="list-style-type: none"> <li>The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.</li> <li>The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> <li>Adverse effects on active frontage.</li> </ol> Notification: Any application for a residential unit which does not comply with WZ-R13.2 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

WZ-R14	Grocery Store	
<b>Waterfront Commercial Area</b>	Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	
<b>Waterfront Mixed-Use Area</b>	Activity Status: Permitted Where: 2. The activity is located at ground floor. 3. The maximum Business Net Floor Area is 600m <sup>2</sup> .	Activity Status when compliance not achieved: Discretionary

## Waterfront Zone (WZ)

4. The activity is a primary activity or ancillary activity.

WZ-R15	Marine Retail	
WZ-R16	Recreational Facilities	
WZ-R17	Educational Facilities	
<b>Waterfront Commercial Area</b>	Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	
<b>Waterfront Mixed-Use Area</b>	Activity Status: Permitted Where: 1. The activity is located at ground floor. 2. The activity is a primary activity or ancillary activity.	Activity Status when compliance not achieved: Discretionary

WZ-R18	Commercial Services	
<b>Waterfront Commercial Area</b>	Activity Status: Discretionary Where: 1. The activity is a primary activity or ancillary activity.	
<b>Waterfront Mixed-Use Area</b>	Activity Status: Permitted Where: 1. The activity is located at ground floor. 2. The activity is a primary activity or ancillary activity.	Activity Status when compliance not achieved: Discretionary

WZ-R19	General Retail	
WZ-R20	Food and Beverage Activity	
WZ-R21	Entertainment Facilities	
WZ-R22	Places of Assembly	
<b>Waterfront Commercial Area</b>	Activity Status: Permitted Where: 1. The Business Net Floor Area of the individual activity does not exceed 250m <sup>2</sup> . 2. The activity is a primary activity or ancillary activity.	Activity Status when compliance not achieved: Discretionary

## Waterfront Zone (WZ)

<b>Waterfront Mixed-Use Area</b>	Activity Status: Permitted Where: 3. The activity is located at ground floor. 4. The activity is a primary activity or ancillary activity.	Activity Status when compliance not achieved: Discretionary
<b>WZ-R23</b>	<b>Visitor Accommodation</b>	
<b>Waterfront Commercial Area</b>	Activity Status: Discretionary Where: 1. The activity is a primary activity or ancillary activity.	
<b>Waterfront Mixed-Use Area</b>	Activity Status: Permitted 2. The activity is a primary activity or ancillary activity.	
<b>WZ-R24</b>	<b>Marine Industry</b>	
<b>Waterfront Mixed-Use Area</b>	Activity Status: Restricted Discretionary Where: 1. The activity is a primary activity or ancillary activity. Matters of restricted discretion: 2. Adverse effects from objectionable and/or noxious odour, dust or noise emissions. 3. Whether the design, scale and nature of the activity is consistent with the character and purpose of the Waterfront Zone. 4. The extent to which an active frontage is provided.	
<b>Waterfront Commercial Area</b>	Activity Status: Non-Complying Where: 5. The activity is a primary activity or ancillary activity.	
<b>WZ-R25</b>	<b>General Industry</b>	
<b>WZ-R26</b>	<b>Manufacturing</b>	
<b>WZ-R27</b>	<b>Repair and Maintenance Services</b>	
<b>WZ-R28</b>	<b>Supported Residential Care</b>	
<b>WZ-R29</b>	<b>Retirement Village</b>	
<b>WZ-R30</b>	<b>Motor Vehicle Sales</b>	
<b>WZ-R31</b>	<b>Garden Centres</b>	
<b>WZ-R32</b>	<b>Trade Suppliers</b>	
<b>WZ-R33</b>	<b>Drive Through Facilities</b>	



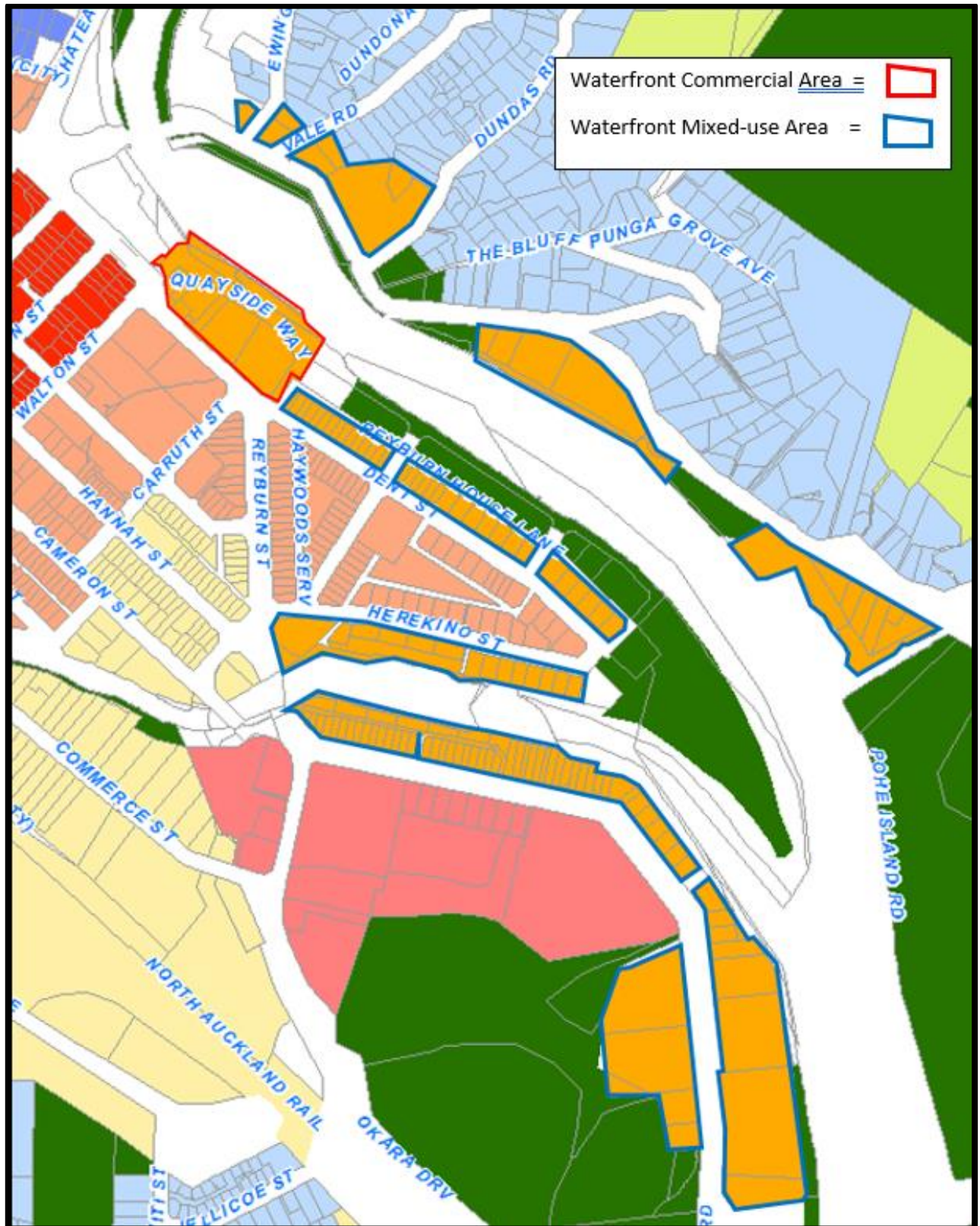
## Waterfront Zone (WZ)

WZ-R34	Hire Premise
WZ-R35	Service Stations
WZ-R36	Funeral Home
WZ-R37	Emergency Services
WZ-R38	Care Centre
WZ-R39	General Commercial
WZ-R40	General Community
Activity Status: Non-Complying	
Where:	
1. The activity is a primary activity or ancillary activity.	

WZ-R41	Rural Production Activity
WZ-R42	Waste Management facility
WZ-R43	Landfill
WZ-R44	Hospital
Activity Status: Prohibited	
Where:	
1. The activity is a primary activity or ancillary activity.	

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

## Waterfront Zone (WZ)





## Commercial Zone (COMZ)

### Issues

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

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

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

### Objectives

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

# Commercial Zone (COMZ)

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



## Commercial Zone (COMZ)

COMZ-P6 – Amenity	To enhance walkability and streetscape amenity by requiring development to interact with the site frontage and limiting the formation of rear sites.
COMZ-P7 - Safety	To reduce threats to personal safety and security by utilising urban design and CPTED principles in the design of developments in the Commercial Zone.
COMZ-P8 – Impervious Areas	To maintain and enhance amenity by managing impervious areas.
COMZ-P9 – Esplanade Areas	To safeguard esplanade areas and waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.
COMZ-P10 – Subdivision	To limit the creation of small sites through subdivision by requiring minimum lot sizes and frontage widths.

### Rules

COMZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
COMZ-R2	Minor Buildings	
	Activity Status: Permitted <i>Note: Minor buildings are exempt from rules COMZ-R3 – R5.</i>	
COMZ-R3	Building and Major Structure Height	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is 15m above ground level.</li> </ol>	Activity Status when compliance not achieved: Discretionary
COMZ-R4	Building and Major Structure Setbacks	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The building is within 1m of road boundaries for at least 50% of the site frontage for any front site, excluding buildings and major structures for</li> </ol>	Activity Status when compliance with COM-R4.1 and 2 (a) is not achieved: Restricted Discretionary Matters of discretion: <ol style="list-style-type: none"> <li>1. Any special or unusual characteristics of the site which is relevant to the rule.</li> </ol>

## Commercial Zone (COMZ)

<p>service stations and frontages where a strategic road protection area applies as detailed in TRA Appendix 4.</p> <p>2. The All buildings and major structures are set back at least:</p> <ol style="list-style-type: none"> <li>3m from any Residential, Waterfront or Open Space and Recreation Zone boundary.</li> <li>27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	<ol style="list-style-type: none"> <li>The functional and operational needs of commercial activities.</li> <li>The effects on the amenity of neighbouring sites.</li> <li>The effects on the amenity of neighbouring zones.</li> <li>The characteristics of the development.</li> </ol> <p>Activity Status when compliance with rules COM-R4.2 (b) is not achieved: Discretionary</p>
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COMZ-R5	Building and Major Structure Height in Relation to Boundary
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential, Waterfront or Open Space and Recreation Zone boundary.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on adjoining zones.</li> </ol>

COMZ-R6	Building Frontages
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>At least 25% of the building frontage at ground floor is clear glazing.</li> <li>A main public pedestrian entrance is provided within 3m of the site frontage, except for service stations where the main pedestrian entrance must be clearly visible from the site frontage.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

COMZ-R7	Impervious Areas
<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

## Commercial Zone (COMZ)

1. The impervious area within the site does not exceed 90% of the net site area.
2. The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

COMZ-R8	Fences
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Fencing within 2m of a road boundary is no higher than 2m.</li> <li>2. Fencing adjoining a Mixed-Use, Residential, Waterfront or Open Space and Recreation Zone or road boundary is not fortified with barbed wire, broken glass or any form of electrification.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects of shading and visual dominance on adjoining properties.</li> <li>2. Effects on urban design and passive surveillance.</li> <li>3. Effects on streetscape character and amenity.</li> <li>4. The extent to which the fencing is necessary due to health and safety reasons.</li> </ol>
COMZ-R9	Hours of Operation
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any activity which operates or is open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 22:00 and is located at least 50m from any Residential or Waterfront Zone boundary, except that cleaning and administrative activities may take place outside of these hours.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
COMZ-R10	Outdoor Areas of Storage or Stockpiles
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:</li> </ol>	<p>Activity Status when compliance with COMZ-R10.1 (b) – (c) not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p>



## Commercial Zone (COMZ)

<ul style="list-style-type: none"> <li>a. Complies with rule COMZ-R2.</li> <li>b. Complies with rules COMZ-R3.2 - R4.</li> <li>c. Is screened from view from adjacent public places and Residential, Waterfront or Open Space and Recreation Zones except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].</li> </ul>	<ul style="list-style-type: none"> <li>1. Effects in relation to dust and odour;</li> <li>2. Visual amenity effects;</li> <li>3. Matters of discretion in COMZ-R3 – R4.</li> </ul> <p>Activity Status when compliance with COMZ-R10.1 (a) not achieved: Discretionary</p>
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COMZ-R11	General Industry
COMZ-R12	Manufacturing
COMZ-R13	Storage
COMZ-R14	Repair and Maintenance Services
COMZ-R15	Artisan Industrial Activities
COMZ-R16	Marine Industry

<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The maximum Business Net Floor Area is 1,000m<sup>2</sup>.</li> <li>3. The activity is located at least 30m from any: <ul style="list-style-type: none"> <li>a. Existing sensitive activity in the Mixed-Use Zone.</li> <li>b. Residential or Open Space and Recreation Zone boundary.</li> </ul> </li> <li>4. All site boundaries which are adjoining a Residential, Waterfront or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> </ul>	<p>Activity Status when compliance not achieved: Discretionary</p>
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## Commercial Zone (COMZ)

COMZ-R17	Motor Vehicle Sales
COMZ-R18	Garden Centres
COMZ-R19	Trade Suppliers
COMZ-R20	Marine Retail
COMZ-R21	Drive Through Facilities
COMZ-R22	Hire Premise
COMZ-R23	Commercial Services
COMZ-R24	Service Stations

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Residential, Waterfront or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.

Activity Status when compliance not achieved: Discretionary

COMZ-R25	General Retail
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Activity Status: Permitted

Where:

1. The retail activity is an ancillary activity to a permitted activity on-site and is less than 100m<sup>2</sup> GFA per site; or
2. The goods sold on-site are also manufactured on-site, provided that the retailing shall be an ancillary activity to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labelling, sorting, mixing or assembling of pre-made products.

Activity Status when compliance not achieved: Non-Complying

COMZ-R26	Food and Beverage Activity
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## Commercial Zone (COMZ)

Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
Where:	
1. The activity is a primary activity or ancillary activity.	
2. The maximum GFA is 250m <sup>2</sup> per site.	
3. The activity is not open for visitors or clients outside the hours of 06:00 and 16:00.	
4. All site boundaries which are adjoining a Residential, Waterfront or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.	

COMZ-R27	Grocery Store
COMZ-R28	Recreational Facilities
COMZ-R29	Emergency Services
COMZ-R30	Educational Facilities

Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
Where:	
1. The activity is a primary activity or ancillary activity.	
2. All site boundaries which are adjoining a Residential, Waterfront or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.	

COMZ-R31	Entertainment Facility
COMZ-R32	Visitor Accommodation
COMZ-R33	Funeral Home
COMZ-R34	Place of Assembly

## Commercial Zone (COMZ)

COMZ-R35	Care Centre
COMZ-R36	Hospital
COMZ-R37	General Commercial
COMZ-R38	General Community
Activity Status: Discretionary	
Where:	
1. The activity is a primary activity or ancillary activity.	

COMZ-R39	Rural Production Activity
COMZ-R40	Landfill Activity
COMZ-R41	Waste Management Facility
COMZ-R42	Residential Activity
Activity Status: Non-Complying	
Where:	
1. The activity is a primary activity or ancillary activity.	



# Shopping Centre Zone (SCZ)

## Issues

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

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

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

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

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

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

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

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

## Objectives

SCZ-O1 – Adverse Effects	Larger compatible general retail stores are located in consolidated shopping centres.
SCZ-O2 – Pedestrians	A safe, pedestrian friendly and convenient shopping environment is provided.

# Shopping Centre Zone (SCZ)

SCZ-O3 – Centre Viability	The primacy, function and vitality of the City Centre, Local Centre and Waterfront Zones are protected and supported by the Shopping Centre Zone.
SCZ-O4 – Adverse Effects	Adverse effects on adjacent zones are managed.
SCZ-O5 – Urban Design	Development achieves quality urban design outcomes while recognising the character and amenity values typical of shopping centres.

## Policies

SCZ-P1 – Shopping Centre Character	<p>To recognise the character and amenity values of the Shopping Centre Zone including:</p> <ol style="list-style-type: none"> <li>1. An active urban environment.</li> <li>2. Larger general retail activities with limited food and beverage activities.</li> <li>3. Consolidated built form.</li> <li>4. Availability of shared common public facilities.</li> <li>5. Moderate intensity of development.</li> <li>6. Higher levels of noise.</li> <li>7. High levels of vehicle traffic.</li> <li>8. Large off-street car parking areas.</li> <li>9. High levels of on-site pedestrian traffic.</li> <li>10. Presence of landscaping to limit visual impact, reduce impervious areas and contribute to amenity within the centre.</li> <li>11. Proximity and walkability to the City Centre or the Waterfront.</li> <li>12. Unique locations and future development opportunities, with differences between the individual shopping centres.</li> </ol>
SCZ-P2 – Consolidation	<p>To protect the City Centre and the Waterfront Zones from the effects of commercial sprawl by:</p> <ol style="list-style-type: none"> <li>1. Encouraging consolidation of large general retail activities at established shopping centres.</li> <li>2. Encouraging any extension of existing shopping centres in a direction towards the City Centre.</li> <li>3. Avoiding the establishment of new shopping centres.</li> </ol>
SCZ-P3 – Range of Larger Retail	To provide for a range of larger, compatible general retail activities in a manner that does not compromise the City Centre, Local Centre, and Waterfront Zones.
SCZ-P4 – Small Scale Retail	To avoid small scale retail activities establishing in existing shopping centres where they may undermine the economic viability and primacy of

# Shopping Centre Zone (SCZ)

	the City Centre Zone, having particular regard to the size of retail activities provided for by the City Centre Zone.
SCZ-P5 – Food and Beverage Activity	To provide for supporting conveniences by allowing for a limited amount of small scale food and beverage activity within the Shopping Centre Zone.
SCZ-P6 – Communal Facilities	To enhance shopper's experience within shopping centres by requiring activities to provide communal facilities including, bathrooms, rubbish bins and rest areas.
SCZ-P7 – Landscaping	<p>To preserve the character and amenity of adjoining zones by requiring landscaping to:</p> <ol style="list-style-type: none"> <li>1. Enhance the character of the shopping centre.</li> <li>2. Soften the effects of built form.</li> </ol>
SCZ-P8 – Building Exterior Treatment	<p>To preserve the character and amenity of adjoining zones and enhance the character and amenity of the Shopping Centre Zone by requiring the exterior treatment of buildings to:</p> <ol style="list-style-type: none"> <li>1. Enhance the character of the shopping centre.</li> <li>2. Soften the effects of built form.</li> <li>3. Be sensitive to and compatible with the character and amenity of adjoining zones.</li> <li>4. Positively contribute to the character and amenity of adjoining Waterfront or Open Space and Recreation Zones.</li> <li>5. Demonstrate best practice urban design.</li> </ol>
SCZ-P9 – Pedestrians and Cyclists	To improve pedestrian and cyclist circulation and connections within shopping centres and to shopping centres, by providing secured bicycle parking facilities and by requiring building design and positioning to positively contribute to pedestrian shopping experience.
SCZ-P10 – Sunlight	To protect and provide for a reasonable level of daylight access and outlook by managing built form adjacent to adjoining zones.
SCZ-P11 – Infrastructure	To remedy or mitigate the effects of Shopping Centre activities on the safe and efficient operation of the surrounding roading network, network utilities, and infrastructure.
SCZ-P12 – Subdivision	To protect the Shopping Centre Zone for consolidated larger retail activities by discouraging subdivision which reduces average net site area.
SCZ-P13 – Esplanades and Reserves	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.
SCZ-P14 – Existing Service Stations	To provide for existing service stations within the SCZ while avoiding or mitigating adverse any adverse effects generated by the maintenance and upgrade of existing service stations, having regard to the functional and operational requirements of activities.



# Shopping Centre Zone (SCZ)

## SCZ-P15 – Safety

To reduce threats to personal safety and security by utilising urban design and CPTED principles in the design of developments in the Shopping Centre Zone.

## Rules

SCZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol> <p><i>Note: Any application shall comply with information requirement SCZ-REQ1.</i></p>	
SCZ-R2	Any Redevelopment	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity complies with rules SCZ-R4 – R8.</li> <li>2. The redevelopment is:               <ol style="list-style-type: none"> <li>a. Internal, within the footprint of an existing building; or</li> <li>b. External and the alterations do not increase the gross floor area of the building, or alter the principal façade by more than 20%, provided that such changes:                   <ol style="list-style-type: none"> <li>i. Retain the principal entrances in compliance with 3 below;</li> <li>ii. Retain a minimum of 65% of the façade as visually permeable; and</li> <li>iii. Retain verandahs to shelter pedestrians.</li> </ol> </li> </ol> </li> <li>3. The principal entrance(s) of each retail, commercial or food and beverage unit either opens</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Shopping Centre Zone (SCZ)

directly on to a shopping centre footpath or other pedestrian connection, or is connected to a pedestrian connection by a smaller formed pedestrian connection.

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

SCZ-R3	Minor Buildings	
	Activity Status: Permitted	
	<i>Note: Minor Buildings are exempt from rules SCZ-R4 – R7.</i>	
SCZ-R4	Building and Major Structure Height	
	Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
	Where:	
	1. The maximum building height and major structure height is 15m above ground level.	
	<i>Note: Any application shall comply with information requirement SCZ-REQ1.</i>	
SCZ-R5	Building and Major Structure Height in Relation to Boundary	
	Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
	Where:	
	1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone boundary.	
	<i>Note: Any application shall comply with information requirement SCZ-REQ1.</i>	
SCZ-R6	Building and Major Structure Area	

# Shopping Centre Zone (SCZ)

	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. GFA of any building and major structure is more than 1,600 m<sup>2</sup>.</li> <li>2. Public bathroom facilities are provided for use by shopping centre patrons at a location inside the shopping centre at a rate of:               <ol style="list-style-type: none"> <li>a. 2 for up to 400m<sup>2</sup></li> <li>b. 4 for up to 800m<sup>2</sup></li> <li>c. 8 for up to 1200m<sup>2</sup></li> <li>d. 1 for every 200m<sup>2</sup> thereafter.</li> </ol> </li> </ol> <p><i>Note: Any application shall comply with information requirement SCZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
SCZ-R7	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures are set back at least:               <ol style="list-style-type: none"> <li>a. 3m from any Open Space and Recreation Zone boundary.</li> <li>2.-10m from Mean High Water Springs—or the top of the bank of any river that has a width greater than 3m (excluding bridges, culverts and fences).</li> </ol> </li> </ol> <p><i>Note: Any application shall comply with information requirement SCZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
SCZ-R8	Impervious Areas	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The impervious area within the site does not exceed 85% of the site area.</li> <li>2. The impervious area is set back at least 5m of from Mean High</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Shopping Centre Zone (SCZ)

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

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

SCZ-R9	Commercial Services	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The Business Net Floor Area for the commercial service activity does not exceed 100m<sup>2</sup>.</li> <li>2. The total Net Floor Area of all commercial service activities does not exceed 2% of the total Net Floor Area for the shopping centre (when the commercial service activity is included).</li> <li>3. The commercial service activity is in a building which also accommodates a retail activity.</li> </ol> <p><i>Note: Any application shall comply with information requirement SCZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
SCZ-R10	Food and Beverage Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The Business Net Floor Area of any food and beverage activity does not exceed 350 m<sup>2</sup>.</li> <li>2. The total Net Floor Area of all food and beverage activities does not exceed 5% of the total Net Floor Area for the shopping centre (when the food outlet is included).</li> <li>3. The food and beverage activity is in a building that also accommodates retail activity.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Shopping Centre Zone (SCZ)

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

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

SCZ-R11	Retail Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The retail activity occupies more than 450m<sup>2</sup> Business Net Floor Area.</li> <li>2. The retail activity occurs in an existing building.</li> </ol> <p><i>Note: Any application shall comply with information requirement SCZ-REQ1.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
SCZ-R12	Grocery Store	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The Grocery Store occupies more than 450m<sup>2</sup> Business Net Floor Area.</li> </ol> <p>Note: Any application shall comply with information requirement SCZ-REQ1.</p>	<p>Activity Status when compliance not achieved: Discretionary</p>
SCZ-R13	Service Stations	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The service station is existing at (insert operative date).</li> </ol>	<p>Activity Status when compliance not achieved:</p> <p>With SCZ-R13.1: Non-complying</p> <p>With SCZ-R13.2 Discretionary</p>

# Shopping Centre Zone (SCZ)

2. Any re-development complies with SCZ-R2.

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

SCZ-R14	Motor Vehicle Sales
SCZ-R15	Garden Centres
SCZ-R16	Trade Suppliers
SCZ-R17	Marine Retail
SCZ-R18	Hire Premises and Facilities
SCZ-R19	Entertainment Facilities
SCZ-R20	Drive-thru Facilities
SCZ-R21	Visitor Accommodation
SCZ-R22	Funeral Homes
SCZ-R23	General Commercial
SCZ-R24	General Community
Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity. <i>Note: Any application shall comply with information requirement SCZ-REQ1.</i>	
SCZ-R25	Rural Production Activities
SCZ-R26	Industrial Activities
SCZ-R27	Community Activities
SCZ-R28	Residential Activities
Activity Status: Prohibited Where: 1. The activity is a primary activity or ancillary activity.	
SCZ-REQ1	Information Requirements

## Shopping Centre Zone (SCZ)

1. All applications for resource consent pursuant to SCZ-R2 – SCZ-R24 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
  - a. Any consultation undertaken as part of pre-application meetings with Council (including the Council's Urban Design Panel) and any mitigation measures that were recommended by Council.
  - b. How the proposal is consistent with best practice urban design, the relevant objectives and policies and the Shopping Centre Zone building bulk and location standards.
  - c. The effects on the surrounding character, amenity, and safety with particular regard to building bulk, location and design and parking and transport.
  - d. Consideration of potential effects on adjacent neighbours.
  - e. The extent to which the site layout and proposed landscaping helps to avoid or minimise the impacts of adjacent streets and public spaces or adjacent sites.
  - f. Consideration of any effects on the Waterfront Zone and any Open Space and Recreation Zone.

*Note: Acceptable means of compliance and best practice urban design guidance is contained within Whangārei District Council's Urban Design Guidelines*

## **Report 5 – Centres Proposed Plan Changes 88E**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**



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## ***Attachments***

1. Recommended Local Commercial Zone Chapter (now Local Centre Zone – LCZ)
2. Recommended Neighbourhood Commercial Zone Chapter (now Neighbourhood Centre Zone – NCZ)

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 4 of the s42A Report. It is split into 3 parts:
  - I. General
  - II. Local Commercial Zone (LCZ)
  - III. Neighbourhood Commercial Zone (NCZ)

Where this report refers to the s42A Report it is referring to Part 4. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 4.

## Evaluation of Submissions

### Part I: General

#### Topic A: Definitions

##### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning and Development Department ( <b>WDC Planning</b> )	236.89-93

##### Principal Issues Raised

- To align with the proposed provisions of the National Planning Standards.

##### Reporting Planners 42A Recommendation

4. This was dealt with in paragraph 26 of the s42A Report and the recommendation from the Reporting Officer was to amend the Local Commercial and Neighbourhood Commercial chapters.

##### Evidence from Submitter and Right of Reply

5. No evidence was presented on this topic.

##### Findings and Explanations of the Hearing Panel

6. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted and the Chapters should be amended to align with the National Planning Standards.

#### Topic B: General

##### Relevant Submissions

Submitter	Submission# & Point #
J Edwards	193.24 and 25

##### Principal Issues Raised

- Requested provision of the missing information in Table 15 of the Section 32 report and to ensure the plan change had been properly considered.

- Also requested missing key information from the title of Table 27. It was unclear whether the table relates to Neighbourhood Commercial or Local Commercial.

#### Reporting Planners 42A Recommendation

7. This was dealt with in paragraphs 30 – 32 of the s42A Report. It was noted that the second option considered in Table 15 was incorrectly titled as Option 3, and that this was continued though. It was confirmed that Table 27 related to the Neighbourhood Centre zone.
8. The Reporting Officer recommended that the submissions be rejected.

#### Evidence from Submitter and Right of Reply

9. No evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

10. We have read and considered the comments in paragraphs 30 to 32 and note that the s42A report provided clarity on these matters. Given this, we agree with the recommendations as set out in the s42A Report and agree that the submission should be rejected.

### Topic C: Overview

#### Relevant Submissions

Submitter	Submission# & Point #
Z Energy	62.6
Southpark Corporation Limited ( <b>Southpark</b> )	154.5
Housing NZ (Kāinga Ora)	268.86 and 101

#### Principal Issues Raised

- The retention of the Zone Overview where the contribution of existing service stations to the commercial character of the Kensington and Kamo Local Commercial areas is recognised.
- Amendment of the Local Commercial overview by deleting the reference to Ruakaka and Marsden Point.
- Amendment to the Local Commercial Overview to include an additional discussion specific to Otangarei centre, and to identify Otangarei centre as a 'Local Commercial' zone.
- Amendment to remove the reference to Otangarei in the Neighbourhood Commercial Overview.

#### Reporting Planners 42A Recommendation

11. This was dealt with in paragraphs 38 – 41 of the s42A Report and the recommendation from the Reporting Officer was to retain the Local Commercial and Neighbourhood Commercial Overview.

#### Evidence from Submitter and Right of Reply

12. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in relation to the inclusion of Otangarei as a Local Centre and the corresponding removal of it as a Neighbourhood Centre in disagreement with the s42A Recommendation. Mr Cook addressed this on page 3 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
13. No other evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

14. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given

15. and agree that the submissions should be accepted or rejected accordingly.
16. As a result of our recommendation to leave the Otangarei area in the NCZ it follows that the description of the area should remain in the NCZ overview. This is fully addressed in our Part 9- Zoning recommendations report.

## **Part II: Local Commercial Zone**

### **Topic A: Objectives**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Fire and Emergency New Zealand ( <b>Fire NZ</b> )	165.24
Housing NZ (Kāinga Ora)	268.87
Southpark	154.6
Public Health Northland	207.29 – 31
Foodstuffs North Island Limited ( <b>Foodstuffs</b> )	225.4

#### **Principal Issues Raised**

- LC-O1 be retained as notified. To be amended to add reference to the Marsden Primary Centre. To amend as follows: “Provide a sustainable distribution of LC...”
- LC-O2 be deleted. That the Objective be retained as notified.
- Amendments to LC-O3.
- Insertion of a new Objective about safety.

#### **Reporting Planners 42A Recommendation**

17. This was dealt with in paragraphs 50 – 56 of the s42A Report, and the recommendation from the Reporting Officer was to retain the Local Commercial Objectives as notified.

#### **Evidence from Submitter and Right of Reply**

18. Southpark presented evidence in disagreement with the s42A Recommendation. They sought changes to LC-O1 to allow a consideration of effects on the viability and vitality of the Marsden Primary Centre. Mr Cook addressed this on page 3 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
19. Mr Lindenberg for Kāinga Ora confirmed his support for the retention of objectives LCZ-O1 and LCZ-O3 as well as having no opposition to the minor amendments recommended by Council.

#### **Findings and Explanations of the Hearing Panel**

20. In relation to the submissions from Southpark (including others in relation to this issue), at our request Ms Shaw provided legal submissions and case law on trade competition. She confirmed that it was her view, informed by a number of cases, that TCPL and Southpark are trade competitors. Mr Cook confirmed in the Council’s Right of Reply that he agreed with this view and that it was also his view that the Southpark submission was seeking to include a reference to Marsden Town Centre in the objective and policy framework in an attempt to stifle development at the Ruakaka Town Centre.
21. This is enough in itself for us to recommend that Southpark’s submissions be rejected.
22. However, we have also considered their submissions on their merits in case it is subsequently proven that TCPL and Southpark are not trade competitors.

23. To assist our understanding of the background to the structure plan area and the historic relationship of the two centres Mr Cook provided us a 'Timeline – Marsden Point Structure Plan and Plan Changes' on pages 10 to 17 of the Right of Reply.
24. In considering the merits of the Southpark submission, we note Mr Cook's advice in the Right of Reply that the 30/50 Implementation Plan states that it may be preferable to continue to develop the Ruakaka Town Centre given that the development of the Marsden Town Centre is "ambitious" and is reliant on a number of drivers or triggers to increase population, which may not occur over the short to medium term.
25. Mr Foy confirmed in the Right of Reply 'that the scale of centre indicated for the MPC is optimistic based on growth projections in the area in the foreseeable future. For that reason, I disagree with the submitter that the expanded RLCZ would prevent the MPC from developing to its potential, and instead believe that what would stop (or delay) that development would be population growth that takes a long time to approach the capacity of the Structure Plan area.' We note that Mr Heath, in his evidence for Southpark (including in his executive summary at 3.1), recognises that the current catchment is insufficient to support both an expansion of the Ruakaka shops centre and the Marsden Primary Centre.
26. We note that Mr Cook indicates that, based on the economic evidence, he is of the view that the development of the Marsden Primary Centre is well before its time given it is based on a structure plan providing for 40000 people, where the current population is around 5000.
27. It is also significant to note, as confirmed by Mr Cook, that the explanation to Action 2.1 of the Implementation Plan states in relation to the release of commercial land that *'Such changes should ensure that the release of land from the structure plan into the District Plan should be carefully managed to ensure a consolidated urban form and avoid scatter(sic), disjointed development and that the plan states that expansion of the Ruakaka Town centre has the advantage that it can expand on a more piecemeal way, according to actual growth in the population.'*
28. We accept Mr Cook's and Mr Foy's evidence in the Right of Reply, and believe that removing the Local Centre zoning from the Ruakaka Town Centre and placing it instead on the Marsden Primary Centre could lead to scattered development rather than consolidate development in one place, with development existing at both Ruakaka Town Centre and at Marsden Primary Centre. We do not believe that this would be a good outcome.
29. In view of the above, we agree with the recommendation of the Reporting Officer that the Southpark submission be rejected. However in coming to this decision we do recognise that it is important that the appropriate zoning of the Marsden Primary Centre be explored and encourage Southpark to proactively consider this as part of their private plan change for the area (already submitted to WDC).
30. Other than this matter we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic B: Policies

### LC-P1 – Relevant Submissions

Submitter	Submission# & Point #
Z Energy	62.7
Housing NZ (Kāinga Ora)	268.88

### Principal Issues Raised

- Amendments to LC-P1.

### Reporting Planners 42A Recommendation

31. This was dealt with in paragraphs 60 – 62 of the s42A Report.
32. Mr Cook did not recommend accepting Z Energy's requested changes to ensure that the policy recognises those existing activities which contribute to the vitality and characteristics of the zone but

which have functional and operational requirements which mean that they may not meet the required outcomes of the policy.

33. He also indicated that the change sought by Kāinga Ora would be inconsistent with the intensity of development referred to across the range of commercial zones.
34. Mr Cook's recommendation was to retain LC-P1 as notified.

#### **Evidence from Submitter and Right of Reply**

35. Ms Blair, in her tabled evidence for Z Energy, urged the panel to amend LC-P1 (and to add a new policy) to ensure that it is recognised that some activities have specific functional and operational design requirements.
36. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended changes to LC-P1 to the density references and a change to the wording of the policies in relation to no/limited noxious odours.
37. Mr Cook addressed this on page 4 of his RoR Report. His opinion and recommendation to reject the submission points had not changed. However, he did accept Mr Lindenberg's point in regard to noxious odours and recommended that this change be accepted.

#### **Findings and Explanations of the Hearing Panel**

38. We accept Mr Cook's recommendation in the s42A report regarding Z Energy's submission, we agree that the discretionary activity status of service stations allows a thorough consideration of their functional and operational requirements.
39. Kāinga Ora requested that the wording of the policy be altered to reflect its suitability for a medium intensity and scale of development rather than the 'low to medium' intensity of development described in the policy as notified. Whilst we note that Mr Cook indicates that the wording should be viewed against the wording used for other zones, to provide context, in this instance we have some sympathy with Mr Lindenberg.
40. We believe that the use of the words 'low' and 'medium' should have some continuity across the plan. We have therefore considered what comparisons can be made to the use of the words in the residential zones. There is now no longer a low density residential zone, this being now renamed the Large Lot Residential Zone (LLRZ); this does not therefore serve any use as a comparison for us. However, the Medium Density Residential Zone (MRZ) does provide a useful comparison. The equivalent Policy 1 for this zone refers to medium density housing, and the zone allows for a 11m height limit and a 65% maximum impervious area. The LCZ allows for an 11m maximum building height and 90% impermeable coverage.
41. Given the similar building heights in these two zones, and the higher impervious area allowable in the LCZ we consider that it would be consistent to refer only to medium intensity development in LCZ-P1 rather than to 'low to medium' intensity development.
42. On the basis of the above, we recommend that LCZ-P1(3) be modified to reflect this as set out in Attachment 1.

#### **LC-P2 – Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Fire NZ	165.25
Commercial Centres Ltd	210.11
Housing NZ (Kāinga Ora)	268.89
Foodstuffs	225.5

#### **Principal Issues Raised**

- Amendments to LC-P2. The deletion of clause 5.

#### Reporting Planners 42A Recommendation

43. This was dealt with in paragraphs 67 – 72 of the s42A Report and the recommendation from the Reporting Officer was to retain LC-P2 as notified.

#### Evidence from Submitter and Right of Reply

44. Mr Norwell and Ms Sharp presented evidence on behalf of Foodstuffs, in agreement, and in disagreement with the s42A Recommendation. They agreed with the amendments to the Local Commercial rules that seek to better provide for supermarkets. But, given these changes, they considered that it was appropriate to amend the policy framework by adding a new clause 6 to LC-P2. Mr Cook addressed this on page 5 of his RoR Report. He supported the amendments sought by Mr Norwell and Ms Sharp and recommended the submission point be accepted.
45. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He opined that it was more appropriate to discourage industrial activities rather than avoid them in the zone. Mr Cook addressed this on page 5 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
46. No other evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

47. In relation to Kāinga Ora's submission, we consider that the use of 'avoiding' is more appropriate given the amended wording for LCZ-O4 as set out in the s42A report.
48. Other than this matter we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

#### LC-P5 – Relevant Submissions

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.90

#### Principal Issues Raised

- Amendments to LC-P5 to remove 'protect' and replace with 'provides for'.

#### Reporting Planners 42A Recommendation

49. This was dealt with in paragraph 75 of the s42A Report and the recommendation from the Reporting Officer was to amend LC-P5.

#### Evidence from Submitter and Right of Reply

50. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. Whilst he is supportive of the addition on the words 'maintains and enhances' he wished to see the deletion of 'protects' as this could 'lock up' the areas and limit the opportunity for development. Mr Cook addressed this on page 5 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
51. No other evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

52. Whilst we do not accept the logic of Mr Lindenberg's view that the term 'protect' is not appropriate for an RMA Section 7 matter relating to amenity, we do agree with his view that an approach of protection suggests retention of a value in its present state. We consider that within this zone where the plan



seeks to encourage new residential development within the zone (and where residential development is not necessarily a current feature of the zone) that 'protect' should be removed. We therefore recommend that LC-P5 be amended to read as set out in Attachment 1.

#### LC-P6 – Relevant Submissions

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.91

#### Principal Issues Raised

- Amendments to LC-P6 to remove 'protect' and replace with 'provide for' and to remove 'requiring' and replace with 'ensuring'.

#### Reporting Planners 42A Recommendation

53. This was dealt with in paragraph 78 of the s42A Report and the recommendation from the Reporting Planner was to amend LC-P6.

#### Evidence from Submitter and Right of Reply

54. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended changes to LC-P6 to remove 'protect' and instead to 'provide for'. Mr Cook addressed this on page 5 of his RoR Report. His opinion and recommendation to accept in part the submission point by retaining 'protect' but also adding 'provide for' had not changed.
55. No other evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

56. As with LC-P5 above, we agree with Mr Lindenberg's view that an approach of protection suggests the retention of a value in its present state. We consider that within this zone where the plan seeks to encourage new residential development within the zone (and where residential development is not necessarily a current feature of the zone) it is more appropriate to seek to utilise provide rather than protect. We therefore recommend that LC-P6 be amended to read as set out in Attachment 1.

#### LC-P7 – Relevant Submissions

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.92
Fire NZ	165.26
Public Health Northland	207.33
NZ Transport Agency (NZTA)	240.81

#### Principal Issues Raised

- Amendments to LC-P7 and the deletion of LC-P7(b).

#### Reporting Planners 42A Recommendation

57. This was dealt with in paragraphs 84 – 87 of the s42A Report and the recommendation from the Reporting Officer was to amend LC-P7.

#### Evidence from Submitter and Right of Reply

58. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended changes to use less directive language; to use 'discourage' rather than 'requiring' and 'avoiding'. Mr Cook addressed this on page 4 of his RoR Report. His opinion and recommendation to reject the submission points had not changed; although he recommended a rewording of the policy to make it easier to understand.

59. In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.

**Findings and Explanations of the Hearing Panel**

60. Mr Cook confirmed that the policy seeks to ensure the creation of active street frontages with a fine grain character. We believe that this is an important aspiration for the Local Centres and consider that the alterations suggested by Mr Lindenberg would unduly weaken the policy with a corresponding impact on the ability to achieve the desired active frontages and fine grain character. Likewise, we consider that the changes suggested by Fire NZ would also weaken the policy and make the achievement of continuous verandahs more difficult.
61. Overall, we consider that the altered wording suggested by Mr Cook in the s42A report makes the intent of the policy far easier to understand than the wording as notified. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly, noting that amendment has been made to LC-P7 as shown in Attachment 1.

**LC-P8 – Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.93

**Principal Issues Raised**

- To retain LC-P8 as notified.

**Reporting Planners 42A Recommendation**

62. This was dealt with in paragraph 90 of the s42A Report and the recommendation from the Reporting Officer was to retain LC-P8 as notified.

**Evidence from Submitter and Right of Reply**

63. Mr Lindenberg, on behalf of Kāinga Ora, confirmed that he supported the retention of the policy including the minor amendments to bring consistency with the National Planning Standards zone names.

**Findings and Explanations of the Hearing Panel**

64. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submission should be accepted.

**LC-P9 – Relevant Submissions**

Submitter	Submission# & Point #
Commercial Centres Ltd/Foodstuffs	210.12 and 225.6

**Principal Issues Raised**

- Amendment to remove the words 'or undesirable'.

**Reporting Planners 42A Recommendation**

65. This was dealt with in paragraph 93 of the s42A Report and the recommendation from the Reporting Officer was to amend LC-P9.

**Evidence from Submitter and Right of Reply**

66. Commercial Centres confirmed at the hearing, set out in their tabled supporting information, that they supported the Council's proposed changes to LC-P9.

67. Mr Norwell and Ms Sharp for Foodstuffs confirmed in their evidence that they supported the Council's proposed changes to LC-P9.

**Findings and Explanations of the Hearing Panel**

68. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.

**LC-P10 – Relevant Submissions**

Submitter	Submission# & Point #
Kneehy Limited	144.5
Woolworths New Zealand ( <b>Woolworths</b> )	51.1
Commercial Centres Ltd/Foodstuffs	210.13 and 225.7

**Principal Issues Raised**

- Support for the policy
- Amend the policy.
- Deletion of the policy.

**Reporting Planners 42A Recommendation**

69. This was dealt with in paragraphs 98 – 100 of the s42A Report and the recommendation from the Reporting Officer was to delete the reference to supermarkets in LC-P10.

**Evidence from Submitter and Right of Reply**

70. In his tabled evidence Mr Foster confirmed that Woolworths supports the deletion of the reference to supermarkets.
71. Mr Norwell and Ms Sharp presented evidence on behalf of Foodstuffs. Whilst they partially supported the s42A recommendation, they were concerned that supermarkets could inadvertently be excluded. They therefore asked for 'but not excluding grocery stores' to be added to the end of the policy. Mr Cook addressed this on page 5 of his RoR Report. He confirmed his support for this additional amendment.
72. Commercial Centres confirmed at the hearing, set out in their tabled supporting information, that they were not pursuing this matter.

**Findings and Explanations of the Hearing Panel**

73. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted.

**LC-P11 – Relevant Submissions**

Submitter	Submission# & Point #
Kneehy Limited	144.5
Housing NZ (Kāinga Ora)	268.94
Commercial Centres Ltd/Foodstuffs	210.14 / 225.7
Southpark	154.7

Note:

- The Commercial Centres Ltd submission was incorrectly labelled 210.13 in the Council's s42A report.
- Whilst Kneehy did express support for all LC policies, they did not make specific reference to this

policy in submission 144.5.

### **Principal Issues Raised**

- Support for the policy. Amendments to the policy. Deletion of the policy.

### **Reporting Planners 42A Recommendation**

74. This was dealt with in paragraphs 106 – 108 of the s42A Report and the recommendation from staff was to amend LC-P11.

### **Evidence from Submitter and Right of Reply**

75. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended changes to use less directive language; changing 'avoid' to 'manage'. Mr Cook addressed this on page 4 of his RoR Report. His opinion and recommendation to reject this change as he considered that it would weaken the policy. He did however agree with the other changes proposed to reflect any new LC zones (and as already shown as updated in the s42A report).
76. Southpark presented evidence in disagreement with the s42A Recommendation. They sought changes to LC-P11 to allow a consideration of effects on the viability and vitality of the Marsden Primary Centre. Mr Cook addressed this on page 3 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
77. Commercial Centres confirmed in their supporting information provided at the hearing that they were not pursuing this matter.
78. Mr Norwell and Ms Sharp for Foodstuffs confirmed their support for the Council's s42A recommendation.

### **Findings and Explanations of the Hearing Panel**

79. We disagree with Southpark's submission for similar reasons to those that we have outlined in relation to LC-O1 above.
80. In his evidence Mr Lindberg referred us to the King Salmon decision. This clarified that the word 'avoid' had its ordinary dictionary meaning; to not allow or prevent the occurrence of. Whilst we recognise that LC-P11 is one of a suite of policies that a decision maker would have to make an overall judgement against, we still consider that to require that any development within the LC zone has no adverse effects on the vitality and viability of the City Centre and Mixed-Use Zones may be too high a threshold.
81. Given this we support Mr Lindberg's suggested changes, and recommend that LC-P11 be altered to read as set out in Appendix 1.

### **New Policies – Relevant Submissions**

Submitter	Submission# & Point #
Z Energy	62.8
Public Health Northland	207.32

### **Principal Issues Raised**

- Inclusion of a new policy which recognises that some activities (such as service stations) have functional or operational design requirements that preclude meeting the urban design objectives, but which are both established and entirely appropriate within the Local Commercial Centre.
- Inclusion of a new policy in relation to Safety.

### **Reporting Planners 42A Recommendation**

82. This was dealt with in paragraphs 112 – 113 of the s42A Report and the recommendation from the Reporting Officer was to not include a policy for existing activities and to include an additional policy in relation to CPTED.

**Evidence from Submitter and Right of Reply**

83. Ms Blair, in her tabled evidence for Z Energy, urged the panel to reject the Council recommendation and include a new policy recognising that some activities have functional and operational design requirements that preclude meeting the urban design objectives, but which are both established and entirely appropriate in the zone.

**Findings and Explanations of the Hearing Panel**

84. In relation to the submission by Z Energy we accept that opinion of Mr Cook in the s42A report that the changes to LC-R3, LC-R6 and LC-R10 addresses the issues and a new policy is not required and recommend that the Z Energy submission be rejected.
85. We also accept Mr Cook's recommendation in the s42A report that a new policy be introduced to address CPTED matters (albeit with different wording to that suggested by Public Health Northland). We therefore recommend that the Public Health Northland submission be accepted in part.

## Topic C: Rules

**General Landuse Rules Relevant Submissions**

Submitter	Submission# & Point #
Kneehy Limited	144.6
Patuharakeke Te Iwi Trust Board	173.17
Commercial Centres Ltd	210.10 and 14
Foodstuffs	225.9
WDC Planning	236.89

**Principal Issues Raised**

- That there is no guidance on how local mana whenua interpretation and design can be a consideration alongside amenity and other values that are specifically mentioned in this chapter although no specific relief sought was stated.
- The 7,500m<sup>2</sup> allowance as a restricted discretionary activity for retail development is reinstated for the sites currently provided for in Rule 41.3.2 of the Operative District Plan.
- The removal of any rules and notification requirements relating to traffic movements within the Local Commercial.
- The insertion of a new rule for General Retail.
- Amendments to or deletion of the landscaping rule contained within TRA-R10. These submissions have been addressed in **Part 9** of the s42A report.

**Reporting Planners 42A Recommendation**

86. This was dealt with in paragraphs 121 – 133 of the s42A Report and the recommendation from the Reporting Officer was to retain the land use rules, insert a new rule for General Retail, do not include rules or notification requirements relating to traffic movements, do not include a precinct overlay for the Southdale Site and to insert a rule for Road Boundary Landscaping.

**Evidence from Submitter and Right of Reply**

87. Commercial Centres confirmed in their supporting information provided at the hearing that they were not pursuing these matters.
88. Mr Norwell and Ms Sharp for Foodstuffs confirmed their support for the Council's s42A recommendation.
89. Ms Chetham on behalf of Patuharakeke Te Iwi Trust Board did not address this submission.

#### **Findings and Explanations of the Hearing Panel**

90. We note that LCZ-RNEW Road Boundary Landscaping was introduced in response to similar rules being removed from the TRA Chapter. Whilst we are supportive of landscaping along car park frontages, we believe that the rule would be unworkable with planting having to be maintained between 0.9m and 1.15m height. We also note that it in part duplicates rules requiring boundary landscaping in other rules such as LCZ-R15, LCZ-R18-LCZ-RNew3, and LCZ-R20 (all now renumbered). Given this we recommend that this rule be deleted.
91. However, we also note that LCZ-R15, LCZ-R18-LCZ-RNew3, and LCZ-R20 all mistakenly require landscaping to be a minimum height of 1.2m within 5m of a road boundary, rather than the usual maximum height in such locations. We therefore also recommend that these rules be amended to refer to a maximum landscaping height.
92. Apart from these matters we agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

#### **LC-R2 Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Housing NZ (Kāinga Ora)	268.95

#### **Principal Issues Raised**

- Opposition to the maximum height limit.

#### **Reporting Planners 42A Recommendation**

93. This was dealt with in paragraphs 136 – 137 of the s42A Report and the recommendation from the Reporting Officer was to retain LC-R2 as notified.

#### **Evidence from Submitter and Right of Reply**

94. Mr Lindenberg addressed this in his evidence for Kāinga Ora and set out that he considered that a 16m (4 storey) height limit would better support intensification in the zone and that a restricted discretionary activity status was more appropriate for when standards were not met.

#### **Findings and Explanations of the Hearing Panel**

95. In coming to our findings in relation to this matter we have considered our findings in relation to LC-P1, and Kāinga Ora's (268.88) request that the wording of LC-P1 be altered to reflect the zones suitability for a medium intensity and scale of development. We note that this is at odds with the assumption in their submission to LC-R2 that the zone would support a high intensity of development. As outlined above, we agreed with their submission regarding LC-P1 (268,88), in part due to us seeking to ensure consistency across the plan. As discussed in relation to LC-P1 we felt that it was relevant that there is an 11m height limit within the MRZ.
96. We consider that to agree to an increase in the height limit would be out of step with the identification of the LC as a medium density zone and would make LC-R2 out of step with the equivalent rule in the MRZ.
97. In relation to the activity status of an application which does not comply with the maximum height, we



agree with the view of Mr Cook in the s42A report that *‘that building heights can have effects which are not always limited to those on adjoining sites. It is my opinion that 11m is a substantial building in the Whangarei context and where LC-R2 is infringed, I consider it appropriate to assess the potential effects through a discretionary assessment on a case by case basis.’*

98. We agree with the recommendations as set out in the s42A Report and confirmed in the Right of Reply for the reasons given and agree that the submission should be rejected.

### LC-R3 Relevant Submissions

Submitter	Submission# & Point #
Woolworths	51.2
Z Energy	62.9
Fire NZ	165.27
G King	237.1 and 238.1
Krivoklat Trust	239.1
Housing NZ (Kāinga Ora)	268.96

### Principal Issues Raised

- Opposition to setback distances. Exemptions sought for supermarkets, service stations and emergency services.
- To change the activity status from non-complying to restricted discretionary.
- The deletion of the rule as it has not identified any amenity benefit and that it is an overly prescriptive and complicated method of managing building setbacks.

### Reporting Planners 42A Recommendation

99. This was dealt with in paragraphs 144 – 148 of the s42A Report and the recommendation from the Reporting Officer was to retain a building setback rule for the Local Commercial Centre. The activity status for non-compliance was altered to Restricted Discretionary.

### Evidence from Submitter and Right of Reply

100. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended the deletion of LC-R3 and its replacement with a yards rule and a change of the activity status to restricted discretionary. Mr Cook addressed this on page 6 of his RoR Report. His opinion and recommendation to reject the submission points had not changed (although we note that the activity status for non-compliance with 1(a) and 2 are amended to restricted discretionary).
101. Foodstuffs presented evidence in disagreement with the s42A Recommendation. They recommended amendments to the rule to address a conflict between the zone and TRA rules. Mr Cook addressed this on page 6 of his RoR Report. He supported the amendments sought by Foodstuffs and recommended the submission point be accepted.
102. Mr King presented evidence in disagreement with the s42A Recommendation. He recommended the removal of LC-R3(2) which covers setbacks from road boundaries. Mr Cook addressed this on page 6 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
103. No other evidence was presented on this topic.

### Findings and Explanations of the Hearing Panel

104. We recognise that the proposed alterations to the rule address the concerns of Foodstuffs and Fire NZ.
105. Having considered the evidence of Mr Lindberg, we do not see any significant benefit offered by his proposed yard rule. We also note that this does not include a requirement for a maximum setback along

the street frontage as included in the original rule (and discussed by Mr King). However, in line with our recommendations made in other chapters, we recommend that 1(b), setback from MHWS, be reduced to 20m.

106. We have sympathy for Mr King's concerns regarding the rule. Mr Cook confirms in the Right of Reply that the purpose of the rule is to ensure that there are front building facades within the first 0.5m of the site to maintain a continuous street frontage of commercial activities along a road. However, we are concerned as to how this up to 0.5m space will be used if it is created. It seems to us that a space of 0.5m is too narrow to accommodate any meaningful landscaping.
107. In his submission Mr King suggested that the setback should be deleted. We take this to mean that one option would be to reduce the setback requirement to zero. Given our concerns regarding the future use of the 0.5m setback area, we believe that LC-R3 (2) (now renumbered LC-R4(2)) should be amended to read to require a zero setback, as set out in Attachment 1.
108. We noted that there was a discrepancy in relation to the activity status for non-compliance with LCZ-R3.1(b) (mistakenly listed as LCZ-R3.1(a) and with no matters of discretion noted). We have corrected this for the renumbered rule R4.1(b).
109. We agree with the other recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

#### **LC-R4 Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
G King	237.2 and 238.2
Krivoklat Trust	239.2
Housing NZ (Kāinga Ora)	268.97

#### **Principal Issues Raised**

- That LC-R4 should be deleted as it has no identified amenity benefit. That it is better suited to being assessed through restricted discretionary activity assessments for multi-unit developments.

#### **Reporting Planners 42A Recommendation**

110. This was dealt with in paragraph 152 of the s42A Report and the recommendation from the Reporting Officer was to retain LC-R4 as notified.

#### **Evidence from Submitter and Right of Reply**

111. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended the deletion of LC-R4. Mr Cook addressed this on page 6 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
112. Mr King presented evidence in disagreement with the s42A Recommendation. He recommended the removal of LC-R4. Mr Cook addressed this on page 6 of his RoR Report. His opinion and recommendation to reject the submission point had not changed. However, he did state on page 6 of his RoR that he considered a floor to floor height could also be appropriate but that the rule has been applied across a number of commercial zones and Mr Kings submission only covers the LCZ so for consistency he recommended that the rule remain unchanged.
113. No other evidence was presented on this topic.

#### **Findings and Explanations of the Hearing Panel**

114. In paragraph 152 of the s42A report it was confirmed that the intent of the proposed minimum ground floor-to-ceiling height of 3.5 metres was '*...to ensure quality urban design outcomes for the zone and to provide flexibility for future land use changes*'. We heard evidence that the height measurement, if any,



should be from floor-to floor which gives greater flexibility if the use of the building changes.

115. We have re-read the submission from Mr King and agree with the Reporting Officer that the submission does specifically only relate to LCZ-R4 and does not therefore give scope to consider changes to similar rules throughout the plan. However, we differ with the Reporting Officer in relation to the issue of consistency. We note that there is scope in some (but not all) other chapters to also alter similar rules. It is our view that Rule LCZ-R4 should be amended as without change the rule does not provide for the desired flexibility for future land use changes, and that if consistency is required throughout other zones the Council could prepare a future plan change to deal with this issue.
116. We agree with the submissions and evidence that the height should be changed and agree that it should be measured from floor-to floor and recommend that LC-R4 be amended as set out in Attachment 1, by increasing each measurement by 300mm to take account of the typical depth of a floor structure/coverings.
117. Overall, partly for the reasons as set out in the s42A Report and in the RoR and for the reasons discussed above we agree that the submissions should be accepted, accepted in part or rejected accordingly.

#### LC-R5 Relevant Submissions

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.98

#### Principal Issues Raised

- That LC-R5 should be deleted and a comprehensive review of the rule undertaken.

#### Reporting Planners 42A Recommendation

118. This was dealt with in paragraphs 155 – 158 of the s42A Report and the recommendation from the Reporting Officer was to change the activity status when compliance is not achieved from discretionary to restricted discretionary.

#### Evidence from Submitter and Right of Reply

119. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in agreement and in disagreement with the s42A Recommendation. He recommended the deletion of LC-R5 but supported the change of activity status in the s42A report. Mr Cook addressed this on page 6 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
120. No other evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

121. In their submission Kāinga Ora pointed towards the suite of 'Height in relation to boundary' controls in the Auckland Unitary Plan (AUP(OP)) relevant to the 'Local Centre Zone' in that plan. Kāinga Ora indicated that they considered that the AUP(OP) provisions would provide an appropriate and flexible package of controls which could be utilised within the Whangarei LC zone. We have explored this and have also looked at the surroundings to the recommended LC zone areas. In the majority of cases the proposed LC zones are bounded by MRZ or open space zoned land. There are some areas which adjoin GRZ land and at Point Nikau the LC zone bounds the MUZ.
122. We consider that the MRZ is approximately equivalent to the AUP(OP) Mixed Housing Urban Zone; with both zones having a similar height limit. We have explored the AUP(OP) provisions and compared these to LC-R5. We believe that LC-R5 would provide a similar outcome in terms of height in relation to boundary between the LC zone and MRZ as the equivalent applicable rule in the AUP(OP) which requires a 45° angle measured 3m above ground level.
123. We believe that the GRZ is approximately equivalent to the AUP(OP) Mixed Housing Suburban Zone.

LC-05 is more permissive than the equivalent rule in the AUP(OP) which requires a 45° angle measured 2.5m above ground level.

124. LC-R5 is more restrictive than the AUP(OP) where the boundary is with an open space zone, where the AUP(OP) allows a 45° angle measured 4.5m above ground level. Whilst this difference sounds significant, our own calculations show it to be less so. Under the AUP(OP) rules a building could be built to its full 11m height 6.5m in from the site boundary and under LC-R5 it could be built to this height 8.0m from the boundary. We do not consider this reduced volume of building which could be established on any one site as a permitted activity to be significant.
125. However, we agree that the activity status should be amended from Discretionary to Restricted Discretionary and that the matters of discretion should be as shown in Attachment 1.
126. Given the above we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submission should be rejected accordingly.

#### **LC-R6 Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Z Energy	62.10
Woolworths	51.3
WDC Planning	236.71
Fire NZ	165.28
Landowners Coalition Ltd ( <b>Landowners</b> )	138.11
Commercial Centres Ltd	210.15
Foodstuffs	225.10
G King	237.3 and 238.3
Krivoklat Trust	239.3

#### **Principal Issues Raised**

- Support for the exclusion of service stations.
- Opposition to the continuous blank wall, the 65% clear glazing and main pedestrian entrance distance restrictions. An exemption for supermarkets was sought, or a change in the activity status to restricted discretionary.
- Amendments to ensure the consistency of rules.
- Amendments seeking the exemption of emergency services.
- The deletion of the rule as the provisions are unnecessarily restrictive.

#### **Reporting Planners 42A Recommendation**

127. This was dealt with in paragraphs 167 – 169 of the s42A Report and the recommendation from the Reporting Officer was to amend LC-R6.

#### **Evidence from Submitter and Right of Reply**

128. Mr King presented evidence in disagreement with the s42A Recommendation and recommended the removal of LC-R6 and additional amendments. He raised a number of issues with the rule as drafted, including:
- That the rule would not prohibit adding translucent film on the rear of the clear glazing, negating the intention of the rule.
  - The rule does not specify whether the main pedestrian entrance referred to is to the building or site, and additionally users may want the entrance to face for example a car park area not the frontage.

129. Mr Cook addressed the matters raised by Mr King on page 7 of his RoR Report. His opinion and recommendation to reject the submission points had not changed. He did however support some of the amendments sought and recommended consequential amendments to LC-R6 as shown in Attachment 1.
130. Mr Foster, in his tabled evidence for Woolworths, confirmed that Woolworths supports the officer recommendation to accept in part its submission point that the reference to continuous blank walls be deleted. However, Woolworths remain concerned that the requirement that 65% of the building frontage at the ground floor level is clear glazing and confirmed that most modern Countdown supermarkets are unable to meet such a requirement for food safety and display reasons.
131. Ms Unthank confirmed Fire NZs support and/or agreement for the proposed changes.
132. In her tabled evidence Ms Blair confirmed that ZEnergy endorses the recommendations of the Reporting Planner and urged the panel to support the recommendation.
133. Commercial Centres confirmed that they are not pursuing their submission.
134. Mr Norwell and Ms Sharp for Foodstuffs confirmed in their evidence that they supported the Council's proposed changes to LC-R6.

#### **Findings and Explanations of the Hearing Panel**

135. Whilst we support the officer recommendation to retain LC-R6, we believe that Mr King has raised a number of important loopholes, and in particular that film could be added to a window limiting views into the building and also his comments regarding other 'non-roller' doors which could have a similar effect. We believe that to attempt to cover off all of these factors could make the rule unwieldy, but nevertheless we believe that with minor changes the most likely to occur issues could be addressed. We therefore accept the recommendations as set out in the s42A Report and in the RoR in part, for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly and that the detailed wording of LC-R6 (renumbered as LC-R7) should be amended as set out in Attachment 1.

#### **LC-R7 Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Z Energy	62.11
Landowners	138.11
Fire NZ	165.29
G King	237.4 and 238.4
Krivoklat Trust	239.4

#### **Principal Issues Raised**

- Amendment to make it clear that the rule relates to any building that fronts (not simply faces) a road.
- Amendments to add a setback from the kerb line.
- The deletion of the rule.
- Minor spelling corrections.

#### **Reporting Planners 42A Recommendation**

136. This was dealt with in paragraphs 175 – 177 of the s42A Report and the recommendation from the Reporting Officer was to amend LC-R7.

#### **Evidence from Submitter and Right of Reply**

137. Mr King presented evidence in disagreement with the s42A Recommendation. He recommended the

removal of LC-R7 and suggested that the existing Business 3 verandah rule be reinstated (with adjustments to address the new zone requirements). Mr Cook addressed this on page 7 of his RoR Report. He supported the amendments sought by Mr King and recommended amendments to the rule. He also recommended, that if the panel considered that there is scope, that the recommendation be applied to other Zones with verandah rules.

138. Ms Blair tabled evidence on behalf of Z Energy. Whilst the table appended to this suggested that her covering letter (evidence) addressed LC-R7 it was not included within the letter.

#### **Findings and Explanations of the Hearing Panel**

139. We have re-read the submissions from Mr King and the submissions specifically refer to LC-R7 and we do not believe that there is scope within the submissions to extend the recommended changes to other Zones with verandah rules. As set out in relation to LC-R4 above, if consistency is required throughout other zones the Council could prepare a future plan change to deal with this issue.
140. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly and that LC-R7 should be amended as shown in Attachment 1.

#### **LC-R9 Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.99
WDC Planning	236.91

#### **Principal Issues Raised**

- The deletion of the rule.
- To delete the rule and the addition of clause 1 to rules LC-R15 and LC-R17 – R25.

#### **Reporting Planners 42A Recommendation**

141. This was dealt with in paragraph 181 of the s42A Report and the recommendation from the Reporting Officer was to delete LC-R9 and insert clause 1 into LC-R15 and LC-R17 - R25.

#### **Evidence from Submitter and Right of Reply**

142. Mr Lindenberg presented evidence on behalf of Kāinga Ora supporting the recommendation to delete the rule in its entirety.
143. No other evidence was presented on this topic.

#### **Findings and Explanations of the Hearing Panel**

144. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or accepted in part accordingly.

#### **LC-R10 Relevant Submissions**

Submitter	Submission# & Point #
Fire NZ	165.30
WDC Planning	236.91

#### **Principal Issues Raised**

- The deletion of the rule.
- To delete the rule and the addition of clause 1 to rules LC-R15 and LC-R17 – R24.

### Reporting Planners 42A Recommendation

145. This was dealt with in paragraphs 185 - 186 of the s42A Report and the recommendation from the Reporting Officer was to delete LC-R10 and insert clause 1 into LC-R15 and LC-R17 - R24.

### Evidence from Submitter and Right of Reply

146. Ms Unthank presented evidence on behalf of Fire NZ, in disagreement with the s42A Recommendation which whilst deleting LC-R10 would still result in clauses controlling hours of operation for permitted activities, including in LC-R24 (renumbered in Appendix 1). She recommended change to the hours of operation rule. She identified that there are limited opportunities for Fire NZ to locate more than 50m from a residential zone within the LC and NC zones due to their size and shape and suggested a separate rule for these activities that exempts emergency services from this part of the rule. Mr Cook addressed this on page 8 of his RoR Report. He set out that the size of the LC zone is such that there are opportunities for Fire NZ to establish as a permitted activity, but where this is on the interface with a residential zone it is appropriate to consider the effects through a discretionary resource consent.

### Findings and Explanations of the Hearing Panel

147. Whilst we have sympathy with Fire NZ and recognise there are other constraints which also come into play when they are seeking to identify an appropriate location for a new fire station, overall we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or accepted in part accordingly.

### LC-R12 Relevant Submissions

Submitter	Submission# & Point #
Z Energy	62.12
Woolworths	51.4
Commercial Centres Ltd	210.15
Foodstuffs	225.10
Landowners	138.11

### Principal Issues Raised

- The deletion of the rule.
- Amendment to exclude sites for existing service stations from car parking locational requirements.
- Opposition and the suggestion of either an exemption of supermarkets from such a requirement or changing the non-compliance activity status to restricted discretionary.

### Reporting Planners 42A Recommendation

148. This was dealt with in paragraph 192 of the s42A Report and the recommendation from the Reporting Officer was to retain LC-R12 as notified and exempt service stations and grocery stores.

### Evidence from Submitter and Right of Reply

149. In her tabled evidence Ms Blair confirmed that ZEnergy endorses the recommendations of the Reporting Planner and urged the panel to support the recommendation.
150. Mr Foster, in his tabled evidence confirmed that Woolworths support the officer recommendation.
151. Commercial Centres confirmed at the hearing that they support the recommendation.
152. Mr Norwell and Ms Sharp for Foodstuffs confirmed in their evidence that they supported the Council's proposed deletion of LC-R12.

### Findings and Explanations of the Hearing Panel

153. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

### LC-R14 Relevant Submissions

Submitter	Submission# & Point #
Commercial Centres Ltd	210.18
Housing NZ (Kāinga Ora)	268.100

*Note: The Commercial Centres Ltd submission was incorrectly noted as 210.16 in the s42A report.*

### Principal Issues Raised

- The deletion of clause 1 of the rule.
- The retention of the rule.

### Reporting Planners 42A Recommendation

154. This was dealt with in paragraphs 196 - 197 of the s42A Report and the recommendation from the Reporting Officer was to retain LC-R14 as notified.

### Evidence from Submitter and Right of Reply

155. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended the partial deletion of LC-R14, to remove the requirements for minimum dwelling sizes. Mr Cook addressed this on page 7 of his RoR Report. His opinion and recommendation to reject the submission point from Kāinga Ora had not changed.
156. Commercial Centres Limited confirmed at the hearing that they support the Council's recommendation.
157. No other evidence was presented on this topic.

### Findings and Explanations of the Hearing Panel

158. Kāinga Ora's evidence repeated the points included in their original submission and did not expand upon this. Whilst we note their view that prescribing minimum dwelling sizes does not provide for flexibility or optionality in typology, or assist with helping to improve the affordability of housing, we are content that the smaller unit sizes within the rule provide a reasonable benchmark and note that non-compliance triggers a restricted discretionary consent with clearly focused matters of discretion.
159. However, we are less convinced by the need for the rule to include dwelling sizes for dwellings larger than three bedrooms and are content that the market will decide appropriate sizing for these. We also note that the standards within LC-R14 do not align with those in the MRZ-R14 for these larger units which requires that units of more than 3 bedrooms provide a net floor area of 90m<sup>2</sup> plus 20m<sup>2</sup> for each additional bedroom (rather than an additional 12m<sup>2</sup> for each bedroom as required by this rule).
160. Given this we recommend that LC-R14 be amended to remove reference to units larger than three bedrooms as set out in Attachment 1. Other than this matter, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### LC-R15 Relevant Submissions

Submitter	Submission# & Point #
Woolworths	51.5



Kneehy	144.1
Commercial Centres Ltd	210.17
Foodstuffs	225.11
WDC Planning	236.91

#### **Principal Issues Raised**

- Amendment changing the term 'grocery store' to 'supermarket' and the non-compliance activity status discretionary to restricted discretionary, or that the term 'supermarket' be added together with the change in activity status where there is non-compliance with the 300m<sup>2</sup> GFA provision.
- To increase the GFA from 300m<sup>2</sup> to 450m<sup>2</sup>.
- Removal of GFA restriction and to make these activities a permitted activity.
- Clause 1 of LC-R9 and LC-R10 to be added to LC-R15.

#### **Reporting Planners 42A Recommendation**

161. This was dealt with in paragraphs 203 - 206 of the s42A Report and the recommendation from the Reporting Officer was to increase the Business Net Floor Area, remove the maximum Business Net Floor Area for Grocery Stores, retain the use of the term Grocery Store and make consequential amendments to LC-R15 all as shown in Attachment 1.

#### **Evidence from Submitter and Right of Reply**

162. In his tabled evidence for Woolworths, Mr Foster expressed his disappointment that the Council reject the request to alter grocery store to Supermarket. He points out that almost all second-generation plans use and define the word supermarket and asks that the panel carefully consider this matter. This matter was addressed in Part 1 of the s42A report, where it was confirmed that the urban plan changes do not differentiate types of retail activities selling mainly food, beverages and small household goods (such as corner diary, food mart, supermarket, fruit and vegetable shop etc), relying upon GFA to trigger consent if necessary.
163. Commercial Centres Limited confirmed at the hearing that they support the Council's recommendation.
164. Mr Norwell and Ms Sharp of Foodstuffs confirmed their support for the removal of the GFA restrictions on grocery stores in the LC zone and agree with the amended wording which acknowledges the importance of supermarkets and their role in the local centres.

#### **Findings and Explanations of the Hearing Panel**

165. We agree with the recommendations and amendments as set out in the s42A Report and for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly and that the amendments shown in Attachment 1 should be made.

#### **LC-R16 Relevant Submissions**

Submitter	Submission# & Point #
WDC Planning	236.90

#### **Principal Issues Raised**

- The deletion of the rule.

#### **Reporting Planners 42A Recommendation**

166. This was dealt with in paragraph 209 of the s42A Report and the recommendation from the Reporting Officer was to delete LC-R16.

**Evidence from Submitter and Right of Reply**

167. No evidence was presented on this topic.

**Findings and Explanations of the Hearing Panel**

168. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.

**LC-R17 Relevant Submissions**

Submitter	Submission# & Point #
Kneehy Limited	144.1
WDC Planning	236.90

**Principal Issues Raised**

- To increase the GFA from 300m<sup>2</sup> to 450m<sup>2</sup>.
- Clause 1 of LC-R9 and LC-R10 to be added to LC-R17.

**Reporting Planners 42A Recommendation**

169. This was dealt with in paragraphs 213 – 214 of the s42A Report and the recommendation from the Reporting Officer was to increase the Business Net Floor Area from 300m<sup>2</sup> to 450m<sup>2</sup>.

**Evidence from Submitter and Right of Reply**

170. No evidence was presented on this topic.

**Findings and Explanations of the Hearing Panel**

171. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.

**LC-R18 Relevant Submissions**

Submitter	Submission# & Point #
Kneehy Limited	144.1
WDC Planning	236.91

**Principal Issues Raised**

- To increase the GFA from 300m<sup>2</sup> to 450m<sup>2</sup>.
- Clause 1 of LC-R9 and LC-R10 to be added to LC-R18.

**Reporting Planners 42A Recommendation**

172. This was dealt with in paragraphs 218 – 219 of the s42A Report and the recommendation from the Reporting Officer was to increase the Business Net Floor Area from 300m<sup>2</sup> to 450m<sup>2</sup>.

**Evidence from Submitter and Right of Reply**

173. No evidence was presented on this topic.

**Findings and Explanations of the Hearing Panel**

174. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.



### LC-R19 - R25 Relevant Submissions

Submitter	Submission# & Point #
WDC Planning	236.91
Fire NZ	165.31
Ministry of Education	267.5

### Principal Issues Raised

- To retain LC-R23 and LC-R24 as notified.
- Clause 1 of LC-R9 be added to LC-R19 – R25.
- Clause 1 of LC-R10 be added to LC-R19 – R24.

### Reporting Planners 42A Recommendation

175. This was dealt with in paragraphs 225 – 226 of the s42A Report and the recommendation from the Reporting Officer was to delete clause 1 from LC-R10 and add it to LC-R19-24 and to delete clause 1 from LC-R9 and add it to LC-R19.

### Evidence from Submitter and Right of Reply

176. No evidence was presented on this topic.

### Findings and Explanations of the Hearing Panel

177. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### LC-R26 Relevant Submissions

Submitter	Submission# & Point #
Woolworths	51.6
Fire NZ	165.32

### Principal Issues Raised

- Opposition to the discretionary status and that it should be changed to restricted discretionary.
- To amend the rule to provide for emergency services.

### Reporting Planners 42A Recommendation

178. This was dealt with in paragraphs 230 – 231 of the s42A Report and the recommendation from the Reporting Officer was to amend LC-R26 to allow a new vehicle crossing over a footpath as a permitted activity for emergency services, but to retain the discretionary activity status for all other crossings.

### Evidence from Submitter and Right of Reply

179. Mr Foster for Woolworths, referring to the updated number of LC-R27, expressed disappointment that the activity status was not being altered as at least one vehicle crossing is essential for any site to be developed or re-developed.

### Findings and Explanations of the Hearing Panel

180. Whilst we note Mr Foster's evidence, we note the view of Mr Cook as set out in the s42A report that the intent of the rule is to improve amenity within the LC and create a more pedestrian-centric environment,

with safer and more accessible footpaths and improved active frontage. We believe that providing for new vehicle crossings as a permitted activity could be detrimental to achieving the desired outcome as outlined in LCZ-P7. We therefore agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

#### **LC-R37 Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Bunnings Limited	60.8

#### **Principal Issues Raised**

- To amend the provisions so that Trade Suppliers are a permitted activity with the permitted criteria being the existing discretionary activity criteria in the LC Zone. Where compliance is not achieved, a discretionary activity status should apply. Opposition to the discretionary status and that it should be changed to restricted discretionary.

#### **Reporting Planners 42A Recommendation**

181. This was dealt with in paragraphs 234 – 236 of the s42A Report and the recommendation from the Reporting Officer was to retain the discretionary status for Trade Suppliers as he considered that Trade suppliers are more appropriately located in the Commercial or Light Industrial zones.

#### **Evidence from Submitter and Right of Reply**

182. No evidence was presented on this topic.

#### **Findings and Explanations of the Hearing Panel**

183. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submission should be rejected.

#### **LC-R40 and R41 Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Bristow Family Trust	25.1

#### **Principal Issues Raised**

- Clarification of the definition of 'Manufacturing and Storage' and 'Repair and Maintenance' to exclude small automotive repair facilities, electricians and the like or to remove 'manufacturing and storage' and 'repair and maintenance' from the non-complying list in LC-R40 and R41.

#### **Reporting Planners 42A Recommendation**

184. This was dealt with in paragraphs 239 – 242 of the s42A Report and the recommendation from the Reporting Officer was to amend the chapter to provide for Repair and Maintenance Services as a discretionary activity.

#### **Evidence from Submitter and Right of Reply**

185. No evidence was presented on this topic.

#### **Findings and Explanations of the Hearing Panel**

186. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted in part.

### Part III: Neighbourhood Commercial Zone

#### Topic A: Objectives

##### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.33
Housing NZ (Kāinga Ora)	268.102
Public Health Northland	207.53 – 55

##### Principal Issues Raised

- The retention of NC-O1 as notified. Amendment to NC-O1 to add the word 'sustainable'.
- The retention of NC-O2 as notified. Amendments to NC-O2.
- The retention of NC-O3 as notified. Amendments to NC-O3.

##### Reporting Planners 42A Recommendation

187. This was dealt with in paragraphs 252 – 253 of the s42A Report, and the recommendation from the Reporting Officer was to retain the Neighbourhood Commercial Objectives as notified. The amendments proposed by Public Health Northland would create ambiguity in the objectives and duplicate with higher order provisions.

##### Evidence from Submitter and Right of Reply

188. Mr Lindenberg for Kāinga Ora confirmed his support for the retention of the objectives, including the minor amendments proposed by the Council.
189. Ms Unthank for Fire NZ confirmed Fire NZs support and/or agreement to the changes proposed by Council in the s42A report.

##### Findings and Explanations of the Hearing Panel

190. We have considered Public Health Northland's submissions but without further evidence from them on this matter we agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

#### Topic B: Policies

##### Relevant Submissions

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.103 – 107
Fire NZ	165.34
Public Health Northland	207.56

##### Principal Issues Raised

- To amend NC-P1, NC-P2, NC-P3 and NC-P5.
- To retain NC-P6 and NC-P9 as notified.

##### Reporting Planners 42A Recommendation

191. This was dealt with in paragraphs 262 – 267 of the s42A Report and the recommendation from the Reporting Officer was to retain NC-P1, NC-P2, NC-P3, NC-P5, NC-P6 and NC-P9 as notified.

### **Evidence from Submitter and Right of Reply**

192. Mr Lindenberg presented evidence on behalf of Kāinga Ora, in disagreement with the s42A Recommendation. He recommended changes to NC-P1 to the density references and a change to the wording of the policies in relation to no/limited noxious odours. Mr Cook addressed this on page 4 of his RoR Report. His opinion and recommendation to reject the submission points had not changed. However, he did accept Mr Lindenberg's point in regard to noxious odours and recommended that this change be accepted.
193. Mr Lindenberg also recommended changes to NC-P3 and NC-P5 and to use less directive language in NC-P2. Mr Cook addressed this on page 5 of his RoR Report. His opinion and recommendation to reject the submission points had not changed. However the tracked change versions of the LC chapter included with the s42A report and Right of Reply both show NC-P3 altered to included Kāinga Ora's suggested wording, with protect being superseded by provide.
194. No other evidence was presented on this topic.

### **Findings and Explanations of the Hearing Panel**

195. Our view regarding the change proposed to NC-P1 by Kāinga Ora follows a similar logic to our response to their submission to LC-P1. In that case we indicated that we believe that the use of the words 'low' and 'medium' should have some continuity across the plan. We have therefore considered what comparisons can be made to the use of the words in the residential zones. In this case the NC zone proposes similar maximum building heights to the GRZ; 8m. In addition, many of the NC locations are surrounded by GRZ zoned land. Given this, we believe that it is appropriate to retain the reference to a low density of development and built form.
196. In relation to NC-P3 and NC-P5 we agree with the view of Mr Lindberg, and consider that within this zone where the plan seeks to encourage new residential development within the zone (and where residential development is not necessarily a current feature of the zone) it is more appropriate to seek to utilise provide rather than protect. We therefore recommend that NC-P3 and NC-P5 be amended to read as set out in Attachment 2.
197. Apart from the recommended alterations to NC-P3 and NC-P5, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic C: Rules**

### **General Landuse Rules Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
WDC Planning	236.89

### **Principal Issues Raised**

- The insertion of a new rule for General Retail.

### **Reporting Planners 42A Recommendation**

198. This was dealt with in paragraph 270 of the s42A Report and the recommendation from the Reporting Officer was to insert a new rule.

### **Evidence from Submitter and Right of Reply**

199. No evidence was presented on this topic.

### **Findings and Explanations of the Hearing Panel**

200. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.

**NC-R2 Relevant Submissions**

Submitter	Submission# & Point #
Housing NZ (Kāinga Ora)	268.108

**Principal Issues Raised**

- Opposition to the maximum height limit.

**Reporting Planners 42A Recommendation**

201. This was dealt with in paragraphs 273 – 274 of the s42A Report and the recommendation from the Reporting Officer was to retain NC-R2 as notified.

**Evidence from Submitter and Right of Reply**

202. Mr Lindenberg explained that this linked to Kāinga Ora's submissions regarding the expansion of the MRZ to include areas around the NC zone and their submission that the height limits in the NC zone should therefore allow buildings up to three storey in line with the rezoned surrounding land.

**Findings and Explanations of the Hearing Panel**

203. As set out in our Report 7 – Residential -PC88I it is not our recommendation that the MRZ zone should be extended in line with Kāinga Ora's request. Our consideration of the issue of the appropriate height limit within the NC zone therefore follows a similar logic to our discussion regarding the LC zone. We consider that to agree to an increase in the height limit would be out of step with the identification of the NC as a low density zone and would make NC-R2 out of step with the equivalent rule in the GRZ.
204. In relation to the activity status of an application which does not comply with the maximum height, we agree with the view of Mr Cook in the s42A report that a discretionary activity status will ensure that effects on the character and amenity of the wider locality, as well as any adjacent effects on shading, outlook, privacy and amenity, can be assessed and considered.
205. We agree with the recommendations as set out in the s42A Report and confirmed in the Right of Reply for the reasons given and agree that the submission should be rejected.

**NC-R3 Relevant Submissions**

Submitter	Submission# & Point #
Fire NZ	165.35

**Principal Issues Raised**

- To amend the rule to exempt Emergency Services from the setback from road boundaries.

**Reporting Planners 42A Recommendation**

206. This was dealt with in paragraph 277 of the s42A Report and the recommendation from the Reporting Officer was to retain NC-R3 as notified on the basis that there is a non-complying activity status to located emergency services within this zone.

**Evidence from Submitter and Right of Reply**

207. No evidence was presented on this topic.

**Findings and Explanations of the Hearing Panel**

208. Whilst we have concerns regarding the wording of this policy as set out in our discussion regarding LC-R3 above, in this instance we do not have scope to address these concerns.
209. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly.

#### NC-R5 Relevant Submissions

Submitter	Submission# & Point #
Landowners	138.12
Fire NZ	165.36

#### Principal Issues Raised

- The rule is unnecessarily restrictive.
- Amend to exempt emergency services.

#### Reporting Planners 42A Recommendation

210. This was dealt with in paragraphs 281 - 282 of the s42A Report and the recommendation from the Reporting Officer was to retain NC-R5 as notified.

#### Evidence from Submitter and Right of Reply

211. No evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

212. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly.

#### NC-R7 Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.37
WDC Planning	236.93

#### Principal Issues Raised

- The deletion of the rule and the addition of clause 1 to rules NC-R13, NC-R14 and NC-R16.

#### Reporting Planners 42A Recommendation

213. This was dealt with in paragraphs 286 – 287 of the s42A Report and the recommendation from the Reporting Officer was to amend the NC rules.

#### Evidence from Submitter and Right of Reply

214. No evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

215. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or accepted in part accordingly and that the NC Rules should be amended in accordance with the details shown in Attachment 2 to the RoR.

#### NC-R10 Relevant Submissions

Submitter	Submission# & Point #
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Landowners	138.12
Fire NZ	165.38

### Principal Issues Raised

- Amendments to add a setback from the kerb line.

### Reporting Planners 42A Recommendation

216. This was dealt with in paragraphs 291 – 292 of the s42A Report and the recommendation from the Reporting Officer was to amend NC-R10.

### Evidence from Submitter and Right of Reply

217. Ms Unthank for Fire NZ confirmed support and/or agreement to the changes proposed by Council in the s42A report.

### Findings and Explanations of the Hearing Panel

218. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly, and amendment made as shown in Attachment 2.

### NC-R13, R14, R15 and R16 Relevant Submissions

Submitter	Submission# & Point #
Foodstuffs	225.21
WDC Planning	236.92 and 93

### Principal Issues Raised

- To clarify the rule requirements of NC-R13.
- The addition of clause 1 of rule NC-R7 to rule NC-R13, NC-R14 and NC-R16.
- The deletion of rule NC-R15.

### Reporting Planners 42A Recommendation

219. This was dealt with in paragraphs 297 – 299 of the s42A Report and the recommendation from the Reporting Officer was to delete NC-R15 and to amend NC-R13, NC-R14 and NC-R16.

### Evidence from Submitter and Right of Reply

220. No evidence was presented on this topic.

### Findings and Explanations of the Hearing Panel

221. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.

### NC-R23 Relevant Submissions

Submitter	Submission# & Point #
Ministry of Education	267.9

### Principal Issues Raised



- To retain the rule as notified.

#### Reporting Planners 42A Recommendation

222. This was dealt with in paragraph 302 of the s42A Report and the recommendation from the Reporting Officer was to retain NC-R23 as notified.

#### Evidence from Submitter and Right of Reply

223. No evidence was presented on this topic.

#### Findings and Explanations of the Hearing Panel

224. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted.

#### NC-R28 – R35 Relevant Submissions

Submitter	Submission# & Point #
Landowners	138.13
Bunnings Limited	60.6
Fire NZ	165.39

#### Principal Issues Raised

- To change from Non-Complying to Discretionary for NC-R28 to NC-R35.
- To delete NC-R30 and amend the provisions so that the establishment of a 'trade supplier' within the NC Zone is a discretionary activity subject to the same requirements as a 'general retail activity' in NC-R25.
- Amend NC-R33 with the wording provided and change from Non-Complying to Permitted and default to restricted discretionary when compliance is not achieved.

#### Reporting Planners 42A Recommendation.

225. This was dealt with in paragraphs 307 - 309 of the s42A Report and the recommendation from the Reporting Officer was to retain NC-R25 – R35 as notified.

#### Evidence from Submitter and Right of Reply

226. Ms Unthank presented evidence on behalf of Fire NZ, in disagreement with the s42A Recommendation. She recommended that Emergency Services should be changed to a controlled activity in the Neighbourhood Commercial Zone. Mr Cook addressed this on page 7 of his RoR Report. His opinion and recommendation to reject the submission points had not changed as he considered emergency services to be generally inappropriate in the zone.
227. Mr Badham confirmed in his tabled evidence that Bunnings generally support the recommendations of the s42As as it relates to its submission points,

#### Findings and Explanations of the Hearing Panel

228. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be rejected.

## Recommendations

For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachments 1 and 2.

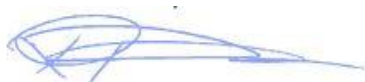


2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 4 of the s42A Report and as amended by the Part 4 of the Right of Reply; with amendments to:
- a. LCZ-P1 to refer to medium intensity development only, rather than low to medium intensity development.
  - b. LC-P5 be amended with the removal of 'protect'.
  - c. LC-P6 be amended to 'provide' rather than 'protect'.
  - d. LC-P11 be amended to 'manage' not 'avoid'.
  - e. LC-R3(2) be amended to require zero setback on the front boundary.
  - f. LC-R4 be amended to refer to floor to floor heights and that the heights be amended accordingly.
  - g. LC-R6 be amended to ensure glazing provides for visibility and to clarify what doors and shutters cannot be installed.
  - h. LC-R14 be amended to remove reference to units larger than three bedrooms.
  - i. NC-P3 and NC-P5 to 'provide' rather than 'protect'.
  - j. Noting that in relation to LC-01 whilst we agree with the recommendation of the Reporting Officer we urge the owners to explore the appropriate zoning of the Marsden Primary Centre as part of their private plan change for the area (already submitted to WDC).

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# Local Centre Zone (LCZ)

## Issues

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

Local Centres are identified in suburbs and are often anchored by a traditional main street with active street frontages, high levels of pedestrian activity and links to public transport networks. A mix of on-street and off-street parking is provided in these larger local commercial areas, reflecting the fact that they serve a wider catchment than the Neighbourhood Centre Zone. Opportunities exist for expansion and intensification to ensure that local commercial areas continue to meet the needs of the growing suburban populations.

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

### **Tikipunga**

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

### **Kensington**

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

### **Regent**

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

### **Kamo**

Kamo Local Centre Zone is a compact mainstreet of buildings on, or in close proximity to, Kamo Road which provides a range of retail, service and community activities. The Local Centre Zone is bordered by schools, recreation areas, churches and identified mining hazard areas. Food and beverage, retail and service activities are prevalent, including takeaways, restaurants, cafes, postal and banking and commercial services, and two service stations. An active frontage, pedestrian footpaths and verandas are present on both sides of Kamo Road.

### **Onerahi**

Onerahi Local Centre Zone is located to the west of Onerahi Road. It contains a mix of retail, food and beverage and service activities, including a supermarket, police station, medical centre, and postal

## Local Centre Zone (LCZ)

services, reflecting the more isolated nature of Onerahi. The Local Centre Zone is bisected by two local roads, creating physical barriers maintaining separation between the row of smaller retail shops connected with pedestrian footpaths and verandas and the supermarket and a large hotel. Recreation and community services, including a library and hall, are located on public land zoned Open Space adjacent to the Local Centre Zone.

### Maunu

Maunu Local Centre Zone is identified in two locations. The first is on the north side of State Highway 14 opposite the Tui Crescent Neighbourhood Centre with existing food and beverage and educational facilities. The second site is on the corner of State Highway 14 and Austin Road. This site is currently vacant but a new Maunu Town Centre development is proposed for the site.

### Woodhill/Avenues

The Woodhill/Avenues Local Centre Zone runs along both sides of Maunu Road extending east from State Highway 1 towards the City Centre. It contains a mix retail and service activities and good pedestrian network, including verandas on the smaller retail outlets. The mix of activities include food and beverage shops, healthcare facilities, hair salons, and a service station.

### Ruakaka

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

### Raumaunga

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

### One Tree Point/Marsden Cove

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

### Port Nikau

Vacant area providing for a future Local Centre Zone supporting the Port Nikau redevelopment as enabled by the Port Nikau Development Area.

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

# Local Centre Zone (LCZ)

Policies	
LCZ-P1 – Character and Amenity	<p>To maintain and enhance the character and urban amenity values of the Local Centre Zone including but not limited to:</p> <ol style="list-style-type: none"> <li>1. An active urban environment with a mix of type and scale of activities.</li> <li>2. Presence of community activities, street plantings/trees and street furniture.</li> <li>3. A medium intensity and scale of built development.</li> <li>4. High levels of noise during the daytime associated with traffic and commercial activities.</li> <li>5. A moderate degree of privacy for residential activities.</li> <li>6. Access to daylight.</li> <li>7. Limited exposure to noxious odour or noise associated with industrial activities.</li> <li>8. High levels of vehicle traffic particularly during daytime hours.</li> <li>9. On-street and off-street parking.</li> </ol>
LCZ-P2 – Range of Activities	<p>To enable a range of activities that will enhance the vibrancy, community focus, economic performance and amenity of the Local Centre Zone by:</p> <ol style="list-style-type: none"> <li>1. Encouraging residential activities, smaller scale retail activities, offices, tourist related activities, restaurants, cafes, bars and entertainment facilities.</li> <li>2. Avoiding rural production and industrial activities (excluding small scale artisan industrial activities), large department stores, bulk goods and trade related retail.</li> <li>3. Limiting large scale, destination-based community activities which do not enhance the vibrancy of the Local Centre Zone.</li> <li>4. Requiring non-active uses to be located above ground floor.</li> <li>5. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> <li>a. An active frontage is maintained at ground floor.</li> <li>b. The activity and building design are complementary to the Local Centre Zone context and retain a fine grain character.</li> <li>c. The building is designed to be flexible and adaptable to a range of uses and does not unduly restrict potential future uses of the site.</li> <li>d. Large single use buildings, activities at ground floor and standalone car parking facilities are sleeved by smaller scale commercial activities.</li> </ol> </li> <li>6. Recognising the functional and operational requirements of activities and development.</li> </ol>
LCZ-P3 – Mixed Use	<p>To encourage mixed use development by providing for residential activities primarily located above ground floor commercial uses.</p>
LCZ-P4 – Active Frontage	<p>To require active frontage at ground floor in building design to strengthen the interrelationship between buildings and the public realm.</p>
LCZ-P5 – Ground Floor Residential Units	<p>To require residential units at ground floor to be designed and constructed in a manner which maintains and enhances residential amenity and active frontages.</p>

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LCZ-P6 – Residential Amenity	To provide for residential amenity by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.
LCZ-P7 – Pedestrian-Centric Environment	To create a pedestrian-centric environment by: <ol style="list-style-type: none"> <li>1. Managing new vehicle crossings and car parking areas to retain a safe and accessible pedestrian network.</li> <li>2. Requiring verandahs along building frontages to create a defined building edge and provide shade and rain shelter.</li> <li>3. Avoiding the creation of rear sites.</li> <li>4. Creating and maintaining smaller site sizes to retain the fine grain character of the Local Centre Zone.</li> <li>5. Encouraging the provision of facilities to support active and shared transport modes.</li> </ol>
LCZ-P8 – Zone Interface	To maintain the amenity and character which contributes to sense of place by managing built development and the interface between the Local Centre Zone and Residential Zones.
LCZ-P9 – Discouraged Activities	To protect urban amenity by avoiding activities which have noxious or offensive, qualities from locating within the Local Centre Zone.
LCZ-P10 – Scale of Development	To avoid adverse effects on the Shopping Centre Zone by limiting the development of large scale commercial and retail activities such as, large format retail and department stores but not including grocery stores.
LCZ-P11 – Vitality and Viability of City Centre	To manage adverse effects on the vitality and viability of the City Centre and Mixed-Use Zones by ensuring any expansion or establishment of the Local Centre Zone is provided only at a scale appropriate to the needs of the surrounding residential areas.
LCZ-P12 – Water Setbacks	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.
LCZ-P13 – Urban Design	To reduce threats to personal safety and security by utilising urban design and CPTED principles in the design of developments in the Local Centre Zone.

### Rules

LCZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted	
	Where:	
	<ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
LCZ-R2	Minor Buildings	
	Activity Status: Permitted	
	<i>Note: Minor buildings are exempt from rules LCZ-R3 – R7.</i>	
LCZ-R3	Building and Major Structure Height	
	Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
	Where:	

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1. The maximum building height and major structure height is 11m above ground level.

LCZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures are set back at least:               <ol style="list-style-type: none"> <li>a. 5m from any Residential or Open Space and Recreation Zone boundary.</li> <li>b. 20m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences). This clause does not apply to buildings and major structures within the Marsden Cove Local Centre Zone.</li> </ol> </li> <li>2. The building has zero setback from the road boundary at ground floor for the entire length of the site frontage for any front site, except:               <ol style="list-style-type: none"> <li>a. One setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.</li> <li>b. For Service Stations, Emergency Services and Grocery Stores this clause does not apply.</li> <li>c. For any site frontage where a strategic road protection area applies as detailed in TRA Appendix 4.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved with LCZ-R4.1(a) or R4.2: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The outlook and privacy of adjoining and adjacent properties.</li> <li>2. Effects of shading and visual dominance on adjoining properties.</li> <li>3. Effects on the streetscape character of the area.</li> <li>4. Effects on the safety and efficiency of the transport network.</li> </ol> <p>Activity Status when compliance not achieved with LCZ-R4.1(b): Restricted Discretionary</p> <ol style="list-style-type: none"> <li>1. The effectiveness of the proposed method for controlling stormwater runoff.</li> <li>2. That the proposal will maintain and enhance the amenity values of the area.</li> <li>3. That esplanade areas and waterfront walkways are appropriately safeguarded.</li> </ol>
LCZ-R5	Building Floor-to-Floor Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The minimum interior floor-to-floor height is:               <ol style="list-style-type: none"> <li>a. 3.8m at ground floor.</li> <li>b. 3.0m above ground floor.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LCZ-R6	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p>

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1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone boundary.

1. Effects on the privacy of adjoining properties
2. Shading effects on adjoining properties
3. Amenity effects on streetscapes and adjoining properties.

LCZ-R7	Building Frontages
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. At least 65% of the building frontage at ground floor is clear glazing with no film or other covering or finish added to the glazing that would limit visibility through it.</li> <li>2. The main pedestrian entrance is provided within 3m of the site frontage, except for Service Stations, Emergency Services and Grocery Stores.</li> <li>3. There are no roller doors, sectional doors or shutters (except security grilles which allow views from the street into the premise) along the building frontage.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LCZ-R8	Verandahs
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings within 2.0m of a road boundary are provided with verandahs:               <ol style="list-style-type: none"> <li>a. Along the entire frontage of the building (excluding vehicle access) and forms a continuous line of shelter with adjacent verandahs; and</li> <li>b. The Clearance above the footpath is at least 3.0m and not more than 4.0m; and</li> <li>c. The Width of the verandah is:                   <ol style="list-style-type: none"> <li>i. The width of the corresponding footpath less 600mm from the kerb line; and</li> <li>ii. A maximum of 5.0m</li> </ol> </li> <li>d. Except where a strategic road protection area applies as detailed in TRA Appendix 4, no verandah is required.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>



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*Note: The required verandahs, in terms of this Rule, are exempt from LCZ-R4 - Building Setbacks and LCZ-R6 - Building Height in Relation to Boundary.*

<b>LCZ-R9</b>	<b>Impervious Areas</b>	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The impervious area within the site does not exceed 90% of the site area.</li> <li>2. The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	Activity Status when compliance not achieved: Discretionary
<b>LCZ-R10</b>	<b>Fences</b>	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The fence is along a site frontage and is required by a by-law or for public health and safety, or</li> <li>2. The fence is not along a road frontage.</li> <li>3. Fencing within 1m of any side or rear boundary is no higher than 2m.</li> </ol>	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: <ol style="list-style-type: none"> <li>1. Effects of shading and visual dominance on adjoining properties.</li> <li>2. Urban design and passive surveillance.</li> <li>3. Effects on streetscape character and amenity.</li> <li>4. Health and safety effects.</li> </ol>
<b>LCZ-R11</b>	<b>Car Parking</b>	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The car parking space is not located between the building frontage and road boundaries of the site, except for carparking spaces at Service Stations and Grocery Stores.</li> </ol>	Activity Status when compliance not achieved: Discretionary
<b>LCZ-R12</b>	<b>Outdoor Areas of Storage or Stockpiles</b>	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The outdoor areas of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules LCZ-R3 – R5.</li> </ol> </li> </ol>	Activity Status when compliance not achieved: Discretionary



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- b. Is screened from view from adjacent public places and Residential or Open Space and Recreation Zones, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].

LCZ-R13	Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every residential unit provides Net Floor Area of at least:               <ol style="list-style-type: none"> <li>a. For 1 bedroom – 45m<sup>2</sup></li> <li>b. For 2 bedrooms – 70m<sup>2</sup></li> <li>c. For 3 bedrooms – 90m<sup>2</sup></li> </ol> </li> <li>2. Every 1 bedroom residential unit provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.</li> <li>3. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m<sup>2</sup> and at least 2.4m depth.</li> <li>4. Every residential unit is above ground floor.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site.</li> <li>2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> <li>3. Adverse effects on active frontage.</li> </ol> <p>Notification:</p> <p>Any application for a residential unit which does not comply with Rule LCZ-R14.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
LCZ-R14	Grocery Store	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.</li> <li>2. The activity is located:               <ol style="list-style-type: none"> <li>a. within 50m of a Residential Zone boundary and does not operate or</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

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	open for visitors, clients, deliveries or servicing during the hours of 06:00 – 22:00.
	b. further than 50m from a Residential Zone boundary.
	3. The activity is a primary activity or ancillary activity.

LCZ-R15	Commercial Services	
LCZ-R16	Food and Beverage Activities	
LCZ-R17	General Commercial	
LCZ-R18	General Retail	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum Business Net Floor Area is 450m<sup>2</sup>.</li> <li>2. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.</li> <li>3. The activity is located:               <ol style="list-style-type: none"> <li>a. within 50m of a Residential Zone boundary and does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 – 22:00.</li> <li>b. further than 50m from a Residential Zone boundary.</li> </ol> </li> <li>4. The activity is a primary activity or ancillary activity.</li> </ol>	Activity Status when compliance not achieved: Discretionary

LCZ-R19	Artisan Industrial Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum Business Net Floor Area is 300m<sup>2</sup>.</li> <li>2. The goods sold on-site are also manufactured on-site, provided that the retailing is ancillary to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labelling, sorting, mixing or assembling of pre-made products.</li> <li>3. Any outdoor area associated with the activity is not located between the front of the building and the road.</li> </ol>	Activity Status when compliance not achieved: Discretionary

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4. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.
5. The activity is located:
  - a. within 50m of a Residential Zone boundary and does not operate or open for visitors, clients, deliveries or
  - b. servicing outside the hours of 06:00 – 22:00.
  - c. further than 50m from a Residential Zone boundary
6. The activity is a primary activity or ancillary activity.

LCZ-R20	Place of Assembly
LCZ-R21	Entertainment Facilities
LCZ-R22	Recreational Facilities
LCZ-R23	Emergency Services
LCZ-R24	Educational Facilities
LCZ-R25	General Community
<div> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is less than 1,000m<sup>2</sup> GFA per site.</li> <li>2. Any outdoor area associated with the activity is not located between the front of the building and the road.</li> <li>3. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.</li> <li>4. The activity is located:               <ol style="list-style-type: none"> <li>a. within 50m of a Residential Zone boundary and does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 – 22:00.</li> <li>b. further than 50m from a Residential Zone boundary.</li> </ol> </li> </ol> </div> <div> <p>Activity Status when compliance not achieved: Discretionary</p> </div>	

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5. The activity is a primary activity or ancillary activity.

LCZ-R26	<p>Visitor Accommodation</p> <p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The location, scale and intensity of the proposed buildings, structures, signs and lighting.</li> <li>2. The number of accommodation units.</li> <li>3. The provision of an active frontage and pedestrian walkability.</li> <li>4. The location, design, layout of car parking spaces, internal access and manoeuvring.</li> <li>5. Urban design, amenity and character of the Local Centre Zone.</li> <li>6. The availability and accessibility of open space and communal amenities.</li> <li>7. Capacity and availability of infrastructure.</li> <li>8. Road access and effects on transport, including availability of public and/or active transport options.</li> <li>9. The activity is a primary activity or ancillary activity.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LCZ-R27	<p>A New Vehicle Crossing Over a Footpath</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Emergency Services are a primary activity.</li> </ol> <p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>2. The activity is a primary activity or ancillary activity.</li> </ol>	
LCZ-R28	Supported Residential Care	
LCZ-R29	Retirement Village	
LCZ-R30	Care Centre	
LCZ-R31	Drive Through Facilities	
LCZ-R32	Service Station	
LCZ-R33	Funeral Home	
LCZ-R34	Hospital	
LCZ-R35	Repair and Maintenance Services	
	Activity Status: Discretionary	

# Local Centre Zone (LCZ)

Where:

1. The activity is a primary activity or ancillary activity.

LCZ-R36

Marine Retail

LCZ-R37

Motor Vehicle Sales

LCZ-R38

Garden Centres

LCZ-R39

Trade Suppliers

Activity Status: Discretionary

Where:

1. The activity:
  - a. Is less than 300m<sup>2</sup> GFA per site.
  - b. Has an outdoor display or storage area:
    - i. Less than 500m<sup>2</sup>.
    - ii. Not located between the front of the building and the road.
2. The activity is located within:
  - a. 50m of a Residential Zone boundary and operates or is open for visitors, clients, deliveries or servicing outside the hours of 06:00 – 22:00.
  - b. further than 50m from a Residential Zone boundary.
3. The activity is a primary activity or ancillary activity.

Activity Status when compliance not achieved: Non-Complying

LCZ-R40

Rural Production Activities

LCZ-R41

General Industry

LCZ-R42

Manufacturing

LCZ-R43

Marine Industry

LCZ-R44

Hire Premise

LCZ-R45

Storage

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

LCZ-R46

Waste Management Facility

LCZ-R47

Landfill

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

# Local Centre Zone (LCZ)

## PREC3 – Maunu Town Centre Precinct (MTCP)

### Issues

The Maunu Town Centre Precinct (MTCP) applies to land on the corner of Austin Road and SH14. The Maunu Town Centre Precinct is intended to meet the needs of the growing population in Maunu and the land to the west by providing for commercial, community and residential activities. The Maunu Town Centre Precinct provisions have been tailored to provide for the development of a new centre and to provide a distinctive sense of place and identity for Maunu.

The Maunu Town Centre Precinct is intended to be the future heart of Maunu. It will provide for activities such as supermarkets, a range of retail goods and services, small scale office activities and some community, recreation and health services.

The Maunu Town Centre Precinct is strategically located, recognising that as Maunu continues to expand towards the west, it will eventually be in the centre of the existing and future residential area. Due to a range of geographic and tenure related constraints, the Maunu Town Centre Precinct is the only viable option for a compact and contiguous commercial centre in close proximity to existing and future residential development.

### Objectives

MTCP-O1 – Community Identity	Create and maintain a community focal point and sense of place for the existing and planned future Maunu residential area and the rural community to the west.
MTCP-O2 – Scale and Intensity	Development is of a scale and intensity that is in keeping with the amenity values of the locality, and particularly those values that contribute to sense of place.
MTCP-O3 – Range of Activities	Provide for mixed use development, including commercial, community and residential activities that: <ol style="list-style-type: none"> <li>1. Provides for the community's social and economic needs;</li> <li>2. Improves community access to goods, services, community facilities, and opportunities for social interaction;</li> <li>3. Manages adverse effects on the environment;</li> <li>4. Does not undermine the vitality and viability of the City Centre.</li> <li>5. Creates high levels of internal amenity through good quality urban design.</li> </ol>
MTCP-O4 – Discouraged Activities	Discourage industrial activities within the Maunu Town Centre Precinct.
MTCP-O5 – Commercial Sprawl	Contain commercial activities within the Maunu Town Centre Precinct.

### Policies

MTCP-P1 – Character and Amenity	Recognise the following attributes as contributing to the character and amenity values of the Maunu Town Centre Precinct: <ol style="list-style-type: none"> <li>1. Historic stone walls incorporated into the development.</li> <li>2. An active urban environment with a mix of type and scale of activities.</li> <li>3. Quality landscaping and public spaces.</li> <li>4. A scale of built development commensurate with the prominence and visual effects of the development.</li> </ol>
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	<ol style="list-style-type: none"> <li>5. Relatively constant levels of noise during the daytime associated with traffic and commercial activities.</li> <li>6. A moderate degree of privacy for residential activities within and surrounding the site.</li> <li>7. Adequate and multi-purpose carparking within the site.</li> <li>8. Access to daylight.</li> <li>9. No exposure to noxious odour or noise associated with industrial activities.</li> <li>10. High levels of vehicle traffic particularly during daytime hours.</li> </ol>
MTCP-P2 – Range of Activities	<p>Enable activities to service the local convenience needs of the surrounding residential area and the rural area to the west, including retail, commercial services, office, and food and beverage by:</p> <ol style="list-style-type: none"> <li>1. Encouraging residential activities, supermarkets, smaller scale retail activities, offices, tourist related activities, restaurants, cafes, bars and entertainment facilities.</li> <li>2. Recognising the positive contribution that supermarkets make to centre vitality and function, and the functional and operational requirements of these activities.</li> <li>3. Avoiding rural production and industrial activities (excluding small scale artisan industrial activities), large department stores, bulk goods and trade related retail.</li> <li>4. Limiting large scale, destination-based community activities which do not enhance the vibrancy of the Maunu Town Centre Precinct.</li> </ol>
MTCP-P3 – Mixed Use	To encourage mixed use development by providing for residential activities primarily located above ground floor commercial uses.
MTCP-P4 – Active Frontages to Internal Pedestrian Areas	To require active frontages to internal pedestrian areas to strengthen the interrelationship between buildings and the public realm.
MTCP-P5 – Ground Floor Residential Units	To require residential units at ground floor to be designed and constructed in a manner which protects residential amenity and active frontages.
MTCP-P6 – Residential Amenity	To protect residential amenity within the Maunu Town Centre Precinct by requiring residential units to provide sufficient internal space, outdoor living courts and noise insulation.
MTCP-P7 – Transport and Parking	<p>Manage adverse effects on the safe and efficient operation of the transport network by:</p> <ol style="list-style-type: none"> <li>1. Encouraging transport solutions that cater for existing and future residential development on Austin Road, and that avoid, remedy, or mitigate adverse effects on SH14.</li> <li>2. Ensuring adequate off-street parking is provided to avoid the need for onstreet parking.</li> <li>3. Encouraging the multi-purpose use of parking spaces, including pick up and drops offs associated with Maunu School, and other community events.</li> </ol>
MTCP-P8 – Pedestrian-centric Environment	Require development to be of a quality and design that contributes positively to pedestrian amenity, movements, safety and convenience for people of all ages and abilities.

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MTCP-P9 – Zone Interface	Require development to be of a quality and design that contributes positively to pedestrian amenity, movements, safety and convenience for people of all ages and abilities.
MTCP-P10 – Discouraged Activities	To protect the amenity values of the locality by avoiding activities which have noxious, offensive, or undesirable qualities from locating within the Maunu Town Centre Precinct.
MTCP-P11 – Scale of Development	To avoid adverse effects on the Shopping Centre Zone by limiting (apart from supermarkets) the development of large scale commercial and retail activities, large format retail and department stores.
MTCP-P12 - Vitality and Viability of City Centre	To avoid adverse effects on the vitality and viability of the City Centre and Mixed Use Zones by ensuring the Maunu Town Centre Precinct is at a scale appropriate to the needs of the surrounding residential areas.

## Rules

MTCP-R1	Any Activity	
	Activity Status: Permitted Where: 1. Resource consent is not required under any rule of the Local Commercial Zone or any other District Plan rules, unless otherwise stated in the MTCP. 2. The activity is not prohibited under any rule in the District Plan.	
MTCP-R2	Building Frontages	
	Activity Status: Permitted Where: 1. No continuous blank wall with an area greater than 25m <sup>2</sup> is visible from site frontage. 2. No roller door is situated along the site frontage.	Activity Status when compliance not achieved: Discretionary
MTCP-R3	Building Facades and Verandahs	
	Activity Status: P Where: 1. On building façades containing the main pedestrian access: a. At least 65% of the ground floor building façade is clear glazing; and b. There is a verandah: i. Along at least 90% of the frontage of the building. ii. That is at least 3m and no more than 4m above the footpath.	Activity Status when compliance not achieved: Discretionary



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- iii. That has a minimum width of 1.5m and a maximum width of 2.5m and be no less than 600mm from the kerbline
- iv. That has a maximum fascia height of 0.5m.

MTCP-R4	Grocery Store
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum Business Net Floor Area does not exceed 2,500m<sup>2</sup> GFA.</li> <li>2. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m.</li> <li>3. The activity is located: <ul style="list-style-type: none"> <li>c. within 50m of a Residential Zone boundary and does not operate or open for visitors, clients, deliveries or servicing during the hours of 06:00 – 22:00.</li> <li>d. further than 50m from a Residential Zone boundary.</li> </ul> </li> <li>4. The activity is a primary activity or ancillary activity.</li> </ol>
	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. The effects of the operation of the activity on the existing and expected future amenity values of the surrounding area and mitigation measures that would be appropriate to manage those effects.</li> <li>2. The design and location of parking areas and vehicle access and servicing arrangements.</li> <li>3. The need to provide for the functional requirements of the activity.</li> </ol>

MTCP-R5	Drive Through Facilities
	<p>Activity Status: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. The design and layout of buildings and its contribution to good urban design.</li> <li>2. The effects arising from the numbers of people and all vehicles using the site.</li> <li>3. The effects of the operation of the activity on the existing and expected future amenity values of the surrounding area and any practicable mitigation measures that would be appropriate to manage those effects.</li> <li>4. The design and location of parking areas and vehicle access and servicing arrangements.</li> </ol>

## Local Centre Zone (LCZ)

5. The effects of location, design and management of storage and servicing facilities, including the adequacy of access for service vehicles (including waste collection).

MTCP-R6	New Vehicle Crossing Over a Footpath
	<p>Activity Status: Restricted Discretionary</p> <p>Matters of Discretion:</p> <ol style="list-style-type: none"> <li>1. Pedestrian safety.</li> <li>2. Location, size and design of vehicle crossing(s).</li> <li>3. The practical need to gain access over a footpath.</li> <li>4. The safety and efficiency of the transport network and on-site circulation and manoeuvring.</li> <li>5. The protection of stone walls (where practicable) and the incorporation of stone walls in any site entrance feature.</li> </ol>

# Neighbourhood Centre Zone (NCZ)

# Neighbourhood Centre Zone (NCZ)

## Issues

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

The Neighbourhood Centre Zone is distributed throughout the urban area of Whangārei City, Ruakaka and Marsden Point. Providing a limited range of everyday goods and services, Neighbourhood Centre Zones are small in overall land area, with shop sizes generally ranging from 100 – 300m<sup>2</sup> in gross floor area.

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

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

## Objectives

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

## Policies

NCZ-P1 – Character and Amenity	<p>To recognise the character and urban amenity values of the Neighbourhood Centre Zone including but not limited to:</p> <ol style="list-style-type: none"> <li>1. A low density of development and built form.</li> <li>2. Presence of community activities, street plantings/trees and street furniture.</li> <li>3. Moderate levels of noise during the daytime associated with traffic and commercial activities.</li> <li>4. A moderate degree of privacy for residential activities.</li> <li>5. Limited exposure to noxious odour or noise associated with industrial activities.</li> <li>6. Moderate levels of vehicle traffic particularly during daytime hours.</li> <li>7. Moderate levels of illumination.</li> <li>8. On-street and off-street parking.</li> <li>9. Ample access to daylight.</li> </ol>
NCZ-P2 – Range of Activities	To enable a range of activities that provide a distribution of small scale commercial and community services for residents by:

# Neighbourhood Centre Zone (NCZ)

	<ol style="list-style-type: none"> <li>1. Encouraging small scale dairies, commercial service activities and cafes.</li> <li>2. Avoiding rural production and industrial activities, large scale commercial activities and destination-based community activities.</li> <li>3. Enabling residential units in association with commercial and retail activities onsite.</li> <li>4. Allowing ancillary activities where an active frontage is maintained and open to the public.</li> <li>5. Managing the scale, design and nature of activities to ensure that:               <ol style="list-style-type: none"> <li>a. An active frontage is maintained at ground floor.</li> <li>b. The activity and building design are complementary to the Neighbourhood Centre context and retain a fine grain character.</li> <li>c. The building is designed to enhance the surrounding residential amenity.</li> </ol> </li> </ol>
NCZ-P3 – Residential Activities	To require residential units to be designed and constructed in a manner which provides for residential amenity and active frontages.
NCZ-P4 – Pedestrian-Centric Environment	To create a pedestrian-centric environment by requiring verandahs and promoting active building frontages.
NCZ-P5 – Residential Amenity	To provide for residential amenity by ensuring residential units provide sufficient internal space, outdoor living courts and noise insulation.
NCZ-P6 – Zone Interface	To maintain the amenity and characteristics that contribute to sense of place by managing built development and the interface between the Neighbourhood Centre Zone and Residential Zones.
NCZ-P7 – Discouraged Activities	To protect urban amenity by avoiding activities which have noxious, offensive, or undesirable qualities from locating within the Neighbourhood Centre Zone.
NCZ-P8 – Water Setbacks	To protect esplanade areas and reserve waterfront walkways by avoiding impervious surfaces adjacent to Mean High Water Springs and river banks.
NCZ-P9 – Built Form	To maintain a built form that is consistent with the surrounding Residential Zones by limiting bulk and location of buildings.

## Rules

NCZ-R1	Any Activity Not Otherwise Listed in This Chapter
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>
NCZ-R2	Minor Buildings
	Activity Status: Permitted <i>Note: Minor buildings are exempt from rules NCZ-R3 – R6.</i>

# Neighbourhood Centre Zone (NCZ)

NCZ-R3	Building and Major Structure Height	
	Activity Status: Permitted Where: 1. The maximum building height and major structure height is 8m above ground level.	Activity Status when compliance not achieved: Discretionary
NCZ-R4	Building and Major Structure Setbacks	
	Activity Status: Permitted Where: 1. All buildings and major structures are set back at least: <ol style="list-style-type: none"> <li>3m from any Residential or Open Space and Recreation Zone boundary.</li> <li>27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> 2. The building is setback 0.5m of road boundaries at ground floor for the entire length of the street frontage for any front site, except for: <ol style="list-style-type: none"> <li>A One setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.</li> <li>Any site frontage where a strategic road protection area applies as detailed in TRA Appendix 4.</li> </ol>	Activity Status when compliance not achieved with NCZ-R4.1(a) or R4.2: Restricted Discretionary Matters of discretion: <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on the streetscape character of the area.</li> <li>Effects on the safety and efficiency of the transport network.</li> </ol> Activity Status when compliance not achieved with NCZ-R4.1(b): Restricted Discretionary
NCZ-R5	Building and Major Structure Height in Relation to Boundary	
	Activity Status: Permitted Where: 1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining and adjacent properties.</li> </ol>
NCZ-R6	Building Frontages	
	Activity Status: Permitted Where:	Activity Status when compliance not achieved: Discretionary

# Neighbourhood Centre Zone (NCZ)

1. At least 65% of the building frontage at ground floor is clear glazing.
2. The main pedestrian entrance is provided within 3m of the site frontage.
3. There are no roller doors (except security grilles which allow views from the street into the premise) along site frontage.

NCZ-R7	Impervious Areas
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The impervious area within the site does not exceed 75% of the site area.</li> <li>2. The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
NCZ-R8	Fences
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The fence is along site frontage and is required by a by-law or for public health and safety.</li> <li>2. The fence is not along road frontage.</li> <li>3. Fencing within 1m of any side or rear boundary is no higher than 2m.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects of shading and visual dominance on adjoining properties.</li> <li>2. Urban design and passive surveillance.</li> <li>3. Effects on streetscape character and amenity.</li> <li>4. Health and safety effects.</li> </ol>
NCZ-R9	Car Parking
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The car parking space is not located between the building frontage and road boundaries of the site.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
NCZ-R10	Verandahs
<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Neighbourhood Centre Zone (NCZ)

1. All buildings fronting a road provide a verandah:
  - a. Along at least 90% of the frontage of the building.
  - b. That is at least 3m above the footpath and no more than 4m above the footpath.
  - c. That has a minimum width of 1.5m and a maximum width of 2.5m and is set back at least 0.6m from the kerb line.
2. That has a maximum fascia height of 0.5m.

NCZ-R11	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules NCZ-R3 – R5.</li> <li>b. Is screened from view from adjacent public places and Residential or Open Space and Recreation Zones except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
NCZ-R12	Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum density is 1 residential unit, per site.</li> <li>2. The residential unit is an ancillary activity to a commercial service, general retail or food and beverage activity within the site.</li> <li>3. Every residential unit provides a Net Floor Area of at least:               <ol style="list-style-type: none"> <li>a. For 1 bedroom – 45m<sup>2</sup></li> <li>b. For 2 bedrooms – 70m<sup>2</sup></li> <li>c. For 3 bedrooms – 90m<sup>2</sup></li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on site.</li> <li>2. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> <li>3. Adverse effects on active frontage.</li> </ol> <p>Notification:</p>



# Neighbourhood Centre Zone (NCZ)

	<ul style="list-style-type: none"> <li>d. For more than 3 bedrooms – 90m<sup>2</sup> plus 12m<sup>2</sup> for each additional bedroom.</li> <li>4. Every 1 bedroom residential unit provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.</li> <li>5. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m<sup>2</sup> and at least 2.4m depth.</li> <li>6. No residential unit is accessed directly from the road frontage.</li> </ul>	Any application for a residential unit which does not comply with the minimum internal area and outdoor living court requirements in NCZ-R12.3 - 5 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
NCZ-R13	General Retail	
	Activity Status: Permitted 1. Where: Any individual activity is less than 300m <sup>2</sup> GFA per site.	Activity Status when compliance not achieved: Discretionary
NCZ-R14	Grocery Store	
NCZ-R15	Commercial Service	
NCZ-R16	Food and Beverage Activity	
	Activity Status: Permitted Where: 1. The activity: <ul style="list-style-type: none"> <li>a. Is less than 300m<sup>2</sup> GFA per site.</li> <li>b. Has an outdoor area:               <ul style="list-style-type: none"> <li>i. Less than 500m<sup>2</sup>.</li> </ul> </li> <li>ii. Not located between the front of the building and the road.</li> </ul> 2. The activity is located: <ul style="list-style-type: none"> <li>a. within 50m of a Residential Zone boundary and does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 – 22:00.</li> <li>b. further than 50m from a Residential Zone boundary.</li> </ul> 3. The activity is a primary or ancillary activity.	Activity Status when compliance not achieved: Discretionary
NCZ-R17	Visitor Accommodation	
	Activity Status: Permitted Where:	Activity Status when compliance not achieved: Discretionary

# Neighbourhood Centre Zone (NCZ)

1. No more than 12 tariff-paid visitors are staying on-site at any one time.
2. No more than 2 accommodation units per 500m<sup>2</sup> are constructed or operated on site.
3. Each accommodation unit provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.
4. The activity is a primary or ancillary activity.

NCZ-R18	Care Centre	
NCZ-R19	Supported Residential Care	
NCZ-R20	Retirement Village	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. No more than 12 patients are staying on-site at any one time.</li> <li>2. No more than 2 accommodation units per 500m<sup>2</sup> are constructed or operated on site.</li> <li>3. Each accommodation unit provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.</li> <li>4. The activity is a primary or ancillary activity.</li> </ol>	Activity Status when compliance not achieved: Discretionary
NCZ-R21	Place of Assembly	
NCZ-R22	Recreational Facilities	
NCZ-R23	Educational Facilities	
NCZ-R24	Entertainment Facilities	
NCZ-R25	General Community	
	Activity Status: Discretionary Where: <ol style="list-style-type: none"> <li>1. The activity is a primary or ancillary activity.</li> </ol>	
NCZ-R26	General Commercial	
	Activity Status: Discretionary Where: <ol style="list-style-type: none"> <li>1. The activity has a:               <ol style="list-style-type: none"> <li>a. GFA greater than 300m<sup>2</sup> per site.</li> <li>b. An outdoor area:                   <ol style="list-style-type: none"> <li>i. Greater than 500m<sup>2</sup>.</li> </ol> </li> </ol> </li> </ol>	Activity Status when compliance not achieved: Non-Complying

# Neighbourhood Centre Zone (NCZ)

ii. Located between the front of the building and the road.

2. The activity is a primary or ancillary activity.

NCZ-R27	Industrial Activities
NCZ-R28	Motor Vehicle Sales
NCZ-R29	Marine Retail
NCZ-R30	Garden Centres
NCZ-R31	Trade Suppliers
NCZ-R32	Drive Through Facilities
NCZ-R33	Hire Premise
NCZ-R34	Emergency Services
NCZ-R35	Service Stations
NCZ-R36	Funeral Home
NCZ-R37	Hospital
Activity Status: Non-Complying	
Where:	
1. The activity is a primary or ancillary activity.	
NCZ-R38	Rural Production Activities
Activity Status: Prohibited	
Where:	
1. The activity is a primary or ancillary activity.	

# **Report 6 – Light Industrial and Heavy Industrial Zones Proposed Plan Changes 88J and 88H**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**  
**Commissioner Rachel Dimery**  
**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Light Industry Chapter
2. Recommended Heavy Industry Chapter

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 5 of the s42A Report.
4. Where this report refers to the s42A Report it is referring to Part 5. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 5.
5. Report 9 sets out our recommendations on zoning requests.

## Evaluation of Submissions

### Topic A: General

#### Relevant Submissions

Submitter	Submission# & Point #
Denna Kirk	185.1
Ed Kirk	186.1
John Keith and Lakeside Business Park	292.5 and .4
Russell Dyer	281.1
Brian and Anita Burrows	22.2
GEK Property Nominees	219.5
North Sawn Lumber	249.5
Volume Two	250.5
Electric Power Generation	126.1
NZTA	240.82
J Abernethy	29.1

#### Principal Issues Raised

- Request to delete the paper road from the Plan [Toetoe Rd area] and develop a wetland / green belt between the light industry rezoning area and the properties that border the current paper road.
- General support for well-being as a permitted activity in the LIZ and HIZ.
- Adoption of the plan change as notified.
- The HIZ on the outskirts of Ruakaka should avoid incompatible activities and the need of access to major transport routes.
- Adoption of the HIZ rules as notified.
- Request alternative traffic management restrictions be retained in proposed LIZ and HIZ and Port Marsden.
- Redefinition of the commercial area available in Ruakaka and support for the size of the plot allocation on HIZ land.

#### Reporting Planners' s42A Recommendation

6. Paragraphs 36 to 41 of the s42A Report respond to these issues.
7. In relation to traffic management, Ms McGrath's opinion was that the zoning of LIZ and HIZ in the Port Marsden Areas is appropriate based upon the s32, and that the Transport Chapter provisions would be sufficient to address potential traffic effects from redevelopment of land.

#### Evidence from Submitters and Right of Reply

8. Mr Keith presented evidence in support of his submissions where he outlined his aspirations to establish an Eco-Innovate business park. He told us that it was essential for provision to be made for people to

sleep and rest in heavy industrial areas. Ms McGrath responded in page 3 of the RoR and recommended no amendments.

9. Ms Abernathy presented evidence in support of her submission, clarifying that she seeks to retain a HIZ zoning for her property between Sime and Innovate Roads at Ruakaka. Ms McGrath addressed this evidence and recommended that the Heavy Industrial Zone be retained as notified.

### Discussion and Reasons

10. We have discussed our findings in relation to zoning in Report 9. The matters raised by NZTA are addressed in Report 10.
11. We adopt the s42A Report recommendation that the submissions in support of the Light Industrial and Heavy Industrial chapters are accepted in part to the extent that the chapters have been retained with amendments in response to other submissions.
12. We agree with the reasoning in the s42A Report that it is outside the scope of the hearing to remove paper roads from the planning maps.

## Topic B: Overview

### Relevant Submissions

Submitter	Submission# & Point #
Downer	217.14
Tauroa	160.3 and 14
Downer	217.1 and 14
NIWA	77.4 and 13
Heron	161.3

### Principal Issues Raised

- Rewrite the LIZ Issues, to provide greater clarity as to the expectations for the management of activities within the Zone, due to lack of clarity regarding large scale industrial activities that are not noxious.
- Amend paragraph two of the LIZ Issues to replace 'trade retail' with 'large-scale retail'.
- Amend HIZ Issues section to more appropriately recognise and provide for the types of activities that National Institute of Water and Atmospheric Research Limited (**NIWA**) carries out.
- Retain HIZ Issue as notified.

### Reporting Planner's s42A Recommendation

13. These issues have been addressed at paragraphs 44 to 45 and 49 of the s42 Report. Ms McGrath has agreed with Downer New Zealand Limited (**Downer**) with respect to the LIZ Issues, and recommended alternative wording to clarify large scale industrial activities. Ms McGrath did not support the amendments sought by 124 Tauroa Street (**Tauroa**) as detailed in paragraph 45 of the s42 Report. In response to NIWA's request Ms McGrath recommended an additional sentence be added to the HIZ Issues to provide clarity with respect to research within the HIZ.

### Evidence from Submitters and Right of Reply

14. Ms Chappell presented legal submissions on behalf of Downer, confirming that Downer supported the s42A recommendations for both LIZ and HIZ Issues.
15. Mr Arbuthnot presented planning evidence on behalf of Heron Construction Holdings Limited (**Heron**), confirming that Heron accepted the s42A recommendations for the HIZ Issues.
16. Mr Faithfull and Mr Kenneth Becker gave evidence on behalf of NIWA. Mr Faithful handed up a set of draft provisions seeking to include a new precinct for NIWA's Northland Marine and Research Centre at



Bream Bay. He advised that the provisions were in draft form and were proposed as an alternative approach to the amendments set out in his pre-circulated evidence. Following the hearing Ms McGrath and Mr Faithfull collaborated and provided an agreed set of provisions for a new precinct as detailed in the RoR page 3.

### Discussion and Reasons

17. We did not hear any evidence disputing the amendments to the Issues section of the LIZ or HIZ chapters. Accordingly, we adopt the analysis of the s42A Report and its recommended amendments, with some minor amendments to delete references to 'HI' and replace with 'Heavy Industrial Zone'.
18. The amendments sought in the submission and evidence for NIWA evolved during the course of the hearing. We were advised that Council and NIWA had reached agreement on a set of precinct provisions to be included in the HIZ chapter. Council's legal counsel, Ms Shaw, advised us that the inclusion of a precinct for the NIWA land was fairly and reasonably raised in submissions<sup>1</sup> and was within scope. Counsel for NIWA, Ms Vicki Morrison-Shaw, advised it was her opinion there was no issue as to scope.
19. Having satisfied ourselves that we have scope to recommend a precinct, we agree that the precinct would be the most efficient and effective means of providing for marine science and aquaculture activities. Mr Becker told us that the facility currently employs 50 fulltime equivalent employees, which was expected to increase by at least 50% in the next five years<sup>2</sup>. We therefore find, in terms of s32(2)(a)(ii), that implementation of the precinct provisions would provide benefits as it would enable the expansion of the facilities and would provide for increased employment.
20. We adopt the analysis of the s42A Report, as amended by the RoR, and the recommended amendments to include the Bream Bay Marine Science and Research Precinct in the HIZ chapter.

## Topic C: Objectives

### Relevant Submissions

Submitter	Submission# & Point #
124 Tauroa Street Limited	160.4, .5 and .6
Fire NZ	165.40 .44
Totara Trust	176.2
Totara Trust	284.2
Downer	217.2 – 6, .15, .16
Refining NZ	260.18 and .27
Heron	161.4
GEK	219.3
North Sawn Lumber Limited	249.3
Volume Two Limited	250.3
NIWA	77.5
G and D Donald	284.2

### Principal Issues Raised

- Retention of as notified LIZ-O1, LIZ-O2, LIZ-O3 and LIZ-O5.
- Amendments to LIZ-O2 to ensure that New Zealand Refining Company Limited (**Refining NZ**) activities are not constrained by reverse sensitivity.
- Amendments to LIZ-O4 to clarify that activities "may" compromise the operation of future industrial activities and to recognise that the operation of the HI should not be compromised.
- Insert a new LIZ objective to recognise retail activities that are compatible with industrial activities.
- Retention as notified HIZ Objectives HIZ-O1 – HIZ-O5.

<sup>1</sup> Submissions of Counsel for Whangārei District Council as to Scope, 21 November 2019 at paragraph 56

<sup>2</sup> at paragraph 22 and 23

- Amendment of HIZ-O1, HIZ-O4 and HIZ-O5 to more appropriately recognise and provide for the types of activities that NIWA undertake.
- Amendment of HIZ-O1 and HIZ-O5 to widen the objectives, and to clarify the relationship between large scale and noxious heavy industry activities.
- Amendment of HIZ-O2 to limit the objective to managing effects of heavy industry on zones other than the LIZ.
- Amendment to HIZ-O4 because not all heavy industry will be large scale or noxious.

#### Reporting Planner's s42A Recommendation

21. The principal issues raised in respect of the LIZ objectives were dealt with at paragraphs 58 - 60 of the s42A Report. Ms McGrath recommended the amendment of LIZ-O1 to LIZ-O5 and the insertion of a new objective.
22. Ms McGrath agreed with the reasons outlined by Downer to amend the objectives to clarify the relationship between LIZ and HIZ. Ms McGrath also agreed with submitters concerns about the protection of the HIZ from reverse sensitivity, recommending amendments to LIZ-O4. Ms McGrath did not support the objective sought by 124 Tauroa Street Limited (**Tauroa**). In her opinion the proposed objective was too open and enabling, as an alternative Ms McGrath recommended a new objective.
23. The principal issues raised about the HIZ objectives were dealt with at paragraphs 65 and 66 of the s42A Report. Ms McGrath recommended amendments to HIZ-O1, HIZ-O2, HIZ-O4 and HIZ-O5 and insertion of a new objective. Ms McGrath did not support the amendments sought by NIWA, in her opinion a new objective to refer to research laboratories being enabled in the HIZ was more appropriate.

#### Evidence from Submitters and Right of Reply

24. Ms Unthank presented evidence on behalf of Fire and Emergency New Zealand (**Fire NZ**), recommending that the LIZ-O3 and HIZ-O3 objectives be retained as notified, in her opinion it is important to include supporting activities alongside ancillary activities to recognise the benefits provided. Ms McGrath disagreed with Ms Unthank and considered the amendments were necessary, as 'supporting activities' are not defined. Ms McGrath further advised that the amendments were sought in the Council's submission.<sup>3</sup>
25. Ms Chappell presented legal submissions on behalf of Downer, confirming that Downer supported the amendments to HIZ-O1-HIZ-O5, and LIZ-O1 and LIZ-O4 recommended by the s42A Report. Ms Chappell noted that the new objective LIZ-O6 recommended by the s42A Report is not well integrated into the policies.
26. Mr Arbutnot presented evidence on behalf of Heron confirming that the changes recommended by the s42A Report did not materially alter the outcomes that are intended and provide useful clarification as to the nature of activities enabled in the HIZ.
27. Mr Faithfull presented evidence on behalf of NIWA, recommending amendments to HIZ-O1, HIZ-O4 and HIZ-O5. At the hearing, Mr Faithful advised that the relief sought could in the alternate be addressed through the inclusion of a new precinct for the Northland Marine and Research Centre at Bream Bay. To this end, Ms McGrath and Mr Faithfull collaborated on the provisions and provided an agreed set of provisions for a new precinct as detailed in the RoR page 3.
28. Mr Badham on behalf of Bunnings Ltd (**Bunnings**) tabled a statement identifying an error in the recommended objective in the s42A Report which referenced trade retail. This matter was addressed in the RoR page 4.

#### Discussion and Reasons

29. We agree with submitters that not all heavy industry activities will be large scale or noxious. We find that the amendments to HIZ-O1 are the most appropriate way to achieve the purpose of the Act.
30. Ms Unthank questioned the scope to delete the term 'supporting activities' from LIZ-O3 and HIZ-O3. We

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<sup>3</sup> At pages 3 and 4 of the RoR

agree with the analysis in the RoR and that the scope is provided in Council's submission.<sup>4</sup> In particular, we agree that the term 'supporting activities' is unclear, as it is not a defined term. We think it is unsatisfactory to include 'supporting activities' as it is not clear whether such activities would be compatible with the effective and efficient operation of industrial activities. We therefore recommend that LIZ-O3 and HIZ-O3 are amended as set out in the RoR.

31. We have discussed the amendments recommended in response to NIWA's submission above.<sup>5</sup> Given Mr Faithfull's advice that the new precinct satisfactorily addresses the relief sought in NIWA's submission, we recommend no further amendments to the HIZ objectives.
32. The s42A Report recommended amendments to LIZ-O4 in response to the submissions by Tauroa and Downer. Tauroa did not pursue this matter further through evidence, as Mr Arbuthnot and Mr Shao<sup>6</sup> supported the proposed Gateway Precinct recommended in the s42A report. Downer was represented by Ms Chappell at the hearing. Ms Chappell helpfully set out the law in relation to reverse sensitivity, which describes the concept as:

*[T]he legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The "sensitivity" is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity.<sup>7</sup>*

33. Ms Chappell advised that the amendments to LIZ-O4 were supported by Downer. We note that the amendments she supported are in Table One to her legal submissions and are recorded as:

*Avoid activities that may generate reverse sensitivity effects or that compromise the operation of future industrial activities within the LI Light Industrial Zone or Heavy Industrial Zone.*

34. The s42A Report included an additional recommended amendment to Ms Chappell's version, which was to delete the word 'or' from the objective. Having considered the submissions by Ms Chappell, we see issues with the deletion of the word 'or' as recommended in the s42A Report.
35. The objective as notified had two components as we read it: firstly, the protection of existing industrial activities from new activities (reverse sensitivity); and secondly the protection of future industrial activities from new activities (incompatible uses). An industrial activity needs to be established prior to other activities establishing for a reverse sensitivity effect to occur. We find the objective illogical as it suggests activities could generate reverse sensitivity effects on future industrial activities that do not yet exist. We do however see the need for activities to be avoided where they would compromise industrial activities that may seek to locate in the zone in the future. In other words, to ensure that there is not a proliferation of activities that can locate elsewhere, which would potentially be incompatible with industrial activities and which may preclude the establishment of industrial activities in the very zone they are intended to go.

36. We therefore recommend that LIZ-O4 is amended to read:

*Avoid activities that may generate reverse sensitivity effects or that compromise the operation of future industrial activities within the Light Industrial Zone or Heavy Industrial Zone.*

37. The amendments to LIZ-O6 as recommended by the RoR do not in our view address the submission made by Tauroa.<sup>8</sup> We can find no reason why the recommended wording now refers to commercial activities. Further we doubt whether such an amendment is within scope. The s32AA at Attachment 1 to the s42A Report recommended the following new objective<sup>9</sup>:

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<sup>4</sup> Submission 240

<sup>5</sup> Topic B

<sup>6</sup> Joint Statement of Planning Evidence on behalf of Harvey Norman (N.Z.) Ltd. and 124 Tauroa Street Ltd.

<sup>7</sup> *Affco New Zealand v Napier City Council* [2004] NZEnvC W 082/04 at [29]

<sup>8</sup> And the further submission in support by Bunnings

<sup>9</sup> LIZ-ONEW6

*To limit retail activities within the Light Industrial Zone to trade suppliers.*

38. However, the track change version in Attachment 3 to the s42A Report referred to 'trade retail' rather than 'trade suppliers'. The discussion at paragraph 60 of the s42A Report refers to the s32 evaluation and the intention to 'provide only for trade retail and large-scale retail activities which will be sympathetic to industrial activities'. This approach is carried down into the recommended rules (both as notified and as amended by the RoR) which provide for Motor Vehicle Sales, Garden Centres, Trade Suppliers, Marine Retail and Hire Premise as a permitted activity provided the gross floor area is over 450m<sup>2</sup>. In contrast general retail is only permitted where it is an ancillary activity to industrial activity.
39. We agree with Tauroa<sup>10</sup> that some large-scale retail such as garden centres, trade suppliers, hire premises, motor vehicle sales are appropriate in the Light Industrial Zone, as evidenced by the Plan Change provisions as notified. Such activities can involve a yard-based component that would not be suitable in centres but would be compatible with the types of industrial activities anticipated in the zone. We agree with the s32 Evaluation that enabling these types of activities in the Light Industrial Zone would not compromise the vitality and viability of centres.<sup>11</sup> However, we consider that referring only to trade suppliers is too restrictive, as other activities such as Marine Retail fall outside this definition. On the other hand, referring to Commercial Activities is too broad. This would encompass all retail activities, including general retail and other activities that are incompatible, such as visitor accommodation.
40. We therefore recommend a new objective LIZ-O6 as follows:

*LIZ-O6 Retail Activities*

*To enable larger scale Trade Retail within the Light Industrial Zone and limit all other retail activity.*

41. We recommend a consequential amendment to the definitions to include a definition of 'trade retail' as follows:
- Trade Retail means Motor Vehicle Sales, Garden Centres, Marine Retail, Trade Suppliers and Hire Premises.*
42. We also recommend a consequential amendment to the definition groupings for Commercial Activities to reflect this amendment.
43. We find that objective LIZ-O6 is the most appropriate way to achieve the purpose of the Act. It will ensure appropriate areas are available for industrial activities and allow a limited range of other activities that would not be readily accommodated in the district's centres, that are compatible with industrial activities and which would not result in reverse sensitivity effects for existing industrial activities in the zone.

## Topic D: Policies

### Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.7 and .8
Fire NZ	165.41 and 45
Totara Trust	176.3
Totara Trust	284.3
Downer	217.7 – 11 and .17
Heron	161.5 and .6
GEK	219.4
North Sawn Lumber Limited	249.4
Volume Two Limited	250.4
Refining NZ	260.19

<sup>10</sup> And further submitters #366 and #376 that submitted in support

<sup>11</sup> Section 32 Evaluation, Part 8, p20

NIWA	77.6, .9 and .10
Refining NZ	260.20 and .21
G and D Donald	284.3

### **Principal Issues Raised**

- Retention of LIZ-P1, LIZ-P2 and LIZ-P3 as notified.
- Amendments to LIZ-P1 to include a definition of 'moderate'.
- Amendment of LIZ-P3 to identify that reverse sensitivity may constrain the establishment and operation of light industrial activities.
- Insertion of a new LIZ policy to address the use of LIZ as a buffer between HIZ and more sensitive zones.
- Retention of HIZ-P1-HIZ-P7 as notified.
- Amendment of HIZ-P1 to more appropriately recognise and maintain the heavy industrial character of the zone.
- Amendment of HIZ-P2, HIZ-P5 and HIZ-P7 and provide for NIWA activities.
- Deletion of HIZ-P3 because it is unclear how small scale activities will be managed in the context of land fragmentation.
- Amendment of HIZ-P4 to extend to the operation of existing activities.
- Amendment of HIZ-P6 to delete the reference to Mean High Water Springs (MHWS).

### **Reporting Planner's s42A Recommendation**

44. The principal issues raised about the LIZ policies were dealt with at paragraphs 73 to 75 of the s42A Report. Ms McGrath recommended the amendment of LIZ-P1, LIZ-P2, LIZ-P4 and the deletion of LIZ-P3.
45. The principal issues raised about the HIZ policies were dealt with at paragraphs 84 to 90 of the s42A Report. Ms McGrath recommended the amendment of HIZ-P2 and HIZ-P4, deletion of HIZ-P3 and insertion of a new HIZ policy.

### **Evidence from Submitters and Right of Reply**

46. Ms Unthank presented evidence on behalf of Fire NZ, recommending that the HIZ-P4 be retained as notified, in her opinion it is important to include supporting activities alongside ancillary activities to recognise the benefits provided. Ms McGrath disagreed with Ms Unthank and considered the amendments were necessary, as 'supporting activities' are not defined.
47. Ms Chappell presented legal submissions on behalf of Downer, confirming that Downer generally supported the amendments to HIZ and LIZ policies noting the inconsistencies between the drafting of LIZ-P1 and HIZ-P1. Ms McGrath agreed with Ms Chappell and recommended amendments to HIZ-P1 as detailed in page 5 of the RoR.
48. Mr Faithfull presented evidence on behalf of NIWA, recommending amendments to the definition of general industry, the deletion of HIZ-NewpolicyP1 or alternatively provide for NIWA activities through a site specific precinct. Ms McGrath and Mr Faithfull collaborated on preparing a set of provisions for a NIWA precinct as detailed in the RoR at page 5.
49. Mr Arbutnot presented evidence on behalf of Heron confirming that the changes recommended by the s42A report are minor in nature and will provide useful clarification to the environmental outcomes that are intended by the District Plan for the Heavy Industrial Zone.
50. Mr Badham tabled a statement on behalf of Bunnings accepting the recommendations made in the s42A report relating to the Bunnings further submission X376 and LIZ-P3.

### **Discussion and Reasons**

51. We consider that the deletion of 'supporting activities' from HIZ-O3 is necessary for clarity, as this is an undefined term. In order to achieve LIZ-O5 and LIZ-O6, we have recommended that LIZ-P6 is amended to refer to 'trade retail'. The objectives seek to provide for larger scale trade retail within the zone. We

have discussed this issue above under Topic C.

52. We have recommended a consequential amendment to LIZ-P2, which is discussed below under Topic J.
53. In all other respects, we adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments. Overall, we are satisfied that the recommended policies are the most appropriate way to achieve the objectives.

## Topic E: Bulk and Location

### Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.10
NIWA	77.2
Heron	161.8
PITB	173.12
North Sawn	249.5
Volume Two	250.5
Tauroa	160.9, 11 and 12
Fire NZ	165.42
NIWA	77.11
Atlas Concrete	129.10
Heron	161.8
PNTJV	142.4
PNJV	224.2
Tauroa	160.12
Atlas Concrete	129.11
Heron	161.8 and 10

### Principal Issues Raised

- Amendment of LIZ-R2 and HIZ-R2 (building height rules), LIZ-R3 and HIZ-R3 (building setback rules), LIZ-R4 (building height in relation to boundary), LIZ-R5 (fencing), LIZ-R6 and HI-R4 (Outdoor Areas of Storage or Stockpiles), to be restricted discretionary activities.
- Support for LIZ-R2 building height as notified.
- Opposition to the HIZ-R2 maximum height limit of 40m and amend the rule to apply a restricted discretionary activity status to any building over 20m in height.
- Amendment of LIZ-R3 to delete the setback from HIZ.
- Amendment of HIZ-R3 to exempt existing buildings and remove setbacks from CONZ.
- Amendment of LIZ-R5 to enable security fencing on the boundary with residential and open space zoned land.
- Amendment of LIZ-R6 include the provision for a solid fence or wall or landscaping to a minimum height of 1.8 metres within the permitted activity rule.
- Amendment of HIZ-R4 to exclude vessels and masts associated with Marine Industry activities.

### Reporting Planner's s42A Recommendation

54. The principal issues were addressed in the following paragraphs of the s42A report:
  - LIZ-R2 and HIZ-R2 building height paragraphs 96 – 103
  - LIZ-R3 and HIZ-R3 building setback paragraphs 110 – 114
  - LIZ-R4 building height in relation to boundary paragraph 117
  - LIZ-R5 fencing paragraphs 122 – 123
  - LIZ-R6 and HIZ-R4 outdoor storage and stockpiles paragraphs 128 - 132
55. Reporting planners Mr Pickering and Ms McGrath agree with Patuharakeke Iwi Trust Board (**PTB**) with respect to the HIZ height limit. The reporting planners did not support the amendment of LIZ and HIZ



building height rules to have a restricted discretionary activity status.

56. Reporting planners Mr Pickering and Ms McGrath agree with submitters that a restricted discretionary activity status is appropriate for building setback, building height in relation to boundary, fencing and outdoor storage and stockpiles.

#### **Evidence from Submitters and Right of Reply**

57. Mr Faithfull presented evidence on behalf of NIWA, recommending a specific exemption be included in permitted activity rule HIZ-R7(3) and that the performance standards which apply to the NIWA site under the Operative District Plan be retained. Ms McGrath and Mr Faithfull have collaborated and provided an agreed set of provisions for a NIWA precinct as detailed in the RoR page 6.
58. Mr Arbuthnot presented evidence on behalf of Heron confirming that Heron accepted the s42A recommendation for rule HIZ-R3 and HIZ-R4. Mr Pickering and Ms McGrath addressed this evidence in the RoR, page 6.
59. Ms Rosser tabled evidence on behalf of Atlas Concrete, confirming her understanding of HIZ-R4 and the relationship with rules HIZ-R2 and HIZ-R3. Ms Rosser supported the s42A recommendation to amend the activity status to restricted discretionary activity and discretionary activity if building height is infringed. Mr Pickering and Ms McGrath confirmed Ms Rosser's understanding in the RoR, page 6.
60. Mr Hood presented evidence on behalf of Port Nikau Three Joint Venture (**PNTJV**) and Port Nikau Joint Venture (**PNJV**), recommending that LIZ-R5 should permit electrified and/or barbed wire fortified fences adjoining Residential, Open Space and Recreation zones. As an alternative if the panel was not comfortable with a permitted activity standard, then in Mr Hood's opinion the matter of discretion relating to effects on the amenity values of neighbouring sites should be deleted. Mr Pickering and Ms McGrath did not agree with Mr Hood with respect to amending the permitted activity status for fencing, but supported the deletion of the matter of discretion, as detailed in RoR page 7.

#### **Discussion and Reasons**

61. We have recommended minor corrections to LIZ-R3 (now LIZ-R4) to refer to 'LIZ' instead of 'LI'. The relief sought by NIWA is discussed above (Topic B). We have also recommended minor amendments to standardise the punctuation used for lists. In all other respects, we adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments.
62. Overall, we are satisfied that the recommended rules are the most appropriate way to achieve the objectives.

### **Topic F: Setback from Water/Ecological Buffer**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission # &amp; Point #</b>
Heron	161.9
Norsand	262.5
PNTJV	142.3
PNJV	224.2

#### **Principal Issues Raised**

- Amendment of HI-R3 to delete the 27m setback from MHWS.
- Insertion of an exemption rule [from LIZ-R3] within the PNTJV and PNJV industrial precinct to enable a nil setback from Hatea River.

#### **Reporting Planner's s42A Recommendation**

63. These have been discussed at paragraphs 137 to 141 of the s42A report. Ms McGrath did not agree

with the submissions and reasons raised by submitters and recommended that the rules be retained as notified.

### **Evidence from Submitters and Right of Reply**

64. Mr Arbuthnot presented evidence on behalf of Heron, confirming in his opinion, that in the context of Heron's marine industry operations, the outcomes of a 27m setback from MHWS (as explained by the s32) are mutually exclusive. Mr Arbuthnot disagreed with the s42A reasons and provided in his opinion a description of Heron's operations, evaluation against the New Zealand Coastal Policy Statement (NZCPS), Northland Regional Policy Statement (RPS), and the Operative District Plan.
65. Mr Hood presented evidence on behalf of PNTJV and PNJV, supporting the relief sought, providing further information about the coastal permit held by Port Nikau, description of the historic and current land use activities and an evaluation of NZCPS.
66. Mr Westgate presented evidence on behalf of Norsand, detailing the existing activities onsite and expressing in his opinion that the subject site should not be subject to the 27m setback from MHWS. The setback would cut through several existing buildings, any activity on 38% of the property would be subject to resource consent application for non-compliance.
67. This evidence is responded to on page 7 of the RoR. Ms McGrath found the evidence helpful to clarify the nature of existing industrial activities and their relationship with the Coastal Marine Area. Ms McGrath remained of the opinion that a wholesale exemption from water setback should not be applied across the entire HIZ, however recommended that a new precinct be applied in the Port Road area to address concerns raised by submitters.

### **Discussion and Reasons**

68. During the hearing we discussed the rationale for the how the 27m was calculated with the Reporting Officers. We were advised that it was agreed at mediation on the WDP and was based on an allowance for a 20m esplanade reserve, with an additional 7m setback from this. Ms McGrath told us that it is this first time the rule has been challenged and confirmed that there was scope to reduce the 27m.
69. The panel has considered this issue in more detail, as the rule applies in the following zones: Mixed Use, Waterfront, Neighbourhood Centre, Local Centre, Commercial, Shopping Centre, Light Industrial, Heavy Industrial, Large Lot Residential, Low Density Residential, General Residential, Medium Density Residential, Port, Hospital, Natural Open Space, Open Space, and Sport and Active Recreation. The Waterfront Zone is the exception, as the plan change as notified provided for a 10m set back from MHWS. In all of the other zones identified, the rules require a 27m set back. The RoR recommends that the setback be reduced to 10m from MHWS in the Shopping Centre Zone as esplanade reserves have already been taken; and 3m from site boundaries in the Bream Bay Marine Science and Research Precinct.
70. Firstly, we see a technical issue with the rule as drafted as it is measured from MHWS and the top of a bank of a river. MHWS only applies to the coastal marine environment and to rivers within 1km of the river mouth, or the point upstream that is five times the width of the river mouth, whichever of the two measurements is the lesser. We foresee that there will be interpretation issues with the rule, as there will be streams that are not in the coastal marine area and therefore the rule cannot apply to MHWS and the bank of the river. Mr McAlley's evidence for Northland District Health Board included an excerpt from the rule as it appears in the WDP, which has an 'or' between each clause of the rule.<sup>12</sup> We find that the rules should be amended in all zones to correct this minor error.
71. We further find that the s32 Evaluation has not adequately assessed the costs of the proposed rules. The benefits are in some parts of the s32 Evaluation described as helping to protect esplanade areas for walkways, improving water quality and improving amenity, while there is no mention of the 27m set back in Part 6 of the s32 Evaluation. Where costs have been identified, these are stated to be additional consenting costs and potential additional costs to comply with the rules<sup>13</sup>. We could not find any analysis of what the provisions may mean on the ground. For example, a comparison of lot dimensions for lots

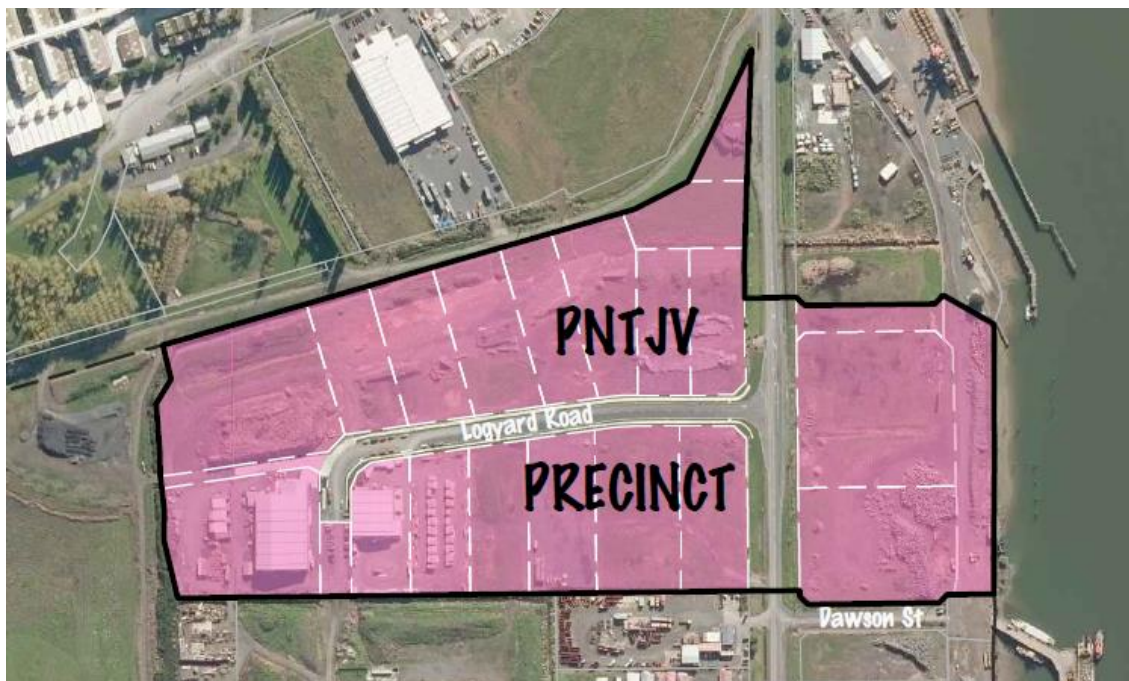
<sup>12</sup> Statement of Evidence, I. McAlley for Northland District Health Board, at paragraph 8.9(d)

<sup>13</sup> See for example, s32 Evaluation, Part 7, at page 20



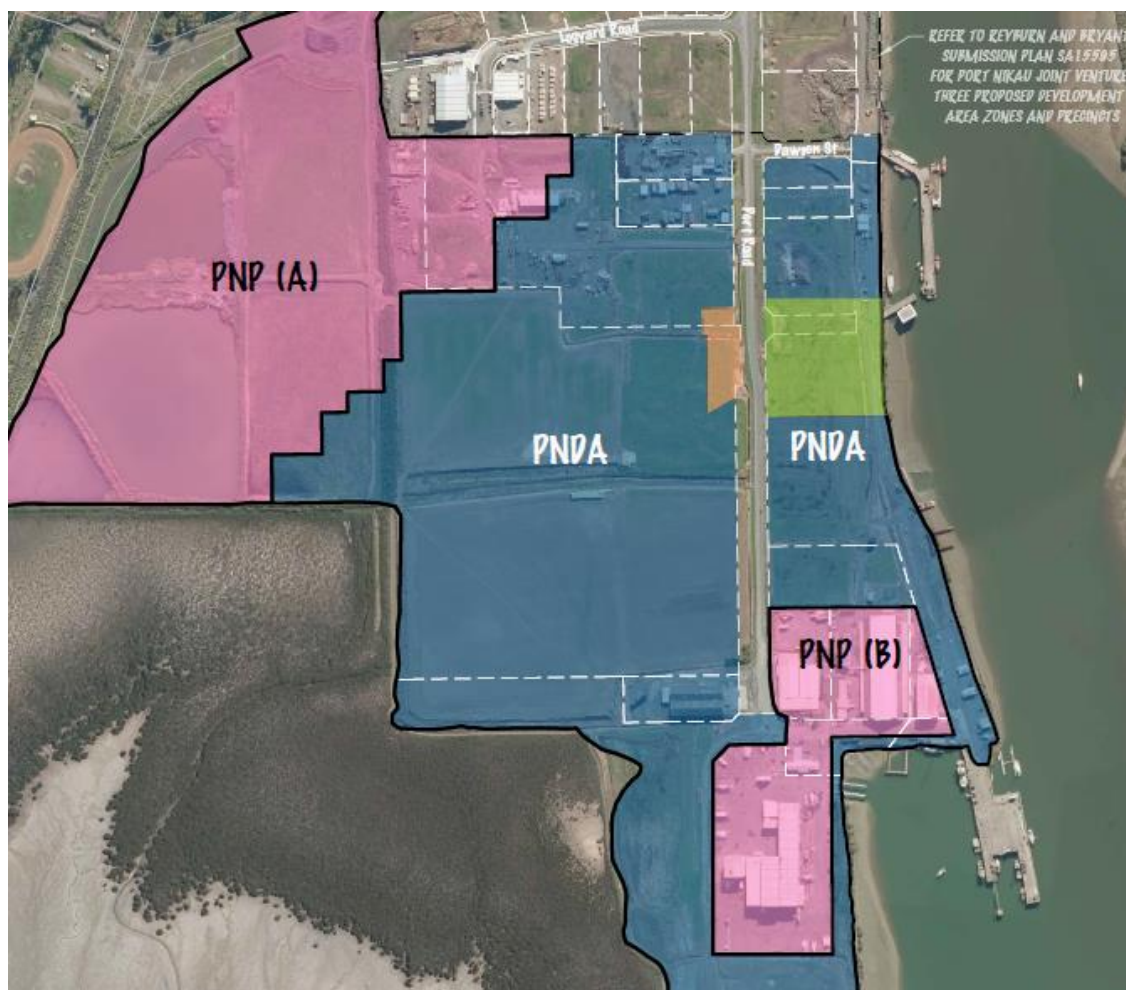
adjacent to streams greater than 3m or MHWS to ascertain whether the rule may result in existing sites having no building platform clear of the 27m setback. Nor is there any assessment of where existing esplanade reserves are, where any gaps are, or whether existing development means that a connected esplanade reserve may never be able to be achieved alongside specific rivers or coastal environments. On a smaller residential site, it is highly likely that the 27m setback may affect the entire site. While this could be considered by way of resource consent on a case by case basis, we think this is unsatisfactory, particularly if there is no/little likelihood of an esplanade reserve being taken in the future. This would not be efficient or effective in terms of s32.

72. Mr Hood presented evidence for PNTJV, identifying that the 27m set back combined with an existing railway easement had the potential to render one parcel of Light Industrial zoned land incapable of reasonable use.<sup>14</sup> We note that he did not present any evidence in relation to the PNJV submission, other than to record that the submission sought an exemption from LIZ-R3(d). The PNTJV is shown in Figure 1 below. The PNJV land is shown in Figure 2 below.



**Figure 1: PNTJV land**

<sup>14</sup> Statement of Evidence, B. Hood for PNTJV, at paragraph 15



**Figure 2: PNJV land (areas marked PNP(A) and PNP(B) are zoned Light Industrial)**

73. Mr Hood told us that an existing railway easement on the PNTJV land was situated approximately 20-24m from MHWS. He referred us to Policy 6(i) of the NZCPS, which requires consideration of whether it is reasonable and practicable to set back development from the coastal marine area. He further explained that this was qualified by Policy 19(3), which guides when restrictions on public walking access should be imposed. He also directed us to Policy 5.1.2 of the RPS. We will return to this shortly.
74. Mr Arbuthnot provided detailed evidence about the operation of the Heron site for ship repair and refit services, with facilities that include a wharf, finger pier and slipways. He also provided an analysis of the relevant NZCPS policies. We agree that Heron's operations are, as Mr Arbuthnot expressed it, 'wholly reliant on seamless and direct access to the coastal marine area'.<sup>15</sup> Mr Westgate also presented evidence on this matter on behalf of Norsand, a boat repair business for multi-hull vessels. He discussed the relevance of NZCPS policy 6 and urged us to read the policy in the round and not in isolation, as he suggested had been done in the s42A Report.
75. We agree with Mr Arbuthnot and Mr Westgate that the NZCPS provides a qualifier in policy 6(1) that development should be set back from the coastal marine area where practicable and reasonable to do so and that policy 19(3) enables district plans to restrict public walking access. The RoR has addressed this by providing for a precinct to exempt activities from the 27m setback. The precinct is called the 'Light and Heavy Industry Setback from Water Exemption Precinct' (SWEP) and is recommended to apply from the Heavy Industrial zoned land on Hewlett Street to Dawson Street. The precinct as recommended in the RoR does not apply to the PNJV land.
76. Returning to the PNTJV land, although the RoR did not support the PNTJV relief, the planning maps show the SWEP applying to the PNTJV land and terminating at Dawson Street. We think this is

<sup>15</sup> Statement of Evidence, M. Arbuthnot for Heron, at paragraph 5.26

appropriate, as the land immediately adjoins the Heavy Industrial zoned land to the north and forms part of a continuous area of industrially zoned land. Furthermore, it is constrained by the railway easement that bisects the site, which in combination with the 27m setback, would leave little land for buildings or structures. We therefore find that the PNTJV land to the north of Dawson Street should be included in the SWEP.

77. Turning to the PNJV land we think it has some characteristics that distinguish it from the Heron, Norsand and PNTJV sites. Firstly, the Heron and Norsand sites have substantial capital investment in the existing businesses that operate from the sites. Secondly, the existing operations have a functional need for structures to use and occupy the coastal environment. Thirdly, there is no constraint on the site such as the railway easement which applies to the PNTJV land. Lastly, the area PNP (A) in Figure 2 above is adjacent to an area classified as high natural character in the RPS.
78. Mr Hood's evidence for PNJV did not consider Policy 13 of the NZCPS which is to preserve the natural character of the coastal environment. This has been given effect to in the RPS, by identifying areas of high natural character and outstanding natural character. The RoR in response to the PNJV and PNTJV submissions states that the exemption sought would apply to land that is adjacent to an area of high natural character, as identified in the RPS. As we have already noted the high natural character area is only adjacent to the PNJV land within PNP (A) in figure 2 above. However, the high natural character area does not apply to the eastern side of the Port Nikau Precinct (as notified).
79. We are also required to give effect to Policy 4.7.3 of the RPS, which promotes the rehabilitation and restoration of natural character, except where in conflict with established uses. We therefore find that as there is little in the way of any established uses in the Light Industrial Zoned part of the PNJV land, an exemption from the 27m setback would not give effect to the higher order policy documents.
80. In summary, we recommend the SWEP is included as shown in the maps to the RoR, as this would give effect to the NZCPS and RPS. We find that an exemption from the 27m setback in LIZ-R4 should not be provided for the PNJV land. We also recommend amendments to correct the minor error that arises from the setback rule not distinguishing between sites adjacent to MHWS and other sites adjacent to any river greater than 3m in width. We recommend that the setback rule is amended to replace the word 'and' with 'or', so that it reads:

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

81. Lastly, given the limited scope provided by submissions, which only related to the Shopping Centre Zone, Hospital Zone, Heavy Industrial Zone and Light Industrial Zone, we recommend Council promote a variation to comprehensively re-examine the Building and Major Structure Setback rules and particularly, the costs associated with the rules and the effectiveness of applying the rules to parcels of land that may be less than 27m in width. It may be appropriate that this is considered in conjunction with any future review of the Esplanade Area provisions in the WDP. It seems to us that identification of Esplanade Priority Areas, as occurs in the WDP, may be an appropriate way to achieve the purpose of the Act and the objectives relating to the safeguarding of esplanade areas, as envisaged by LIZ-P5 and other provisions in the Urban and Services Plan Changes. This would avoid imposing costs on the community to obtain resource consents for buildings or structures in areas where there is no likelihood of an esplanade reserve being required in the future.

## Topic G: Food and Beverage Activities

### Relevant Submissions

Submitter	Submission# & Point #
JB & RM Keith Trustees Ltd	43.2 and 3
Tauroa	160.16
Commercial Centres	210.26
WDC Planning	236.97 and 98
MMH	259.6
Downer	217.13



Refining NZ	260.24
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### Principal Issues Raised

- Amendment of LIZ-R24 and HIZ-15 to be restricted discretionary activity with appropriate matters of discretion.
- Deletion of clause 2 of LIZ-R24.
- Deletion of clauses 1 and 2 of LIZ-R24.
- Amendment of LIZ-R24 reference numbers and the deletion of matter of discretion 1, and amendment of HI-R15 to amend rule reference numbers.
- Amendment of LIZ-R24 to change the permitted hours of operation to 0600 - 1800.
- Amendment of HIZ-R15 to change the activity status to discretionary.

### Reporting Planner's s42A Recommendation

82. These submission points were discussed at paragraphs 149 to 157 of the s42A report. Ms McGrath's opinion was due to the location of the LIZ and the potential to result in adverse cross boundary effects, the hours of operation clause in LIZ-R24 could be removed provided that its deletion is part of a coordinated package of amendments. In her opinion a restricted discretionary activity status for HIZ-R15 would not give effect to the avoidance policy of HIZ-P3. Ms McGrath recommended that, LIZ-R18 (Drive Through Facilities) be amended to have the same controls recommended for LIZ-R24, deletion of the hours of operation (clause 3) subject to the insertion of a new separation from Residential Zone boundaries clause, and amendments to HIZ-R15.

### Evidence from Submitters and Right of Reply

83. Mr Keith spoke in support of his submission, generally seeking to provide for food and beverage activities within his eco-innovate-business park. Ms McGrath responded in the RoR that her opinion had not changed.
84. Mr Masefield presented evidence on behalf of Refining NZ, stating that the s42A report misinterpreted Refining NZ's primary submission. The relief sought was that HIZ-R15 should be a discretionary activity. Mr Masefield supported the relief sought to remove any permitted activity threshold for Food and Beverage in the HIZ and that these activities default to discretionary.
85. Ms Baugley presented on behalf of Commercial Centres Ltd, confirming support for the s42A recommendation to amend rules LIZ-R18 and LIZ-R24.
86. Ms Chappell presented legal submissions on behalf of Downer, confirming that Downer supported the amendments to HIZ-R15.

### Discussion and Reasons

87. We visited the Lakeside Business Park and other industrial areas on our site visits. We agree with Mr Keith that there is a need to provide for food and beverage needs of workers in these areas. We are satisfied that the LIZ-24 and HIZ-R15 as amended by the s42A Report best achieves the objectives for the zones. We therefore adopt the analysis in the s42A Report and its recommended amendments.

## **Topic H: Residential Activities**

### Relevant Submissions

Submitter	Submission# & Point #
JB & RM Keith Trustees Ltd	43.4
Rewarewa D	195.1
NPP	295.2
NIWA	77.3
Norsand	262.2

### Principal Issues Raised

- Insertion of a new rule LIZ-24A to allow staff accommodation of one unit per site as a restricted discretionary activity as detailed in the submission.
- Amendment of LIZ-R33 to discretionary activity status to enable exploration of the feasibility of smaller live-work units as part of a proposed industrial park development.
- Submitters stating that they require living facilities onsite.
- Retention of HIZ-R21 as a non-complying activity status.
- Amendment of HIZ-R21 (Residential Activities) and HIZ-R25 (Visitor Accommodation) to have permitted activity status because the provision of client/visitor accommodation and associated facilities ancillary to the main activity should be a permitted activity within the HIZ.

#### Reporting Planner's s42A Recommendation

88. These principal issues were discussed in paragraph 164 of the s42A report. Ms McGrath's opinion is that protection of the LIZ and HIZ for the primary use of industry and trade retail is a key matter addressed throughout the s32, in her opinion worker accommodation is a form of residential activity and applicant's are not prevented from seeking consent for workers accommodation.

#### Evidence from Submitters and Right of Reply

89. Mr Keith spoke in support of his submission, generally seeking to provide for residential activities within his eco-innovate-business park.
90. Ms Kake presented evidence on behalf of Rewarewa D, she clarified that the relief could be limited to the specific site. Ms Kake outlined the importance of the site for hapu based infrastructure near Whangārei City and their intent to comprehensively develop the site under the Papakainga rules. Ms McGrath responded to this evidence in the RoR pages 8 and 9, she remained opposed to weakening of the activity status for residential activities within the LIZ, but recognised the limitations of this site due to ownership and the ability to develop under the Papakainga provisions of the WDP. Ms McGrath recommended a precinct to provide for residential activities within the LIZ on this site as a discretionary activity.
91. Mr Westgate presented evidence on behalf of Norsand, in his opinion 'client accommodation' is not specifically addressed within the proposed plan rules, and within the yacht industry, the provision of 'client accommodation' is a key contributor to maintaining national and international competitiveness. Ms McGrath responded to this evidence in the RoR, advising that it had not changed her opinion as expressed in the s42A Report.

#### Discussion and Reasons

92. The RPS, which we are required to give effect to, seeks to protect the viability of land and activities important for Northland's economy, with a particular emphasis on reverse sensitivity for existing activities including industrial activities.<sup>16</sup> Policy 5.1.3 directs that the adverse effects of new subdivision, use and development, particularly residential development is to be avoided in relation to primary production activities, commercial and industrial activities, regionally significant infrastructure and regionally significant mineral resources. This is given effect to in the District Growth and Development provisions, as recommended in Part 3 of our report. It is also given effect to in LIZ-O4, LIZ-P3, HIZ-O4 and HIZ-P4. We find that to allow residential activities, even by way of resource consent application, would not give effect to Policy 5.1.3 of the RPs and nor would it achieve the aforementioned provisions.
93. The proposed plan changes are in respect to the WDP, as distinct from being a proposed district plan. We must also therefore consider the other relevant provisions of the WDP. This includes the Papakainga Chapter, which includes objective 3, which reads as follows:

*Allow maximum flexibility for Māori to develop their ancestral lands, while ensuring appropriate health, safety and amenity standards are met.*

94. The precinct for the Rewarewa D block landowners, as proposed in the RoR, would achieve maximum flexibility for the development of ancestral land, but we remain unconvinced that appropriate health,

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<sup>16</sup> RPS objective 3.6

safety and amenity standards would be met. On our site visits we observed that the proposed precinct is in close proximity to the Firth masonry site and the Re:Sort resource recovery park. These activities would be unsuitable in any other urban zone and establishing any form of residential activity, including papakāinga development, has the potential to give rise to reverse sensitivity effects. Furthermore, we are uncertain how an appropriate level of amenity could be achieved for residents in such an environment, given the nature of the surrounding land uses which include activities that generate noise, dust and odour. We find that the precinct should not be included as recommended in the RoR and that the zoning should remain as notified.

95. We find that provisions as recommended in Attachments 1 and 2 would give effect to the relevant RPS objectives and policies, and achieve the objectives and policies in the District Growth and Development chapter, Light Industrial zone and Heavy Industrial zone.

## Topic I: Educational Activities

### Relevant Submissions

Submitter	Submission# & Point #
Tall Kauri Ltd	158.1 and 4
PITB	173.13 and 14
Ministry of Education	267.13 and 14

### Principal Issues Raised

- Amendments to the LIZ to move Educational Facilities out of non-complying activity status.
- Amendments to LIZ and HIZ to provide for appropriate Educational Facilities.
- Amendment to LIZ-R38 and HIZ-R30 to be a discretionary activity.

### Reporting Planner's s42A Recommendation

96. Paragraphs 169 to 171 of the s42A Report respond to these principal issues. Ms McGrath agreed with the submitters, stating in her opinion that it was appropriate to enable educational facilities directly associated with industrial activities to support industrial activities, improve trade development and employment opportunities. Ms McGrath recommended a combination of amendments to LI-R38 (now LIZ-39) and HI-R30 (now HIZ-R36) combined with amendments to the definition of General Industry and the insertion of new policies in LIZ and HIZ.

### Evidence from Submitters and Right of Reply

97. Ms Rose tabled evidence on behalf of Ministry of Education (**MOE**) supporting the s42A recommended amendments to the LIZ and HIZ chapters.

### Discussion and Reasons

98. We adopt the analysis in the s42A Report and its recommended amendments.

## Topic J: Activities

### Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.9, .13, .15 and .17
Commercial Centres	210.25
Z Energy	62.14
Industrial Estates Limited	163.2
Fire NZ	165.43
Downer	217.18 - 20
Circa	256.1 and .2
MMH	259.5

Foodstuffs	225.25
Atlas Concrete	129.9, .12 and .13
Heron	161.7, 11 - 13
Fire NZ	165.46
NIWA	77.1, .7, 12 and 13
Ruakaka Motocross Park	124.1
John Keith and Lakeside Business Park	292.3 and 8
EPG	126.2
Downer	217.12
Refining NZ	260.22, .23, .25 and .26
Norsand	262.2 and .3
Bunnings	60.3

### Principal Issues Raised

- Retention of rules LIZ-R1, LIZ-R7 to LIZ-R21, LIZ-R25 to LIZ-R39, LIZ-R18 to LIZ-R20 and LIZ-R25.
- Deletion of clause 1 of the permitted activity criteria for rules LIZ-R7 to LIZ-R11, or alternatively amend the rules to add the words “per site”.
- Amendment of LIZ-R7 to LIZ-R11 to remove the 7,000m<sup>2</sup> [of combined area]. As an alternative relief Circa seek that the words “per site” are added to the end of the 7,000m<sup>2</sup> limit.
- Amendment of LIZ-R7 (General Industry) to replace the term “General Industry” with “Industrial Activity”.
- Amendment of LIZ-R23 (Commercial Service) to replace the term “Commercial Service” with “Commercial Activity”.
- Amendment of LIZ-R12 to LIZ-R21 to give effect to the matters listed in the policies. The activity status and control for these activities does not give effect to Policy 3 as the only matter of control relates to landscaping.
- Amendment of LIZ-R20 (Service Station) to delete clause 2 of the matters of discretion.
- Amendment of LIZ-R21 (Emergency Service) reducing the minimum depth of planting on the site boundary.
- Amendments of LIZ-R22 (General Retail) and LIZ-R23 (Commercial Service) to delete clause 1a and increase the GFA limit to 250m<sup>2</sup>.
- Retention of HIZ-R1, HIZ-R7, HIZ-R17, HIZ-R8 – R13, HIZ-R18-R31 as notified.
- Amendment of HIZ-R1 to a Controlled Activity status.
- Amendments to the rules to make specific provisions for existing large-scale marine science, research and aquaculture facilities as a permitted activity.
- Amendments to provide for motocross activities, noisy vehicles, factory farming and Mineral Extraction as permitted activities.
- Various amendments to HIZ-R7 (Industrial Activity): deletion of the qualifier “individual”, amendment of the rule to provide for other land use activities permitted within the zone, an exemption for existing activities to the building/outdoor size requirements or to the requirement to plant site boundaries, an exemption to the requirement to plant for sites located in the coastal area adjoining a conservation zone and for boundaries adjoining roads.
- Deletion of clause 1 of HIZ-R7 (Industrial Activity).
- Amendment of HIZ-R8 to HIZ-R14 cause b to increase the GFA to 150m<sup>2</sup>.
- Amendment of HIZ-R10 (Trade Suppliers) so that the establishment of a Trade Supplier is a discretionary activity.
- Amendment of HIZ-R11.1 (Marine Retail) to delete clause b.
- Various amendments of HIZ-R14 (Commercial Services) to delete clause b, to replace the term “Commercial Services” with “Commercial Activity”, to amendment to a discretionary activity status.
- Amendment of HIZ-R18 (Plantation Forestry) to be a permitted activity.

### Reporting Planner's s42A Recommendation

99. The LIZ principal issues are addressed at paragraphs 181 to 187 of the s42A Report. Ms McGrath's opinion was that a maximum GFA for industrial activities within LIZ-R7 is an effective method of maintaining the difference between the LIZ and HIZ. Ms McGrath did not support the use of more generic terms ‘commercial activities’ and ‘industrial activities’. Ms McGrath agreed with concerns raised by

Downer, that LIZ-R12 to LIZ-R21 do not give effect to the matters listed in LIZ-P3. In her opinion the issue is further complicated because the compatibility of the activities listed in LIZ-R12 and LIZ-R21 with industrial activities differs. She recommended that LIZ-R12 to LIZ-R21 be separated and a new minimum GFA limit be introduced.

100. The HIZ principal issues are addressed at paragraphs 201 to 214 of the s42A report. In Ms McGrath's opinion a permitted activity status is appropriate. In her opinion the relief sought by NIWA was site specific, she did not support amendments to HIZ-R7 to exempt setbacks. Ms McGrath's opinion was that recreational activities were not appropriate in the HIZ and Ms McGrath noted that Mineral Extraction activities are managed by an operative District-wide Chapter.
101. Ms McGrath's opinion was that industry that is noxious or will generate objectionable odour, noise and dust should be located within the HIZ no matter what the scale of the activity. She considered that it is more critical to consolidate and provide for these activities within the HIZ while managing potential reverse sensitivity effects from incompatible activities, than it is to maintain land supply for large scale heavy industry. Ms McGrath recommended the insertion of a new clause to HIZ-R7 providing for 'activities' which are noxious or will generate odour, noise and dust as a permitted activity is the most effective and efficient method, noting that 'effects' associated with such activities will also be managed via discharge consent for emissions from Northland Regional Council and district-wide provisions will address potential noise, lighting, traffic and servicing effects.

#### **Evidence from Submitters and Right of Reply**

102. Ms Chappell presented legal submissions on behalf of Downer, confirming that Downer accepted and supported the recommended s42A amendments to LIZ-R12-R21 and did not oppose the recommendations for LIZ-R7 and LIZ-R23.
103. Ms Blair pre-circulated evidence on behalf of Z Energy, she urged the Hearing Panel to accept the s42A recommendation (for LIZ-R20), and urged the Hearings Panel to remove the matter of discretion entirely (insofar as it applies to LIZ-R7 to LIZ-R11) as the matter is dealt with elsewhere in the plan.
104. Mr Keith spoke in support of his submission, seeking to enable motocross and noisy recreational activities to be enabled in the HIZ.
105. Ms Rosser tabled evidence on behalf of Atlas Concrete, she concurred with the recommendations in the s42A Report with respect to increasing the ancillary trade activity to primary industrial activity on the site from 100 to 150m<sup>2</sup> GFA.
106. Ms Unthank presented evidence on behalf of Fire NZ supporting the s42A recommendations for rules LIZ-R21 and HIZ-R17.
107. Mr Norwell and Ms Sharp, presented evidence on behalf of Foodstuffs North Island Limited who supported the s42A recommendation to retain as notified rule LIZ-R25.
108. Mr Faithful presented evidence on behalf of NIWA, recommending a specific exemption be included in permitted activity rule HIZ-R7(3).
109. Mr Hood presented evidence on behalf of PNTJV and PNJV, his opinion, is that it is not a sensible or fair proposition to expect plan users to trawl through a 299-page document [ANZSIC06] and multiple activity lists to determine whether an activity is permitted or not under rules LIZ-R7-R11. Mr Hood's opinion is that the effects can be adequately managed by a combination of activity restrictions and effects based rules. Mr Hood opposed the 30m setback, which in his opinion is unnecessarily restrictive in the context of managing effects in this location. Based on the matters for discretion (particularly matters 1. and 3.), the effects that are of concern are more appropriately dealt with under the Regional Plan air discharge rules, and the NAV and hazardous substances rules of the District Plan.
110. Mr Keogh presented evidence on behalf of Circa Marine Limited (**Circa**) Industrial Estates Limited, and Marsden Maritime Holdings (**MMH**), he relied upon Mr Hood's evidence presented on behalf of PNTJV (points 18 – 16) which relate to the s42A recommended LIZ provisions. Mr Keogh agreed with Mr Hood, that LIZ-R7 to R11(2) is not the appropriate method for managing the effects of activities in the LIZ.
111. Mr Arbuthnot presented evidence on behalf of Heron, he generally agreed with the s32AA analysis



undertaken within the s.42A subject to amendments to rule HIZ-R7 to insert references to “Meat and Meat Product Manufacturing” and “Seafood Processing”. In his opinion “Meat and Meat Product Manufacturing” and “Seafood Processing” (which are classified by the ANZSIC06) similarly have the potential to generate odour effects of the type that are most appropriately directed towards establishing within the HIZ. Ms McGrath acknowledged the efficiency issues with using ANZSIC06 to determine consent requirements and recommended deleting these requirements from HIZ-R7-RNew6.

112. Mr Arbutnot’s opinion with respect to rule HIZ-R14 (commercial services) is that 150m<sup>2</sup> gross floor area of ancillary office space is inadequate to provide the necessary administration support for the type of large-scale industrial activities that are encouraged to locate within the zone, particularly when an infringement to this rule requires resource consent as a non-complying activity. He considered that a non-complying activity consent process was unnecessarily onerous and will place an unreasonable burden and costs on applicants, proposing an alternative relief.
113. Mr Masfield presented evidence on behalf of Refining NZ, stating that the s42A report misinterpreted Refining NZ’s primary submission. The relief sought was that HIZ-R14 should be a discretionary activity. Mr Masfield supported the relief sought to remove any permitted activity threshold for Commercial Services in the HIZ and that these activities default to discretionary.
114. Mr Westgate presented evidence on behalf of Norsand, in his opinion there should be no arbitrary limit on GFA involving an ancillary activity, such as marine retail; or if a limit is necessary it should be in proportion to the area of the site activity. This evidence is addressed in page 11 of the RoR, Ms McGrath did not change her opinion.
115. This evidence has been addressed in pages 9 to 11 of the RoR. Ms McGrath acknowledged the efficiency concerns raised in submitters’ evidence and recognised the cost implications of having to assess proposed activities against ANZSIC06 to determine consent requirements. She recommended alternative rules for industrial activities in the LIZ and HIZ, these expanded upon the notified GFA limits being focused on managing activities within buildings. Ms McGrath’s opinion was that it is appropriate to separate the types of industrial activities that are more likely to have noxious or hazardous effects.

### Discussion and Reasons

116. The RoR recommended reverting to the approach in the plan change as notified, to retain the restriction of 7,000m<sup>2</sup> for the operational area (buildings and outdoor areas) for the activities in LIZ-R7-R11. The s32 Evaluation records the benefits of this approach as being requiring consent for larger scale industrial activities as they may be noxious or offensive in nature and may have adverse external effects.
117. Mr Hood was critical of this approach as he could see no relationship between the area occupied by an activity and effects on the environment. He saw such an approach resulting in resource consent applications for activities that would otherwise, but for the area they occupied be appropriate in the zone. Mr Hood preferred what he described as an ‘effects-based approach’ which relied on district-wide provisions for hazardous substances, noise and vibration, as well as effects-based rules for height, setback, height in relation to boundary, fences and outdoor storage.<sup>17</sup> He advised us that this was the approach taken in the Auckland Unitary Plan, which restricts sensitive activities and has effects-based rules. He also saw it necessary to redraft LIZ-P2, which refers to managing the effects of ‘large scale industrial activities’.
118. The planning evidence for Circa Marine and Marsden Maritime agreed with the approach proposed by Mr Hood. We noted that the submission for Circa Marine provided details of its operations (aluminium boat building and fabrication) which occur across four sites over an area of approximately 8.747m<sup>2</sup>, proposed to be rezoned Light Industrial under Plan Change 88G.
119. We agree with Mr Hood that restricting industrial activities based on the area occupied is unsatisfactory. We could find no evidential basis for the 7,000m<sup>2</sup> threshold in the s32 Evaluation and remain unconvinced that this is the most appropriate way to achieve the purpose of the Act and LIZ-O1. Particularly when we considered the scale of existing activities occurring within the Light Industrial Zone. We agree that other provisions, including noise and vibration, hazardous substances and regional plan provisions (for example air discharges) are the most appropriate way to achieve LIZ-O1. Accordingly,

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<sup>17</sup> At paragraphs 21-28

we recommend that LIZ R7-R11.2 is deleted. We further find that LIZ-P2 should be amended. Unfortunately, Mr Hood did not provide us with any suggested wording for LIZ-P2. We recommend that a consequential amendment is made to delete the words 'large scale'. We consider provisions based on the scale of an industrial activities have no nexus with adverse effects and that the provisions would be inefficient, as there would costs associated with obtaining resource consents for activities to exceed the operational area and there is no identifiable nexus between operational area and adverse effects.

120. The RoR recommended HIZ-R8-R14 be retained without any further amendments. We discussed the issue of ancillary offices in the Heavy Industrial Zone with Mr Arbuthnot and asked if he could advise the size of the ancillary office on the Heron site. Unfortunately, he was not able to confirm this.
121. During our site visits we observed office space ancillary to industrial activities in different parts of the Heavy Industrial Zone. This included our site visit to Refinery New Zealand, which is zoned Heavy Industrial with a precinct applied. The Refinery has a substantial back office operation supporting the activities on the site. We also observed other sites with ancillary offices, such as the Mainfreight Depot on Fertiliser Way.
122. We understand Ms McGrath's reluctance to enable any ancillary activity, such as general retail, without a GFA limit within the Heavy Industrial Zone. Activities such as general retail and marine retail would attract the general public to sites and could give rise to reverse sensitivity and other adverse effects. However, we find that the 150m<sup>2</sup> GFA limit for offices ancillary to an industrial activity to be arbitrary. We agree with Mr Arbuthnot that offices that are ancillary to industrial activities do not present the same issues, as staff would be familiar with the site and the administration functions would be sized according to the needs of the business.
123. We therefore recommend HIZ-R8-R14.1(b) (renumbered to HIZ-R13-R19.1(b)) is amended to provide an exemption for office activities ancillary to an industrial activity.
124. In all other respects we adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments.

## Topic K: Noise

### Relevant Submissions

Submitter	Submission# & Point #
Refining NZ	260.30

### Principal Issues Raised

- Introduction of new overlay in the District Plan to appropriately manage the interface between different land use zones and to avoid the potential for reverse sensitivity effects on the ongoing operation of regionally significant infrastructure, including the Refinery.
- Introduction of a Marsden Point Industrial Noise Precinct to establish specific noise standards, and possibly acoustic insulation requirements for new dwellings, extending outside the HIZ.

### Reporting Planner's s42A Recommendation

125. Paragraphs 218 and 219 of the s42A report, and technical report by Mr Jon Styles Acoustic Engineer (s42A Report, Part 1, Attachment 6) consider these issues. Ms McGrath and Mr Styles concluded that insufficient technical information and evidence was supplied by submitters to support the inclusion of a new 'Marsden Point Industrial Noise Overlay'. In the absence of such technical information, Ms McGrath recommend that the noise requirements for the Refinery as set out in the Noise and Vibration chapter are retained.

### Evidence from Submitters and Right of Reply

126. Mr Masfield presented evidence on behalf of Refining NZ, he confirmed that, upon further consideration and advice from Marshall Day Acoustic engineers, Refining NZ had decided to instead seek to amend Rule NAV.6.1, as a simpler mechanism to address the primary relief sought. This evidence is addressed in page 11 of the RoR, Mr Styles reviewed the evidence and confirmed that the relief sought is

appropriate from a technical perspective. Ms McGrath recommended that the NAV.6.1 be amended.

### Discussion and Reasons

127. We adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments.

## **Topic L: Subdivision**

### Relevant Submissions

Submitter	Submission# & Point #
John Keith and Lakeside Business Park	292.7
Atlas	129.7 and 8
North Sawn	249.6
Volume Two Limited	250.6
GEK	219.6
John Keith and Lakeside Business Park	292.6
PNTJV	142.39
PNJV	224.32

### Principal Issues Raised

- Amendment of SUB-R9 so that the minimum LIZ section size is 1,000m<sup>2</sup>.
- Amendment of SUB-R10 to apply to HIZ.
- Amendment of the minimum HIZ section size to 4,000m<sup>2</sup>.
- Amendment of SUB-R10 to insert an exact reference to the matters within How the Plan Works Chapter.

### Reporting Planner's s42A Recommendation

128. These principal issues are addressed at paragraphs 222, and 224 to 226 of the s42A report. Ms McGrath supported the amendment of the title of SUB-R10 (formatting error), she did not support any amendments to minimum allotment sizes in both the LIZ and HIZ.

### Evidence from Submitters and Right of Reply

129. Ms Rosser tabled evidence on behalf of Atlas Concrete, she concurred with the reporting planner with respect to SUB-R10.
130. Mr Keith spoke in support of his submission, seeking to enable the establishment of his eco-innovate-business park.

### Discussion and Reasons

131. We were not provided with any evidence why the minimum lot sizes should be amended. We therefore adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments.

## **Topic M: Marsden Technology Park Precinct**

### Relevant Submissions

Submitter	Submission# & Point #
ADL	251

### Principal Issues Raised

- Rezoning of 41ha of land Section 13 SO 322547, Lots 1 and 2 DP 348043, Lot 1 DP 38673 and Lot 2 DP 325771 to LIZ with the introduction of a Precinct. The submitter has requested a precinct specifically designed to cater for their intended technology park as a future land use.

### Reporting Planner's s42A Recommendation

132. This principal issue is addressed at paragraphs 233 to 257 of the s42A Report, technical assessments are included in s42A Part 1 Attachments 5 and 6, and s42A Part 5 Attachment 6. Ms McGrath's opinion based upon technical reviews and a s32AA evaluation was that the subject site met the LIZ zoning criteria, she recommended that the subject area be rezoned LIZ with a precinct specifically supporting the use as a technology park subject to amendments to the requested precinct provisions.

### Evidence from Submitters and Right of Reply

133. Mr Hood presented evidence on behalf of Advance Developments Limited (**ADL**), generally accepting the recommendation, and raising the following matters for further clarification:
- Data Centres – unclear whether or not these are provided for as a permitted activity.
  - Educational Facilities – not provided for in the proposed precinct and are non-complying in LIZ. Educational facilities are closely related to technology, innovation and research-based activities and should be provided for in this zone.
  - Offices - LIZ GFA limit for 'commercial services' too restrictive - delete the GFA limit and relying upon ancillary – will prevent office activities establishing on the site.
  - Health Care Facilities - it is not clear whether a healthcare facility would be viewed as an ancillary activity. For the avoidance of doubt a more specific rule should be included in the precinct.
134. Ms McGrath responded to these points of clarification in pages 11 to 13 of the RoR.
135. Mr Foy provided a memorandum attached to the RoR (Attachment 4, Part 1) which addressed the request for the precinct. He advised that even at a relatively low density of development there was potential for 100,000 – 150,000m<sup>2</sup> of floor space on the 41 hectare site. Mr Foy observed that there is significant capacity within the Marsden Primary Centre and Ruakaka area to accommodate 'centre-type' activities out until beyond 2043. He concluded that providing for additional commercial services supply elsewhere in the area would adversely affect the development of the centres at Ruakaka and Marsden Primary Centre.
136. We were advised by the Reporting Officers that the recommended changes to zoning have increased the identified total vacant plan enabled business land capacity to 455.4 hectares.<sup>18</sup>

### Discussion and Reasons

137. Mr Barry Trass, the director of ADL appeared at the hearing in support of the submission. Mr Trass assisted the Panel by outlining why he had chosen the site for a data centre. These reasons included its relative low risk to earthquakes, being above the tsunami warning area and access to good infrastructure. He advised that there is currently no tier 4 data centre in New Zealand and that his initial plans were for a 1,000-2,000m<sup>2</sup> facility that would develop over time. He envisaged that around 100 employees may eventuate if there was a call centre for example, but that the data centre itself would have few employees.
138. We explored the mix of activities proposed with Mr Hood and the reason for providing for sensitive activities<sup>19</sup> ancillary to primary activities in an industrial zone. Mr Hood explained that he was now in agreement with the s42A report which proposed a Light Industrial Zone with a handful of exemptions for other activities. We think this understates the nature of development that could be enabled by the precinct. The provisions as recommended would enable any commercial services activity, except for offices and a range of sensitive activities ancillary to primary activities. We had difficulty understanding how these sensitive activities could be truly ancillary. For example, if visitor accommodation were to be established, for it to be ancillary it would presumably need to be available only to employees within the precinct and employees/contractors visiting the businesses in the precinct. This seemed to us impractical and likely to result in incompatible activities establishing within the precinct.
139. We heard evidence and legal submissions during the hearing from submitters who supported the Light

<sup>18</sup> Response to Hearing Panel questions received on 4 March 2020.

<sup>19</sup> Ancillary visitor accommodation, residential activities, care centres and recreational facilities

Industrial Zone provisions that would avoid reverse sensitivity effects in the Light Industrial Zone and in the Heavy Industrial Zone where it adjoins the Light Industrial Zone.<sup>20</sup> There are substantial areas of Light Industrial and Heavy Industrial zoned land to the north and east, beyond Marsden Point Road. We see potential for the precinct as recommended in the RoR to result in reverse sensitivity effects if sensitive activities were to establish on the site. We were not convinced by Mr Hood's suggestion to us that Council would need to manage these issues when processing resource consents. He gave the example that a permitted activity could establish after a discretionary activity for visitor accommodation was established. In our view this is the very problem, that if sensitive activities are established, they could potentially curtail the permitted activities the precinct is meant to enable. We find that these issues have not been satisfactorily addressed.

140. Mr Foy prepared a report which addressed ADL's submission.<sup>21</sup> He observed that Marsden Point has enough vacant land to supply 88 years' of the district's industrial land demand and that there was little justification for zoning more industrial land, given the amount of vacant land in the area.<sup>22</sup> In the RoR, he advised that creating additional zoned capacity for commercial services in the precinct is unnecessary and asserted that it would come at the expense of the centres-based supply (Ruakaka and Marsden Primary Centre), adversely affecting the development of those centres. He advised that if the precinct was developed at a relatively low density, it could yield 100,000-200,000m<sup>2</sup> of commercial floorspace.
141. The Housing and Business Development Capacity Assessment (**HBDCA**) prepared to support the s32 Evaluation identified that the land zoned for Industry sector activities provides sufficient capacity for the long-term (2048). The HBDCA excluded the capacity provided by Marsden Primary Centre and Port Nikau. On this basis, together with the evidence of Mr Foy, we are of the strong view that it is an inefficient outcome to zone more industrial land, particularly in the Ruakaka/Marsden Point area. We think that Ms McGrath's advice that the 41 hectares is necessary to account for the recommended rezoning of land on Toetoe Road fails to consider the overall capacity, which on the evidence, is sufficient to meet capacity for the long-term.
142. We are required, under the NPSUDC to ensure that there is sufficient housing and business land development capacity in the medium term that is feasible, zoned and serviced or funded in the Long Term Plan.<sup>23</sup> Given that the HBDCA excluded Port Nikau, which was subsequently included in the Urban and Services Plan Change package, we are satisfied that there is sufficient business land capacity provided through both the WDP and Plan Changes that are the subject of our recommendations. We find that to zone 41 hectares Light Industrial with a precinct that would enable a significant level of commercial development will have a significant adverse effect on the development and ongoing viability of the centres at Ruakaka and Marsden Primary Centre.
143. We were not persuaded by the evidence that a bespoke zone was required, nor were we persuaded that additional Light Industrial Zoned land is required at this location. We see the precinct as being poorly conceived and contrary to sound resource management, as it would encourage sensitive activities in an industrial zone, albeit one proposed to be modified to enable commercial services in addition to industrial activities. We therefore recommend that the 41ha of land comprised in Section 13 SO322547 Lots 1 and 2 DP 348043, Lot 1 DP 38673 and Lot 2 DP 325771 remain Rural Production Zone and that the precinct provisions recommended in the RoR are not included in the Light Industrial Zone.

## Topic N: Consequential Amendments

### Relevant Submissions

144. Heron; Yvonne Clark and W Rossiter; G Gibson and C Hanger; The Oil Companies; Atlas; PNTJV; KDL; PNJV; Fire NZ

### Principal Issues Raised

<sup>20</sup> Including J. Abertnethy for Marsden Metals Group and G. Chappell for Dow ner

<sup>21</sup> S42A Report, Part 5, Attachment 6

<sup>22</sup> S42A Report, Part 5, Attachment 6 at 2.2.1

<sup>23</sup> NPSUDC PA1



- Amendments to, or deletion of, the landscape rules contained within TRA-R10 (submissions addressed in Part 9).

#### Reporting Planner's s42A Recommendation

145. This issue is addressed at paragraphs 260 to 262 of the s42A Report. Ms McGrath's opinion was that it is not necessary to introduce a rule to replace landscaping requirements in the HIZ and TRA-R11 and TRA-R12 will provide sufficient on-site landscaping associated with carparking to afford a level of amenity in the LIZ.

#### Evidence from Submitters and Right of Reply

146. No evidence was presented on this issue.

#### Discussion and Reasons

147. We were not provided with any evidence on this matter and therefore adopt the analysis in the s42A Report and its recommended amendments.

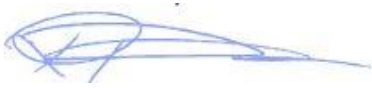
### **Recommendations**

148. For the reasons set out in this report, we recommend that Council:
1. Amend the provisions as set out in Attachments 1 and 2.
  2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 5 of the Section 42A Report and as amended by the Part 5 of the Right of Reply for:
    - a. PC88H Light Industry Zone
    - b. PC88I Heavy Industry Zone
  3. With amendments to:
    - a. The Issues section of the Heavy Industrial Zone.
    - b. LIZ-O4 and LIZ-O6
    - c. LIZ-P2.
    - d. LIZ-R3 (now LIZ-R4).
    - e. Include the PNTJV land to the north of Dawson Street in the Light and Heavy Industry Setback from Water Exemption Precinct (SWEP).
    - f. Not include the new precinct Te Rewarewa Light Industry Precinct (RLIP).
    - g. HIZ-R8-R14.1(b) (now renumbered HIZ-R13-R19.1(b)).
    - h. Insert a new definition for Trade retail.
  4. Accept, accept in part or reject submissions on Plan Change 88H and Plan Change 88I to the extent that would accord with provisions in Attachment 1 and 2 and the zoning maps in Report 2, at Attachment 3.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# Light Industrial Zone (LIZ)

## Issues

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

The Light Industrial Zone provides for industrial activities that do not generate objectionable odour, dust or noise, and trade retail activities that are compatible with industrial activities such as service stations, motor vehicle sales, garden centres, trade suppliers and hire premises. Supporting activities such as cafes and takeaway bars are also provided for. Other non-industrial activities are discouraged as a key principal of the Light Industrial Zone is to preserve land for industrial and trade retail type uses.

Industrial activities range in scale and nature. Those anticipated within the Light Industrial Zone are unlikely to give rise to significant adverse effects beyond the site and include activities such as warehousing, bulk storage, light manufacturing and servicing activities. Therefore, sensitive activities are restricted within the Light Industrial Zone and the scale, design and location of activities and buildings are managed, especially on sites bordering Residential and Open Space and Recreation Zones.

## Objectives

LIZ-O1 – Industrial Activities	Industrial activities that are not noxious, and do not generate objectionable odour, dust or noise, establish and operate efficiently and effectively within the Light Industrial Zone.
LIZ-O2 – Adverse Effects	Potential adverse effects on adjacent zones and the environment are avoided, remedied or mitigated.
LIZ-O3 – Ancillary Activities	Ancillary activities are enabled while ensuring that industrial land supply is not compromised and that the viability and vitality of other Business Zones are maintained.
LIZ-O4 – Reverse Sensitivity	Avoid activities that may generate reverse sensitivity effects or that compromise the operation of future industrial activities within the Light Industrial Zone or Heavy Industrial Zone.
LIZ-O5 – Subdivision	The supply of large allotments within the Light Industrial Zone is preserved by managing inappropriate fragmentation of land from subdivision.
LIZ-O6 – Retail Activities	To provide for larger scale Trade Retail within the Light Industrial Zone and to limit all other retail activity.

## Policies

LIZ-P1 – Character and Amenity	<p>To recognise the character and amenity values of the Light Industrial Zone including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. High levels of noise associated with traffic and commercial activities and industrial activities.</li> <li>2. Large allotments with on-site car parking.</li> <li>3. Moderate levels of exposure to noxious odour, dust or noise.</li> <li>4. High levels of vehicle traffic, particularly on arterial routes and during daytime hours.</li> <li>5. A low presence of active building frontages and landscaping.</li> </ol>
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# Light Industrial Zone (LIZ)

LIZ-P2 – Industrial Activities	To manage, and where appropriate avoid, industrial activities which have adverse effects on the surrounding environment, nearby sensitive activities or three waters infrastructure, which cannot be mitigated or remedied.
LIZ-P3 – Non-Industrial Activities	<p>To manage non-industrial activities by ensuring that they:</p> <ol style="list-style-type: none"> <li>1. Are not likely to generate reverse sensitivity effects that constrain the establishment and operation of industrial activities.</li> <li>2. Support, or are compatible with, the operation of industrial activities within the Zone.</li> <li>3. Ensure that the potential establishment of future industrial activities is not compromised by the nature, scale and design of activities and buildings.</li> <li>4. Do not compromise the viability and vitality of the City Centre, Waterfront, Mixed Use, Local Centre, Neighbourhood Centre and Shopping Centre Zones.</li> </ol>
LIZ-P4 – Cross Zone Boundary Effects	To manage adverse effects of industrial activities and large scale commercial activities on more sensitive zones by managing cross zone boundary effects, including through setbacks, building heights and landscaping.
LIZ-P5 – Esplanade Areas	To safeguard esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.
LIZ-P6 – Subdivision	To avoid the fragmentation of Light Industrial Zone land where subdivision design and layout would not facilitate industrial and trade retail type activities.
LIZ-P7 – Zone Interface	To recognise the interface between the Light Industrial and Heavy Industrial Zones by managing non-industrial activities within the Light Industrial Zone to protect the viability of the Heavy Industrial Zone.
LIZ-P8 – Food and Beverage Activities	<p>To limit adverse effects of food and beverage and drive through facilities within the Light Industrial Zone on:</p> <ol style="list-style-type: none"> <li>a. The viability and vitality of the City Centre, Waterfront, Mixed-Use, Local Centre, Neighbourhood Centre and Shopping Centre Zones.</li> <li>b. The character and amenity of adjoining Residential or Open Space and Recreation Zones.</li> </ol>
LIZ-P9 – Educational Facilities	To manage non-industrial activities by providing for educational facilities within the Light Industrial Zone only where the educational facility is defined as general industry.

## Rules

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

# Light Industrial Zone (LIZ)

LIZ-R2	Minor Buildings	
	Activity Status: Permitted  Note: Minor buildings are exempt from rules LIZ-R3 – R5.	
LIZ-R3	Building and Major Structure Height	
	Activity Status: Permitted  Where: 1. The maximum building height and major structure height is 20m above ground level.	Activity Status when compliance not achieved: Discretionary
LIZ-R4	Building and Major Structure Setbacks	
	Activity Status: Permitted  Where: 1. All buildings and major structures are set back at least: <ol style="list-style-type: none"> <li>2.5m from road boundaries.</li> <li>5m from any Rural Production, Residential or Open Space and Recreation Zone boundary.</li> <li>3m from any Heavy Industrial, Local Centre or Mixed-Use Zone boundary.</li> <li>27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	Activity Status when compliance with rules LIZ-R4.1 (a) – (c) are not achieved: Restricted Discretionary  Matters of discretion: <ol style="list-style-type: none"> <li>Any special or unusual characteristic of the site which is relevant to the rule.</li> <li>The functional and operation needs of industrial activities.</li> <li>The effects on the amenity of neighbouring sites.</li> <li>The characteristics of the development.</li> </ol> Activity Status when compliance with rules LIZ-R4. 1 (d) is not achieved: Discretionary.
LIZ-R5	Building Height and Major Structure in Relation to Boundary	
	Activity Status: Permitted  Where: 1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Rural Production, Residential or Open Space and Recreation Zone boundary.	Activity Status when compliance not achieved: Restricted Discretionary  Matters of discretion: <ol style="list-style-type: none"> <li>Any special or unusual characteristic of the site which is relevant to the rule.</li> <li>The functional and operation needs of industrial activities.</li> <li>The effects on the amenity of neighbouring sites.</li> <li>The characteristics of the development.</li> </ol>

# Light Industrial Zone (LIZ)

LIZ-R6	<b>Fences</b>	
	Activity Status: Permitted Where: 1. Fencing adjoining a Residential or Open Space and Recreation Zone is not fortified with barbed wire, broken glass or any form of electrification.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion 1. Adverse effects from fortification or electrification of fences. 2. Any special or unusual characteristic of the site which is relevant to the rule. 3. The functional and operational needs of industrial activities.
LIZ-R7	<b>Outdoor Areas of Storage or Stockpiles</b>	
	Activity Status: Permitted Where: 1. The outdoor area of storage or stockpile: <ol style="list-style-type: none"> <li>Complies with rule LIZ-R3.</li> <li>Complies with rules LIZ-R4 – R5.</li> <li>Is screened from view from adjacent public places and surrounding Local Centre, Mixed Use, Residential or Open Space and Recreation Zones except that this does not apply to construction materials stored to be used on-site within 12 months each 10-year period from [operative date].</li> </ol>	Activity Status when compliance with LIZ-R7.1 (b) - (c) not achieved: Restricted Discretionary Matters of discretion 1. Effects in relation to dust and odour. 2. Visual amenity effects. 3. The matters of discretion in LIZ-R4 – R5. Activity Status when compliance with LIZ-R7.1 (a) not achieved: Discretionary
LIZ-R8	<b>General Industry</b>	
LIZ-R9	<b>Manufacturing</b>	
LIZ-R10	<b>Repair and Maintenance Services</b>	
LIZ-R11	<b>Marine Industry</b>	
	Activity Status: Permitted Where: 1. The activity is a primary activity or ancillary activity. 2. 3. All site boundaries which are adjoining a Rural Production, Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. Mitigation measures to manage adverse effects on adjacent Rural Production, Residential or Open Space and Recreation Zones.

# Light Industrial Zone (LIZ)

4. The activity operates within:
  - a. An outdoor area that is located at least 30m from any Rural Production or Residential Zone boundary.
  - b. A building that is located at least 30m from any Rural Production or Residential Zone boundary; or
  - c. A building that is located within 30m of any Residential Zone boundary and:
    - i. Has no vehicle access or loading bays to or from the building on the side of the building adjacent to the Residential Zone boundary; and
    - ii. Has no main entrance to the building on the side of the building adjacent to the Residential Zone boundary; and
    - iii. Does not operate or open for visitors, clients, deliveries or servicing outside the hours of 0600 and 1800.

LIZ-R12	Storage	
LIZ-R13	Artisan Industrial Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or ancillary activity.</li> <li>All site boundaries which are adjoining a Rural Production, Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Mitigation measures to manage adverse effects on adjacent Rural Production, Residential or Open Space and Recreation Zones.</li> </ol>
LIZ-R14	Farming	
LIZ-R15	Service Stations	
LIZ-R16	Emergency Services	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or ancillary activity.</li> <li>All site boundaries which are adjoining a Rural Production, Residential or Open</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Mitigation measures to manage adverse effects on adjacent Rural Production, Residential or Open Space and Recreation Zones.</li> </ol>

# Light Industrial Zone (LIZ)

Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1m above ground level.	2. Mitigation measures to manage reverse sensitivity effects.
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LIZ-R17	Motor Vehicle Sales	
LIZ-R18	Garden Centres	
LIZ-R19	Trade Suppliers	
LIZ-R20	Marine Retail	
LIZ-R21	Hire Premise	
	Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
	Where:	
	1. The activity is a primary activity or ancillary activity.	
	2. The activity is larger than 450m <sup>2</sup> GFA.	

LIZ-R22	General Retail	
	Activity Status: Permitted	Activity Status when compliance not achieved: Non-Complying
	Where:	
	1. The activity is:	
	a. An ancillary activity to an industrial activity on the site.	
	b. Less than 250m <sup>2</sup> GFA per site.	
	c. Located:	
	i. Within 50m of a Residential Zone boundary and operates or is open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00; or	
	ii. Further than 50m from Residential Zone boundaries.	

LIZ-R23	Commercial Services	
	Activity Status: Permitted	Activity Status when compliance not achieved: Discretionary
	Where:	
	1. The activity is:	
	a. An ancillary activity to a permitted activity on the site.	
	b. Less than 250m <sup>2</sup> GFA per site.	
	c. Located:	

# Light Industrial Zone (LIZ)

- i. Within 50m of a Residential Zone boundary and operates or is open for visitors, clients, deliveries or servicing outside the hours of 0600 and 1800; or
- ii. Further than 50m from Residential Zone boundaries.

LIZ-R24	Food and Beverage Activity	
LIZ-R25	Drive Through Facilities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The maximum GFA of any food and beverage and drive through facility is 250m<sup>2</sup> per site.</li> <li>3. All site boundaries which are adjoining a Rural Production, Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> <li>4. The activity is located:               <ol style="list-style-type: none"> <li>a. Within 50m of a Residential Zone boundary and operates or is open for visitors, clients, deliveries or servicing outside the hours of 0600 and 1800; or</li> <li>b. Further than 50m from Residential Zone boundaries.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved with LIZ-R24.1 – 3 or LIZ-R25.1 – 3: Non-Complying</p> <p>Activity Status when compliance not achieved with LIZ-R24.4 or LIZ-R25.4: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Mitigation measures to manage adverse effects on adjacent Rural Production, Residential or Open Space and Recreation Zones.</li> <li>2. Mitigation measures to manage reverse sensitivity effects.</li> </ol>

LIZ-R26	Grocery Store	
LIZ-R27	Funeral Home	
LIZ-R28	Recreational Facilities	
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	

LIZ-R29	Waste Management Facility	
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## Light Industrial Zone (LIZ)

LIZ-R30	Landfill
LIZ-R31	Plantation Forestry
LIZ-R32	Intensive Livestock Farming
LIZ-R33	Farm Quarrying
LIZ-R34	Residential Activities
LIZ-R35	Entertainment Facilities
LIZ-R36	Visitor Accommodation
LIZ-R37	Place of Assembly
LIZ-R38	Care Centre
LIZ-R39	Educational Facilities
LIZ-R40	Hospitals
LIZ-R38	General Commercial
LIZ-R39	General Community
Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.  <i>Note: Training facilities for an industrial activity are defined as General Industry.</i>	

### PREC5 – South Whangarei Gateway Precinct (SWGP)

#### Issues

The South Whangarei Gateway Precinct (Gateway Precinct) enables an expanded range of trade retail, general retail and food and beverage activities within a portion of the Light Industrial Zone. The Gateway Precinct is located to the south of Whangarei City, with activities clustered around the intersections of State Highway 1, Rewa Rewa Road and Tauroa Street Raumanga. The Gateway Precinct recognises the importance of this location as the southern gateway entrance to Whangarei City.

#### Objectives

SWGP-O1 – Recognised Activities	Recognise the existing trade suppliers, general retail and food and beverage activities located in the Gateway Precinct.
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# Light Industrial Zone (LIZ)

## SWGP-O2 – Protected Zones

Provide for limited expansion of trade retail, general retail and food and beverage activities located in the Gateway Precinct while protecting the vitality and viability of the City Centre, Mixed Use and Commercial Zones.

## Policies

### SWGP-P1 – Enabled Activities

To protect the vitality and viability of the City Centre, Mixed Use and Commercial Zones by:

1. Recognising the existing trade suppliers, general retail and food and beverage activities located in the Gateway Precinct.
2. Providing for limited expansion of trade suppliers, general retail and food and beverage activities located in the Gateway Precinct.

## Rules

### SWGP-R1

#### General Retail

Activity Status: Permitted

Where:

1. The activity is:
  - a. A primary activity or ancillary activity.
  - b. Greater than 450m<sup>2</sup> GFA per site.

Activity Status when compliance not achieved: Discretionary

### SWGP-R2

#### Food and Beverage

### SWGP-R3

#### Drive Through Facilities

Activity Status: Permitted

Where:

1. The activity is:
  - a. A Primary activity or ancillary activity.
  - b. Greater than 250m<sup>2</sup> GFA per site.

Activity Status when compliance not achieved: Discretionary





# Heavy Industrial Zone (HIZ)

## Issues

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

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

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

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

While industrial activities are the primary focus within the Heavy Industrial Zone, it also provides for ancillary activities which are inherently a part of industrial activities, such as small scale food and beverage activities and offices and retail activities, but only to the extent that they are required to facilitate the operation of industrial activities. The Heavy Industrial Zone also provides for research laboratories used for scientific, industrial or medical research, and training facilities for an industrial activity.

## Objectives

HIZ-O1 – Effective and Efficient Functioning	Industrial activities, particularly those which are noxious or generate objectionable odour, dust or noise, function effectively and efficiently without constraint from non-compatible activities.
HIZ-O2 – Adverse Effects	Adverse effects on the natural environment and amenity of adjacent zones, excluding the Light Industrial Zone, are managed.
HIZ-O3 – Ancillary Activities	Ancillary activities are controlled to ensure that industrial land supply is not compromised.
HIZ-O4 – Reverse Sensitivity	Activities that may compromise the operation of industrial activities or generate reverse sensitivity or increased risk effects, are avoided within the Heavy Industrial Zone.
HIZ-O5 – Subdivision	The supply of large allotments within the Heavy Industrial Zone is preserved for industrial activities, particularly those which are noxious or generate objectionable odour, dust or noise.
HIZ-O6 – Research and Training	Recognise the relationship of industrial activities with research laboratories used for scientific, industrial or medical research with training.

## Policies

HIZ-P1 – Character and Amenity	To recognise and maintain the character and amenity values of the Heavy Industrial Zone including, but not limited to:
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# Heavy Industrial Zone (HIZ)

	<ol style="list-style-type: none"> <li>1. High levels of noise.</li> <li>2. Large allotment sizes, often with restricted public access.</li> <li>3. Moderate to high levels of exposure to potential nuisances such as odour and other air emissions.</li> <li>4. High levels of heavy traffic, particularly on arterial routes and during daytime hours.</li> <li>5. A low presence of active building frontages and landscaping.</li> </ol>
HIZ-P2 – Industrial Activities	To enable industrial activities, particularly those which are noxious or generate objectionable odour, dust or noise to locate and operate in the Heavy Industrial Zone without constraint from other activities.
HIZ-P3 – Non-Industrial Activities	<p>To avoid non-industrial activities, including sensitive activities, except for activities that:</p> <ol style="list-style-type: none"> <li>1. Are ancillary activities to the operation of industrial activities within the Zone, and are necessary to be located as part of the industrial activity.</li> <li>2. Do not undermine the integrity of other Business Zones.</li> <li>3. Do not generate reverse sensitivity or increased risk effects.</li> <li>4. Do not have the potential to hinder or constrain the establishment, operation, and/or expansion of activities otherwise anticipated within the Heavy Industrial Zone.</li> </ol>
HIZ-P4 – Surrounding Environment	To manage the visual effects on the surrounding environment by limiting building height and requiring setbacks and landscaping, while recognising the functional and operational needs of industrial activities.
HIZ-P5 – Esplanade Areas	To safeguard esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.
HIZ-P6 – Subdivision	To avoid the fragmentation of Heavy Industrial Zone land where subdivision design and layout would not facilitate industrial activities.
HIZ-P7 - Research and Training	To provide for research laboratories used for scientific, industrial or medical research, and training facilities where they are designed, located and managed to operate symbiotically with industrial activities.

## Rules

HIZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
HIZ-R2	Minor Buildings	
	Activity Status: Permitted Note: Minor buildings are exempt from rules HIZ-R3 – R4.	
HIZ-R3	Building and Major Structure Height	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is:               <ol style="list-style-type: none"> <li>a. 20m above ground level; or</li> </ol> </li> </ol>	Activity Status when compliance not achieved: Discretionary

# Heavy Industrial Zone (HIZ)

- b. 35m above ground level provided that no more than 25% of the net site area is occupied by buildings and major structures that exceed 20m above ground level.

HIZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures are set back at least:               <ol style="list-style-type: none"> <li>4.5m from road boundaries.</li> <li>3m from any Light Industrial Zone boundary.</li> <li>20m from any Rural Production or Open Space and Recreation Zone boundary.</li> <li>27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> </li> </ol>	<p>Activity Status when compliance with rule HIZ-R4.1 (a) – (c) not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Any special or unusual characteristic of the site which is relevant to the rule.</li> <li>The functional and operational needs of industrial activities.</li> <li>The effects on the amenity of neighbouring sites.</li> <li>The characteristics of the development.</li> </ol> <p>Activity Status when compliance with rule HIZ-R4.1 (d) not achieved: Discretionary</p>
HIZ-R5	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>Complies with rule HIZ-R3.</li> <li>Complies with rule HIZ-R4.</li> <li>Is screened from view from adjacent public places and surrounding sites, except that this does not apply to construction materials stored to be used on-site within 12 months each 10-year period from <b>[Operative Date]</b>.</li> </ol> </li> <li>Vessels and masts associated with Marine Industry activities are excluded from HIZ-R5.</li> </ol>	<p>Activity Status when compliance with HIZ-R5.1 (b) – (c) not achieved: Restricted Discretionary</p> <p>Matters of discretion</p> <ol style="list-style-type: none"> <li>Effects in relation to dust and odour.</li> <li>Visual amenity effects.</li> <li>The matters of discretion in HIZ-R4.</li> </ol> <p>Activity Status when compliance not achieved with HIZ-R5.1 (a) not achieved: Discretionary</p>
HIZ-R6	Farming	
	Activity Status: Permitted	
HIZ-R7	General Industry	
HIZ-R8	Manufacturing	
HIZ-R9	Repair and Maintenance Services	

# Heavy Industrial Zone (HIZ)

HIZ-R10	Marine Industry	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. All site boundaries which are adjoining a Rural Production or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Cumulative effects resulting from the fragmentation of land suitable for large scale industrial activities.</li> <li>2. Mitigation measures to manage adverse effects on adjacent Rural Production or Open Space and Recreation Zones.</li> </ol>
HIZ-R11	Storage	
HIZ-R12	Artisan Industrial Activities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. The individual activity has a Business Net Floor Area greater than 1,000m<sup>2</sup>.</li> <li>3. All site boundaries which are adjoining a Rural Production or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects resulting from the fragmentation of land suitable for large scale industrial activities, including consideration of: <ol style="list-style-type: none"> <li>a. The ability to relocate the activity and/or building.</li> <li>b. The duration of the activity.</li> <li>c. The nature of the activity.</li> <li>d. The size and location of the activity.</li> <li>e. Any cumulative effects.</li> </ol> </li> <li>2. Mitigation measures to manage adverse effects on adjacent Rural Production, Residential or Open Space and Recreation Zones.</li> </ol>
HIZ-R13	Motor Vehicle Sales	
HIZ-R14	Garden Centres	
HIZ-R15	Trade Suppliers	
HIZ-R16	Marine Retail	
HIZ-R17	Hire Premise	
HIZ-R18	General Retail	
HIZ-R19	Commercial Services	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is:</li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p>

- a. An ancillary activity to an industrial activity on the site.
- b. Less than 150m<sup>2</sup> GFA per site, except that this clause does not apply to office activities ancillary to an industrial activity.

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# Heavy Industrial Zone (HIZ)

2. Purpose of the general public amenity and the length of use and the health and safety of the public.
3. Mitigation measures to manage adverse effects.

HIZ-R23	Emergency Service
	Activity Status: Discretionary
	Where:
	1. The activity is a primary activity or ancillary activity.
HIZ-R24	Plantation Forestry
HIZ-R25	Intensive Livestock Farming
HIZ-R26	Farm Quarrying
HIZ-R27	Residential Activities
HIZ-R28	Drive Through Facilities
HIZ-R29	Grocery Stores
HIZ-R30	Entertainment Facilities
HIZ-R31	Visitor Accommodation
HIZ-R32	Funeral Home
HIZ-R33	Place of Assembly
HIZ-R34	Recreational Facilities
HIZ-R35	Care Centre
HIZ-R36	Educational Facilities
HIZ-R37	Hospital
HIZ-R38	General Commercial
HIZ-R39	General Community
	Activity Status: Non-Complying
	Where:
	1. The activity is a primary activity or ancillary activity.
	Note: Training facilities for an industrial activity are defined as General Industry.

## PREC6 – Marsden Point Energy Precinct (MPEP)

### Issues

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

# Heavy Industrial Zone (HIZ)

## Objectives

MPEP-O1 - Regional Significance	Recognise and provide for the Marsden Point Refinery as regionally significant infrastructure.
---------------------------------	--

## Policies

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

MPEP-R1	Refinery Activities
	Activity Status: Permitted

MPEP-R2	Building and Major Structure Setbacks
	Activity Status: Permitted

MPEP-R3	Building Height
	Activity Status: Permitted
	Where:
	1. Any building shall comply with HIZ-R3.

MPEP – R4	Major Structure Height
	Activity Status: Permitted
	Where:
	<ol style="list-style-type: none"> <li>The major structure exists at [Operative Date] and following the alteration or replacement works, its height is not materially increased; or</li> <li>The maximum major structure height is:               <ol style="list-style-type: none"> <li>20m above ground level; or</li> <li>40m above ground level provided that no more than 25% of the net site area is occupied by buildings and major structure that exceed 20m above ground level; or</li> </ol> </li> <li>The construction of up to three additional Columns to those existing at [Operative Date] are constructed to a maximum height of 56m above ground level; or</li> <li>The construction of one additional Furnace Stack to that existing at [Operative Date] is constructed to a</li> </ol>
	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: <ol style="list-style-type: none"> <li>The effects of the bulk and location of the building or structure.</li> <li>The effects on Cultural Values, High or Outstanding Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features.</li> <li>The operational and safety requirements for the structure.</li> </ol>



# Heavy Industrial Zone (HIZ)

maximum height of 75m above ground level; or

5. The alteration or replacement of the Flare Stack that exists at [Operative Date] does not exceed a maximum height of 130m above ground level.

## PREC7 – Bream Bay Marine Science and Research Precinct (BBMSRP)

### Issues

The Bream Bay Marine Science and Research Precinct (BBMSRP) applies to the land associated with the Northland Marine and Research Centre, a specialist hub for aquaculture, including its commercialisation, marine science and marine research activities located in Bream Bay, Northland. The Centre has a functional and operational need to be located in and adjacent to the coastal environment.

The BBMSRP permits all activities related to the primary function of the site including aquaculture / marine science research and commercialisation activities, laboratories, diving and training. In addition to the day to day running of the facility, the BBMSRP provides for the needs of staff and visitors to the site.

### Objectives

BBMSRP-O1 - Significance of Facility	Recognise and provide for the Northland Marine and Research Centre as a nationally significant facility in the marine science and aquaculture industry.
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### Policies

BBMSRP-P1 - Marine and Research Centre	To enable the operation, maintenance, development and upgrading of the Northland Marine and Research Centre by providing for activities which are related to the primary function of the site.
BBMSRP-P2 – Research and Commercialisation	To provide for the commercialisation of aquaculture and marine science as part of functioning of the Bream Bay Marine Science and Research Precinct.

### Rules

BBMSRP-R1	Any Activity
	Activity Status: Permitted Where: 1. The Activity complies with rules HIZ-R1, HIZ-R5 or HIZ-R7-R12 except the following: a. HIZ-R7-R10 (2). b. HIZ-R11 and HIZ-R12 (2) and (3).
BBMSRP-R2	Ancillary Activities
	Activity Status: Permitted Where:

# Heavy Industrial Zone (HIZ)

1. The activity is ancillary to a primary activity that is permitted in accordance with rules HIZ-R1, HIZ R5 or HIZ-R7 – R12.

## BBMSRP-R3

### Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least 3m from site boundaries.



# **Report 7 – Residential Zones Proposed Plan Change 88I**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Large Lot Residential Zone (LLRZ) Chapter
2. Recommended Low Density Residential Zone (LRZ) Chapter
3. Recommended General Residential Zone (GRZ) Chapter
4. Recommended Medium Density Residential Zone (MRZ) Chapter

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 6 of the section 42A (**s42A**) Report. The topics evaluated in this report follow the same order as Part 6 of the s42A Report. It is split into five parts:
  - I. General
  - II. Large Lot Residential Zone (LLRZ)
  - III. Low Density Residential Zone (LRZ)
  - IV. General Residential Zone (GRZ)
  - V. Medium Density Residential Zone (MRZ)
4. Unless otherwise specified, where this report refers to the s42A Report or to the Right of Reply (**RoR**) Report, it is referring to Part 6 of each report, respectively.
5. It is noted that the s42A Report recommended changes to the zone names in accordance with the National Planning Standards (**NP Standards**). To avoid confusion this report refers to the zones based on their s42A recommended names. The changes to the zone names are detailed below:

Notified Zone Name	S42A Recommended Zone Name
Low-density Residential Zone ( <b>LDR</b> )	Large Lot Residential Zone ( <b>LLRZ</b> )
Residential Zone ( <b>RES</b> )	Low Density Residential Zone ( <b>LRZ</b> )
Medium-density Residential Zone ( <b>MRZ</b> )	General Residential Zone ( <b>GRZ</b> )
High-Density Residential Zone ( <b>HDR</b> )	Medium Density Residential Zone ( <b>MRZ</b> )
Living Zones	Residential Zones

## Evaluation of Submissions

### Part I: General

#### Topic A: Whole Plan Change

##### Relevant Submissions

Submitter	Submission# & Point #
Brian Glasgow	44.1
Shane Small	46.1
Michael Long	50.1
GEK Property Nominees (Northland Hospitals) Limited	218.4 – 8

##### Principal Issues Raised

- Additional residential subdivision and development should be limited (in general and also with particular regard to the impacts on stormwater and wastewater infrastructure).
- Retention of the Urban Plan Changes as notified, and in particular that the objectives, policies, rules and subdivision objectives and policies of the GRZ and MRZ be retained.

##### Reporting Planners 42A Recommendation

6. This was dealt with in paragraphs 30 – 32 of the s42A Report and the recommendation from the Reporting Planner was to retain the Residential Zone Chapters as notified.



### Evidence from Submitters and Right of Reply

7. No evidence was specifically presented on this topic.

### Discussion and Reasons

8. Given the current expectations regarding the more efficient use of urban land which have influenced the overall objectives and policies for the urban zones we do not believe that it is realistic to not allow further subdivision within existing residential areas.
9. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic B: Objectives and Policies

### Relevant Submissions

Submitter	Submission# & Point #
Tim King	174.6 – 7
New Zealand Refining Company Limited trading as Refining NZ ( <b>Refining NZ</b> )	260.28

### Principal Issues Raised

- Inclusion of two new objectives in the Residential Zones encouraging economically efficient subdivision and modal shift. No specific wording was provided.
- Inclusion of a new policy within the Residential Zones to manage reverse sensitivity in proximity to industrial zones.

### Reporting Planners 42A Recommendation

10. This was dealt with in paragraphs 36 – 37 of the s42A Report and the recommendation from the Reporting Officer was to retain the Residential Zone Chapters as notified.

### Evidence from Submitters and Right of Reply

11. Mr Masfield presented evidence on behalf of Refining NZ in agreement with the s42A recommendation to reject the request for the new reverse sensitivity policy.
12. No other evidence was specifically presented on this topic.

### Discussion and Reasons

13. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic C: Rules

### Relevant Submissions

Submitter	Submission# & Point #
Stuart Neal	67.1
Fire and Emergency New Zealand ( <b>Fire NZ</b> )	165.49, 53, 57 and 60
T King	174.23
Ministry of Education ( <b>MoE</b> )	267.15
Parihaka Property Trust ( <b>PPT</b> )	310.4 – 5

### Principal Issues Raised

- Inclusion of additional rule requirements for visitor accommodation, including a requirement to be registered as a licenced visitor accommodation.
- Amendments to the activity status for rules managing educational facilities in the LRZ, GRZ, and MRZ to be discretionary activities instead of non-complying activities.
- Amendments to the rules managing emergency services in the Residential Zones to provide for emergency services as restricted discretionary activities with specified matters of discretion.
- Amendments to the non-residential activities in the Residential Zones to make them less restrictive.
- Inclusion of rules (similar to those in the Auckland Unitary Plan) managing outlook areas as a means of protecting privacy.

### Reporting Planners 42A Recommendation

14. This was dealt with in paragraphs 43 – 49 of the s42A Report and the recommendation from the Reporting Officer was to:
- Amend the activity status of educational facilities in the LRZ, GRZ and MRZ to discretionary.
  - Retain the other provisions in the Residential Zones as notified.

### Evidence from Submitters and Right of Reply

15. Ms Rose tabled evidence on behalf of the MoE in support of the s42A recommendation to amend the activity status of educational facilities.
16. Ms Unthank presented evidence on behalf of Fire NZ regarding the activity status of emergency services. Graeme Quensell also gave evidence highlighting the considerations that go into designing and locating a fire station in residential locations. Mr Burgoyne addressed this on page 11 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
17. No other evidence was specifically presented on this topic.

### Discussion and Reasons

18. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic D: SPA Biodiversity**

### Relevant Submissions

Submitter	Submission# & Point #
Department of Conservation (DOC)	143.6 – 17

### Principal Issues Raised

- Inclusion of objectives, policies and rules to provide for the protection of New Zealand kauri trees against the spread of kauri dieback through vegetation clearance rules within each Residential Zone.

### Reporting Planners 42A Recommendation

19. This was dealt with in paragraphs 51 – 54 of the s42A Report and the recommendation from the Reporting Officer was to retain the Residential Zone Chapters as notified.

### **Evidence from Submitters and Right of Reply**

20. Anthony Beauchamp and Andrew Riddell presented evidence on behalf of DOC. Ms Hooper provided legal submissions. Mr Burgoyne addressed this on page 11 of his RoR Report. His opinion and recommendation to reject the submission points had not changed. Mr Burgoyne also noted that as part of the WDP rolling review it is anticipated that this issue may be further considered as part of the imminent Biodiversity Plan Change.

### **Discussion and Reasons**

21. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submission should be rejected accordingly.
22. However, we believe that it is important to ensure that the plan does include kauri dieback disease provisions in the Earthworks (EARTH) Chapter which is district-wide and will address the issue when greenfield development is being progressed. We recognise that there will be other instances when there are Kauri trees on other residential development sites, but where these are on previously developed site it is likely that they will be specimen trees which do not bring the same risks of spread as trees within stands. We have therefore not recommended kauri dieback provisions within the residential chapters.
23. We acknowledge Mr Burgoyne's comment about the issue of kauri dieback disease being further considered as part of the imminent Biodiversity Plan Change but we have no information or evidence before us that tells us when the Plan Change will be released and believe that our decision to recommend provisions in the EARTH Chapter is correct in light of the significant threat that kauri dieback disease poses.

## Part II: Large Lot Residential Zone (LLRZ)

### Topic A: Whole Plan Change

#### Relevant Submissions

Submitter	Submission# & Point #
Housing New Zealand Corporation ( <b>Housing NZ</b> )	268.72

#### Principal Issues Raised

- The notified 'Low Density Residential Zone' should be renamed and amended to better align with the 'Rural Lifestyle Zone' as set out in the NP Standards.

#### Reporting Planners 42A Recommendation

24. This was dealt with in paragraphs 57 – 58 of the s42A Report and the recommendation from the Reporting Officer was to change the name of the 'Low Density Residential Zone' to the 'Large Lot Residential Zone' and undertake consequential amendments to update references to the zone name.

#### Evidence from Submitters and Right of Reply

25. Matthew Lindenberg presented evidence on behalf of Kāinga Ora-Homes and Communities (**Kāinga Ora**), as successor to Housing NZ, in support of the s42A recommendation.

#### Discussion and Reasons

26. We are concerned that this zone is not an urban zone and does not align with the zone description in the NP Standards. We agree with the reasoning in Kāinga Ora's submission that it is more akin to a rural residential form of development. The emphasis in the objectives and policies on preserving rural character and amenity lends weight to this assessment. As do the subdivision rules, which require the retention in perpetuity of half the allotment with legal mechanisms to ensure no residential units are built on the allotment. The NP Standards intend the LLRZ to be predominantly for residential activities. Arguably, requiring the retention of half an allotment, which can only be grassed, planted or used for farming is not meeting the intention for the zone to be predominantly residential. However, Kāinga Ora did not pursue this matter in evidence and in the absence of amendments to evaluate, we recommend the submission is accepted in part.
27. We recommend that Council seek guidance from the Ministry for the Environment and review the alignment of the zone with the NP Standards. If necessary, a variation or plan change could be promulgated to address this matter.

### Topic B: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
Landowners Coalition ( <b>Landowners</b> )	138.14
Fire NZ	165.47
Public and Population Health Unit of the Northland District Health Board ( <b>Public Health Northland</b> )	207.34 and 36

#### Principal Issues Raised

- Amendments to LLRZ-O3 to delete references to 'clusters'.
- Amendments to LLRZ-O5 to delete 'small-scale'.
- Amendments to LLRZ-O6 and include a new objective to require easements for future three waters reticulation.

- Inclusion of a new objective to require development to be sustainable.

#### **Reporting Planners 42A Recommendation**

28. This was dealt with in paragraphs 62 – 65 of the s42A Report and the recommendation from the Reporting Officer was to retain the LLRZ objectives as notified.

#### **Evidence from Submitters and Right of Reply**

29. Mr Shetty tabled evidence on behalf of Public Health Northland. Mr Burgoyne addressed this on page 12 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
30. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to reject the requested amendments to LLRZ-O5.
31. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

32. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### **Topic C: Policies**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Fire NZ	165.48
Public Health Northland	207.35

#### **Principal Issues Raised**

- Retention of LLRZ-P9 as notified.
- Inclusion of a new policy to encourage sustainable management and integration with the reticulated three waters networks.

#### **Reporting Planners 42A Recommendation**

33. This was dealt with in paragraphs 68 – 70 of the s42A Report and the recommendation from the Reporting Officer was to retain the LLRZ policies as notified.

#### **Evidence from Submitters and Right of Reply**

34. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to retain LLRZ-P9 as notified.
35. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

36. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic D: Bulk and Location

### Relevant Submissions

Submitter	Submission# & Point #
GO and AM King	172.1 – 2
Jan Irving	211.1
WDC Planning and Development Department (WDC Planning)	236.100

### Principal Issues Raised

- Amendments to LLRZ-R3.1(a) (Building Setbacks) to reduce the minimum building setback from roads from 20m to 10m and to improve the clarity of the rule.
- Amendments to LLRZ-R5 (Building Coverage) and R6 (Impervious Areas) to provide alternative options for the building coverage and impervious area rules to be based on a percentage of net site area.

### Reporting Planners 42A Recommendation

37. This was dealt with in paragraphs 74 – 78 of the s42A Report and the recommendation from the Reporting Officer was to:
- Amend LLRZ-R3 and R6 to improve their clarity.
  - Retain LLRZ-R5 as notified.

### Evidence from Submitters and Right of Reply

38. Ms Irving presented evidence in support of her original submission. Mr and Ms King presented evidence in support of their original submission. Mr Burgoyne addressed these on page 12 of his RoR Report. His opinion and recommendation to accept in part and to reject the submission points had not changed.

### Discussion and Reasons

39. We accept Mr Burgoyne's view, pointed out in the RoR in relation to Ms Irving's concerns, that alternative mitigation can be applied for by way of a resource consent. We also accept his view in relation to the King's suggested amendments that there is the potential for the amendments to result in perverse outcomes and that the Council's RMA consents team leader has confirmed that there are currently no identified issues with these rules (currently operative in the Urban Transition Environment). Given this, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted in part or rejected accordingly.

## Topic E: Activities

### Relevant Submissions

Submitter	Submission# & Point #
Landowners	138.17 – 18
Public Health Northland	207.37
MoE	267.10

### Principal Issues Raised

- Amendments to the rules for non-residential activities to make them more permissive.
- Amendments to LLRZ-R11 (Sensitive Activity) to increase the minimum setback of sensitive activities from the Rural Production Zone to 50m.

- Retention of LLRZ-R18 (Educational facilities) as notified.

#### Reporting Planners 42A Recommendation

40. This was dealt with in paragraphs 83 – 87 of the s42A Report and the recommendation from the Reporting Officer was to:
- Amend the activity status of Care Centre and Visitor Accommodation to be discretionary.
  - Retain the other LLRZ provisions as notified.

#### Evidence from Submitters and Right of Reply

41. Ms Rose tabled evidence on behalf of the MoE in support of the s42A recommendation to retain LLRZ-R18 as notified.
42. No other evidence was presented on this topic.

#### Discussion and Reasons

43. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic F: Vegetation Clearance and Earthworks

#### Relevant Submissions

Submitter	Submission# & Point #
Landowners	138.15 – 16

#### Principal Issues Raised

- Amendments to the vegetation clearance and earthworks rules to make them more permissive.

#### Reporting Planners 42A Recommendation

44. This was dealt with in paragraphs 90 – 92 of the s42A Report and the recommendation from the Reporting Officer was to retain the vegetation clearance and earthworks rules as notified (noting that vegetation clearance rules are consistent with the operative provisions in the RPZ, RLZ and RUEZ).

#### Evidence from Submitters and Right of Reply

45. No evidence was presented on this topic.

#### Discussion and Reasons

46. We agree with the recommendation as set out in the s42A Report for the reasons given and agree that the submission should be rejected.

### Part III: Low Density Residential Zone (LRZ)

#### Topic A: Whole Plan Change

##### Relevant Submissions

Submitter	Submission# & Point #
Chris Jenkins	1.2
Freddrick Morgan	229.6
Housing NZ	268.71

##### Principal Issues Raised

- Inclusion of warning of flood and land stability within the LRZ.
- The notified 'Residential Zone' should be renamed and amended to better align with the 'Low Density Residential Zone' as set out in the NP Standards.

##### Reporting Planners 42A Recommendation

47. This was dealt with in paragraphs 104 – 106 of the s42A Report and the recommendation from staff was to change the name of the 'Residential Zone' to the 'Low Density Residential Zone' and undertake consequential amendments to update references to the zone name.

##### Evidence from Submitters and Right of Reply

48. Matthew Lindenberg presented evidence on behalf of Kāinga Ora in support of the s42A recommendation to amend the zone name to the 'Low Density Residential Zone'.
49. No other evidence was specifically presented on this topic.

##### Discussion and Reasons

50. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

#### Topic B: Objectives

##### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.58
Public Health Northland	207.64
F Morgan	229.7

##### Principal Issues Raised

- Amendments to LRZ-O3 to provide a more enabling policy framework for non-residential activities.
- Inclusion of a new objective to encourage sustainable development.

##### Reporting Planners 42A Recommendation

51. This was dealt with in paragraphs 110 – 112 of the s42A Report and the recommendation from staff was to retain the LRZ objectives as notified.

##### Evidence from Submitters and Right of Reply

52. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to retain



LRZ-O3 as notified.

53. Mr Morgan did not address this matter in his summary statement when he appeared before us at the hearing.
54. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

55. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly

## Topic C: Policies

#### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.59
Public Health Northland	207.65 – 66
F Morgan	229.8 – 11

#### Principal Issues Raised

- Retention of LRZ-P2 as notified.
- Deletion of LRZ-P5.
- Amendments to LRZ-P1 and P3 to improve the clarity of the policies.
- Amendments to LRZ-P4 to specifically refer to 'WDC stormwater infrastructure'.
- Amendments to LRZ-P5 to require easements for future three waters reticulation.
- Inclusion of a new policy to encourage sustainable management and integration with the reticulated three waters networks.

#### Reporting Planners 42A Recommendation

56. This was dealt with in paragraphs 116 – 121 of the s42A Report and the recommendation from staff was to:
  - Amend LRZ-P1 to refer to defined terms.
  - Retain the other LRZ policies as notified.

#### Evidence from Submitters and Right of Reply

57. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to retain LRZ-P2 as notified.
58. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

59. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic D: Activity Status and Notification Rules

### Relevant Submissions

Submitter	Submission# & Point #
Cato Bolam	107.4 and 7
Fire NZ	165.61
F Morgan	229.12 and 17

### Principal Issues Raised

- Amendments to the activity status for LRZ-R2 – R21 where compliance is not achieved from discretionary to restricted discretionary.
- Deletion of the notification requirements for LRZ-R20, R21 and R27.

### Reporting Planners 42A Recommendation

60. This was dealt with in paragraphs 125 – 130 of the s42A Report and the recommendation from staff was to:
- Amend the activity status to restricted discretionary where compliance is not achieved with rules LRZ-R3.1(a), R3.1(b), R4, R5, R8, R9, and R11.
  - Delete the notification requirements throughout the Residential Zones.

### Evidence from Submitters and Right of Reply

61. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to delete the notification requirements in LRZ-R27.
62. No other evidence was specifically presented on this topic.

### Discussion and Reasons

63. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or accepted in part accordingly.

## Topic E: Bulk and Location

### Relevant Submissions

Submitter	Submission# & Point #
North Haven Hospice Endowment Trust ( <b>North Haven</b> )	79.1 – 2
Landowners	138.27
Russell Mortimer	209.1
F Morgan	229.13, 14 and 16

### Principal Issues Raised

- Deletion of LRZ-R7 (Landscaping) and R9 (Car Parking).
- Amendments to LRZ-R4 (Building Height in Relation to Boundary) and R6 (Impervious Areas) to be more permissive.
- Amendments to LRZ-R8 (Fences) to provide for fortified fences for stock exclusion adjacent to all zones.
- Amendments to LRZ-R11 (Outdoor Areas of Storage or Stockpiles) to delete the requirement

for outdoor areas of storage or stockpiles to be screened from surrounding sites.

### Reporting Planners 42A Recommendation

64. This was dealt with in paragraphs 135 – 141 of the s42A Report and the recommendation from staff was to:
- Amend LRZ-R4 to be more permissive.
  - Amend LRZ-R6 to delete 'or 1,000m<sup>2</sup>, whichever is the lesser'.
  - Delete LRZ-R7.
  - Amend LRZ-R8 to provide for electric fences for stock exclusion adjacent to all zones.
  - Amend LRZ-R9 to only refer to 'formed' car parking spaces.
  - Support Mr Pickering's recommended amendments to LRZ-R11 as set out in **Part 1** of the s42A Report<sup>1</sup>.

### Evidence from Submitters and Right of Reply

65. Mr Morgan presented evidence in opposition to LRZ-R8 requesting that barbed-wire fencing also be permitted where it is for stock exclusion purposes. Mr Burgoyne addressed this on page 13 of his RoR Report. He supported the amendments sought by Mr Morgan and recommended amendments to LRZ-R8 accordingly. Mr Burgoyne also recommended consequential amendments to GRZ-R8 for consistency.
66. Mr King presented evidence on behalf of North Haven in support of the s42A recommendations regarding LRZ-R4 and R6.
67. No other evidence was specifically presented on this topic.

### Discussion and Reasons

68. We agree with the recommendations as set out in the s42A Report and the RoR for the reasons given and agree that the submissions should be accepted or accepted in part accordingly.

## Topic F: Activities

### Relevant Submissions

Submitter	Submission# & Point #
North Haven	79.3 – 4
Landowners	138.29

### Principal Issues Raised

- Amendments to LRZ-R13 (Supported Residential Care) and R29 (Hospital) to clarify that 'Hospices' are permitted activities (depending on the number of traffic movements generated).
- Amendments to LRZ-R20 (Care Centre) and R21 (visitor Accommodation) to make the rules more permissive.

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<sup>1</sup> Section M.

### Reporting Planners 42A Recommendation

69. This was dealt with in paragraphs 144 – 149 of the s42A Report and the recommendation from staff was to retain the LRZ-R13, R20, R21, and R29 as notified.

### Evidence from Submitters and Right of Reply

70. Mr King presented evidence on behalf of North Haven seeking further amendments to clarify that hospices are permitted activities by specifically including them in the definition of 'supported residential care'. Mr Burgoyne addressed this on page 13 of his RoR Report. He supported the amendments recommended by Ms McGrath in **Part 1** of the RoR<sup>2</sup> and considered that this clarified that a hospice would be classified as supported residential care.
71. No other evidence was specifically presented on this topic.

### Discussion and Reasons

72. We agree with the recommendations as set out in the s42A Report and the RoR for the reasons given and agree that the submissions should be rejected accordingly noting that amendments have been recommended in Part 1 of our report to clarify that a hospice would be classified as supported residential care.

## Topic G: Vegetation Clearance

### Relevant Submissions

Submitter	Submission# & Point #
Landowners Coalition	138.28
F Morgan	229.15

### Principal Issues Raised

- Deletion of LRZ-R10 (Vegetation Clearance).
- Amendments to LRZ-R10 to make it more permissive.

### Reporting Planners 42A Recommendation

73. This was dealt with in paragraphs 152 – 155 of the s42A Report and the recommendation from staff was to amend LRZ-R10 to provide exemptions for 'urban environment allotments' and to undertake consequential amendments for similar rules in other zones.

### Evidence from Submitters and Right of Reply

74. Mr Morgan presented evidence in opposition to LRZ-R10 requesting that an exemption be included within the indigenous vegetation clearance rules to permit clearance for the purpose of constructing a residential unit. Mr Burgoyne addressed this on page 13 of his RoR Report. His opinion and recommendation to reject the submission point had not changed, apart from the amendment previously recommended under the s42A Report.
75. No other evidence was specifically presented on this topic.

### Discussion and Reasons

76. We note Mr Burgoyne's advice that there is a considerable extent of indigenous vegetation in the zone and accept and agree with his opinion that it is appropriate to retain control over indigenous vegetation

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<sup>2</sup> Pages 8 – 10 of Part 1 of the RoR.

clearance (outside of urban environment allotments) in order to achieve policy 4.4.1.3(a) of the NRPS.

77. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted in part or rejected accordingly.

## Part IV General Residential Zone (GRZ)

### Topic A: Whole Plan Change

#### Relevant Submissions

Submitter	Submission# & Point #
Sarah Botour	34.1
Rodger Heatley	45.1
Suzanne Jones	54.2
Gary Dow	70.1
Andrew Hiskens	95.2
Carolyn Marriner	96.7
Jessie Trust	104.1
Agnes Smith	108.1
Lynda Stallworthy	199.3
Jennifer Edwards	283.15

#### Principal Issues Raised

- General opposition to the proposed GRZ.
- General support for the proposed GRZ.
- Inclusion of additional urban design controls and detail about the built character of dwellings in the GRZ.
- Deletion of all references to high density forms of residential development in the GRZ.
- Amendments to manage development in mining hazard zones.

#### Reporting Planners 42A Recommendation

78. This was dealt with in paragraphs 172 – 178 of the s42A Report and the recommendation from staff was to retain the GRZ as notified.

#### Evidence from Submitters and Right of Reply

79. Ms Edwards presented evidence in support of her original submissions seeking various amendments to the GRZ. She indicated that the local community wished to see the retention of key zone provisions from the Operative District Plan Living 1 Environment, including minimum 500m<sup>2</sup> lot size, min 100m<sup>2</sup> building site, standalone houses (maybe including provision for minor residential units as the only acceptable & appropriate form of residential intensification), retaining the existing character, amenity values and sense of place of the Puriri Park residential neighbourhood. She also wants to see the implementation of key relevant provisions of Council's relevant approved operative strategic planning documents in particular 30/50 & Maunu Structure Plan. She considers that the definition for the 'General Residential Zone' in the National Planning Standards (**NPS**) suits the description for the character of the existing residential neighbourhood but the definition in the proposed plan change does not suit the existing residential neighbourhood character. Mr Burgoyne responded to Ms Edwards' specific matters raised in his RoR report which are discussed in Topics E, I and K below.
80. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

81. Ms Edwards provided significant comment on this matter and on the plan as a whole for us at the hearing. We are grateful for the time that she spent assembling her thoughts and the additional information for us. In relation to this matter, we note that the NPS describes the General Residential Zone as 'Areas used predominantly for residential activities with a mix of building types, and other

*compatible activities*<sup>37</sup>. The revised description for the zone, given in the Council's right of reply version of the chapter, states:

*The General Residential Zone (GRZ) provides predominantly for residential development within the Urban Area of Whangārei. The General Residential Zone provides for traditional suburban densities and housing forms, and is characterised by one to two storey stand-alone (detached) residential units on larger properties set back from boundaries with landscaped gardens. However, the zone also contemplates incremental intensification to provide for a range of housing needs while retaining a suburban built character.*

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

82. Having viewed many of the GRZ areas, we consider that whilst the description for the NPS General Residential Zone does fit with the character and form of the area, the Council's description for the zone provides a more detailed description of the zone as it currently exists. Whilst we note that the Council description does make reference to incremental intensification, we believe that it is significant in relation to Ms Edward's submission that it also makes reference to 'retaining a suburban built character'.
83. Whilst we note that the GRZ has moved some way from the previous Living 1 Zone, for instance minimum lot size has reduced to 450m<sup>2</sup> from the previous 500m<sup>2</sup>, overall we believe that the zone is appropriately applied across the city and seeks to provide outcomes which do not appear too far from those discussed by Ms Edwards. The matter of lot sizes is discussed in more detail below in relation to Topic G – Residential Units.
84. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted in part or rejected accordingly.

## Topic B: Corrections and Clarifications

### Relevant Submissions

Submitter	Submission# & Point #
C Nicholson	2.2
The Positive Aging Advisory Group (PAAG)	97.11 – 12
V Kloosterman	204.2 – 3

### Principal Issues Raised

- Assurance of no further traffic lanes or commercial development on Mill Road North.
- Greater clarification of 'care centre' and 'multi-unit development'.
- Clarification that existing use rights would be afforded to existing activities.

### Reporting Planners 42A Recommendation

85. This was dealt with in paragraphs 182 – 185 of the s42A Report and the recommendation from staff was to retain the GRZ as notified.

### Evidence from Submitters and Right of Reply

86. No evidence was specifically presented on this topic.

### Discussion and Reasons

87. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly.

## Topic C: Overview

### Relevant Submissions

Submitter	Submission# & Point #
Summerset Villages (Whangārei) Limited ( <b>Summerset</b> )	205.12
Housing NZ	268.47

### Principal Issues Raised

- Amendments to the Overview (now referred to as *Issues*) to specify that the zone provides for a range of allotment sizes and densities and that it accommodates a moderate concentration of buildings.

### Reporting Planners 42A Recommendation

88. This was dealt with in paragraphs 188 – 189 of the s42A Report and the recommendation from staff was to amend the GRZ Issues section to reflect the change of the zone name in accordance with the NP Standards. Mr Burgoyne considered that these amendments partially addressed the concerns raised by the submitters.

### Evidence from Submitters and Right of Reply

89. Matthew Lindenberg presented evidence on behalf of Kāinga Ora in support of the s42A recommendation.
90. No other evidence was specifically presented on this topic.

### Discussion and Reasons

91. We consider that the change of name of this zone and the inserted sentence 'However, the zone also contemplates incremental intensification to provide for a range of housing needs while retaining a suburban built character' appropriately responds to the submissions. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted in part.

## Topic D: Objectives

### Relevant Submissions

Submitter	Submission# & Point #
Sherilyn Hurman	64.1
G Dow	70.2
Kerry Grundy	73.3
Stuart and Helena Gray	74.1
Fiona Aiken	87.1
Pamela Hunt	88.1
Faye Moore	92.1
Pamela Peakins	93.1
C Marriner	96.1
Pancras Batelan	100.1
Cecile Haines	106.1
Margaret Taylor	112.1



Julian Wilson	122.1
James Percy	133.3
Steven Percy	134.1
Peter Ford	141.2
Elizabeth Teesdale	152.1
Jean and Ray Capper	153.1
Trevor Reader	159.1
Fire NZ	165.50
Mark and Tracey Sanders	181.1
Mary Singleton	182.1
Allan Lawrie	183.1
Jocelyn Lawrie	184.1
Mark and Tracey Sanders	188.1
Harvey Ogle	191.1
Brigit Haufe	197.1
L Stallworthy	199.5
Public Health Northland	207.39
Commercial Centres Ltd	210.21
Ken and Kathleen Baker	216.1 – 4
Derek Barnston	222.1
Anne Fraser	223.1
Nicci Webb	228.1
Housing NZ	268.48 - 49
Don Redfearn	273.1
J Edwards	283.3 – 5
Clare Morgan	290.1
Puriri Park and Maunu Residents Society Inc ( <b>Puriri Park Society</b> )	301.2

### Principal Issues Raised

- Retention of GRZ-O1 – O4 as notified.
- Deletion of GRZ-O2.
- Amendments to GRZ-O1 to include reference to sustainability.
- Amendments to GRZ-O2 to:
  - Only apply the objective to minor residential units.
  - Require development to be consistent with the surrounding residential environment.
- Amendments to GRZ-O3 to:
  - Replace 'street' with 'wider community'.
  - Include 'consistent with the planned medium density built environment which the zone seeks to achieve' at the end of the objective.

### Reporting Planners 42A Recommendation

92. This was dealt with in paragraphs 200 – 205 of the s42A Report and the recommendation from staff was to retain the GRZ objectives as notified.

### Evidence from Submitters and Right of Reply

93. Matthew Lindenberg presented evidence on behalf of Kāinga Ora in support of the s42A recommendation to retain the GRZ objectives as notified.
94. Dr Grundy presented evidence opposing GRZ-O2 because he considers that it contradicts and is

incompatible with GRZ-O1. Dr Grundy requested that GRZ-O2 be amended to apply only to minor residential units. Mr Burgoyne addressed this on page 14 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.

95. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation to retain GRZ-O1 – O2 as notified.
96. Ms Edwards presented evidence in support of her original submissions seeking various amendments to the GRZ. Mr Burgoyne responded to Ms Edward's specific matters raised in his RoR report which are discussed in Topics E, I and K below.
97. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to retain GRZ-O4 as notified.
98. No other evidence was specifically presented on this topic.

### Discussion and Reasons

99. In considering these submissions we have paid particular attention as to whether GRZ-O2 is incompatible with GRZ-O1. In considering this we are cognisant that the Issues for this zone state that *'the zone contemplates incremental intensification'*. We also note that rather than discuss the existing character of the area, GRZ-O1 discusses the *'planned suburban built environment'*. We therefore take it that the future suburban built environment of the zone will vary from the existing environment, albeit whilst retaining a suburban built character. This could include the subdivision of larger lots in accordance with the site sizes expected in the zone. Read in this context we believe that GRZ-O2 is compatible with GRZ-O1.
100. We agree with the recommendations as set out in the s42A Report and the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic E: Policies

### Relevant Submissions

Submitter	Submission# & Point #
S Hurman	64.2
G Dow	70.3 and 6
K Grundy	73.4 – 7
S and H Gray	74.2
F Aiken	87.2
P Hunt	88.2
F Moore	92.2
P Peakins	93.2
C Marriner	96.2
PAAG	97.1 – 6
P Batelan	100.2
C Haines	106.2
M Taylor	112.2
J Wilson	122.2
J Percy	133.1
S Percy	134.4
P Ford	141.1
E Teesdal	152.2
J and R Capper	153.2
T Reader	159.2
Fire NZ	165.51
T King	174.8 – 11
M and T Sanders	181.2
M Singleton	182.2
A Lawrie	183.2

J Lawrie	184.2
M and T Sanders	188.2
H Ogle	191.2
B Haufe	197.2
L Stallworthy	199.6
Summerset	205.13 – 17
Public Health Northland	207.41 – 42
Commercial Centres	210.22
K and K Baker	216.5 – 9
D Barnston	222.2
A Fraser	223.2
N Webb	228.2
New Zealand Transport Agency ( <b>NZTA</b> )	240.84
Housing NZ	268.50 – 57
D Redfearn	273.2
J Edwards	283.17
C Morgan	290.2 – 3
Puriri Park Society	301.3 – 6

### **Principal Issues Raised**

- Retention of GRZ-P3, P5, P9, P10, and P12 as notified.
- General support for GRZ-P6.1-2, P8, and P11.5.
- Deletion of GRZ-P1, P2, P4, P6.6, P11.4, and P12.
- Deletion of GRZ-P1.4 and insertion of new wording to ensure that development is an appropriate size and shape that reflects the character of the surrounding community.
- Amendments to GRZ-P2 to:
  - Include reference to 'local community'.
  - Include reference to the medium density built environment of the zone and replace 'minimised' with 'appropriately managed'.
- Amendments to GRZ-P3 to
  - Delete 'private' from GRZ-P3.1.
  - Require two separate outdoor living courts (one private and one public).
- Amendments to GRZ-P4 to:
  - Include consideration of 'off-site' amenity as well.
  - Include reference to 'public' outdoor living spaces.
- Amendments to GRZ-P6 to:
  - Provide clarification of 'articulated' in GRZ-P6.3.
  - Include reference to the medium density built environment of the zone and replace 'avoids' with 'minimises'.
  - Include reference to 'community' and to require buildings to be sympathetic with the surrounding 'development density'.
  - Include reference to the open space nature of the zone, neighbourhood identity, community character, aesthetic coherence or sense of place.

- Exempt retirement villages and require consideration of the nature of development and any functional need for bulk and scale.
- Amendments to GRZ-P7 to replace 'protect' with 'maintain'.
- Amendments to GRZ-P8 to:
  - Replace 'avoided' with 'minimised' in GRZ-P8.2 and to delete 'existing' from GRZ-P8.3.
  - Strengthen the protection of neighbourhood character and amenity values.
  - Change the policy from a permitted to a restricted discretionary activity.
  - Provide better protection for existing amenity, neighbourhood identity and local character.
- Amendments to GRZ-P11 to:
  - Delete 'where practicable avoided' from GRZ-P11.3 and add requirements for lighting.
  - Replace 'limited' with 'avoided' in GRZ-P11.4 and to require connections to open space, services and facilities to be 'prioritised'.
- Amendments to GRZ-P12 to:
  - Only apply the policy to minor residential units.
  - Delete 'while protecting residential character and amenity'.
  - Replace 'protecting' with 'maintaining', and to include 'preferably' in GRZ-P12.1.

#### **Reporting Planners 42A Recommendation**

101. This was dealt with in paragraphs 240 – 255 of the s42A Report and the recommendation from staff was to:
- Retain GRZ-P1, P5, and P9 – P11 as notified.
  - Delete GRZ-P2 and P4.
  - Amend GRZ-P3 to delete 'private'.
  - Amend GRZ-P6 to provide greater clarity to GRZ-P6.3 and to improve the efficiency and effectiveness of GRZ-P6.6.
  - Amend GRZ-P7 to replace 'protect' with 'maintain'.
  - Amend GRZ-P8 to replace 'avoided' with 'minimised' in GRZ-P8.2 and to delete 'existing' from GRZ-P8.3.
  - Amend GRZ-P12 to delete 'while protecting residential character and amenity' while also including additional criteria to consider.

#### **Evidence from Submitters and Right of Reply**

102. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation regarding GRZ-P12.
103. Mr Lindenberg presented evidence on behalf of Kāinga Ora requesting that MRZ-P1.1 be deleted and that the phrase 'where practicable avoided' be deleted from GRZ-P11.3. Mr Lindenberg supported the s42A Recommendations regarding GRZ-P2 – P7, P9, P10, and P12.

104. Dr Grundy presented evidence requesting that GRZ-P6 be amended to include reference to the open space nature of the GRZ, neighbourhood identity, community character, aesthetic coherence and sense of place. Dr Grundy also requested that GRZ-P12 be deleted.
105. Ms Edwards presented evidence opposing the s42A recommended amendment to GRZ-P12 because she considered it would result in applications for multi-unit developments not considering adverse effects on the existing residential character, amenity and sense of place.
106. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding GRZ-P9.
107. Mr Burgoyne addressed the evidence from these submitters on page 14 of his RoR Report. His opinion and recommendations from the s42A Report had not changed.
108. No other evidence was specifically presented on this topic.

### **Discussion and Reasons**

109. In relation to the submissions and evidence from Ms Edwards and Dr Grundy we note the comments/evidence from the Reporting Officer that the objectives and policies need to be read collectively as a suite of provisions and having re-read and considered the policies while preparing our recommendation reports we agree that there are policies that address character and amenity.
110. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## **Topic F: Bulk and Location**

### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
K Grundy	73.13
D Doar	75.1
PAAG	97.7 – 8
Jessie Trust	104.3 – 4
Cato Bolam	107.5 and 7
Keith Richardson	116.1
Landowners	138.19 - 21
Fire NZ	165.52
T King	174.5, 12, 13, 15 – 17, 19, and 20
Summerset	205.18 – 19
R Mortimer	209.1
Commercial Centres	210.23
K and K Baker	216.11 – 13
Housing NZ	268.59 – 66
J Edwards	283.6, 7, and 11
Puriri Park Society	301.11

### **Principal Issues Raised**

- Retention of GRZ-R2 – R4 as notified.
- Deletion of GRZ-R7, R8.2 – 3, and R9.
- Inclusion of a new building coverage rule with a maximum net site area building coverage of either 35% or 40%.
- Retention of the notification exemptions in GRZ-R5 (Outdoor Living Court) as notified.

- Deletion of the notification exemptions in GRZ-R5.
- Amendments to the bulk and location rules to change the activity status from discretionary to restricted discretionary where compliance is not achieved.
- Amendments to GRZ-R2 (Building Height) to increase the maximum building height to 9m for sloped roofs.
- Amendments to GRZ-R3 (Building Setbacks) to:
  - Provide more clarity.
  - Replace the building setback rules with 'yard' rules and enable reduced setbacks.
- Amendments to GRZ-R4 (Building Height in Relation to Boundary) to delete and review the rule and to provide a range of options, specific to the adjacent zoning, and to provide optionality in the form and typology of residential development.
- Amendments to GRZ-R5 (Outdoor Living Courts) to:
  - Rewrite the rule to require two separate outdoor living courts (one private and one public) with various requirements.
  - Reduce the size required for outdoor living courts.
- Amendments to GRZ-R7 (Landscaping) to:
  - Enable temporary infringements of the minimum landscaping area to provide for small dwellings.
  - Include requirements for a minimum permeable area and front yard landscaping.
- Amendments to GRZ-R8 (Fences) to:
  - Rewrite the rule to improve clarity.
  - Include notification exemptions.
- Amendments to GRZ-R9 (Car Parking) to:
  - Restrict vehicle parking in front yards and require garage doors to be setback from the road and from building frontage.
  - Require a minimum of 2 off-street parking spaces for each residential unit.

#### **Reporting Planners 42A Recommendation**

111. This was dealt with in paragraphs 288 – 307 of the s42A Report and the recommendation from staff was to:

- Retain GRZ-R2, R6, and R8 as notified.
- Delete GRZ-R7.
- Amend the activity status of GRZ-R3.1, R3.2, R4, R8, R9, and R10 to restricted discretionary where compliance is not achieved.
- Amend GRZ-R3 to improve clarity.
- Amend GRZ-R4 to provide exemptions for gable ends, dormers, and roofs.

- Amend GRZ-R5 to decrease the minimum space required for outdoor living courts.
- Amend GRZ-R9 to only refer to 'formed' car parking spaces.
- Include a new Building Coverage rule with a maximum net site area coverage of 40%.

#### **Evidence from Submitters and Right of Reply**

112. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation regarding GRZ-R5.
113. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding GRZ-R3.
114. Mr Lindenberg presented evidence on behalf of Kāinga Ora in support of the original submission seeking various amendments to GRZ-R2, R3, R4, R8, and R9.
115. Mr Burgoyne addressed this on page 15 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
116. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

117. We have carefully considered the views of both Mr Lindenberg and Mr Burgoyne regarding those rules where the Council still propose in their RoR that non-compliance still triggers a Discretionary consent. We have taken particular note of Mr Lindenberg's view that *'the use of a restricted discretionary activity framework, rather than the notified discretionary activity approach, provides for better certainty for Plan users as to the nature of effects that need to be assessed in relation to the activity... Given the potential effects are well understood, there is no marginal benefit to retaining a discretionary activity status over a restricted discretionary status. There is however a likely cost in retaining the discretionary activity status insofar as the perceived 'consent risk / costs' will influence development to be within the permitted activity thresholds, thereby resulting in predominantly one built form.'*<sup>4</sup>
118. Having considered this matter we believe that the effects associated with non-compliance with GRZ-R2, GRZ-R3.3 and GRZ-R6 are, as set out in the evidence of Mr Lindenberg, well understood. Indeed, in the case of GRZ-R3.3 and GRZ-R6 we consider that there is significant merit in restricting the matters of discretion to ensure that the relevant appropriate matters are addressed. We therefore agree with his view that a Restricted Activity status for applications for non-compliance for these rules is therefore appropriate and recommend that they be amended as set out in Attachment 3.
119. We provide our recommendations regarding the appropriate activity status for non-compliance with GRZ-R14 and GRZ-R20 below.
120. We note that Kainga Ora recommended that GRZ-R3 be deleted in its entirety. Whilst we believe that the rule should be retained we have recommend that GRZ-R3.3 be amended to require that '...buildings and major structures be set back at least 20m from MHWS...', in line with our other recommendations across the suite of plan changes.
121. Other than those matters set out above we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly and that the chapter be updated as set out in Attachment 3.

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<sup>4</sup> Evidence of Mr Lindenberg for Kainga Ora, paragraph 5.29.

## Topic G: Residential Units

### Relevant Submissions

Submitter	Submission# & Point #
J Olsen	24.1
S Hurman	64.3
S Porter	69.1
G Dow	70.7
K Grundy	73.10
S and H Gray	74.3
D Doar	75.1
F Aiken	87.3
P Hunt	88.3
F Moore	92.3
P Peakins	93.3
C Marriner	96.3
P Batelan	100.3
C Haines	106.3
M Taylor	112.3
J Wilson	122.3
J Percy	133.2
S Percy	134.3
P Ford	141.3
E Teesdale	152.3
J and R Capper	153.3
T Reader	159.3
T King	174.21
M and T Sanders	181.3
M Singleton	182.3
A Lawrie	183.3
J Lawrie	184.3
M and T Sanders	188.3
H Ogle	191.3
B Haufe	197.3
L Stallworthy	199.7
Commercial Centres	210.24
D Barnston	222.3
A Fraser	223.3
N Webb	228.3
Housing NZ	268.67
D Redfearn	273.3
J Edwards	283.8
C Morgan	290.5
Puriri Park Society	301.8

### Principal Issues Raised

- Retention of GRZ-R13 (Principal Residential Units) as notified.
- Deletion of GRZ-R13.
- Amendments to GRZ-R13 to:
  - Decrease the minimum net site area from 450m<sup>2</sup> to 400m<sup>2</sup>.
  - Increase the minimum net site area from 450m<sup>2</sup> to 500m<sup>2</sup>.



### Reporting Planners 42A Recommendation

122. This was dealt with in paragraphs 313 – 317 of the s42A Report and the recommendation from staff was to retain GRZ-R13 as notified.

### Evidence from Submitters and Right of Reply

123. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation to retain GRZ-R13 as notified.
124. Mr Lindenberg presented evidence on behalf of Kāinga Ora requesting that GRZ-R13 be deleted. Mr Burgoyne addressed this on page 15 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
125. No other evidence was specifically presented on this topic.

### Discussion and Reasons

126. We note Mr Lindenberg's evidence regarding this matter, and in particular that he considers the retention of this density rule to be at odds with GRZ-O2 and the expectation that there will be the provision of a range of allotment sizes and densities in the zone. We believe that it is appropriate to retain GRZ-R13 to provide a clear position regarding the anticipated form of permitted suburban built environment within the zone.
127. In relation to those submissions which seek to reduce or increase the proposed 450m<sup>2</sup> lot size, we note the Council's S42A report indicates that:

*'As discussed in the s32 report<sup>34</sup>, an identified issue within the L1 is that many sections are traditionally quarter acre sections (equivalent to 1012m<sup>2</sup>). The WDP provisions (1 residential unit per 500m<sup>2</sup>) are based on net site area rather than gross site area, which makes it difficult to provide complying infill development. In my opinion decreasing the density to 450m<sup>2</sup> will not be materially noticeable when compared to 500m<sup>2</sup> but will provide additional development capacity as discussed in the s32 report.<sup>5</sup>*

128. However from our own examination of lots within the zone we find that there are many of less than a traditional quarter acre, and in these case even the proposed reduction of the permitted site size to 450m<sup>2</sup> would not allow infill development to comply with the rule.
129. We have therefore considered whether a smaller permitted site area would be appropriate. In doing this we have considered the issues, objectives and policies for the zone and believe that the key issue for us is whether a reduced lot size would still achieve the planned suburban built character of the zone, consisting of mainly standalone houses.
130. In most circumstances we believe that allowing a 400m<sup>2</sup> lot size will have little impact on the perceived density or overall character of the zone, as in most circumstances it will only allow a traditional quarter acre (or less) site to be divided into two, as was expected under the 450m<sup>2</sup> option promoted by the Council. It will only be for large sites where efficiencies of land use will allow the achievement of a greater number of lots than would have been possible with the Council's 450m<sup>2</sup> lot size or operative 500m<sup>2</sup> lot size.
131. In considering this matter we are cognisant of the submission by Mr T King<sup>6</sup>, who whilst submitting as a resident is also a Director and Principal of Common Ground Studio, a well-established urban design consultancy:

*'Density as it relates to effects and perceived impacts is NOT a function of lot size for lots below, say, 500m<sup>2</sup>. Density IS a function of site coverage.'*

132. We note that the Council has recommended the insertion of GRZ-RNew2, with a proposed 40% site

<sup>5</sup> Council S42A Report Part 6 paragraph 314

<sup>6</sup> Submission 174

coverage, which addresses the issue raised by Mr King. In view of this we recommend that the maximum density be altered to 1 principal residential unit per 400m<sup>2</sup> net site area. In view of the need to ensure that developments respect the suburban built character of the zone, we have not recommended any alteration to the proposed discretionary activity status for proposals which do not comply with the proposed permitted site area. However, to ensure thorough consideration of relevant issues we have suggested additions to the information requirements of GRZ-REQ1.

133. Other than this matter, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic H: Minor Residential Units

### Relevant Submissions

Submitter	Submission# & Point #
PAAG	97.10
T King	174.22
J Edwards	193.18
Commercial Centres	210.24
Housing NZ	268.68
J Edwards	283.9

### Principal Issues Raised

- Retention of GRZ-R14 (Minor Residential Units) as notified.
- Deletion of GRZ-R14.
- Amendments to GRZ-R14 to change the activity status to restricted discretionary where compliance is not achieved.

### Reporting Planners 42A Recommendation

134. This was dealt with in paragraphs 323 – 326 of the s42A Report and the recommendation from staff was to retain GRZ-R13 as notified.

### Evidence from Submitters and Right of Reply

135. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation to retain GRZ-R14 as notified.
136. Mr Lindenberg presented evidence on behalf of Kāinga Ora requesting that GRZ-R14.2 be deleted so that minor residential units are not required to be in proximity to the associated principal residential unit. Mr Lindenberg also requested that the activity status of GRZ-R14 be amended to restricted discretionary where compliance is not achieved. Mr Burgoyne addressed this on page 16 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
137. No other evidence was specifically presented on this topic.

### Discussion and Reasons

138. We note that it is intended to modify the definition for Minor Residential Unit to match that within the National Planning Standards. This does not include the 15m maximum separation included in the definition as notified and included in GRZ- R14.2. We note that in the RoR Mr Burgoyne indicates that in his opinion that in the GRZ '*sections are relatively small and generally able to achieve the 15m maximum setback.*' We see some merit in retaining the GRZ14.2 as grouping buildings together on the site will potentially assist with achieving the planned suburban built environment more successfully than allowing greater distance between the minor unit and the parent dwelling.
139. In relation to the proposed activity status of a proposal where the GRZ-R14 standards are not met, we

note the concern from submitters regarding the ability to bring forward more intensive developments in the zone. We also note the expectation of GRZ-O1 that such developments are consistent with the planned suburban built environment of the zone. Given this we believe that there should remain the ability to consider all matters to ensure that this is achieved, rather than limit discretion to a smaller number of matters.

140. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic I: Multi Unit Development

### Relevant Submissions

Submitter	Submission# & Point #
Gregory Jones	53.2
S Hurman	64.4
G Dow	70.8
K Grundy	73.12
S and H Gray	74.4
F Aiken	87.4
P Hunt	88.4
F Moore	92.4
P Peakins	93.4
C Marriner	96.4
P Batelan	100.7
C Haines	106.4
M Taylor	112.4
J Wilson	122.4
J Percy	133.4
S Percy	134.2
P Ford	141.4
E Teesdale	152.4
J and R Capper	153.4
T Reader	159.4
Patuharakeke Te Iwi Trust Board (PTB)	173.15
M and T Sanders	181.4
M Singleton	182.4
A Lawrie	183.4
J Lawrie	184.4
M and T Sanders	188.4
H Ogle	191.4
J Edwards	193.10
B Haufe	197.4
L Stallworthy	199.8
Public Health Northland	207.43
Commercial Centres	210.24
K and K Baker	216.16
D Barnston	222.4
A Fraser	223.4
N Webb	228.4
NZTA	240.85
Housing NZ	268.69
D Redfearn	273.4
J Edwards	283.10
C Morgan	290.6
Puriri Park Society	301.10

### **Principal Issues Raised**

- Retention of GRZ-R20 (Multi Unit Development) as notified.
- Deletion of GRZ-R20, or deletion of the reference to the GRZ in the definition of 'multi-unit development'.
- Amendments to GRZ-R20 to:
  - Change the activity status to restricted discretionary where compliance is not achieved.
  - Change the activity status to discretionary where compliance is achieved.
  - Delete the notification exemptions.

### **Reporting Planners 42A Recommendation**

141. This was dealt with in paragraphs 335 – 340 of the s42A Report and the recommendation from staff was to retain GRZ-R20 and the definition of 'multi-unit development' as notified.

### **Evidence from Submitters and Right of Reply**

142. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation to retain GRZ-R20 as notified.
143. Mr Lindenberg presented evidence on behalf of Kāinga Ora requesting that the activity status of GRZ-R20 be amended to restricted discretionary instead of discretionary where compliance is not achieved.
144. Dr Grundy, Ms Morgan, and Ms Edwards presented evidence opposing GRZ-R20 and seeking that it be deleted as they did not consider that it was appropriate to have multi-unit development within the GRZ.
145. Mr Burgoyne addressed the evidence from these submitters on page 16 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
146. No other evidence was specifically presented on this topic.

### **Discussion and Reasons**

147. We note that Dr Grundy, and others, oppose this rule and do not believe that it is appropriate to allow Multi Unit Developments within the GRZ.
148. Whilst we note that we have accepted that GRZ-O2 is appropriate, and that it seeks to achieve a range of allotment sizes, we believe that this can only apply to a range of allotment sizes which fit with the planned suburban built environment of the zone. We have not received clear evidence as to how Multi Unit Development can achieve this, including in terms of the impact such a development could have on the amenity enjoyed by future occupiers even if it were to comply with other GRZ rules. Given this we do not believe that Multi Unit Developments should be permitted in the GRZ and therefore recommend GRZ-R20 is deleted. We further note that the Reporting Officer identified many sections are quarter acre sections (1012m<sup>2</sup>). A Multi Unit Development is defined as three or more principal residential units on a site. With the formation of a driveway to serve these, we estimate that the likely resultant density would be approximately 1 unit per 312m<sup>2</sup>, which would be in stark contrast to the minimum density we have recommended of 400m<sup>2</sup>. This seems in conflict with the zone's stated intention of traditional suburban development with standalone (detached) dwellings.
149. Other than the above, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic J: Activities

### Relevant Submissions

Submitter	Submission# & Point #
K Webby	68.1
G Dow	70.4 – 5
K Grundy	73.8 – 9 and 11
PAAG	97.9
Jessie Trust	104.5
Cato Bolam	107.9
Landowners	138.22
V Kloosterman	204.1
Summerset	205.20 – 21
K and K Baker	216.14 – 15
Housing NZ	268.58
The General Trust Board of the Diocese of Auckland (GTB)	269.9
J Edwards	283.12
C Morgan	290.4
Puriri Park Society	301.7 and 9

### Principal Issues Raised

- Amendments to encourage and enable a range of small business in the GRZ.
- Retention of GRZ-R1 (Any Activity Not Otherwise Listed in this Chapter) as notified.
- Amendments to GRZ-R11 (Supported Residential Care) and R12 (Retirement Village) to:
  - Clarify what is meant by 'site'.
  - Change the activity status to be more restrictive.
  - Change the activity status to restricted discretionary where compliance is not achieved.
  - Change the traffic movement limit to be 25 traffic movements 'per day, per 1000m<sup>2</sup> of the site', rather than 'per day, per site'.
- Amendments to GRZ-R15 – R19 to:
  - Include matters on neighbourhood identity, local character, community coherence, and effects on amenity values as performance standards.
  - Change the activity status to restricted discretionary or discretionary where compliance is achieved.
  - Increase the total area of permitted signage from 0.25m<sup>2</sup> to 1m<sup>2</sup>.
- Amendments to provide for places of assembly, care centre and health care facilities as permitted activities.
- Amendments to GRZ-R29 (Farming) to provide an exemption for temporary grazing and to provide for existing activities without having to rely on existing use rights.
- Inclusion of a new rule to classify coal mining and mineral extraction as prohibited activities.

### Reporting Planners 42A Recommendation

150. This was dealt with in paragraphs 350 – 361 of the s42A Report and the recommendation from staff was to:

- Retain GRZ-R1 and R15 – R19 as notified.
- Amend GRZ-R11 and R12 to provide more clarity.
- Amend the activity status of Place of Assembly to provide for the activity as a permitted activity where the controls of GRZ-R15 – R19 are met.
- Amend the activity status of Farming to be a permitted activity.

#### **Evidence from Submitters and Right of Reply**

151. Ms Kloosterman presented in opposition to the proposed rules and definition of 'seasonal activities'. Ms Kloosterman identified conflicts between the seasonal activities definition and other definitions such as farming and forestry. Mr Burgoyne addressed this on page 17 of his RoR Report. He agreed with the submitter and recommended that the definition of seasonal activities be deleted as it is repetitive of the definitions of 'farming' and 'plantation forestry'.
152. Ms Reid pre-circulated evidence on behalf of GTB seeking specific amendments to the GRZ provisions to provide a new suite of rules for 'care centres' and 'places of assembly'. Ms Reid expressed concern that the recommended rules will be more restrictive than the notified rules as care centres and places of assembly are likely to infringe more than two of the permitted standards in GRZ-R15 – GRZ-RNew4, and would therefore become non-complying activities. Mr Burgoyne addressed this on page 17 of his RoR Report. He agreed in part with the concerns raised by the submitter and recommended that Place of Assembly be amended to be a discretionary activity. Mr Burgoyne provided specific matters of discretion as an alternative option if the Panel was of a mind to consider a restricted discretionary activity status instead.
153. Mr Lindenberg presented evidence on behalf of Kāinga Ora in support of the s42A recommendation to retain GRZ-R1 as notified.
154. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

155. Having considered the evidence before us, we are satisfied that Places of Assembly should remain a discretionary activity where they are non-compliant with Rule GRZ-R21. Whilst the matters of discretion put forward by Mr Burgoyne (in case we should consider a restricted discretionary activity status more appropriate) are reasonably broad, we consider that the potential effects of a place of assembly can be wide ranging and it is more appropriate to retain the recommended discretionary activity status to ensure that all of these matters are considered.
156. In relation to Dr Grundy's and the Puriri Park Society request that amendments be made to GRZ-R15 – R19 to manage neighbourhood identity, local character, community coherence and effects on amenity values, we believe that the Rules already significantly limit the possible effects of these ancillary uses and are content that further amendments are not necessary. We have however recommended that any application (when rules are not complied with) should be subject to the GRZ-REQ1 information requirements. We otherwise agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## **Topic K: Information Requirements**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Public Health Northland	207.44 – 45
Tony Savage	214.7
NZTA	240.85
Housing NZ	268.70

### **Principal Issues Raised**

- Retention of GRZ-REQ1 (Information Requirements – Urban Design and Density) as notified.
- Amendments to GRZ-REQ1 to:
  - Delete the references to GRZ-R13 and R14, so that infringements of GRZ-R13 and R14 would not be required to comply with GRZ-REQ1.
  - Include consideration of active and public transport and to require a social impact assessment.
  - Remove the need for an urban design assessment or provide a more affordable alternative.

### **Reporting Planners 42A Recommendation**

157. This was dealt with in paragraphs 384 – 386 of the s42A Report and the recommendation from staff was to amend GRZ-REQ1 to include consideration of active and public transport modes.

### **Evidence from Submitters and Right of Reply**

158. Mr Shetty presented evidence on behalf of Public Health Northland seeking amendments to GRZ-REQ1 to require a social impact assessment. Mr Burgoyne addressed this on page 18 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
159. Mr Lindenberg presented evidence on behalf of Kāinga Ora supporting the recommended amendments to GRZ-REQ1. However, in Mr Lindenberg's track changes of the GRZ chapter he included changes to GRZ-REQ1 to delete the references to GRZ-R13.1 and 14.1. Mr Burgoyne addressed this on page 18 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
160. No other evidence was specifically presented on this topic.

### **Discussion and Reasons**

161. As discussed above in relation to Topic G: Residential Units we have provided updates to GRZ-REQ1 to ensure a thorough consideration of relevant issues.
162. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted in part or rejected accordingly.



## Part V Medium Density Residential Zone (MRZ)

### Topic A: Whole Plan Change

#### Relevant Submissions

Submitter	Submission# & Point #
Doug and Robyn Gow	39.1
Patricia Donaldson	190.1
Patrick Tattley	303.1

#### Principal Issues Raised

- General opposition to the proposed MRZ, with specific concerns regarding stormwater and transport issues.

#### Reporting Planners 42A Recommendation

164. This was dealt with in paragraphs 390 – 392 of the s42A Report and the recommendation from staff was to retain the MRZ as notified.

#### Evidence from Submitters and Right of Reply

165. No evidence was specifically presented on this topic.

#### Discussion and Reasons

166. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly noting that amendments to the MRZ are recommended in response to other submissions.

### Topic B: Corrections and Clarifications

#### Relevant Submissions

Submitter	Submission# & Point #
PAAG	97.20
Megan and Barry Squire	117.1
J Edwards	193.23
PNJV	224.39
J Edwards	283.1

#### Principal Issues Raised

- Clarification is required of 'site' within MRZ-R12 (Supported Residential Care) and R13 (Retirement Villages).
- Clarification that existing use rights would be afforded to existing activities.
- Correction of errors in the s32 Report.

#### Reporting Planners 42A Recommendation

167. This was dealt with in paragraphs 397 – 401 of the s42A Report and the recommendation from staff was to retain the MRZ as notified. Mr Burgoyne acknowledged the identified s32 errors.

#### Evidence from Submitters and Right of Reply

168. Ms Edwards confirmed that she accepted the recommendations in the S42A report.



169. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

170. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly noting that amendments to the MRZ are recommended in response to other submissions.

### Topic C: Overview

#### Relevant Submissions

Submitter	Submission# & Point #
PAAG	97.13
Summerset	205.2
Housing NZ	268.25

#### Principal Issues Raised

- General support for the MRZ Overview (now referred to as *Issues*).
- Amendments to the Issues to:
  - Acknowledge that retirement villages utilise communal gardens and outdoor living spaces.
  - Acknowledge that the zone provides for improved housing affordability and a range of housing typologies including apartments and 'walk-ups'.

#### Reporting Planners 42A Recommendation

171. This was dealt with in paragraphs 405 – 406 of the s42A Report and the recommendation from staff was to amend the MRZ Issues as requested by submitters, apart from the specific reference to retirement villages.

#### Evidence from Submitters and Right of Reply

172. No evidence was specifically presented on this topic.

#### Discussion and Reasons

173. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or accepted in part accordingly.

### Topic D: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.54
Public Health Northland	207.19 – 20
Commercial Centres	210.18
Housing NZ	268.26 – 27

#### Principal Issues Raised

- Retention of MRZ-O1 – O4 as notified.
- Amendments to MRZ-O2 to include reference to 'sustainability'.

- Amendments to MRZ-O3 to include reference to the high density built environment of the zone.
- Amendments to MRZ-O4 to provide a more enabling policy framework for non-residential activities.
- Inclusion of a new objective relating to health and safety.

#### **Reporting Planners 42A Recommendation**

174. This was dealt with in paragraphs 412 – 417 of the s42A Report and the recommendation from staff was to retain the MRZ objectives as notified.

#### **Evidence from Submitters and Right of Reply**

175. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation to retain MRZ-O1 – O3 as notified.
176. Mr Lindenberg presented evidence on behalf of Kāinga Ora in support of the s42A recommendation to retain the MRZ objectives as notified.
177. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation to retain MRZ-O4 as notified.
178. No evidence was specifically presented on this topic.

#### **Discussion and Reasons**

179. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic E: Policies**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
PAAG	97.15 – 18
Fire NZ	165.55
T King	174.10 – 11
Summerset	205.3 – 7
Public Health Northland	207.21 – 25
Commercial Centres	210.19
WDC Planning	236.99
NZTA	240.86
Housing NZ	268.28 – 33

#### **Principal Issues Raised**

- Retention of MRZ-P1, P3, P5, P9, and P10 as notified.
- General support for MRZ-P1 and P8.3.
- Deletion of MRZ-P2, P4, and P6.6.
- Amendments to MRZ-P1 to:
  - Provide for the option of providing communal gardens and communal outdoor living space instead of public open space.
  - Include reference to 'apartments' in MRZ-P1.2.

- Replace 'conveniently' with 'equitably'.
- Amendments to MRZ-P2 to:
  - Replace the words 'and design of existing' with 'and environment'.
  - Replace 'sympathetic' with 'complimentary'.
  - Include reference to the high density built environment of the zone and replace 'minimised' with 'appropriately managed'.
- Amendments to MRZ-P3 to delete 'private'.
- Amendments to MRZ-P4 to include reference to 'public' outdoor living spaces.
- Amendments to MRZ-P6 to:
  - Exempt retirement villages and require consideration of the nature of development and any functional need for bulk and scale.
  - Include reference to the high density built environment of the zone and replace 'avoids' with 'minimises'.
  - Provide greater clarity regarding 'articulated'.
- Amendments to MRZ-P7 to replace 'protect' with 'maintain'.
- Amendments to MRZ-P8 to replace 'avoided' with 'minimised' in MRZ-P8.2 and to delete 'existing' from MRZ-P8.3.
- Amendments to MRZ-P9.1 to replace 'established commercial centres' with 'Business Zones'.
- Amendments to MRZ-P11 to:
  - Include reference to 'active transport modes'.
  - Delete the words 'where practicable are avoided' from MRZ-P11.3.
  - Replace 'limited' with 'avoided' in MRZ-P11.4 and to require connections to open space, services and facilities to be 'prioritised'.
- Inclusion of a new policy relating to safety and Crime Prevention Through Environmental Design.

#### **Reporting Planners 42A Recommendation**

180. This was dealt with in paragraphs 442 – 456 of the s42A Report and the recommendation from staff was to:

- Retain MRZ-P5 and P10 as notified.
- Delete MRZ-P2.
- Amend MRZ-P1 to include reference to 'apartments'.
- Amend MRZ-P3 to delete 'private'.
- Amend MRZ-P4 to include 'access to'.
- Amend MRZ-P6 to provide greater clarity to MRZ-P6.3 and to improve the efficiency and effectiveness of MRZ-P6.6.

- Amend MRZ-P7 to replace 'protect' with 'maintain'.
- Amend MRZ-P8 to replace 'avoided' with 'minimised' in MRZ-P8.2 and to delete 'existing' from MRZ-P8.3.
- Amend to MRZ-P9.1 to replace 'established commercial centres' with 'Business Zones'.
- Amend GRZ-P11 to include reference to 'pedestrian and vehicular' connections.

#### **Evidence from Submitters and Right of Reply**

181. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation regarding MRZ-P1.
182. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding MRZ-P9.
183. Mr Lindenberg presented evidence on behalf of Kāinga Ora requesting that MRZ-P4 be amended to include 'or public open space' at the end of the sentence. Mr Lindenberg also requested that the phrase 'where practicable avoided' be deleted from MRZ-P11.3. Mr Lindenberg supported the s42A Recommendations regarding MRZ-P1 – P3, P5 – P7, P9, and P10. Mr Burgoyne addressed this on page 19 of his RoR Report. His opinion and recommendation to reject the submission point on MRZ-P11.3 had not changed. Mr Burgoyne supported the amendment to MRZ-P4 for the reasons outlined by Mr Lindenberg and recommended that the policy be amended to include 'or public open space'.
184. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

185. Whilst we recognise that both Mr Lindenberg and Mr Burgoyne now agree on the amendments to MRZ-P4 to make reference to public open space, we note (as referred to in the s42A report) that the National Planning Standards define an 'Outdoor Living Space' as '*means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated*'. We are of the opinion that there is no certainty that a public space, not in the control or ownership of an applicant/developer (and ultimately a future property owner), will remain available for the use of future occupants and meet the requirements of MRZ-O3 in the same way that a privately owned outdoor living court/outdoor living space included as part of the application site could (subject to appropriate conditions on any consent granted). Given this, we believe that it would not be appropriate to amend the MRZ-P4 to make reference to public spaces. We therefore recommend that this change is not made.
186. Other than our recommendation regarding MRZ-P4, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly

## **Topic F: Bulk and Location**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
PAAG	97.14 and 19
Cato Bolam	107.6 and 8
Landowners	138.23 – 24
Fire NZ	165.56
T King	174.5, 12, 14, 15, 16, 18 and 19
Summerset	205.8 – 9
R Mortimer	209.1
PNJV	224.35 – 38
Housing NZ	268.35 – 43
C Poynter	297.4 – 6

### Principal Issues Raised

- Deletion of MRZ-R7, R8.2 – 3, R9, and R10.
- Inclusion of a new building coverage rule with a maximum net site area building coverage 45%.
- Amendments to the bulk and location rules to change the activity status from discretionary to restricted discretionary where compliance is not achieved.
- Amendments to MRZ-R2 (Building Height) to:
  - Decrease the maximum height to 8m.
  - Increase the maximum height for retirement villages to 14m.
  - Increase the maximum building height to 12m for sloped roofs.
- Amendments to MRZ-R3 (Building Setbacks) to:
  - Provide more clarity.
  - Amendments to GRZ-R3 to replace the building setback rules with 'yard' rules and amend the measurements to enable reduced setbacks.
  - Increase the setback requirements.
- Amendments to MRZ-R4 (Building Height in Relation to Boundary) to delete and review the rule and to provide a range of options, specific to the adjacent zoning, and to provide optionality in the form and typology of residential development.
- Amendments to MRZ-R5 (Outdoor Living Courts) to:
  - Rewrite the rule to require two separate outdoor living courts (one private and one public) with various requirements.
  - Reduce the size required for outdoor living courts.
- Amendments to MRZ-R7 (Landscaping) to:
  - Make the rule controlled.
  - Include requirements for a minimum permeable area and front yard landscaping.
- Amendments to MRZ-R8 (Fences) to:
  - Rewrite the rule to improve clarity.
  - Include notification exemptions.
  - Change the fence height limits so that fences have a maximum height of 1.8m on side and rear boundaries and 1.2m in front yards.
- Amendments to GRZ-R10 (Car Parking) to enable stacked parking in front of garages.

### Reporting Planners 42A Recommendation

187. This was dealt with in paragraphs 486 – 508 of the s42A Report and the recommendation from staff was to:

- Retain MRZ-R5, R6, R8, and R9 as notified.

- Delete MRZ-R7.
- Amend the activity status of MRZ-R3.1(a), R3.2, R3.3, R4, and R8 – R11 to restricted discretionary where compliance is not achieved.
- Amend MRZ-R2 to increase the maximum building height to 12m for sloped roofs
- Amend MRZ-R3 to improve clarity.
- Amend GRZ-R4 to provide exemptions for gable ends, dormers, and roofs, and to provide an alternative height in relation to boundary option.
- Amend GRZ-R10 to only refer to 'formed' car parking spaces.
- Include a new Building Coverage rule with a maximum net site area coverage of 45%.

#### Evidence from Submitters and Right of Reply

188. Mr Poynter presented in support of his original submission opposing the proposed MRZ building height and setback rules requesting that the building height be reduced and that the setbacks be increased. Mr Burgoyne addressed this on page 20 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
189. Mr Lindenberg presented evidence on behalf of Kāinga Ora in support of the original submission seeking various amendments to MRZ-R2, R3, R4, R5, R6, R8, R9, and R10. Mr Burgoyne addressed this on page 19 of his RoR Report. His opinion and recommendation to reject the submission points had not changed, except for the requested amendments to MRZ-R5. Mr Burgoyne considered it appropriate to amend MRZ-R5 to be consistent with the outdoor living court requirements in other zones and recommended amendments to decrease the required outdoor living space.
190. Ms Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding MRZ-R3
191. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

192. As above, in our discussion regarding the equivalent GRZ rules, we have carefully considered the views of both Mr Lindenberg and Mr Burgoyne regarding those rules where the Council still propose in the RoR that non-compliance still triggers a Discretionary consent. We again take particular note of Mr Lindenberg's view that *'the use of a restricted discretionary activity framework, rather than the notified discretionary activity approach, provides for better certainty for Plan users as to the nature of effects that need to be assessed in relation to the activity... Given the potential effects are well understood, there is no marginal benefit to retaining a discretionary activity status over a restricted discretionary status. There is however a likely cost in retaining the discretionary activity status insofar as the perceived 'consent risk / costs' will influence development to be within the permitted activity thresholds, thereby resulting in predominantly one built form.'*<sup>7</sup>
193. Having considered this matter we believe that the effects associated with non-compliance with MRZ-R2, MRZ-R3.1(b) and MRZ-R6 are, as set out in the evidence of Mr Lindenberg, well understood. Indeed, in the case of MRZ-R3.1(b) and MRZ-R6 we consider that there is significant merit in restricting the matters of discretion to ensure that all appropriate matters are addressed. We therefore agree with his view that a Restricted Activity status for applications for non-compliance for these rules is therefore appropriate.
194. We have considered the appropriate activity status of MRZ-R21 below.
195. Other than these matters, we agree with the recommendations as set out in the s42A Report and in the

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<sup>7</sup> Evidence of Mr Lindenberg for Kainga Ora, paragraph 5.29.

RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic G: Residential Units

### Relevant Submissions

Submitter	Submission# & Point #
PAAG	97.21 – 22
T King	174.21 – 22
Commercial Centres	210.20
Housing NZ	268.44

### Principal Issues Raised

- Retention of MRZ-R14 (Principal residential Units) and R15 (Minor Residential Units) as notified.
- Deletion of MRZ-R14 and R15.
- Amendments to MRZ-R14 to:
  - State: 'smaller and tiny house residential dwellings will be encouraged'.
  - Make the rule controlled.
  - Review MRZ-R14.1 based on real world examples.

### Reporting Planners 42A Recommendation

196. This was dealt with in paragraphs 513 – 517 of the s42A Report and the recommendation from staff was to amend MRZ-R14 and R15 to reduce the minimum floor areas required for residential units.

### Evidence from Submitters and Right of Reply

197. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation regarding MRZ-R14 and R15.
198. Ms Lieffering presented on behalf of PAAG requesting specific provisions to enable 'tiny houses' and 'tiny villages'.
199. Matthew Lindenberg presented evidence on behalf of Kāinga Ora requesting that MRZ-R14.1 and R15.1 be deleted so that there are no minimum unit sizes prescribed for residential units.
200. Mr Burgoyne addressed the evidence from these submitters on page 20 of his RoR Report. His opinion and recommendations from the s42A Report had not changed.
201. No other evidence was specifically presented on this topic.

### Discussion and Reasons

202. Whilst we note Kainga Ora's view that prescribing minimum dwelling sizes do not provide for flexibility or optionality in typology, or assist with helping to improve the affordability of housing, we are content that the smaller unit sizes within the rule provide a reasonable benchmark and note that non-compliance triggers a restricted discretionary consent with clearly focused matters of discretion.
203. However, we are less convinced by the need for the rule to include dwelling sizes for dwellings larger than three bedroom and are content that the market will decide appropriate sizing for these. We also note that the standards within MRZ-R14 for units larger than three bedrooms does not align with other rules across the plan.



204. Given this we recommend that MRZ-R14 be amended to remove reference to units larger than three bedrooms as set out in Attachment 4. Other than this matter, we agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic H: Multi Unit Development

### Relevant Submissions

Submitter	Submission# & Point #
G Jones	53.2
PTB	173.15
Commercial Centres	210.20
NZTA	240.87
Housing NZ	268.45

### Principal Issues Raised

- Retention of MRZ-R21 (Multi Unit Development) as notified.
- Amendments to MRZ-R21 to:
  - Change the activity status to restricted discretionary where compliance is not achieved.
  - Not require compliance with MRZ-R9 to classify as a restricted discretionary activity.
  - To delete 'or' from 'and/or' in MRZ-R21.4(c).
  - Delete the notification exemptions.

### Reporting Planners 42A Recommendation

205. This was dealt with in paragraphs 523 – 527 of the s42A Report and the recommendation from staff was to amend MRZ-R21 to delete 'or' from 'and/or' in MRZ-R21.4(c).

### Evidence from Submitters and Right of Reply

206. Ms Baguley presented on behalf of Commercial Centres Ltd in support of the s42A recommendation regarding MRZ-R21.
207. Mr Lindenberg presented evidence on behalf of Kāinga Ora requesting that the activity status of MRZ-R21 be amended to restricted discretionary instead of discretionary where compliance is not achieved, with specific matters of discretion. Mr Burgoyne addressed this on page 20 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
208. No other evidence was specifically presented on this topic.

### Discussion and Reasons

209. We have carefully considered the evidence of Mr Lindenberg and Mr Burgoyne regarding the appropriate activity status when the relevant rules are not met. Whilst this is a zone where Multi Unit Development is expected we believe that non-compliance with the relevant rules should bring the opportunity to consider all relevant matters, including objectives and policies for the zone rather than to limit discretion to a smaller number of matters. We therefore agree with Mr Burgoyne that it is appropriate to retain a Discretionary activity status for non-complying proposals. In support of this we have clarified that the MRZ-REQ1 information requirements apply to such an application (as already noted in MRZ-REQ1) and clarified the matters of discretion to better align with the MRZ-REQ1 information requirements. We have also recommended that restricted discretionary activity status requires compliance with a wider range of additional rules to give effect to MRZ-P5



210. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic I: Activities

### Relevant Submissions

Submitter	Submission# & Point #
Landowners	138.25 – 26
L Doran	155.1
Summerset	205.10 – 11
Housing NZ	268.34
GTB	269.3 – 9

### Principal Issues Raised

- General request that more commercial uses be provided for in the MRZ.
- Retention of MRZ-R1, R10 and R19 as notified.
- Amendments to MRZ-R13 (Retirement Village) to:
  - Change the activity status to restricted discretionary where compliance is not achieved.
  - Change the traffic movement limit to be 25 traffic movements 'per day, per 1000m<sup>2</sup> of the site', rather than 'per day, per site'.
- Amendments to MRZ-R16 – R20 to make the rules more permissive for non-residential activities.
- Inclusion of a new rule to classify coal mining and mineral extraction as prohibited activities.

### Reporting Planners 42A Recommendation

211. This was dealt with in paragraphs 536 – 544 of the s42A Report and the recommendation from staff was to:
- Retain MRZ-R1, R10, R13, and R16 – R20 as notified.
  - Amend the activity status of Place of Assembly to provide for the activity as a permitted activity where the controls of MRZ-R16 – R20 are met.

### Evidence from Submitters and Right of Reply

212. Ms Reid pre-circulated evidence on behalf of GTB seeking specific amendments to the MRZ provisions to provide a new suite of rules for 'care centres' and 'places of assembly'. Ms Reid expressed concern that the recommended rules will be more restrictive than the notified rules as care centres and places of assembly are likely to infringe more than two of the permitted standards in MRZ-R16 – R20, and therefore would become non-complying activities. Mr Burgoyne addressed this on page 20 of his RoR Report. He agreed in part with the concerns raised by the submitter and recommended that Place of Assembly be amended to be a discretionary activity.
213. Ms Doran presented evidence clarifying that her original submission primarily related to the zoning along Western Hills Drive rather than the MRZ rules.
214. No other evidence was specifically presented on this topic.

### Discussion and Reasons

215. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given

and agree that the submissions should be accepted, accepted in part or rejected accordingly. We have discussed Ms Doran's submission in Report 9 - Zoning.

## Topic J: Information Requirements

### Relevant Submissions

Submitter	Submission# & Point #
PTB	173.16
Public Health Northland	207.26, 27, 28, 40
T Savage	214.7
NZTA	240.88
Housing NZ	268.46

### Principal Issues Raised

- Retention of MRZ-REQ1 (Information Requirements – Urban Design and Density) as notified.
- Amendments to MRZ-REQ1 to:
  - Include consideration of active and public transport and stormwater management, and to require a social impact assessment.
  - Include consideration of Māori design elements and mana whenua consultation.
  - Remove the need for an urban design assessment or provide a more affordable alternative.

### Reporting Planners 42A Recommendation

216. This was dealt with in paragraphs 560 – 564 of the s42A Report and the recommendation from the Reporting Officer was to amend MRZ-REQ1 to include consideration of active and public transport modes, and consideration of Māori design elements and mana whenua consultation. Mr Burgoyne recommended consequential amendments to GRZ-REQ1 as well to ensure consistency.

### Evidence from Submitters and Right of Reply

217. Mr Shetty presented evidence on behalf of Public Health Northland seeking amendments to MRZ-REQ1 to require a social impact assessment. Mr Burgoyne addressed this on page 21 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
218. No other evidence was specifically presented on this topic.

### Discussion and Reasons

219. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted in part or rejected accordingly. In view of the matters raised by Dr Grundy and Ms Edwards regarding the need to ensure that new development maintains the existing sense of place of the Whangārei we have recommended amendments to the requirements of MRZ-REQ1.

## Recommendations

220. For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachments 1, 2, 3, and 4.
2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 6 of the s42A Report and as amended by the Part 6 of the RoR for the:
  - a. Large Lot Residential Zone (LLRZ)
  - b. Low Density Residential Zone (LRZ)
  - c. General Residential Zone (GRZ)
  - d. Medium Density Residential Zone (MRZ)

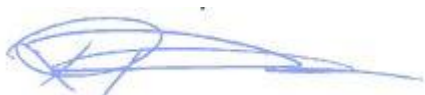
With amendments to:

- a. GRZ-R2, GRZ-R3.3, GRZ-R6, MRZ-R2, MRZ-R3.1(b) and MRZ-R6 to alter the activity status to restricted discretionary when they do not comply with the listed rules, along with the addition of relevant assessment criteria.
- b. GRZ-R20 amended to require compliance with GRZ-R5 and assessment criteria amended.
- c. Not support update of MRZ-P4 to make reference to public open space.
- d. MRZ-R14 to remove reference to dwellings greater than 3 bedrooms.
- e. MRZ-REQ1 and GRZ-REQ1 to further refine the information required.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# Large Lot Residential Zone (LLRZ)

## Issues

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

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

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

## Objectives

LLRZ-O1 – Living Opportunities	Provide opportunities for people to live in close proximity to Whangārei City and associated amenities, in a manner that safeguards rural character and ecological and productive values.
LLRZ-O2 – Character and Amenity	Preserve rural character and amenity whilst enabling large lot residential development.
LLRZ-O3 – Clusters	Maximise the extent of privacy, openness and rural outlook between residential clusters.
LLRZ-O4 – Reverse Sensitivity	Manage reverse sensitivity where the uninhabited spaces around clusters are, or can be, used for productive agricultural or horticultural activities.
LLRZ-O5 – Non-Residential Activities	Small scale non-residential activities are provided for where their effects are compatible with a Large Lot Residential Zone.
LLRZ-O6 – Allotment Size	Residential allotment sizes are no larger than necessary to provide sufficient area for dwellings, accessory buildings and curtilage.

## Policies

LLRZ-P1 – Rural Character and Amenity	<p>To preserve rural character and amenity whilst enabling large lot residential development in a transitional zone and maintaining factors that contribute to rural character including:</p> <ol style="list-style-type: none"> <li>1. Dominance of natural landforms with built features and roading subservient to and cohesive with these.</li> <li>2. A sense of spaciousness.</li> </ol>
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# Large Lot Residential Zone (LLRZ)

	<ol style="list-style-type: none"> <li>Low night time light levels.</li> <li>Dominance of natural features including landforms, watercourses, and vegetation.</li> </ol>
LLRZ-P2 – Earthworks	To manage the effects of soil disturbance, dust, and sediment runoff by limiting the maximum area of exposed earthworks.
LLRZ-P3 – Reverse Sensitivity	To manage reverse sensitivity effects by preventing sensitive activities from being located in close proximity to the boundary of a Quarrying Resource Area, the Heavy Industrial Zone or the Rural Production Zone.
LLRZ-P4 – Privacy and Sunlight	<p>To maintain amenity, avoid dominance of buildings and loss of access to sunlight, and to maintain a high level of privacy by:</p> <ol style="list-style-type: none"> <li>Managing the height of buildings and the height of buildings in relation to the distance from site boundaries.</li> <li>Locating and orientating building areas to ensure each have a rural outlook.</li> </ol>
LLRZ-P5 – Highly Versatile Soils	<p>To preserve the productive capacity of highly versatile soils by:</p> <ol style="list-style-type: none"> <li>Limiting the extent of building coverage.</li> <li>Requiring the indefinite retention of 50% of the site.</li> <li>Requiring subdivision design and location of proposed building areas to be located on the least productive land.</li> </ol>
LLRZ-P6 – Biodiversity	To preserve rural character and amenity and to enhance biodiversity by protecting areas of indigenous vegetation and habitats, and precluding earthworks or the construction of buildings or structures in identified areas.
LLRZ-P7 – Road Setbacks	To avoid ribbon development and maintain the rural outlook from State Highways and roads shown on the planning maps, by ensuring buildings and building areas are setback from the road boundary.
LLRZ-P8 – Residential Intensity and Yield of Subdivision	<p>To avoid the loss of a sense of open space and rural outlook by:</p> <ol style="list-style-type: none"> <li>Limiting the density of residential units.</li> <li>Limiting the yield of subdivision to reflect a large lot residential intensity of development.</li> <li>Requiring uninhabited spaces between residential clusters to be contiguous and protected in perpetuity.</li> </ol>
LLRZ-P9 – Non-Residential Activities	To protect character and amenity by restricting the establishment of non-residential activities and ensuring that any non-residential ancillary activities are of a design, scale and appearance that is compatible with a large lot residential context.
LLRZ-P10 – Esplanade Areas	To protect esplanade areas and to reserve waterfront walkways by avoiding impervious areas adjacent to Mean High Water Springs and river banks.
LLRZ-P11 – Lot Size	To minimise the amount of unproductive land use and unnecessary curtilage by requiring additional residential allotments to be as small as practicable.
LLRZ-P12 – Clustering	To consolidate built form and locate new building areas near any existing

# Large Lot Residential Zone (LLRZ)

	or proposed building areas so as to maximise the extent of uninhabited space between residential clusters.
LLRZ-P13 – Subdivision Design	<p>To design subdivision and development to preserve rural character and amenity by:</p> <ol style="list-style-type: none"> <li>1. Recognising and taking into account all site specific elements and features.</li> <li>2. Requiring the maintenance and enhancement of any existing indigenous vegetation and habitats and natural waterbodies.</li> <li>3. Recognising and maintaining any Sites of Significance to Māori.</li> </ol>
LLRZ-P14 – Environmental Enhancement	To consider multi-unit or infill development on those lots smaller than 2,500m <sup>2</sup> where higher densities of development are off-set by significant enhancement of natural and environmental features.
LLRZ-P15 – Indigenous Vegetation	To preserve rural character and amenity and to enhance biodiversity by limiting clearance of indigenous vegetation or the disturbance of land in identified significant habitats.

## Rules

LLRZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
LLRZ-R2	Minor Buildings	
	<p>Activity Status: Permitted</p> <p><i>Note: Minor buildings are exempt from rules LLRZ-R2 – R5.</i></p>	
LLRZ-R3	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is 8m above ground level.</li> </ol>	Activity Status when compliance not achieved: Discretionary
LLRZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures <del>is</del> are set back at least:</li> </ol>	Activity Status when compliance not achieved: Discretionary

# Large Lot Residential Zone (LLRZ)

- a. 20m from road boundaries shown on the planning maps.
- b. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
2. All buildings and major structures are located within 50m of:
  - a. An existing building or major structure; or
  - b. An approved building area within the Large Lot Residential Zone; or
  - c. A site within a Residential Zone.

LLRZ-R5	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and the any site boundary.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LLRZ-R6	Building and Major Structure Coverage	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum cumulative building and major structure coverage is 500m<sup>2</sup> on any site.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LLRZ-R7	Impervious Areas	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All cumulative impervious areas (including buildings) within the site are less than 1,000m<sup>2</sup> of the site area.</li> <li>2. The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Large Lot Residential Zone (LLRZ)

(excluding bridges, culverts and fences).

LLRZ-R8	Indigenous Vegetation Clearance	
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. The clearance of indigenous vegetation:</p> <p>Either</p> <p>a. Does not exceed 500m<sup>2</sup> per site within each 10 year period from [operative date]; and</p> <p>b. Is not within 20m of a water body.</p> <p>or</p> <p>c. Is within a single urban environment allotment.</p> <p>or</p> <p>d. Is associated with:</p> <p>i. Routine maintenance within 7.5m of the eaves of existing buildings:</p> <p>a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.</p> <p>b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.</p> <p>ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities.</p> <p>iii. Pest plant removal and biosecurity works.</p> <p>iv. Vegetation removal for customary rights.</p> <p>v. Conservation planting, including planting for ecological restoration purposes.</p>	<p>Activity Status when compliance not achieved: Discretionary</p>
LLRZ-R9	Earthworks	
	<p>Activity Status: Permitted</p>	<p>Activity Status when compliance not achieved: Discretionary</p>



# Large Lot Residential Zone (LLRZ)

Where:

1. Within a 12 month period less than 2,000m<sup>2</sup> of soil is exposed at any one time.
2. Any cut or fill height is less than 2m.

## LLRZ-R10

### Outdoor Areas of Storage or Stockpiles

Activity Status: Permitted

Where:

1. The outdoor area of storage or stockpile:
  - a. Complies with rules LLRZ-R2 – R5.
  - b. Is screened from view from adjacent public places and surrounding sites, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].

Activity Status when compliance not achieved: Discretionary

## LLRZ-R11

### Residential Unit

Activity Status: Permitted

Where:

1. The maximum density will not exceed one residential unit per 5,000m<sup>2</sup>, provided that one residential unit is permitted on an allotment of any size with the exception being any allotment in areas protected under LLRZ-R10.2 and SUB-R3.1.
2. The residential unit is not constructed or located within an area previously identified as an area for indefinite retention, such as a no build, no residential or conservation covenant, consent notice or similar.

Activity Status when compliance not achieved with:

Rule LLRZ-R10.1 Discretionary  
 Rule LLRZ-R10.2 Prohibited

## LLRZ-R12

### Sensitive Activity

Activity Status: Permitted

Where:

1. The sensitive activity is set back further than:

Activity Status when compliance not achieved: Discretionary

# Large Lot Residential Zone (LLRZ)

- a. 500m from a Quarrying Resource Area.
- b. 500m from a Heavy Industrial Zone
- c. 30m from the Rural Production Zone.

LLRZ-R13	Commercial Service
LLRZ-R14	Artisan Industrial Activities
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. The activity:</p> <ul style="list-style-type: none"> <li>a. Is an ancillary activity to a residential unit on site.</li> <li>b. Does not exceed the use of 45m<sup>2</sup> GFA or 15% of the total GFA of all buildings on the site, whichever is the lesser.</li> <li>c. Has a total area of signage no greater than 0.25m<sup>2</sup> per site.</li> <li>d. Does not have illuminated or moving signage.</li> <li>e. Generates less than 20 traffic movements per site, per day.</li> <li>f. Operates or is open for visitors, clients, deliveries or servicing outside of the hours of 06:00 - 22:00.</li> <li>g. Does not have car parking located between the activity and the road.</li> <li>h. Does not involve, in addition to the principal operator, more than two other persons engaged in providing the activity.</li> </ul>
	Activity Status when compliance not achieved: Discretionary
LLRZ-R15	Farming
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>
LLRZ-R16	Place of Assembly
LLRZ-R17	Recreational Facilities

# Large Lot Residential Zone (LLRZ)

LLRZ-R18	Educational Facilities
LLRZ-R19	Supported Residential Care
LLRZ-R20	Retirement Village
LLRZ-R21	Visitor Accommodation
LLRZ-R22	Care Centre
Activity Status: Discretionary Where: 1. The activity is a primary activity or ancillary activity.	

LLRZ-R23	Plantation Forestry
LLRZ-R24	Intensive Livestock Farming
LLRZ-R25	Farm Quarrying
LLRZ-R26	General Industry
LLRZ-R27	Manufacturing
LLRZ-R28	Storage
LLRZ-R29	Repair and Maintenance Services
LLRZ-R30	Marine Industry
LLRZ-R31	Motor Vehicle Sales
LLRZ-R32	Garden Centres
LLRZ-R33	Marine Retail
LLRZ-R34	Drive Through Facilities
LLRZ-R35	Hire Premise
LLRZ-R36	Service Stations
LLRZ-R37	Funeral Home
LLRZ-R38	Trade Suppliers
LLRZ-R39	Grocery Store
LLRZ-R40	General Retail
LLRZ-R41	Food and Beverage Activity
LLRZ-R42	Entertainment Facilities

# Large Lot Residential Zone (LLRZ)

LLRZ-R43	Emergency Services
LLRZ-R44	Hospital
LLRZ-R45	General Commercial
LLRZ-R46	General Community
Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	

LLRZ-R46	Waste Management Facility
LLRZ-R47	Landfill
Activity Status: Prohibited Where: 1. The activity is a primary activity or ancillary activity.	



# Low Density Residential Zone (LRZ)

## Issues

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

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

## Objectives

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

## Policies

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

# Low Density Residential Zone (LRZ)

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

## Rules

LRZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
LRZ-R2	Minor Buildings	
	Activity Status: Permitted <i>Note: Minor buildings are exempt from rules LRZ-R2 – R5.</i>	
LRZ-R3	Building and Major Structure Height	
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is 8m above ground level.</li> </ol>	Activity Status when compliance not achieved: Discretionary
LRZ-R4	Building and Major Structure Setbacks	
	Activity Status: Permitted Where:	Activity Status when compliance not achieved with LRZ-R4.1(a) – (b): Restricted Discretionary

# Low Density Residential Zone (LRZ)

<ol style="list-style-type: none"> <li>All buildings and major structures are set back at least:               <ol style="list-style-type: none"> <li>4.5m from road boundaries.</li> <li>3m from side and rear boundaries, allowing for one 2m setback.</li> <li>27m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> </li> </ol>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on the streetscape character of the area.</li> <li>Effects on the safety and efficiency of the transport network.</li> </ol> <p>Activity Status when compliance not achieved with LRZ-R4.1(c): Discretionary</p>				
<table border="1"> <tr> <th data-bbox="183 869 351 929">LRZ-R5</th><th data-bbox="351 869 1436 929">Building and Major Structure Height in Relation to Boundary</th></tr> <tr> <td data-bbox="183 929 893 1444"> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.</li> </ol> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <li><i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i></li> </ol> </td><td data-bbox="893 929 1436 1444"> <p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining and adjacent properties.</li> </ol> </td></tr> </table>		LRZ-R5	Building and Major Structure Height in Relation to Boundary	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.</li> </ol> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <li><i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i></li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining and adjacent properties.</li> </ol>
LRZ-R5	Building and Major Structure Height in Relation to Boundary				
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.</li> </ol> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <li><i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i></li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining and adjacent properties.</li> </ol>				
<table border="1"> <tr> <th data-bbox="183 1485 351 1545">LRZ-R6</th><th data-bbox="351 1485 1436 1545">Building and Major Structure Coverage</th></tr> <tr> <td data-bbox="183 1545 893 1971"> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum cumulative building and major structure coverage is 25% of the net site area.</li> </ol> </td><td data-bbox="893 1545 1436 1971"> <p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Visual dominance of buildings and major structures.</li> </ol> </td></tr> </table>		LRZ-R6	Building and Major Structure Coverage	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum cumulative building and major structure coverage is 25% of the net site area.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Visual dominance of buildings and major structures.</li> </ol>
LRZ-R6	Building and Major Structure Coverage				
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum cumulative building and major structure coverage is 25% of the net site area.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Visual dominance of buildings and major structures.</li> </ol>				



# Low Density Residential Zone (LRZ)

LRZ-R7	Impervious Areas	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The impervious area within the site does not exceed 35% of the net site area-</li> <li>2. The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LRZ-R8	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The fence has a maximum height of 2m above ground level.</li> <li>2. The fence is not fortified with broken glass.</li> <li>3. The fence is not fortified with <del>or</del> any form of electrification or barbed wire except for stock exclusion purposes.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects of shading and visual dominance on adjoining properties.</li> <li>2. Urban design and passive surveillance.</li> <li>3. Effects on streetscape character and amenity.</li> <li>4. Health and safety effects.</li> </ol>
LRZ-R9	Car Parking	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Formed car parking spaces are located at least 2m from any road boundary, excluding any on-street car parking.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on the safety and efficiency of the transport network.</li> <li>2. Effects on pedestrian and cyclist safety and navigability.</li> <li>3. Effects on streetscape character and amenity.</li> </ol>
LRZ-R10	Indigenous Vegetation Clearance	
	<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Low Density Residential Zone (LRZ)

1. The clearance of indigenous vegetation:
 

Either

  - a. Does not exceed 500m<sup>2</sup> per site within each 10 year period from [Operative Date]; and
  - b. Is not within 20m of a water body; or
  - c. Is within a single urban environment allotment. or
  - d. Is associated with:
    - i. Routine maintenance within 7.5m of the eaves of existing buildings:
      - a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.
      - b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.
    - ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains and other lawfully established activities
    - iii. Pest plant removal and biosecurity works;
    - iv. Vegetation removal for customary rights;
    - v. Conservation planting, including planting for ecological restoration purposes.

LRZ-R11	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules LRZ-R3.</li> </ol> </li> </ol>	<p>Activity Status when compliance with LRZ-R11.1(b) – (c) not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects in relation to dust and odour.</li> <li>2. Visual amenity effects.</li> </ol>

# Low Density Residential Zone (LRZ)

	<ul style="list-style-type: none"> <li>b. Complies with rules LRZ- R3 – R6.</li> <li>c. Is screened from view from adjacent public places and surrounding sites, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].</li> </ul>	<ul style="list-style-type: none"> <li>3. The matters of discretion in LRZ-R4 – R6.</li> </ul> <p>Activity Status when compliance with LRZ-R11.1(a) not achieved: Discretionary</p>
LRZ-R12	Farming	
	Activity Status: Permitted	
LRZ-R13	Supported Residential Care	
LRZ-R14	Retirement Village	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The activity generates less than 25 traffic movements per site, per day.</li> </ul>	Activity Status when compliance not achieved: Discretionary
LRZ-R15	Principal Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The maximum density is 1 principal residential unit per 2,000m<sup>2</sup> net site area, provided that one principal residential unit is permitted on a site of any size.</li> </ul>	Activity Status when compliance not achieved: Discretionary
LRZ-R16	Minor Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The maximum density is 1 minor residential unit per principal residential unit on the site.</li> <li>2. The nearest distance between the minor residential unit and the principal residential unit does not exceed 15m.</li> </ul>	Activity Status when compliance not achieved: Discretionary

# Low Density Residential Zone (LRZ)

3. The maximum GFA of the minor residential unit (including decking and garage areas) is 90m<sup>2</sup>.

LRZ-R17	Retail Activity
LRZ-R18	Commercial Services
LRZ-R19	Food and Beverage Activity
LRZ-R20	Care Centre
LRZ-R21	Visitor Accommodation
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is an ancillary activity to a residential unit on the site.</li> <li>2. The principal operator of the activity is a permanent resident on the site.</li> <li>3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.</li> <li>4. The activity generates less than 20 traffic movements per site, per day.</li> <li>5. There is no car parking between the residential unit and the road.</li> <li>6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.</li> <li>7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site.</li> <li>8. The total area of signage is less than 0.25m<sup>2</sup> per site.</li> <li>9. There is no illuminated or moving signage.</li> <li>10. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.</li> </ol>
	<p>Activity Status when compliance with up to two of rules LRZ-R17-R21.4-11 is not achieved: Discretionary</p> <p>Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules LRZ-R17 – R21.1 – 3 is not achieved: Non-Complying</p>
LRZ-R22	Place of Assembly
LRZ-R23	Educational Facilities

# Low Density Residential Zone (LRZ)

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

LRZ-R24	Entertainment Facilities
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LRZ-R25	Service Stations
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LRZ-R26	Funeral Home
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LRZ-R27	Recreational Facilities
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LRZ-R28	Emergency Services
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LRZ-R29	Hospital
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LRZ-R30	General Commercial
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LRZ-R31	General Community
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Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

LRZ-R32	Plantation Forestry
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LRZ-R33	Intensive Livestock Farming
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LRZ-R34	Farm Quarrying
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LRZ-R35	Industrial Activities
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Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

# General Residential Zone (GRZ)

## Issues

The General Residential Zone (GRZ) provides predominantly for residential development within the Urban Area of Whangārei. The General Residential Zone provides for traditional suburban densities and housing forms, and is characterised by one to two storey stand-alone (detached) residential units on larger properties set back from boundaries with landscaped gardens. However, the zone also contemplates incremental intensification to provide for a range of housing needs while retaining a suburban built character.

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

## Objectives

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

## Policies

GRZ-P1 – Density and Character	<p>To achieve the planned suburban built character by:</p> <ol style="list-style-type: none"> <li>1. Managing the number of residential units that can be accommodated on each site.</li> <li>2. Managing the height, bulk and form of development.</li> <li>3. Requiring sufficient outdoor living space and landscaping within each site.</li> <li>4. Enabling residential development on sites of an appropriate size and shape.</li> </ol>
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# General Residential Zone (GRZ)

GRZ-P3 – On-Site Amenity	<p>To require residential activities to achieve appropriate levels of on-site amenity by providing:</p> <ol style="list-style-type: none"> <li>1. Useable outdoor living courts.</li> <li>2. Sufficient access to sunlight throughout the year.</li> <li>3. Adequate space to accommodate typical residential living requirements.</li> </ol>
GRZ-P5– Adjacent Properties	<p>To mitigate adverse amenity effects on adjacent properties by sensitively designing development to:</p> <ol style="list-style-type: none"> <li>1. Manage the intrusion on privacy and the extent of building dominance on adjacent residential units and outdoor living spaces.</li> <li>2. Minimise the degree of overshadowing to any adjoining site or residential unit.</li> </ol>
GRZ-P6– Residential Amenity and Character	<p>To manage adverse effects on residential amenity and character by requiring developments to have regard to the way the development:</p> <ol style="list-style-type: none"> <li>1. Provides street activation through connection between front doors and the street.</li> <li>2. Provides landscaping that enhances on-site and local residential amenity, with particular regard to site frontage.</li> <li>3. Minimises large monotonous building facades and walls that do not include design variation or are not broken down into smaller elements.</li> <li>4. Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts.</li> <li>5. Provides an active interface to Open Space and Recreation Zones onto which it fronts.</li> <li>6. Is sympathetic to the amenity and character of the locality and other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> <li>a. Building bulk, scale and symmetry.</li> <li>b. Site sizes and providing for a more spacious form of development.</li> </ol> </li> </ol>
GRZ-P7– Impervious Areas	<p>To restrict impervious areas within sites in order to:</p> <ol style="list-style-type: none"> <li>1. Manage stormwater runoff.</li> <li>2. Maintain-and enhance amenity values.</li> <li>3. Safeguard esplanade areas and waterfront walkways.</li> </ol>
GRZ-P8– Supported Residential Care and Retirement Villages	<p>To enable a range of appropriate residential activities by providing for supported residential care and retirement villages where they are designed, located and managed to:</p> <ol style="list-style-type: none"> <li>1. Provide a high level of amenity for residents.</li> <li>2. Ensure any adverse effects on surrounding Residential and Open Space and Recreation Zones are minimised.</li> <li>3. Maintain the residential character of the surrounding environment.</li> <li>4. Avoid, remedy or mitigate any adverse effects on infrastructure, including the transport network.</li> </ol>

# General Residential Zone (GRZ)

GRZ-P9– Non-Residential Activities	<p>To only enable non-residential activities where they:</p> <ol style="list-style-type: none"> <li>1. Will not detract from the vitality and viability of Business Zones.</li> <li>2. Are complementary in design, scale, nature and intensity to the residential context.</li> <li>3. Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.</li> </ol>
GRZ-P10– Comprehensive Design	<p>To encourage subdivision and land use proposals to be undertaken concurrently as part of a comprehensive design process.</p>
GRZ-P11– Subdivision	<p>To promote good design and layout of subdivision which achieves the following:</p> <ol style="list-style-type: none"> <li>1. Lots are shaped and sized to allow adequate sunlight to outdoor living spaces, and to provide adequate on-site amenity and privacy.</li> <li>2. Where possible, lots are located so that they over-look and front roads and <u>Open Spaces and Recreation Zones</u>.</li> <li>3. The creation of multiple rear sites is limited, and where practicable avoided.</li> <li>4. A permeable street network where the use of cul-de-sacs is limited.</li> <li>5. Connections within a development, and between developments and the public realm, are maximised.</li> <li>6. Opportunities for connections to public open space, services and facilities in the neighbourhood are identified and created.</li> </ol>
GRZ-P12– Density	<p>To provide for a range of site sizes and densities by considering increased residential density where:</p> <ol style="list-style-type: none"> <li>1. A mixture of allotment sizes and housing typologies, including low-cost options, <del>is</del> are provided.</li> <li>2. The location is supportive of pedestrians, cyclists and public transport.</li> <li>3. The area is in proximity to Open Space and Recreation Zones and the City Centre, Mixed-Use, Local Centre or Neighbourhood Centre Zones.</li> <li>4. There is sufficient infrastructure to accommodate the development.</li> <li>5. The development is sympathetic to the surrounding environment and adverse effects on adjoining sites are minimised.</li> <li>6. The parent allotment size and site frontage are sufficient to enable comprehensive development and provide quality on-site amenity.</li> </ol>

## Rules

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



# General Residential Zone (GRZ)

GRZ-R2	Minor Buildings	
Activity Status: Permitted		
Note: Minor buildings are exempt from rules GRZ-R3 – R5 and R8.		
GRZ-R3	Building and Major Structure Height	
	Activity Status: Permitted	Activity Status when compliance not achieved: Restricted Discretionary
	Where:	Matters for discretion:
	<ol style="list-style-type: none"><li>1. The maximum building height and major structure height is 8m above ground level.</li></ol>	<ol style="list-style-type: none"><li>1. Effects on the amenity of adjoining sites.</li><li>2. The extent to which visual dominance effects are minimised.</li></ol>
GRZ-R4	Building and Major Structure Setbacks	
	Activity Status: Permitted	Activity Status when compliance not achieved with GRZ-R4.1 – 2: Restricted Discretionary
	Where:	Matters of discretion:
	<ol style="list-style-type: none"><li>1. Habitable rooms of a building are set back at least:<ol style="list-style-type: none"><li>a. 4.5m from road boundaries.</li><li>b. 3m from side and rear boundaries, allowing for one 1.5m setback.</li></ol></li><li>2. All non-habitable major structures and buildings, and non-habitable rooms of buildings, are set back at least:<ol style="list-style-type: none"><li>a. 4.5m from road boundaries.</li><li>b. 1.5m from any other boundary, allowing for a 0m setback for a maximum length of 7.5m on any single boundary and a maximum total length of 10.5m on all boundaries.</li><li>c. 2.5m from a habitable room on any other site.</li></ol></li><li>3. All buildings and major structures are set back at least 20m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li></ol>	<ol style="list-style-type: none"><li>1. The outlook and privacy of adjoining and adjacent properties.</li><li>2. Effects of shading and visual dominance on adjoining properties.</li><li>3. Effects on the streetscape character of the area.</li><li>4. Effects on the safety and efficiency of the transport network.</li><li>5. The potential to establish an esplanade reserve.</li><li>6. Impacts on the amenity of any adjacent public walkway.</li></ol> <p>Activity Status when compliance not achieved with GRZ-R4.3: Restricted Discretionary</p> <ol style="list-style-type: none"><li>1. The effectiveness of the proposed method for controlling stormwater runoff.</li><li>2. That the proposal will maintain and enhance the amenity values of the area.</li></ol>

# General Residential Zone (GRZ)

3. That esplanade areas and waterfront walkways are appropriately safeguarded.

GRZ-R5	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road or business zone.</li> </ol> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <li>1. <i>Measurements for this rule can be taken from the furthest boundary when adjoining an access lot/access leg.</i></li> <li>2. <i>A gable end, dormer or roof may exceed the height in relation to boundary where that portion exceeding the height in relation to boundary is:</i> <ol style="list-style-type: none"> <li>a. <i>No greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and</i></li> <li>b. <i>No greater than 2.5m cumulatively in length measured along the edge of the roof.</i></li> </ol> </li> <li>3. <i>No more than two gable ends, dormers or portions of roof may exceed the height in relation to boundary on any single site boundary.</i></li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The outlook and privacy of adjoining and adjacent properties.</li> <li>2. Effects of shading and visual dominance on adjoining and adjacent properties.</li> </ol>
GRZ-R6	Outdoor Living Court	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every principal residential unit:             <ol style="list-style-type: none"> <li>a. With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m<sup>2</sup> and at least 4m depth.</li> <li>b. With all habitable rooms above ground floor provides an outdoor</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Appropriate privacy and amenity of the occupants on-site.</li> <li>2. Sufficient sunlight access to outdoor living spaces within the site.</li> <li>3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> </ol>

# General Residential Zone (GRZ)

<p>living court of at least 8m<sup>2</sup> and at least 2.4m depth.</p> <p>2. Every minor residential unit:</p> <ol style="list-style-type: none"> <li>With one or more habitable rooms at ground floor level provides an outdoor living court of at least 10m<sup>2</sup> and at least 2.4m depth.</li> <li>With all habitable rooms above ground floor provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.</li> </ol> <p>3. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under GRZ-R6.1-2.</p>	<p>Notification:</p> <p>Any restricted discretionary activity under GRZ-R6 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
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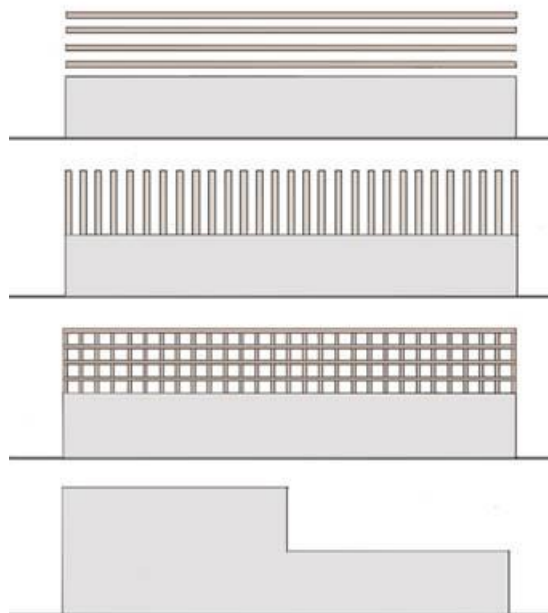
GRZ-R7	Impervious Areas
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The impervious area within the site does not exceed 60% of the net site area.</li> <li>The impervious area is set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of Discretion:</p> <ol style="list-style-type: none"> <li>The effectiveness of the proposed method for controlling stormwater runoff.</li> <li>That the proposal will maintain and enhance the amenity values of the area.</li> <li>That esplanade areas and waterfront walkways are appropriately safeguarded.</li> </ol>

GRZ-R8	Building and Major Structure Coverage
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum cumulative building and major structure coverage is 40% of the net site area.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Visual dominance of buildings and major structures.</li> </ol>

# General Residential Zone (GRZ)

GRZ-R9	Fences
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The fence has a maximum height of 2m above ground level.</li> <li>2. Fencing within 3m of a road boundary, except any state highway, is at least 50% visually permeable for any portion above 1m high.</li> <li>3. Fencing along a boundary shared with an Open Space and Recreation Zone is at least 50% visually permeable for any portion above 1.5m high.</li> <li>4. The fence is not fortified with broken glass.</li> <li>5. The fence is not fortified with or any form of electrification or barbed wire except for stock exclusion purposes.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects of shading and visual dominance on adjoining properties.</li> <li>2. Urban design and passive surveillance.</li> <li>3. Effects on streetscape character and amenity.</li> <li>4. Health and safety effects.</li> </ol>

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



# General Residential Zone (GRZ)

GRZ-R10	Car Parking
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Formed car parking spaces are located at least 2m from any road boundary, excluding any on-street parking.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on the safety and efficiency of the transport network.</li> <li>2. Effects on pedestrian and cyclist safety and navigability.</li> <li>3. Effects on streetscape character and amenity.</li> </ol>
GRZ-R11	Outdoor Areas of Storage or Stockpiles
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules GRZ-R3.</li> <li>b. Complies with rules GRZ-R4 – R5 and R8.</li> <li>c. Is screened from view from adjacent public places and surrounding sites, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].</li> </ol> </li> </ol>	<p>Activity Status when compliance with GRZ-R11.1(b) – (c) not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects in relation to dust and odour.</li> <li>2. Visual amenity effects.</li> <li>3. The matters of discretion in GRZ-R4 – R5 and R8.</li> </ol> <p>Activity Status when compliance with GRZ-R11.1(a) not achieved: Discretionary</p>
GRZ-R12	Farming
	Activity Status: Permitted
GRZ-R13	Supported Residential Care
GRZ-R14	Retirement Village

# General Residential Zone (GRZ)

<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity generates less than 25 traffic movements per site, per day.</li> </ol>		<p>Activity Status when compliance not achieved: Discretionary</p>
GRZ-R15	Principal Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum density is 1 principal residential unit per 400m<sup>2</sup> net site area provided that one principal residential unit is permitted on a site of any size.</li> <li>2. The principal residential unit is separated by at least 3m from any other detached residential unit (excluding any ancillary minor residential unit).</li> <li>3. The principal residential unit is separated by at least 6m from any other detached residential unit where there is an outdoor living court between the residential units (excluding any ancillary minor residential unit).</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p> <p><i>Note: Any application shall comply with information requirement GRZ -REQ1.</i></p>
GRZ-R16	Minor Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum density is 1 minor residential unit per principal residential unit on the site.</li> <li>2. The nearest distance between the minor residential unit and the principal residential unit does not exceed 15m.</li> <li>3. The maximum GFA of the minor residential unit (including decking and garage areas) is 90m<sup>2</sup>.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p> <p><i>Note: Any application shall comply with information requirement GRZ -REQ1.</i></p>
GRZ-R17	Retail Activity	
GRZ-R18	Commercial Services	

# General Residential Zone (GRZ)

GRZ-R19	Food and Beverage Activity
GRZ-R20	Care Centre
GRZ-R21	Visitor Accommodation
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is an ancillary activity to a residential unit on the site.</li> <li>2. The principal operator of the activity is a permanent resident on the site.</li> <li>3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.</li> <li>4. The activity generates less than 20 traffic movements per site, per day.</li> <li>5. There is no car parking between the residential unit and the road.</li> <li>6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.</li> <li>7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site.</li> <li>8. The total area of signage is less than 0.25m<sup>2</sup>, per site.</li> <li>9. There is no illuminated or moving signage.</li> <li>10. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.</li> </ol>	
<p>Activity Status when compliance with up to two of the rules GRZ-R17 – R21.4-10 is not achieved: Discretionary</p> <p>Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules GRZ-R17 – R21.1 – 3 is not achieved: Non-Complying</p> <p><i>Note: Any application shall comply with information requirement GRZ -REQ1.</i></p>	
GRZ-R22	Place of Assembly
GRZ-R23	Emergency Services
GRZ-R24	Educational Facilities
Activity Status: Discretionary	

# General Residential Zone (GRZ)

Where:

1. The activity is a primary activity or ancillary activity.

GRZ-R25	Entertainment Facilities
GRZ-R26	Service Stations
GRZ-R27	Funeral Home
GRZ-R28	Recreational Facilities
GRZ-R29	Hospital
GRZ-R30	General Commercial
GRZ-R31	General Community
Activity Status: Non-Complying	
Where:	
1. The activity is a primary activity or ancillary activity.	

GRZ-R32	Plantation Forestry
GRZ-R33	Intensive Livestock Farming
GRZ-R34	Farm Quarrying
GRZ-R35	Industrial Activities
Activity Status: Prohibited	
Where:	
1. The activity is a primary activity or ancillary activity.	

GRZ-REQ1	Information Requirement – Urban Design and Density
1. All applications for resource consent pursuant to GRZ-R15-21 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:	



# General Residential Zone (GRZ)

- a. An analysis of the site in relation to its context, including:
  - i. The key characteristics of the local area, including the character and scale of surrounding development including any cultural relationships or historic heritage features and clearly recording any matters which particularly contribute to the character of the area, that detract from the area.
  - ii. The landform and topography of the site and surrounding environment.
  - iii. The ecology and habitat of the site and surrounding environment.
  - iv. Access to public and active transport infrastructure.
- b. An assessment of how the proposal contributes to the planned suburban environment of the area and is consistent with best practice urban design, including:
  - i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements.
  - ii. The relationship of the proposed development to public places and how the proposal responds to any issues or characteristics identified in the site analysis.
  - iii. Any proposed measures to avoid or mitigate adverse effects on adjacent public places and residential sites.
  - iv. Any proposed measures to incorporate Māori design elements.
  - v. Any proposed measures to facilitate active and public transport.
- c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
- d. Any consultation undertaken with mana whenua and a summary of the results of that consultation.

*Note: Acceptable means of compliance and best practice urban design guidance is contained within Whangārei District Council's Urban Design Guidelines.*

# General Residential Zone (GRZ)

## PREC1 – Northland Christian Camp Precinct (NCCP)

### Issues

The Northland Christian Camp Precinct enables the operation of the youth camp located at One Tree Point. The precinct recognises and provides for various activities including residential activities, visitor accommodation, community groups and clubs and camp activities.

### Objectives

GRZ-PREC1-O1 – Recognised Activities	Recognise and provide for a range of activities within the Northland Christian Camp Precinct.
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### Policies

PREC1-P1 – Enabled Activities	To enable camp facilities and residential visitor accommodation and community activities within the Northland Christian Camp Precinct.
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### Rules

PREC1-R1	Building and Major Structure Height	
	Activity Status: Permitted  Where:  1. The maximum building height and major structure height is 10m above ground level, except as provided for under GRZ-PREC1-R10.	Activity Status when compliance not achieved: Discretionary
PREC1-R2	Building and Major Structure Coverage	
	Activity Status: Permitted  Where:  1. The maximum cumulative building and major structure coverage is 35% of the total net site area.	Activity Status when compliance not achieved: Restricted Discretionary  Matters of discretion:  1. The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality. 2. The outlook and privacy of adjoining and adjacent properties.

# General Residential Zone (GRZ)

3. Visual dominance of buildings and major structures.

PREC1-R3	Car Parking Required Spaces, Dimensions, Location and Identification	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The number, design and layout of car parking spaces complies with TRA-R2 – R3 except that: <ol style="list-style-type: none"> <li>The number of car parking spaces shall be provided for according to the standards set for places of assembly in TRA-Appendix 1A.</li> <li>Car parking spaces may be located on grass surfaces without being marked.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Location, size and design of parking and loading areas.</li> <li>The number of parking and loading spaces.</li> <li>Scale, management and operation of the activity as it relates to its demand for parking.</li> <li>The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol>
PREC1-R4	Noise Arising from Activities within the Northland Christian Camp Precinct	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Noise limits comply with NAV.6.1 except that: <ol style="list-style-type: none"> <li>The maximum noise limit between the hours of 07:00 and 22:00 is 55dBA L<sub>Aeq</sub>.</li> <li>Noise measurements are to be taken from ground floor levels of residential buildings only.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
GRZ-PREC1-R5	Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Residential units comply with GRZ-R13 and R14 except up to a maximum of 10 residential units is permitted.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
PREC1-R6	Place of Assembly	
PREC1-R7	Educational Facilities	

# General Residential Zone (GRZ)

PREC1-R8	General Community	
	Activity Status: Permitted  1. The activity is a primary activity or ancillary activity.	
PREC1-R9	Visitor Accommodation	
	Activity Status: Permitted  Where:  1. There is a maximum of 200 beds in permanent structures at any time for accommodation of camp attendees, provided that none will be occupied for a period of longer than 10 days. 2. There is a maximum of 200 beds in tents, caravans and motor homes, provided that none will be occupied for a period longer than 10 days.	Activity Status when compliance not achieved: Discretionary
PREC1-R10	Recreational Facilities	
	Activity Status: Permitted  Where:  1. The activity is a primary activity or ancillary activity. 2. One building may be used as a gymnasium where: <ol style="list-style-type: none"> <li>The maximum building height is 15m.</li> <li>The building is setback 20m from any Northland Christian Camp Precinct boundary.</li> <li>The maximum GFA (including verandahs and mezzanine floors) is 2,150m<sup>2</sup>.</li> </ol>	Activity Status when compliance not achieved: Discretionary



# Medium Density Residential Zone (MRZ)

## Issues

The Medium Density Residential Zone (MRZ) provides predominantly for medium density residential development in urban areas with few constraints and that are within easy walking distance to public open space and commercial centres. Over the foreseeable future, while traditional single residential unit properties will likely remain a dominant feature within the Medium Density Residential Zone, the zone is anticipated to provide for a greater range of housing choices and improved affordability, with an increasing prevalence of housing typologies such as low-rise apartments, walk-ups, terrace housing, semi-detached housing and detached townhouses on smaller sections.

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

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

Commercial activities are discouraged in the Medium Density Residential Zone. However, some opportunities are provided for non-residential activities such as community activities, visitor accommodation, and retail activities, while ensuring that residential amenity and character are not compromised and that the activity is sympathetic to the surrounding residential context.

## Objectives

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

## Policies

MRZ-P1 – Residential Activities	<p>To recognise and provide for the diverse accommodation needs of the community by:</p> <ol style="list-style-type: none"> <li>1. Allowing for decreased outdoor living space and landscaping provided that public open space is conveniently accessible.</li> </ol>
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# Medium Density Residential Zone (MRZ)

	<ol style="list-style-type: none"> <li>Enabling a variety of medium density housing types including apartments, terrace housing, semi-detached townhouses, compact detached townhouses and multi unit developments.</li> </ol>
MRZ-P2 – On-Site Amenity	<p>To require residential activities to achieve good levels of on-site amenity by providing:</p> <ol style="list-style-type: none"> <li>Useable outdoor living courts.</li> <li>Sufficient access to sunlight throughout the year.</li> <li>Adequate space to accommodate typical residential living requirements.</li> </ol>
MRZ-P3 – Outdoor Living Courts	<p>To provide for development that infringes minimum outdoor living court and sunlight access requirements where the development is designed to minimise impacts on on-site amenity, including through access to communal outdoor living space.</p>
MRZ-P4 – Adjacent Properties	<p>To mitigate adverse amenity effects on adjacent properties by sensitively designing development to:</p> <ol style="list-style-type: none"> <li>Manage the intrusion of privacy and the extent of building dominance on adjoining residential units and areas of outdoor amenity.</li> <li>Minimise the degree of overshadowing or obstruction of sunlight penetration to any adjoining site or residential unit.</li> </ol>
MRZ-P5 – Residential Amenity and Character	<p>To manage adverse effects on residential amenity and character by requiring new developments to have regard to the way the development:</p> <ol style="list-style-type: none"> <li>Provides street activation through connection between front doors and the street.</li> <li>Provides landscaping and planting that enhances on-site and local residential amenity, with particular regard to site frontage.</li> <li>Minimises large monotonous building facades and walls that do not include design variation or are not broken down into smaller elements.</li> <li>Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts.</li> <li>Provides an active interface to Open Space and Recreation Zones on to which it fronts.</li> <li>Is sympathetic to other buildings in the vicinity, having regard to bulk, scale and symmetry.</li> </ol>
MRZ-P6 – Impervious Areas	<p>To restrict impervious areas within sites in order to:</p> <ol style="list-style-type: none"> <li>Manage stormwater runoff.</li> <li>Maintain and enhance amenity values.</li> <li>Safeguard esplanade areas and waterfront walkways.</li> </ol>
MRZ-P7 – Supported Residential Care and Retirement Villages	<p>To enable a range of appropriate residential activities by providing for supported residential care and retirement villages where they are designed, located and managed to:</p> <ol style="list-style-type: none"> <li>Provide a high level of amenity for residents.</li> <li>Ensure any adverse effects on surrounding Residential and Open Space and Recreation Zones are minimised.</li> <li>Maintain the residential character of the surrounding environment.</li> </ol>

# Medium Density Residential Zone (MRZ)

	4. Avoid, remedy or mitigate any adverse effects on infrastructure, including the transport network.
MRZ-P8 – Non-Residential Activities	<p>To only enable non-residential activities where they:</p> <ol style="list-style-type: none"> <li>1. Will not detract from the vitality and viability of Business Zones.</li> <li>2. Are complementary in design, scale, nature and intensity to the residential context.</li> <li>3. Avoid, remedy or mitigate adverse effects on residential amenity values such as noise, traffic, parking, lighting, glare and visual impact.</li> </ol>
MRZ-P9 – Comprehensive Design	To encourage subdivision and land use proposals to be undertaken concurrently as part of a comprehensive design process.
MRZ-P10 – Subdivision	<p>To promote design and layout of subdivision which achieves the following:</p> <ol style="list-style-type: none"> <li>1. Lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and to provide appropriate on-site amenity and privacy.</li> <li>2. Where possible, lots are located so that they over-look and front roads and open spaces.</li> <li>3. The creation of multiple rear sites is limited, and where practicable avoided.</li> <li>4. A permeable street network where the use of cul-de-sacs is limited.</li> <li>5. Pedestrian and vehicular connections within a development, and between developments and the public realm, are maximised.</li> <li>6. Opportunities for connections to public open space, services and facilities in the neighbourhood are identified and created.</li> </ol>

## Rules

MRZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
MRZ-R2	Minor Buildings	
	<p>Activity Status: Permitted</p> <p><i>Note: Minor buildings are exempt from rules MRZ-R3 – R5 and R8.</i></p>	
MRZ-R3	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is 11m above ground level, except that 50% of a building's roof in elevation, measured</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matter for discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on amenity of adjoining sites.</li> <li>2. The extent to which visual dominance effects are minimised.</li> </ol>



# Medium Density Residential Zone (MRZ)

vertically from the junction between wall and roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more.

MRZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures are set back at least: <ol style="list-style-type: none"> <li>2m from road boundaries.</li> <li>20m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> </li> <li>Habitable rooms of a building are set back at least 1.5m from side and rear boundaries, except where a common wall between two buildings on adjacent sites is proposed.</li> <li>All non-habitable major structures and buildings, and non-habitable rooms of buildings, are set back at least: <ol style="list-style-type: none"> <li>1.5m from side and rear boundaries, allowing for a 0m setback for a maximum length of 7.5m on any single boundary and a maximum total length of 10.5m on all boundaries.</li> <li>2.5m from a habitable room on any other site.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved with MRZ-R3.1(a), R3.2 or R3.3: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on the streetscape character of the area.</li> <li>Effects on the safety and efficiency of the transport network.</li> <li>The potential to establish an esplanade reserve/</li> <li>Impacts on the amenity of any adjacent public walkway.</li> </ol> <p>Activity Status when compliance not achieved with MRZ-R3.1(b): Restricted Discretionary</p> <ol style="list-style-type: none"> <li>The effectiveness of the proposed method for controlling stormwater runoff. stormwater runoff.</li> <li>That the proposal will maintain and enhance the amenity values of the area.</li> <li>That esplanade areas and waterfront walkways are appropriately safeguarded.</li> </ol>
MRZ-R5	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures do not: <ol style="list-style-type: none"> <li>Result in an existing residential unit on a separate MRZ site no longer being able to comply with MRZ-R5.2 or MRZ-R14.2.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p>

## Medium Density Residential Zone (MRZ)

- b. Increase the degree of infringement for an existing residential unit.
2. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any side or rear boundary, except where:
  - a. Any parts of the buildings or major structures are within 20m of the site frontage; and:
    - i. Do not exceed a height of 3.6m above ground level where they are 1.5m or less from side and rear boundaries adjoining the MRZ, and
    - ii. Thereafter, are set back 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees).

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining and adjacent properties.

### *Compliance Standards:*

1. *MRZ-R4.2 does not apply where a common wall between two buildings on adjacent sites is proposed.*
2. *Measurements for MRZ-R4.2 can be taken from the furthest boundary when adjoining an access lot/access leg.*
3. *MRZ-R4.2 does not apply to any boundary adjoining a road or Business Zone.*
4. *A gable end, dormer or roof may exceed the height in relation to boundary where that portion exceeding the height in relation to boundary is:*
  - a. *No greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and*
  - b. *No greater than 2.5m cumulatively in length measured along the edge of the roof.*
5. *No more than two gable ends, dormers or portions of roof may exceed the height in relation to boundary on any single site boundary.*

# Medium Density Residential Zone (MRZ)

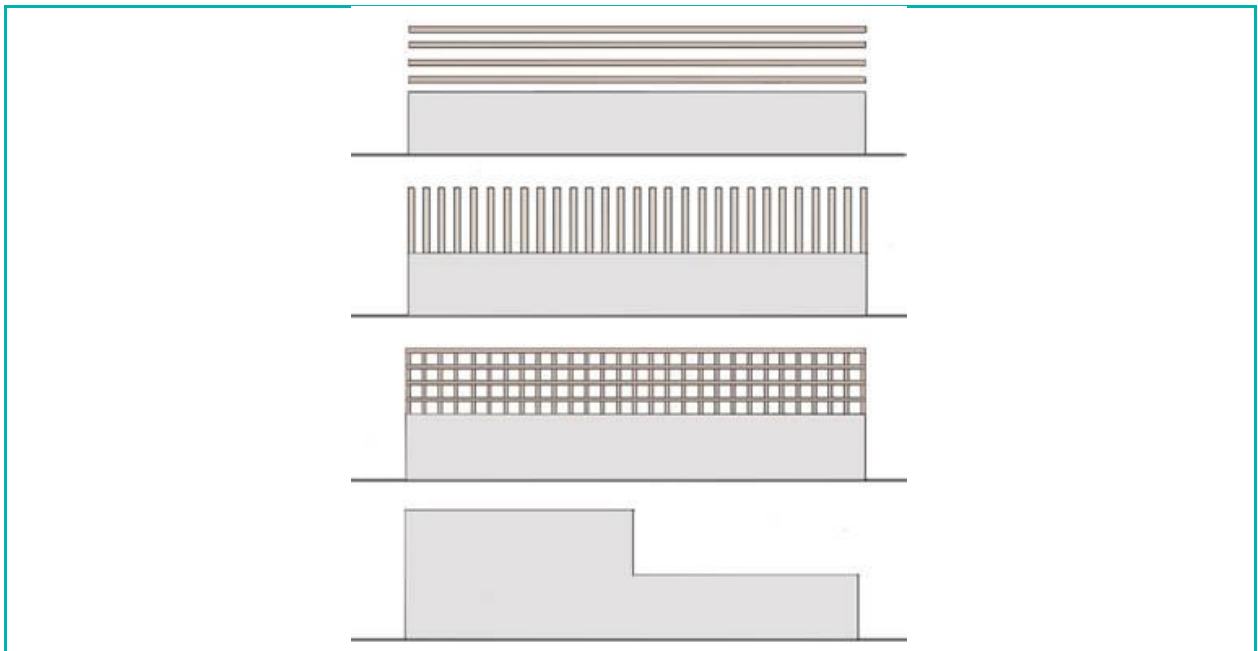
MRZ-R6	Outdoor Living Court
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every residential unit: <ol style="list-style-type: none"> <li>a. With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m<sup>2</sup> and at least 4m depth.</li> <li>b. With all habitable rooms above ground floor with 1 bedroom provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.</li> <li>c. With all habitable rooms above ground floor, with 2 or more bedrooms provides an outdoor living court of at least 8m<sup>2</sup> and at least 2.4m depth.</li> </ol> </li> <li>2. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under MRZ-R5.1.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Appropriate privacy and amenity of the occupants on-site.</li> <li>2. Sufficient sunlight access to outdoor areas and habitable rooms within the site.</li> <li>3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> </ol> <p>Notification:</p> <p>Any restricted discretionary activity under MRZ-R5 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
MRZ-R7	Impervious Areas
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The impervious area within the site does not exceed 65% of the net site area.</li> <li>2. The impervious area is set back at least 5m from Mean High Water Springs <del>or</del> and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of Discretion:</p> <ol style="list-style-type: none"> <li>1. The effectiveness of the proposed method for controlling stormwater runoff.</li> <li>2. That the proposal will maintain and enhance the amenity values of the area.</li> <li>3. That esplanade areas and waterfront walkways are appropriately safeguarded.</li> </ol>

# Medium Density Residential Zone (MRZ)

MRZ-R8	Building and Major Structure Coverage	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum cumulative building and major structure coverage is 45% of the net site area.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>2. The outlook and privacy of adjoining and adjacent properties.</li> <li>3. Visual dominance of buildings and major structures.</li> </ol>
MRZ-R9	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The fence has a maximum height of 2m above ground level.</li> <li>2. Fencing within 3m of a road boundary, except any state highway, is at least 50% visually permeable for any portion above 1m high.</li> <li>3. Fencing along a boundary shared with Open Space and Recreation Zone is at least 50% visually permeable for any portion above 1.5m high.</li> <li>4. The fence is not fortified with barbed wire, broken glass or any form of electrification.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects of shading and visual dominance on adjoining properties.</li> <li>2. Urban design and passive surveillance.</li> <li>3. Effects on streetscape character and amenity.</li> <li>4. Health and safety effects.</li> </ol>

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

# Medium Density Residential Zone (MRZ)



MRZ-R10	Garages
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Ground floor garage which faces the street occupies less than 40% of the site frontage.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on streetscape character of the area.</li> <li>2. Effects on urban design and passive surveillance.</li> </ol>
MRZ-R11	Car Parking
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Formed car parking spaces (excluding garages) are located at least 2m from any road boundary, excluding any on-street car parking.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on the safety and efficiency of the transport network.</li> <li>2. Effects on pedestrian and cyclist safety and navigability.</li> <li>3. Effects on streetscape character and amenity.</li> </ol>
MRZ-R12	Outdoor Areas of Storage or Stockpiles
<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance with MRZ-R11.1(b) – (c) not achieved: Restricted Discretionary</p>

# Medium Density Residential Zone (MRZ)

	<ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules MRZ-R2.</li> <li>b. Complies with rules MRZ-R3 – R4 and R8.</li> <li>c. Is screened from view from adjacent public places and surrounding sites, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].</li> </ol> </li> </ol>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects in relation to dust and odour.</li> <li>2. Visual amenity effects.</li> <li>3. The matters of discretion in MRZ-R3 – R4 and R8.</li> </ol> <p>Activity Status when compliance with MRZ-R11.1(a) not achieved: Discretionary</p>
MRZ-R13 MRZ-R14	Supported Residential Care Retirement Village	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity generates less than 25 traffic movements per site, per day.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
MRZ-R15 MRZ-R16	Principal Residential Unit Minor Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every principal residential unit provides a Net Floor Area of at least:               <ol style="list-style-type: none"> <li>a. For 1 bedroom – 45m<sup>2</sup></li> <li>b. For 2 bedrooms – 70m<sup>2</sup></li> <li>c. For 3 bedrooms – 90m<sup>2</sup></li> </ol> </li> <li>2. Every residential unit provides a living area that can receive direct sunlight for at least 5 hours on the winter solstice.</li> <li>3. There is a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit (excluding any ancillary minor residential unit) where there is a direct line of sight between the windows.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.</li> </ol> <p>Notification:</p> <p>Any restricted discretionary activity under MRZ-R14-R15.1-2 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>
MRZ-R17	Retail Activity	

# Medium Density Residential Zone (MRZ)

MRZ-R18	Commercial Services	
MRZ-R19	Food and Beverage Activity	
MRZ-R20	Care Centre	
MRZ-R21	Visitor Accommodation	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is an ancillary activity to a residential unit on the site.</li> <li>2. The principal operator of the activity is a permanent resident on the site.</li> <li>3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.</li> <li>4. The activity generates less than 20 traffic movements per site, per day, per site.</li> <li>5. There is no car parking between the residential unit and the road.</li> <li>6. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.</li> <li>7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site.</li> <li>8. The total area of signage is less than 0.25m<sup>2</sup>, per site.</li> <li>9. There is no illuminated or moving signage.</li> <li>10. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.</li> </ol>	<p>Activity Status when compliance with up to two of the rules MRZ-R17 – R21.4-10 is not achieved: Discretionary</p> <p>Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules MRZ-R17 – R21.1 – 3 is not achieved: Non-Complying</p>
MRZ-R22	Multi Unit Development	
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity meets Rules MRZ-R3 – R7, R9-R11, R15 and R16.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p> <p><i>Note: Any application shall comply with information requirement MRZ-REQ1</i></p>



# Medium Density Residential Zone (MRZ)

## Matters of discretion:

1. Appropriate privacy and amenity of the occupants on-site and that of adjoining sites.
2. Sufficient sunlight access to outdoor living space and habitable rooms within the site.
3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
4. Building bulk, scale and symmetry.
5. The suitability of the particular area for increased residential density, including:
  - a. The availability and accessibility of open space, public amenities and commercial activities in proximity.
  - b. Capacity and availability of infrastructure.
  - c. Road access and effects on transport, including availability of public and active transport options.

## Notification:

Any restricted discretionary activity under MRZ-R21 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

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

MRZ-R23	Place of Assembly
MRZ-R24	Emergency Services
MRZ-R25	Educational Facilities
Activity Status: Discretionary  Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	
MRZ-R26	Entertainment Facilities
MRZ-R27	Service Stations



# Medium Density Residential Zone (MRZ)

MRZ-R28	Funeral Home
MRZ-R29	Recreational Facilities
MRZ-R30	Hospital
MRZ-R31	General Commercial
MRZ-R32	General Community
Activity Status: Non-Complying	
Where:	
1. The activity is a primary activity or ancillary activity.	

MRZ-R33	Rural Production Activity
MRZ-R34	Industrial Activities
Activity Status: Prohibited	
Where:	
1. The activity is a primary activity or ancillary activity.	

MRZ-REQ1	Information Requirement – Urban Design and Density
<ol style="list-style-type: none"> <li>1. All applications for resource consent pursuant to MRZ-R21 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:           <ol style="list-style-type: none"> <li>a. An analysis of the site in relation to its context, including:               <ol style="list-style-type: none"> <li>i. The key characteristics of the local area including the character and scale of surrounding development including any cultural relationships or historic heritage features and clearly recording any matters which particularly contribute to the character of the area, that detract from the area.</li> <li>ii. The landform and topography of the site and surrounding environment.</li> <li>iii. The ecology and habitat of the site and surrounding environment.</li> <li>iv. Access to public and active transport infrastructure.</li> </ol> </li> <li>b. An assessment of how the proposal contributes to the planned medium density environment of the area, complements the established neighbourhood and is consistent with best practice urban design, including:               <ol style="list-style-type: none"> <li>i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements.</li> <li>ii. The relationship of the proposed development to public places and how the proposal responds to any issues or characteristics identified in the site analysis.</li> <li>iii. Any proposed measures to avoid or mitigate adverse effects on adjacent public places and residential sites.</li> <li>iv. Any proposed measures to incorporate Māori design elements.</li> <li>v. Any proposed measures to facilitate active and public transport.</li> </ol> </li> </ol> </li> </ol>	

# Medium Density Residential Zone (MRZ)

- c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
- d. Any consultation undertaken with mana whenua and a summary of the results of that consultation.

*Note: Acceptable means of compliance and best practice urban design guidance is contained within Whangārei District Council's Urban Design Guidelines.*

## PREC2 – Western Hills Drive Precinct (WHDP)

### Issues

The Western Hills Drive Precinct enable small-scale commercial services to operate within a portion of the Medium Density Residential Zone on Western Hills Drive. The precinct recognises the environment is suitable for small-scale commercial services.

### Objectives

PREC2-O1-Appropriate Activities	Enable small-scale commercial services which are compatible with the amenity of the surrounding environment.
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### Policies

PREC2-P1-Commercial Services	To enable the establishment and operation of commercial service activities.
PREC-P2- Character and Amenity	To maintain and enhance amenity by: <ol style="list-style-type: none"> <li>1. Providing landscaping on boundaries that adjoin Residential and Open Space and Recreation Zones.</li> <li>2. Limiting the scale of buildings for commercial service activities to a scale that is compatible with that of nearby residential buildings.</li> <li>3. Limiting the hours of operation.</li> </ol>

### Rules

PREC2-R1	Commercial Services	
	<b>Activity Status: Permitted</b> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> <li>2. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.</li> <li>3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of</li> </ol>	<b>Activity Status when compliance not achieved: Discretionary</b>

## Medium Density Residential Zone (MRZ)

- machinery, receiving customers or the loading or unloading of vehicles.
4. The maximum GFA of the activity is 200m<sup>2</sup>.
-

# **Report 8 – Airport, Hospital and Port Proposed Plan Changes 143, 144 and 145**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**  
**Commissioner Rachel Dimery**  
**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Airport Zone (AIRPZ) Chapter
2. Recommended Port Zone (PORTZ) Chapter
3. Recommended Hospital Zone (HOSZ) Chapter

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 7 of the s42A Report. Any reference to the s42A Report is in relation to Part 7 and any reference to the RoR is in relation to Part 7 of the RoR. It is split into three parts: Airport Zone, Hospital Zone and Port Zone. The topics evaluated follow the same order as in the s42a Report.

## Evaluation of Submissions

### Part I: Airport Zone Chapter (AIRPZ) (PC143)

#### Topic A: Consultation

##### Relevant Submissions

Submitter	Submission# & Point #
C McPherson	19.1

##### Principal Issues Raised

- A request for existing Onerahi home owners to be given a clear understanding of Council intent regarding the designation of airport land being sold for housing development before planning proceeds.

##### Reporting Planner's s42A Recommendation

4. This was dealt with in paragraphs 30 – 31 of the s42A Report. The recommendation was to reject the submission point as the future potential use of these designations are matters that are not within the scope of this plan change.

##### Evidence from Submitter and Right of Reply

5. No other evidence was presented on this topic.

##### Discussion and Reasons

6. We did not hear any evidence regarding this issue and there was no indication to us that the Council and/or the Airport owners were planning to sell and develop the airport land. As indicated by the Reporting Officer, the future use and designations that are in place are not within the scope of the Plan Changes and as a result we accept the view of the Officer that the submission should be rejected.

#### Topic B: Noise

##### Relevant Submissions

Submitter	Submission# & Point #
J Jansen	121.1
M Larkin	175.1
M Brown	177.1
C Gilchrist	178.1
S Westgate	196.1



### Principal Issues Raised

- That the plan provisions ensure the airport is maintained as a good residential neighbour.
- The position of the Outer Control Boundary on proposed Resource Areas Map 76R be reassessed and redrawn to reflect the current reality, and future predictions based on the current situation, as reported by Council's acoustic consultants.

### Reporting Planner's s42A Recommendation

7. This was dealt with in paragraphs 35 – 40 of the s42A Report. The recommendation was to reject both submission points. Mr Badham's position was that provisions regarding land use and Noise and Vibration in the Airport Environment are contained within the Airport Environment and Noise and Vibration Chapters, and that insufficient technical information had been provided to understand the effects of the relief sought.

### Evidence from Submitter and Right of Reply

8. Stephen Westgate (a local resident) presented evidence regarding the Outer Control Boundary, the length of time it had been in place and his own observation of air traffic and noise from aircraft. Mr Badham accepted that Mr Westgate's evidence was compelling, however he was still of the opinion that there was insufficient information provided to support the submission, and that any assessment of the boundaries would need to consider current and future projections for the airport.
9. No other evidence was presented on the above topics. However, as part of his RoR Mr Badham had contacted the Airport Manager – Mr Mike Chubb and the statement/facts/figures provided by Mr Chubb demonstrate that the airport flight and passenger numbers are increasing and are also forecast to increase further in the future. Mr Badham's RoR also included comments from Mr Styles – Acoustic/Noise Consultant – who had assessed the evidence of Mr Westgate and Mr Chubb.

### Discussion and Reasons

10. We accept and agree with the Reporting Officer that, based on the evidence before us at this stage, the submission should be rejected. This is based on the evidence from Mr Badham, Mr Styles and Mr Westgate - who provided us with very clear and carefully prepared arguments. However, due to the lack of a technical assessment to show whether the location of the OCB should be adjusted our view is that the OCB should not be changed at this stage. However, we note that Mr Westgate's submission (submission 196) referred to the OCB being re-assessed and redrawn (if proven to be needed) - something which was apparently done some years ago with the submission referring to 2002. Although we have recommended that his submission be rejected in relation to this Plan Change we have recommended that the Council undertake a review and assessment of the OCB and other boundaries.
11. In his RoR Mr Badham stated that any review should take into account current and future projections for the airport and also the airports long-term future on the site. We believe and recommend to Council that it may be appropriate for the Council to review and reassess (in conjunction with the airport owners) the designations that are in place and consideration of the boundaries (ANB, OCB and ANM) in a holistic review of the boundaries as they affect the wider area. We have also referred to this issue under the heading "General issues" in Part 1 of our Reports.

## Topic C: SPA Objectives

### Relevant Submissions

Submitter	Submission# & Point #
Population Health Unit of the Northland District Health Board ( <b>Public Health Northland</b> )	207.74
Public Health Northland	207.76

### Principal Issues Raised

- Amendments requested to the wording of SPA-O2 (inclusion of the word “sustainable”) and SPA-O3.

### Reporting Planner's s42A Recommendation

12. This was dealt with in paragraphs 44 – 47 of the s42A Report and the recommendation was to:
- Reject the inclusion of the term “sustainable” in SPA-O2 as sustainable management is addressed under Part 2 of the Resource Management Act (**RMA**), and therefore unnecessary.
  - Reject the request to amend SPA-O3 to remove “manage” and include “mitigate or avoid” as the wording as provided would apply to all adverse effects, which could compromise the amenity and wellbeing of the surrounding area. Mr Badham was of the position that it is not possible to expect the airport to “mitigate or avoid” all adverse effects.
  - There was support for the inclusion of the word “health” in SPA-O3, but it was recommended that “safety” also be included to be consistent with RMA terminology. Amendments are as set out in Attachment 1 of the s42a Report.

### Evidence from Submitter and Right of Reply

13. No other evidence was presented on this topic.

### Discussion and Reasons

14. We agree with the recommendations of the Reporting Officer for the reasons shown in the s42A Report and our view is that the submissions should be Rejected and Accepted in Part accordingly.
15. We note that the Unique Identifier for the zone has been amended to AIRPZ, in accordance with the National Planning Standards.

## **Topic D: SPA Policies**

### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.75

### Principal Issues Raised

- Amendment to include “sustainable” in SPA-P2.

### Reporting Planner's s42A Recommendation

16. This was dealt with in paragraphs 49 of the s42A Report and the recommendation from staff was to:
- Reject the amendment for the same reasons as already discussed under Topic C: SPA Objectives of this report.

### Evidence from Submitter and Right of Reply

17. No other evidence was presented on this topic.

### Discussion and Reasons

18. We agree with the recommendations of the Reporting Officer for the reasons shown in the s42A Report and our view is that the submission should be Rejected.

## Topic E: SPA-R3 Access to Aircraft or Airport Facilities

### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.77

### Principal Issues Raised

- Amendment requested to SPA-R3, namely the inclusion of “and emergency services”.

### Reporting Planner's s42A Recommendation

19. This was dealt with in paragraphs 53 – 56 of the s42A Report and the recommendation from the Reporting Officer was to:
- Reject the amendment as emergency services is included within the “community activities” definition grouping, and therefore the requested change is unnecessary.
  - Retain SPA-R3 as notified.

### Evidence from Submitter and Right of Reply

20. No other evidence was presented on this topic.

### Discussion and Reasons

21. We agree with the recommendations of the Reporting Officer for the reasons shown in the s42A Report and our view is that the submission relating to “community activities” should be Rejected and that SPA-R3 should be retained as notified.

## Topic F: SPA-R4 Community Activities

### Relevant Submissions

Submitter	Submission# & Point #
Fire and Emergency NZ (Fire NZ)	165.78

### Principal Issues Raised

- Retention of SPA-R4 as proposed.

### Reporting Planner's s42A Recommendation

22. This was dealt with in paragraph 58. It was recommended that SPA-R4 should be retained as notified.

### Evidence from Submitter and Right of Reply

23. No other evidence was presented on this topic.

### Discussion and Reasons

24. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and our view is that the submission should be Accepted and SPA-R4 should be retained.

## Part II: Port Zone Chapter (PORTZ) (PC144)

### Topic A: National Planning Standards

#### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning and Development Department ( <b>WDC Planning</b> )	236.122

#### Principal Issues Raised

- Amendment of SPPO Appendix 1 to reflect changes to the zone colour mapping for consistency with the Standards.

#### Reporting Planner's s42A Recommendation

25. This was dealt with in paragraph 62. It was agreed that the SPPO Appendix 1 should be amended in accordance with the legend set out in Attachment 3 of Part 1 of the s42A Report to create consistency with the Standards.

#### Evidence from Submitter and Right of Reply

26. No other evidence was presented on this topic.

#### Discussion and Reasons

27. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Accepted.
28. We note that the Unique Identifier for the zone has been amended to PORTZ, in accordance with the National Planning Standards.

### Topic B: Definitions

#### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.2
Marsden Maritime Holdings ( <b>MMH</b> )	259.7

#### Principal Issues Raised

- Amendment of the definition of Port activities.

#### Reporting Planner's s42A Recommendation

29. This was dealt with in paragraphs 66 – 67 and the recommendation was to:
- Amend the definition of “Port Activities” as outlined in Attachment 1 of Part 1 of the s42A Report.
  - Undertake consequential amendments to delete the definition of “non-port related activities”, amend SPPO-R12 to include “Excluding for Port Activities” and delete SPPO-R3 Ancillary Activities to Port Activities.

### Evidence from Submitters and Right of Reply

30. No other evidence was presented on this topic.

### Discussion and Reasons

31. We agree with the recommendations of the Reporting Officer for the reasons shown in the s42A Report and agree that the submissions should be Accepted.

## Topic C: SPPO Objectives

### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.78
Public Health Northland	207.79
Public Health Northland	207.80
Northland Regional Council (NRC)	264.18
Patuharakeke Te Iwi Trust Board (PTB)	173.9

### Principal Issues Raised

- Amendment of SPPO-O2 to include the word “sustainable”.
- Amendment of SPPO-O3.
- Amendment of SPPO-O4.
- A revisit of the policy direction that relates to managing the coastal marine area to ensure no duplication with NRC responsibilities.
- Support for SPPO-O4 and SPPO-O6.

### Reporting Planner's s42A Recommendation

32. This was dealt with in paragraphs 74 – 78 and the recommendation was to:
- Retain SPPO-O2 as notified, so as not to duplicate the term “sustainable”, which is addressed under Part 2 of the RMA.
  - Retain SPPO-O3 as notified. The reference to sustainable was not supported for reasons outlined already in this report. It was not considered appropriate to require the port to “ensure there is no compromise to the well-being and amenity of the surrounding community” as the Port is a regionally and nationally significant resource to the communities of Whangarei District and Northland Region.
  - Amend SPPO-O4 and make similar consequential amendments to SPPO-P4.3 and SPPO-R9.5 as set out in Attachment 2 of the s42a report. It was not considered appropriate to expect that the Port will not generate any adverse effects, which are managed under other SPPO provisions. However, it was noted that the objective should reference “to and along” for consistency with the wording in the RMA, so minor consequential changes were recommended.
  - Retention of SPPO-O4 and SPPO-O6, noting the minor recommended amendment to SPPO-P4.

### Evidence from Submitters and Right of Reply

33. No other evidence was presented on this topic.

### Discussion and Reasons

34. We agree with the recommendations of the Reporting Officer for the reasons shown in the s42A Report and agree that the submissions should be Accepted or Rejected accordingly.

## Topic D: SPPO Policies

### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.79
Public Health Northland	207.81
NRC	264.18
PTB	173.10

### Principal Issues Raised

- Amendment of SPPO-P3, replacing “manage” with “mitigate” and “controlling” with “minimising.”
- Insertion of biosecurity surveillance measures into SPPO-P3 to avoid mosquito breeding environments.
- Revisit the policy direction that relates to manage coastal marine area to ensure no duplication with NRC responsibilities.
- Support for SPPO-P6 as is.

### Reporting Planner's s42A Recommendation

35. This was dealt with in paragraphs 84 – 87 and the recommendation was to:
- Reject the replacement of “manage” with “mitigate” in SPPO-P3, due to the nature and scale of typical port operations. Mrs Belgrave did not consider it appropriate to require adverse effects to be mitigated in all instances.
  - Accept recommendation for the replacement of “controlling” with “minimising” as the proposed wording better reflects the intent to actively manage adverse effects generated by Port activities.
  - Reject the insertion of biosecurity surveillance measures into SPPO provisions as biosecurity is managed via alternative legislative tools and governing bodies and the request falls outside of the scope of the plan change.
  - Retention of SPPO-P6 as notified.

### Evidence from Submitters and Right of Reply

36. No other evidence was presented on this topic.

### Discussion and Reasons

37. We agree with the recommendations of the Reporting Officer for the reasons shown in the s42A Report and agree that the submissions should be Accepted or Rejected accordingly.

## Topic E: SPPO R2 – Port Activities

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.3

### Principal Issues Raised

- Request for the retention of SPPO-R2.

### Reporting Planner's s42A Recommendation

38. This was dealt with in paragraph 90. It was recommended that SPPO-R2 should be retained as notified.

### Evidence from Submitter and Right of Reply

39. No other evidence was presented on this topic.

### Discussion and Reasons

40. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Accepted and that SPPO-R2 should be retained as notified.

## Topic F: SPPO R3 – Ancillary Activities to Port Activities

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.3

### Principal Issues Raised

- Request for the retention of SPPO-R3.

### Reporting Planner's s42A Recommendation

41. This was dealt with in paragraph 93. It was agreed that SPPO-R3 should be retained as notified.

### Evidence from Submitter and Right of Reply

42. No other evidence was presented on this topic.

### Discussion and Reasons

43. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Accepted and that SPPO-R3 should be retained as notified

## Topic G: SPPO R4 – Helicopter Facilities

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.3

### Principal Issues Raised

- Request for the retention of SPPO-R4.

### Reporting Planner's s42A Recommendation

44. This was dealt with in paragraph 96. It was recommended that SPPO-R4 should be retained as notified.

### Evidence from Submitter and Right of Reply

45. No other evidence was presented on this topic.

### Discussion and Reasons

46. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Accepted and that SPPO-R4 should be retained as notified

## Topic H: SPPO R5 – Building Height

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.4
Northport	132.5
Marsden Maritime Holdings (MMH)	259.4

### Principal Issues Raised

- Increase in the maximum crane height in Port Management Area A to 110m above ground level.
- Maximum height for containers in Port Management Area B increased to 30m to align with equivalent standard in Port Management Area A (SPPO-R5.4).
- Amendment to SPPO so that maximum height for buildings and containers in Port Management Area B is 25m.

### Reporting Planner's s42A Recommendation

47. This was dealt with in paragraphs 101 – 104 and the recommendation from the Reporting Officer was to:
- Reject the increase in maximum crane height, due to insufficient justification and technical information. The submission does not make clear what potential effects the requested increase could have on the surrounding environment.
  - Reject the increase in maximum height for containers in Port Management Area B to 30m and 25m respectively. PTB made a further submission opposing maximum building heights due to inconsistency with SPPO-P6 – Cultural Values. It is also not clear why an amendment is required.
  - Retain SPPO-R5 as notified.

### Evidence from Submitter and Right of Reply



48. Mr Hood on behalf of Northport presented evidence in support of the submissions. At the hearing the Reporting Officer did clarify that the 85m height limit was intended to be the maximum permitted operational height of the cranes. Mrs Belgrave responded in paragraphs 33 to 45 on pages 6 – 8 of the RoR. In relation to height she confirmed that the 85m height limit is intended to be the maximum permitted operational height of the cranes

### Discussion and Reasons

49. We carried out a site visit to the Port and were shown around the facilities. We observed some of the operations of the Port and also the height of the existing crane and facilities. We were also shown photographs of the type of cranes (similar to those at the Ports of Auckland) that may be used in the future. We were also told that the type of cranes used in Auckland were approximately 85m high when the boom is down and when the boom is raised they are approximately 110m – the boom can be raised during the berthing of ships and also for other operational reasons.
50. The RoR also included comments from Mr Coombs about the height limit of the cranes and the possible adverse visual effects that they may have on the local and cultural landscape of Whangarei Terenga Paroa. Mr Coombs was also of the opinion that the maximum permitted 85m height limit as notified for Port Operations Area A was appropriate but that instead of a discretionary activity status if compliance could not be met that a restricted discretionary activity status was appropriate. Mr Coombs recommendation was that discretion could take into account the visual effects on the Takahiwai marae and kainga and other identified cultural sites, the location of the buildings/structures, the number of buildings/structures and the arrangement of the buildings/structures. Mr Coombs also referred to the restricted discretionary status being applied for buildings and structures between 85m to 110m.
51. We have therefore accepted the permitted height limit of 85m when cranes are in operation, and for any height above this to be classified as a restricted discretionary activity, with the matters of discretion generally in accordance with what was recommended by Mr Coombs and Mrs Belgrave. The matters of discretion are shown in Attachment 2.

## **Topic I: SPPO R8 – Outdoor Areas of Storage or Stockpiles**

### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning	236.121

### Principal Issues Raised

- Amendment of SPPO-R8 to state a maximum height of 20m for storage and stockpiles above ground level.

### Reporting Planner's s42A Recommendation

52. This was dealt with in paragraph 107. Mrs Belgrave agreed with the requested amendment and accepted that it will provide greater consistency with the other height rules in the SPPO chapter and across the other proposed chapters. It was noted that a loophole in the notified rule does not provide any height limit for outdoor storage or stock piles which are not located by the boundary of the zone, and other adjoining zones. It was recommended that the submission point is accepted and that SPPO-R8 is amended as outlined in Attachment 2 of the RoR.

### Evidence from Submitter and Right of Reply

53. No other evidence was presented on this topic.

### Discussion and Reasons

54. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and the RoR and agree that the submission should be Accepted.

## Topic J: SPPO R10 – Sea-Farers Mission and Managers Accommodation

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.6

### Principal Issues Raised

- Sea-farers mission to be provided for as a permitted activity in SPPO-R10.

### Reporting Planner's s42A Recommendation

55. This was dealt with in paragraph 109 - 114. Mrs Belgrave disagreed it was appropriate to provide for sea-farers mission and managers accommodation as permitted activities within the SPPO. It was recommended that the submission be rejected, and that SPPO-R10 is retained as outlined in Attachment 2 of the ROR.

### Evidence from Submitter and Right of Reply

56. Mr Hood on behalf of Northport presented evidence in support of the submission although he acknowledged that it was not a priority for the Port. However, he did state that in his view consent would have to be granted as the only affected parties would be Northport and MMH. Mrs Belgrave's view was that, depending on the location of the sea-farers mission, other parties such as the Refinery or residential neighbours may be affected. Mrs Belgrave's full response was shown in page 11 of the ROR.

### Discussion and Reasons

57. The Reporting Officer had provided an assessment of the submission in the s42A Report and noted that at present the SPPO currently contains one sea-farers mission which can continue to operate under existing use rights. A full assessment of the proposed rule framework surrounding the sea-farers mission had also been undertaken within the Port Zone s32 Report and it concluded that a restricted discretionary activity status was the most appropriate. We have read the s32 Report and agree that there is nothing in the Northport submission or evidence that warrants a change to the activity status and agree with the Reporting Officer.
58. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and the RoR and agree that the submission should be rejected.

## Topic K: SPPO R12 – Repair and Maintenance Services

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.7

### Principal Issues Raised

- Support for SPPO-R12, subject to the amendment to the definition of Port Activities being accepted.

### Reporting Planner's s42A Recommendation

59. This was dealt with in paragraph 115 to 117. Northport's proposed amendments to the definition of Port Activities were supported and it was agreed that SPPO-R12 should be amended as notified.

**Evidence from Submitter and Right of Reply**

60. No other evidence was presented on this topic.

**Discussion and Reasons**

61. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Accepted and that SPPO-R12 should be amended accordingly.

**Topic L: SPPO R13 – Marine Industry**

**Relevant Submissions**

Submitter	Submission# & Point #
Northport	132.7

**Principal Issues Raised**

- Support for SPPO-R13, subject to the amendment to the definition of Port Activities being accepted.

**Reporting Planner's s42A Recommendation**

62. This was dealt with in paragraphs 118 – 123 of the s42A Report. Mrs Belgrave disagreed that “general marine and related activities” should be included within the definition of Port Activities as marine industry activities not ancillary to port activities should be subject to consideration through a resource consent process. As such, SPPO-R13 should be as notified. It was recommended that SPPO-R13 should be retained as notified and no amendments made.

**Evidence from Submitter and Right of Reply**

63. No other evidence was presented on this topic.

**Discussion and Reasons**

64. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected and that SPPO-R13 should be retained as notified

**Topic M: SPPO R15 – General Industry**

**Relevant Submissions**

Submitter	Submission# & Point #
Northport	132.7

**Principal Issues Raised**

- Support for SPPO-R15, subject to the amendment to the definition of Port Activities being accepted.

**Reporting Planner's s42A Recommendation**

65. This was dealt with in paragraphs 124 to 126 of the s42A Report. The submission regarding proposed amendments to the definition of Port Activities did not seek to include General Industry activities; therefore it is not clear what specific relief was sought. It was recommended that SPPO-R15 should be

retained as notified and no amendments made.

**Evidence from Submitter and Right of Reply**

66. No other evidence was presented on this topic.

**Discussion and Reasons**

67. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected and that SPPO-R15 should be retained as notified

## Topic N: SPPO R18 – Commercial Activities

**Relevant Submissions**

Submitter	Submission# & Point #
Northport	132.7

**Principal Issues Raised**

- Support for SPPO-R18, subject to the amendment to the definition of Port Activities being accepted.

**Reporting Planner's s42A Recommendation**

68. This was dealt with in paragraphs 127 to 129 of the s42A Report. The submission regarding proposed amendments to the definition of Port Activities did not seek to include Commercial Activities; therefore it was not clear what specific relief was being sought. It was recommended that SPPO-R18 should be retained as notified and no amendments made.

**Evidence from Submitter and Right of Reply**

69. No other evidence was presented on this topic.

**Discussion and Reasons**

70. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected and that SPPO-R18 should be retained as notified

## Topic O: SPPO R19 – Waste Management Facilities

**Relevant Submissions**

Submitter	Submission# & Point #
Northport	132.7

**Principal Issues Raised**

- Support for SPPO-R19, subject to the amendment to the definition of Port Activities being accepted.

**Reporting Planner's s42A Recommendation**

71. This was dealt with in paragraphs 130 – 134 of the s42A Report. Mrs Belgrave disagreed that “waste management facilities for quarantine purposes” should be included within the definition of Port Activities. However, she did state that she was open to reconsidering her position should further information and clarification be provided. As such it was recommended that SPPO-R19 should be

retained as notified and no amendments made.

#### **Evidence from Submitter and Right of Reply**

72. Northport presented evidence in support of their submission. Mrs Belgrave responded in page 11 of the ROR. The submitter's evidence provided enough clarity to confirm that waste management facilities need to be permitted. It was recommended that the definition of Port Activities be amended to ensure waste management is permitted as detailed in Attachment 1 of Part 1 of the RoR.

#### **Discussion and Reasons**

73. We agree with the recommendation of the Reporting Officer for the reasons shown in the RoR Report and agree that the submission should be Accepted and that SPPO-R19 should be amended accordingly

### **Topic P: Commercial Activities**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
MMH	259.1

#### **Principal Issues Raised**

- Inclusion of an appropriate mechanism as part of PC143 that will allow commercial activities to proceed as a permitted activity in the SPPO.

#### **Reporting Planner's s42A Recommendation**

74. This was dealt with in paragraphs 135 – 140 of the s42A Report. Mrs Belgrave disagreed that it was appropriate for commercial activities to be permitted in the SPPO as this would be inconsistent with the notified SPPO objectives and policies and the zone purpose in the National Planning Standards. The notified provisions provide for commercial activities as non-complying activity, in recognition of the necessity to protect limited land within the SPPO for port activities. It was recommended that the submission point be rejected and that commercial activities are retained as notified in SPPO-R19.

#### **Evidence from Submitter and Right of Reply**

75. MMH and PTB presented evidence in support of the submission by MMH. Mrs Belgrave responded in paragraphs 46 to 50 as shown on pages 8 and 9 of the RoR. The legal scope of the submission was addressed by Ms Shaw in paragraph 47 – 48 of her legal submission dated 21 November 2019. Based on Ms Shaw legal opinion, and insufficient justification, it was recommended that the submission point be rejected.

#### **Discussion and Reasons**

76. We have read Ms Shaw's legal submission and her opinion that there is no scope to consider a rezoning to enable commercial activities within the Port Zone and we agree with her opinion. However, if we are wrong about the lack of scope we believe that the submission should be Rejected for the reasons shown in the s42A Report and in the RoR from Mrs Belgrave and in particular the reasons shown in paragraph 49 a. to d of the RoR.

### **Topic Q: Industrial Activities**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
MMH	259.2

### Principal Issues Raised

- Amendment of SPPO so that industrial activities are a permitted activity.

### Reporting Planner's s42A Recommendation

77. This was dealt with in paragraphs 141 – 144 of the s42A Report. The Reporting Officer disagreed with the request to allow industrial activities as a permitted activity, as the chapter provides that the establishment of non-port related activities within the SPPO should be avoided. It was recommended that industrial activities are retained as notified (SPPO-R11 - R15).

### Evidence from Submitter and Right of Reply

78. Mr Keogh on behalf of MMH presented evidence in support of the submission by MMH. Mrs Belgrave responded in paragraphs 51 to 55 on pages 9 and 10 of the RoR. Mrs Belgrave's response was that the position in her s42A Report remains and that a restricted discretionary activity status was the most appropriate approach to deal with industrial activities on a case by case basis.

### Discussion and Reasons

79. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and agree that the submission should be Rejected and that industrial activities in the SPPO should be dealt with as a restricted discretionary activity.

## **Topic R: Rural Production Activities**

### Relevant Submissions

Submitter	Submission# & Point #
MMH	259.3

### Principal Issues Raised

- Amendment of the SPPO so that rural production activities are a permitted activity.

### Reporting Planner's s42A Recommendation

80. This was dealt with in paragraphs 145 – 149 of the s43A Report. Mrs Belgrave's position was that not enough justification had been provided to support the need for rural production activities to be a permitted activity within the SPPO, and that it was inconsistent with the policy direction and purpose of the SPPO under the National Planning Standards. It was recommended that rural production activities be retained as notified (SPPO-R21).

### Evidence from Submitter and Right of Reply

81. Mr Keogh on behalf of MMH presented evidence in support of the submission. Mrs Belgrave responded in paragraphs 56 to 61 on page 10 of the RoR, maintaining her position as set out in the s42a report. She believed that activities that would be able to establish and occur within the Port Zone if rural production activities were recommended, would not be appropriate, and could lead to adverse and long-term effects. It was recommended that the submission point be rejected.

### Discussion and Reasons

82. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and agree that the submission should be Rejected.

## Topic S: Noise

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.8

### Principal Issues Raised

- Introduction of a Port Noise Management Area to the list of zones in NAV6.5(1) and the table below it, which would introduce sound insulation requirements for future dwellings at Reotahi and One Tree Point.

### Reporting Planner's s42A Recommendation

83. This was dealt with in paragraphs 150 – 155 of the s42A Report. The practical basis for the request was acknowledged, but it was considered that insufficient technical information and evidence had been provided. Based on Jon Styles (Noise Expert) advice, the recommendation was for the Port noise requirements as set out in the NAV chapter to be retained.

### Evidence from Submitter and Right of Reply

84. Mr Hood on behalf of MMH presented evidence in support of the submission. Mr Fitzgerald (Acoustic Consultant) also provided evidence on behalf of Northport and Mr Styles (Acoustic Consultant) provided evidence on behalf of the Council. Mrs Belgrave responded in paragraphs 24 to 32 on pages 5 and 6 of the RoR. She maintained the position in the s42A report that insufficient information and assessment had been provided to support the submission.

### Discussion and Reasons

85. We agree with expert evidence from Mr Styles and the recommendation of the Reporting Officer for the reasons shown in the s42A Report and the RoR and agree that the submission should be Rejected. In particular we agree that there is still insufficient information for the purpose of assessing the effects of the requested changes and the implementation of the Port Noise Management Area and noise control boundaries.
86. We also share the view of Mr Styles that the adverse noise effects and change in lifestyle for many of the residents that could/will be affected will be significant and that a more detailed and informed analysis, including a robust s32 assessment is required. It is vital that the effects on people must be addressed and understood in detail so that they can be taken into account and assessed against the other factors driving the need for the controls.
87. We also have concerns that people (particularly in the One Tree Point and Reotahi areas) that could possibly be adversely affected by the controls are not aware of the inner and outer control boundaries proposed in evidence and have had no input into this process.
88. Although we have dealt with and assessed the submission on its merits we also note that Ms Shaw in her legal submission dated 4 December 2019 provided her opinion on the three areas of relief in the submission as it relates to noise and considered that there were potential issues of procedural fairness associated with application of the Port Noise Standard Inner and Outer control boundaries and that the Inner and Outer control boundaries should have been mapped in the submission. She submitted that the introducing of the Inner and Outer control boundary in evidence at the hearing (with respect to introducing any obligations on the port's neighbours) was not "fairly and reasonably raised" in the submission and would amount to procedural unfairness. We have also taken into account the legal submission from Mr K Littlejohn on behalf of Northport where, in part, he states that including the Inner and Outer Noise control boundaries are within the scope of Northport's primary submission.



## Topic T: Plant Nursery

### Relevant Submissions

Submitter	Submission# & Point #
PTB	173.11

### Principal Issues Raised

- A small (minor) scale plant nursery on a portion of the Port land was raised in the submission from the PTB.

### Reporting Planner's s42A Recommendation

89. This was dealt with in paragraphs 156 – 159 of the s42A Report and the recommendation from the Reporting Officer was not to include a provision making a minor nursery a permitted activity. Mr Badham's opinion was that the establishment of a minor nursery should not be considered as ancillary to the port operations as it is not key component of ensuring the ongoing operations and functioning of port activities and should be dealt with on a case by case basis through a non-complying resource consent process.

### Evidence from Submitter and Right of Reply

90. Mrs Chetham presented evidence at the hearing on behalf of PTB and Mr Badham covered this in paragraphs 41 – 45 of his RoR Report. His opinion and recommendation to reject the submission point had not changed. He did comment that if the Commissioners (Panel) decided that a plant nursery should be allowed in the Port Zone that this could be achieved through a specific rule enabling plant nurseries to establish, however he did not agree with this approach.
91. Mrs Chetham in her evidence at 4.1 and 4.2 outlined PTB's submission which seeks to provide for a minor nursery as an ancillary activity to port operations with permitted status or alternative relief as that set out in Mr Keogh's evidence i.e. restricted discretionary activity status along an 80m side strip fronting Marsden Point Drive. PTB's desire is to establish a native plant nursery, continue their work with other parties in their role to improve environmental, landscape and amenity outcomes. She said that it was not envisaged that it would be of a large scale but reminiscent of a marae or school-based nursery and most likely supporting a couple of part time employees. She provided photographs of a Marae based nursery and restoration planting – Te Takutai o Te Titi marae, Oraka (Colac Bay, Southland).
92. Mrs Chetham referred to the land being ideal because of the available water supply in the stormwater pond, the potential mulch source from bark removed from the stormwater system and that the primary goal (like Te uri o Hau's Te Arai Nursery and Akerama Marae's nursery) would be to facilitate restoration and landscaping projects.

### Discussion and Reasons

93. Having considered the evidence and recommendation our view is that a small scale plant nursery similar to that described by Ms Chetham in her evidence and photographs should be allowed to establish as a permitted activity and we have provided a specific rule enabling this type of nursery. See Attachment 2.
94. A nursery as outlined in Ms Chetham's evidence would not need a large capital outlay and the structures are easily relocated or removed if the area is needed for future Port activities. We established at the hearing that Northport is not opposed to the inclusion of such a rule. We have allowed for the employment of two employees and have required that structures can be easily relocated or removed in order to ensure that the facility is of a small scale. We find that this would be an efficient use of land until such time as the land is required for port operations. Furthermore, it is consistent with SPPO-O5 and SPPO-O5, as it will avoid the fragmentation of land, while providing for a small-scale nursery. We have recommended the addition of a policy to provide for a small-scale plant



nursery. The establishment of a plant nursery would support PTB's desire to continue their work in their role to improve environmental, landscape and amenity outcomes.

## Topic U: Transport

### Relevant Submissions

Submitter	Submission# & Point #
B and A Burrows	22.3

### Principal Issues Raised

- Discouragement of incompatible activities within the SPPO and seek amendments to re-route heavy traffic away from Marsden Point Road.

### Reporting Planner's s42A Recommendation

95. This was dealt with in paragraphs 161 and 162 of the s42A Report. Mrs Belgrave was of the position that the request was outside of the scope of the District Plan functions, as Marsden Point Road is not located within the SPPO, and the SPPO chapter cannot re-direct traffic or control the routes and roads that traffic utilise.

### Evidence from Submitter and Right of Reply

96. No other evidence was presented on this topic.

### Discussion and Reasons

97. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected.

## Topic V: Other Provisions

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.1

### Principal Issues Raised

- Retention of Port Zone, and exemption of the Port Zone from all other plan changes.

### Reporting Planner's s42A Recommendation

98. This was dealt with in paragraphs 163 – 166 of the s42A Report. It was agreed that the Port Zone should be retained as notified, noting that some amendments have been recommended to the provisions for the zone elsewhere.
99. However, the relief sought by the submitter to exempt the Port Zone from all other plan changes was rejected, as there are several district-wide issues e.g. noise, which are directly applicable and relevant to the Port and need to be considered alongside the SPPO chapter. It was recommended that the Commissioners:
- Retain the SPPO as notified subject to amendments recommended elsewhere in the s42a Report.
  - Do not exempt the SPPO from other plan changes.

**Evidence from Submitter and Right of Reply**

100. No other evidence was presented on this topic.

**Discussion and Reasons**

101. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the SPPO should be retained as notified subject to amendments recommended elsewhere in the s42A Report and that the SPPO should not be exempt from other plan changes.

### Part III Hospital Zone (HOSZ) (PC145)

#### Topic A: Zone Extent

##### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.30

##### Principal Issues Raised

- Changes to the Planning Maps as necessary and/or make other such amendments so landholdings identified in submission are shown as Hospital Zone.

##### Reporting Planner's s42A Recommendation

102. This was dealt with in paragraphs 168 – 171 of the s42A Report. The zoning changes were supported. A consequential amendment was recommended to the SHP Overview to amend the area of the Hospital to more accurately reflect the extent of the SPH zoning.

##### Evidence from Submitter and Right of Reply

103. No other evidence was presented on this topic.

##### Discussion and Reasons

104. We agree with the recommendation of the Reporting Officer to the zoning changes for the reasons shown in the s42A Report also noting the change from SPH to HOSZ to reflect the National Standards.

#### Topic B: Overview

##### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.1

##### Principal Issues Raised

- Amendment of the overview.

##### Reporting Planner's s42A Recommendation

105. This was dealt with in paragraphs 172 to 174 of the s42A Report. The overview was generally supported as notified, although some of the changes requested by NDHB require greater clarity. It was recommended that the Commissioners accept in part the submission point and amend the overview as detailed in Attachment 3 of the s42 report.

##### Evidence from Submitter and Right of Reply

106. Mr McAlley from NDHB presented evidence in support of the submission. The Reporting Officer considered this and responded in page 22 of the ROR. Mr Badham agreed with the addition of "and private" as outlined by Mr McAlley. It was recommended that the HOSZ Issues section is amended as detailed in Attachment 3 of the ROR.

##### Discussion and Reasons

107. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and agree that the HOSZ Issues section is amended as shown in Attachment 3.

## Topic C: SPH Objectives

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.2
NDHB	206.3
NDHB	206.4
NDHB	206.5

### Principal Issues Raised

- Amendment of SPH-O1.
- Amendment of SPH-O2.
- Retention of SPH-O3 as notified.
- Deletion of SPH-O4 in its entirety.

### Reporting Planner's s42A Recommendation

108. This was dealt with in paragraphs 174 – 183 of the s42A Report. It was recommended that the Commissioners:
109. Amend SPH-O1 as set out in Attachment 3 of the s42a report. Mr Badham agreed with the amendment to SPH-O1.1. and in part with the requested amendments to SPH-O1.2. He also agreed with the inclusion of “wide” and “current and future” as this provides greater clarity.
110. However, he did not support the addition of “health care related” activities as it is not a defined term in the WDP, proposed notified version of the Urban and Services Plan Changes or the Standards. He did not support the inclusion of a new SPH-O1.3. His position was that the wording is confusing and unnecessary. It was recommended that the Commissioners:
- Reject any amendments to SPH-O2, as the wording is superfluous as SPH-O3 already contains an objective that recognises and provides for Whangarei Hospital as regionally significant infrastructure.
  - Retain SPH-O3 as notified.
  - Reject the deletion of SPH-O4 as the SPH zone is a limited resource and it is important fragmentation in any future subdivision is avoided.

### Evidence from Submitter and Right of Reply

111. Mr McAlley on behalf of the NDHB presented evidence in support of the submission. Mr Badham responded in pages 22 – 23 of the ROR. It was recommended that HOSZ-O1.2 and HOSZ-O2 are amended as detailed in Attachment 3 of the ROR. His position on the addition of a new clause to HOSZ-O1.2 was unchanged.

### Discussion and Reasons

112. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and agree that the submission points should be Accepted or Rejected accordingly.

## Topic D: SPH Policies

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.6
NDHB	206.7
NDHB	206.8
NDHB	206.9

### Principal Issues Raised

- Amendment of SPH-P1.
- Amendment of SPH-P3.
- Amendment of SPH-P5.
- Deletion of SPH-P6 in its entirety.

### Reporting Planner's s42A Recommendation

113. This was dealt with in paragraphs 184 – 193 of the s42A Report. Mr Badham did not support the inclusion of “health care” activities within the SPH-P1 for the reasons given in Topic C above. He agreed with the insertion of “ancillary activities” as its addition to SPH-P1 will provide clarity.
114. The revised wording of SPH-P3 was not supported. He considered it to be important that “medical research facilities” are excluded from SPH-P3, based on the notified definition. However, it was noted that the standards have a revised definition of “industrial activity” which no longer refers to “research facilities” and that WDC – Planning have made a submission (236.37) seeking to amend the notified definition. If this goes ahead, Mr Badham was of the opinion that it would be logical to consequentially amend SPH-P3.
115. Mr Badham did not support the requested rewording of SPH-P5 as the notified wording is clearer, or the deletion of SPH-P6 for the same reasons provided in response to the request to delete SPH-P4 in Topic above. It was recommended that the Commissioners:
- Amend SPH-P1 as set out in Attachment 3 of the s42a report.
  - Retain SPH-P3 as notified, unless the WDC Planning submission point 236.37 is accepted, then it may be appropriate to accept the change to SPH-P3.
  - Retain SPH-P5 as notified.
  - Retain SPH-P6 as notified.

### Evidence from Submitter and Right of Reply

116. Mr McAlley on behalf of the NDHB presented evidence in support of the submission. Mr Badham responded in pages 23 – 24 of the RoR. It was recommended that the terms “hospital related activities” would be more appropriate for HOSZ-P1 rather than Mr McAlley’s suggestion of “health care related activities”.
117. Mr Badham’s position was unchanged in relation to HOSZ-P3, unless further changes are made to the definitions, in which case, he recommended further consideration be given to the drafting of HOSZ-P3 and HOSZ-R24.
118. Mr Badham’s position was also unchanged on the requested changes to HOSZ-P5 as the redevelopment of the hospital site has not been confirmed, nor is there any formal application.

119. There was no change to his position on HOSZ-P6.

**Discussion and Reasons**

120. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and agree that the submission points should be accepted or rejected accordingly.

**Topic E: Definitions - Hospital**

**Relevant Submissions**

Submitter	Submission# & Point #
NDHB	206.11
WDC Planning	236.36

**Principal Issues Raised**

- Request that the definition of Hospital be amended.

**Reporting Planner's s42A Recommendation**

121. This was dealt with in paragraphs 194 – 196 of the s42A Report. Mr Badham generally supported the definition of “Hospital” as notified and accepted that some of the changes requested provide greater clarity. His position was that it is appropriate to have two separate definitions, one for “Hospital” and the other for “Hospital Related Activities.” It was recommended that the Commissioners:

- Amend the definition of “Hospital” and include a new definition of “Hospital Related Activities” as outlined in Attachment 1 of Part 1 of the s42A Report.

**Evidence from Submitter and Right of Reply**

122. No other evidence was presented on this topic.

**Discussion and Reasons**

123. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report that the definition of “Hospital” should be amended and that a new definition of “Hospital Related Activities” should be included. These definitions set out in Attachment 1 to Part 2 of our decision report.

**Topic F: SPH-R1 Any activity not otherwise listed in this chapter**

**Relevant Submissions**

Submitter	Submission# & Point #
NDHB	206.10

**Principal Issues Raised**

- Deletion of SPH-R1 in its entirety.

**Reporting Planner's s42A Recommendation**

124. This was dealt with in paragraphs 197 to 199 of the s42A Report. Mr Badham did not support this request as SPH-R1 is consistent with the approach taken in other chapters. It was recommended that the Commissioners retain SPH-R1 as notified.

**Evidence from Submitter and Right of Reply**

125. No other evidence was presented on this topic.

**Discussion and Reasons**

126. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected and that SPH-R1 (now HOSZ-R1) should be retained.

## Topic G: SPH-R2 Hospital

**Relevant Submissions**

Submitter	Submission# & Point #
NDHB	206.12

**Principal Issues Raised**

- Amendment of SPH-R2 to include a discretionary activity status when an activity is not considered within the definition of "Hospital."

**Reporting Planner's s42A Recommendation**

127. This was dealt with in paragraphs 200 to 202 of the s42A Report. This request was not supported as the change would be inconsistent with the structure of the Urban and Services Plan Changes. It was recommended that the submission point be rejected and SPH-R2 amended as per Attachment 3 of the s42a report.

**Evidence from Submitter and Right of Reply**

128. No other evidence was presented on this topic.

**Discussion and Reasons**

129. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected and that SPH-R2 (now HOSZ-R2) should be retained.

## Topic H: SPH-R3 to R8 Various Activity Rules

**Relevant Submissions**

Submitter	Submission# & Point #
NDHB	206.13
Ministry of Education (MOE)	267.8

**Principal Issues Raised**

- Deletion of SPH-R3 to R8.
- Retention of SPH-R8 as notified.

**Reporting Planner's s42A Recommendation**

130. This was dealt with in paragraphs 203 – 207 of the s42A Report. Mr Badham did not support the request to delete SPH-R3 to R8 as SPH-R3 includes an important requirement around "visitor accommodation". Regarding SPH-R4 to R8, Mr Badham believed these rules should remain as notified

to clarify the activity status for these activities and to maintain consistency with the Urban and Services Plan Change structure. It was recommended that SPH-R3 to R8 be retained as notified.

#### **Evidence from Submitter and Right of Reply**

131. Mr McAlley behalf of the NDHB presented evidence in support of the submission and Mr Badham responded in page 24 of the RoR. Mr Badham agreed with the addition of “contractors” for the reasons outlined in Mr McAlley’s evidence. It was recommended that HOSZ-R3 is amended as detailed in Attachment 3 of the RoR.

#### **Discussion and Reasons**

132. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the ROR and agree that the submission points should be Accepted or Rejected accordingly.

### **Topic I: SPH-R9 Building Height**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
NDHB	206.14

#### **Principal Issues Raised**

- Amendment of SPH-R9.

#### **Reporting Planner's s42A Recommendation**

133. This was dealt with in paragraphs 208 – 211 of the s42A report. Mr Badham acknowledged the practical justification for the requested height increase, however he was of the position that NDHB had provided insufficient technical information to understand the potential effects of the requested height limit increase on the surrounding environment. It was recommended that SPH-R9 be retained as notified.

#### **Evidence from Submitter and Right of Reply**

134. Mr McAlley and Mr Cocker on behalf of the NDHB presented evidence in support of the submission. Mr Badham responded in pages 15 – 16 of the RoR. The Council engaged Mr Coombs to peer review Mr Cocker’s work and the revised provisions by the NDHB. Mr Badham relied on the evidence of Mr Coombs and Mr Cocker, who arrived at an agreement on the provisions relating to height. He recommended HOSZ-R9 be amended as outlined in Attachment 3 of the RoR.

#### **Discussion and Reasons**

135. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and that the height limit as shown in HOSZ-9 should be amended as shown in Attachment 3 and that the submission should be Accepted accordingly.

### **Topic J: SPH-R10 Building Height in Relation to Boundary**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
NDHB	206.15



### Principal Issues Raised

- Amendment of SPH-R10.

### Reporting Planner's s42A Recommendation

136. This was dealt with in paragraph 212 – 216 of the s42A Report. Mr Badham disagreed with the requested change and believed it was appropriate for the SPH-R10 to remain as notified, as it provides a graduating height limit from any site boundary of the SPH adjoining a Residential or Open Space Zone. It was recommended that the SPH-R10 be retained as notified.

### Evidence from Submitter and Right of Reply

137. Mr McAlley and Mr Cocker on behalf of the NDHB presented evidence in support of the submission. Mr Badham responded in pages 16 – 17 of the RoR. The evidence of Mr Cocker was considered/peer reviewed by Mr Coombs, and it was agreed that the amendment was appropriate. It was recommended that the Commissioners accept in part the relevant submission points and that HOSZ-R10 is amended as outlined in Attachment 3 of the RoR.

### Discussion and Reasons

138. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and that HOSZ-10 should be amended as shown in Attachment 3 and that the submission should be Accepted accordingly.

## **Topic K: SPH-R11 Building Setbacks**

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.16

### Principal Issues Raised

- Amendment of SPH-R11.

### Reporting Planner's s42A Recommendation

139. This was dealt with in paragraphs 217 to 219 of the s42A Report. Mr Badham did not support the request to delete clause (c) of this rule as the 27m setback from mean high water springs is an important setback that is applied generally across the various zones in the proposed Urban and Services chapters. It was recommended that the Commissioners:

- Retain SPH-R11 as notified.

### Evidence from Submitter and Right of Reply

140. Mr McAlley on behalf of the NDHB presented evidence in support of the submission. Mr Badham responded in pages 17 – 18 of the RoR. His position to retain SPH-R11 was unchanged.

### Discussion and Reasons

141. We have carefully considered this matter.
142. In relation to the proposed 27m setback from MHWS/top of the bank of any river over 3m width, we have taken the view elsewhere that where submissions allow this should be reduced to 20m. We believe that this would still achieve the benefits outlined by Mr Badham in the RoR.

143. We are also generally supportive of the additional setback control relating to West End Road but have proposed further alterations to this to improve its clarity. In particular, we have recommended that an averaging approach is taken where there is more than one building or part of a building within the setback. This will address a concern which we discussed with witnesses at the hearing regarding the prospect of a long, unbroken building façade establishing on the West End Road frontage. We find that the recommended amendments are the most appropriate way to achieve the objectives. In particular, the future development of the hospital will retain a degree of flexibility, while ensuring that adverse effects on the surrounding environment are managed appropriately.

## Topic L: SPH-R12 Building Coverage

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.17

### Principal Issues Raised

- Retention of SPH-R12 as notified.

### Reporting Planner's s42A Recommendation

144. This was dealt with in paragraph 221 of the s42A Report. Mr Badham agreed that SPH-R12 should be retained as notified.

### Evidence from Submitter and Right of Reply

145. No other evidence was presented on this topic.

### Discussion and Reasons

146. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and that SPH-R12 (now HOSZ-R13) should be retained as notified and the submission Accepted.

## Topic M: SPH-R13 Impervious Areas

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.18

### Principal Issues Raised

- Amendment of SPH-R13.

### Reporting Planner's s42A Recommendation

147. This was dealt with in paragraphs 223 to 225 of the s42A Report. Mr Badham did not support the requested amendments as Section 10 of the RMA provides protection to existing impervious areas where lawfully established, and stormwater management and attenuation is addressed in the proposed Three Waters Chapter and reference to the Environmental Engineering Standards 2010. It was recommended that SPH-R13 be retained as notified.

### Evidence from Submitter and Right of Reply

148. Mr McAlley on behalf of the NDHB presented evidence in support of the submission. Mr Badham

responded in page 24 of the RoR and his position to retain SPH-R13 was unchanged. However, having understood that the primary concern from NDHB was regarding existing use rights, Mr Badham recommended the addition of a note to HOSZ-R13 to highlight that these may apply for impervious surfaces lawfully established prior to the Hospital Chapter becoming operative.

### Discussion and Reasons

149. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and agree that SPH-R13 (now HOSZ-R15) should be amended by the addition of a note as shown in Attachment 3 and that the submission should be Accepted in part.

## Topic N: SPH-R15 Car Parking

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.19

### Principal Issues Raised

- Amendment of SPH-R15.

### Reporting Planner's s42A Recommendation

150. This was dealt with in paragraphs 226 to 228 of the s42A Report. Mr Badham agreed with the requested amendment and recommended that SPH-R15 is amended as outlined in Attachment 3 of the s42a report.

### Evidence from Submitter and Right of Reply

151. No other evidence was presented on this topic.

### Discussion and Reasons

152. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that HOSZ-R15 should be amended as shown in Attachment 3 and that the submission should be Accepted.

## Topic O: SPH-R16 to R24 Various Activity Rules

### Relevant Submissions

Submitter	Submission# & Point #
Northport	132.1

### Principal Issues Raised

- Deletion of SPH-R16 to R24 in their entirety.

### Reporting Planner's s42A Recommendation

153. This was dealt with in paragraphs 229 – 235 of the s42A Report. Mr Badham did not support this request and believed it to be important that these rules remain as notified as they clarify the activity status for these activities and is consistent with the structure of the Urban & Services Plan Changes. It was recommended that SPH-R16-R24 are retained as notified, noting the consequential change to SPH-R18.

**Evidence from Submitter and Right of Reply**

154. No other evidence was presented on this topic.

**Discussion and Reasons**

155. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report that the SPH-R16-R24 should not be deleted noting the consequential change to SPH-R18 and the submission should be Rejected accordingly.

**Topic P: Adjacent Properties**

**Relevant Submissions**

Submitter	Submission# & Point #
Cooper	28.1

**Principal Issues Raised**

- Amendments to the Hospital Zone including in relation to privacy and overshadowing, residential amenity and character, and fencing; OR, include reasonable provisions to the Hospital Zone that protect the interests of those who own residential properties adjacent to the proposed zone.

**Reporting Planner's s42A Recommendation**

156. This was dealt with in paragraphs 236 to 238 of the s42A Report. The relief requested was not supported. Mr Badham's position was that SPH-02 and SPH-P4 provide appropriate policy direction to manage adverse effects from development within the SPH on the surrounding environment. This is supported by rules (including SPH-R9-R11 and R14). It was recommended that the Commissioners retain the SPH provisions as notified.

**Evidence from Submitter and Right of Reply**

157. No other evidence was presented on this topic.

**Discussion and Reasons**

158. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report that the SPH provisions as notified (accept for those amendments as a result of our recommendations on other submissions) should be retained as notified and that the submission should be Rejected.

**Topic Q: Flooding**

**Relevant Submissions**

Submitter	Submission# & Point #
NDHB	206.21

**Principal Issues Raised**

- Remove the flood susceptible area notation on Resource Area Map 66R from the site and include a new rule.

**Reporting Planner's s42A Recommendation**

159. This was dealt with in paragraphs 239 – 242 of the s42A Report. Mr Badham was of the opinion that the relief requested by the submitter was outside of the scope of the plan changes, and that if it was in scope, insufficient information had been provided to justify the relief. It was recommended that the request for a new rule in the proposed SPH chapter for flooding be rejected.

#### **Evidence from Submitter and Right of Reply**

160. Mr McAlley on behalf of the NDHB provided evidence on the submission and this was supported by a flooding assessment carried out by Cook Costello. The NDHB sought a bespoke flooding Rule to be included in the Hospital Zone Chapter.
161. Ms Shaw had provided legal submissions on this specific submission point in paragraphs 22 – 25 of her legal submissions dated 21 November 2019. Mr Badham responded to this in page 20 of the RoR. Mr Badham relied on Ms Shaw's legal opinion and therefore considered the request to be out of scope. However, he did provide some opinion/comments if we (Commissioners) consider that there is scope to request the change.

#### **Discussion and Reasons**

162. We have read and considered the legal submissions of Ms Shaw and Mr Badham's opinion/comment and agree that the submission is not within scope of the plan change. However, if we are wrong we have also considered the merits of the submission and would reject it for the reasons set out in the RoR. In particular, as Council has not engaged a suitably qualified and experienced engineer to peer review the report from Cook Costello to confirm the findings, we do not believe that we have enough information to accept the assessment.

## **Topic R: Transport**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
NZTA	240.94

#### **Principal Issues Raised**

- NZTA request a new transport management policy, and a restricted discretionary activity rule to set parameters which require consent as a result of certain changes and associated matters of assessment/discretion.

#### **Reporting Planner's s42A Recommendation**

163. This was dealt with in paragraphs 243 – 246 of the s42A report. Mr Badham noted that NZTA had not provided any details of the requested policy or restricted discretionary activity rule relating to this submission point. In the meantime, he was unable to respond to the submission point without this detail. He recommended that the submission point should be rejected based on insufficient information and that a new transport management policy or restricted discretionary activity rule in the proposed SPH chapter should not be included.

#### **Evidence from Submitter and Right of Reply**

164. Throughout the hearing process representatives of the NZTA and NDHB met to negotiate an agreed position in relation to this issue. This included discussions with Mr McKenzie and Mr Burgoyne on behalf of WDC. Mr Badham responded to this in pages 13 – 15 of the RoR. He agreed that the provisions are appropriate as outlined and agreed between the NDHB and NZTA, and agreed with the wording of the rule and additional changes suggested by Mr Burgoyne. However, he did not support the exclusion of HOSZ-REQ1(g). He recommended that the Commissioners:
- Accept in part the original submission from NZTA and recommend the inclusion of new controlled activity and restricted discretionary rules in HOSZ-R-New3 and HOSZ-R-New4 and

new information requirements in HOSZ-REQ1 and REQ2 as outlined in Attachment 3 of the RoR.

### Discussion and Reasons

165. We commend the effort by NZTA, NDHB and the Council to negotiate an agreed set of provisions. We agree with the recommendation of the Reporting Officer for the reasons in the RoR and accept in part the original submission from NZTA and recommend the inclusion of new controlled activity and restricted discretionary rules HOSZ-R-New3 and HOSZ-R-New4; and new information requirements in HOSZ-REQ1 and REQ2 as outlined in Attachment 3.
166. In relation to HOSZ-REQ1(g) we agree with Mr Badham's opinion at paragraph 72e. of his RoR and believe that it if this matter was not included it would not adequately address the traffic effects of a potential expansion of the hospital, which is the intention of the rule.

## Topic S: Trees

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.29

### Principal Issues Raised

- Inclusion of a new rule regarding permitting trimming or removal of trees, including listed Heritage Trees and other protected trees.

### Reporting Planner's s42A Recommendation

167. This was dealt with in paragraphs 247 – 253 of the s42A Report. Mr Badham believed it was inappropriate to accept the relief requested by NDHB regarding scheduled trees, as the trees would be able to be removed without any consideration of designing around the trees or proposing mitigation or offset. It was recommended that the Commissioners:
- Not include an additional rule for tree removal in the proposed SPH chapter.

### Evidence from Submitter and Right of Reply

168. No other evidence was presented on this topic.

### Discussion and Reasons

169. We carried out a site visit to the Hospital grounds and the surrounding area and observed the trees that were on site. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and agree that the submission should be Rejected.

## Topic T: Noise

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.23
NDHB	206.24

### Principal Issues Raised

- Amend the rules in the operative NAV Chapter of the WDP, specifically NAV 6.1 and NAV 6.7.

### Reporting Planner's s42A Recommendation

170. This was dealt with in paragraphs 254 – 259 of the s42A Report. Although he considered that there was scope to request the changes requested by the NDHB, Mr Badham believed that the NDHB had provided insufficient technical information to understand the effects of the requested changes. It was recommended that the Commissioners:

- Not make consequential changes to NAV.6.1.
- Not make consequential changes to NAV.6.7.

### Evidence from Submitter and Right of Reply

171. Mr Styles (Noise Expert) presented evidence in support of Mr McAlley's primary submission. Mr Badham responded to this in page 20 - 21 of the RoR and agreed that the use of the defined term "Emergency Services" clarifies the application of the provision more clearly. He recommended that the Commissioners now accept the relevant submission point and make consequential amendments to NAV.6.7 as outlined in Attachment 1 of Part 1 of the RoR.
172. Ms Shaw's legal submission dated 21 November 2019 addressed the scope for the noise limits and submitted that this request was not in scope. Mr McAlley on behalf of the NDHB confirmed that it was no longer pursuing this request.

### Discussion and Reasons

173. We agree with the recommendation of the Reporting Officer for the reasons shown in the s42A Report and in the RoR and also acknowledge the advice from Mr McAlley on behalf of the NDHB that it was not pursuing the request to amend NAV.6.1. We accept the recommendation of Mr Badham and accept the submission point and recommend a consequential amendment to NAV.6.7 as is shown in Attachment 1 of Part 1 of the RoR.

## Recommendations

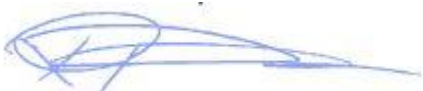
174. For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachments 1, 2 and 3.
2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 7 of the Section 42A Report and as amended by the Part 7 of the Right of Reply; with amendments to:
  - a. HOSZ-R12;
  - b. Add a new policy PORTZ-P6;
  - c. PORTZ-R5; and
  - d. Add a new rule PORTZ-R9.
3. Accept or reject submissions on topics as above to the extent that would accord with provisions in Attachment 1, 2 and 3.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**





# Airport Zone (AIRPZ)

## Issues

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

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

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

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

It is intended that the Airport Zone will provide for activities that are compatible with the Airport in a manner that protects the Airport from adverse effects and reverse sensitivity. Designations take priority over zoning and any conditions or restrictions on the Aerodrome or Airspace designations will override the provisions in the Airport Zone, 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 Airport Zone will have regard to potential future uses.

## Objectives

AIRPZ-O1 – Regionally Significant Infrastructure	Recognise and provide for the operational area of Whangārei Airport as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.
AIRPZ-O2 – Efficient and Effective Operation	Provide for the efficient and effective ongoing operation, maintenance, upgrade and development of Whangārei Airport.
AIRPZ-O3 – Adverse Effects/Reverse Sensitivity	Manage the adverse effects (including reverse sensitivity effects) associated with Whangārei Airport which could compromise the amenity, health, safety and well-being of the surrounding community.
AIRPZ-O4 – Subdivision	Avoid fragmentation of the Airport Zone and potential reverse sensitivity effects associated with subdivision.

# Airport Zone (AIRPZ)

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

## Rules

AIRPZ-R1	Any Activity not Otherwise Listed in This Chapter	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
AIRPZ-R2	Landing, Departure, Movement, or Servicing of Aircraft Activities	
	Activity Status: Permitted	
AIRPZ-R3	Access to Aircraft or Airport Facilities	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity requires direct or reasonable access to aircraft or airport facilities to transport goods or to provide passenger services.</li> </ol>	Activity Status when compliance not achieved: Discretionary
AIRPZ-R4	Community Activities	
AIRPZ-R5	Industrial Activities	
AIRPZ-R6	Commercial Services	

# Airport Zone (AIRPZ)

AIRPZ-R7	Food and Beverage Activity	
AIRPZ-R8	General Retail	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is an ancillary activity to airport operations.</li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p>
AIRPZ-R9	Minor Buildings	
	<p>Activity Status: Permitted</p> <ol style="list-style-type: none"> <li>Note: Minor buildings are exempt from rules AIRPZ-R10 – R13.</li> </ol>	
AIRPZ-R10	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum building height and major structure height is: <ol style="list-style-type: none"> <li>10.5m above ground level; or</li> <li>8m above ground level where located on a site adjoining a Residential or Open Space and Recreation Zone.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
AIRPZ-R11	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures are set back at least: <ol style="list-style-type: none"> <li>4.5m from any road boundaries.</li> <li>3m from the boundaries of the Airport Zone.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on the streetscape character of the area.</li> <li>Effects on the safety and efficiency of the transport network.</li> </ol>
AIRPZ-R12	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p>

# Airport Zone (AIRPZ)

1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone.

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining and adjacent properties.

AIRPZ-R13	Building and Major Structure Coverage	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any building or major structure results in the total cumulative building and major structure coverage being no more than 50% of the area of the total Airport Zone.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>2. The outlook and privacy of adjoining and adjacent properties.</li> <li>3. Visual dominance of buildings and major structures.</li> </ol>
AIRPZ-R14	Impervious Areas	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any impervious area does not increase the cumulative total impervious area to be more than 80% of the total area of the Airport Zone.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
AIRPZ-R15	Visitor Accommodation	
AIRPZ-R16	Residential Activities	
AIRPZ-R17	Motor Vehicle Sales	
AIRPZ-R18	Garden Centres	
AIRPZ-R19	Trade Suppliers	
AIRPZ-R20	Marine Retail	
AIRPZ-R21	Drive Through Facilities	
AIRPZ-R22	Grocery Store	

# Airport Zone (AIRPZ)

AIRPZ-R23	Hire Premise
AIRPZ-R24	Entertainment Facilities
AIRPZ-R25	Service Stations
AIRPZ-R26	Funeral Home
AIRPZ-R27	General Commercial
Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	
AIRPZ-R28	Rural Production Activities
Activity Status: Prohibited Where: 1. The activity is a primary activity or ancillary activity.	



# Port Zone (PORTZ)



## Issues

The Port Zone (PORTZ) recognises the significance of the Whangārei Port ("Port") and its importance to the Whangārei District and the Northland Region as regionally significant infrastructure. The purpose of the Port Zone is:

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

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

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

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

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

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

## Objectives

PORTZ-O1 – Regionally Significant Infrastructure	Recognise and provide for the importance of the Port as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.
PORTZ-O2 – Current Operation and Future Development	Recognise the unique characteristics of the Port and provide for: <ol style="list-style-type: none"> <li>1. The efficient and effective ongoing operation of Port activities within the Port Zone without undue constraints; and</li> <li>2. The future development and expansion of Port operations and activities within the Port Zone.</li> </ol>
PORTZ-O3 – Adverse Effects	Manage the adverse effects of the Port and port activities on the environment.
PORTZ-O4 – Public Access to the Coastal Marine Area	Maintain, and where practicable enhance, public access, use and enjoyment to and along the Coastal Marine Area, provided it does not adversely affect the efficient and safe operation of the Port.



# Port Zone (PORTZ)



PORTZ-O5 – Fragmentation	Avoid fragmentation of the Port Zone and potential reverse sensitivity effects associated with subdivision and land use.
PORTZ-O6 – Cultural Values	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.

Policies	
PORTZ-P1 – Regional Significance	To recognise the regional significance of the Port by providing for a wide range of existing and future port operations and port activities within the Port Zone.
PORTZ-P2 – Protection of land for Port Activities	<p>To avoid the establishment of non-port related or sensitive activities within the Port Zone unless such activities:</p> <ol style="list-style-type: none"> <li>1. Demonstrate a direct requirement to establish within proximity to the Port; and</li> <li>2. Do not compromise or constrain the safe and efficient operation of current and future port activities.</li> </ol>
PORTZ-P3 – Adverse Effects	<p>To manage adverse effects of the Port and associated port activities, by:</p> <ol style="list-style-type: none"> <li>1. Limiting the height of buildings and outdoor storage areas to minimise adverse visual amenity effects while recognising the operational requirements of the Port;</li> <li>2. Minimising adverse effects of noise and light spill while recognising the operational requirements of the Port; and</li> <li>3. Managing the effects of earthworks (other than earthworks associated with flood control works) to ensure such works do not divert flood flow onto neighbouring properties or deplete flood plain storage capacity.</li> </ol>
PORTZ-P4 – Public Access to the Coastal Marine Area	<p>To manage public accessways to and along the Coastal Marine Area by:</p> <ol style="list-style-type: none"> <li>1. Recognising the need for public walking access to and along the Coastal Marine Area; and</li> <li>2. Maintaining, enhancing and developing public accessways to and along the Coastal Marine Area.</li> <li>3. Only restricting public accessways to and along the Coastal Marine Area where it is necessary to: <ol style="list-style-type: none"> <li>a. Protect public health and safety; or</li> <li>b. Ensure the efficient and effective operation of the Port is not compromised.</li> </ol> </li> </ol>
PORTZ-P5 – Fragmentation	To retain large sites and land holdings by avoiding fragmentation of the Port Zone through inappropriate subdivision and land use.
PORTZ-P6 – Plant Nursery	To enable a small-scale plant nursery to establish in Port Management Area B.
PORTZ-P7 – Cultural Values	Ensure activities within the Port Zone are undertaken in a manner which recognises and provides for the cultural values associated with cultural landscapes by:

# Port Zone (PORTZ)



1. Limiting the height of buildings and outdoor storage areas to minimise adverse effects on cultural landscapes; and
2. Requiring an assessment of cultural values where these may be adversely affected by future development within the Port Zone.

## Rules

PORTZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted  Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>	
PORTZ-R2	Port Activities	
PORTZ-R3	Helicopter Facilities – Including Helicopter Take-Off and Associated Fuelling and Service Facilities	
	Activity Status: Permitted	
PORTZ-R4	Minor Buildings	
	Activity Status: Permitted  <i>Note: Minor buildings are exempt from rules PORTZ-R5 – R7.</i>	
PORTZ-R5	Building and Major Structure Height	
Port Operations Area A	Activity Status: Permitted  Where: <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height (excluding public utilities, light towers, silos, aerals, cranes, containers and tanks) is 20m above ground level.</li> <li>2. The maximum height for public utilities, light towers, silos, aerals and tanks (excluding cranes and containers) is 60m above ground level.</li> <li>3. The maximum operational crane height is 85m above ground level.</li> <li>4. The maximum height for containers is 30m above ground level.</li> </ol>	Activity Status when compliance not achieved with PORTZ-R5.3: Restricted Discretionary  Matters of discretion: <ol style="list-style-type: none"> <li>1. Visual effects on Takahiwai marae and kāinga and other identified cultural sites.</li> <li>2. Location of the buildings/structures.</li> <li>3. Number of buildings/structures.</li> <li>4. Arrangement of buildings/structures.</li> </ol>
		Activity Status when compliance not achieved with PORTZ-R5.1, R5.2, R5.4, R5.5, R5.6 or R5.7: Discretionary

# Port Zone (PORTZ)

## Port Management Area B

Where:

1. The maximum building height and major structure height (excluding public utilities, light towers, silos, aerals and tanks) is 20m above ground level.
2. The maximum height for public utilities, light towers, silos, aerals and tanks is 40m above ground level.
3. The maximum height for containers is 20m above ground level.

## PORTZ-R6

### Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least:
  - a. 10m from road boundaries.
  - b. 3m from any Heavy Industrial or Light Industrial Zone boundary.
  - c. 15m from any Open Space and Recreation or Residential Zone boundary, except in the Port Operations Area A.
  - d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences), except in the Port Operations Area A.

Activity Status when compliance not achieved with PORTZ-R6.1(a) – (c):  
Restricted Discretionary

Matters of discretion:

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining properties.
3. Effects on the streetscape character of the area.
4. Effects on the safety and efficiency of the transport network.

Activity Status when compliance not achieved with PORTZ-R6.1(d):  
Discretionary

## PORTZ-R7

### Building Height and Major Structure in Relation to Boundary

Activity Status: Permitted

Where:

1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone boundary.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The outlook and privacy of adjoining and adjacent properties.
2. Effects of shading and visual dominance on adjoining and adjacent properties.

# Port Zone (PORTZ)

PORTZ-R8	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile complies with rules PORTZ-R6 – R7.</li> <li>2. The maximum height of the outdoor area of storage or stockpile is 20m above ground level.</li> </ol>	<p>Activity Status when compliance not achieved with PORTZ-R8.1: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects in relation to dust and odour.</li> <li>2. Visual amenity effects.</li> <li>3. The matters of discretion in PORTZ-R6 – R7.</li> </ol> <p>Activity Status when compliance not achieved with PORTZ-R8.2: Discretionary</p>
PORTZ-R9	Plant Nursery	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. A maximum of two full-time equivalent employees are present on the site at any one time.</li> <li>2. Any structures are no greater than 5m in height and are capable of being relocated or removed.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
PORTZ-R10	Any New, or Extension to an Existing, Public Accessway or Walkway to and Along the Coastal Marine Area	
	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location and design of the public accessway or walkway.</li> <li>2. Degree of earthworks.</li> <li>3. Effects on public safety.</li> <li>4. Effects on port operations/activities.</li> <li>5. Existing access to and along the Coastal Marine Area.</li> </ol>	
PORTZ-R11	Sea-Farers Mission and Managers Accommodation	
	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location.</li> </ol>	

# Port Zone (PORTZ)

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

PORTZ-R12	Manufacturing Activities (Excluding Storage for Port Activities)
PORTZ-R13	Storage Activities (Excluding Storage for Port Activities)
PORTZ-R14	Repair and Maintenance Services (Excluding for Port Activities)
PORTZ-R15	Marine Industry
PORTZ-R16	Artisan Industrial Activities
PORTZ-R17	General Industry
<b>Port Management Area B</b>	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Ability to relocate the activity and/or building.</li> <li>2. Duration of the activity.</li> <li>3. Nature of the activity.</li> <li>4. Compatibility of activity with port operations and port activities.</li> <li>5. Effects on port operations and activities and whether they will remain viable in the long term.</li> <li>6. Size and location of the activity and/or building.</li> </ol>
<b>Port Operations Area A</b>	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>
PORTZ-R18	Residential Activities
PORTZ-R19	Community Activities
PORTZ-R20	Commercial Activities
PORTZ-R21	Waste Management Facilities (Excluding for Port Activities)
PORTZ-R22	Landfill
PORTZ-R23	Rural Production Activities
Activity Status: Non-Complying	

## Port Zone (PORTZ)



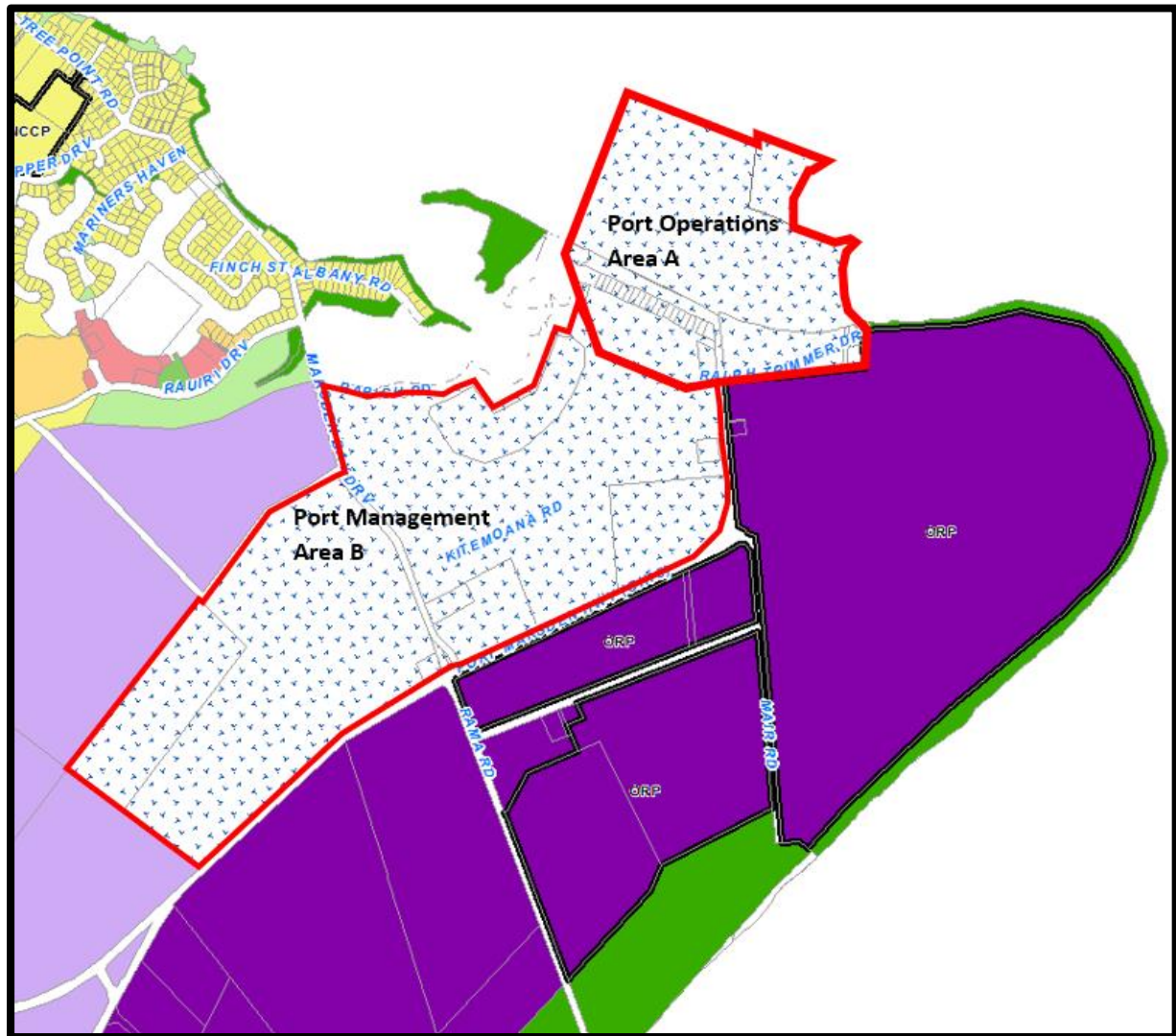
Where:

1. The activity is a primary activity or ancillary activity.

# Port Zone (PORTZ)

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

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





# Hospital Zone (HOSZ)

## Issues

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

The Hospital is strategically located on approximately 20ha of land on the southern side of State Highway 14 in the Maunu area of Whangārei City. It is bordered by Open Space and Residential Zones and has potential for extensive further greenfield development.

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

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

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

## Objectives

HOSZ-O1 – Current and Future Development	<p>Enable and provide for:</p> <ol style="list-style-type: none"> <li>1. The efficient and effective operation, expansion and future development of the Hospital within the Hospital Zone and;</li> <li>2. A wide range of hospital activities and hospital related activities to meet the current and future needs of the Whangārei District and the Northland Region as population and health demands grow.</li> </ol>
HOSZ-O2 – Managing Adverse Effects	Manage adverse effects from the provision of hospital activities and hospital related activities on the surrounding environment.
HOSZ-O3 – Regionally Significant Infrastructure	Recognise and provide for the importance of Whangārei Hospital as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.
HOSZ-O4 – Subdivision	Avoid fragmentation of the Hospital Zone associated with inappropriate subdivision.



# Hospital Zone (HOSZ)

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

## Rules

HOSZ-R1	Any Activity not Otherwise Listed in This Chapter.
	Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>
HOSZ-R2	Hospital and Hospital Related Activities
	Activity Status: Permitted
HOSZ-R3	Visitor Accommodation

# Hospital Zone (HOSZ)

<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The visitor accommodation is an ancillary activity to the hospital for the purposes of non-permanent accommodation for hospital staff, contractors, patients or family.</li> </ol>	<p>Activity Status when compliance not achieved: Non-Complying</p>										
<table> <tr> <td>HOSZ-R4</td><td>Commercial Services</td></tr> <tr> <td>HOSZ-R5</td><td>Food and Beverage Activity</td></tr> <tr> <td>HOSZ-R6</td><td>Place of Assembly</td></tr> <tr> <td>HOSZ-R7</td><td>Emergency Services</td></tr> <tr> <td>HOSZ-R8</td><td>Educational Facilities</td></tr> </table>	HOSZ-R4	Commercial Services	HOSZ-R5	Food and Beverage Activity	HOSZ-R6	Place of Assembly	HOSZ-R7	Emergency Services	HOSZ-R8	Educational Facilities	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is an ancillary activity to the hospital.</li> </ol> <p>Activity Status when compliance not achieved: Non-Complying</p>
HOSZ-R4	Commercial Services										
HOSZ-R5	Food and Beverage Activity										
HOSZ-R6	Place of Assembly										
HOSZ-R7	Emergency Services										
HOSZ-R8	Educational Facilities										
<table> <tr> <td>HOSZ-R9</td><td>Minor Buildings</td></tr> </table> <p>Activity Status: Permitted</p> <p><i>Note: Minor buildings are exempt from rules HOSZ-R10– R13.</i></p>	HOSZ-R9	Minor Buildings	<table> <tr> <td>HOSZ-R10</td><td>Building and Major Structure Height</td></tr> </table> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum building height and major structure height is:             <ol style="list-style-type: none"> <li>a. 32m above ground level, except that for up to 25% of the Hospital Zone the maximum height is 50m; and</li> <li>b. 22.5m above ground level for any building setback within 30m of the Hospital Zone / West End Avenue boundary; and</li> <li>c. 32m above ground level for any building setback within 30m of the Hospital Zone / Maunu Road boundary.</li> </ol> </li> </ol> <p>Activity Status when compliance not achieved: Discretionary</p>	HOSZ-R10	Building and Major Structure Height						
HOSZ-R9	Minor Buildings										
HOSZ-R10	Building and Major Structure Height										

# Hospital Zone (HOSZ)

HOSZ-R11	Building and Major Structure Height in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures:               <ol style="list-style-type: none"> <li>a. Do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Residential or Open Space and Recreation Zone boundary; or</li> <li>b. Where the Hospital Zone adjoins Maunu Road height in relation to boundary shall be measured from the centreline of Maunu Road at a point 3m above ground level at an angle of 55° toward the Hospital Zone.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The outlook and privacy of adjoining and adjacent properties.</li> <li>2. Effects of shading and visual dominance on adjoining and adjacent properties.</li> </ol>
HOSZ-R12	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures are set back at least:               <ol style="list-style-type: none"> <li>a. 4.5m from road boundaries.</li> <li>b. 20m from the West End Avenue/Hospital Zone boundary. A building or buildings may be located within the 20m setback, provided that any part of a building or buildings within 20m of the boundary shall not exceed 30m in length for each building or part of a building and shall be setback a minimum of 4.5m from the West End Avenue/Hospital Zone boundary. Where there is more than one building or part of a building within the 20m setback area, each building must be separated from the next building within the 20m setback area by a distance equal to the average width of that part of each of these two buildings within the setback area.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved with HOSZ-R12.1(a) – (c): Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The outlook and privacy of adjoining and adjacent properties.</li> <li>2. Effects of shading and visual dominance on adjoining properties.</li> <li>3. Effects on the streetscape character of the area.</li> <li>4. Effects on the safety and efficiency of the transport network.</li> </ol> <p>Activity Status when compliance not achieved with HOSZ-R12.1(d): Discretionary</p>

# Hospital Zone (HOSZ)

- c. 3.0m from any Residential and Open Space and Recreation Zones.
- d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m excluding bridges, culverts and fences.

HOSZ-R13	Building and Major Structure Coverage	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any building or major structure results in the total cumulative building and major structure coverage being no more than 60% of the area of the Hospital Zone.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The scale and bulk of buildings and major structures in relation to the site and the existing built density of the locality.</li> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Visual dominance of buildings and major structures.</li> </ol>
HOSZ-R14	Landscaping	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All land within 4m of the West End Avenue / Hospital Zone boundary, excluding footpaths, walkways and vehicle accesses is planted in trees and grass prior to the occupation of any new buildings built within 20m of West End Avenue; and</li> <li>Any trees shall be planted at minimum 10m spaces and shall be capable of growing to a minimum mature height of 10m.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjoining and adjacent properties.</li> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Effects on the streetscape character of the area.</li> <li>Effects on the safety and efficiency of the transport network.</li> <li>The extent of existing and proposed landscaping.</li> </ol>

# Hospital Zone (HOSZ)

HOSZ-R15	Impervious Areas	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any impervious area does not increase the cumulative total impervious area to be more than 80% of the total area of the Hospital Zone.</li> </ol> <p><i>Note: Existing use rights may apply to impervious areas that have been lawfully established in the Hospital Zone prior to [insert operative date] of the Hospital Zone Chapter.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
HOSZ-R16	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Fencing within 10m of a road boundary or boundary of a Residential or Open Space and Recreation Zone, is no higher than 2m above ground level.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Effects of shading and visual dominance on adjoining properties.</li> <li>Urban design and passive surveillance.</li> <li>Effects on streetscape character and amenity.</li> <li>Health and safety effects.</li> </ol>
HOSZ-R17	Car Parking	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Car parking spaces are not within 2m of a road boundary, excluding any on-street car parking.</li> <li>Formed car parking spaces located within 4.5m of a road boundary or a zone boundary shall be screened from the adjoining road or zone by a minimum 2m wide landscaping strip with a maximum plant height of 1.15m (excluding any tree planting).</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Traffic safety.</li> <li>Amenity effects on adjoining residential properties.</li> </ol>
HOSZ-R18	Controlled Activity Integrated Transport Assessments	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any new or modified vehicle entry or exit to West End Avenue is proposed.</li> </ol>	

# Hospital Zone (HOSZ)

2. Any new building activity, development or changes in Hospital staff numbers results in the total Hospital staff numbers reaching or exceeding 2,930.

Matters of control:

1. Effects on the safe and efficient operation of the transport network immediately adjacent to the Hospital Zone including vehicle access.
2. Methods to facilitate access to public and active transport modes.
3. Parking and travel demand management.
4. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.
5. Methods of ongoing monitoring and reporting of staff numbers.

*Compliance Standard: HOSZ-R18.2 does not apply where consent has previously been granted under HOSZ-R18.2.*

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

*Note: Any application under this rule will require assessment against the District Wide objectives and policies within the Transport Chapter.*

## HOSZ-R19

### Restricted Discretionary Activity Integrated Transport Assessments

Activity Status: Restricted Discretionary

Where:

1. Any new building activity, development or changes in Hospital staff numbers results in the total Hospital staff numbers:
  - a. Reaching or exceeding 3,060; or
  - b. Thereafter, increasing by an increment of at least 100 above 3,060 (e.g. at 3,160, 3,260, 3,360, etc.).

Matters of discretion:

1. Effects on the safe and efficient operation of the transport network adjacent to the Hospital Zone including vehicle access and operation of the State Highway 14 / Hospital Road intersection.
2. Methods to facilitate access to public and active transport modes.
3. Parking and travel demand management.
4. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.
5. Methods of ongoing monitoring and reporting of staff numbers.

*Compliance Standard: HOSZ-R19.1(a) does not apply where consent has previously been granted under HOSZ-R19.1(a).*

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

*Note: Any application under this rule will require assessment against the District Wide objectives and policies within the Transport Chapter.*

# Hospital Zone (HOSZ)

HOSZ-R20	Care Centres
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Traffic.</li> <li>2. Parking.</li> <li>3. Hours of operation.</li> <li>4. Noise.</li> </ol>
HOSZ-R21	Residential Activities
HOSZ-R22	Retail Activities (excluding Hospital Related Activities)
HOSZ-R23	Entertainment Facilities
HOSZ-R24	Service Stations
HOSZ-R25	Funeral Home
HOSZ-R26	Recreational Facilities
HOSZ-R27	Rural Production Activities
HOSZ-R28	General Commercial
HOSZ-R29	General Community
	<p>Activity Status: Non-Complying</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>
HOSZ-R30	Industrial Activities (Excluding Research Laboratories used for scientific or medical research)
	<p>Activity Status: Prohibited</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>
HOSZ-REQ1	Information Requirement – Controlled Integrated Transport Assessments
	<ol style="list-style-type: none"> <li>1. Any application pursuant to HOSZ-R18 shall include an Integrated Transport Assessment prepared by a suitably qualified professional which shall include (but is not limited to):</li> </ol>



# Hospital Zone (HOSZ)

- a. A description of the site characteristics, existing development, total staff numbers, existing traffic conditions and trip generation, proposed activity and its intensity.
- b. An assessment of the features of the existing transport network, including the following where relevant to the proposal:
  - i. Existing access arrangements, on-site car parking and crossing locations.
  - ii. Existing internal vehicle and pedestrian circulation.
  - iii. Existing walking and cycling networks.
  - iv. Existing public transport service routes and frequencies including bus stops and lanes.
- c. A description of the estimated number of trips which will be generated by each transport modes (public transport, walking, cycling and private vehicles, including heavy vehicles).
- d. The accessibility to public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes to the nearest bus stop.
- e. The accessibility for pedestrians and cyclists and how the design of the development will encourage walking and cycling to nearby destinations such as reserves, other public spaces and commercial or community facilities.
- f. Evidence of consultation with the New Zealand Transport Agency and commentary on response to that consultation.
- g. An assessment of the peak hour performance (within any 24 hour period) of the State Highway 14 / Hospital Road intersection.
- h. A description of measures that will be put in place to mitigate against the effects of the construction process where construction work is required.

## HOSZ-REQ2

## Information Requirement – Restricted Discretionary Integrated Transport Assessments

1. Any application pursuant to HOSZ-R19 shall include an Integrated Transport Assessment prepared by a suitably qualified professional which shall include (but is not limited to):
  - a. A description of the site characteristics, existing development, total staff numbers, existing traffic conditions and trip generation, proposed activity and its intensity.
  - b. An assessment of the features of the existing transport network, including the following where relevant to the proposal:
    - i. Existing access arrangements, on-site car parking and crossing locations.
    - ii. Existing internal vehicle and pedestrian circulation.
    - iii. Existing walking and cycling networks.
    - iv. Existing public transport service routes and frequencies including bus stops and lanes.
  - c. A description of the estimated number of trips which will be generated by each transport modes (public transport, walking, cycling and private vehicles, including heavy vehicles).
  - d. The accessibility to public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes to the nearest bus stop.
  - e. The accessibility for pedestrians and cyclists and how the design of the development will encourage walking and cycling to nearby destinations such as reserves, other public spaces and commercial or community facilities.



## Hospital Zone (HOSZ)

- f. The effects on the transport network adjacent to the Hospital Zone of average vehicles per day directly related to Hospital activities that exceed 8,520 vehicles per day.
- g. The effects of peak traffic flows directly related to Hospital activities on the operation of the State Highway 14 / Hospital Road intersection when the adjacent length of State Highway 14 is experiencing peak flows.
- h. Evidence of consultation with the New Zealand Transport Agency and commentary on response to that consultation.
- i. A description of measures that will be put in place to mitigate against the effects of the construction process where construction work is required.

# **Report 9 – Zoning Submissions Proposed Plan Changes 88A, 88B, 88C, 88D, 88F, 88G, 88H, 88I and 115**

## **Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 8 of the s42A Report. It is split into 6 parts:
  - A. PC88A, B, C, D & F : Commercial Zones
  - B. PC88E: Centres
  - C. PC88G and PC88 H: Industry
  - D. PC88I: Residential
  - E. PC115: Open Space
  - F. Various
4. Where this report refers to the s42A Report it is referring to Part 8. Where this report refers to the Right of Reply (RoR) Report it is referring to Parts 3, 4, 5, 6 and 10 where relevant.
5. It is noted that the s42A Report recommended changes to the zone names in accordance with the National Planning Standards. The changes to the zone names are detailed below.

Notified Zone Name	S42A Recommended Zone Name
Low-density Residential Zone ( <b>LDR</b> )	Large Lot Residential Zone ( <b>LLRZ</b> )
Residential Zone ( <b>RES</b> )	Low Density Residential Zone ( <b>LRZ</b> )
Medium-density Residential Zone ( <b>MDR</b> )	General Residential Zone ( <b>GRZ</b> )
High-Density Residential Zone ( <b>HDR</b> )	Medium Density Residential Zone ( <b>MRZ</b> )
Living Zones	Residential Zones
Local Commercial Zone ( <b>LC</b> )	Local Centre Zone ( <b>LCZ</b> )
Neighbourhood Commercial Zone ( <b>NC</b> )	Neighbourhood Centre Zone ( <b>NCZ</b> )
Conservation Zone ( <b>CON</b> )	Natural Open Space Zone ( <b>NOSZ</b> )
Open Space Zone ( <b>OS</b> )	Open Space Zone ( <b>OSZ</b> )
Sport and Active Recreation Zone ( <b>SAR</b> )	Sport and Active Recreation Zone ( <b>SARZ</b> )
Green Space Zones (CON, OS and SAR)	Open Space and Recreation Zones (NOSZ, OSZ and SARZ)

## Evaluation of Submissions

### Part I: Commercial Zones

#### Topic A: Mixed Use Zone (MUZ)

##### Relevant Submissions

Submitter	Submission# & Point #
Landowners	138.35
The University of Auckland	248.4
Taylor-Silva	257.1
Foodstuffs	225.3

##### Principal Issues Raised

- Retention of the MUZ of the Whangarei PAK'N'SAVE site and surrounding area as shown in the submission (104 Walton Street, 88 Dent Street, Whangarei).
- Retention of the MUZ of the Campus site as notified (13 Alexander Street, Whangarei).

- Rezone the area to the west of Norfolk Street, between Norfolk Street, Grey Street, Bank Street and Aubrey Street to MUZ.
- Rezone the west side of Norfolk Street MUZ.

#### Reporting Planners 42A Recommendation

6. These issues have been addressed in Part A, topic a of the s42A Report (pages 8 – 14), Ms Brownie recommended that the planning maps be retained as notified (noting that amendments may have been recommended in response to other submissions).

#### Evidence from Submitters and Right of Reply

7. Ms Sharp and Mr Norwell presented evidence on behalf of Foodstuffs North Island Limited (**Foodstuffs**) supporting the retention of the MUZ on their PAK'N'SAVE site in Whangarei.
8. Mr Badham presented evidence on behalf of The University of Auckland, supporting the retention of the MUZ for the Campus as notified.
9. No other evidence in respect of this issue was received.

#### Discussion and Reasons

10. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted or rejected accordingly. In relation to the submissions from Landowners and Taylor-Silva we have read and reviewed the assessment of the Reporting Officer and agree with the assessment that the sites should be zoned HDR (now MRZ).

## Topic B: Commercial Zone (COMZ)

#### Relevant Submissions

Submitter	Submission# & Point #
Mitre 10 Holdings Ltd	36.1
Z Energy	62.1
Z Energy	62.15
Chuter Family Trust	169.1
Mark Cromie Motor Group	258.1-3
United Port Road Limited	162.1-3
WDC Infrastructure	242.54
A Lensink	52
L Doran	155

#### Principal Issues Raised

- Retain the COMZ of the Mitre 10 site (46 Porowini Avenue (situated 44 Porowini Avenue), 35-49 Kaka Street).
- Retain the zoning of the Z Energy site (47 Porowini Ave) and Caltex site (307 – 311 Western Hills Dr) as COMZ.
- Amend the zoning of Caltex Lower Tarewa Road, at 15 Lower Tarewa Road, Morningside, from SCZ to COMZ.
- Rezone 19 sites located within the Kamo Local Commercial Centre, along Clark Street, Kamo Road, Wakelin Street to COMZ.
- Rezone the subject land (46 Port Road, 52-56 Port Road) WZ to:
  - COMZ; or

- A new waterfront area that is separate from the mixed use and commercial areas, and that allows motor vehicle sales activities to proceed as a permitted activity; or
- LIZ.
- Re-zone 129 Port Road and surrounding sites from WZ to:
  - Split zone with 30m from the Hatea Loop Walkway zoned WZ and the balance of the sites zoned COMZ; or
  - Split zone) with 30m from the Hatea Loop Walkway zoned WZ and the balance of the sites zoned MUZ, with amendments to the MUZ; or
  - Change the WZ to an Overlay with a width of 30m and rezone all underlying land COMZ or MUZ.
- Rezone 2-10 First Avenue to COMZ.
- Rezone 68 Maunu Road to a zone which allows a commercial (office) use.
- That Western Hills Dr between Rust Ave and Central Ave has low amenity and should not be zoned HDRZ

#### Reporting Planners 42A Recommendation

11. This was dealt with in Part A topic b. (pages 14 – 28) of the s42A Report and Ms Brownie recommended:
  - Retain the planning maps as notified, noting that amendments may have been recommended in response to other submissions.
  - Amend planning map 67Z as detailed in **Attachment 1** of the s42A Report subject to consequential amendments to COM.

#### Evidence from Submitter and Right of Reply

12. Mr Masfield presented evidence on behalf of United Port Road Limited to support split zoning of the subject sites as WZ and COMZ, in his opinion higher order documents support the requested zoning, he considered that issues of incompatible land uses and reverse sensitivity that might arise between the WZ and the COM could be resolved. Ms Brownie responded to this evidence in pages 35 to 38 of Part 3 of the RoR.
13. Ms Doran spoke to her submission, supporting the rezoning of land on the eastern side of Western Hills Drive between Rust Avenue and Central Avenue to MUZ. Ms Brownie responded to this in pages 39 and 40 of the RoR.
14. Ms Lensink spoke to her submission and told us that she operates a small accountancy office with five staff at 68 Maunu Road, which she moved into three weeks ago. She outlined her concerns that the HDR zone may be an issue if she tries to sell the property in the future. She noted the current zoning is Business 3 and would like to retain this zoning.

#### Discussion and Reasons

15. We have some sympathy with Mr Masfield regarding the potential split zoning at 129 Port Road and adjoining sites. However, we note that whilst he points out that the site is far deeper than is typical of the waterfront zone, there are other sections of the zone which are of a not dissimilar depth and in all cases the zone occupies the complete block depth between the waterfront and the first road from this. Providing a split zone would therefore be an anomaly. We are also cognisant of Ms Brownie's comments in the RoR pointing out that should we be inclined to consider re-zoning the subject sites to COM, that consequential amendments would be necessary to COM-O6, COM-P2.2A and COM-P5; and to COM-R3-R4, COM-R7-R9, COM-R10-14, COM-R15—22, COM-R24 and COM-R25-28. Overall, having considered the evidence before us, we support the Council's view that the portion of land zoned WZ

should remain as WZ.

16. Ms Doran provided evidence in support of her submission and her request that the land on Western Hills Drive (SH1) between Rust Avenue and Central Avenue be re-zoned Mixed Use rather than HDR (now MRZ). Ms Doran's evidence was clear and compelling. We visited the subject sites during our site visits and walked the area on a number of occasions and could clearly see the existing development of the sites and the high volume of traffic on Western Hills Drive (SH1) which is the main road north.
17. We have read Ms Brownie's response on pages 39 to 40 of the RoR and although we agree that the subject sites do not meet the zoning criteria for the Mixed Use zone, we likewise do not consider it to be the ideal location for MRZ, due to the nature of the location on a very busy arterial route, and the general lack of any amenity in the area. We have also taken into account the evidence from NZTA and the requested setbacks that NZTA sought and although we have not accepted the submission from NZTA on this issue we do not believe that further properties should be re-zoned for intensification where they could be (as in this case) subject to adverse effects from the main arterial route.
18. Recognising the Council's view regarding applying the MUZ to the land, we recommend that the land remain in the MRZ as proposed by the Council and that precinct be applied to these sites which enables some of those uses which would be expected in the MUZ so in effect likely reducing the likely number of residential units delivered in the area. In particular the recommended precinct provisions provide for commercial activities of up to 200m<sup>2</sup> per site within the area. The recommended provisions are set out in Part 7, Attachment 4. The objective is the most appropriate way to achieve the purpose of the Act, as it would result in an efficient use of land in a way that provides for people's health and well-being. The policies and rules are the most appropriate way to achieve the objective. In particular, it is superior to the MUZ as the provisions limit the range and scale of activities to those that would be compatible with surrounding residential activities. The precinct provisions would have a small benefit in enabling employment opportunities within the area, while protecting the economic viability of the City Centre Zone. The costs from the implementation of the provisions are anticipated to be lower than the status quo, as commercial services would be classed as a permitted activity.
19. Turning to the evidence from Ms Lensink about the commercial operations carried out on site and having visited the site and surrounding area we agree with the analysis of the Reporting Officer in the RoR from both Ms Brownie and Mr Cook (in particular pages 18 and 19 of Part 4 of Mr Cook's RoR) and although Ms Lensink could continue her operations under existing use rights we agree that the sites should be zoned LCZ.
20. Other than as set out above, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly

## Topic C: Shopping Centre Zone (SCZ)

### Relevant Submissions

Submitter	Submission# & Point #
P Hill	65

### Principal Issues Raised

- Rezone 12 Okara Drive from SCZ to COMZ.

### Reporting Planners 42A Recommendation

21. This was dealt with in Section A, Topic c. (pages 28 to 32) of the s42A Report and the recommendation from staff was to:
  - Retain the SCZ as notified.

### Evidence from Submitter and Right of Reply

22. Mr Hill spoke in support of his original submission, in his opinion Council planners have only had a superficial look at Okara West when deciding to change the zoning.

### Discussion and Reasons

23. The section 42A Report at paragraphs 66 to 78 discussed the submission and included Ms Brownie's opinion and also referred to Mr Foy's economic evidence (Attachment 4 of Part 1). Mr Foy was quoted as saying '*while not all of the current characteristics of the notified SCZ are present in the Okara West Shopping Centre, in our opinion Okara West is an appropriate location to zone SCZ, and SCZ would help to provide adequate capacity to provide for future growth in LFR demand*'.
24. We visited this site on our site visits. Having taken into account the evidence of all parties we do not agree that only a superficial look has been undertaken for the Okara West Shopping Centre. We agree, having taken everything into account, that the SCZ zoning is more appropriate than the COM zoning for the Okara West Shopping Centre. On our site visit we did note that Okara Drive is busy and that it is difficult to cross to the site from the SCZ to the east. We therefore hope that WDC will consider how pedestrian movement between the two areas can be improved to encourage them to function as one.
25. Further we adopt the analysis of the s42A Report and the RoR Report and agree that the submissions should be rejected accordingly

## Topic D: Waterfront Zone (WZ)

### Relevant Submissions

Submitter	Submission# & Point #
Northland Development Corporation	147.10

### Principal Issues Raised

- Requested the addition of a Hotel and Entertainment Centre Precinct, which would apply to the site instead of the Waterfront Zone if the objectives, policies and rules of the general Waterfront Zone Mixed Use sub-zone cannot be resolved to the satisfaction of NDC.

### Reporting Planners 42A Recommendation

26. This was dealt with in Section A, Topic d. (pages 32 to 34) of the s42A Report and the recommendation from staff was to reject the submission.

### Evidence from Submitter and Right of Reply

27. No evidence was presented at the hearing.

### Discussion and Reasons

28. We did not hear any evidence in support of the submission but did as part of our site visits visit the sites on the northern side of the Hatea River. We also note that some of the relief sort by NDC (as far as it relates to the WZ provisions) was addressed in Part 4 of the s42A Reports but as NDC did not present any evidence we are not aware whether this satisfies NDC concerns. Having read and assessed everything we agree with Ms Brownie's analysis and opinion.
29. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submission should be rejected accordingly

## Topic E: Various

### Relevant Submissions

Submitter	Submission# & Point #
Toprock Investments Ltd	230.1



Atkins Port Trust	231.1
Tony Gordon Properties Ltd	232.1
The Tromitch Family Trust	233.1
BJ and BJ Young Family Trust	234.1
BW and H Ritchie Family Trust	235.1

### **Principal Issues Raised**

- Rezone 20-34 Port Road from SCZ to LIZ.

### **Reporting Planners 42A Recommendation**

30. This was dealt with in Section A, Topic e. (pages 34 to 39) of the s42A Report and Ms Brownie recommended:

- Retain the SCZ zoning as notified at 20-34 Port Road.

### **Evidence from Submitter and Right of Reply**

31. We did not hear any evidence on this matter.

### **Discussion and Reasons**

32. We note that the requested relief was to change the zoning from SCZ to LIZ. This is what other submitters (further submitters) would have seen when further submissions were called for.
33. In paragraph 93 of the s42A report Ms Brownie accepted that the COM zone may be the more appropriate zoning to apply to the site. However she noted in paragraph 94 that this could be beyond the scope of the submission.
34. We have reviewed the original submissions and note that the relief sought was very clear; 'We seek a alteration to Map 68 of the Proposed District Plan to change the zone of the block of land located between 20-34 Port Road from Proposed Shopping centre Zone to the Light Industrial Zone'.
35. We are of the view that the change to COM zone would be out of scope and agree with the analysis of the Reporting Officer that the sites should be retain the SCZ.
36. We adopt the analysis of the s42A Report and agree that the submissions should be rejected accordingly

## Part II: Centres

### Topic A: General

#### Relevant Submissions

Submitter	Submission# & Point #
J Edwards	193.29

#### Principal Issues Raised

37. Amendment to Table 2, NC Zoning criteria in the PC88E s32 report to insert 'are not identified as hazard prone'.

#### Reporting Planners 42A Recommendation

38. This issue is addressed in paragraph 99 of the s42A Report. Mr Cook recommended no changes to the s32, in his opinion the table accurately reflects the zoning policy.

#### Evidence from Submitter and Right of Reply

39. Ms Edwards confirmed in her notes provided to the hearing on the 28<sup>th</sup> November 2019<sup>1</sup> that she was not pursuing this matter.

#### Discussion and Reasons

40. We adopt the analysis of the s42A Report and the RoR and agree that the submission should be rejected accordingly.

### Topic B: Support for Proposed Zoning

#### Relevant Submissions

Submitter	Submission# & Point #
Woolworths New Zealand	51.14
Z Energy	62.5
Commercial Centres Ltd	210.6
Foodstuffs Northland Island Limited	225.2
The General Trust Board of the Diocese of Auckland	269.2
Parihaka Property Trust	310.2 & 3

#### Principal Issues Raised

41. Support and seek retention of the LCZ as notified.

#### Reporting Planners 42A Recommendation

42. This issue is addressed in paragraph 102 of the s42A Report, Mr Cook recommended no changes to the zoning and acknowledged the submissions.

#### Evidence from Submitters and Right of Reply

43. Mr Foster had tabled evidence on behalf of Woolworths New Zealand supporting the LCZ zoning of all sites.
44. Ms Baugely spoke to the Commercial Centres Limited submission accepting the zoning recommendations.

<sup>1</sup> Printed email dated 28 November 2019, 1:07PM.

45. Ms Sharp and Mr Norwell presented evidence on behalf of Foodstuffs North Island Limited (**Foodstuffs**) supporting the retention of LCZ on their Regent and Onerahi sites.

### Discussion and Reasons

46. We adopt the analysis of the s42A Report and agree that the submissions should be accepted accordingly.

## Topic C: Requests for Alternative Zoning

### Relevant Submissions

Submitter	Submission# & Point #
Mill Road L and B Limited	16.1
Kensington Hospital	27
Stand Children's Services	145.1
BBM Holdings	151.1
Southpark Corporation Limited - John Sax	154.1
J Edwards	193.5
Commercial Centres Ltd	210.1 and .4
Homeworld	244.1
Kamo Veterinary Holdings Ltd	261.1
Housing New Zealand Corporation	268.183
J Edwards	283.16, .18 and .19
Goal Holdings Ltd	208.1
Ruakaka Economic Development Group	180.1
D Roughan	302.1
Woolworths	51
Parihaka Property Trust	310.3

Note:

- The list of submitters/submissions in this part of the s42A report did not include Woolworths or Parihaka Property Trust. However these submissions were considered in the text of the report.
- All submissions by J Edwards in this part of the s42A report were noted as being submission 193, although in some cases they related/also related to 283. However both 193 and 283 were included on the list of relevant submissions and the relevant matters raised were considered in the text of the report.

### Principal Issues Raised

- Rezone 61 Mill Road from MDRZ to NCZ.
- Rezone 12 to 14 Islington Road from HDRZ to NCZ
- Rezone Islington Street from HDRZ to LCZ.
- Rezone 2 and 2A Wallace Street from HDRZ to LCZ.
- Rezone Denby Crescent (Lot 2 DP 355619) from MDRZ to LCZ.
- Change the zoning of the Ruakaka Town Centre from LCZ to NCZ and decrease the extent of this zoning to the existing footprint of the Ruakaka Town Centre.
- Change the zoning of 129 Tauroa Street from LIZ to LCZ.
- Retain the LCZ for Fairburn Street (Section 51 Block XVI Purua SD).
- Rezone 401 Western Hills Drive/9 Kauika Road from HDRZ to LCZ.
- Rezone 266 Kamo Road/2 Carlton Crescent from HDRZ to NCZ.

- Apply LCZ to the Otangarei centre and extend the spatial extent (as detailed in Kāinga Ora submission).
- Rezone corner of Kamo Road and Moody Avenue (Part Lot 26 DP 13432) from NCZ to LCZ.
- Rezone 121 Riverside Drive from NCZ to LCZ.
- Rezone 436 and 426 Maunu Road from LCZ to MDRZ.
- Rezone 1 Tui Crescent, 3 Tui Crescent, 7 Tui Crescent, 9 Tui Crescent, 425, and 425A Maunu Rd, and 2 Le Ruez Place to NC and rezone the associated standalone house behind the chemist MDRZ.
- Rezone corner of SH14 and Austin Road LCZ with a 'Maunu Town Centre Precinct' overlay.
- Amend proposed planning maps 14, 41, 42 and 44 by rezoning the Marsden Point Area in accordance with the plan attached to the original submission including to LCZ (submission 180).
- That the zoning of Lots 1 and 3 DP 182742 (whether or not the zoning of Lot 2 DP 182742 becomes HDRZ or LCZ) be a unique blend of the controlled activities allowed in the Kamo Walkability precinct currently and proposed for this property under the LCZ and HDRZ.
- That WDC planners engage with Parihaka Property Trust to discuss the proposed re-zoning of PIDs 19013, 19014, 19111 and 19112.
- Check all of the existing local commercial business and community facilities to decide on appropriate type of use for land use category as described in submission.

#### Reporting Planners 42A Recommendation

47. These issues are dealt with in Section B, Topic c of the s42A Report (pages 41 to 70), Mr Cook made the following recommendations:

- Amend maps 10Z and 63Z to rezone 61 Mill Road NCZ, 2 and 2A Wallace Street LCZ.
- Amend maps 10Z, 62Z and 63Z to rezone 12 and 14 Islington Street NCZ.
- Amend maps 10Z, 58Z and 60Z to rezone Denby Crescent (Lot 2 D 355619) LCZ.
- Retain as notified the LCZ for the Ruakaka Town Centre.
- Retain the COMZ of 129 Tauroa Street with a precinct overlay.
- Amend maps 10Z and 72Z to avoid split zoning of Fairburn Street (Property 4 as identified in the original submission 210) to be rezoned HDRZ in its entirety as notified.
- Retain 401 Western Hills Drive/9 Kauika Road as HDRZ.
- Amend 10Z, 58Z, and 59Z to rezone 366 Kamo Road, 2 Carlton Crescent NCZ.
- Retain the Otangarei centre zoning as notified NCZ and retain the spatial extent.
- Retain the NCZ zoning of corner of Kamo Road and Moody Avenue (Part Lot 26 DP 13432), 121 Riverside Drive
- Amend 10Z, 66Z and 72Z to rezone 436 and 426 Maunu Road MDRZ and to rezone 1 Tui Crescent, 3 Tui Crescent, 7 Tui Crescent, 9 Tui Crescent, 425, and 425A Maunu Rd, and 2 Le Ruez Place to NC and rezone the associated standalone house behind the chemist MDRZ.
- Amend 10Z and 71Z to rezoning the corner of SH14 and Austin Road LCZ with a 'Maunu Town

Centre Precinct' overlay.

- Retain as notified the LCZ zoning in the Marsden Point Area.
- Retain the notified LCZ zoning of Lots 1 and 3 DP 182742.

**Evidence from Submitters and Right of Reply**

48. Mr Orr and Mr Hood presented information on behalf of Goal Holdings Ltd in support of the submission to rezone a parcel of land to LC to provide for a future Maunu Town Centre. NZTA indicated that they are not concerned about the rezoning proposal given the land is already zoned for some development (Living 1). It was noted that the property fronts SH14 – a limited access road. NATA will need to give approval once specific designs are developed. Additional evidence was supplied from a traffic engineer (Mr Sergejew) and economist (Mr Thompson) in response to questions from the panel. Mr Cook responded to this evidence in pages 9 and 10 of Part 4 of the RoR, his opinion is that it would be more efficient and effective to rezone the whole property LCZ to allow the comprehensive development of the development of the site even though he accepted Mr Foy's conclusions around the provision of LC zoned land. We have commented on Mr Foy's evidence in our discussion below.
49. Mr Roberts presented planning evidence and Mr Heath presented economic evidence on behalf of Southpark Limited. In Mr Roberts' opinion the Marsden Primary Centre was intended to be higher in the centres hierarchy than the Ruakaka Shops and that enabling further commercial development in Ruakaka undermines the hierarchy. Mr Heath's opinion was that the RLCZ and MPC are very close to each other, have significant catchment overlap, and the catchment will not be large enough to support both an expanded RLCZ and the zoned MPC. Mr Cook responded to this evidence in pages 10 and 17 of Part 4 of the RoR, his opinion having considered the evidence from both Southpark and TCPL, the legal submission prepared by Ms Shaw, and the supplementary memo from Mr Foy. He confirmed that he agreed with Ms Shaw that TCPL and Southpark are trade competitors and that it was also his view that the Southpark submission was seeking to include a reference to Marsden Town Centre in the objective and policy framework in an attempt to stifle development at the Ruakaka Town Centre. He also confirmed that it was his view that LC is the most appropriate zoning for the Ruakaka Town Centre. He recommend that this zoning be retained as notified.
50. Mr Henahan presented evidence on behalf of Homeworld, he supported the original submission and considered that traffic effects on SH1 will need to be considered whether the zoning is HDRZ or LCZ. Mr Elliott on behalf of New Zealand Transport Agency (NZTA) reviewed the Homeworld submission and he considered that any ingress or egress at the site will require careful consideration regardless of the underlying zoning. Mr Cook responded to this evidence in pages 17 and 18 of Part 4 of the RoR, his opinion is that rezoning the Homeworld property to LCZ would create a disjointed center, focused on SH1 rather than Maunu Road. As a result this land would be separated from the remainder of the Maunu Road commercial area. His opinion was that the property should remain HDRZ.
51. Ms Lensink spoke in support of her submission, she confirmed that she runs a business from the property at 68 Maunu Rd, and the current Business 3 zoning was one of the reasons for purchasing the property, she wants commercial activities to be enabled on the property. Mr Cook had responded to this submission in pages 18 and 19 of Part 4 of the RoR, he recommends that the site be rezoned LCZ.
52. Mr Lindenberg presented planning evidence on behalf of Kāinga Ora proposals supporting the proposed LCZ at Ōtangarei. Mr Heath presented economic evidence supporting the rezoned proposal. Mr Cook had responded to this evidence in pages 19 – 21 of Part 4 of the RoR, his opinion based on the evidence produced was that there may be a case for a small extension of the notified NC zone to provide for additional social services however he did not support a change in zone to LC as proposed by Kāinga Ora. Mr Foy also presented economic evidence in regards to the expansion of the centre.
53. Ms Baugely spoke to the Commercial Centres Limited submission accepting the zoning recommendations.
54. Ms Edwards spoke to her submission, supporting the rezoning sought. Mr Cook has responded to this evidence in pages 21 and 22 of Part 4 of the ROR.

### Discussion and Reasons

55. In regards to the submission from Kensington Hospital (submission 27) we note that the s42A Report at page 42 refers to the requested relief being to rezone sites as NCZ when in fact the submission refers to LCZ and the analysis by the Reporting Officer also refers to the LCZ. We accept that the sites should be zoned LCZ for the reasons given.
56. The Homeworld site and the zoning options does present challenges with the location of the site on State Highway 1 which is the main arterial route north in Whangarei. The existing use on the site (now that it has been confirmed that the Casa Blanca Motel has been excluded from the submissions) is the Homeworld Offices and Show Homes although we did notice a number of shipping containers on site during our site visit. Our view based on our site visit and the evidence before us is similar to that we have expressed in Topic B: Commercial Zone above in relation to the submission by Ms Doran. Like the land further to the north covered by Ms Doran's submissions, we do not believe that the part of the site closest to State Highway 1 is suitable for HDR (now MRZ) due to the adverse effects of noise, vibration volume of traffic on the road and the lack of any amenity for the future residents in the HDR zoning housing. We have also taken into account the evidence from NZTA and the requested setbacks that NZTA sought and although we have not accepted the submission from NZTA on this issue we do not believe that further properties should be re-zoned for medium density residential where they could be (as in this case) subject to adverse effects from the main arterial route.
57. However, we also have sympathy with Mr Cook's view that rezoning the Homeworld property to LCZ would create a disjointed center, focused on SH1 rather than Maunu Road, with the land separated from the remainder of the Maunu Road commercial area.
58. Recognising the Council's view regarding applying the LCZ to the land, we recommend that the land remain in the MRZ as proposed by the Council and that a precinct be applied which enables some of those uses which would be expected so in effect likely reducing the likely number of residential units delivered in the area. In particular, the recommended provisions provide for commercial activities of up to 200m<sup>2</sup> per site within the area. Refer to our discussion above in relation to Topic B.
59. We heard evidence from Mr Hood and Mr Orr in relation to the Goal Holdings submission in regards to the zoning of the site to LCZ (with Maunu Town Centre Precinct overlay) and also received evidence from Mr Cook and Mr Foy on behalf of the Council. Mr Cook's analysis was covered in paragraph 118 of Part 8 of the s42A Reports and on pages 9 and 10 of Part 4 of the RoR. Although we agree in general with the recommendation to rezone the site LCZ and to apply the Maunu Town Centre Precinct, we do not agree with the extent of the site to be rezoned. We accept the expert evidence of Mr Foy that, at this stage, only 2ha rather than the approximately 4ha should be rezoned. Our recommendation is that 2ha of the site be rezoned, being the portion of the site on the corner of Austin Road/State Highway 14. The site is in single ownership and any development can be designed to take into account any future development of the remainder of the site when its zoning can be justified/warranted.
60. The s42A Report recommended amendments to Mr Hood's version of the precinct provisions for the Maunu Town Centre Precinct. Mr Cook considered that the rules should be amended to delete undefined terms and to align with the Local Centre Zone provisions for verandahs and maximum permitted gross floor area. We agree with Mr Cook that we see no reason why a new centre could not be developed to meet the same standards that apply to other local centres. Accordingly, we recommend that the Maunu Town Centre Precinct provisions are amended as set out in Attachment 1 to Report 5. We note that we have also recommended the deletion of extraneous text in the issues section that duplicates the How the Plan Works chapter and/or does not relate to resource management issues.
61. Other than these matters we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted or rejected accordingly. We also note that we have addressed the Southpark submissions in our Part 4 recommendations report.



### Part III: Industry

#### Topic A: PC88G Light Industry (LIZ)

##### Relevant Submissions

Submitter	Submission# & Point #
Totara Trust	176.1
R Dyer	281.1
G Burling	23.1
J Gregory	30.1
Z Energy	62.13
AML Limited	84.1
Industrial Estates Limited	163.1
PNTJV	142.1
Tall Kauri	158.1
WDC Infrastructure Group	242.54
Amko Trustees Ltd	120.1
Balance Agri-Nutrients	362

*Note: The table of relevant submissions in the s42A report did not include Balance Agri-Nutrients submission 362. However the text of the report did address their submission.*

##### Principal Issues Raised

- Support for notified LIZ of 11 – 15 and 17 Dyer Street.
- Retention of the LIZ of 34 Kioreroa Road as notified.
- Removal of CT NA66B/260 from the LIZ or (b) moving Educational Facilities out of the non-complying activity status to having a permitted activity status or (c) acknowledging within the text of PC88G that occupation and use of CT NA66B/260 as NorthTec's Future Trade Campus is provided for as a permitted activity under training facilities for industrial activities within the General Industry definition.
- Rezone Te Waiti Place from LIZ to HIZ.
- Rezone 8 Waterside Close from RESZ to LIZ.
- Rezone Toetoe Road (Part Te Waiti Block, Lot 1 DP 67576, Section 24 Block XVI Purua SD, Lot 1 DP 197532 and Part Lot 1 DP 317483) from LIZ to Rural. Further submission opposed this relief seeking the retention of the Balance site as LIZ.
- Rezone Fertilizer Rd to Dawson Street, Port Whangarei and 132-134 Port Road, Whangarei from LIZ to HIZ.
- Rezone Cemetery Road (Section 13 Block XV Purua SD) from SARZ to LIZ.
- Rezone Whangarei Heads Road (Part Lot 2 DP 26448) from RESZ to LIZ.

##### Reporting Planners 42A Recommendation

62. These issues are addressed in pages 71 to 84 of the s42A Report, Ms McGrath recommended the following:
- Retain the zoning as notified other than the recommended amendments listed in b and c below.
  - Amend the LI zoning located at Toe Toe Road as detailed in s42A Report **Attachment 1**.
  - Amend the HI zoning located at Fertilizer Road, Port Whangarei as detailed in s42A Report **Attachment 1**.

### Evidence from Submitters and Right of Reply

63. Mr Hood presented evidence on behalf of Port Nikau Three Joint Venture (PNTJV), supporting their original submission seeking to retain a LIZ zoning with a precinct overlay to include exemptions from LIZ rules. Ms McGrath responded to this evidence in Part 11 of the RoR.

### Discussion and Reasons

64. We adopt the analysis of the s42A Report and agree that the submissions should be accepted, accepted in part or rejected accordingly
65. In regards to PNTJV submission this is been dealt with comprehensively in our Part 13 recommendations report (Precincts).

## **Topic B: Ruakaka Zoning (LIZ and HIZ)**

### Relevant Submissions

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
JB & RM Keith Trustees Ltd	43.1
R Hislop	287.1
C Meyer	289.1
Bennet	312.1
Ruakaka Motorcross Park	124.2
F Shirley-Thomson and K Hansen	271.1
Point Timber Ltd	272.1
J Keith and Lakeside Business Park	292.1
NPP Limited	295.1
L Witteem	305.1
C Yearbury	306.1
Bream Bay Toy Library	279.1
R Mosley	293.1
P Hope	288.1
GEK	219.2
North Sawn	249.1 and 2
Volume Two	250.1 and 2
EPG	126.3
Ruakaka Parish Residents and Ratepayers Association Inc	314.8
REDG	180.1
Advance Development Limited	251.1

### Principal Issues Raised

- Rezone the land between Innovate Road and Lakeside Park Road from HIZ to LIZ.
- Rezone the area of land bounded by Lakeside Park Road and the fuel line from HIZ to LIZ.
- Rezone Part of Lot 5 DP 430702 from LIZ to HIZ.
- Rezone Lot 5 DP 430702 and Lot 1 DP 350513 from LIZ to HIZ.
- Rezone Part Section 39 Block VII Ruakaka Survey District and Section 28-29 SO 322547 (Highway Property), and Section 2 SO 311980 and Section 30-32, 37 SO 322547 (Marsden Point Road Property) from LIZ to HIZ.
- Requests that the areas encompassed by the HI and LI in Ruakaka be not compromised or reduced.



- Amendment of the proposed planning maps 14, 41, 42 and 44 by rezoning the Marsden Point Area in accordance with the plan attached to the submission (submission 180), including to LIZ.
- Rezone Corner of McCathie Road and State Highway 15 Ruakaka (Section 13 SO322547, Lot 2 DP 348043, Lot 1 DP 386730, Lot 1 DP 348043, and Lot 2 DP 325771) from RPE to LIZ with a Marsden Technology Park Precinct.

#### Reporting Planners 42A Recommendation

66. These issues are addressed in pages 84 to 93 of the s42A Report, Ms McGrath recommended the following:
- Amend the HIZ of the land between Innovate Road and Lakeside Park Road to LIZ as detailed in the s42A Report **Attachment 1**.
  - Amend the HIZ zoning of Lots 5 and 6 DP 430702 and Lot 1 DP 350513 as detailed in the s42A Report **Attachment 1**.
  - Amend the LIZ zoning as detailed in the s42A Report **Attachment 1**.
  - Amend the LIZ zoning and insert a new Precinct as detailed in the s42A Report **Attachment 1** subject to acceptance of recommendations in response to submission points listed in Part 5 of the s42A Report.

#### Evidence from Submitters and Right of Reply

67. Mr Keith spoke in support of his submission highlighting the importance of his eco-innovate business park and the importance of HIZ. Ms McGrath responded to this submission in Page 15 of Part 5 of the RoR.
68. Ms Abernethy spoke to her original submission (submission 29) clarifying her written submission and focused upon the zoning of land between Sime and Innovate Roads at Ruakaka, seeking to retain the notified HIZ. Ms McGrath responded to this submission in Page 15 of Part 5 of the RoR.
69. Mr Henahan presented evidence on behalf of Ruakaka Economic and Development Group (REDG), supporting the recommendation in Part 8 of the s42A report to rezone Part Lot 1 DP 36288, Lot 1 DP 406479 and Part Section 11 Block VII Ruakaka SD to LIZ.
70. Mr Hood and Mr Trass, Director of Advance Development Limited (ADL), provided evidence at the hearing and spoke in support of the submission, the establishment of a Marsden Technology Park and a summary of this is covered in Report 6 - Topic M.

#### Discussion and Reasons

71. In relation to the submission and evidence on behalf of ADL and the establishment of the Marsden Technology Park Precinct this has been covered in Report 6 - Topic M and our decision on the submission is to reject it for the reasons given.
72. In relation to the submission by REDG, the s42A notes that no technical assessments were supplied in support of the submission. This concerned us, given that a significant portion of the site is subject to a Flood Susceptible notation. The Reporting Officer advised that the site has the same hazards as the surrounding HIZ and LIZ land. We disagree with this assessment. It is clearly evident in the Council's GIS that the industrially zoned land on the eastern side of Marsden Point Road has very few isolated areas of land that is flood susceptible. On this basis alone, we find that rezoning this land would not give effect to the NRPS.
73. One of the key reasons given in the s42A is that other recommended rezoning will significantly reduce the LIZ capacity. As we have discussed in Report 6, Topic M, we are required, under the NPSUDC to ensure that there is sufficient business land development capacity in the medium term that is feasible, zoned and serviced or funded in the Long Term Plan. As we observed in Report 6, the plan as notified already provides sufficient capacity for the long term. We therefore find that additional LIZ is not required

at this location.

74. Overall, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly

### Topic C: Southern Whangarei Zoning (LIZ ad HIZ, PC88G and PC88H)

#### Relevant Submissions

Submitter	Submission# & Point #
Bunnings	60.2
Tauroa	160.1
Commercial Centres	210.3
Harvey Norman	99.1 & 2

#### Principal Issues Raised

- Rezone 124 Tauroa Street from LIZ to COMZ.
- Retention of the LIZ of 124 Tauroa Street as notified.
- Retention of LIZ of 130 Tauroa Street as notified.
- Rezone the properties identified on the map included as part of the submission (submission 99) to a 'Special Purpose - Gateway Large Format Retail Zone'. The Gateway Large Format Retail Zone would adopt the same provisions as the underlying LI, with the exception that retail activities over 600m<sup>2</sup> GFA (per tenancy) are provided for as permitted activities, and any consequential changes as needed to give effect to the above.

#### Reporting Planners 42A Recommendation

75. These issues are addressed in pages 93 to 98 of the s42A Report, Ms McGrath recommended the following:
- Retain the LIZ as notified.
  - Insert a new precinct to the LIZ chapter as detailed in the S42A Report **Attachment 1**.

#### Evidence from Submitters and Right of Reply

76. Mr Collins presented evidence on behalf of NZTA, supporting their primary submission opposing the rezoning of land LIZ and HIZ near Rewarewa Road as the s32 is not accompanied by an assessment of traffic effects. Ms McGrath responded to this evidence on pages 15 – 17 of Part 5 of the RoR.
77. Mr Badham tabled evidence on behalf of Bunnings Ltd, he supported the retention of LIZ for Bunnings Whangarei site, noting the recommended precinct.
78. Mr Shao and Mr Arbuthnot presented a joint statement on behalf of Harvey Norman Properties (NZ) Limited (**Harvey Norman**) and 124 Tauroa Street Limited (**Tauroa**), they supported the s42A recommended Gateway Precinct, recommending minor amendments to the provisions.
79. Ms Baugely spoke to the Commercial Centres Limited submission accepting the zoning and recommendations.

#### Discussion and Reasons

80. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted in part accordingly and that the Light Industrial zoning should be retained and a new Precinct added to the Light Industrial Zone.

## Topic D: PC88H Heavy Industry

### Relevant Submissions

Submitter	Submission# & Point #
Heron	161.1
Carter Holt Harvey Building Products Ltd	213.1
Downer	217.21 and 22
Circa Marine and Industrial Limited	256

### Principal Issues Raised

- Retention as notified the HIZ of 279-289 Port Road.
- Accept as notified the HIZ of 43 Kioreroa Road.
- Retention as notified the HIZ of 116 - 118 and 120 -122 Port Road.
- Rezone 8 and 10 Hewlett Street, and 245 and 247 Port Road as HIZ as an alternative relief if the 7000m<sup>2</sup> limit applying to activities listed under LI-R7 to LI-R11 is not removed.

### Reporting Planners 42A Recommendation

81. These issues are addressed in pages 98 to 103 of the s42A Report, Ms McGrath recommended the following:
- Retain the HIZ as notified.

### Evidence from Submitter and Right of Reply

82. Mr Arbutnot presented evidence on behalf of Heron Construction Holdings Limited (**Heron**), supporting the HIZ for its property at 279 – 289 Port Road.
83. Ms Chappell tabled a statement on behalf of Carter Holt Harvey supporting the recommendation in the s42A to zone their sites at Base Mill, Lot 2 DP 208563 HIZ and RPZ.
84. Ms Chappell presented legal submissions on behalf of Downer New Zealand Limited (**Downer**), supporting the zoning of their sites 116-118 and 120-122 Port Road HIZ.

### Discussion and Reasons

85. We adopt the analysis of the s42A Report and agree that the submissions should be accepted, accepted in part or rejected accordingly.
86. In relation to the submission from Circa Marine and Industrial Limited the recommendation is to reject the relief sought. However, the primary relief sought has also been addressed in Part 5 of the RoR on page 9 where it is recommended that the 7,000m<sup>2</sup> maximum permitted area should be removed and the primary submission accepted in part – we agree and recommended accordingly.

## Part IV: Residential Zone (PC88I)

### Topic A: General Support

#### Relevant Submissions

Submitter	Submission# & Point #
Howard and Jane Norman	14.1
Ravisva Lakdivdas	32.1
Ian Begbie	41.1
St Just Enterprises Limited ( <b>St Just</b> )	137.1
Russell James	198.1
Commercial Centres	210.2
GEK Property Nominees (Northland Hospital) Limited ( <b>GEK</b> )	218.1 – 3
The General Trust Board of the Diocese of Auckland ( <b>GTB</b> )	269.1
Gaynor Bonetti and Richard Rankin	275.1
Susanne Osbaldiston and Russell Dyer	298.1

#### Principal Issues Raised

- General support of the proposed Residential Zone mapping in relation to specific sites or areas.

#### Reporting Planners 42A Recommendation

87. This was addressed in paragraphs 176 – 177 of the s42A Report. Mr Burgoyne recommended no changes to the zoning and acknowledged the submissions and recommended that they all be accepted.

#### Evidence from Submitter and Right of Reply

88. J S Baguley presented on behalf of Commercial Centres in support of the s42A recommendation.
89. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

90. We adopt the analysis of the s42A Report and agree that the submissions should be accepted accordingly

### Topic B: General Opposition

#### Relevant Submissions

Submitter	Submission# & Point #
Michael Williams	8.1
Rodney Arthur and Nola Hart	11.1
Katy and Glen Davidson	26.1
Terry and Lynda Ireland	35.1
Edward and Elizabeth Gledhill	40.1
Gregory Jones	53.1
Basil and Carol Kidd	56.1
Beverly van Zyl	57.1
Murray Webby	61.1
Karen and Roderick Blank	71.1
George Lyddiard	78.1
Margaret Gurney	89.1
Margaret Hicks	90.1 – 2
Bruce and Isabel Thom	94.1
Graham Chave	130.1
Deborah and Geoff Seerup	140.1 – 2
Craig and Lee Westgate	192.1

Bronwyn Upton	200.1 – 2
Nga Hapu o Whangarei	215.6
Chris Poynter	297.1

### Principal Issues Raised

- General opposition to the proposed rezoning of Living 1 Environment (**L1**) to General Residential Zone (**GRZ**) in specific locations.
- Retention of the operative Urban Transition Environment (**UTE**) until services and transport infrastructure can be upgraded to support the zoning change.
- Retention of the status quo zoning for 174 Dip Road.
- Opposition to the proposed rezoning from Kamo Medium Density Living Precinct (**KMP**) to Medium Density Residential Zone (**MRZ**) on Puriri Street.
- Opposition to the proposed rezoning from L1 to MRZ in Tikipunga, the Regent area, along Maunu Road, along Mill Road, and on Wallace Street.
- Request that the area along Clapham Rd and at the end of Awa Glade Lane and Takahe Rd in Tikipunga/Whareora is remapped to exclude areas with existing tree cover.
- Opposition to the rezoning of Section 18 Block XI Ruakaka SD and Lot 1 DP 350126 from Rural Production Zone (**RPZ**) to GRZ.
- Amendments to the proposed GRZ zoning to avoid the following in Ruakaka and Marsden Point: low lying land susceptible to flooding, areas in proximity to ecologically sensitive areas and the water, and low-lying land that is presently engaged in farming activities.

### Reporting Planners 42A Recommendation

91. These were addressed in paragraphs 189 – 195 of the s42A Report, Mr Burgoyne recommended no changes to the zoning in response to the submission points.

### Evidence from Submitters and Right of Reply

92. Mr Webby presented in opposition to the proposed GRZ zoning for Part Lot 1 DP 42475 and Allot 347, 348 and 349 TN OF Grahamtown. No specific zoning was sought by Mr Webby. Mr Burgoyne addressed this on page 22 of Part 6 of the RoR Report. He recommended that the sites be rezoned as LRZ and attached correspondence with Mr Webby confirming his support of the recommendation.
93. Ms Gurney and Ms Seerup presented in opposition to the proposed MRZ zoning for Wallace Street. Mr Burgoyne addressed this on page 22 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission points had not changed. Mr Burgoyne provided an alternative recommendation if the Hearing Panel is not supportive of MRZ zoning on Wallace Street, to rezone the properties at 1 – 25 Wallace Street to GRZ and we comment on this issue in our discussion below.
94. Ms Hicks provided a tabled statement opposing any increase to housing density in the Ruakaka/Marsden Point area identifying concerns regarding climate change and flooding. Mr Burgoyne addressed this on page 22 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission point had not changed. In response to Ms Hicks submission and other similar submissions we were provided with a link to the NRC latest flooding mapping.
95. No other evidence was specifically presented on this topic.

### Discussion and Reasons

96. We generally adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.

97. In relation to flooding, we note that we have recommended some zoning changes, as discussed in Report.2, Topic I.
98. In relation to the submissions and evidence on the rezoning of Wallace Street, we carried out a site visit to Wallace Street and the surrounding area. On our visit we recognised that the street displayed a clear character, which we believe currently more closely reflects the anticipated suburban character of the GRZ rather than the MRZ. Whilst we recognise that the proximity of the street to the LCZ makes it a location which would naturally be zoned MRZ, having considered the evidence, we consider that there is merit in seeking to maintain the existing pattern and character of development in the street and the local area. We therefore recommend that 3 to 25 Wallace and 7 to 17 Dinniss Avenue should be rezoned GRZ as depicted on the Plan at Attachment 1.

## Topic C: Housing New Zealand Corporation Rezoning

### Relevant Submissions

Submitter	Submission# & Point #
Housing NZ	268.182

### Principal Issues Raised

- Rezoning of approximately 11,100 sites to change the spatial extents of the 'three storey' residential zone (consistent with the 'Medium Density Residential' zone set out in the National Planning Standards), as well as the 'two storey' residential zone (consistent with the 'General Residential' zone set out in the National Planning Standards).

### Reporting Planners 42A Recommendation

99. This was addressed in paragraphs 198 – 204 of the s42A Report, Mr Burgoyne recommended no changes to the zoning in response to the submission point.

### Evidence from Submitter and Right of Reply

100. Extensive evidence was presented on behalf of Kāinga Ora-Homes and Communities (**Kāinga Ora**), as successor to Housing NZ, in support of their original submission seeking large scale rezoning throughout Whangarei City, the surrounding suburbs and the Ruakaka/Marsden Point area. Mr Burgoyne addressed this in paragraphs 10 – 43 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission points had not changed.
101. A second memorandum was filed by Mathew Gribben on behalf of NZTA which supported in principle intensification around centres and along frequent public transport routes. However, Mr Gribben noted that the rezoning request was not accompanied by any assessments of transport effects or any integrated transport assessments and therefore there were considered to be 'gaps' in NZTA's ability to understand and plan for the proposal.
102. Ms Edwards, Mr Grundy, Ms Morgan and Mr Poynter presented in general opposition to the Kāinga Ora original submission and evidence.
103. No other evidence was specifically presented on this topic.

### Discussion and Reasons

104. This is perhaps the most significant issue raised by any submission to the suite of Urban and Services plan changes as the Kāinga Ora submission would impact the zoning of a significant proportion of urban Whangarei.
105. We recognise the significant effort that Kāinga Ora have gone to in preparing their submissions and evidence in relation to this matter. However we remain disappointed that the evidence was received so late that we had to schedule a further time for other submitters to appear before us to respond to it. In addition, we are also disappointed that, given the significance of the submission, Ms Jones was not able



to attend the hearing to answer any questions we had regarding her evidence. We believe that it was unfair of Kāinga Ora to expect Ms Johnson to appear in her place as she had not prepared her own evidence and was therefore not able to assist us in the same way that Ms Jones would have been able. Notwithstanding this, we do not believe that there are any gaps in our understanding of the Kāinga Ora evidence or questions unanswered. We are therefore able to come to a view on this matter and to provide our recommendation to the Council.

106. Mr Lindenberg provided very extensive evidence on this matter and was very clear as to his opinions when responding to our questions. His evidence included providing a context for the Kāinga Ora submission, including the background of the National Policy Statement on Urban Development Capacity (2016), the Discussion Document on a Proposed National Policy Statement for Urban Development (2019) the Northland Regional Policy Statement, the Whangarei District 'Sustainable Futures 30/50' Growth Strategy (2010) and Draft Whangarei District Growth Strategy (2019). He outlined how Beca had developed a methodology for considering the suitability of areas for MRZ and GRZ, which included consideration of best practice urban design and planning principles as they relate to medium density development and residential intensification. He set out details of their methodology which was based on qualitative and quantitative assessments drawing on geospatial analysis and data mapping followed by a ground truthing process.

107. However, whilst Mr Lindenberg was keen to stress the consideration of local policies and strategies, we note that in her evidence Ms Jones stated that:

*This evidence is based on the process that Housing New Zealand (now Kāinga Ora) established through the development of their submission on the Auckland Unitary Plan (rezoning and precincts topic) in 2015. It draws on the evidence prepared by Carl Lucca (Senior Associate Urban Designer, Beca) at this time. Although Auckland and Whangarei face different growth pressures, the same principles and best practice examples used to identify locations suitable for increased residential density are believed to be applicable within both contexts (and throughout urban New Zealand).<sup>2</sup>*

108. Having heard all of the evidence on this matter, from a large number of Kāinga Ora witnesses, and having carried out site visits to a large number of areas, we question whether it was appropriate to reuse the same principles and best practice examples to identify location suitable for increased density as were used in Auckland. To do this ignores the differences between the two cities; for instance public transport availability and frequency and thus the suitability of sites within 200m of bus routes for MRZ development.<sup>3</sup>

109. Whilst we understand the logic of the approach taken by the experts for Kāinga Ora, we note that as confirmed in the RoR, that:

*'... Mr Lindenberg's evidence has not specifically questioned the adequacy of the residential capacity provided through the plan changes, but asserts that it is appropriate to provide additional capacity so that plan changes are not required going forward.*

*In my opinion the recommended plan changes provide sufficient short, medium and long-term residential capacity in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC). There are RMA<sup>2</sup> and NPS-UDC<sup>3</sup> requirements to undertake on-going reviews of the provisions and zoning. In my opinion it is appropriate to rely on the RMA and NPS-UDC requirements to identify and address any future capacity shortfalls.'*

110. Overall, having considered the very significant evidence on this matter, we are satisfied that the Council's approach provides sufficient feasible land supply to meet required residential capacity. Given the relatively low growth expected in the city, we are concerned that providing too much MRZ capacity would lead to disbursed MRZ development which would not deliver the critical mass in any one area to bring the wider benefits of intensification as outlined by Ms Jones.
111. In view of the above, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submission should be rejected accordingly

<sup>2</sup> Evidence of Ms Jones paragraph 1.6

<sup>3</sup> We specifically note the advice of Mr McKenzie in Attachment 5 of Part 1 of the RoR.

## Topic D: Rezoning to Medium Density Residential Zone (Previously High-density Residential Zone)

### Relevant Submissions

Submitter	Submission# & Point #
Kensington Club Inc	91.1
Andrew Hiskens	95.1
Whangarei Boys High School	148.1
Classic Developments	149.1
Workman Properties Limited	150.1
EB Developments	179.1
Summerset Villages (Whangarei) Limited	205.1

### Principal Issues Raised

- Rezoning the following sites from GRZ to MRZ:
  - Lots 2 and 3 DP 16110, Lot 2 DP 31402 and Part Allot 2 PSH OF Whangarei (Kensington).
  - A portion of 10 Kent Road (Kensington).
  - Lot 3 DP 143700, Lot 1 DP 485355 and Section 1 SO 446509 (Tikipunga).
  - Lots 1 and 3 DP 366931 and Lots 9-12 DP 388270 (Morningside).
  - Lot 2 DP 525506 (Tikipunga).
  - Lots 1 and 2 DP 434437 (Woodhill).
  - A portion of Lot 1 DP 98997 (Onerahi).

### Reporting Planners 42A Recommendation

112. These were addressed in paragraphs 205 – 212 of the s42A Report, Mr Burgoyne made the following recommendations:
- Amend Planning Map 63Z to rezone Lots 2 and 3 DP 16110, Lot 2 DP 31402 and Part Allot 2 PSH OF Whangarei from GRZ to MRZ.
  - Amend Planning Map 62Z to rezone a portion of 10 Kent Road from GRZ to MRZ.
  - Amend Planning Maps 58Z and 60Z to rezone Lot 3 DP 143700, Lot 1 DP 485355 and Section 1 SO 446509 from GRZ to MRZ.
  - Retain the zoning of Lots 1 and 3 DP 366931 and Lots 9-12 DP 388270 as notified.
  - Retain the zoning of Lot 2 DP 525506 as notified.
  - Retain the zoning of Lots 1 and 2 DP 434437 as notified.
  - Retain the zoning of Lot 1 DP 98997 as notified

### Evidence from Submitter and Right of Reply

113. Joseph Henehan presented evidence on behalf of EB Developments seeking rezoning of the eastern portion of Lot 1 DP 98997 to MRZ. A geotechnical report prepared by Land Development and Exploration Ltd (**LDE**) was provided, which assessed the suitability of a proposed 19 lot subdivision. Mr Burgoyne addressed this on page 23 of Part 6 of the RoR Report. He noted that the LDE report had been peer reviewed and supported the requested rezoning.



114. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

115. We do not agree that the EB Developments site meets the zoning criteria for the Medium Density Residential Zone. The proposed rezoning would be an isolated spot zoning on a site with known geotechnical constraints.
116. In all other respects, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly

### **Topic E: Rezoning to General Residential Zone (Previously Medium-density Residential Zone)**

#### Relevant Submissions

Submitter	Submission# & Point #
Legend Investors Ltd	131.1
Derek, Patricia and Janette Robinson	135.1
Society of Mary	146.1
SS Developments Limited	263.1
Colleen and Arthur Rushton	270.1
Raewyn and Warwick Dawson	280.1

#### Principal Issues Raised

- Rezoning 45 Hospital Road (Maunu) from Hospital Zone to GRZ (or MRZ as an alternative).
- Rezoning a portion of Lot 1 DP 96485 (Morningside) from Light Industrial Zone (**LIZ**) to GRZ.
- Rezoning Lot 1 DP 52416 (Maunu) from Low Density Residential Zone (**LRZ**) to GRZ.
- Rezoning Lots 1, 3, 5 and 6 DP 172959 and Lots 1 – 4 DP 190758 (Tikipunga) from LRZ to GRZ.
- Rezoning 11 Patiki Street (Riverside) from LRZ to GRZ.
- Rezoning 308 – 340 Maunu Road (Maunu) from LRZ to GRZ.

#### Reporting Planners 42A Recommendation

117. These were addressed in paragraphs 213 – 219 of the s42A Report, Mr Burgoyne made the following recommendations:
- Amend Planning Map 66Z to rezone 45 Hospital Road from Hospital Zone to GRZ.
  - Amend Planning Map 72Z to rezone a portion of Lot 1 DP 96485 from LIZ to GRZ.
  - Amend Planning Maps 71Z and 72Z to rezone Lot 1 DP 52416 from LRZ to GRZ.
  - Retain the zoning of Lots 1, 3, 5 and 6 DP 172959 and Lots 1 – 4 DP 190758 as notified.
  - Retain the zoning of 11 Patiki Street as notified.
  - Retain the zoning of 308 – 340 Maunu Road as notified.

#### Evidence from Submitters and Right of Reply

118. Blair Masfield presented evidence on behalf of D, P and J Robinson supporting the submission relief

seeking rezoning of Lots 1, 3, 5 and 6 DP 172959 and Lots 1 – 4 DP 190758 to GRZ. Mr Burgoyne addressed this on pages 23 – 24 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission point had not changed.

119. Mr and Ms Rushton presented in opposition to the proposed LRZ zoning at 11 Patiki Street and instead sought that it be rezoned as GRZ. Mr Burgoyne addressed this on page 24 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission point had not changed.
120. No other evidence was specifically presented on this topic.

### Discussion and Reasons

121. In relation to the submission by D, P and J Robinson, we visited this area on our site visits. Mr Burgoyne confirmed in the RoR that Council's Infrastructure Planning and Capital Works Manager has confirmed that there is insufficient wastewater capacity available to service the development and that substantial cost and time would be needed to extend and upgrade services. Upgrades to the wastewater network are not funded or planned for within the next 10 years. He additionally confirmed that NRC's flood layers cover a greater extent of area than the WDP flood susceptible layers and that no information has been provided regarding flood hazards except to say that they would be managed by s106 of the RMA. He confirmed that he does not consider this to be sufficient to give effect to Policy 7.1.7(6) of the Northland Regional Policy Statement as the risk of natural hazards caused by intensification have not been assessed. Whilst we recognise the logic of the views put forward by Mr Masefield at the hearing, overall we accept the opinion of Mr Burgoyne that the submission should be rejected.
122. We visited the site and surrounding area at 11 Patiki Street during our site visits. The section 42A Report referred to the majority of the site being identified as high land instability hazard and no expert evidence was presented to refute this evidence. In addition we were told and could see from our site visit that the land has a significant amount of indigenous vegetation and there are no rules within the MDR (now GRZ) to protect such vegetation. We were also told that the site is more consistent with the LRZ zoning criteria as set out in the s32 Report. In Part 6 of the RoR at page 9 Mr Burgoyne also referred to servicing constraints in relation to the water supply network and that the servicing of up to 30 lots would cause severe negative pressure in the water supply network and would result in the network failing to meet firefighting requirements at the upper part of the site. Overall, due to the issues outlined in both the s42A Report and in the RoR we agree with the analysis of the Reporting Officer's that the land should be zoned LRZ and the submission rejected accordingly.
123. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted or rejected accordingly.

## **Topic F: Rezoning to Low Density Residential Zone (Previously Residential Zone)**

### Relevant Submissions

Submitter	Submission# & Point #
Andrew Norman	7.1
Quality Development Ltd	157.1
Jan Irving	211.2
Barry Povey and Suzanne McQuade	308.1

### Principal Issues Raised

- Rezoning the private road along Acacia Drive (Raumanga) from RPZ to a combination of GRZ and LRZ.
- Rezoning Part Lot 4 DP 19724 (partial) and Lot 2 DP 46220 (Raumanga) from RPZ to LRZ.
- Rezoning several sites along Konini Road from Large Lot Residential Zone (**LLRZ**) to LRZ.

### Reporting Planners 42A Recommendation

124. These were addressed in paragraphs 220 – 223 of the s42A Report, Mr Burgoyne made the following recommendations:
- Amend Planning Map 72Z to rezone Acacia Drive from RPZ to a combination of GRZ and LRZ.
  - Retain the zoning of Lot 2 DP 46220 and Part Lot 4 DP 19724 as notified.
  - Retain the zoning of the properties to the west of Konini Street as notified.

### Evidence from Submitters and Right of Reply

125. Emma Miller presented evidence on behalf of Quality Development supporting the submission relief seeking rezoning of Lot 2 DP 46220 and a portion of Pt Lot 4 DP 19724 to LRZ. Mr Burgoyne addressed this on pages 24 – 25 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission point had not changed.
126. Ms Irving presented in opposition to the proposed LRZ zoning along Konini Street. No specific alternative zoning was sought at the hearing. Mr Burgoyne addressed this on page 25 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission point had not changed.
127. No other evidence was specifically presented on this topic.

### Discussion and Reasons

128. In relation to the submission from Quality Development Ltd Ms Miller's evidence set out that constraints identified by the Reporting Officer did not bear scrutiny for rejecting the submission. She also stated that the lack of development on the two sites was not a legitimate reason to remove the development rights. Ms Miller provided a 2006 Archaeological Assessment of the site as part of her evidence. We visited the site and surrounding area as part of our site visits and also viewed the site from the end of O'Shea Road and Kotuku Street (dam).
129. The s42A report at pages 127 and 128 Mr Burgoyne outlined in the discussion section some constraints (high instability, hazards, flood susceptible, numerous archaeological sites etc) affecting the land and also gave some history of the timing and zoning of the land since about 1983. Mr Burgoyne stated that over the timeline he had shown, that limited progress had been made towards giving effect to the zoning and that in his opinion it is appropriate to now reconsider the appropriate zoning – we agree with his opinion and that is what is happening now. We also agree with Ms Miller that just because the site has not been developed means the development rights should be removed.
130. In Part 6 of the RoR at pages 24 and 25 Mr Burgoyne did agree that the lack of development progress is not a legitimate reason to remove development rights. However, he did consider that it is a legitimate reason to reconsider what the appropriate zoning should be. He considered that the rezoning is finely balanced as the sites demonstrate both LRZ and RPZ characteristics, but his opinion was the site is more consistent with the RPZ zoning criteria. In reaching this opinion he had taken into account the surrounding land uses/zonings, access to the site in future from O'Shea Road, the zoning of the other sites off O'Shea Road (zoned as RPZ), the history of the Maunu and Hora Hora Structure Plan which envisaged that the site would be accessed primarily off Kotuku Street, and how this had now changed due to construction of the dam and that the future indicative road from Kotuku road was to be removed as Part of Plan Change 109.
131. Having taken everything into account we agree with the Mr Burgoyne that the site should remained zoned as RPZ and the submission rejected accordingly.
132. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted or rejected accordingly.

## Topic G: Ruakaka Rezoning

### Relevant Submissions

Submitter	Submission# & Point #
Lynda and Ross O'Riley	38.1
JB & RM Keith Trustees Ltd	59.1
Northport Ltd ( <b>Northport</b> )	132.13
Craig Johnston and David and Robin Ford	164.1
The Ruakaka Economic Development Group ( <b>REDG</b> )	180.1 – 2
C & K Pyle	194.1 – 2
Marsden Maritime Holdings Limited ( <b>MMH</b> )	259.8
J Keith & Lakeside Business Park	292.2
The Ruakaka Parish Residents and Ratepayers Association Inc ( <b>RPRRA</b> )	314.1 – 3

### Principal Issues Raised

- General expansion of residential zoning in the Ruakaka / Marsden Point area including specific rezoning from RPZ to GRZ along Peter Snell Road, Tamure Place, One Tree Point Road, Pyle Road East, and McEwan Road.

### Reporting Planners 42A Recommendation

133. This was addressed in paragraphs 224 – 251 of the s42A Report, Mr Burgoyne recommended no changes to the zoning in response to the submission points. Mr Burgoyne provided the following secondary recommendation if the Hearing Panel is of a mind to consider rezoning additional land in the area:

- That the portion of Lot 1 DP 132876 adjacent to the coast be excluded from rezoning due to identified flood and coastal erosion hazards.
- That Lot 2 DP 350126 be excluded from rezoning due to a large portion of identified natural protected area within the site and no identified access to the site.
- That any rezoning of the area of the REDG, C & K Pyle and C Johnston and D and R Ford submissions be limited to the portions of the sites which are currently identified as Future Living Environment as shown in black hatching in Figure 6 on page 143 of the s42A Report.

### Evidence from Submitters and Right of Reply

134. Joseph Henehan and Mr Hood supported by Mr Pyle presented evidence on behalf of C & K Pyle and REDG requesting rezoning of a large area of land in the Ruakaka/Marsden Point area to GRZ.
135. Venessa Anich presented evidence on behalf of C Johnston and D and R Ford requesting rezoning of a large area of land in the Ruakaka/Marsden Point area to GRZ.
136. Mr Burgoyne addressed the evidence from these submitters on pages 25 – 27 of Part 6 of the RoR Report. His opinion and recommendation to reject the submission points had not changed. Mr Burgoyne attached additional information provided by Council's Infrastructure Planning and Capital Works Department regarding water and wastewater capacity in this area which identified that there is insufficient wastewater capacity within the next 10 years to support the requested zoning. Mr Burgoyne therefore no longer supported the alternative recommendation detailed above and recommended instead that the submissions be rejected in their entirety.
137. Evidence was presented on behalf of MMH and Northport in support of their original submissions to rezone additional residential land in the Marsden Point area.
138. No other evidence was specifically presented on this topic.

### Discussion and Reasons

139. We visited this area as part of our site visits.
140. Having considered the evidence before us, including the additional information provided by the RoR, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be rejected accordingly

## **Topic H: Rural Rezoning**

### Relevant Submissions

Submitter	Submission# & Point #
Jeremy and Natasha Logie	33.1
Sharla Cochran and Quinton Tangney	58.1
Roger McInnes	105.1
Sally and Ercoli Angelo	113.1
Craig Robertson	115.1
Bruce Erceg	317.1

### Principal Issues Raised

- Rezoning 189 Three Mile Bush Road (Kamo) from RPZ to Rural (Urban Expansion) Zone.
- Rezoning several sites along Three Mile Bush Road between Cowshed Lane and Palm Grove (Kamo) from RPZ to either LLRZ or Rural Living Zone.
- Rezoning several sites north of Millington Road (Maunu) from RPZ to LLRZ.
- Rezoning 463 Vinegar Hill (Kauri) from RPZ to either LLRZ or LRZ.
- Amendments to the zoning of Waipu to 'keep it beautiful and historic' and that 119 St Marys Road and the neighbouring property be rezoned to enable development.
- Rezoning along Dip Road (Kamo) from RPZ to LLRZ.

### Reporting Planners 42A Recommendation

141. This was addressed in paragraphs 252 – 263 of the s42A Report, Mr Burgoyne recommended no changes to the zoning in response to the submission points. Mr Burgoyne considered that the submissions were out of scope and discussed this issue in paragraphs 258 to 262 of the s42A Report.

### Evidence from Submitter and Right of Reply

142. No evidence was specifically presented on this topic.

### Discussion and Reasons

143. We adopt the analysis of the s42A Report and agree that the submissions should be rejected accordingly.
144. We note that the Reporting Officer's opinion was that the submissions were out of scope and we agree with his opinion. However, if we are wrong we consider that the submissions should be rejected because the sites are more consistent with the RPZ zoning criteria in SD-P35 rather than the other requested zoning criteria. We agree that adverse effects on the productive potential of the RPZ could eventuate and increase reverse sensitivity effects and in addition that rezoning some of the sites could result in spot zoning.

## Part E: Open Space (PC115)

### Relevant Submissions

Submitter	Submission# & Point #
S.M. and H.M. Wilkes	4.1
West Point Landholdings Ltd	47.1
Waipu Centennial Trust Board	55.1 - 3
S Jones	54.1
S Hurman	64.6
S Porter	69.2
G Dow	70.15
K Grundy	73.21
S and H Gray	74.6
D Doar	75.4
NIWA	77.14
The Lang Cove Conservation Trust	86.1
F Aiken	87.6
P Hunt	88.6
F Moore	92.6
P Peakins	93.6
C Marriner	96.6
P Batelan	100.6
C Haines	106.8
M Warburton Taylor	112.6
J Jansen	121.2
J Wilson	122.6
Waipu Cove Reserve Board	125.1
J Percy	133.5
S Percy	134.6
P Ford	141.6
E Teesdale	152.6
R and J Capper	153.6
T Reader	159.6
Patuharakeke Te Iwi Trust Board	173.8
M and T Sanders	181.6
M Singleton	182.6
A Lawrie	183.6
J Lawrie	184.6
M and T Sanders	188.6
C Collins	189.1
H Ogle	191.6
J Edwards	193.13
B Haufe	197.6
Nga Hapu o Whangarei	215.7
D Barnston	222.6
A Fraser	223.6
N Webb	228.6
WDC Infrastructure	242.54
D Redfearn	273.6
C Morgan	290.12
Puriri Park Society	301.19
The Lang Cove Conservation Trust	307.1
C Messenger	313.1
RPRRA	314.4, 6 and 7

### Principal Issues Raised

- Allot 324 PSH OF OWHIWA be rezoned and the open spaces revision proceed.

- Support for the rezoning of Lot 2 DP 447745; Lot 3 DP 447745 from OSZ to RPZ.
- Rezone the Waipu Museum Building - 36 The Centre OSZ to Rural Village Centre Sub-Zone.
- Rezone the Waipu Museum Building Rear Yard - 40 The Centre from RPZ to Rural Village Centre Sub-Zone.
- Rezone the Waipu Museum Heritage Precinct - 42 The Centre from Rural Village Residential Sub-Zone to Rural Village Centre Sub-Zone, or possibly Sport and Recreation Zone although this is not wholly consistent with its use.
- Rezone 67 - 87 Puriri Park Road zoned for Open Space, that the steep bush clad streamside area in Puriri Park Rd, in particular two marginal strips shown on Title Plan SO 475907 be rezoned OSZ.
- Remove zoning from Station and Ruakanohi Road and to the extent that there is any remaining open space in the area (such as between the two roads), this should be rezoned OS rather than SAR.
- Keep Lot 1 DP 188816 zoned Open Space.
- Rezone Part Allotment 503 PSH of Waipu, Lot 1 DP 40483, Lot 16 DP40483, Allot 528 PSH OF Waipu, and Lot 3 DP 25340 as SARZ.
- No changes to the zoning of Pohe Island and William Fraser Memorial Park.
- Requests work with relevant stakeholders and include plan provisions to optimise the eel habitat.
- In the interim the zoning should remain RPE on map 42/44.
- Indicative access road opposite Balmoral Rd off Vinegar Hill Rd and the piece of land between the Waitaua and the indicative road is designated for open space reserve conservation and that this conservation space continues up to Dunstan Ave area.
- Designate a conservation area on the North bank of the Waitataua Stream within the residential area and a green space from Springs Flat in Kamo following the Waitataua Stream.
- OS to remain as it is now on the land to the south east of Karawai Street toward the foredunes.
- Open Space areas created near the northern end of Pyle Road East, or the southern side of Pyle Road West, or by expanding the area adjacent to the Takahiwai league Grounds.
- The small area on the south western side of the junction of McCathie and Marsden Point Roads be declared a public open space.
- Amend proposed planning maps 14, 41, 42 and 44 by rezoning the Marsden Point Area in accordance with the plan attached as part of the submission (submission 180), including OS.
- WDC Infrastructure Group seek to rezone various sites OS, CON and SAR as per mapping provided in Attachment 2 in the submission (242).

#### Reporting Planners 42A Recommendation

145. This was addressed in pages 150 – 164 of the s42A Report, Ms Horton recommended:

- Retain the zoning as notified in relation to those sites where she recommended that submissions are rejected.
- Amend the planning maps as set out in s42A Part 8 **Attachment 1** where she recommended



that submissions are accepted or accepted in part.

### **Evidence from Submitters and Right of Reply**

146. Ms Messenger spoke to her submission seeking that the land next to her property and westward up to Karawai Street be zoned Open Space.
147. Ms Osborne presented evidence on behalf of WDC Infrastructure Group, she confirmed that the s42A recommendations were accepted.
148. A number of submitters spoke in favour of rezoning 67-87 Puriri Park Road, Maunu from Medium-density Residential to Open Space.

### **Discussion and Reasons**

149. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly. In particular, we agree with the Reporting Officer that applying an open space Zone to land not in Council's ownership and has an approved resource consent for a residential development does not meet the zoning criteria. ...

## **Part F: Various**

### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
MOE	267.19
REDG	180.1
Tauroa	160.2
Heron	161.2
WDC Planning	236.73
NZTA	240.83
J Edwards	193.2-4
C Jenkins	1.1 & 3
Electric Power Generation Ltd	126.4
REDG	180.3
Northland Christian Camps Trust	294.1
D Hedges	10.1

### **Principal Issues Raised**

- Rezone 189 Three Mile Bush Road (Kamo) from RPZ to Rural (Urban Expansion) Zone.
- The Ministry of Education (**MoE**) requests that the approach to zoning of designated sites be retained as notified.
- Create a new 'Education Zone' to enable tertiary education facilities to be established within the Whangarei District with suitable criteria.
- Retain Resource Areas Map 72R and 73R as notified.
- Retain the esplanade priority area notation for the unnamed stream beside Waitotara Land, for the unnamed stream downstream of the Kotuku Flood Detention Dam, and to expand the notation upstream as detailed in the submission and to include Te Hihi Stream as a priority area.
- Amendment of the notified district plan maps to reflect the Standards colour and symbology as detailed in Mandatory directions 13 Mapping Standard.
- Opposition of rezoning until a transport assessment has been undertaken to determine if network changes or improvements are required to accommodate the growth (especially given there are no currently funded projects for improvements to State Highway 1 in the vicinity).



- Amend map 63Z to show a larger area of flood risk to more closely resemble the WDC GIS site, and also that the instability risk shown on map 63Z and the plan should state that before a house is built in the residential zone with stability risks that a geotechnical assessment is required.
- Remove designation DW 19 from Zoning Maps 43Z – Marsden Bay and 45Z – Marsden.
- Request that a precinct be introduced to facilitate the existing and future use of the site as per the current Schedule 9 or any other relief with similar effect

#### Reporting Planners 42A Recommendation

150. This was addressed in pages 165 to 169 of the s42A Report, Ms McGrath recommended to:

- Retain the zoning of designated sites as notified.
- Retain the Resource Area Maps as notified except for recommendations made in other parts of the s42A Report.
- Retain zoning as notified, noting that amendments have been recommended in response to other submissions.
- Amend the planning maps in accordance with the demonstration legend included as **Attachment 3** to Part 1 of the s42A Report.

#### Evidence from Submitters and Right of Reply

151. Mr Hedges spoke to his submission (submission 10) asking for the sites to be rezoned HDRZ. Ms Brownie responded to this in pages 38 and 39 of Part 3 of the RoR.
152. Mr Henahan presented evidence on behalf of Ruakaka Economic and Development Group (REDG), supporting their original submission.
153. Ms Edwards spoke in support of her original submission, seeking rezoning of esplanade areas.
154. Mr Hood presented evidence on behalf of the Northland Christian Camp in support of the original submission requesting a precinct for the site at 89A One Tree Point Road with provisions consistent with those of Scheduled Activity 9 in the WDP. Mr Burgoyne responded to this evidence in page 27 of Part 6 of the RoR accepting in part the relief sought.
155. Mr Collins presented evidence on behalf of NZTA in opposition to the proposed rezoning of large parcels of land near Rewarewa Road to LIZ and HIZ, this matter has been addressed in Topic C Southern Whangarei Zoning (LIZ and HIZ, PC88G and PC88H) of this report.

#### Discussion and Reasons

156. In relation to Mr Hedges clarified position at the hearing, we accept Ms Brownie's view that the sites do not meet the criteria for HDR (now MRZ) and that MDR (GRZ) is the best zone for them.
157. In relation to the Northland Christian Camp (NCC) we heard evidence from Mr Hood and Ms Elias in support of the submission and in support for a request for a precinct for the site with the provisions being consistent with those within Scheduled Activity 9 of the WDP. Mr Burgoyne discussed this issue in Part 6 of the RoR at page 27 and attached as Attachment 7E some recommended provisions that both he and Mr Hood were comfortable with and which would form a new 'Northland Christian Camp Precinct (NCCP). We agree and accept the submission in part accordingly.
158. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Recommendations

159. For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachment 1.
2. Adopt (where appropriate) the Reporting Officers' recommendations on submissions and further submissions in Part 8 of the Section 42A Report and as amended by the Parts 3, 4, 5, 6 10 and 11 of the Right of Reply for:
  - a. PC88A, B, C, D and F – Commercial Zones PC88E – Centres
  - b. PC88G and H – Industry
  - c. PC88I – Residential Zones
  - d. PC115 – Open Space
  - e. Various

With amendments to:

- a. Provide a new precinct covering the land from Western Hills Dr between Rust Ave and Central Ave and over the Homeworld site to provide for the establishment of commercial uses.
- b. Reducing the size of the land to be rezoned LCZ for the Maunu Town Centre at the corner of Austin Road/SH14 and the corresponding Precinct to 2ha.
- c. To not include the Marsden Technology Precinct, with the land to retain the Rural Production Environment zoning.
- d. To rezone 3 to 25 Wallace and 7 to 17 Dinniss Avenue GRZ rather than the proposed MRZ.
- e. To retain the Rural Production Environment zoning as notified over the land comprising Part Lot 1 DP 36288, Lot 1 DP 406479, Part Section 11 Block VII Ruakaka on Marsden Point Road (Submission 180.1).
- f. To retain the General Residential Zone as notified over the land comprising the eastern portion of Lot 1 DP 98997 (Submission 179.1).

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# **Report 10 – Transport, Three Waters Management and Earthworks Proposed Plan Changes 109, 136 and 147**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Transport (TRA) Chapter
2. Recommended Three Waters Management (TWM) Chapter
3. Recommended Earthworks (EARTH) Chapter

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 9 of the s42A Report. The topics evaluated in this report follow the same order as Part 9 of the s42A Report. It is split into three parts:
  - I. Transport (**TRA**)
  - II. Three Waters Management (**TWM**)
  - III. Earthworks (**EARTH**)
4. Unless otherwise stated, where this report refers to the s42A Report it is referring to Part 9, and where this report refers to the Right of Reply (**RoR**) report it is referring to Part 8.

## Evaluation of Submissions

### Part I: Transport

#### Topic A: Whole Plan Change

##### Relevant Submissions

Submitter	Submission# & Point #
Parua Bay Residents and Ratepayers Association Inc. ( <b>PBRRA</b> )	139.4
Port Nikau Three Joint Venture ( <b>PNTJV</b> )	142.8
Kotata Developments Limited ( <b>KDL</b> )	167.1 – 2
Whangārei Heads Citizens Association ( <b>WHCA</b> )	201.4
Port Nikau Joint Venture ( <b>PNJV</b> )	224.4

##### Principal Issues Raised

- Requests for the TRA Chapter to be approved.
- Deletion of the TRA chapter in its entirety.

##### Reporting Planner's s42A Recommendation

5. This was dealt with in paragraphs 30 – 32 of the s42A Report and the recommendation from the Reporting Officer was to retain the TRA Chapter as notified.

##### Evidence from Submitters and Right of Reply

6. No evidence was specifically presented on this topic.

##### Discussion and Reasons

7. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be either accepted or rejected accordingly. We agree that the Chapter should be approved (subject to the recommended amendments describe below) and do not agree with those submissions that requested that the Chapter be deleted in its entirety.



## Topic B: Definitions

### Relevant Submissions

Submitter	Submission# & Point #
Peter Goodwin	3.1
Z Energy, Mobile Oil New Zealand Limited and BP Oil New Zealand Limited ( <b>the Oli Companies</b> )	101.35
The New Zealand Transport Agency ( <b>NZTA</b> )	240.99 – 100
KiwiRail	265.42

### Principal Issues Raised

- Amendments to the definition of “bicycle parking spaces” to:
  - Include reference to AS2890.3 2015.
  - Delete the specific criteria and measurements and insert them in the rules instead.
- Amendments to the definition of “transport infrastructure” to:
  - Include a list of different types of infrastructure.
  - Include reference to active and public modes of transport.
- Inclusion of a new definition of “active transport mode”.

### Reporting Planner’s s42A Recommendation

8. This was dealt with in paragraphs 38 – 42 of the s42A Report and the recommendation from the Reporting Officer was to:
  - Retain the definition of “bicycle parking” as notified.
  - Amend the definition of “transport infrastructure” as requested by the submitters, except for the inclusion of railway infrastructure within the definition.
  - Insert a new definition of “active transport modes”.

### Evidence from Submitters and Right of Reply

9. Pam Butler presented evidence on behalf of KiwiRail seeking amendments to the definition of “transport infrastructure” to include a list of different types of infrastructure within the definition, specifically those matters relating to rail. Mr Burgoyne addressed this on page 11 of his RoR Report. He supported the relief sought and recommended amendments to the definition of “transport infrastructure” to include additional items relating to rail.
10. Georgina McPherson pre-circulated evidence on behalf of the Oil Companies requesting the removal of the criteria and standards from the definition of ‘bicycle parking space’ and to transfer them into the appropriate rules. Mr Burgoyne addressed this on page 11 of his RoR Report. He supported the relief sought and recommended amendments to the definition of “bicycle parking space” and to TRA – Appendix 1A to relocate the criteria from the definition to the rules.
11. No other evidence was specifically presented on this topic.

### Discussion and Reasons

12. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic C: Corrections and Clarifications

### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning and Development Department ( <b>WDC Planning</b> )	236.79
WDC Infrastructure Group ( <b>WDC Infrastructure</b> )	242.1, 3, 4, 6, and 55
KiwiRail	265.32
Freddrick Morgan	266.9
Housing New Zealand Corporation ( <b>Housing NZ</b> )	268.151

### Principal Issues Raised

- Amendments to address minor errors in TRA Appendix 1D and TRA-R7.
- Amendments to provide greater clarification for TRA-R2, R5 and R10 regarding when the rules apply as there is no indication of when the rules are triggered.
- Amendments to TRA-R6 to reference compliance with Appendix 2B.
- Inclusion of a new rule to address the fact that rules providing for minor upgrading, replacement, removal and maintenance of existing network utility operations facilities are proposed to be deleted from the WDP Environments.
- Amendments to TRA Appendix 2D to replace “urban” with “high density” and “rural” with “low density”, and to include reference to the Residential Zone in the notes along with an additional note requiring access to more than 8 allotments to be constructed to the relevant road standard.

### Reporting Planner’s s42A Recommendation

- This was dealt with in paragraphs 49 – 55 of the s42A Report and the recommendation from the Reporting Officer was to:
  - Retain TRA-R2, R5, R6, R10, and TRA Appendix 2D as notified.
  - Amend TRA-R7.1(c) and TRA Appendix 1D to fix minor errors.
  - Not include a new rule relating to network utility operation facilities.

### Evidence from Submitters and Right of Reply

- Mr Morgan presented in opposition to the classification of the LRZ as “urban” within TRA Appendix 2D. Mr Morgan requested specific amendments to the appendix to apply the same classification of the Rural (Urban Expansion) Zone to the LRZ. Mr Burgoyne addressed this on page 19 of his RoR Report. Mr Burgoyne supported the requested amendment and recommended further consequential amendments to apply consistent standards to the Rural Village Residential and Large Lot Residential Zones. Mr Burgoyne also recommended that the definition of “service lane” be consequentially amended to clarify what standards apply for non-residential activities.
- Heather Osbourne presented on behalf of WDC Infrastructure stating general comfort with the s42A recommendation regarding TRA-R2, R5 and R10.
- Pam Butler presented evidence on behalf of KiwiRail in support of the s42A recommendation regarding KiwiRail’s request for a new rule to provide for minor upgrading, replacement, removal and maintenance of existing network utility operations facilities.
- No other evidence was specifically presented on this topic.

### Discussion and Reasons

18. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic D: Overview

### Relevant Submissions

Submitter	Submission# & Point #
124 Tauroa Street Limited ( <b>Tauroa</b> )	160.30
Heron Construction Holdings Limited ( <b>Heron</b> )	161.18
NZTA	240.20
KiwiRail	265.19
F Morgan	266.1
Housing NZ	268.139
The Northland District Council of New Zealand Automobile Association ( <b>Northland AA</b> )	304.1

### Principal Issues Raised

- Retention of the TRA Overview (now referred to as *Issues*) as notified.
- Amendments to the TRA Issues to:
  - Replace “network” with “system”.
  - Delete the reference to the positive effects of providing for private motor vehicle use.
  - Include specific reference to railways.
  - Include references to “compact” development, connectivity with communities, and flexibility for diverse living choices.
  - Make specific reference to the “public portion” of the transport network and include references to other legislations and WDC processes that are relevant in transport management.

### Reporting Planner’s s42A Recommendation

19. This was dealt with in paragraphs 62 – 67 of the s42A Report and the recommendation from the Reporting Officer was to amend the TRA Issues to:
- Include reference to connectivity with communities and flexibility for diverse living choices.
  - Delete the reference to the positive effects of providing for private motor vehicle usage.
  - Improve clarity.

### Evidence from Submitters and Right of Reply

20. Nita Chhagan presented evidence on behalf of NZTA requesting that all references to “transport network” be amended to “transport system”. Subsequently, Mathew Gribben (legal counsel) clarified that NZTA is no longer seeking amendments to the references of “transport network/system” but instead seek the inclusion of explanatory text in the *Issues* section of the Transport Chapter to clarify the difference between the two terms. Mr Burgoyne addressed this on page 11 of his RoR Report. His opinion and recommendation to reject the submission point had not changed. Mr Burgoyne provided an alternative option to amend SD-P7 (to replace “system” with “network”) if the Panel considered there was an issue of inconsistent terminology.
21. Pam Butler presented evidence on behalf of KiwiRail seeking an amendment TRA *Issues* to

include reference to rail. Mr Burgoyne addressed this on page 12 of his RoR Report. He supported the amendments requested by Ms Butler and recommended that the TRA Issues be amended to include reference to railways.

22. Blair Masfield presented evidence on behalf of Kāinga Ora-Homes and Communities (**Kāinga Ora**)<sup>1</sup> requesting amendments to paragraph 3 of the TRA *Issues* section to include reference to “compact” development. Mr Burgoyne addressed this on page 11 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
23. Mr Arbuthnot presented evidence on behalf of Heron in support of the s42A recommendation.
24. No other evidence was specifically presented on this topic.

### Discussion and Reasons

25. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly. We note that we have recommended that the reference to ‘transport system’ in SD-P7 (now DGD-P7) is retained as notified.<sup>2</sup>

## Topic E: Objectives

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.10
Tauroa	160.31
Heron	161.19
Fire and Emergency New Zealand ( <b>Fire NZ</b> )	165.64
Fonterra Limited ( <b>Fonterra</b> )	202.11
The Public and Population Health Unit of the Northland District Health Board ( <b>Public Health Northland</b> )	207.86
NZTA	240.21 – 25
KiwiRail	265.20 – 21
F Morgan	266.2 – 3
Housing NZ	268.140
Northland AA	304.2 – 4
W Rossiter	316.1 – 2

### Principal Issues Raised

- Retention of the TRA Objectives as notified.
- Amendments to TRA-O1 to:
  - Replace “network” with “system”.
  - Include “as far as practicable” after “avoiding, remedying or mitigating adverse effects”.
- Amendments to TRA-O2 to:
  - Require safety and efficiency to be “enhanced” and to include reference to active transport modes.
  - Include reference to “other local government responsibilities”.

<sup>1</sup> As successor to Housing New Zealand Corporation

<sup>2</sup> Report 3

- Amendments to TRA-O3 to include a “transition from private vehicle to public transport, active and shared modes” at the end of the objective.
- Amendments to TRA-O4 to:
  - Replace “network” with “system”.
  - Include reference to the “effective” functioning of the transport network.
  - Replace “contribute to” with “do not adversely affect”.
  - Replace “contribute to” with “will be accepted as being”.
  - Replace “suitable and sufficient” with “standards for”.
  - State that the provision of parking is crucial to the functioning of the transport network.
  - Delete “functioning of the transport network” from the end of the policy.
- Amendments to TRA-O5 to:
  - Replace “which contribute to” with “that recognises the”.
  - Delete “quality”.
  - Include “anticipated for the zone” at the end of the policy.

#### **Reporting Planner’s s42A Recommendation**

26. This was dealt with in paragraphs 82 – 90 of the s42A Report and the recommendation from the Reporting Officer was to:
- Retain TRA-O1 – O3 and O6 as notified.
  - Amend TRA-O4 to include “effective” and to replace “contribute to” with “do not adversely affect”.
  - Amend TRA-O5 to:
    - Replace “which contribute to” with “consistent with the”.
    - Delete “quality”.
    - Include “anticipated for the zone” at the end of the policy.

#### **Evidence from Submitters and Right of Reply**

27. Mr Morgan presented evidence requesting amendments to TRA-O2 to include reference to local government responsibilities. Mr Burgoyne addressed this on page 12 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
28. Georgina McPherson pre-circulated evidence on behalf of the Oil Companies opposing the recommended amendment to TRA-O4 requesting that the policy be amended to revert to the notified wording. Mr Burgoyne addressed this on page 12 of his RoR Report. Mr Burgoyne acknowledged the concerns raised by the submitter and recommended amendments to require adverse effects to be ‘minimised’ rather than completely avoided.
29. Perri Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding TRA-O4.
30. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A

recommendations regarding TRA-O1 – O3, O5, and O6.

31. Mr Arbuthnot presented evidence on behalf of Heron in support of the s42A recommendation.
32. No other evidence was specifically presented on this topic.

### Discussion and Reasons

33. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic F: Policies

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.11 – 12
Northpower Limited ( <b>Northpower</b> )	127.12 – 13
Landowners Coalition ( <b>Landowners</b> )	138.30
PBRRA	139.5
Tauroa	160.32
Heron	161.20
Fonterra	202.12 – 15
Summerset Villages (Whangārei) Limited ( <b>Summerset</b> )	205.25
Public Health Northland	207.87 – 88
NZTA	240.26 – 29
Northland Regional Council ( <b>NRC</b> )	264.13
KiwiRail	265.25 – 26
F Morgan	266.4 – 8
Ministry of Education ( <b>MOE</b> )	267.16
Housing NZ	268.141 – 148
Northland AA	304.5 – 14
W Rossiter	316.3

### Principal Issues Raised

- Retention of the TRA policies as notified.
- Deletion of TRA-P12.
- Amendments to TRA-P1 to:
  - Split TRA-P1.2 into two separate clauses.
  - Include reference to public transport.
  - Include reference to the surrounding environment and the transport network hierarchy in TRA-P1.4.
  - Include reference to a “systems approach”.
  - Include reference to “cyclists”.
  - Delete “significantly” from TRA-P1.6.
- Amendments to TRA-P2 to delete “only” from the start of the policy.
- Amendments to TRA-P3 to:

- Provide greater clarity in TRA-P3.2.
- Recognise the wider public good of development and share costs as appropriate.
- Amendments to TRA-P4 to include “where appropriate” at the end of the policy.
- Amendments to TRA-P5 to include references to “shared” transport modes and “slow streets or shared environments”.
- Amendments to TRA-P7 to:
  - Include “as appropriate” at the end of TRA-P7.2.
  - Include references to “public transport, active and shared modes” in TRA-P7.2.
- Amendments to TRA-P8 to:
  - Replace “require” with “ensure”.
  - Replace “protect” with “maintain”.
  - Delete “protect amenity and”.
  - Include reference to level crossings in TRA-P8.3.
  - Relate the policy only to private access ways rather than all access.
- Amendments to TRA-P9 to:
  - Recognise that private motor cars are the predominant means of transport.
  - Replace “allow” with “specify minimum on-site parking spaces for land use while allowing”.
- Amendments to TRA-P10 to delete the reference to “access” and relate the policy to only private parking and loading areas.
- Amendments to TRA-P11 to:
  - Replace “require” with “encourage provision of”.
  - Include “in locations with suitable passive transport infrastructure” at the end of the policy.
  - Only require bicycle parking “where appropriate”.
  - Require bicycle parking spaces to be “safe and secure”.
  - Better define what activities the policy refers to (or delete the policy).
- Amendments to TRA-P12 to:
  - Replace “requiring” with “encouraging”.
  - Include a requirement to provide electric bicycle and electric scooter charging stations in zones such as the City Centre and Shopping Centre.
- Amendments to TRA-P13 to:
  - Replace “require” with “encourage”.
  - Delete “accessibility”.

- Clarify that landscaping is only required for uncovered car parking.
- Inclusion of a new policy managing rail level crossings.

#### **Reporting Planner's s42A Recommendation**

34. This was dealt with in paragraphs 113 – 128 of the s42A Report and the recommendation from the Reporting Officer was to:

- Retain TRA-P4 – P6, P10, P14, and P15 as notified.
- Amend TRA-P1 to:
  - Include reference to public transport.
  - Provide greater clarity to TRA-P1.2.
  - Include reference to the surrounding environment and the transport network hierarchy in TRA-P1.4.
  - Include reference to “cyclists”.
  - Delete “significantly” from TRA-P1.6.
- Amend TRA-P2 to delete “only” from the start of the policy.
- Amend TRA-P3 to provide more clarity and certainty.
- Amend TRA-P7 to include reference to public and active transport modes.
- Amend TRA-P8 to delete “protect amenity and”.
- Amend TRA-P9 to replace “allow” with “specify minimum on-site parking spaces for land use while allowing”.
- Amend TRA-P11 to require bicycle parking spaces to be “safe and secure” and to include “except where not appropriate” at the end of the policy.
- Amend TRA-P12 to replace “requiring” with “providing”.
- Amend TRA-P13 to replace “accessibility” with “navigability” and to clarify that landscaping is only required for uncovered car parking.
- Include a new policy relating to rail level crossings.

#### **Evidence from Submitters and Right of Reply**

35. Mr Morgan presented evidence in opposition to TRA-P3 requesting that amendments be made to reference either the current financial contributions or development contributions policies. Mr Burgoyne addressed this on page 12 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
36. Catherine Heppelthwaite presented evidence on behalf of NZTA in opposition of the s42A recommended amendments to TRA-P11 which sought to include “except where not appropriate” at the end of the policy. Mr Burgoyne addressed this on pages 12 – 13 of his RoR Report. He accepted the evidence presented and recommended deleting “except where not appropriate” and replacing “require” with “provide”.
37. Anil Shetty presented evidence on behalf of Public Health Northland in relation to TRA-P11 and TRA-P12. Mr Shetty requested the inclusion of a reference to bicycle parking guidelines in TRA-P11. Mr Shetty did not support the inclusion of the wording “except where not



appropriate". Mr Shetty also requested amendments to TRA-P12 to require the provision of electric bicycle and electric scooter (disability) stations. Mr Burgoyne addressed this on page 13 of his RoR Report. His opinion and recommendation to reject the submission points had not changed. However, in response to Ms Heppelthwaite's evidence Mr Burgoyne did recommend deleting "except where not appropriate" in TRA-P11.

38. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendations regarding TRA-P1 – P5, P7 – P11, P13, and P14.
39. Pam Butler presented evidence on behalf of KiwiRail in support of the s42A recommendation regarding TRA-P8.
40. David Badham presented evidence on behalf of Northpower in support of the s42A recommendations regarding TRA-P1, P12, and P13.
41. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendations regarding TRA-P3, P7, P8, and P12.
42. Jess Rose tabled evidence on behalf of MOE in support of the s42A recommendation regarding TRA-P5 and P9.
43. Mr Arbutnot presented evidence on behalf of Heron in support of the s42A recommendation regarding the TRA policies.
44. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

45. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

### Topic G: Activity Status

#### Relevant Submissions

Submitter	Submission# & Point #
Woolworths New Zealand ( <b>Woolworths</b> )	51.10 - 11
Atlas Concrete Limited ( <b>Atlas</b> )	129.20
PNTJV	142.9 and 17
Tauroa	160.33
Heron	161.21
KDL	167.3 and 10
PNJV	224.5 and 10
F Morgan	266.10
Housing NZ	268.149

#### Principal Issues Raised

- Amendments to TRA-R2 – R14 to change the activity status to restricted discretionary activities where compliance with the standards is not achieved.

#### Reporting Planner's s42A Recommendation

46. This was dealt with in paragraphs 136 – 138 of the s42A Report and the recommendation from the Reporting Officer was to amend TRA-R2 – R13 to default to restricted discretionary activities with specified matters of discretion where compliance with the standards is not achieved.

### Evidence from Submitters and Right of Reply

47. Evidence was presented by Brett Hood on behalf of PNTJV and PNJV and by Mr Masefield on behalf of Kāinga Ora requesting that TRA-R14 be amended to be a restricted discretionary activity rather than a discretionary activity. Mr Burgoyne addressed this on page 13 of his RoR Report. Mr Burgoyne agreed with the evidence presented and recommended amending TRA-R14 to be a restricted discretionary activity with specified matters of discretion.
48. Mr Arbutnot presented evidence on behalf of Heron in support of the s42A recommendation to amend the activity status of the TRA rules.
49. Karren Rosser tabled evidence on behalf of Atlas in support of the s42A recommendation to amend the activity status of the TRA rules.
50. Mr Foster tabled evidence on behalf of Woolworths in support of the s42A recommendation to amend the activity status of TRA-R11 and R12.
51. No other evidence was specifically presented on this topic.

### Discussion and Reasons

52. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic H: Parking Standards

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.14
Atlas	129.21
NZTA	240.33
WDC Infrastructure	242.2
Northland AA	304.15

### Principal Issues Raised

- Amendments to TRA-R3 to:
  - Exempt activities in the Rural Production Zone (**RPZ**) from having to comply with TRA-R3.
  - Exclude loading areas for fuel delivery vehicles and car parking spaces at a pump at a service station from TRA-R3.1(c).
  - Exclude small scale and community operated facilities and 'General Public Amenities' from TRA-R3.1(c).
  - Include a requirement for car parking and loading spaces to be located on the same site as the activity to which they relate.
  - Include a blanket requirement for sealed car parks.

### Reporting Planner's s42A Recommendation

53. This was dealt with in paragraphs 144 – 148 of the s42A Report and the recommendation from the Reporting Officer was to amend TRA-R3 to:
  - Exempt activities in the RPZ and the Open Space and Recreation Zones from having to comply with TRA-R3.

- Exclude loading areas for fuel delivery vehicles and car parking spaces at a pump at a service station from TRA-R3.1(c).

#### **Evidence from Submitters and Right of Reply**

54. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendation regarding TRA-R3.
55. Karren Rosser tabled evidence on behalf of Atlas in support of the s42A recommendation regarding TRA-R3.
56. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

57. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### **Topic I: Vehicle Crossing Standards**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
The Oil Companies	101.15, 21 and 22
PBRR	139.10
PNTJV	142.10
Fire NZ	165.66 – 67
KDL	167.4
WHCA	201.5
Fonterra	202.16 – 17
Northland District Health Board ( <b>NDHB</b> )	206.25
PNJV	224.6
NZTA	240.34, 36, 37 and 49
KiwiRail	265.27 – 29
Housing NZ	268.150 and 152
W Rossiter	316.4 – 6

#### **Principal Issues Raised**

- Retention of TRA-R6, R8, and Compliance Standard 3 of TRA Appendix 2A as notified.
- Deletion of TRA-R8.1 and Compliance Standard 1 of TRA Appendix 2A.
- Amendments to TRA-R5.2 to:
  - Include “or a State Highway” at the end of the rule.
  - Provide a permitted activity status for vehicle crossings fronting a state highway where the written approval of NZTA has been obtained.
- Amendments to TRA-R6.1(b) to replace “8m” with “6m”.
- Amendments to TRA-R8 to:
  - Delete “for a minimum distance of 10m” from TRA-R8.1.
  - Include five new rules regarding land use activities and subdivisions which would require direct access to state highways.

- Amendments to Table TRA 6 in TRA Appendix 2A to include new compliance standards which:
  - Provide for two vehicle crossings for emergency services on arterial or collector roads.
  - Requires site frontage in the Hospital Zone to be measured cumulatively across the zone.
- Inclusion of two new rules to manage sight lines at rail level crossings and to restrict new vehicle and pedestrian level crossings over railway corridors.
- Inclusion of a note at the end of TRA-R8 and TRA Appendix 2A stating that vehicle access to all state highways is managed by NZTA and requires the approval of NZTA.
- General request that vehicle crossings are not allowed where they do not meet the rules.

#### **Reporting Planner's s42A Recommendation**

58. This was dealt with in paragraphs 162 – 174 of the s42A Report and the recommendation from the Reporting Officer was to:

- Amend TRA-R5 to:
  - Replace “National or Regional road” with “state highway”.
  - Include a rule managing vehicle and pedestrian crossings over railway corridors.
- Amend TRA-R6 to improve clarity.
- Amend TRA-R8 to replace “a minimum distance of” with “the first”.
- Amend TRA Appendix 2A to include a note stating that vehicle access to all state highways is managed by NZTA and requires the approval of NZTA.
- Include a new TRA Appendix 2E managing railway level crossings.

#### **Evidence from Submitters and Right of Reply**

59. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting specific amendments to TRA-R8.1 to provide further clarity that sealing is not required where a building is closer than 10m to a road. Mr Burgoyne addressed this on page 13 of his RoR Report. Mr Burgoyne agreed that further amendments were required to improve clarity. Mr Burgoyne recommended that the reference to 10m be deleted from TRA-R8 and that the definition of “vehicle crossing” be relied on instead.
60. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendation regarding TRA-R6.
61. Perri Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding TRA-R8.
62. Ian McAlley presented evidence on behalf of NDHB in support of the s42A recommendation regarding TRA Appendix 2A.
63. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendations regarding TRA-R5, R6, and R8.
64. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

65. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic J: Manoeuvring

### Relevant Submissions

Submitter	Submission# & Point #
PBRR	139.9
WHCA	201.10
WDC Planning	236.77
NZTA	240.35
Housing NZ	268.151
Alec Jameson	291.6

### Principal Issues Raised

- Retention of TRA-R7 as notified.
- Deletion of TRA-R7.1(b).
- Amendments to TRA-R7 to:
  - Require parking areas in the Rural Village Residential Sub-Zone (**RVRZ**) to be set back from property boundaries.
  - Include Rural Village Centre Service Activities in TRA-R7.1(b)(ii).
- General request that for subdivision there should be enough car parking on site to provide sufficient manoeuvring such that no vehicle is required to reverse either onto, or off, the site onto busy roads.

### Reporting Planner's s42A Recommendation

66. This was dealt with in paragraphs 180 – 183 of the s42A Report and the recommendation from the Reporting Officer was to amend TRA-R7 to include Rural Village Centre Service Activities in TRA-R7.1(b)(ii).

### Evidence from Submitters and Right of Reply

67. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendations regarding TRA-R7.
68. No other evidence was specifically presented on this topic.

### Discussion and Reasons

69. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic K: Indicative Roads and Strategic Road Protection Areas

### Relevant Submissions

Submitter	Submission# & Point #
Geoffrey Gibson	17.2
Clinton Hanger	21.2
PNTJV	142.11
Fire NZ	165.68
KDL	167.5
PNJV	224.7
Rhonda Padgett	299.1

### Principal Issues Raised

- General support for the setback on Dent Street between Bank Street and Rathbone Street as being on the southwest side only.
- Support for the removal of the indicative road from Clendon Drive through to State Highway 14.
- Deletion of TRA-R9.3.
- Amendments to TRA-R9 to provide clarity as to how the rule is to be applied alongside zone-based rules on setbacks.

### Reporting Planner's s42A Recommendation

70. This was dealt with in paragraphs 188 – 190 of the s42A Report and the recommendation from the Reporting Officer was to retain TRA-R9 and the Strategic Road Protection Area and Indicative Road mapping as notified.

### Evidence from Submitters and Right of Reply

71. Perri Unthank presented evidence on behalf of Fire NZ and Matthew Norwell and Stacey Sharp presented evidence on behalf of Foodstuffs requesting amendments to clarify the hierarchy of the zone setback rules and the setback from strategic road protection areas where these provisions are in conflict in the City Centre, Mixed Use, Commercial, Local Centre and Neighbourhood Centre Zones. Mr Burgoyne addressed this on page 14 of his RoR Report. Mr Burgoyne agreed that further amendments were required to improve clarity. Mr Burgoyne recommended amendments to CCZ-R4, MUZ-R4, COMZ-R3, LCZ-R3 and NC-R3 to clarify that TRA-R9 over-rides the maximum setback rules in these zones. Mr Burgoyne also recommended consequential amendments to provide greater clarity that verandahs are not required where a strategic road protection area applies.

### Discussion and Reasons

72. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic L: Landscaping

### Relevant Submissions

Submitter	Submission# & Point #
G Gibson	17.3 – 4
C Hanger	21.3 – 4
Yvonne Clark	31.1
The Oil Companies	101.13 and 16
Atlas	129.22 – 24
PNTJV	142.12 – 14
Heron	161.22
Fire NZ	165.69 – 70
KDL	167.6 – 8
Fonterra	202.17
PNJV	224.7
WDC Infrastructure	242.5
OBC	254.1
Housing NZ	268.153
W Rossiter	316.7, 8, and 14

### Principal Issues Raised

- Retention of TRA-R10 – R12 as notified.
- Deletion of TRA-R10 – R12.
- Amendments to TRA-R10 – R12 to exempt the Sport and Active Recreation Zone from landscaping requirements.
- General amendments to reduce planting heights so as not to grow too high and obscure other traffic.
- Amendments to TRA-R10 to:
  - Only apply the rule to uncovered car parking areas.
  - Exclude the RPZ, and/or define parameters for carpark road setbacks and fencing.
  - Exclude the Light Industrial Zone (**LI**).
  - Reduce the landscaping strip depth or remove the minimum and maximum plant heights.
  - Enable a lower minimum height and provide clarity in relation to maintenance.
- Amendments to TRA-R12 to:
  - Exempt car parking within buildings.
  - Exclude the RPZ.
  - Replace “and minimum canopy shade coverage of 30m<sup>2</sup> at 20 years” with “at maturity”.
  - Delete the minimum planting area and depth requirements.
  - Delete clauses (a) and (b).

### Reporting Planner’s s42A Recommendation

73. This was dealt with in paragraphs 203 – 211 of the s42A Report and the recommendation from the Reporting Officer was to:

- Delete TRA-R10.
- Amend TRA-R11 to:
  - Exempt the RPZ.
  - Only apply the rule to uncovered car parking areas.
  - Reduce the landscaping areas required.
  - Improve clarity.
- Amend TRA-R12 to:
  - Exempt the RPZ.
  - Only apply the rule to uncovered car parking areas.
  - Delete the minimum planting area and depth requirements.

- Improve clarity.

#### **Evidence from Submitters and Right of Reply**

74. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendations regarding TRA-R11 and R12.
75. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendations regarding TRA-R10.
76. Karren Rosser tabled evidence on behalf of Atlas in support of the s42A recommendations regarding TRA-R11 and R12.
77. Perri Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding TRA-R10.
78. Mr Arbuthnot presented evidence on behalf of Heron in support of the s42A recommendations regarding TRA-R10 – R12.
79. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

80. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### **Topic M: Electric Vehicles**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
The Oil Companies	101.17
Northpower	127.14
Landowners	138.31
PNTJV	142.15
NDC	147.6
KDL	167.9
Fonterra	202.18
Summerset	205.26
PNJV	224.8
NZTA	240.38
OBC	254.2
W Rossiter	316.9

#### **Principal Issues Raised**

- Retention of TRA-R13 as notified.
- Deletion of TRA-R13.
- Amendments to TRA-R13 to:
  - Exempt the Sport and Active Recreation Zone.
  - Exempt retirement villages.
  - Require provision to be made for an electric vehicle (**EV**) charging station rather than actual installation.



- Only require EV charging stations where the car parking spaces are publicly available.
- Specify that the EV charging stations may only be occupied by vehicles actively using the stations.
- Reduce the notified “50” car parking spaces to “25”.

#### **Reporting Planner’s s42A Recommendation**

81. This was dealt with in paragraphs 221 – 227 of the s42A Report and the recommendation from the Reporting Officer was to:

- Amend TRA-R13 to exempt residential activities.
- Amend the definition of “electric vehicle charging stations” to specify that they must be available for use by electric vehicles.

#### **Evidence from Submitters and Right of Reply**

82. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that TRA-R13 be amended to require provision to be made for electric vehicle charging stations rather than actual installation. Mr Burgoyne addressed this on page 14 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
83. Karren Rosser tabled evidence on behalf of Atlas in support of the s42A recommendation regarding TRA-R13.
84. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

85. In relation to the provision of electric charging stations (actual installation) we agree with the submitter that the provisions should be amended to require that the space(s) be provided for an electric vehicle (EV) charging station rather than the actual installation.
86. Mr Burgoyne did acknowledge in paragraph 223 of his s42A Report that the cost of some charging stations can be expensive (\$30,000+) and also stated that various types of charging stations are available for under \$2,000 and this is not an onerous cost when considering the type of development that would require 50 or more car parking spaces. Our view is that developments should be required to provide a space for an EV charging station and that it should be up to those manufacturers in the EV market or others who manufacture such stations to actually provide and install the EV charging stations.
87. In relation to the use of the EV stations once installed, we agree that the definition should be amended to require charging stations to be available for use by electric vehicles (while charging) instead of being available for public use or parking of electric vehicles. We also recommend three consequential changes. The first being to policy TRA-P12 to remove the requirement to provide ‘underground electrical conduit for new large car parking areas’. Secondly, an amendment to TRA-R13 to clarify that the standard relates to the provision of an electric vehicle charging parking space, not the associated infrastructure. Lastly, an amendment to Appendix 1G, note 1, to record that parking space dimensions will vary for electric vehicle charging station parking spaces.
88. Other than this matter we generally agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic N: Subdivision

### Relevant Submissions

Submitter	Submission# & Point #
PBRR	139.7
Anthony and Jean Morgan	170.15
WHCA	201.9
NZTA	240.40
WDC Infrastructure	242.7 – 8
Jan Boyes	245.2
Housing NZ	268.154
W Rossiter	316.10

### Principal Issues Raised

- General support for TRA-R14.
- Amendments to TRA-R14 to provide a restriction on shared activities for non-residential activities.
- Amendments to the matters of control in TRA-R14 to:
  - Include reference to “cycle” connections in matters of control 13 and 14.
  - Improve the clarity of matter of control 1.
  - Specify that matter of control 12 only applies “where relevant”.
  - Ensure that the matters of control are strictly adhered to.

### Reporting Planner’s s42A Recommendation

89. This was dealt with in paragraphs 235 – 238 of the s42A Report and the recommendation from the Reporting Officer was to amend the matters of control in TRA-R14 to:
- Include reference to “cycle” connections in matters of control 13 and 14.
  - Improve the clarity of matter of control 1.
  - Specify that matter of control 12 only applies “where relevant”.

### Evidence from Submitters and Right of Reply

90. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendation regarding TRA-R14.
91. No other evidence was specifically presented on this topic.

### Discussion and Reasons

92. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic O: Integrated Transport Assessments

### Relevant Submissions

Submitter	Submission# & Point #
Woolworths	51.12
B Hall	83.3
The Oil Companies	101.18 – 19
PNTJV	142.18
Tauroa	160.34 – 35
Heron	161.23
KDL	167.11
NDHB	206.26
Nga Hapu o Whangārei	215.2
PNJV	224.11
NZTA	240.41 – 45
NRC	264.11, 12, and 14
KiwiRail	265.33 – 37
Housing NZ	268.155, 156, 158, and 159
Northland AA	304.16
W Rossiter	316.11

### Principal Issues Raised

- Retention of TRA-R15, R16, and TRA-REQ1 as notified.
- Deletion of TRA-R15, R16, and TRA-REQ1 - 3.
- Amendments to TRA-R15 and R16 to exempt the Heavy Industrial and Hospital Zones.
- Amendments to TRA-R15 to:
  - Improve clarity and enforceability.
  - Replace “convenience” with “accessibility” in matter of discretion 1.
  - Include reference to “level crossings” in matter of discretion 2.
  - Increase the car parking space trigger for an Integrated Transport Assessments (ITA) from 50 to 100.
  - Amend the trigger for an ITA for residential uses to be based on the number of dwellings enabled by the plan rather than site size.
- Amendments to TRA-R16 to:
  - Improve clarity and enforceability.
  - Include additional triggers for ITA based on the scale of the activity proposed (e.g. gross floor area).
- Amendments to TRA-REQ1 to:
  - Require the consideration of bus only light phasing at intersections with traffic lights.
  - Include “particularly” in TRA-REQ1.1(d)(ii).
  - Include “safe” in TRA-REQ1.1(d)(iv).
  - Include reference to railway infrastructure and “level crossings” in TRA-REQ1.1(b), (e), and (g).

### Reporting Planner's s42A Recommendation

93. This was dealt with in paragraphs 253 – 264 of the s42A Report and the recommendation from the Reporting Officer was to amend the matters of control in TRA-R14 to:
- Amend TRA-R15 and R16 to improve clarity and enforceability.
  - Include reference to level crossings in TRA-R15 matter of discretion 2.
  - Amend TRA-REQ1 and REQ2 to provide greater distinction as to the level of assessment that is required for each type of ITA.

### Evidence from Submitters and Right of Reply

94. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that the PNTJV and PNJV land be exempt from compliance with TRA-R15 and R16. Mr Burgoyne addressed this on page 15 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
95. Evidence was presented on behalf of NZTA and NDHB regarding their general agreement on a bespoke ITA rule to be applied to the Hospital Zone. Mr Burgoyne addressed this on pages 15 and 16 of his RoR Report. He supported the inclusion of a bespoke ITA rule in the Hospital Zone. Mr Burgoyne recommended inclusion of the largely agreed upon rule with additional amendments which he considered improved the efficiency and effectiveness of the rule. Mr Badham also addressed this on pages 13 – 15 of **Part 7** of the RoR Report in regards to the HOSZ. Mr Badham recommended to accept in part the original submission from NZTA and recommended the inclusion of new controlled and restricted discretionary rules in the Hospital Zone and new information requirements. We have dealt with this in Part 7.
96. NZTA presented evidence requesting various changes to TRA-R15 and R16. Mathew Gribben (legal counsel) provided responses to questions from the Hearing Panel clarifying the requested amendments to TRA-R15 and R16 to include additional thresholds for activities which would require an ITA in TRA-R15 and R16. Mr Burgoyne addressed this on pages 16 and 17 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
97. Blair Masfield presented evidence on behalf of Kāinga Ora requesting amendments to TRA-R15 and R16 as follows:
- Rename the rules “Medium Scale Integrated Transport Assessments” and “Large Scale Integrated Transport Assessments”.
  - Amend TRA-R16 to be a restricted discretionary activity rather than discretionary.
  - Amend the thresholds under TRA-R15.2 and R16.2 to relate to the number of dwellings proposed rather than the size of parent allotment.
98. Mr Burgoyne addressed this on pages 17 and 18 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
99. Pam Butler presented evidence on behalf of KiwiRail seeking amendments TRA-REQ1.1(e) to include reference to rail. Mr Burgoyne addressed this on page 18 of his RoR Report. He supported the relief sought and recommended that TRA-REQ1 and REQ2 be amended to include references to rail.
100. Mr Morgan presented in opposition to TRA-R15 and R16 on the basis that the provisions act more as information requirements than rules and that they should be deleted and incorporated into TRA-R2 and R14. Mr Burgoyne addressed this on page 18 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
101. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendations regarding TRA-R15 and R16.

102. M J Foster tabled evidence on behalf of Woolworths in support of the s42A recommendations regarding TRA-R15 and R16.
103. Mr Arbutnot presented evidence on behalf of Heron in support of the s42A recommendations regarding TRA-R15 – R16.
104. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

105. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic P: New Roads

#### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.19
PNTJV	142.19
KDL	167.12
PNJV	224.12
Housing NZ	268.157
W Rossiter	316.12

#### Principal Issues Raised

- Retention of TRA-R17 and R18 as notified.
- Deletion of TRA-R17 and TRA-REQ3.

#### Reporting Planner's s42A Recommendation

106. This was dealt with in paragraphs 268 – 269 of the s42A Report and the recommendation from the Reporting Officer was to retain TRA-R17, R18, and REQ3 as notified.

#### Evidence from Submitters and Right of Reply

107. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that TRA-R17 be amended to a controlled activity rather than a discretionary activity.
108. Blair Masfield presented evidence on behalf of Kāinga Ora requesting that TRA-R17 and R18 be amended to a restricted discretionary activity rather than a discretionary activity.
109. Mr Burgoyne addressed the evidence from these submitters on page 18 of his RoR Report. He acknowledged the concerns raised and recommended that TRA-R17 and R18 be amended to be restricted discretionary activities with specified matters of control.
110. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendations regarding TRA-R17 and R18.
111. No other evidence was specifically presented on this topic.

#### Discussion and Reasons

112. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic Q: Minimum and Maximum Parking Rates

### Relevant Submissions

Submitter	Submission# & Point #
G Gibson	17.5
C Hanger	21.5
Bunnings Limited ( <b>Bunnings</b> )	60.11
Gary Dow	70.13
Kerry Grundy	73.18 – 19
Derrick Doar	75.3
Faye Moore	92.7
The Oil Companies	101.20
Cecilie Haines	106.9
Agnes Smith	108.2
Jill McLeod	111.2
Julian Wilson	122.7
Landowners	138.32
Kneehy Limited ( <b>Kneehy</b> )	144.3
Southpark Corporation Limited ( <b>Southpark</b> )	154.8
Fire NZ	165.65
Jennifer Edwards	193.15, 16 and 20
Lynda Stallworthy	199.4
Fonterra	202.19
Summerset	205.27
NDHB	206.22
Commercial Centres Ltd ( <b>Commercial Centres</b> )	210.27
Foodstuffs North Island Limited ( <b>Foodstuffs</b> )	225.26
WDCP Planning	236.78
NZTA	240.46
WDC Infrastructure	242.9
Transpower New Zealand Limited ( <b>Transpower</b> )	247.1
The University of Auckland ( <b>the University</b> )	248.15
MOE	267.17
Housing NZ	268.160 – 161
Clare Morgan	290.11
Puriri Park and Maunu Residents Society Inc ( <b>Puriri Park Society</b> )	301.16 – 17

### Principal Issues Raised

- Retention of TRA Appendix 1A and 1B as notified.
- Deletion of TRA Appendix 1B.
- Amendments to TRA- Appendix 1A to:
  - Provide clarification that the parking requirement for service stations does not include the forecourt area.
  - Decrease the car parking rate for grocery stores from 1 per 25m<sup>2</sup> to 1 per 30m<sup>2</sup>.
  - Change the emergency service parking requirement to require parking spaces based on 'on duty' employees.
  - Ensure that there is no change or reduction to the existing minimum onsite parking requirements for the upper Maunu part of Living 1 Environment.
  - Provide clarification that the Fonterra Kauri Milk Processing Site parking requirement also

applies to the surrounding land zoned as Strategic Rural Industries Zone.

- Include specified parking requirements for playgrounds, retirement villages, general community, general commercial, and general public amenity activities.
- Provide clarification that the National Grid is not subject to the requirements of Appendix 1A.
- Provide greater specificity to the educational facility parking requirements.
- Increase the parking spaces required for residential units.
- Decrease the parking spaces required for residential units.

#### **Reporting Planner's s42A Recommendation**

113. This was dealt with in paragraphs 288 – 301 of the s42A Report and the recommendation from the Reporting Officer was to amend TRA Appendix 1A to:

- Improve the clarity and consistency of the parking requirements for residential units.
- Include specified parking requirements for playground, retirement villages, general community, general commercial, and general public amenity activities.
- Provide clarification that the National Grid is not subject to the requirements of Appendix 1A.
- Provide greater specificity to the educational facility parking requirements.

#### **Evidence from Submitters and Right of Reply**

114. Mr Gibson presented in opposition to the maximum car parking requirements under TRA Appendix 1B requesting that the appendix be deleted. Mr Burgoyne addressed this on pages 18 – 19 of his RoR Report. He recommended that the submission point be accepted in part and that TRA Appendix 1B be amended to only apply to the City Centre Zone.
115. Perri Unthank presented evidence on behalf of Fire NZ requesting that the parking requirements for emergency services be amended to relate to on site employees. Mr Burgoyne addressed this on page 19 of his RoR Report. He supported the relief sought and recommended that TRA Appendix 1A be amended accordingly.
116. Blair Masefield presented evidence on behalf of Kāinga Ora requesting specific amendments to the parking requirements for principal residential units, minor residential units and multi-unit developments to enable reduced car parking. Mr Burgoyne addressed this on page 19 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
117. David Badham tabled evidence on behalf of Bunnings in support of the retention of reduced car parking requirements for 'trade suppliers'.
118. J S Baguley presented on behalf of Commercial Centres in support of the s42A recommendation regarding TRA Appendix 1A.
119. David Badham presented evidence on behalf of the University in support of the s42A recommendation regarding TRA Appendix 1A.
120. Jess Rose tabled evidence on behalf of MOE in support of the s42A recommendation regarding TRA Appendix 1A.
121. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendation regarding TRA Appendix 1A.
122. No other evidence was specifically presented on this topic.



### Discussion and Reasons

123. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic R: Bicycle Parking

### Relevant Submissions

Submitter	Submission# & Point #
Woolworths	51.13
Landowners	138.32 – 34
NZTA	240.39
MOE	267.18
Housing NZ	268.162

### Principal Issues Raised

- Retention of TRA Appendix 1D as notified.
- Deletion of the required bicycle parking spaces in TRA Appendix 1A, and deletion of TRA Appendix 1D.
- Amendments to TRA Appendix 1A to:
  - Change the long stay bicycle space requirement to 1 per 15 employees instead of 1 per 10 employees.
  - Require that 1 bicycle space be required per local authority employee and reduce the number of car park requirements to encourage cycling.
  - Include reference to a technical guidance on bicycle parking, or that reference be made to the “Workplace Cycle Parking Guide” prepared by Transport for London.
- Amendments to TRA Appendix 1D to clarify that end of trip facilities are only required for offices, educational facilities, and hospitals.

### Reporting Planner’s s42A Recommendation

124. This was dealt with in paragraphs 307 – 311 of the s42A Report and the recommendation from the Reporting Officer was to:
- Amend the required long stay bicycle parking rates for Commercial Activities to be consistent (1 per 15 employees).
  - Amend TRA Appendix 1D to exempt residential activities from having to provide end of trip facilities.

### Evidence from Submitters and Right of Reply

125. M J Foster tabled evidence on behalf of Woolworths in support of the s42A recommendation to amend the bicycle parking rates.
126. Jess Rose tabled evidence on behalf of MOE in support of the s42A recommendation regarding TRA Appendix 1A and 1D.
127. No other evidence was specifically presented on this topic.



### Discussion and Reasons

128. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic S: Parking Exemption Area

### Relevant Submissions

Submitter	Submission# & Point #
The University	248.16
Northland AA	304.17
W Rossiter	316.13

### Principal Issues Raised

- Retention of TRA Appendix 1B and 1F as notified.
- Amendments to TRA Appendix 1F to identify the inner city as including the lower end of Clyde, Hannah and Roberts Streets to the river and Reyburn Street.

### Reporting Planner's s42A Recommendation

129. This was dealt with in paragraphs 315 – 316 of the s42A Report and the recommendation from the Reporting Officer was to retain TRA Appendix 1B and 1F as notified.

### Evidence from Submitters and Right of Reply

130. David Badham presented evidence on behalf of the University in support of the s42A recommendation regarding TRA Appendix 1B and 1F.
131. No other evidence was specifically presented on this topic.

### Discussion and Reasons

132. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic T: Parking Reduction Factors

### Relevant Submissions

Submitter	Submission# & Point #
G Dow	70.14
K Grundy	73.20
C Haines	106.10
Southpark	154.9
J Edwards	193.17
Commercial Centres	210.28
Foodstuffs	225.27
WDC Planning	236.80 – 81
NZTA	240.47 – 48
The University	248.17
Housing NZ	268.163
Puriri Park Society	301.18

### Principal Issues Raised

- Retention of Table TRA 5 in TRA Appendix 1E as notified.
- Deletion of Table TRA 5 in TRA Appendix 1E.
- Amendments to Table TRA 5 in TRA Appendix 1E to correct minor errors, improve clarity, and delete criteria 3 – 5 and 7.

### Reporting Planner's s42A Recommendation

133. This was dealt with in paragraphs 321 – 326 of the s42A Report and the recommendation from the Reporting Officer was to amend TRA Appendix 1E to correct minor errors, improve clarity, and delete criteria 3, 4, and 7.

### Evidence from Submitters and Right of Reply

134. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendation regarding TRA Appendix 1E.
135. David Badham presented evidence on behalf of the University in support of the s42A recommendation regarding TRA Appendix 1E.
136. J S Baguley presented on behalf of Commercial Centres in support of the s42A recommendation regarding TRA Appendix 1E.
137. No other evidence was specifically presented on this topic.

### Discussion and Reasons

138. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic U: Private Access Standards**

### Relevant Submissions

Submitter	Submission# & Point #
B Hall	83.7
PBRRRA	139.8
A and J Morgan	170.18
Housing NZ	268.164
A Jameson	291.5

### Principal Issues Raised

- General support for Table TRA 9 in TRA Appendix 2D.
- Amendments to Table TRA 9 in TRA Appendix 2D to relate the private access standards to the number of car parking spaces proposed rather than the number of residential units.

### Reporting Planner's s42A Recommendation

139. This was dealt with in paragraphs 329 – 330 of the s42A Report and the recommendation from the Reporting Officer was to retain TRA Appendix 2D as notified.

### Evidence from Submitters and Right of Reply

140. Blair Masfield presented evidence on behalf of Kāinga Ora requesting that TRA Appendix 2D

be deleted and replaced with new standards for private access. Mr Burgoyne addressed this on page 19 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.

141. No other evidence was specifically presented on this topic. However, Mr Morgan presented evidence seeking amendments to TRA Appendix 2D and this was addressed in Topic C above.

### Discussion and Reasons

142. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic V: One Network Road Classification

### Relevant Submissions

Submitter	Submission# & Point #
NZTA	240.50 and 102
WDC Infrastructure	242.10

### Principal Issues Raised

- Retention of TRA Appendix 3 as notified.
- Amendments to the Resource Area maps to:
  - Update the road hierarchy mapping based on more recent data.
  - Provide a classification for State Highway 15 (**SH15**).

### Reporting Planner's s42A Recommendation

143. This was dealt with in paragraphs 333 – 338 of the s42A Report and the recommendation from the Reporting Officer was to retain TRA Appendix 3 as notified and amend the Resource Area maps to identify all "Unclassified" roads as "Low Volume", except for SH15 which was recommended to be classified as a "Regional" road.

### Evidence from Submitters and Right of Reply

144. Nita Chhagan presented evidence on behalf of NZTA in relation to the categorisation of SH15. At the hearing Ms Chhagan stated that SH15 has not yet been classified and should remain "unclassified" under the district plan.
145. Heather Osbourne presented evidence on behalf of WDC Infrastructure requesting amendments to the ONRC hierarchy mapping as set out in the original submission. Ms Osbourne subsequently provided an updated shapefile of the mapping sought.
146. Mr Burgoyne addressed the evidence from these submitters on page 20 of his RoR Report. He recommended that the changes sought by WDC Infrastructure as set out in their shapefile be accepted. Mr Burgoyne did not support the relief sought by NZTA and instead recommended that SH15 be classified as a "Primary Collector" road to be consistent with SH12, SH14 and SH16 which he considered to have similar estimated heavy traffic percentages and estimated annual average daily traffic according to NZTA data<sup>3</sup>.
147. No other evidence was specifically presented on this topic.

<sup>3</sup> <https://nzta.maps.arcgis.com/apps/webappviewer/index.html?id=95fad5204ad243c39d84c37701f614b0>

### Discussion and Reasons

148. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted, accepted in part or rejected accordingly.

## Topic W: Rail Setbacks

### Relevant Submissions

Submitter	Submission# & Point #
KiwiRail	265.30 – 31

### Principal Issues Raised

- Inclusion of new rules to:
  - Require buildings to be setback 5m from a railway corridor.
  - Require forestry replanting within 5 years from harvesting within 10 metres of a railway corridor boundary.

### Reporting Planner's s42A Recommendation

149. This was dealt with in paragraphs 340 – 342 of the s42A Report and the recommendation from the Reporting Officer was to reject the submission points and retain the TRA Chapter as notified.

### Evidence from Submitters and Right of Reply

150. Pam Butler presented evidence on behalf of KiwiRail requesting provisions imposing a 5m building setback from the railway corridor boundary, and a setback from the railway corridor boundary for forestry replanting. Mr Burgoyne addressed this on pages 20 – 21 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
151. Sam Pickering addressed the alternative relief sought by KiwiRail of including building setbacks in the zone chapters rather than the TRA Chapters. This was addressed on pages 6 and 7 of **Part 1** of the RoR Report. His opinion and recommendation to reject the submission point had not changed.
152. No other evidence was specifically presented on this topic.

### Discussion and Reasons

153. The RoR on pages 20 and 21 referred to Appendix to the Report which showed examples of existing buildings that are within the 5 metre rail designation. We agree with the Reporting Officer that a 5 metre setback would adversely affect the efficient use of commercial land and no robust s32 evaluation has been carried out to support or justify the requested provisions.
154. Legal counsel for Kāinga Ora<sup>4</sup> submitted that on the requested provisions. In submissions, Mr Sadlier highlighted that there are alternative mechanisms available to KiwiRail to address this matter, that the approach is inequitable as there is no equivalent set back in the rail corridor and lastly that it fails to take into account the existing yard controls.
155. We agree with the recommendations as set out in the s42A Report and in the RoRs for the

<sup>4</sup> Legal Submissions on behalf of Kāinga Ora – Homes and Communities (formerly Housing New Zealand Corporation), dated 3 December 2019

reasons given and agree that the submissions should be rejected accordingly.

## Topic X: Noise

### Relevant Submissions

Submitter	Submission# & Point #
NZTA	240.30 – 32
KiwiRail	265.22 – 24

### Principal Issues Raised

- Inclusion of a new objective, policy and rule to manage noise sensitive activities in proximity to state highways and the rail corridor. Specific wording for the provisions was provided in the NZTA and KiwiRail original submissions.

### Reporting Planner's s42A Recommendation

156. This was dealt with in paragraphs 345 – 361 of the s42A Report and the recommendation from the Reporting Officer was to reject the submission points and retain the TRA Chapter as notified.

### Evidence from Submitters and Right of Reply

157. Extensive evidence was presented on behalf of NZTA and KiwiRail in support of the relief sought in the original submissions seeking the inclusion of a new objective, policy and rule to manage noise sensitive activities in proximity to state highways and the rail corridor. Mr Burgoyne responded to this in paragraphs 8 – 34 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
158. However, Mr Burgoyne provided an alternative recommendation if the Panel was of a mind to consider including provisions similar to those requested by NZTA and KiwiRail. The alternative recommendation was based on the provisions sought in the original submissions with several amendments that Mr Burgoyne considered were required to address what he considered to be issues with the requested provisions.
159. Evidence was presented on behalf of The University, Foodstuffs, Southpark, Commercial Centres, and Kāinga Ora in support of the s42A recommendation.
160. No other evidence was specifically presented on this topic.

### Discussion and Reasons

161. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.
162. In relation to the submissions from NZTA and KiwiRail Mr Burgoyne covered the requested relief sought comprehensively in his RoR and had support for his opinion from Mr Styles – WDC Consultant Acoustic Engineer.
163. Like Mr Burgoyne we believe that there is too great a risk to include the requested provisions due to the lack of information and any robust s32 analysis to support or justify the provisions. Mr Burgoyne did (in paragraph 32 of his RoR) provide us with some amendments to the provisions requested if we were of a mind to consider including provisions similar to those sought by NZTA and KiwiRail. However, we do not believe that any provisions should be included without a robust analysis which takes into account all issues, including those listed in paragraph 12 of the RoR, and also takes into account the effects on the significant number of properties (estimated in the S42A Report to be approximately 7,500 properties). In relation to this matter, we have concerns about whether the owners of the properties that could be affected being aware of the possible consequences of the proposed provisions and having the

right to be heard.

164. Mr Burgoyne had also reviewed a number of other district plans throughout the country and as a result of this review (see paragraphs 15, 16 and 17) the provisions are different to varying degrees. This again in our view supports a robust analysis of any provisions being carried out before they are considered.
165. Lastly, we note the legal submissions on behalf of Kāinga Ora<sup>5</sup> on the requested provisions. In submissions, Mr Sadlier highlighted that in many cases sensitive activities have been lawfully established prior to the establishment of the adjoining infrastructure and the evidence for the submitters is not specific to the Whangārei context. In his submission, any land use control needs to strike an appropriate balance between internalisation of effects by the primary effects-generator and the recognition of the economic and social importance of the infrastructure.<sup>6</sup>

## Topic Y: Consequential Amendments

### Relevant Submissions

Submitter	Submission# & Point #
PNTJV	142.16 and 20
PNJV	224.9 and 13

### Principal Issues Raised

- Consequential amendments to give effect to relief sought in other submission points.

### Reporting Planner's s42A Recommendation

166. This was dealt with in paragraphs 363 – 364 of the s42A Report and the recommendation from the Reporting Officer was to reject the submission points and retain the TRA Chapter as notified.

### Evidence from Submitters and Right of Reply

167. No evidence was specifically presented on this topic.

### Discussion and Reasons

168. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly noting that amendments have been recommended to the Chapter as a result of other submissions.

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<sup>5</sup> Ibid

<sup>6</sup> Ibid at paragraph 7.3

## Part II: Three Waters Management

### Topic A: Whole Plan Change

#### Relevant Submissions

Submitter	Submission# & Point #
B Hall	83.13
PBRRRA	139.14 – 15
WHCA	201.11
J Boyes	245.6
Hans Peter Infanger and Pia Marty	286.4
Edward Morrell	296.1
Kay Tattley	300.3

#### Principal Issues Raised

- General concerns raised that there are current issues with the stormwater and wastewater systems in the Whangārei Heads area and that there should be no increase in residential development in this area until these issues are resolved.

#### Reporting Planner's s42A Recommendation

169. This was dealt with in paragraphs 367 – 368 of the s42A Report and the recommendation from the Reporting Officer was to reject the submission points and retain the TWM Chapter as notified.

#### Evidence from Submitters and Right of Reply

170. No evidence was specifically presented on this topic.

#### Discussion and Reasons

171. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be rejected accordingly.

### Topic B: Definitions

#### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.1, 2 and 4
F Morgan	229.50 – 53

#### Principal Issues Raised

- Inclusion of a new definition of "Registered Drinking Water Supply".
- Amendments sought to the definitions of "Drinking Water", "Reticulated", "Reticulated Stormwater Area", "Reticulated Wastewater Area", and "Reticulated Water Supply Area".

#### Reporting Planner's s42A Recommendation

172. This was dealt with in paragraphs 371 – 380 of the s42A Report and the recommendation from the Reporting Officer was to:

- Retain the notified definitions of "Drinking Water" and "Reticulated Wastewater Area".
- Retain the notified definition of "Reticulated", but consequentially amend the TWM Chapter to specify 'public reticulated networks' where the provisions are meant to refer to the public

network.

- Amend the definition of “Reticulated Stormwater Area” to limit the definition to areas that can accept gravity feeds from the site.
- Amend the definition of “Reticulated Water Supply Area” to clarify that the distance is measured along roads, right of ways or access paths.

#### **Evidence from Submitters and Right of Reply**

173. Anil Shetty presented evidence on behalf of Public Health Northland seeking the inclusion of a definition for “registered drinking water supply”. Mr Burgoyne addressed this on page 22 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
174. Mr Morgan presented in opposition to the recommended inclusion of “public” before “reticulated” throughout the TWM Chapter. Mr Burgoyne addressed this on page 22 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
175. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

176. We agree with the recommendations and the amendments to the definitions as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### **Topic C: Overview**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
F Morgan	229.25
Housing NZ	268.165

#### **Principal Issues Raised**

- Retention of the TWM Overview (now referred to as *Issues*) as notified.
- Comprehensive amendments to the TWM Issues to reflect the relevant resource management issues.

#### **Reporting Planner’s s42A Recommendation**

177. This was dealt with in paragraphs 383 – 386 of the s42A Report and the recommendation from the Reporting Officer was to amend the TWM Issues to improve clarity and provide more context regarding the provision of three waters management in subdivision and the potential need for an Integrated Three Waters Assessment.

#### **Evidence from Submitters and Right of Reply**

178. No evidence was specifically presented on this topic.

#### **Discussion and Reasons**

179. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted accordingly in line with the amendments shown in Attachment 2.



## Topic D: Objectives

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.23
Fire NZ	165.72 - 73
PTB	173.6
Public Health Northland	207.89 – 90
F Morgan	229.26 – 30
Housing NZ	268.166

### Principal Issues Raised

- Retention of the TWM Objectives as notified.
- Deletion of TMW-O5.
- Inclusion of a new objective that considers climate change and extreme weather events.
- Amendments to TWM-O1 to improve clarity and refer to defined terms.
- Amendments to TWM-O2 to replace “three waters” with “NUO”.
- Amendments to TWM-O3 to:
  - Replace “plan and provide for” with “ensure”.
  - Replace “infrastructure with “systems”.
  - Remove the requirement for three waters infrastructure to be provided in an integrated and comprehensive manner.
- Amendments to TWM-O4 to:
  - Include reference to “NUO” and specify that the objective applies to on-site or reticulated systems.
  - Include reference to the Whangārei District Council Environmental Engineering Standards (2010).
  - Ensure that private systems are sustainable and can be integrated into reticulated systems in the future.

### Reporting Planner’s s42A Recommendation

180. This was dealt with in paragraphs 395 – 402 of the s42A Report and the recommendation from the Reporting Officer was to:
- Amend TWM-O1 to improve clarity and refer to defined terms.
  - Retain TWM-O2 – O5 as notified.

### Evidence from Submitters and Right of Reply

181. Perri Unthank presented evidence on behalf of Fire NZ requesting amendments to TWM-O4 to include reference to the “Firefighting Water Supplies Code of Practice SNZ 4509:2008”. Mr Burgoyne addressed this on page 22 of his RoR Report. His opinion and recommendation to reject the submission point had not changed
182. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A

recommendation regarding the TWM Objectives.

183. Blair Masfield presented evidence on behalf of Kāinga Ora in support of the s42A recommendations regarding TWM-O1, O3, and O5.

184. No other evidence was specifically presented on this topic.

### Discussion and Reasons

185. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic E: Policies

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.24 – 25
Fire NZ	165.74
Fonterra	202.9
Public Health Northland	207.91 – 92
F Morgan	229.31 – 39
Housing NZ	268.167 – 169

### Principal Issues Raised

- Retention of the TWM Policies as notified.
- Deletion of TMW-P5 and P7.
- Amendments to TWM-P1 to:
  - Clarify that the policy only applies to areas that are outside of existing reticulated areas.
  - Require three waters infrastructure to retain other regulatory approvals and to require easements to be provided to adjacent land for future expansion.
  - Refer to defined terms.
- Amendments to TWM-P2 to replace “where connection to the reticulated network is practicable or where failure to connect may compromise the future extension of the reticulated network” with “in a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area”.
- Amendments to TWM-P3 to improve clarity and only relate the policy to defined reticulated areas.
- Amendments to TWM-P4 to delete “reticulated” and replace “planned and future development” with “anticipated development permitted within the zone”.
- Amendments to TWM-P6 to:
  - Include references to “sustainable” in TWM-P6.3(a) and (b).
  - Require identification of easements for three water networks to ensure future integration.
  - Streamline the policy by removing specificity.
- Amendments to TWM-P8 to replace “require” with “encourage”, replace “manage” with

“provide”, and include “that reduces demand” at the end of TWM-P8.2.

- Amendments to TWM-P9 to:
  - Include reference to sustainability.
  - Require the costs to be “fair and reasonable”.
  - Include reference to the Financial Contributions Policy or Development Contributions Policy.

#### **Reporting Planner’s s42A Recommendation**

186. This was dealt with in paragraphs 411 – 418 of the s42A Report and the recommendation from the Reporting Officer was to:

- Retain TWM-P5 – P7 as notified.
- Amend TWM-P1 to refer to defined terms
- Amend TWM-P2 to replace “where failure to connect may compromise the future extension of the reticulated network” with “in a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area”.
- Amend TWM-P3 to replace “provided” with “proposed”.
- Amend TWM-P4 to replace “planned and future development” with “anticipated development permitted within the zone”.
- Amend TWM-P8 to replace “manage” with “provide”.
- Amend TWM-P9 to require the costs to be “fair and reasonable”.

#### **Evidence from Submitters and Right of Reply**

187. Blair Masefield presented evidence on behalf of Kāinga Ora requesting:

- Amendments to TWM-O3 to include “to enable appropriate subdivision and development” at the end of the policy.
- That the notified wording of TWM-O4 be retained.

188. Mr Burgoyne addressed this on pages 22 and 23 of his RoR Report. He supported the requested amendments to TWM-P3. He acknowledged the concerns raised regarding TWM-O4 but recommended alternative wording referring to “plan enabled development” instead of “planned and future development”.

189. Mr Morgan presented in opposition to TWM-P9 requesting that amendments be made to reference either the current financial contributions or development contributions policies. Mr Burgoyne addressed this on page 23 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.

190. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendation regarding TWM-P1 and P2.

191. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

192. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic F: Activity Status

### Relevant Submissions

Submitter	Submission# & Point #
PNTJV	142.21 – 23
PNJV	224.14 – 16
F Morgan	229.41
WDC Infrastructure	242.11
Housing NZ	268.170 – 172

### Principal Issues Raised

- Amendments to the activity status of TWM-R2 – R7 where compliance is achieved and where compliance is not achieved.

### Reporting Planner's s42A Recommendation

193. This was dealt with in paragraphs 423 – 429 of the s42A Report and the recommendation from the Reporting Officer was to:

- Delete TWM-R2.
- Retain TWM-R3 – R5 as notified.
- Amend TWM-R6 to be a restricted discretionary activity instead of discretionary.
- Amend TWM-R7 to be a restricted discretionary activity where compliance is not achieved instead of discretionary.

### Evidence from Submitters and Right of Reply

194. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that TWM-R3 – R5 be amended so that the activity status where compliance is achieved is controlled and where compliance is not achieved is restricted discretionary.
195. Blair Masefield presented evidence on behalf of Kāinga Ora requesting that TWM-R3 – R6 be amended to be controlled activities rather than restricted discretionary activities.
196. Mr Burgoyne addressed the evidence from these submitters on page 23 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
197. No other evidence was specifically presented on this topic.

### Discussion and Reasons

198. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic G: Rules

### Relevant Submissions

Submitter	Submission# & Point #
Guy McGregor	98.1
The Oil Companies	101.26
Atlas	129.25
Fire NZ	165.75

F Morgan	229.40, 42, 43, and 44
WDC Planning	236.82

### Principal Issues Raised

- Retention of TWM-R5 as notified.
- Deletion of TWM-R1 – R3.
- Amendments to TWM-R2 to:
  - Exempt Business Zones.
  - Exempt any impervious area where the discharge is at or below the pre-development rate.
  - Exempt any impervious are less than 50m<sup>2</sup>.
- Amendments to TWM-R3 – R5 to include reference to the “anticipated land use” and a requirement to comply with the performance criteria in the building code and relevant rules in the Regional Plan.

### Reporting Planner’s s42A Recommendation

199. This was dealt with in paragraphs 437 – 441 of the s42A Report and the recommendation from the Reporting Officer was to:

- Retain TWM-R1 and R3 - R5 as notified.
- Delete TWM-R2.

### Evidence from Submitters and Right of Reply

200. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that the PNTJV and PNJV land be exempt from compliance with TWM-R3. Mr Burgoyne addressed this on pages 23 and 24 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
201. Georgina McPherson tabled evidence on behalf of the Oil Companies in support of the s42A recommendation regarding TWM-R2.
202. Perri Unthank presented evidence on behalf of Fire NZ in support of the s42A recommendation regarding TWM-R5.
203. No other evidence was specifically presented on this topic.

### Discussion and Reasons

204. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic H: Integrated Three Waters Assessments**

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.27
PNTJV	142.24
Fonterra	202.10

PNJV	224.17
F Morgan	229.45 and 48

### Principal Issues Raised

- Retention of TWM-R7 as notified.
- Deletion of TWM-R6, R7, and TWM-REQ3.
- Amendments to TWM-R7 to:
  - Exempt sites within the Strategic Rural Industries Zone.
  - Include “(where that future development lies in the same zone as the proposed activity)” at the end of matter of control 4.

### Reporting Planner’s s42A Recommendation

205. This was dealt with in paragraphs 446 – 448 of the s42A Report and the recommendation from the Reporting Officer was to retain TWM-R6, R7, and TWM-REQ3 as notified.

### Evidence from Submitters and Right of Reply

206. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that the PNTJV and PNJV land be exempt from compliance with TWM-R6 and R7 and the associated information requirements TWM-REQ1 and REQ3.
207. Mr Morgan presented in opposition to TWM-R6 and R7 on the basis that the provisions act more as information requirements than rules and that they should be deleted and incorporated into TWM-R3 – R5.
208. Mr Burgoyne addressed the evidence from these submitters on page 24 of his RoR Report. His opinion and recommendation to reject the submission points had not changed.
209. No other evidence was specifically presented on this topic.

### Discussion and Reasons

210. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic I: Information Requirements**

### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.76 – 77
PTB	173.5
F Morgan	229.46 – 47
Housing NZ	268.173

### Principal Issues Raised

- Retention of TWM-REQ1 – REQ 3 as notified.
- Amendments to TWM-REQ2 to directly reference the Whangārei District Council Environmental Engineering Standards and to correct the reference to Fire and Emergency New Zealand.
- Comprehensive amendments to TWM-REQ1 and REQ2.

### Reporting Planner's s42A Recommendation

211. This was dealt with in paragraphs 454 – 455 of the s42A Report and the recommendation from the Reporting Officer was to:

- Retain TWM-REQ3 as notified.
- Amend TWM-REQ1 and REQ2 to provide greater clarity and guidance to applicants.

### Evidence from Submitters and Right of Reply

212. F Morgan presented in opposition to the inclusion of “from Council” in TWM-REQ1.1(b). Mr Burgoyne addressed this on page 24 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.

213. Perri Unthank presented evidence on behalf of Fire NZ requesting amendments to TWM-REQ2 to:

- Refer to “Fire and Emergency New Zealand”.
- Include reference to the “Firefighting Water Supplies Code of Practice SNZ 4509:2008”.

214. Mr Burgoyne addressed this on page 24 of his RoR Report. He supported the amendments sought and recommended that TWM-REQ2 be amended accordingly.

### Discussion and Reasons

215. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## **Topic J: Consequential Amendments**

### Relevant Submissions

Submitter	Submission# & Point #
PNTJV	142.25 – 26
PNJV	224.18 – 19
F Morgan	229.49

### Principal Issues Raised

- Consequential amendments to give effect to relief sought in other submission points.
- General support of the consequential amendment to delete Appendix 9 from the Operative Whangārei District Plan.

### Reporting Planner's s42A Recommendation

216. This was dealt with in paragraphs 458 – 460 of the s42A Report and the recommendation from the Reporting Officer was to retain the TWM Chapter as notified.

### Evidence from Submitters and Right of Reply

217. No evidence was specifically presented on this topic.

### Discussion and Reasons

218. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### Part III: Earthworks

#### Topic A: Whole Plan Change

##### Relevant Submissions

Submitter	Submission# & Point #
J Edwards	193.6
Nga Hapu o Whangārei	215.10
NRC	264.23

##### Principal Issues Raised

- Clarification as to what effects of earthworks on amenity will be managed.
- Inclusion of stronger provisions for earthworks on highly erodible soils.
- Clarification as to why mitigating the compaction of land is important otherwise delete the reference to this.

##### Reporting Planner's s42A Recommendation

219. This was dealt with in paragraphs 465 – 468 of the s42A Report and the recommendation from the Reporting Officer was to:
- Delete references to 'compaction' in the EARTH Chapter.
  - Include a new definition of "earthworks associated with subdivision" and amend the title of EARTH-R1 to refer to this definition.

##### Evidence from Submitters and Right of Reply

220. No evidence was specifically presented on this topic.

##### Discussion and Reasons

221. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

#### Topic B: Definitions

##### Relevant Submissions

Submitter	Submission# & Point #
J Edwards	193.7

##### Principal Issues Raised

- Retention of the definition of ground level provided that provisions are adopted that ensure earthworks creating building platforms do not artificially raise the ground level in a manner which affects neighbouring amenity values.

##### Reporting Planner's s42A Recommendation

222. This was dealt with in paragraphs 470 – 471 of the s42A Report and the recommendation from the Reporting Officer was to amend the definition of "ground" level to be consistent with the National Planning Standards.



### Evidence from Submitters and Right of Reply

223. No evidence was specifically presented on this topic.

### Discussion and Reasons

224. We agree with the recommendation as set out in the s42A Report for the reasons given and agree that the definition should be altered to be consistent with the National Planning Standards.

## Topic C: Overview

### Relevant Submissions

Submitter	Submission# & Point #
F Morgan	229.1
Transpower	247.3
Housing NZ	268.174

### Principal Issues Raised

- Retention of the EARTH Overview (now referred to as *Issues*) as notified.
- Inclusion of a cross reference to the Network Utilities Chapter of the District Plan.
- Comprehensive amendments to the EARTH Issues to implement the National Planning Standards, including renaming the chapter "Land Instability".

### Reporting Planner's s42A Recommendation

225. This was dealt with in paragraphs 470 – 471 of the s42A Report and the recommendation from the Reporting Officer was to amend the EARTH Issues to:

- Improve clarity and correct minor errors.
- Include references to the management of heritage values and kauri trees.
- Include a generic cross reference to other District Plan chapters.

### Evidence from Submitters and Right of Reply

226. No evidence was specifically presented on this topic.

### Discussion and Reasons

227. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

## Topic D: Objectives

### Relevant Submissions

Submitter	Submission# & Point #
DOC	143.1
F Morgan	229.2
Housing NZ	268.175

### Principal Issues Raised

- Amendments to EARTH-O1 to:
  - Replace “minimise” with “manage”.
  - Replace “and manage compaction” with “on anticipated development”.
  - Include “when undertaking earthworks associated with subdivision or development” at the end of the objective.
- Inclusion of a new objective to manage kauri dieback disease.

### Reporting Planner’s s42A Recommendation

228. This was dealt with in paragraphs 482 – 485 of the s42A Report and the recommendation from the Reporting Officer was to:

- Amend EARTH-O1 to replace “and manage compaction” with “when undertaking earthworks associated with subdivision”.
- Not include a new objective to manage kauri dieback disease.

### Evidence from Submitters and Right of Reply

229. Andrew Riddell and Anthony Beauchamp presented evidence on behalf of DoC stating that a new objective and the provisions are required to combat the threat of kauri dieback disease as the existing objectives in the proposed SD Chapter and in operative Chapter 17 are insufficient. They believed that new objectives, policies and rules specific to avoiding the risk of plant pathogens and the threat that kauri dieback disease were required. In addition Ms Hooper provided legal submissions on behalf of the Director-General of Conservation in support of the original submission and relief sought and also in support of the evidence from Mr Riddell and Mr Beauchamp.

230. No other evidence was specifically presented on this topic.

### Discussion and Reasons

231. With the exception to the recommendation on issues to do with kauri dieback disease we agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.

232. In relation to the submission on a new objective dealing with kauri dieback disease we agree with the legal submissions and evidence on behalf of the DoC and have added a new Objective. As stated in the DoC evidence and submissions, and as acknowledged by the Reporting Officer in his s42A Report at paragraph 484, the issue of the spread of plant pathogens, and in particular kauri dieback disease, is a significant resource management issue. We agree with the DoC that a new objective should be added to the EARTH chapter and not left to be addressed by the Operative Objective 17.3.1 in Chapter 17 – Indigenous Vegetation and Habitat. We also do not believe that any changes should be left until a further plan change (such as the Significant Natural Areas Plan Change) is prepared to deal with this issue, although we acknowledge that if Council does prepare a new plan change to deal with this and other similar issues that the provisions that we have included in the EARTH chapter may sit better within the new plan change Chapter. The EARTH Chapter is district-wide and we believe that it is appropriate (at this stage) to make provision in it for kauri dieback disease issues as requested by DoC.

233. We have recommended a new Objective EARTH-02 – Kauri Dieback Disease which reads:

*Avoid the spread of plant pathogens including Phytophthora Agathidicida (kauri dieback disease).*

234. This objective is the most appropriate way to achieve the purpose of the Act, including the protection of significant indigenous vegetation.<sup>7</sup> It will also give effect to policy 11(a) of the NZCPS and policy 4.4.1(1) of the NRPS.

## Topic E: Policies

### Relevant Submissions

Submitter	Submission# & Point #
DoC	143.2 – 3
F Morgan	229.3 – 4
Housing NZ	268.176 – 177

### Principal Issues Raised

- Amendments to EARTH-P1 to:
  - Replace “remedy” with “accept”.
  - Replace “and compaction” with “events on anticipated development”.
  - Clarify that the policy is managing earthworks associated with subdivision and development.
- Amendments to EARTH-P2 to:
  - Replace “design subdivision to minimise potential risks to people, property and the environment” with “require identification of land instability risks on anticipated development at the time of subdivision”.
  - Replace “design” with “undertake earthworks associated with”.
  - Clarify that the policy is managing “land instability and natural hazards”.
- Amendments to EARTH-P1 and P2 to promote the avoidance of the spread of kauri dieback disease, or the inclusion of a new policy to the same effect.

### Reporting Planner’s s42A Recommendation

235. This was dealt with in paragraphs 489 – 492 of the s42A Report and the recommendation from the Reporting Officer was to:

- Amend EARTH-P1 to clarify that the policy is managing earthworks associated with subdivision.
- Amend EARTH-P2 to clarify that the policy is managing earthworks associated with subdivision and land instability.
- Not include a new policy to manage kauri dieback disease.

### Evidence from Submitters and Right of Reply

236. Andrew Riddell and Anthony Beauchamp presented evidence on behalf of DoC seeking a new policy within the Strategic Direction Chapter relating to Kauri dieback. Mr Burgoyne addressed this on page 25 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
237. No other evidence was specifically presented on this topic.

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<sup>7</sup> Section 6(c) of the Act

### Discussion and Reasons

238. Except in relation to the issue of kauri dieback we agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly.
239. In regards to the submission from DoC and the request that EARTH-P1 and P2 be amended or a new policy added to promote the avoidance of the spread of kauri dieback disease please refer to paragraphs 231 to 234 for our reasoning why we recommend that a new policy should be included in accordance with the submission from the DoC.

## Topic F: Rules

### Relevant Submissions

Submitter	Submission# & Point #
Jessie Trust	104.6
Cato Bolam	107.10
Atlas	129.25
PNTJV	142.27
DOC	143.4 – 5
Southpark	154.10
PTB	173.1 – 2
Public Health Northland	207.16
PNJV	224.20
F Morgan	229.5
NRC	264.24
KiwiRail	265.38
Housing NZ	268.178

### Principal Issues Raised

- Deletion of EARTH-R1.
- Amendments to EARTH-R1 to:
  - Clarify that the rule is specifically managing earthworks associated with subdivision.
  - Include wording for protection of accidental discoveries.
  - Include a matter of discretion relating to effects on drinking water sources.
  - Reconsider the purpose of the rule, paying attention to the roles and responsibilities of councils under section 1.6 of the Regional Policy Statement as it relates to controlling the use of land to maintain indigenous biological diversity.
  - Amend matter of discretion 1 to specifically include consideration of effects on existing infrastructure.
  - Include additional provisions regarding earthworks within the canopy dripline of a New Zealand Kauri tree and an associated matter of discretion.
  - Change the activity status to controlled where compliance is achieved and to restricted discretionary where compliance is not achieved.
  - Include a category for controlled activities for earthworks less than 500m<sup>3</sup>.
  - Delete the Note.
  - Include a rule managing earthworks “within an area known to be subject to instability, flood prone, erosion prone or on a slope greater than one in eight”.

### Reporting Planner's s42A Recommendation

240. This was dealt with in paragraphs 504 – 516 of the s42A Report and the recommendation from the Reporting Officer was to amend EARTH-R1 to:

- Clarify that the rule is specifically managing earthworks associated with subdivision.
- Include wording for protection of accidental discoveries.
- Delete EARTH-R1.1(a).
- Include a rule managing earthworks associated with subdivision within the canopy dripline of a New Zealand Kauri tree and associated matters of control and discretion.
- Change the activity status to controlled where compliance is achieved and to restricted discretionary where compliance is not achieved.
- Amend the Note to clarify that the Engineering Standards contain information on preparing a site suitability report.
- Include rules requiring a site suitability report to be provided certifying an appropriate building area and access, and consequentially delete EARTH-REQ1.

### Evidence from Submitters and Right of Reply

241. Andrew Riddell presented evidence on behalf of DoC seeking amendments to the recommended subdivision earthworks rule, and inclusion of a new land use earthworks rule relating to kauri dieback raising the following key concerns:

- The term “canopy root zone” is not appropriate and should be replaced by “canopy dripline”.
- The rules should include reference to the “maximum canopy dripline”.
- A land use rule should be included in the EARTH Chapter.

242. Mr Burgoyne addressed this on pages 25 – 26 of his RoR Report. His opinion and recommendation to reject the submission point had not changed. Mr Burgoyne considered that the requested land use earthworks rule was not within the scope of the plan change because the formal notification document and the s32 Report specifically limited PC147 to provisions relating to subdivision. Therefore, Mr Burgoyne considered that it could not have been anticipated that a land use rule would be included.

243. Anil Shetty presented evidence on behalf of Public Health Northland seeking a matter of discretion in EARTH-R1 relating to effects on sources of drinking water. Mr Burgoyne addressed this on page 26 of his RoR Report. He supported the requested amendment and recommended that EARTH-R1 be amended accordingly.

244. Brett Hood presented evidence on behalf of PNTJV and PNJV requesting that the EARTH chapter be deleted or that EARTH-R1.2 be transferred to the Subdivision Chapter. Mr Burgoyne addressed this on page 27 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.

245. F Morgan presented in general opposition to the recommended amendments to the EARTH Chapter, raising the following key concerns:

- Amending the provisions to related to “earthworks associated with subdivision” changes the nature of the provisions and results in the rule being a land use rule.
- The definition of “earthworks associated with subdivision” raises enforceability issues.
- Each part of EARTH-R1 is already managed by other provisions or legislation or are not

effective

246. Mr Burgoyne addressed this on page 27 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
247. Blair Masefield presented evidence on behalf of Kāinga Ora seeking amendments to the EARTH Chapter. Daniel Sadlier and Alex Devine presented legal submissions on behalf of Kāinga Ora and considered the requested amendments to be beyond the scope of the original and further submissions and noted that these amendments are no longer pursued. Mr Burgoyne addressed this on page 27 of his RoR Report. He did not recommend any amendments as the matter was considered out of scope and was no longer being pursued.
248. Karren Rosser tabled evidence on behalf of Atlas in support of the s42A recommendation regarding EARTH-R1.
249. No other evidence was specifically presented on this topic.

### Discussion and Reasons

250. Except for the submission from the DoC in relation to kauri dieback disease we agree with the recommendations as set out in the s42A Report and the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.
251. In relation to the submission and evidence from the DOC we have discussed in paragraphs 225 and 226 above why we have recommended provisions be included in PC147 to deal with kauri dieback disease issues. In relation to the term “canopy root zone” being not appropriate and that it should be replaced by “canopy dripline” we agree with the submission and evidence on behalf of the DOC and agree that the rules should include reference to the “maximum canopy dripline”. We have recommended a consequential amendment to include a definition of ‘canopy dripline’. We note the Reporting Officers concerns around the introduction of a new definition, when there is already a definition of ‘canopy rootzone’. However, we see no issue with including a definition which is necessary for the effective operation of the provisions. In this respect, we rely on the evidence of Dr Beauchamp<sup>8</sup> about the ineffectiveness of referring to ‘canopy root zone’ in the provisions.
252. We recommend an amendment to EARTH-R1 c. so that the Rule reads:
- Three times the maximum radius of the canopy dripline of a New Zealand Kauri Tree (Agathis Australis).*
253. DoC requested the addition of a rule for earthworks associated with land use. The submission requested amendments to EARTH-R1, which only relates to earthworks associated with subdivision. The prospect of adding this rule was not fairly and reasonably raised in the subdivision and is not within scope.

## **Topic G: Information Requirements**

### Relevant Submissions

Submitter	Submission# & Point #
PNTJV	142.28
Public Health Northland	207.17
PNJV	224.21
WDC Planning	236.83
Housing NZ	268.179

### Principal Issues Raised

- Deletion of EARTH-REQ1.

<sup>8</sup> Statement of evidence of Dr Antony Beauchamp for the Director-General of Conservation at paragraphs 43 and 44

- Amendments to EARTH-REQ1 to:
  - Correct minor errors and improve clarity.
  - Include an additional matter relating to effects on drinking water.
  - Ensure that the information requirements are appropriate relative to the nature of the work being done.

#### **Reporting Planner's s42A Recommendation**

254. This was dealt with in paragraphs 521 – 523 of the s42A Report and the recommendation from the Reporting Officer was to delete EARTH-REQ1 in response to the recommended amendments to EARTH-R1.

#### **Evidence from Submitters and Right of Reply**

255. Anil Shetty presented evidence on behalf of Public Health Northland seeking amendments to EARTH-REQ1.2 to require assessment of effects on registered drinking water suppliers and sources of drinking water. Mr Burgoyne addressed this on page 27 of his RoR Report. His opinion and recommendation to reject the submission point had not changed.
256. No other evidence was specifically presented on this topic.

#### **Discussion and Reasons**

257. We agree with the recommendations as set out in the s42A Report and in the RoR for the reasons given and agree that the submissions should be accepted or rejected accordingly.

### **Topic H: Consequential Amendments**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
PNTJV	142.29
PNJV	224.22

#### **Principal Issues Raised**

- Consequential amendments to give effect to relief sought in other submission points.

#### **Reporting Planner's s42A Recommendation**

258. This was dealt with in paragraphs 525 – 526 of the s42A Report and the recommendation from the Reporting Officer was to retain the EARTH Chapter as notified.

#### **Evidence from Submitters and Right of Reply**

259. No evidence was specifically presented on this topic.

#### **Discussion and Reasons**

260. We agree with the recommendations as set out in the s42A Report for the reasons given and agree that the submissions should be accepted or rejected accordingly. Noting that some amendments have been recommended to the EARTH Chapter (Appendix 3 as a result of other submissions.

## Recommendations

261. For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachments 1, 2, and 3.
2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 9 of the Section 42A Report and as amended by the Part 8 of the Right of Reply; with amendments to:
  - a. TRA-O4.
  - b. TRA-R12 and consequential amendments to TRA-P12, Appendix 1G and the addition of a definition for 'electric vehicle charging station parking space'.
  - c. Add a new objective EARTH-O2.
  - d. Add a new policy EARTH-P3.
  - e. EARTH-R1.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**





# Transport (TRA)

## Issues

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

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

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

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

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

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

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

## Objectives

### TRA-O1 – Transport Network

Provide and maintain a safe, efficient, accessible and sustainable transport network while avoiding, remedying or mitigating adverse effects on the environment, adjoining land uses and the surrounding amenity and character.

# Transport (TRA)

TRA-O2 – Integrate Transport and Land Use Planning	Integrate land use and transport planning to ensure that land use activities, development and subdivision maintain the safety and efficiency of the transport network.
TRA-O3 – Active and Public Transport	Encourage and facilitate active transport and public transportation.
TRA-O4 – Safety and Efficiency	Provide suitable and sufficient vehicle crossings, access, parking, loading and manoeuvring areas that minimise adverse effects on the safe, effective and efficient functioning of the transport network.
TRA-O5 – Urban Design	Design and locate transport infrastructure in a manner that is consistent with the amenity and urban design outcomes anticipated for the zone.
TRA-O6 – Future Growth	Ensure that future growth can be supported by appropriate transport infrastructure.

## Policies

TRA-P1 – Design, Construction and Maintenance	<p>To design, construct and maintain roads, cycleways, walkways, public transport infrastructure, car parks and pedestrian access in a manner that:</p> <ol style="list-style-type: none"> <li>1. Provides a safe and efficient transport network.</li> <li>2. Enables the efficient provision of network utility infrastructure while providing for suitable streetscape amenity including lighting and landscaping.</li> <li>3. Has regard to the future capacity and growth of the transport network.</li> <li>4. Is multi-modal and provides for the needs of all users, as appropriate for the surrounding environment and the function of the road within the transport network hierarchy.</li> <li>5. Avoids no exit roads where through roads and connected networks can be designed, particularly in commercial and industrial areas.</li> <li>6. Provides pedestrian and cyclist access to connect roads and public spaces where they would offer a shorter route.</li> <li>7. Ensures access to multiple allotments is constructed to an acceptable standard and vested as a public road where appropriate.</li> <li>8. Appropriately manages stormwater to ensure the risk of flooding is not increased and water quality is maintained.</li> </ol>
TRA-P2 – Roads	<p>Allow new public roads or major roading upgrades to public roads where the location and design of the road:</p> <ol style="list-style-type: none"> <li>1. Provides for the needs of all users, as appropriate for the surrounding environment and the function of the road within the transport network hierarchy.</li> <li>2. Minimises adverse effects on surrounding sensitive activities, including severance effects and streetscape amenity.</li> <li>3. Maintains or enhances the safety and efficiency of the transport network.</li> <li>4. Does not compromise, and where possible provides, connections to surrounding areas, particularly for buses, pedestrians, and cyclists.</li> <li>5. Provides sufficient area for landscaping and tree planting in appropriate areas while balancing the need to maintain safety and provide underground services and footpaths.</li> <li>6. Contributes to positive urban design outcomes within the Urban Area.</li> </ol>

# Transport (TRA)

TRA-P3 – Transport Network Capacity	<p>To manage the scale and design of subdivision and development by:</p> <ol style="list-style-type: none"> <li>1. Ensuring that there is sufficient capacity within the transport network to cater for the proposal.</li> <li>2. Requiring subdividers and developers to meet the costs of any upgrades and/or extensions to the transport network which are directly attributed to measurable impacts of the subdivision or development.</li> </ol>
TRA-P4 – Integrated Transport Assessments	<p>To avoid remedy or mitigate adverse effects on the adjacent and wider transport network by requiring Integrated Transport Assessments for large scale developments and subdivisions.</p>
TRA-P5 – Active Transport	<p>To promote active transport by facilitating cycle and pedestrian connectivity within new subdivisions and developments and, where appropriate, to existing developments, reserves and other public spaces.</p>
TRA-P6 – Dust Nuisances	<p>To avoid dust nuisances in the Urban Area and improve amenity and accessibility by implementing formation standards for access and parking whilst managing stormwater.</p>
TRA-P7 – Access and Intersections	<p>To ensure that access and intersections are designed and located so that:</p> <ol style="list-style-type: none"> <li>1. Good visibility is provided.</li> <li>2. Vehicle manoeuvres and public and active transport modes are appropriately accommodated.</li> <li>3. They are sufficiently separated so as not to adversely affect the free flow of traffic.</li> </ol>
TRA-P8 – Vehicle Crossings and Access	<p>To require vehicle crossings and associated access to be designed and located to ensure safe and efficient movement to and from sites for vehicles, pedestrians and cyclists by managing:</p> <ol style="list-style-type: none"> <li>1. Separation distances between vehicle crossings.</li> <li>2. Separation distances from intersections, railway crossings and pedestrian crossing facilities.</li> <li>3. Vehicle crossing sight distances.</li> <li>4. The number of vehicle crossings per site.</li> <li>5. The design, formation and construction standards of crossings and access.</li> </ol>
TRA-P9 – Car Parking	<p>To specify minimum on-site car parking space requirements while allowing for reduced on-site parking spaces where appropriate based on:</p> <ol style="list-style-type: none"> <li>1. Surrounding transport infrastructure.</li> <li>2. Proximity to the City Centre, Local Centre or Neighbourhood Centre Zones.</li> <li>3. The provision of additional amenities on-site.</li> <li>4. The ability to mitigate car parking spillover effects.</li> </ol>
TRA-P10 – Parking and Loading	<p>To require parking and loading areas and access to be designed and located to ensure safe movement on-site and safe ingress and egress of vehicles, pedestrians and cyclists by managing:</p> <ol style="list-style-type: none"> <li>1. Parking and loading space dimensions and gradient.</li> <li>2. The location and identification of car parking and loading spaces.</li> <li>3. Manoeuvring space within the site.</li> <li>4. The formation and construction standards of parking areas.</li> <li>5. The design and layout of parking areas.</li> </ol>

# Transport (TRA)

TRA-P11 – Bicycle Parking	To provide safe and secure bicycle parking spaces and end-of-trip facilities for activities with high numbers of employees, students or residents.
TRA-P12 – Charging Stations	To reduce emissions and enhance the sustainability of Whangārei's transport network by providing electric vehicle charging station parking spaces where high numbers of on-site car parking spaces are provided.
TRA-P13 – Landscaping	To require landscape planting where uncovered on-site car parking is provided to improve visual amenity, navigability and stormwater management.
TRA-P14 – Indicative Roads and Strategic Road Protection Areas	To identify indicative roads and strategic road protection areas based on long term growth projections, and to require development and subdivision to have regard to effects on any indicative road or strategic road protection area.
TRA-P15 – Transport Network Hierarchy	To identify and apply a transport network hierarchy to ensure that the functions of transport network assets are recognised and protected in the management of land use and subdivision.
TRA-P16 – Rail Level Crossings	To support the safe, effective and efficient operation of the transport network by discouraging new vehicle and new pedestrian rail level crossings.

## Rules

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

## Parking

TRA-R2	Required Spaces and Dimensions		
<b>All Zones</b>	<table> <tr> <td> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All off-street car parking spaces, loading spaces, bicycle parking spaces, end-of-trip facilities and associated manoeuvring areas are provided and constructed in accordance with TRA Appendix 1.</li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. <i>Lighting requirements for parking and loading spaces are contained within the LIGHT Chapter.</i></li> </ol> </td><td> <p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location, size and design of parking and loading areas.</li> <li>2. The number of parking and loading spaces.</li> <li>3. Scale, management and operation of the activity as it relates to its demand for parking.</li> <li>4. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol> </td></tr> </table>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All off-street car parking spaces, loading spaces, bicycle parking spaces, end-of-trip facilities and associated manoeuvring areas are provided and constructed in accordance with TRA Appendix 1.</li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. <i>Lighting requirements for parking and loading spaces are contained within the LIGHT Chapter.</i></li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location, size and design of parking and loading areas.</li> <li>2. The number of parking and loading spaces.</li> <li>3. Scale, management and operation of the activity as it relates to its demand for parking.</li> <li>4. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol>
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All off-street car parking spaces, loading spaces, bicycle parking spaces, end-of-trip facilities and associated manoeuvring areas are provided and constructed in accordance with TRA Appendix 1.</li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. <i>Lighting requirements for parking and loading spaces are contained within the LIGHT Chapter.</i></li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location, size and design of parking and loading areas.</li> <li>2. The number of parking and loading spaces.</li> <li>3. Scale, management and operation of the activity as it relates to its demand for parking.</li> <li>4. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol>		

# Transport (TRA)

TRA-R3	Location and Identification	
<b>All Zones</b>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All car parking spaces and loading spaces are:               <ol style="list-style-type: none"> <li>a. Not located on any footpath, access, manoeuvring or outdoor living court area.</li> <li>b. Not located within any Strategic Road Protection Area.</li> <li>c. Permanently marked or delineated, except where they are:                   <ol style="list-style-type: none"> <li>i. Associated with a residential unit which is not part of a multi unit development.</li> <li>ii. Associated with the loading area for the fuel delivery vehicle or car parking spaces at a pump of a service station.</li> <li>iii. Located in the Rural Production Zone, Natural Open Space Zone or Open Space Zone.</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location, size and design of parking and loading areas.</li> <li>2. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol>

TRA-R4	Gradient	
<b>All Zones</b>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All car parking spaces, loading spaces and associated manoeuvring areas do not have a gradient steeper than:               <ol style="list-style-type: none"> <li>a. 1 in 16 for surfaces at 90° to the angle of the parking.</li> <li>b. 1 in 20 for surfaces parallel to the angle of the parking.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location and design of parking, loading and manoeuvring areas.</li> <li>2. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol>

## Vehicle Crossings and Access

TRA-R5	Design and Location	
<b>All Zones</b>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The vehicle crossing and access are provided and constructed in accordance with TRA Appendix 2.</li> <li>2. The vehicle crossing is not fronting a state highway.</li> <li>3. Any unused vehicle crossings are reinstated to match the existing footpath and kerbing.</li> </ol>	<p>Activity Status when compliance not achieved with TRA-R5.1 – 3: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location, size and design of vehicle crossings and access.</li> <li>2. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> </ol>

# Transport (TRA)

4. The vehicle or pedestrian crossing is not over a railway corridor.

*Note:*

1. *A vehicle crossing permit may be required.*

3. The extent to which the safety and efficiency of railway and road operations will be adversely affected.

Activity Status when compliance not achieved with TRA-R5.4: Non-Complying

TRA-R6	Setbacks	
<b>All Zones</b>	Activity Status: Permitted Where: 1. The new vehicle crossing is located at least: <ol style="list-style-type: none"> <li>30m from a railway level crossing.</li> <li>8m from a dedicated pedestrian crossing facility (including pedestrian crossing, mid-block pedestrian signals, refuge islands and traffic signalled intersections).</li> <li>2m from a separate vehicle crossing.</li> </ol>	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. Location, size and design of vehicle crossings and access. 2. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.

## Manoeuvring Space

TRA-R7	Requirements for On-Site Manoeuvring Space	
<b>All Zones</b>	Activity Status: Permitted Where: 1. All car parking, loading spaces and associated manoeuvring areas provide sufficient on-site manoeuvring space: <ol style="list-style-type: none"> <li>To ensure that no vehicle is required to reverse either onto or off the site, except for front sites where:               <ol style="list-style-type: none"> <li>Access is gained from an Access or Low Volume Road; and</li> <li>Less than 3 car parking spaces are required under TRA Appendix 1 on-site.</li> </ol> </li> <li>That enables vehicles occupying a car parking space or loading space to have ready access to the road at all times, without needing to move any other vehicles occupying other car parking spaces or loading spaces, except for:               <ol style="list-style-type: none"> <li>Parking associated with an individual residential unit.</li> <li>Staff parking areas associated with an individual activity; or</li> </ol> </li> </ol>	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. Location, size and design of vehicle crossings, manoeuvring and access. 2. Location, size and design of parking and loading spaces. 3. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.



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- iii. Parking for vehicles being serviced at a Repair and Maintenance Service or Rural Centre Service Activity.
- c. To ensure that vehicles using or waiting to use fuel dispensers, ticket vending machines, remote ordering facilities and devices, entrance control mechanisms, or other drive-through facilities do not queue into the adjoining road or obstruct entry to or exit from the site.
- d. For every car parking space, to accommodate the 90<sup>th</sup> percentile car tracking curves in Figure TRA 1 so that only one reverse manoeuvre is required to manoeuvre in or out of any car parking space.
- e. For every loading space, to comply with the tracking curves set out in the *NZTA guidelines: RTS 18: NZ on-road tracking curves for heavy vehicles (2007)* so that only one reverse manoeuvre is required to manoeuvre in or out of any loading space.

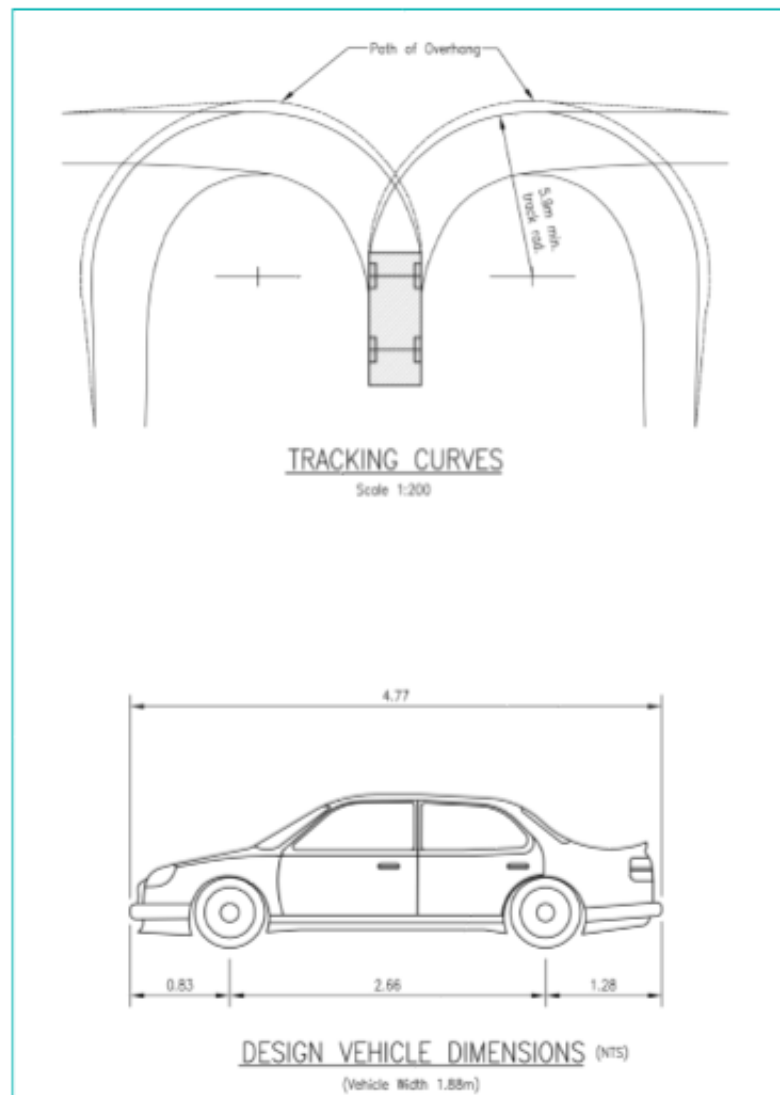
*Note:*

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



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**Figure TRA 1: Standard Car Tracking Curve**



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

## Sealing and Formation Standards

TRA-R8	Crossings, Access and Parking Areas	
<b>All Zones</b>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Vehicle crossings accessing a sealed road are sealed to a standard not less than that of the adjoining road surface.</li> <li>2. On-site access and parking areas (including loading and manoeuvring areas) are formed, drained and sealed with a permanent all-weather surface in the following instances:</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Location, size and design of vehicle crossings, manoeuvring and access.</li> <li>2. Location, size and design of parking and loading spaces.</li> </ol>

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- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>a. Urban Zone sites.</li> <li>b. Rural (Urban Expansion) Zone sites with an area less than 2,000m<sup>2</sup>.</li> <li>c. Rural Village Zone sites.</li> <li>d. Strategic Rural Industries Zone sites.</li> <li>e. Any accessway serving more than 5 principal residential units.</li> <li>f. Where the gradient exceeds 12.5%.</li> </ul> | <ul style="list-style-type: none"> <li>3. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.</li> <li>4. Dust nuisance.</li> <li>5. Adverse effects on amenity.</li> <li>6. Stormwater management.</li> </ul> |
|--|---|

## Strategic Road Protection Areas and Indicative Roads

TRA-R9	Setbacks	
<b>All Zones</b>	Activity Status: Permitted  Where: <ol style="list-style-type: none"> <li>All buildings and major structures (excluding minor buildings) are set back at least 0.5m from a strategic road protection area as detailed in TRA Appendix 4.</li> <li>Sensitive activities at ground floor are set back at least 2m from a strategic road protection area as detailed in TRA Appendix 4.</li> <li>No buildings or major structures (excluding minor buildings) are located within 10m of an indicative road as shown on the Planning Maps.</li> </ol>	Activity Status when compliance not achieved: Restricted Discretionary  Matters of discretion: <ol style="list-style-type: none"> <li>Location, size and design of buildings and activities.</li> <li>The safety and efficiency of the transport network.</li> <li>Effects on the future growth or expansion of the transport network.</li> <li>Alternative routes to achieve the indicative road outcome.</li> </ol>

## Landscaping

TRA-R10	Landscaping Within Parking Areas	
<b>All Zones except for the Heavy Industrial, Rural Production and Strategic Rural Industries Zones</b>	Activity Status: Permitted  Where: <ol style="list-style-type: none"> <li>All uncovered ground level car parking areas:               <ol style="list-style-type: none"> <li>Of 20 – 200 adjacent car parking spaces provide landscaping within or adjacent to the parking area to a minimum of 5% of the total parking area.</li> <li>Of more than 200 adjacent car parking spaces provide landscaping within or adjacent to the parking area to a minimum of 7.5% of the total parking area.</li> </ol> </li> </ol>	Activity Status when compliance not achieved: Restricted Discretionary  Matters of discretion: <ol style="list-style-type: none"> <li>Location, size and design of parking and loading areas.</li> <li>Safety and efficiency for vehicles, pedestrians and cyclists.</li> <li>Amenity and character.</li> <li>Stormwater management.</li> <li>Navigability for pedestrians.</li> <li>The number of parking spaces.</li> </ol>

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TRA-R11	Tree Planting Within Parking Areas	
<b>All Zones except for the Heavy Industrial, Rural Production and Strategic Rural Industries Zones</b>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All uncovered ground level parking areas where at least 20 car parking spaces are required by TRA Appendix 1 provide at least 1 tree for every 20 car parking spaces and each tree:               <ol style="list-style-type: none"> <li>Is planted within or adjacent to the parking area.</li> <li>Has a minimum height of 4m above ground level at maturity.</li> <li>Has a minimum canopy shade coverage of 30m<sup>2</sup> at maturity.</li> </ol> </li> </ol> <p><i>Compliance Standard for Rules TRA-R10 – R11:</i></p> <ol style="list-style-type: none"> <li><i>For the purpose of calculating total parking area, only the areas used for parking spaces and access aisles along parking spaces shall be included. Not included in the parking area calculation are service roads, pedestrian footpaths, loading/unloading areas, and perimeter landscape areas.</i></li> </ol> <p><i>Note for Rules TRA- R10 – R11:</i></p> <ol style="list-style-type: none"> <li><i>Further guidance on best practice landscaping in car parks is contained in Whangārei's Urban Design Guidelines.</i></li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Location, size and design of parking and loading areas.</li> <li>Safety and efficiency for vehicles, pedestrians and cyclists.</li> <li>Amenity and character.</li> <li>Stormwater management.</li> <li>Navigability for pedestrians.</li> <li>The number of parking spaces.</li> </ol>

## Electric Vehicle Charging Station Parking Spaces

TRA-R12	Number Requirements	
<b>All Zones</b>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All parking areas, except those associated with a residential activity, where 50 or more car parking spaces are required by TRA Appendix 1 sets aside space for at least 1 parking space for an electric vehicle charging station per every 50 required car parking spaces.</li> </ol> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <li><i>Any electric vehicle parking space associated with the charging stations counts towards the total number of required parking spaces in TRA Appendix 1.</i></li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>This rule does not require installation of electric vehicle charging infrastructure, rather, it</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>Location, size and design of parking and loading areas.</li> <li>The number of parking spaces that can accommodate electric vehicle charging stations.</li> </ol>

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requires the provision of sufficient space to accommodate electric vehicle charging infrastructure.

## Subdivision

TRA-R13	Subdivision	
	Activity Status: Controlled	Activity Status when compliance not achieved: Restricted Discretionary
<b>All Zones</b>	Where:	Matters of discretion:
	1. The site does not contain an indicative road or a strategic road protection area.	
<b>All Zones</b>	2. Subdivision results in all sites having access and crossings which comply with TRA-R5 – R6.	1. The matters of control listed in TRA-R13.
<b>Rural (Urban Expansion) Zone</b>	3. Subdivision results in: <ol style="list-style-type: none"> <li>A shared access which serves no more than 3 allotments or 3 principal residential units.</li> <li>No more than 1 right of way being created.</li> </ol>	2. Location, size and design of vehicle crossings and access.
<b>All Zones except for the Rural (Urban Expansion) Zone</b>	4. Subdivision results in a shared access which serves no more than 8 allotments or 8 principal residential units.	3. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.
	Matters of control:	4. Effects on the future growth or expansion of the transport network.
	1. Effects on the road network in the vicinity due to increased traffic from the subdivision.	5. The extent to which the subdivision impacts on the future ability to form a road or access within an indicative road or strategic road protection area, and any mitigation to not preclude that future formation.
	2. The need for footpaths, kerb and channel on roads in the vicinity, including for stormwater management.	6. The adequacy of the access for the anticipated use.
	3. The adequacy of the access for the anticipated use.	7. The ability of the access to contain required services.
	4. The ability of the access to contain required services.	
	5. Traffic safety and visibility.	
	6. Type, frequency and timing of traffic.	
	7. Access design, and number and location of vehicle crossings.	
	8. Design and construction of any bridges or culverts.	

# Transport (TRA)

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

*Notes:*

1. Refer to Rules TRA-R14– R15 for any Integrated Transport Assessment Requirements as part of a subdivision.
2. Acceptable means of compliance can be found in the Whangārei District Council Engineering Standards.

## Integrated Transport Assessments

TRA-R14	Restricted Discretionary Integrated Transport Assessments
<b>All Zones except the Hospital Zone (refer to HOSZ-R18)</b>	<p>Activity Status: Restricted Discretionary</p> <p>An integrated transport assessment is required where:</p> <ol style="list-style-type: none"> <li>1. The activity (or activities) requires an increase of more than 50 car parking spaces in accordance with TRA Appendix 1.</li> <li>2. The subdivision is of an allotment that existed at [Operative Date] and the area of the parent allotment is equal to or larger than:               <ol style="list-style-type: none"> <li>a. 1,000m<sup>2</sup> within the Rural (Urban Expansion) Zone where any allotment will be connected to Council reticulated water, wastewater and stormwater services.</li> <li>b. 5,000m<sup>2</sup> within the Medium Density Residential Zone.</li> <li>c. 1ha within the General Residential Zone or Rural Village Residential Zone.</li> <li>d. 4ha within the Low Density Residential Zone.</li> <li>e. 6ha within the Large Lot Residential Zone.</li> </ol> </li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on the sustainability, safety, efficiency, effectiveness and accessibility of the immediately adjacent transport network.</li> <li>2. Required improvements, alterations or extensions to the immediately adjacent transport network to mitigate adverse effects (including at level crossings).</li> <li>3. The need for pedestrian and cyclist connections to adjacent destinations.</li> <li>4. Adverse effects on streetscape and amenity.</li> </ol>

# Transport (TRA)

5. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.

*Compliance Standard:*

1. TRA-R14.2 does not apply for any allotment where consent has previously been granted for the allotment under Rule TRA-R14.2.

*Note: Applications shall comply with information requirement TRA-REQ1.*

TRA-R15	Discretionary Integrated Transport Assessments
<b>All Zones except the Hospital Zone (refer to HOSZ-R19)</b>	<p>Activity Status: Discretionary</p> <p>An integrated transport assessment is required where:</p> <ol style="list-style-type: none"> <li>1. The activity (or activities) requires an increase of more than 100 car parking spaces in accordance with TRA Appendix 1.</li> <li>2. The subdivision is of an allotment that existed at [Operative Date] and the area of the parent allotment is equal to or larger than:               <ol style="list-style-type: none"> <li>a. 1ha within the Medium Density Residential Zone.</li> <li>b. 2.5ha within the General Residential Zone or Rural Village Residential Zone.</li> <li>c. 8ha within the Low Density Residential Zone.</li> </ol> </li> </ol> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> <li>1. TRA-R15.2 does not apply for any allotment where consent has previously been granted for the allotment under Rule TRA-R15.2.</li> </ol> <p><i>Note: Applications shall comply with information requirement TRA-REQ2.</i></p>
TRA-R16	Construction of Any New Public Road or Service Lane
TRA-R17	Any Major Roding Alteration to an Existing Public Road
<b>All Zones</b>	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The provision, design and construction of the road or service lane.</li> <li>2. Effects on the sustainability, safety, efficiency, effectiveness and accessibility of the transport network.</li> <li>3. Streetscape, urban design and amenity effects of the transport infrastructure.</li> <li>4. Provision and encouragement of active and public modes of transport.</li> <li>5. Integration with surrounding land uses and transport infrastructure.</li> <li>6. Recommendations and proposed mitigation measures of the Integrated Transport Assessment and any further information provided through the consent process.</li> </ol> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. Any application shall comply with information requirement TRA-REQ3.</li> <li>2. Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Whangārei District Council Engineering Standards.</li> </ol>



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## Rule Requirements

TRA-REQ1	Information Requirement –Integrated Transport Assessments
	<p>1. Any application pursuant to TRA-R14 shall include an Integrated Transport Assessment prepared by a suitably qualified professional which shall include:</p> <ol style="list-style-type: none"> <li>a. A description of the site characteristics, existing development, existing traffic conditions and trip generation, immediately adjacent land uses, proposed activity and its intensity.</li> <li>b. An assessment of the features of the existing transport network, including the following (where relevant to the proposal):             <ol style="list-style-type: none"> <li>i. Existing access arrangements, on-site car parking and crossing locations.</li> <li>ii. Existing internal vehicle and pedestrian circulation.</li> <li>iii. Existing walking and cycling networks.</li> <li>iv. Existing public transport service routes and frequencies including bus stops and lanes.</li> <li>v. Hours of operation for non-residential activities.</li> <li>vi. The adjacent transport network road hierarchy and the safety of the transport network in the immediate vicinity including crash history if relevant.</li> <li>vii. The location and type of any existing level crossings in the locality.</li> </ol> </li> <li>c. A description of the estimated number of trips which will be generated by each transport mode (public transport, walking, cycling and private vehicles, including heavy vehicles).</li> <li>d. An evaluation of the effects of the development on the immediately adjacent transport network, including:             <ol style="list-style-type: none"> <li>i. The impacts that any additional vehicle movements are likely to have on the capacity and operation of adjacent road and rail networks, including any intersections and level crossings.</li> <li>ii. For heavy vehicle trips per day, whether there are any effects from these trips on roading infrastructure.</li> <li>iii. Where the development will directly impact the railway corridor, a summary of consultation with the railway operator.</li> </ol> </li> <li>e. Identification of any necessary mitigation measures that will be required to address any impacts on the transport network, including:             <ol style="list-style-type: none"> <li>i. Potential mitigation measures needed both within the proposed development and on the immediately adjacent transport network including any improvements, upgrades, alterations or extensions to the transport network (including at level crossings).</li> <li>ii. Any mitigation required to achieve convenient and safe operation of access points and loading areas for all users.</li> <li>iii. A summary of the Integrated Transport Assessment including key findings and implications that the development will have for transport including any proposed mitigation measures.</li> </ol> </li> </ol> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li>1. <i>For further guidance on Integrated Transport Assessments refer to Appendix A of New Zealand Transport Agency Research Report No.422, "Integrated Transport Assessment Guidelines", Abley et al, November 2010.</i></li> </ol>

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## TRA-REQ2 Information Requirement

1. Any application pursuant to TRA-R15 shall include an Integrated Transport Assessment prepared by a suitably qualified professional which shall include:
  - a. A description of the site characteristics, existing development, existing traffic conditions and trip generation, surrounding land uses, proposed activity and its intensity, and future development potential of the site.
  - b. An assessment of the features of the existing transport network, including the following (where relevant to the proposal):
    - i. Existing access arrangements, on-site car parking and crossing locations.
    - ii. Existing internal vehicle and pedestrian circulation.
    - iii. Existing walking and cycling networks.
    - iv. Existing public transport service routes and frequencies including bus stops and lanes.
    - v. Hours of operation for non-residential activities.
    - vi. The adjacent transport network road hierarchy and the safety of the transport network in the vicinity including crash history if relevant.
    - vii. The location and type of any existing level crossings in the locality.
  - c. A description of the estimated number of trips which will be generated by each transport mode (public transport, walking, cycling and private vehicles, including heavy vehicles).
  - d. An assessment of the suitability of the proposal for all users within the development and connecting to the adjacent transport network. This shall include assessments of:
    - i. The accessibility of the development for public transport and how the design of the development will encourage public transport use by considering the attractiveness, safety, distance and suitability of the walking routes to the nearest bus stop.
    - ii. The accessibility of the development for pedestrians and cyclists and how the design of the development will encourage walking and cycling, particularly to nearby destinations such as reserves, other public spaces and commercial or community facilities.
    - iii. Any safety implications that may detract from walking or cycling to/from the development.
    - iv. The accessibility of the development by private motor vehicles and the suitability of the proposed access and use of the site with respect to the safe, efficient and effective functioning of the transport network.
  - e. An evaluation of the effects of the development on the surrounding transport network, including:
    - i. Impacts on the operation of public transport infrastructure, and any vehicle and pedestrian/cyclist conflicts likely to arise from vehicle movements to and from the development.
    - ii. The impacts that any additional vehicle movements are likely to have on the capacity and operation of adjacent road and rail networks, including any intersections and level crossings.
    - iii. For heavy vehicle trips per day, whether there are any effects from these trips on roading infrastructure.
    - iv. Where the development will directly impact the state highway, a summary of consultation with the New Zealand Transport Agency.
    - v. The impacts of construction traffic where a development will require a significant amount of construction work.
    - vi. Where the development will directly impact the railway corridor, a summary of consultation with the railway operator.



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- f. An assessment of how the transport network will be designed to accommodate infrastructure and services, stormwater, lighting, landscaping and street trees. For larger scale non-residential developments this shall include consideration of underground electrical supply system for electric vehicle charging stations.
- g. Identification of any necessary mitigation measures that will be required to address any impacts on the transport network, including:
  - i. Potential mitigation measures needed both within the proposed development and on the transport network surrounding the development including any improvements, upgrades, alterations or extensions to the transport network (including at level crossings).
  - ii. Any mitigation required to achieve convenient and safe operation of access points and loading areas for all users.
  - iii. How the design and layout of the proposed activity maximises opportunities, to the extent practical, for travel other than by private car.
  - iv. Where appropriate, the use of Crime Prevention Through Environmental Design principles and techniques to mitigate any safety issues for pedestrians or cyclists.
  - v. A description of measures that will be put in place to mitigate against the effects of the construction process.
  - vi. A summary of the Integrated Transport Assessment including key findings and implications that the development will have for transport including any proposed mitigation measures.
- h. An overview of the transport implications of existing land uses and any land use characteristics that affect the proposal, in the wider surrounding area, that will affect assessment of the proposal. This shall consider projected growth predictions and predicted annual average daily traffic.
- i. An assessment of the traffic volumes on the wider transport network serving the development and any intersections that will be affected by the proposal. Include consideration of the existing peak-hour congestion near the site, level of service, turning volumes, and comparisons between peak and interpeak conditions.
- j. A description of any proposed transport upgrades or changes within the vicinity of the proposed development such as known intersection or road upgrades, cycle infrastructure, parking restrictions or public transport upgrades or changes. If the proposed development is to be staged this description shall consider how the proposal will correspond with planned transport upgrades.
- k. An assessment of the proposal's consistency with relevant strategic documents including the Blue/Green Network Strategy for Whangārei City, the Walking and Cycling Strategy and the Whangārei Transport Strategy.
- l. An assessment of the overall suitability of the site to accommodate the proposed activity and its transportation effects in a manner that is consistent with relevant District and Regional transport policies and objectives.

*Note:*

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

TRA-REQ3	Information Requirement – New Roads and Major Roding Alterations to an Existing Public Road
	<ol style="list-style-type: none"> <li>1. Any application pursuant to TRA-R16 – R17 shall include a detailed assessment including the following:           <ol style="list-style-type: none"> <li>a. The details required under TRA-REQ2.</li> </ol> </li> </ol>

## Transport (TRA)

- b. A roading layout plan, including:
  - i. The provision of landscaping and street trees.
  - ii. The provision of on-street parking.
  - iii. The provision of street lighting and amenities (e.g. benches, bus shelters, etc.).
  - iv. Geometric design.
  - v. Drainage design.
  - vi. Road marking and signage.
  - vii. Traffic calming devices.
  - viii. Utility service locations.
  - ix. Sight distance plans.
  - x. Clear distinction between public and private assets.
- c. Consideration of the sufficiency of space within the legal road reserve for proposed and potential future street trees, landscaping and/or underground and overhead services and structures.
- d. An assessment of traffic volumes and vehicle operating speeds.
- e. An assessment of how the road design is compatible with the character and amenity of the surrounding environment taking into account urban design and Crime Prevention Through Environmental Design principles.

# TRA – Appendix 1

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

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

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

Activity		Required Car Parking Spaces	Required Bicycle Parking Spaces
<b>Residential Activities</b>			
Principal Residential Unit		1 per unit within the Medium Density Residential Zone 1 per 1 bedroom unit in all other zones 2 per 2+ bedroom unit in all other zones	Nil
Minor Residential Unit		1 per unit	Nil
Multi-unit Development		1 per unit within the Medium Density Residential Zone 1 per 1 bedroom unit in all other zones 2 per 2+ bedroom unit in all other zones Plus 1 visitor car parking space for every 4 residential units provided	Long stay: 1 per residential unit without a dedicated garage, for developments of 20 or more residential units. Short stay: 1 per 20 residential units.
Supported Residential Care		0.3 spaces per bed	Long stay: 1 per employee
Retirement Village		1 space per individual retirement village unit Plus 0.3 visitor/staff spaces per individual retirement village unit and hospital bed	Long stay: 1 per 15 employees
<b>Commercial Activities</b>			
Retail	Motor Vehicle Sales	1 per 20 vehicle display spaces, Plus 1 per additional 50m <sup>2</sup> GFA	Long stay: 1 per 15 employees
	Trade Suppliers, Garden Centres, Marine Retail and Hire Premise	1 per 60m <sup>2</sup> GFA, Plus 1 per 100m <sup>2</sup> of outdoor storage	
	Grocery Store	1 space per 25m <sup>2</sup> GFA	Long stay: 1 per 15 employees Short stay: 1 per 400m <sup>2</sup> GFA
	Other Retail (less than 600m <sup>2</sup> GFA)	1 space per 30m <sup>2</sup> GFA	
	Other Retail (greater than 600m <sup>2</sup> GFA)	1 space per 60m <sup>2</sup> GFA	
Food and Beverage Activity		1 space per 20m <sup>2</sup> GFA and outdoor seating area	Long stay: 1 per 15 employees Short stay: 1 per 350m <sup>2</sup> GFA

# TRA – Appendix 1

Activity		Required Car Parking Spaces	Required Bicycle Parking Spaces
Commercial Services and Funeral Home		1 space per 50m <sup>2</sup> GFA	Long stay: 1 per 15 employees Short stay: 1 per 400m <sup>2</sup> GFA
Service Stations		1 space per 30m <sup>2</sup> GFA for service station retail space	Long stay: 1 per 15 employees
Visitor Accommodation		1 space per bedroom	
Entertainment Facilities		1 per 5 persons the facility is designed to accommodate for facilities with a specified number of seats or occupants. For all other facilities, 5 spaces per 100m <sup>2</sup> GFA	Long stay: 1 per 15 employees Short-stay: 2 parks plus 1 per 1,000m <sup>2</sup> GFA
General Commercial		1 space per 50m <sup>2</sup> GFA	Long stay: 1 per 15 employees
Industrial Activities			
Industrial activities	Repair and Maintenance Services	4 per repair/lubrication bay, Plus 1 per additional 50m <sup>2</sup> GFA	Long stay: 1 per 30 employees
	Manufacturing	1 space per 100m <sup>2</sup> GFA plus 1 space per 100m <sup>2</sup> outdoor storage and display	
	Storage		
	Other industrial activities	1 per 50m <sup>2</sup> GFA, or 0.7 per employee (where the number of staff is known), whichever results in requiring a lower amount of on-site parking	
Activities within the Oil Refinery Precinct (if activity not stated above)		1 permanent parking space per employee on-site at any time, provided that during periods of shut downs and maintenance when extra parking is required, this does not have to be permanently marked but must be provided on-site.	Nil
Activities within the Port Zone		0.75 parking spaces per employee engaging in port-related activities on-site at any time, provided that during periods of shut downs and maintenance when extra parking is required this does not have to be permanently marked but must be provided.	
Activities within the Fonterra Kauri Milk Processing Site		Nil	

# TRA – Appendix 1

Activity		Required Car Parking Spaces	Required Bicycle Parking Spaces
Community Activities			
Place of Assembly		1 per 5 persons the facility is designed to accommodate for facilities with a specified number of seats or occupants. For all other facilities, 5 spaces per 100m <sup>2</sup> GFA	Long stay: 1 per 15 employees Short-stay: 2 parks plus 1 per 1,000m <sup>2</sup> GFA
Recreation Facilities (excluding public playgrounds)		15 spaces per hectare, or 0.2 per person the facility is designed to accommodate	Short-stay: 3 parks plus 3 per ha
Public Playgrounds		Nil	Nil
Emergency Services		1 per on-site employee	Nil
Care Centre		0.10 per child or other person, other than staff plus 0.5 per employee	Long stay: 1 per 15 employees
Hospital		1 space per 2 beds plus 1 per 2 employees	Long stay: 1 per 15 employees
Educational Facilities	Primary and Secondary Schools	1 space per 2 employees, plus: 1 space per 25 students (to be allocated as visitor parking) plus one 99% car loading bay (or pick-up / drop-off bay) per 100 students (primary) 1 space per 50 students (secondary)	Long stay: 1 per 15 employees, plus: Short stay: 1 per 20 students
	Tertiary Facilities	1 space per 2 employees, plus 1 space per 8 students	Long stay: 1 per 15 employees, plus: Short stay: 1 per 15 students
	Pre-school and Childcare Facility	1 space per 10 children (to be allocated as visitor parking), plus one 99% car loading bay (or pick-up / drop-off bay) per 100 children, plus 1 per 2 employees	Long stay: 1 per 5 employees
General Community		1 per 5 persons the facility is designed to accommodate for facilities with a specified number of seats or occupants. For all other facilities, 5 spaces per 100m <sup>2</sup> GFA	Long stay: 1 per 15 employees Short-stay: 2 parks plus 1 per 1,000m <sup>2</sup> GFA
Rural Production Activities			
Forestry		1 per 2 employees on-site	Nil
Other Rural Production Activities		Nil	
Other			
Mineral Extraction		4 per 5 employees on-site	Nil
Boat Sheds, Marinas, Moorings		0.5 per berth or craft to be accommodated	Nil

# TRA – Appendix 1

Activity	Required Car Parking Spaces	Required Bicycle Parking Spaces
Rural Centre Service Activity	1 space per 30m <sup>2</sup> GFA	Long stay: 1 per 10 employees Short stay: 1 per 300m <sup>2</sup> GFA
General Public Amenities	Nil	Nil
Network Utilities		

## Compliance Standards:

1. Short stay bicycle parking space shall not be required in the City Centre Zone.
2. Where there are multiple activities on the site and each activity requires vehicle parking, the total vehicle parking shall be the combined total requirement for all activities (not including any reduction factor under Appendix 1E).
3. If any activity is not represented above the activity closest in nature to the new activity shall be used, or where there are two or more similar activities in the table above, the activity with the higher parking rate shall apply.
4. Bicycle parking spaces required under Table TRA 1 above shall provide adequate space to allow cyclists to manoeuvre and attach a bicycle to each stand or parking space.
5. Short stay bicycle parking spaces required under Table TRA 1 above shall:
  - a. Be clearly visible or signposted.
  - b. Located within 30m of public entrances to the activity.
  - c. Consist of stands that are securely attached to an immovable object such as a wall or the ground.
6. Long stay bicycle parking spaces required under Table TRA 1 above shall be undercover, protected from inclement weather and secure from theft.

## Note:

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

# TRA – Appendix 1

## Appendix 1B. Maximum On-site Car Parking in the City Centre Zone

Any activity located in the City Centre Zone shall provide no more on-site car parking spaces than those specified in Table TRA 2.

**Table TRA 2. Maximum on-site car parking in the City Centre Zone**

<b>Activity</b>	<b>Maximum Car Parking Spaces</b>
Residential Unit	Maximum: 1 per unit
Visitor Accommodation	Maximum: 1 per 2 units
Commercial Services	Maximum: 1 per 50m <sup>2</sup> GFA

# TRA – Appendix 1

## Appendix 1C. Minimum On-site Loading Space Requirements

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

**Table TRA 3. Minimum on-site loading space requirements**

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

**Compliance Standards:**

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



# TRA – Appendix 1

## Appendix 1D. Minimum End-of Trip Facilities Requirements

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

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

<b>Number of Long Stay Bicycle Parking Spaces On-Site</b>	<b>Minimum Number of Showers</b>	<b>Minimum Number of Changing Rooms</b>
5 – 50	2	2
51 – 100	4	
Every additional 100 spaces	2 additional	

# TRA – Appendix 1

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

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

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

Parking Reduction Factor		Permitted Minimum Parking Requirement Reduction
1	Located within a 400m walk of a public transport stop with a frequency of at least 30 minutes on weekdays between 07:00 and 18:00	0 to 50m: up to 10% reduction per transport stop 51m to 200m: up to 6% reduction per transport stop 201m to 400m: up to 2% reduction per transport stop Up to a maximum of 20% if in proximity to multiple transport stops
2	Located within a 400m walk from a car parking lot containing at least 50 car parking spaces that are available for use by the public	0 to 50m: up to 10% reduction 51m to 200m: up to 6% reduction 201m to 400m: up to 2% reduction
3	Developments that contain a mix of both residential activities and activities where people are employed on-site	Up to 5% reduction
4	Bicycle parking spaces are provided on-site beyond the requirements under Rule TRA-R2 and the site is located within 1.2km of a designated cycle route	1 less car parking space per 5 bicycle parking spaces provided, up to a total of 2 less car parking spaces

*Compliance Standard:*

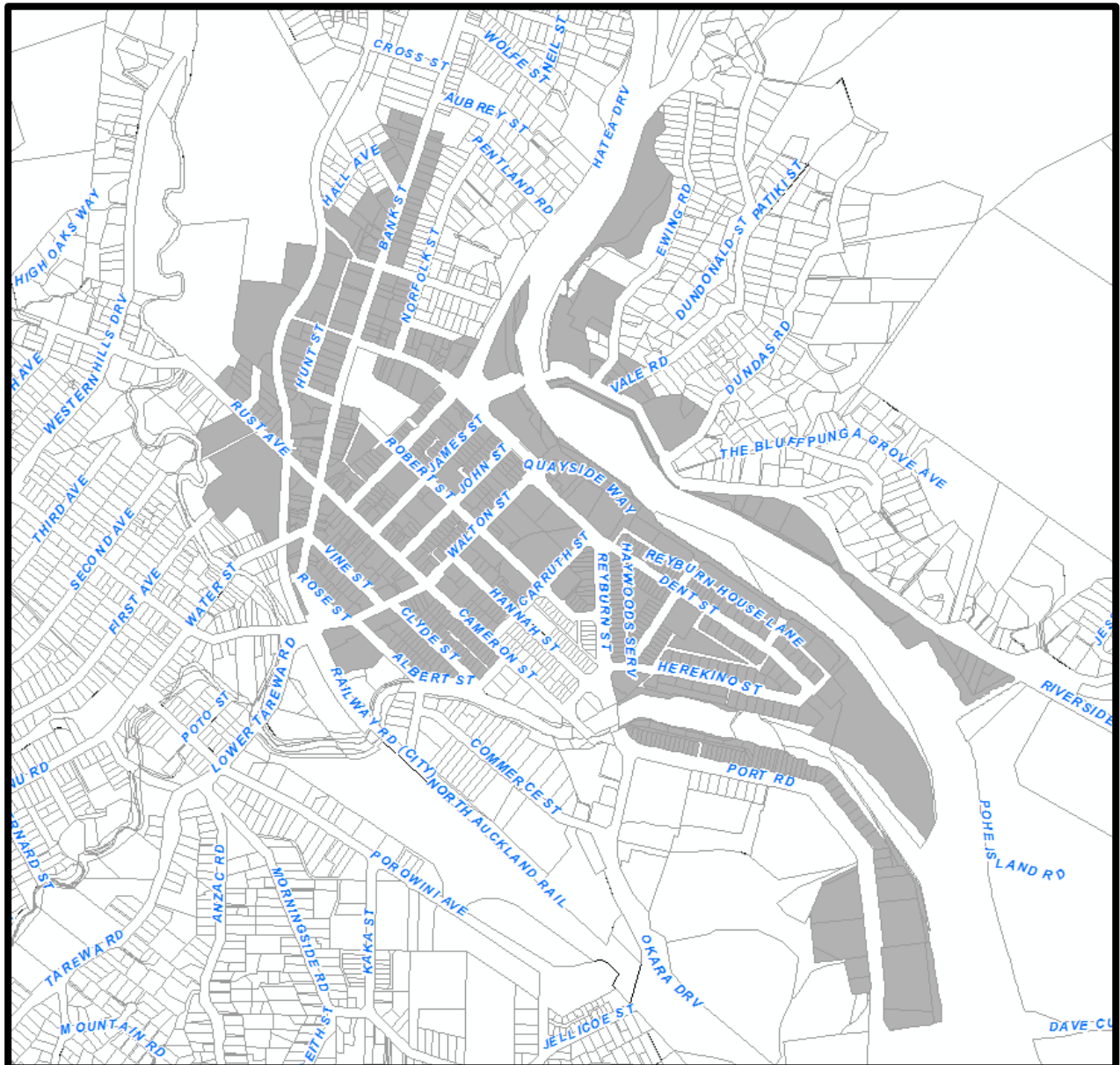
1. *Where an activity meets multiple parking reduction factors, the minimum parking reduction bonuses may be added together up to a total reduction of 30%.*

# TRA – Appendix 1

## Appendix 1F. Car Parking and Loading Space Exemption Areas

Any activity located solely within the shaded area shown in Figure TRA 2 is exempt from providing the minimum car parking and loading spaces required in Appendix 1A and 1C.

**Figure TRA 2. Car parking and loading space exemption area**

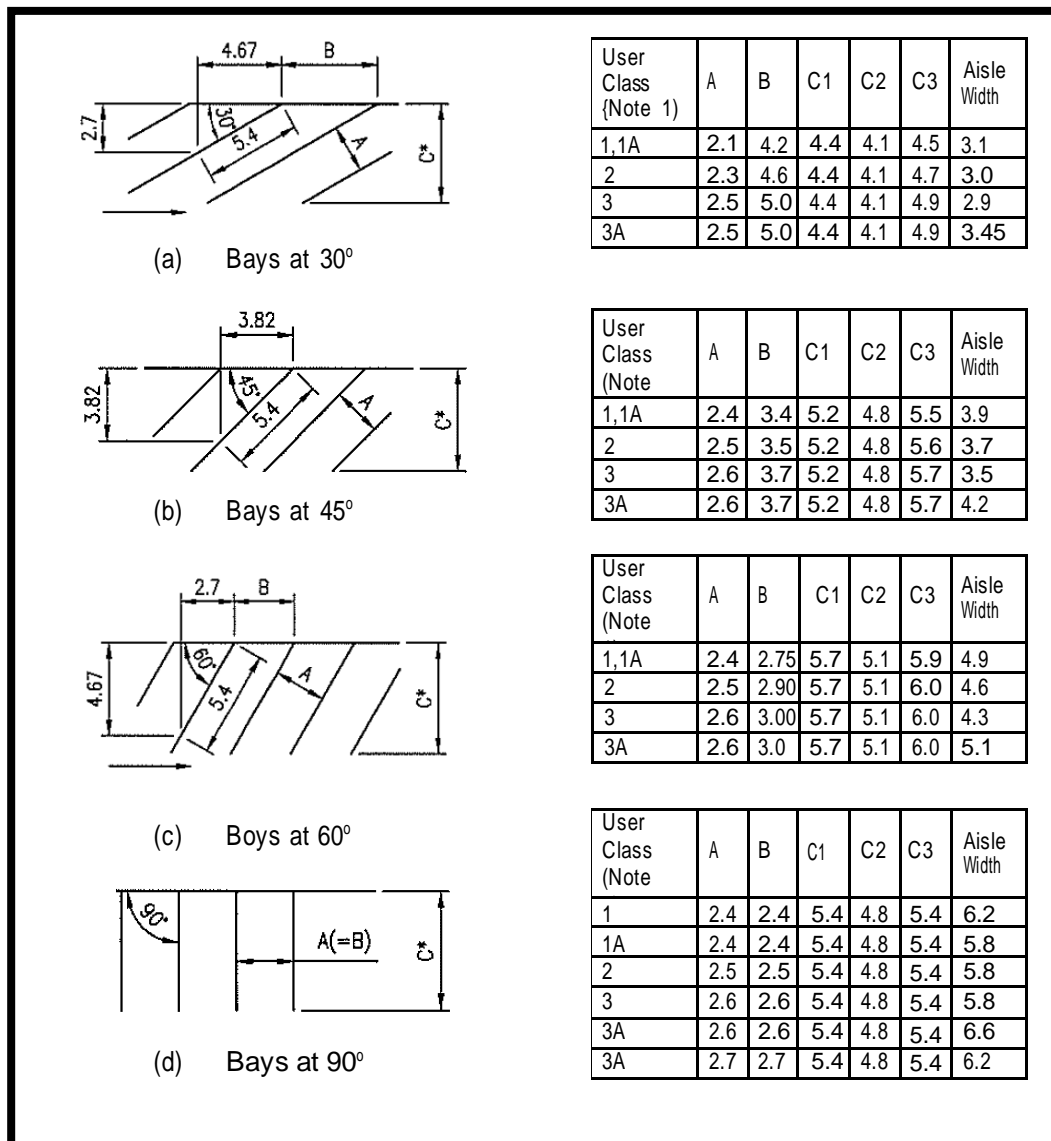


# TRA – Appendix 1

## Appendix 1G. Minimum Car Parking Space Dimensions

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

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



Note:

- Parking space dimensions will vary for mobility car park spaces and electric vehicle charging station parking spaces.

Compliance Standards:

- Dimension C is selected as follows:

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

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

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

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

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

The diagram illustrates a pedestrian aisle layout with the following components and dimensions:

- W:** Aisle width (one-way).
- Kerb:** Indicated on the left side of the aisle.
- 2100 min.:** Minimum distance from the kerb to the start of the first space.
- 300 min.:** Minimum distance between the end of one space and the start of the next.
- Wall, fence, columns etc >300mm high (see note 1):** Barrier at the end of the aisle.
- 300:** Minimum distance from the barrier to the end of the last space.
- Lu:** Length of the unobstructed end space.
- L:** Length of an obstructed space.
- Lo:** Length of the unobstructed end space at the barrier.
- Wall, fence, columns etc, >300mm high (see Note 2):** Barrier at the right end of the aisle.
- RHS kerb of one-way road, or centreline of two-way road:** Boundary on the right side of the aisle.

Aisle width (one-way), $W$	Space length, $L$	Space length obstructed	Space length unobstructed end spaces, $L_u$
3.0	6.3	6.6	5.0
3.3	6.1	6.4	5.0
3.6	5.9	6.2	5.0

1. Spaces shall be located at least 300mm clear of obstructions higher than 150mm such as walls, fences and columns.
2. Where the opposite side of the aisle is bounded by obstructions higher than 150mm, Dimension W shall be increased by at least 0.3m.

## TRA – Appendix 1

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

## TRA – Appendix 2

### Appendix 2A. Vehicle Crossings Per Site

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

**Table TRA 6. Maximum number of vehicle crossings per site**

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

**Compliance Standards:**

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

**Note:**

1. Vehicle access to all state highways is managed by the New Zealand Transport Agency under the Government Roading Powers Act 1989 and access requires the approval of the New Zealand Transport Agency.

## TRA – Appendix 2

### Appendix 2B. Vehicle Crossing Distances from Intersections

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

**Table TRA 7. Minimum distance of vehicle crossing from intersections**

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



## TRA – Appendix 2

### Appendix 2C. Vehicle Crossings Sight Distances

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

**Table TRA 8. Minimum vehicle crossing sight distances**

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

**Compliance Standards:**

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

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

[illegible]

# TRA – Appendix 2

## Appendix 2D. Performance Standards for Private Access

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

**Table TRA 9. Private access requirements**

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

**Notes:**

1. "Urban" includes sites within:
  - a. The Rural (Urban Expansion), Rural Village Residential or Large Lot Residential Zones where the net site area is less than 2,000m<sup>2</sup>.
  - b. The General Residential, Medium Density Residential, City Centre, Mixed Use, Waterfront, Local Centre, Neighbourhood Centre, Ruakaka Equine, Marsden Primary Centre or Rural Village Centre Zones.
  - c. Any Open Space and Recreation Zone adjacent to any of the above.
2. "Rural" includes sites within:
  - a. The Rural (Urban Expansion), Rural Village Residential or Large Lot Residential Zones where the net site area is equal to or greater than 2,000m<sup>2</sup>.
  - b. The Low Density Residential, Rural Production or Rural Living Zones
  - c. Any Open Space and Recreation Zone adjacent to any of the above.
3. The New Zealand Fire Service Firefighting Supplies Code of Practice SNZ PAS 4509:2008 and NZ Building Code C/ASI contain guidance on an adequate access to water supply for firefighting purposes.

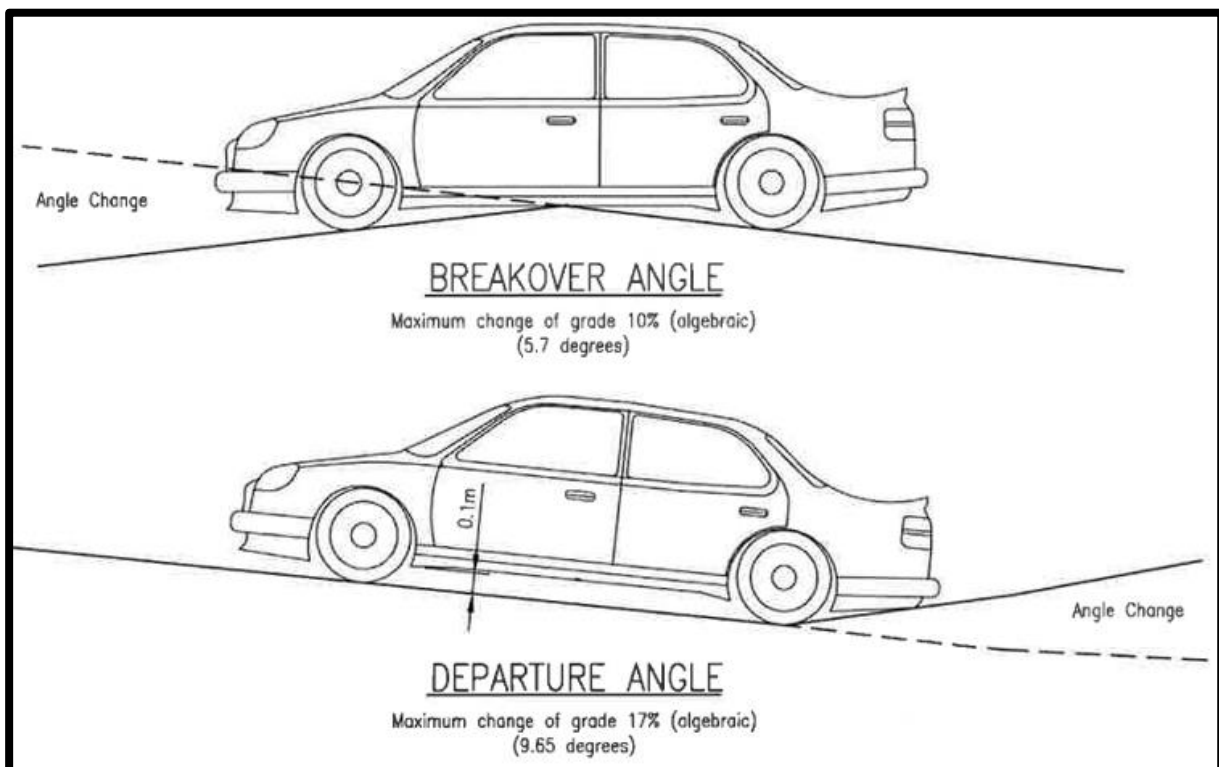
**Compliance Standards:**

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

## TRA – Appendix 2

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

**Figure TRA 5. Maximum change of grade for private access**



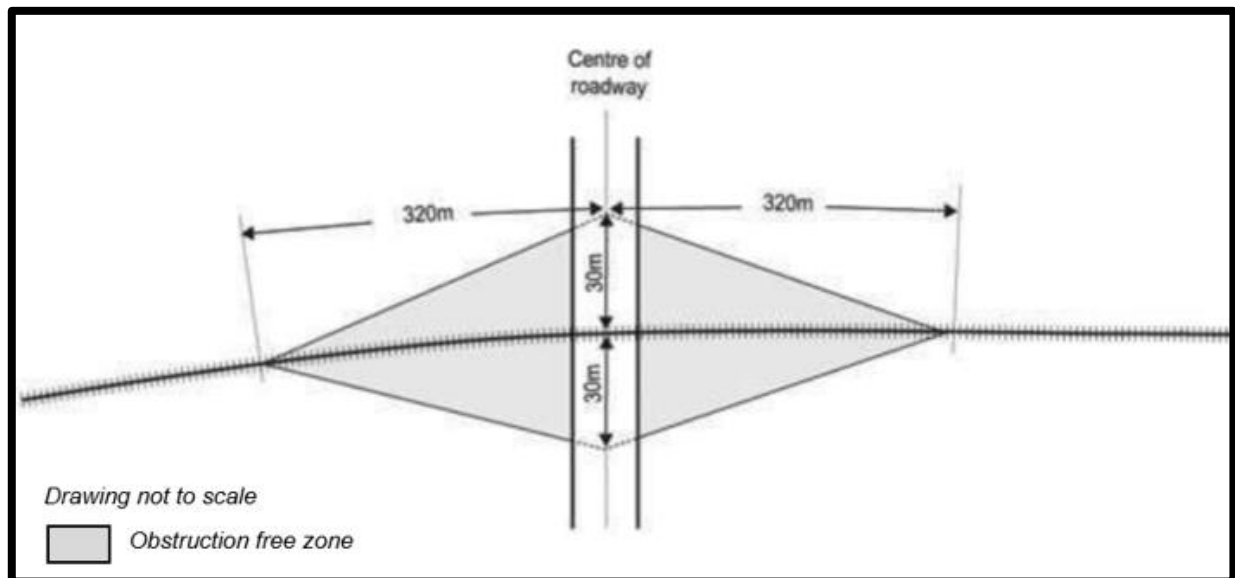
## TRA – Appendix 2

### Appendix 2E. Railway Level Crossing Sight Triangles and Explanations

#### Approach sight triangles at level crossings with Give Way signs

On sites adjacent to rail level crossings controlled by Give Way Signs, no building, major structure or planting shall be located within the shaded areas shown in Figure TRA 6. These are defined by a sight triangle taken 30m from the outside rail and 320m along the railway track.

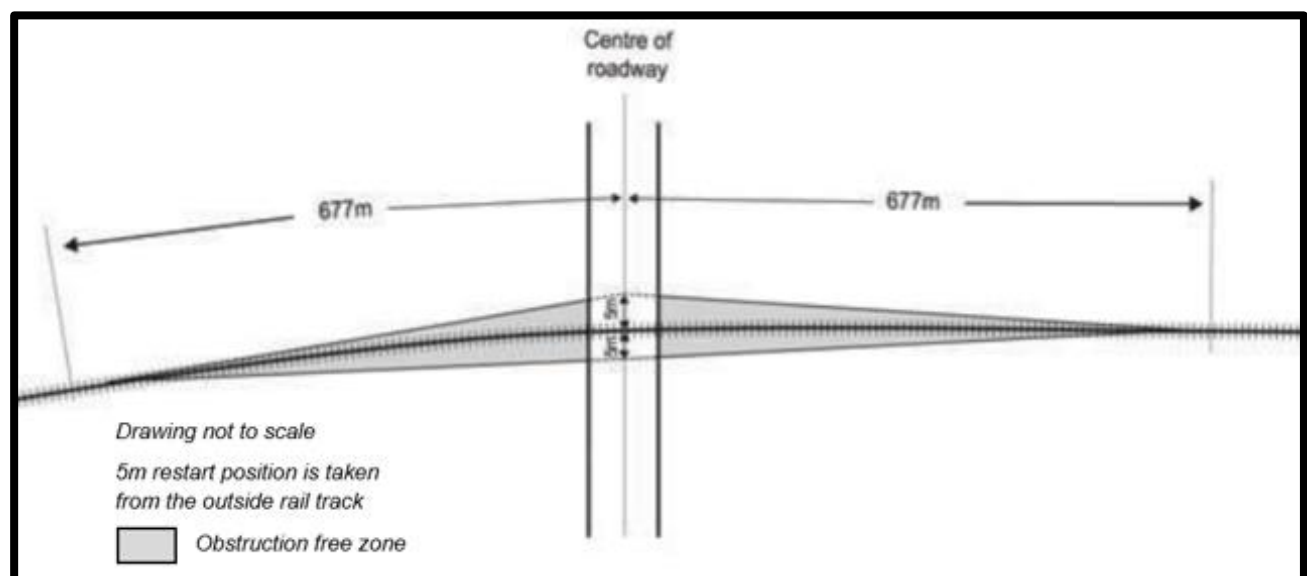
**Figure TRA 6. Approach Sight Triangles for Level Crossings with “Give Way” Signs**



#### Restart sight triangles at level crossings

On sites adjacent to all rail level crossings, no building, major structure or planting shall be located within the shaded areas shown in Figure TRA 7. These areas are defined by a sight triangle taken 5m from the outside rail and distance A along the railway track. Distance A depends on the type of control (Table TRA 12).

**Figure TRA 7. Restart Sight Triangles for all Level Crossings**



## TRA – Appendix 2

**Table TRA 12. Required Restart Sight Distances for Figure TRA 7**

Required Approach Visibility Along Tracks A (m)		
Signs only	Alarms only	Alarms and barriers
677m	677m	60m

**Compliance Standards:**

1. *These conditions apply irrespective of whether any visual obstructions already exist.*
2. *Approach sight triangles under Figure TRA 6 do not apply for level crossings fitted with alarms and/or barrier arms.*
3. *Figures TRA 6 and 7 show a single set of rail tracks only. For each additional set of tracks add 25m to the along-track distance in Figure TRA 6, and 50m to the along-track distance in Figure TRA 7.*

**Note:**

1. *All figures are based on the sighting distance formula used in NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based; however, the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:*
  - *train speed of 110 km/h.*
  - *vehicle approach speed of 20 km/h.*
  - *fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing.*
  - *25m design truck length.*
  - *90° angle between road and rail.*

## TRA – Appendix 3

### Appendix 3. Transport Network Hierarchy

Whangārei's roads have been classified into a hierarchy to define their purpose and expectation within the transport network. The hierarchy is two-tiered. The first tier is the One Network Road Classification, which aligns with the national system, and is shown on the Planning Maps. The second tier comprises Regionally Significant Transport Infrastructure as identified in the Regional Policy Statement for Northland 2016. The tiers overlap as some roads are classified under multiple tiers. A description of each category of the hierarchy is set out in Table TRA 13.

**Table TRA 13. Transport network hierarchy**

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

## TRA – Appendix 3

National Cycleway	These areas generally represent the most significant concentrations of population within Whangārei and would therefore benefit the most from a strategic approach to creating and enhancing local networks for recreational and commuting use. Additionally, the national cycleway connects wider areas of the District and Region.
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# TRA – Appendix 4

## Appendix 4. Strategic Road Protection Areas

Table TRA 14 contains details of the strategic road protection areas shown on the Planning Maps.

**Table TRA 14. Strategic Road Protection Areas**

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

### Compliance Standards:

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

### Note:

- Abbreviations for directions:  
 N = north      NE = north-east  
 S = south      SW = south-west  
 E = east      SE = south-east  
 W = west      NW = north-west

# Three Waters Management (TWM)

## Issues

The Three Waters Management (TWM) Chapter implements provisions to manage the impact of land use and subdivision on water resources and services, namely stormwater, wastewater and water supply:

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

Adequate provision must be made for three waters services when subdividing land to enable the anticipated use of that land and manage potential adverse effects. Subdividers are encouraged to consider efficient, low impact infrastructure designs when preparing applications. Larger scale developments and subdivisions may require an Integrated Three Waters Assessment.

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

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

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

## Objectives

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

# Three Waters Management (TWM)

## TWM-O5 – Adverse Effects

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

### Policies

#### TWM-P1 – Three waters Infrastructure

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

1. Is coordinated, integrated and compatible with the existing infrastructure and capacities.
2. Enables the existing public reticulated network to be expanded or extended to adjacent land where that land is within a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area.

#### TWM-P2 – Reticulated Areas

To sustainably and efficiently manage three waters resources by avoiding private three waters systems where connection to the public reticulated network is practicable in a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area.

#### TWM-P3 – Capacity

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

#### TWM-P4 – Future Development

To ensure that three waters infrastructure is designed to accommodate the anticipated servicing requirements of plan enabled development in the locality.

#### TWM-P5 – Vested Assets

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

#### TWM-P6 – Private Systems

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

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

#### TWM-P7 – Flooding

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

#### TWM-P8 – Integrated Three Waters Assessments

To require Integrated Three Waters Assessments for large scale developments to:

1. Provide three waters infrastructure in an integrated and comprehensive manner.
2. Enable and recognise the benefits of green infrastructure and low impact design.

# Three Waters Management (TWM)

## TWM-P9 – Infrastructure

To require subdividers and developers to meet the fair and reasonable costs of any upgrades or extensions of public reticulated three waters infrastructure which are attributed to the impacts of the subdivision or development.

### Rules

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

### Stormwater

TWM-R2	Subdivision		
<b>All Zones</b>	<table> <tr> <td> <p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All allotments are designed and located so that provision is made for:               <ol style="list-style-type: none"> <li>a. The collection, treatment and disposal of stormwater that meets the following requirements:                   <ol style="list-style-type: none"> <li>i. There will not be an increase in peak discharge flow rates to receiving environments.</li> <li>ii. In Flood Susceptible Areas, the post-development 1% Annual Exceedance Probability (AEP) storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.</li> <li>iii. Outside Flood Susceptible Areas, the post-development 2% and 5% AEP storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.</li> <li>iv. Any attenuation required by TWM-R3.1(a)(ii)-(iii) is able to accommodate an additional 20% for climate change.</li> <li>v. The primary stormwater system is capable of conveying a 50% AEP storm event (+20%) where the system is a piped network with no surcharge.</li> <li>vi. The primary stormwater system is capable of conveying a 20% AEP storm event (+20%) where the system is a piped network allowing a discharge within 0.3m of the lid level.</li> <li>vii. The secondary stormwater system is capable of conveying the 1% AEP storm event (+20%) within a defined path to ensure that surface water will not enter buildings (excluding detached garages).</li> </ol> </li> </ol> </li> </ol> </td><td> <p>Activity Status when compliance not achieved: Discretionary</p> </td></tr> </table>	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All allotments are designed and located so that provision is made for:               <ol style="list-style-type: none"> <li>a. The collection, treatment and disposal of stormwater that meets the following requirements:                   <ol style="list-style-type: none"> <li>i. There will not be an increase in peak discharge flow rates to receiving environments.</li> <li>ii. In Flood Susceptible Areas, the post-development 1% Annual Exceedance Probability (AEP) storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.</li> <li>iii. Outside Flood Susceptible Areas, the post-development 2% and 5% AEP storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.</li> <li>iv. Any attenuation required by TWM-R3.1(a)(ii)-(iii) is able to accommodate an additional 20% for climate change.</li> <li>v. The primary stormwater system is capable of conveying a 50% AEP storm event (+20%) where the system is a piped network with no surcharge.</li> <li>vi. The primary stormwater system is capable of conveying a 20% AEP storm event (+20%) where the system is a piped network allowing a discharge within 0.3m of the lid level.</li> <li>vii. The secondary stormwater system is capable of conveying the 1% AEP storm event (+20%) within a defined path to ensure that surface water will not enter buildings (excluding detached garages).</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All allotments are designed and located so that provision is made for:               <ol style="list-style-type: none"> <li>a. The collection, treatment and disposal of stormwater that meets the following requirements:                   <ol style="list-style-type: none"> <li>i. There will not be an increase in peak discharge flow rates to receiving environments.</li> <li>ii. In Flood Susceptible Areas, the post-development 1% Annual Exceedance Probability (AEP) storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.</li> <li>iii. Outside Flood Susceptible Areas, the post-development 2% and 5% AEP storm event flow rates is limited to 80% of the pre-development 1% AEP event flow rates.</li> <li>iv. Any attenuation required by TWM-R3.1(a)(ii)-(iii) is able to accommodate an additional 20% for climate change.</li> <li>v. The primary stormwater system is capable of conveying a 50% AEP storm event (+20%) where the system is a piped network with no surcharge.</li> <li>vi. The primary stormwater system is capable of conveying a 20% AEP storm event (+20%) where the system is a piped network allowing a discharge within 0.3m of the lid level.</li> <li>vii. The secondary stormwater system is capable of conveying the 1% AEP storm event (+20%) within a defined path to ensure that surface water will not enter buildings (excluding detached garages).</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>		

# Three Waters Management (TWM)

- viii. The stormwater system will not connect or overflow to any wastewater system.
- ix. The stormwater system is designed and constructed for an asset life of at least 50 years.
- b. Connection to a public reticulated stormwater network where the allotment is located within a reticulated stormwater area.

## Matters of discretion:

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

## Note:

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

## Wastewater

TWM-R3	Subdivision	
<b>All Zones</b>	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All allotments (excluding any allotment for access, roads, utilities and reserves) are designed and located so that provision is made for:               <ol style="list-style-type: none"> <li>a. Collection, treatment and disposal of wastewater.</li> <li>b. Connection to a public reticulated wastewater network where the allotment is located within a reticulated wastewater area.</li> </ol> </li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on existing reticulated wastewater networks.</li> <li>2. The capacity of existing reticulated wastewater networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.</li> </ol>	<p>Activity Status when compliance not achieved:</p> <p>Discretionary</p>

# Three Waters Management (TWM)

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

*Note:*

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

## Water Supply

TWM-R4	Subdivision	
<b>All Zones</b>	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All allotments (excluding any allotment for access, roads, utilities and reserves where no irrigation is required) are designed and located so that provision is made for:               <ol style="list-style-type: none"> <li>a. A water supply.</li> <li>b. Connection to a public reticulated water supply network where the allotment is located within a reticulated water supply area.</li> </ol> </li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on existing reticulated water supply networks.</li> <li>2. The capacity of existing reticulated water supply networks and whether the servicing needs of the proposal require upgrades to existing infrastructure.</li> <li>3. Feasibility of connection to and logical extension of the existing reticulated water supply networks.</li> <li>4. Provision of suitable drinking water.</li> <li>5. The efficient provision of services to the land being subdivided and to nearby land that might be subdivided in the future.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

## Integrated Three Waters Assessments

TWM-R5	Subdivision	
<b>All Zones</b>	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p>	

# Three Waters Management (TWM)

1. The subdivision results in 8 or more additional allotments (excluding lots for the purposes of reserves, network utilities or transport corridors) from one parent allotment which existed at [Operative Date].

Matters of discretion:

1. Recommendations, proposed mitigation measures and conditions of the Integrated Three Waters Assessment and any further information provided through the consent process.

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

TWM-R6	Land Use	
<b>Business Zones</b>	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity increases the impervious area within a site by 1,000m<sup>2</sup> – 5,000m<sup>2</sup> from what existed at [Operative Date].</li> </ol> <p>Matters of control:</p> <ol style="list-style-type: none"> <li>1. Adverse effects on environmental and cultural values from the management and discharge of stormwater and wastewater.</li> <li>2. The provision of integrated low impact design or green infrastructure solutions to minimise adverse effects.</li> <li>3. Opportunities for multipurpose infrastructure (i.e. stormwater reserves that function as walking tracks).</li> <li>4. The ability of three waters infrastructure to service potential future development within the site.</li> </ol> <p><i>Note: Any application shall comply with information requirement TWM-REQ3.</i></p>	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity increases the impervious area within a site by more than 5,000m<sup>2</sup> from what existed at [Operative Date].</li> </ol> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Recommendations, proposed mitigation measures and conditions of the Integrated Three Waters Assessment and any further information provided through the consent process.</li> </ol> <p><i>Note: Any application shall comply with information requirement TWM-REQ3.</i></p>

## Rule Requirements

TWM-REQ1	Information Requirement – Connection to Public Reticulated Three Waters Networks	
<b>All Zones</b>	<ol style="list-style-type: none"> <li>1. Any consent application where connection to public reticulated three waters network(s) is proposed shall include an assessment detailing (where relevant):               <ol style="list-style-type: none"> <li>a. Provision made for connections to public reticulated three waters networks.</li> <li>b. Confirmation from Council that sufficient capacity exists within public reticulated three waters networks to service the proposed development.</li> <li>c. Any upgrades and/or extensions to existing public reticulated three waters infrastructure that are proposed or necessary.</li> <li>d. Consideration of the elevation of each proposed lot to establish a service envelope where that lot is able to be serviced without the need for on-site</li> </ol> </li> </ol>	



# Three Waters Management (TWM)

pumping. Reference shall be made to any part of the lot that is outside the service envelope.

- e. Land and infrastructure to be vested in the Council.

## TWM-REQ2

## Information Requirement – On-site Three Waters Management

### All Zones

1. Any consent application where connection to public reticulated three waters networks is not proposed is required to show the details and layout of the proposed three waters system(s) including (where relevant):
  - a. In a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area, demonstration as to why connection to the public reticulated three waters network is not proposed or is not practicable.
  - b. In a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area, an assessment of any effects on the practicability of future expansion of the public reticulated network, and any mitigation measures proposed (e.g. easements required to enable future expansion).
  - c. Evidence that the proposed wastewater, stormwater or water supply system can either comply with the permitted activity standards of the Northland Regional Plan or a regional consent has been obtained or is concurrently being applied for.
  - d. A site plan detailing the overall proposed development, showing existing contours in areas proposed for development of three waters infrastructure, and any overland flow-paths, rivers, wetlands, water bores etc. which exist pre-development in the subject property and in adjoining properties.
  - e. Where any buildings or structures are located within overland flow-paths, rivers, wetlands, water bores, etc. demonstration of how the development will maintain their capacity to convey flows.
  - f. Details of an effluent disposal area and reserve area and provision for ongoing maintenance and operation of the proposed wastewater system.
  - g. Proposed stormwater attenuation and/or water quality treatment system(s), including location, preliminary sizing and associated works (e.g. landscaping, road construction).
  - h. Demonstration (by drawings, calculations and reports) that the requirements of rule TWM-R2.1(a) can be achieved.
  - i. Details of water demand (flow and pressure) and suitable drinking water sources.
  - j. Copies of any correspondence or written approvals from private persons or Council departments in relation to the proposed stormwater system, and confirmation of how any conditions of those approvals will be met.
  - k. Where a private communal three waters system is proposed, details of a formal legal mechanism (e.g. proposed easements) by which each allotment owner is individually and severally responsible for the maintenance and performance of the system and ongoing ownership of the disposal area

### Notes:

1. *Additional information on details to be provided is contained within the Whangārei District Council Engineering Standards.*



# Three Waters Management (TWM)

2. *Evidence of a satisfactory water supply will be assessed as part of the building consent application. Applicants are advised to consult with the Fire and Emergency New Zealand, Northland Health and the Northland Regional Council, and to refer to the Drinking Water Standards for New Zealand 2005 (Revised 2008).*
3. *Sufficient water demand includes compliance with the Firefighting Water Supplies Code of Practice SNZ 4509:2008.*

TWM-REQ3	Information Requirement– Integrated Three Waters Assessments
<b>All Zones</b>	<ol style="list-style-type: none"> <li>1. Any application under rules TWM-R5 – R6 shall include an Integrated Three Waters Assessment which details:               <ol style="list-style-type: none"> <li>a. How the proposal is consistent with the recommendations, measures and targets of any relevant Council approved Catchment Management Plan.</li> <li>b. An assessment of any potential effects (including cumulative effects) of the development in relation to the site, any adjoining sites, the wider catchment and cultural values.</li> <li>c. Information on how wastewater (including trade waste) will be managed to minimise any impacts on the reticulated network or from on-site discharges.</li> <li>d. The provision of water supply, wastewater disposal and/or stormwater disposal reticulation through the proposed development or subdivision to a standard necessary to provide adequate reticulation to adjacent land zoned for reticulated development.</li> <li>e. Any low impact design, or green infrastructure solutions that are proposed, what benefits these will provide, and how they will be operated and maintained to ensure ongoing water efficiency benefits.</li> <li>f. Consideration of opportunities to integrate three waters infrastructure and informal or passive recreation opportunities.</li> <li>g. Any proposed conditions.</li> </ol> </li> </ol>

# Earthworks (EARTH)

## Issues

The Earthworks Chapter manages earthworks associated with subdivision to ensure that sites are suitable for development, and that instability hazards and adverse effects on heritage values and New Zealand kauri trees are managed.

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

Land instability issues can be created or exacerbated by inappropriate earthworks. Earthworks are a necessary part of subdivision but need to be managed to ensure that the risk of land instability is avoided, remedied or mitigated and that adverse effects on heritage values and New Zealand kauri trees are managed.

The objectives, policies and rules set out below apply to earthworks undertaken in anticipation of, or as part of, a subdivision and apply in addition to the provisions for the underlying zone and any relevant District Wide and Resource Area provisions. In addition to the District Plan, earthworks are also regulated under the Regional Plan.

## Objectives

EARTH-O1 – Land Instability	Minimise the risk of land instability when undertaking earthworks associated with subdivision.
EARTH-O2 - Kauri Dieback Disease	Avoid the spread of plant pathogens including <i>Phytophthora Agathidicida</i> (Kauri Dieback Disease).

## Policies

EARTH-P1 – Adverse Effects	To avoid where practicable, or otherwise remedy or mitigate, adverse effects associated with land instability by managing earthworks associated with subdivision.
EARTH-P2 – Risk	To design and undertake earthworks associated with subdivision to minimise potential risks to people, property and the environment from land instability.
EARTH-P3 - Kauri dieback disease	To discourage earthworks within the vicinity of New Zealand Kauri tree ( <i>Agathis Australis</i> ) and to ensure that earthworks are designed so as to avoid the spread of plant pathogens including <i>Phytophthora Agathidicida</i> (Kauri Dieback Disease)

## Rules

EARTH-R1	Earthworks Associated with Subdivision	
<b>All Zones</b>	Activity Status: Controlled	Activity Status when compliance not achieved: Restricted Discretionary

# Earthworks (EARTH)

## Where:

1. The earthworks associated with subdivision do not occur within:
  - a. A Site of Significance to Māori.
  - b. 10m of any archaeological site.
  - c. Three times the maximum radius of the canopy dripline of a New Zealand Kauri tree (*Agathis Australis*).
2. A site suitability report prepared by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer) is provided which certifies that:
  - a. A 100m<sup>2</sup> building area within each allotment is suitable to construct a building either:
    - i. In accordance with NZS 3604/2011; or
    - ii. With specific engineering design of foundations.
  - b. Access to the certified building area within each allotment is suitable to construct.

## Matters of control:

1. Effects on the stability and safety of surrounding land, buildings and structures, including infrastructure.
2. Protocol for accidental discovery of kōiwi, archaeology and artefacts of Māori origin.
3. Appropriate methods to avoid, or where avoidance is not possible, contain or control the spread of plant pathogens.
4. Building and access location, scale and design.
5. The adequacy of the site suitability report and any further information provided through the consent process and any conditions, recommendations and development restrictions.

## Note:

1. *Acceptable means of compliance for the site suitability report are contained within the Whangārei District Council Environmental Engineering Standards.*

## Matters of discretion:

1. The matters of control listed in EARTH-R1.
2. Effects on heritage values.
3. The potential increased risk of instability based on the location, layout and design of the subdivision.
4. The likelihood of a hazard arising from an unstable land event and the likely extent of any damage.
5. Any exacerbation of an existing land instability hazard or creation of a new land instability hazard and possible effects on public health and safety and other property.
6. The proposed use of, necessity for and design of hard engineering solutions for land instability hazards.
7. The ability to design, construct and maintain future buildings, structures and access so that they are resilient to land instability hazards.
8. The need for a site suitability report or geotechnical assessment.
9. The potential effects on sources of drinking water for human consumption.
10. The extent to which appropriate methods are used to prevent the spread of plant pathogens or unwanted organisms (as listed under the Biosecurity Act 1993), including but not limited to Kauri Dieback Disease.

# **Report 11 – Signs and Lighting Proposed Plan Change 82A and 82B**

## **Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Signs (SIGN) Chapter
2. Recommended Lighting (LIGHT) Chapter

## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 10 of the s42A Report. It is split into two parts:
  - I. Signs
  - II. Lighting
4. Where this report refers to the s42A Report it is referring to Part 10. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 9.
5. It is noted that the s42A Report recommended changes to the zone names in accordance with the National Planning Standards. The changes to the zone names are detailed below.

Notified Zone Name	S42A Recommended Zone name
Signs ( <b>SI</b> )	Signs ( <b>SIGN</b> )
Lighting ( <b>NL</b> )	Lighting ( <b>LIGHT</b> )

## Evaluation of Submissions

### Part I: Signs

#### Topic A: Whole Plan Change

##### Relevant Submissions

Submitter	Submission# & Point #
North Sawn Lumber Ltd	249.7
Volume Two Ltd	250.7

##### Principal Issues Raised

- General support of the provisions of PC82A and the consequential amendments.

##### Reporting Planner's s42A Recommendation

6. This was dealt with at paragraph 35 of the s42A Report. The recommendation from the reporting officer was to retain the Signs Chapter as notified, noting that consequential amendments have been recommended as set out in Attachment 2 of the s42A report.

##### Evidence from Submitters and Right of Reply

7. No evidence was presented on this matter.

##### Discussion and Reasons

8. We did not hear any evidence in support of the submissions and agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### Topic B: Overview

##### Relevant Submissions



Submitter	Submission# & Point #
124 Tauroa Street Ltd	160.36
Fonterra Ltd	202.29
New Zealand Transport Agency (NZTA)	240.51

#### Principal Issues Raised

- Retention of the Overview as notified
- Amendment of the Overview.
- Amendment of the Overview.

#### Reporting Planner's s42A Recommendation

9. This was dealt with at paragraph 40 of the s42A Report. Tauroa's support for the Overview was acknowledged. Ms Belgrave agreed with some, but not all changes as requested by Fonterra and NZTA. The recommendation was to amend the Overview as detailed in Attachment 2 of the s42A report.

#### Evidence from Submitters and Right of Reply

10. Mr Dean Chrystal for Fonterra confirmed in his tabled statement of evidence that Fonterra were not pursuing their submission regarding this section of the plan.
11. Subsequent to the Hearing the Council engaged with the NZTAs planner to clarify the nature of the NZTAs requests. It is our understanding that the recommended chapter has resulted from this discussion, although does not fully overcome all of the NZTA's concerns, including not accepting all of their recommended changes to the Overview.
12. The Oil Companies endorsed the position of the reporting planner.
13. The Right of Reply paragraph 31, in response to questions from the Panel, recommended additional commentary within the Issues (formerly Overview) section to clarify that the definition of Illuminated Sign includes reflective signs, digital signs, and signs that incorporate flashing, animation and variable message displays.

#### Discussion and Reasons

14. We consider that whilst the changes to the Overview recommended by the Council in their Right of Reply do not include all of the changes sought by the NZTA, the recommended changes to the Overview provide appropriate clarity and we therefore agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report and outlined in the Right of Reply.

### **Topic C: Objectives**

#### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.2
Tauroa	160.37
Fonterra	202.30
Fonterra	202.31
NZTA	240.52
NZTA	240.53

#### Principal Issues Raised

- Retention of SI-O1 and SI-O2.
- Amendment of SI-O1 as notified.
- Amendment of SI-O2 as notified.

#### **Reporting Planner's s42A Recommendation**

- This was dealt with at paragraphs 48 - 50 of the s42A Report. The Oil Companies and Tauroa's support for SI-O1 and SI-O2 was acknowledged. The proposed amendments sought in Fonterra's submission were not supported. Overall it was considered appropriate for the chapter to recognise the potential for signage to have a positive impact on the receiving environment.
- The amendments sought by NZTA relating to the inclusion of cyclist safety within SI-O1 and the safe and efficient operation of the transport network within SI-O2 were supported. It was noted that a consequential amendment should be made to SI-O1 to replace 'traffic safety' with 'transport network' to ensure consistency across the objectives and policies. The recommendation was to:
  - Amend SI-O1 as set out in Attachment 2 of the S42A Report.
  - Amend SI-O2 as set out in Attachment 2 of the S42A Report.

#### **Evidence from Submitters and Right of Reply**

- In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.
- Mr Dean Chrystal, in his tabled evidence, confirmed that whilst Fonterra still considered the matters raised in their submission to be valid, they had decided not to pursue them further.
- Ms Georgina McPherson for The Oil Companies confirmed that she considered that the proposed changes retain the intent of Objectives S1-01 and S1-02 and urged the panel to accept the recommendations in the S42A Report.

#### **Discussion and Reasons**

- Given the general acceptance of the suggested updates (noting that Fonterra are not pursuing this matter) we accept the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

## **Topic D: Policies**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Fonterra	202.32
Tauroa	160.38
The Oil Companies	101.3
NZTA	240.54
Fonterra	202.33
Fonterra	202.34
The Oil Companies	101.4
Fonterra	202.35
NZTA	240.55
NZTA	240.56

#### **Principal Issues Raised**

- Amendment of SI-PI.

- Retention of SI-PI to P8 as notified.
- Retention of SI-PI, P3, P3, P4 and P8.
- Retention of SI-PI, P3, P4 and P5.
- Support for SI-P3.
- Amendment of SI-P4.
- Amendment of SI-P7.
- Amendment of SI-P8.

#### **Reporting Planner's s42A Recommendation**

21. This was dealt with at paragraphs 62 - 67 of the s42A Report. Support for the SI policies was acknowledged. The reporting officer was not in agreement with Fonterra and NZTA on SI-P4 that it was necessary to amend the title of the policy, nor with the amendment sought by Fonterra about removing the reference to the "relevant authorities".
22. There was support for the changes sought to SI-P7 within the Oil Companies' submission point relating to "controlling" (as opposed to "limiting") the use of illuminated signage. For reasons previously stated, Ms Belgrave did not support Fonterra's submission seeking amendments to SI-P7 relating to signage detracting from the amenity and character values of an area. There was support for the amendment of SI-P7 to include the word "design" into the objective, as it is a useful clarification. Ms Belgrave did not however, support the request to delete "brightness" from the policy.
23. There was support for NZTA's submission to amend SI-P8 to require illuminated signage to be located and designed to "minimise" (as opposed to "manage") potential adverse effects on traffic safety. The recommendation was to:
  - a. Retain SI-P1 – P6 as notified.
  - b. Amend SI-P7 as set out in Attachment 2 of the s42A Report.
  - c. Amend SI-P8 as set out in Attachment 2 of the s42A Report.

#### **Evidence from Submitters and Right of Reply**

24. Evidence was presented by Ms McPherson on behalf of The Oil Companies. She confirmed that with the exception of three submission points, the Oil Companies endorse the recommendations of the Reporting Planner. However, they do not support the change to SI-P8 recommended in the S42A report to require minimisation of adverse effects and do not agree that it is warranted by the requirement in the SI objectives to avoid or mitigate the adverse effects of illuminated signage on traffic safety. They prefer the policy to stay as originally notified (manage adverse effects).
25. In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.
26. Mr Chrystal for Fonterra confirmed that he was comfortable with the S42A recommendations regarding SI-P3 and SI-P4.
27. Ms Belgrave responded in page 11 of the RoR. Her position and reasons for it as outlined in the s42A report were unchanged.

#### **Discussion and Reasons**

28. In relation to the evidence of Ms McPherson, we agree with the Reporting Officer, as set out in the Right of Reply that it is appropriate to require a more stringent management approach in relation to effects on traffic safety. Overall we agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report and Right of Reply.

## Topic E: Hospital

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.27

### Principal Issues Raised

- Amendments to the SI rules and associated definitions that apply in the SPH to enable backlit signage to be located within the SPH as a permitted activity, with multiple signs enabled to be located on any road frontage of the SPH to an adjoining road.

### Reporting Planner's s42A Recommendation

29. This was dealt with at paragraph 70 - 71 of the s42A Report. There was support for the provision of illuminated signage for the hospital. A restricted discretionary activity status as notified was considered too onerous and restrictive for the needs and requirements of the hospital, given that it is identified as a regionally significant resource. The reporting officers were of the position that hospital signs fall within the scope of the definition "community signs". It was recommended that:
- Amend the SI chapter to include a new permitted activity illuminated signage rule for signs not visible from beyond the site boundary as outlined in Attachment 2 of the S42A Report.
  - Amend SI-R15 to permit illuminated signs where they are community signs as outlined in Attachment 2 of the S42A Report.
  - Retain the definition of "community sign" as notified.

### Evidence from Submitter and Right of Reply

30. Mr McAlley for the NDHB noted general support for the changes recommended in the S42A report, but proposed a further amendment to SI-R2 to ensure that the requirement to comply with relevant building and major structure height in relation to boundary setbacks do not apply to community signs.
31. In their Right of Reply the Council noted that this was not a matter raised in the NDHB original submission or further submission. They suggested that this request is out of scope.

### Discussion and Reasons

32. In relation to the further amendment to SI-R2 raised at the hearing, we agree with the view of the Reporting Officer that as the DHB did not submit on or request any change to this rule or raise any issues with its content or application as part of their primary or further submission this matter is out of scope.
33. In relation to the other matters raised in the submission and discussed in the S42A report, we agree with the analysis and recommendation of the Reporting Officer.

## Topic F: Safety

### Relevant Submissions

Submitter	Submission# & Point #
E Pennington	15.2

### Principal Issues Raised

- A speed restriction from Waipu fire station along and over McLean Bridge to reduce speed to 65 kph, and a turning safe sign to be installed into boat club parking.

### Reporting Planner's s42A Recommendation

34. This was dealt with at paragraph 74 of the s42A Report. The relief sought by the submitter was considered to fall outside of the scope of the plan change process and SI chapter. The recommendation was to:
- a. Retain the SI chapter as notified, noting that amendments have been recommended in response to other submissions as set out in Attachment 2 in the S42A Report.

### Evidence from Submitter and Right of Reply

35. We did not hear any evidence in support of the submission and agree that the submission is not within scope of the plan change.

### Discussion and Reasons

36. We agree with the analysis and recommendation of the Reporting Officer as we agree that this matter is not within the scope of the plan change.

## **Topic G: Technical Standards**

### Relevant Submissions

Submitter	Submission# & Point #
Fonterra	202.39

### Principal Issues Raised

- Technical report appended to the s32 does not specify the limitations listed in SI-R17, which according to the submitter need to be supported by a technical report to confirm they are appropriate.

### Reporting Planner's s42A Recommendation

37. This was dealt with at paragraph 77 - 78 of the s42A Report. Given the technical nature of the submission, advice was sought from Mr Gibson who confirmed that the limitations listed in the table in SI-R17 had been taken from TR 5 Brightness of Illuminated Advertisements 1999 (Technical Report No. 5). The guidance published in Technical Report No.5 has been used by other councils in New Zealand as a method of limitation of the brightness of illuminated signs.
38. The reporting officer relied on the expertise of Mr Gibson, and on this basis, is of the position that the limitations listed in SI-R17 are supported by Technical Report No.5 and are appropriate. The recommendation was to:
- a. Retain SI-R17 as notified, noting that amendments have been recommended to this rule in response to submissions as set out in Attachment 2 of the S42A Report.

### Evidence from Submitter and Right of Reply

39. Mr Chrystal for Fonterra confirmed that Fonterra were not pursuing this matter.
40. Whilst this submission is not directly addressed in the Right of Reply, changes are proposed to the SI-R17 and the table within it in response to other submissions. This includes the replacement of the original table with the table promoted by Mr Muir for the NZTA. In paragraph 9.6(a) Mr Muir provides some technical justification for the table/lighting levels as he confirms that the values of

150 and 300 cd/m<sup>2</sup> have come from AS/NZS4282:2019 Table 3.5 (although the figure of 350cd/m<sup>2</sup> for centres is consistent with what he considers to be best practice rather than being from AS/NZS4282:2019 Table 3.5).

### Discussion and Reasons

41. In relation to this specific submission we agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report. This submission has been superseded by the recommended changes to SI-R17 which include the replacement of the table included in the notified version of the plan with a new table. This new table is in part based upon justifiable technical information from AS/NZS4282:2019 Table 3.5, and so in part addresses the concerns of the submitter. It is recommended that in the circumstances the submission be rejected.

## Topic H: Activity Status

### Relevant Submissions

Submitter	Submission# & Point #
Mitre 10	36.13
Woolworths	51.9

### Principal Issues Raised

- Submitters wished to see the retention of the restricted discretionary activity status of SI-R9.

### Reporting Planner's s42A Recommendation

42. This was dealt with at paragraph 81 of the s42A Report and the recommendation was that the reporting officer agreed with the submitters that SI-R9 be retained as notified.

### Evidence from Submitters and Right of Reply

43. Mr Foster tabled evidence for Woolworths. He confirmed Woolworths support for the reporting officer recommendation.

### Discussion and Reasons

44. We agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

## Topic I: Matters of Discretion

### Relevant Submissions

Submitter	Submission# & Point #
NZTA	240.58

### Principal Issues Raised

- Retention of the matters of discretion as notified in SI-R2 – SI-R12 and SI-R15.

### Reporting Planner's s42A Recommendation

45. This was dealt with at paragraph 84 of the S42A report and the recommendation was to:

46. Retain SI-R2 – SI-R12 and SIR-15 as notified, noting that amendments are recommended in response to other submissions as set out in Attachment 2 of the S42A.

**Evidence from Submitter and Right of Reply**

47. In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.

**Discussion and Reasons**

48. We agree with the recommendation of the Reporting Officer that the matters of discretion be retained as notified as set out in the s42A Report.

## Topic J: New Illuminated Signage Rule

**Relevant Submissions**

Submitter	Submission# & Point #
Fonterra	202.38

**Principal Issues Raised**

- Insertion of a new Illuminated Signage rule into the SI chapter

**Reporting Planner's s42A Recommendation**

49. This was dealt with at paragraph 87 of the s42A Report. It was agreed that the notified illuminated signage rules (SI-R17 and SI-R18) are unduly restrictive for signs such as "official signs" which may be illuminated and are needed for various matters including public safety. The relief requested was supported insofar as permitting the types of signs identified in the submission above, noting the recommendation that illuminated signage be added to existing rules SI-R13 – 15 relating to community, road and official signs, and the addition of a new rule (SI-RNew2) to permit any illuminated signs not visible from beyond a site boundary. The recommendation was to:
- Amend the SI chapter to include a new permitted illuminated signage rule as outlined in Attachment 2 of the S42A.
  - Amend SI-R13 – R15 to permit illuminated signage as outlined in Attachment 2.

**Evidence from Submitter and Right of Reply**

50. Mr Chrystal for Fonterra confirmed in his tabled statement of evidence that the section 42A Report recommendations appropriately address the matter raised in Fonterra's submission.

**Discussion and Reasons**

51. We agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

## Topic K: SI-R1 – Any Activity Not Otherwise Listed in this Chapter

**Relevant Submissions**

Submitter	Submission# & Point #
NZTA	240.57
Tauroa	160.39



### Principal Issues Raised

- NZTA seeks amendments to the notes in SI-R1; and
- That they are numbered (1) and (2) for ease of referencing.
- Tauroa seeks the retention of SI-R1 as notified.

### Reporting Planner's s42A Recommendation

52. This was dealt with at paragraph 92 - 92 of the s42A Report. Tauroa's support for the rule was acknowledged. The changes requested by NZTA were supported, and it was agreed that numbering the notes and clarifying NZTA's role as a road controlling authority for the state highway network is a useful clarification. The recommendation was to amend SI-R1 as outlined in Attachment 2 of the s42A Report.

### Evidence from Submitters and Right of Reply

53. In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.

### Discussion and Reasons

54. We agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report

## **Topic L: SI-R2 – Any Sign Visible from Beyond the Site on which it is Located**

### Relevant Submissions

Submitter	Submission# & Point #
Tauroa	160.39
Fonterra	202.36
NZTA	240.59
NZTA	240.60
WDC Infrastructure	242.12
WDC Infrastructure	242.13

### Principal Issues Raised

- Tauroa seeks to retain SI-R2 as notified.
- Fonterra and NZTA each request the amendment of SI-R2.
- NZTA requests that new (or similar) subparts are added to SI-R2.
- WDC Infrastructure requests reconsideration of the wording.
- WDC Infrastructure request the insertion of the same rule exemption that is included in rules SI-R3 – SI-R13.

### Reporting Planner's s42A Recommendation

55. This was dealt with at paragraphs 101 - 106 of the s42A Report. Whilst accepting Tauroa's support for the rule it was noted that recommended amendments are proposed in relation to other submissions.
56. The relief sought by Fonterra in the amendment to SI-R2.1(b) was supported in part. However, in order to achieve the intent of the submission, and improve clarity and readability, it was



recommended that the rule is re-drafted.

57. The relief sought by NZTA in SI-R2 was supported in part. Due to no specific rule, alternative approach or marked-up version of SI-R2 to make it clear what specific change is requested, the relief requested by WDC Infrastructure regarding SI-R2.1(d) was not supported.
58. It was agreed that the current wording of SI-R2 and SI-R2.1(c) is overly onerous. However, the relief suggested in WDC Infrastructure's submission to impose the same exclusion utilised within SI-R3 – R12 to this rule was not supported due to unintended consequences. It was considered appropriate to amend SI-R2.1(c) to exclude community signs, road signs and official signs from this requirement, to ensure that those signs can utilise this permitted activity rule as intended.
59. A consequential amendment is required to the rule exemptions for SI-R3 – R12, to clarify that this includes SI-R2. The recommendation from the reporting officer was to:
  - a. Amend SI-R2 as set out in Attachment 2 of the S42A.
  - b. Amend rule exemption in SI-R3 – R12 as set out in Attachment 2.

#### **Evidence from Submitters and Right of Reply**

60. Mr Muir presented evidence for NZTA on their amendments to SIGN-R2. Ms Belgrave responded in pages 5 - 6 of the RoR. She agreed with the addition of 'no sign resembling an official sign, road sign or traffic signal' and recommended the amendment of SIGN-R2.1(e) as detailed in Attachment 1.
61. On the addition of a new rule SIGN-R2.1(f) stating that signs shall not contain reflective material, contain any flashing and/or revolving lights or contain any moving parts, images, text, animation or dynamic display, as discussed in Mr Muir and Mr Landon-Lane's evidence for NZTA. The Council's right of reply confirmed that following the hearing conferencing was undertaken with NZTA where it was agreed that NZTA would no longer be pursuing this change, provided the definition of illuminated signs is updated to include 'reflective material'. It was agreed with NZTA that SIGN-R2.1(f) was not required given the definition of illuminated signs as originally requested.
62. On the addition of a new rule SIGN-R2.1(g), Ms Belgrave recommended the amendment of SIGN-R2 as detailed in Attachment 1 of the RoR, which provided an alternative wording to that requested by the NZTA to ensure that the reference to official signs and pedestrian crossings is removed.
63. Ms Osborne presented evidence for NZTA on a rule exemption and amendment to SIGN-R2.1(d). Ms Belgrave responded in page 7 of the RoR. Ms Belgrave recommended the amendment of SIGN-R2 as detailed in Attachment 1 of the RoR.
64. In the Council Right of Reply, Ms Belgrave agreed with the evidence presented by Ms Osborne for WDC Infrastructure and accepted the amendments to R15.1.

#### **Discussion and Reasons**

65. We agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### **Topic M: SI-R3 – Any Sign in Living, Neighbourhood Commercial, Marsden Primary Centre – Town Centre South, Rural Village Residential and Rural (Urban-Expansion) Zones**

#### **Relevant Submissions**

Submitter	Submission# & Point #
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Summerset	205.22
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#### Principal Issues Raised

- Amendment of discretion 1 in SI-R3.

#### Reporting Planner's s42A Recommendation

66. This was dealt with at paragraph 109 of the s42A Report. The submission did not make clear why the matter of discretion 1(b) is too broad. The recommendation was to retain SI-R3 as notified.

#### Evidence from Submitter and Right of Reply

67. No evidence was presented on this matter.

#### Discussion and Reasons

68. We have re-examined the original submission and agree with the Council that it does not confirm why the matter of discretion is considered too broad. In the absence of any justification from the submitter, we agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### **Topic N: SI-R6 – Any Sign in the Waterfront Zone and Rural Village Centre Zone**

#### Relevant Submissions

Submitter	Submission# & Point #
NDC	147.5
WDC Infrastructure	242.14
WDC Infrastructure	242.15

#### Principal Issues Raised

- NDC opposes the restriction of three signs per site in Rule SI-R6 as this is not the most effective and efficient method for achieving the objectives of the WZ.
- WDC infrastructure submitted that:
  - Amendment of SI-R6 to
  - refer to 'tenancies' rather than 'site'.
  - The use of a different descriptor for the number of signs e.g. per activity, or per area, whichever is the lesser in SI-R6.1.
  - A different method in SI-R6.3 to restrict the proliferation of signs and their area that is suited to this particular zone and clarify a descriptor for the total area of signs e.g. per activity, or per area, whichever is the lesser.

#### Reporting Planner's s42A Recommendation

69. This was dealt with at paragraphs 114 - 116 of the s42A Report. The relief requested by NDC was not supported, due to insufficient information to justify the relief, beyond saying it isn't the most efficient or effective method to refer to "sites" instead of "tenancies."
70. The use of the term "site" was an appropriate descriptor for the number of signs. The relief sought by WDC Infrastructure such as "per activity", was not defined and was considered more open to interpretation and implementation issues. It was recommended that the term "site" is retained.
71. A different method in SI-R6.3 to restrict the proliferation of signs was not supported. The

submission from WDC Infrastructure provided no specific relief or alternatives as to how the rule should be drafted. It was recommended that SI-R6 is retained as notified.

#### **Evidence from Submitters and Right of Reply**

72. Ms Osborne from WDC Infrastructure presented evidence in support of the submission. While acknowledging the unique situation in which many sites located within these zones are managed, during pre-hearing conferencing, Ms Osborne agreed that there is no workable option to support this change. As a result, it was agreed that the wording was to remain as notified.

#### **Discussion and Reasons**

73. Given the lack of justification or alternative option put forward by NDC, and the agreement with WDC Infrastructure that there was not a suitable alternative wording, we agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### **Topic O: SI-R9 – Any Sign within the City Centre, Commercial, Shopping Centre, Light Industry and Active Sport and Recreation, Rural Village Industry Zone, Mixed Use, Local Commercial Zones**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Mitre 10	36.10
Mitre 10	36.11
Mitre10	36.12
Kheehy	144.2
Tauroa	160.40
WDC Infrastructure	242.16
WDC Infrastructure	242.17

#### **Principal Issues Raised**

- Request to reword SI-R9.
- Amendment of SI-R9.8.
- Amendment of SI-R9.
- The use of a different descriptor for the number of signs e.g. per activity, or per area, whichever is the lesser in SI-R9.1.
- An alternative method to restrict height of signs in SI-R9.

#### **Reporting Planner's s42A Recommendation**

74. This was dealt with at paragraphs 126 - 131 of the s42A Report. The reporting officer agreed that the notified maximum permitted signage areas in SI-R9 are overly restrictive and onerous for certain zones, and that the zones in which SI-R9 currently apply differentiate in amenity values and the types of amenity anticipated. Furthermore, SI-R9 is in some cases not practical.
75. There was agreement with the submissions that the Shopping Centre, Commercial and Light Industrial Zones are more business focussed and have a lower level of amenity, and that it would be appropriate to allow greater sign areas where industrial development and large format retail are prevalent. However, 30m<sup>2</sup> per sign as requested by Mitre 10 didn't have enough evidence or justification to support a change this large. It was recommended that a new rule SI-RNew1 is incorporated into the SI chapter for the SCZ, COM and LI with new maximum permitted sign area limits which are double the notified limits in SI-R9.

76. Ms Belgrave did not support amending the maximum signage area for the City Centre, Sport and Active Recreation, Rural Village Industry, Mixed Use or Local Centre Zones. However, she agreed with the relief requested by Mitre 10 to amend SI-R9.8 to increase the area and height thresholds for directional signage.
77. The request to use a different descriptor for the numbers of signs on “sites” was not supported, nor the request to use an alternative method to restrict the height of signs in SI-R9 as the submission did not propose an alternative method. The recommendations were to:
- Amend SI-R9 as outlined in Attachment 2 of the s42A report.
  - Amend the SI chapter to incorporate a new rule for the Shopping Centre, Commercial and Light Industry Zones as outlined in Attachment 2.

#### **Evidence from Submitters and Right of Reply**

78. Heather Osborne for WDC Infrastructure confirmed that whilst she still anticipated that the descriptor for the number of and area for signs within certain zones will hinder reasonable scales of signage within the context of wider public spaces, it is appreciated that the use of a ‘per-area’ or ‘per-activity’ descriptor creates room for interpretation issues that appear unable to be resolved. Therefore, I can confirm that this recommendation is acceptable, where no alternative is available.

#### **Discussion and Reasons**

79. We consider that the compromises recommended by the Right of Reply has adopted an appropriate balance for each zone, and also recognises that as with SI-R9 no appropriate alternative has been found to the originally proposed restrictions on size and number. Given this, we agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the Right of Reply.

### **Topic P: SI-R10 – Any Sign within the Heavy Industry, Marsden Primary Centre Industry Zones, Port and Strategic Rural Industry Zones**

#### **Relevant Submissions**

Submitter	Submission# & Point #
Fonterra	202.37
NZTA	240.61

#### **Principal Issues Raised**

- Support for SI-R10.
- Amendment of SI-R10.

#### **Reporting Planner’s s42A Recommendation**

80. This was dealt with at paragraph 135 - 136 of the s42A Report. Fonterra’s support for SI-R10 as notified was acknowledged. Mr Chrystal for Fonterra confirmed acceptance of the recommendation.
81. Not enough information or justification was provided for the amendments requested by NZTA. Ms Belgrave’s position was that the relief requested is too onerous and restrictive in the applicable zones where greater signage requirements are likely to be needed, and there is a much lower level of amenity needing to be managed.
82. The recommendation was to retain SI-R10 as notified.

#### **Evidence from Submitters and Right of Reply**

83. Mr Chrystal for Fonterra confirmed in his tabled evidence that the section 42A Report recommendations appropriately address the matters raised in Fonterra's submissions.
84. Mr Muir presented evidence in support of the NZTA submission to amend SIGN-R10 to similar controls to SIGN-R9. Ms Belgrave responded in page 7 – 8 of the RoR and did not agree with the request and indicated that the NZTA's evidence did not provide any additional justification as to why the additional controls are needed. Her recommendation in the s42A report still stands.

#### Discussion and Reasons

85. Given the lack of evidence from the NZTA as to why the rule should be altered, we agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### Topic Q: SI-R12 – Any sign of a Verandah

#### Relevant Submissions

Submitter	Submission# & Point #
WDC Infrastructure	242.13/14

#### Principal Issues Raised

- The removal of a loophole from SI-R12.1.

#### Reporting Planner's s42A Recommendation

86. This was dealt with at paragraph 139 of the s42A Report and the recommendation was to retain SI-R12 as notified as, at this stage, Ms Belgrave disagreed that there was a loophole.

#### Evidence from Submitter and Right of Reply

87. Ms Osborne gave evidence on behalf of WDC Infrastructure on this issue and as a result of the evidence Ms Belgrave agreed with the evidence presented by Ms Osborne and accepted that a loophole existed in relation to R15.1 and recommended an amendments to R12 to ensure that it was clear that Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R13 – 15 along with amendments to R15.1 as shown in Attachment 1 to the RoR.

#### Discussion and Reasons

88. We agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### Topic R: SI-R13 – Any Official Sign

#### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.5
NZTA	240.62
Transpower	247.2
KiwiRail	265.18

#### Principal Issues Raised

- The retention of SI-R13 as notified.

#### Reporting Planner's s42A Recommendation

89. This was dealt with at paragraph 142 of the s42A Report and the recommendation was to retain SI-R13 as notified.

#### **Evidence from Submitters and Right of Reply**

90. In her tabled evidence for the Oil Companies Ms McPherson urged the panel to accept the officer's recommendation. KiwiRail also confirmed their acceptance of the recommendation.
91. In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.

#### **Discussion and Reasons**

92. We agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report.

### **Topic S: SI-R15 – Any Community Sign**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
NZTA	240.63
WDC Infrastructure	242.19
WDC Infrastructure	242.20
WDC Infrastructure	242.21

#### **Principal Issues Raised**

- NZTA requested an amendment of SI-R15 to provide greater control over signs within the road or public place.
- Removal of a loophole from SI-R15.1.
- Clarity around the meaning of “variable content” in SI-R15.1.
- Request that “adjoining zoning” be changed to “relevant zoning” in SI-R15.1.

#### **Reporting Planner's s42A Recommendation**

93. This was dealt with at paragraphs 148 - 152 of the s42A Report. There was support for NZTA's submission point in so far as it relates to imposing additional controls on community signs located within the reserve area of State Highways.
94. There was no support for the relief requested by WDC Infrastructure as it was unclear as to what the 'loophole' is or the specific relief sought.
95. It was acknowledged that the current structure of SI-R15 does not provide clarity and context on the restrictions surrounding signs that have variable message displays and was recommended that “variable content” is relocated to SI-R15.2 and that the reference to “variable content” be replaced by “variable message displays”.
96. The amendments sought by WDC Infrastructure in relation to referencing the underlying zoning as opposed to the zoning of the adjoining land when considering signage within any road or public place were supported. The recommendation was to:
- Amend SI-R17 as set out in Attachment 2 of the s42A.
  - Retain SI-R18 as notified, noting the consequential amendment required to include an advisory note as set out in Attachment 2.

- c. Amend the definition of “Illuminated Sign” as set out in Attachment 1 to Part 1 of the s42A Report.

### **Evidence from Submitters and Right of Reply**

97. In her evidence Ms Heppelthwaite for the NZTA noted that the NZTAs submissions had been accepted.
98. Heather Osborne presented evidence in support of the WDC Infrastructure submission. Ms Belgrave responded in page 4 of the RoR and agreed that amendments are required to remove the ‘loophole’ within the rules relating to Community Signs. She confirmed that the intent of the various rule exemptions was to generally exclude community signs from the bulk and location restrictions of each zone, as more specific, permissive standards are provided for within SIGN-R15 (although community signs are still required to comply with the requirements of SIGN-R2). She recommended the amendment of SIGN-R15.1 as detailed in Attachment 1 of the RoR.

### **Discussion and Reasons**

99. We accept that there is a loophole in the rule as notified and agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the S42A Report and Right of Reply.

## **Topic T: SI-R17 and SI-R18 - Illuminated Signage**

### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Mitre 10	36.14
The Oil Companies	101.1
Summerset	205.23
NZTA	240.64
NZTA	240.65
NZTA	240.66
NZTA	240.67
NZTA	240.68
NZTA	240.69
Fonterra	202.28

### **Principal Issues Raised**

- Amendment of SI-R17.
- Amendment of SI-R18.
- Removal of NL-REQ1.4 for the NL chapter and in the inclusion of the rule requirement into SI-R17.

### **Reporting Planner’s s42A Recommendation**

100. This was dealt with at paragraph 163 - 168 of the s42A Report. The submissions from Mitre 10 and The Oil Companies seeking to provide for illuminated signage as a permitted activity were not supported, due to a need to consider signage within the Zones listed in SI-R17 on a case by case basis.
101. There was agreement that the inclusion of “duration of consent” as a matter of discretion for illuminated signage is not necessary.



102. In regards to the Summerset submission, Ms Belgrave did not agree that a restricted discretionary activity status is appropriate for illuminated signage in the zones identified within SI-R18.
103. A limited number of points made within NZTA's submission relating to illuminated signage were supported and due to the technical nature of requests, advice was sought from Keith Gibson (Focus Technology). The recommendation was to:
  - a. Amend SI-R17 as set out in Attachment 2 of the s42A.
  - b. Retain SI-R18 as notified, noting the consequential amendment required to include an advisory note as set out in Attachment 2.
  - c. Amend the definition of "Illuminated Sign" as set out in Attachment 1 to Part 1 of the s42A Report.

#### **Evidence from Submitters and Right of Reply**

104. In his tabled evidence for Fonterra Mr Chrystal confirmed that the S42A recommendations appropriately address the matters raised in Fonterra's submissions.
105. Mr Muir presented evidence in support of the NZTA submission to seek an amendment to the definition of 'Illuminated Sign'. Ms Belgrave responded in page 4 of the RoR and agreed with the recommendation to replace 'face' with 'visible area', but not to remove 'excludes' from the definition. She recommended an amendment to the definition of Illuminated Signs as detailed in Attachment 1 of Part 1 of the RoR.
106. Ms McPherson's evidence on behalf of The Oil Companies continues to seek a permitted activity status for illuminated signs within the zones identified within SIGN-R17, with a restricted discretionary status for non-complying proposals. Ms Belgrave responded in page 8 of the RoR. In her opinion, providing for illuminated signage as a permitted activity is not appropriate. While the standards of SIGN-R17 narrow the scope of consideration for any consent application, case-by-case assessment is required to holistically determine the appropriateness of illuminated signage within any of the identified urban zones. Her position and the reasons for it are unchanged as outlined in the s42A report.
107. Mr Muir and Mr Landon-Lane's presented evidence in support of the NZTA submission to seek an amendment to SIGN-R17 to include new rules SIGN-R17.2(e) and (f) (relating to transition time for images and dwell time). Mr McKenzie assessed their evidence and noted that the applying of dwell and transition times is appropriate, however those requested by NZTA are not, in his opinion, correct or reflective of best practice. Mr McKenzie proposed dwell and transition times that are generally accepted practice. Ms Belgrave relies on the opinion of Mr McKenzie and on this basis, recommended amendments to SIGN-R17.2(f) and (g) as detailed in Attachment 1 of the RoR.
108. Mr Muir and Mr Landon-Lane's evidence outlined that NZTA continue to seek an amendment to SIGN-R17.2(g). Following the hearing, conferencing with NZTA was undertaken with the Council where agreement was reached that NZTA was no longer seeking the requested changes to SIGN-R17.2(g) on the basis that R17 will provide sufficient flexibility to assess the effects of signage.
109. NZTA continue to seek an amendment to SIGN-R17.2(h) relating to the proximity of digital signs to intersections. Mr McKenzie reviewed their evidence but did not support their requested amendments. Ms Belgrave responded on page 10 of the RoR noting that she relies on the expertise of Mr McKenzie.
110. Mr Muir presented evidence on behalf of NZTA, continuing to seek an amendment to SIGN-R17.2(e) regarding maximum brightness levels. Ms Belgrave responded on page 11 of the RoR. Mr Gibson reviewed the evidence and his statement noted that further thought and research of trends have shown it to be more in the Council's interest to adopt the approach requested by NZTA. Ms Belgrave recommended amendments to SIGN-R17.2(e) as detailed in Attachment 1 of the RoR.

#### **Discussion and Reasons**



111. The activity status of illuminated signs remains a difference of opinion between the Oil Companies and the Council. We have considered this matter, taking into account the evidence we received from the NZTA on this rule. We believe that it is clear that there could be adverse effects from an illuminated sign even were it to comply with the standards. Given this we agree with the Council's recommendation that the proposed restricted activity status is appropriate and provides a means for those adverse effects to be considered.
112. In relation to the NZTA's views regarding dwell and transition time, we have considered both their evidence and the Council Right of Reply from Mr McKenzie. We accept Mr McKenzie's opinion that a zero transition time can be distracting to road users and his recommended fixed 0.5 second transition time between images rather than the 0.5 second maximum transition time between images recommended by the NZTA (as this could result in operators using a zero transition time which would cause distraction). We also accept Mr McKenzie's recommendation that 8 seconds is an appropriate minimum dwell time which has been adopted across the country as we were not presented with any compelling evidence that there are local circumstances which meant that we should move away from this.
113. We have also considered and accepted Mr McKenzie's evidence regarding the proximity of signs to intersections and believe that the proposed assessment criteria provide an appropriate, and more precise, means to assess the effect on traffic safety and the efficient and safe function of the roading network without the need to introduce further standards.
114. We note that the illuminated sign brightness limits table added to this rule makes reference to zones which are not included on the list at Sign-R17(1). We recognise that it may be useful to confirm the expected brightness of signs within these zones when considering them as a Discretionary activity and have therefore not recommended any change to this table.
115. Overall agree with the analysis and recommendation of the Reporting Officer for the reasons shown in the s42A Report and Right of Reply, supported by Mr McKenzie's Right of Reply Transport Response.

## **Topic U: SI-R19 – Consolidated Sign Installations**

### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Mitre 10	36.15
The Oil Companies	101.6

### **Principal Issues Raised**

- Request for the deletion of SI-R19.
- Amendment of SI-R19.

### **Reporting Planner's s42A Recommendation**

116. This was dealt with at paragraphs 171 – 172 of the s42A Report. The request from Mitre 10 to delete SI-R19, and the Oil Companies' request to change the activity status relating to consolidated signs was not supported. As it clarifies the activity status for this activity / types of signs it was considered more appropriate that the rule remains as notified.
117. Ms Belgrave agreed with the assessment in the s32 Report for SI-R19. Having no provision for consolidated signage does not provide clear direction in the WDP as to how these types of signs are provided for and managed. A discretionary activity status was seen to be appropriate in ensuring there is a full consideration of consolidated signs. The recommendation was to retain SI-R19 as notified.

### **Evidence from Submitters and Right of Reply**

118. Ms McPherson tabled evidence on behalf of the Oil Companies. She outlined that the Oil companies were still seeking a more permissive activity status for consolidated sign installations requesting Restricted Discretionary rather than Discretionary. Ms Belgrave dealt with this issue on page 11 of the RoR and stood by her recommendation in the s42A Report.

**Discussion and Reasons**

119. Having considered Ms McPherson's tabled evidence and the Council's right of reply, we consider that there is merit in providing for consolidated sign installations to be considered as a restricted discretionary consent rather than a discretionary consent. We believe that providing the clear path for a consent that would be provided by a restricted discretionary activity status would encourage consolidated signage and, as opined by Ms McPherson, could provide a better solution to managing the effect of signage across a comprehensive development and reduce the overall proliferation of signs.
120. We therefore recommend amendments to SI-R18 to provide for consolidated signage as a Restricted Discretionary activity with the relevant assessment criteria being those proposed by Ms McPherson:
1. The effects of the consolidated signage installation, specifically on the amenity values and character of the surrounding zone(s).
  2. Scale, location and content of consolidated signage installations.
  3. The effects of consolidated signage installations on traffic safety and the efficient and safe function of the roading network.
  4. Cumulative effects.

## Part II: Lighting

### Topic A: Chapter Title

#### Relevant Submissions

Submitter	Submission# & Point #
WDC Planning	236.3
NZTA	240.70

#### Principal Issues Raised

- Request the amendment of the chapter title as follows: Outdoor Lighting.

#### Reporting Planners' s42A Recommendation

121. This was dealt with at paragraphs 176 - 177 of the s42A Report. The reporting officer considered it unnecessary to including 'Outdoor' in the Lighting chapter title, as it is evident that the chapter relates only to outdoor lighting. Also it is inconsistent with the National Planning Standard. The s42A recommendation was to amend the chapter title to Lighting (LIGHT).

#### Evidence from Submitters and Right of Reply

122. We did not receive any evidence on this matter.

#### Discussion and Reasons

123. Amending the title to 'Outdoor Lighting' as sought by NZTA would not meet mandatory direction 16 of National Planning Standard, Part 10 Format Standard. The RoR recommends renaming the chapter 'Lighting (LIGHT)'. This is not consistent with the National Planning Standards and we therefore recommend naming the chapter 'Light (LIGHT)' to accord with mandatory direction 16 of National Planning Standard 10 – Format.

### Topic B: Whole Plan Change

#### Relevant Submissions

Submitter	Submission# & Point #
Nga Hapu o Whangārei	215.3
North Sawn	249.8
Volume Two	250.8

#### Principal Issues Raised

- Support for the adoption of national lighting standards.
- Support for the provisions in PC82B, and the consequential amendments to the Whangārei District Plan.

#### Reporting Planners' s42A Recommendation

124. This was dealt with at paragraph 181 of the s42A Report. The support for PC82B was acknowledged and the s42A recommendation was to retain the NL chapter as notified, noting that amendments are recommended in response to submissions as set out in Attachment 3 of the s42A Report.

#### Evidence from Submitters and Right of Reply

125. We did not receive any evidence on this matter.

### Discussion and Reasons

126. We adopt the s42A Report recommendation that these submissions be accepted in part to the extent that the chapter has been retained with amendments in response to other submissions.

## Topic C: Overview

### Relevant Submissions

Submitter	Submission# & Point #
Fonterra	202.20
Summerset	205.24
NZTA	240.71

### Principal Issues Raised

- Amendment of the Overview.

### Reporting Planners' s42A Recommendation

127. This was dealt with at paragraphs 186 - 188 of the s42A Report. The specific inclusion of "health and safety" was supported as it acknowledges the importance of artificial lighting for health and safety purposes, as well as additional amendments requested by Fonterra.
128. The amendments sought by Summerset were not supported as the proposed wording was considered unnecessary.
129. The relief requested by NZTA was agreed with in part, which includes amendments that recognise that lighting assists with wayfinding for the entire transport network (including cyclists and pedestrians) and acknowledges the importance of appropriate lighting design. However, the inclusion of "outdoor" was not supported. The recommendation was to:
- Amend the overview of the NL chapter as set out in Attachment 3 of the S42A Report.

### Evidence from Submitters and Right of Reply

130. We received a tabled statement from Mr Dean Chrystal in support of Fonterra's submissions. Mr Chrystal advised that he considered the s42A Report recommendations appropriately address the matters raised in submissions.
131. Ms Catherine Heppelthwaite presented evidence on behalf of NZTA. She provided an attachment to her evidence setting out the submission points that were recommended to be accepted in the s42A Report. This included the amendments to the Overview to the chapter.

### Discussion and Reasons

132. We adopt the analysis in the s42A Report and its recommended amendments.

## Topic D: NL Objectives

### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.62
The Oil Companies	101.7
NZDF	156.6

Fonterra	202.21
Fonterra	202.22

### Principal Issues Raised

- Retention of NL-O1 as notified.
- Retention of NL-O1 – O3 as notified.
- Retention of NL-O2 as notified, or wording to a similar effect.
- Amendment of NL-O2.
- Amendment of NL-O3.

### Reporting Planners' s42A Recommendation

133. This was dealt with at paragraph 195 - 197 of the s42A Report. Support was acknowledged for NL-O1 – O3. The wording proposed by Fonterra for NL-O2 was not supported due to it not encouraging improved amenity outcomes through use of lighting.
134. The inclusion of "security" in NL-O3 as requested by Fonterra was supported as this is an important function of artificial lighting. The recommendation from the reporting officer was to:
- Retain NL-O1 as notified.
  - Retain NL-O2 as notified.
  - Amend NL-O3 as set out in **Attachment 3**.

### Evidence from Submitters and Right of Reply

135. We received a tabled statement from Mr Dean Chrystal in support of Fonterra's submissions. Mr Chrystal advised that he had considered the s42A Report recommendations and that Fonterra had decided not to pursue its submission points further.
136. We received a tabled statement from Ms Georgina McPherson on behalf of the Oil Companies, which urged us to accept the recommendations in the s42A Report.
137. Ms Perri Unthank presented planning evidence for Fire and Emergency New Zealand (**FENZ**). She confirmed her support for the changes proposed to NL-O1 as set out in the s42A Report.
138. We did not receive any evidence from New Zealand Defence Force.

### Discussion and Reasons

139. We adopt the analysis in the s42A Report and its recommended amendments.

## **Topic E: NL Policies**

### Relevant Submissions

Submitter	Submission# & Point #
NZDF	156.7
The Oil Companies	101.8
Fonterra	202.23
NZTA	240.72
Fonterra	202.24
NZTA	240.73

NZTA	240.74
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### Principal Issues Raised

- Retention of NL-P1 as notified or wording to similar effect.
- Retention of NL-P1 – P2 and NL-P4 – P5.
- Amendment of NL-P1 – P5.

### Reporting Planner's s42A Recommendation

140. This topic was dealt with at paragraphs 206 - 211 of the s42A Report. Support for NL-P1, P2, P4 and P5 was acknowledged. The reporting officer disagreed with the amendments suggested by Fonterra to NL-P1 as the notified wording "maintain" provides clear direction that artificial lighting should not detract from existing amenity.
141. The amendments requested by NZTA to NL-P2 were not supported, as the term "multimodal" is not a commonly used term within the WDP, nor has a definition for the term been provided by NZTA.
142. The amended wording to NL-P3 proposed by Fonterra to refer to "Strategic Business and Industry" was not supported. The reporting officer noted that this is not a term currently used within the WDP and no definition had been provided. It was also noted that the term is not defined in the NRPS, the Standards or the RMA, which made it difficult to assess the impact of the amendment sought.
143. The inclusion of "appropriately designed, installed and maintained" in NL-P4 as requested by NZTA was supported. This was because it will ensure that fit for purpose artificial lighting is provided at the point of development, and maintained, so that the safety value provided is preserved.
144. Amendments to NL-P5 by NZTA were not supported. However, in consideration of the amended wording suggested for NL-P2, new wording for NL-P5 was recommended to provide consistency in terms of specifically referencing cyclists. The recommendation was to:
  - a. Retain NL-P1 as notified.
  - b. Amend NL-P2 as set out in Attachment 3 of the S42A.
  - c. Retain NL-P3 as notified.
  - d. Amend NL-P4 as set out in Attachment 3.
  - e. Amend NL-P5 as set out in Attachment 3.

### Evidence from Submitters and Right of Reply

145. We did not receive any evidence from New Zealand Defence Force.
146. We received a tabled statement from Mr Dean Chrystal in support of Fonterra's submissions. Mr Chrystal advised that he had considered the s42A Report recommendations and that Fonterra had decided not to pursue its submission on NL-P1 further. He further advised that due to the permissive rule framework, he had no further comment to make on NL-P3.
147. We received a tabled statement from Ms Georgina McPherson on behalf of the Oil Companies, which urged us to accept the recommendations in the s42A Report.
148. Ms Catherine Heppelthwaite presented evidence on behalf of NZTA. She advised that she generally concurred with the recommendations in the s42A Report.

### Discussion and Reasons

149. We adopt the analysis in the s42A Report and its recommended amendments.

## **Topic F: NL Rules – General**

### Relevant Submissions

Submitter	Submission# & Point #
The Oil Companies	101.9

### Principal Issues Raised

- Retention of the following provisions: NL-R2, NL-R4, NL-R6.

### Reporting Planner's s42A Recommendation

150. This was dealt with at paragraph 214 of the s42A Report. Support was acknowledged for NL-R2, NL-R4 and NL-R6. The recommendation from the reporting officer was to retain NL-R2, NL-R4 and NL-R6 as notified, noting the amendments recommended in response to other submission.

### Evidence from Submitters and Right of Reply

151. We received a tabled statement from Ms Georgina McPherson on behalf of the Oil Companies, which urged us to accept the recommendations in the s42A Report.

### Discussion and Reasons

152. We adopt the s42A Report recommendation that the Oil Companies' submission be accepted in part to the extent that the rules have been retained with amendments in response to other submissions (discussed below).'

## **Topic G: NL-R2 Any Artificial Lighting**

### Relevant Submissions

Submitter	Submission# & Point #
Fire NZ	165.63
Fonterra	202.25
NZTA	240.75
NZTA	240.76
NZTA	240.77
WDC Infrastructure	242.56

### Principal Issues Raised

- Retention of NL-R2 as notified.
- Amendment of NL-R2.1.
- Retention of NL-R2.2
- Amendment of NL-R2.3
- Request to change the reference to 'Active Sport and Recreation' to 'Sport and Active Recreation' in NL-R2.



### Reporting Planner's s42A Recommendation

153. This was dealt with at paragraphs 222 – 228 of the s42A Report. Support was acknowledged for NL-R2 and NL-R2.2, noting amendments were recommended in respect of some of these provisions. The reporting officer agreed in part with the relief requested by Fonterra to NL-R2. However, the wording requested was not considered consistent with other WDP Chapters. A recommendation was made for the inclusion of a note at the bottom of the NL-R2 table. Recommended wording was set out in Attachment 3 of the S42A.
154. Amended wording was sought for NL-R2.1. Based on the advice provided by Mr Gibson (Council's consultant lighting specialist), it was recommended that the relief sought by NZTA be accepted.
155. Based on the assessment of NZTA's request regarding NL-R2(1) and advice received from Mr Gibson, the reporting officer did not support the amendments to NL-R2(1) and invited NZTA to provide further clarification.
156. An amendment was also sought for NL-R2.3 to include reference to an additional series of standards. Based on advice received from Mr Gibson, the reporting officer supported the relief sought by NZTA to reference the additional standard as requested. It was also recommended that a minor amendment be made to the wording to remove the reference to the standards being a "series", as recommended by Mr Gibson.
157. The reporting officer supported the WDC Infrastructure's request for NL-R2 to correct the zone name to "Sport and Active Recreation". The recommendation from the reporting officer was to Amend NL-R2 as set out in Attachment 3 of the S42A.

### Evidence from Submitters and Right of Reply

158. The RoR highlighted a comment made in NZTA's submission that 'the Council may wish to consider aligning lighting provisions with those in AS/NZ4282 (such as providing a table indicating equivalence).'<sup>1</sup> Mr Muir's evidence for NZTA did not elaborate any further on this point, other than to pose a question whether it is appropriate for the rules to have higher lux levels than in AS/NZS4282:2019 and to ask whether there is a need for lower spill light levels in Low and Medium district brightness areas. NZTA's legal submissions appended proposed wording for the rule to apply AS/NZS 4282 to all zones part from the Sport and Active Recreation Zone and Open Space Zone.
159. This matter was addressed in Mr Gibson's memorandum.<sup>2</sup> Mr Gibson's advice was that the limits in Table 3.2 of AS/NZS 4282 are generally lower than the values specified in the rule. In other words, AS/NZS 4282 is more restrictive. He also provides further explanation how NL-R2 simplifies the requirements to enable measurements to be taken at boundaries. Mr Gibson promoted this approach, as he considered it would be more cost effective to monitor compliance without the need to engage a specialist lighting engineer as would be required if the limits in AS/NZS 4282 applied. He advised that sport lighting can have greater effects than other types of lighting.

### Discussion and Reasons

160. It is clear from Mr Gibson's advice and the Right of Reply that the reference to AS/NZS 4282 is intended to apply solely to the Sport and Active Recreation and Open Space zones. However, we do not think the rule as drafted is clear. Part C of the WDP provides general rules of interpretation, which specifies that lists are to be read conjunctively.<sup>3</sup> With this in mind, lighting in any zone, other than the Sport and Active Recreation and Open Space zones, would fail to meet NL-R2 clause 3, by virtue of the fact it is in another zone. We therefore recommend a minor amendment to clause 3 to clarify the intention for the standards in NL-R2.4 to apply in all zones, other than the Sport and Active Recreation zone and Open Space zone.

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<sup>1</sup> NZTA submission at p32

<sup>2</sup> Attachment 3 to the RoR

<sup>3</sup> Section 4.2 (b) of the WDP



161. We adopt the analysis in the RoR and recommended amendments, with a minor additional amendment NL-R2.3 for the reasons given above. We recommend NL-R2.3 read:

*Artificial lighting located in the Sport and Active Recreation Zone or the Open Space Zone complies with the AS/NZS 1158 and AS/NZS4282 standards.*

## Topic H: NL-R3 Any Artificial Road Lighting

### Relevant Submissions

Submitter	Submission# & Point #
Fonterra	202.26

### Principal Issues Raised

- Amendment to the title of NL-R3.

### Reporting Planner's s42A Recommendation

162. This was dealt with at paragraph 231 of the s42A Report. The inclusion of "public" in the title of NL-R3 as requested by Fonterra was considered to be inappropriate, as this rule should apply to all "roads" as defined in the RMA, and private roads are not captured by the definition of 'road'. Therefore, this rule would not be applicable. The recommendation from the reporting officer was to retain NL-R3 as notified, with consequential amendments to specify the activity status in full (i.e. 'Permitted' instead of 'P').

### Evidence from Submitters and Right of Reply

163. We received a tabled statement from Mr Dean Chrystal in support of Fonterra's submissions. Mr Chrystal advised that the s42A Report's recommendations appropriately addressed the matters raised in the submission.

### Discussion and Reasons

164. We adopt the analysis in the s42A Report and its recommended amendments.

## Topic I: NL-R4 Any Health Safety or Navigational Artificial Lighting

### Relevant Submissions

Submitter	Submission# & Point #
Fonterra	202.27

### Principal Issues Raised

- Amendment of NL-R4.

### Reporting Planner's s42A Recommendation

165. This was dealt with at paragraph 234 of the s42A Report. The wording requested by Fonterra was seen to be more succinct than the notified wording while still maintaining the intent of the rule. The recommendation from the reporting officer was to amend NL-R4 as set out in Attachment 3 of the S42A.

### Evidence from Submitters and Right of Reply

166. We received a tabled statement from Mr Dean Chrystal in support of Fonterra's submissions. Mr

Chrystal advised that the s42A Report's recommendations appropriately addressed the matters raised in the submission.

### Discussion and Reasons

167. We adopt the analysis in the s42A Report and its recommended amendments.

## **Topic J: NL-R5 Any Artificial Lighting for Mineral Extraction Activities**

### Relevant Submissions

Submitter	Submission# & Point #
Atlas	129.19

### Principal Issues Raised

- Amendment of NL-R5.

### Reporting Planner's s42A Recommendation

168. This was dealt with at paragraphs 237 - 241 of the s42A Report. Atlas Concrete Limited (**Atlas**) requested the inclusion of the same exemption to Mineral Extraction Areas as provided for existing Quarrying Resource Areas (**QRAs**) and permitted activity status of fixed plant or security lighting in NL-R5. The reporting officer did not consider these amendments to be appropriate.
169. It was acknowledged that the current wording could create confusion for plan users given that the title of NL-R5 currently reads "Any Artificial Lighting for Mineral Extraction Activities". The reporting officer recommended a better way to address this would be to amend the title of NL-R5 to reference "Any Artificial Lighting for Mineral Extraction activities in Quarrying Resource Areas". Consequential changes would subsequently also be required to NL-P3 to refer to "Mineral extraction activities in identified Quarry Resource Areas".
170. The recommendation from the reporting officer was to:
- Amend NL-R5 as set out in Attachment 3 of the S42A Report.
  - Amend NL-P3 as set out in Attachment 3 of the s42a Report.

### Evidence from Submitters and Right of Reply

171. Atlas tabled two statements of evidence prepared by Graham Collie (CEO of Atlas) and Kaaren Rosser (planning evidence). Ms Rosser was of the opinion that it was appropriate to provide a site-specific exemption for Atlas Brynderwyn Quarry, given its size and operational output and the enclosed valley location of the quarry.
172. The reporting officer continued to recommend that the submission be rejected.<sup>4</sup>

### Discussion and Reasons

173. We agree with the reasoning in the s42A Report that the amendments sought by Atlas are not appropriate. In particular, the Atlas Brynderwyn Quarry is not subject to the QRA rules that require setbacks within QRAs. We therefore find that it is not appropriate to apply more permissive lighting standards to a site that is not subject to the corresponding QRA rules, which assist in internalising effects of operations through the requirement for setbacks. We were also not provided with any evidence on the location and nature of activities on adjoining properties, so we were unable to determine what the impact of the proposed site-specific rule would be.

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<sup>4</sup> RoR at [29]

174. Accordingly, we recommend that the submission is rejected, and the rule is amended as recommended in the Section 42A Report.

## Topic K: NL-R6 Any Car Parking or Loading Spaces

### Relevant Submissions

Submitter	Submission# & Point #
NDHB	206.28
NZTA	240.78
WDC Infrastructure	242.22
WDC Infrastructure	242.57

### Principal Issues Raised

- Amendment of NL-R6.
- Amendment of NL-R6 so that the Hospital Zone is included within the list of zones to which the rule applies.
- Inclusion of a cross reference to the 'Traffic' Chapter in NL-R6.
- Change of NL-R6.2 from "AS/NZS158" to "AS/NZS 1158".

### Reporting Planner's s42A Recommendation

175. This was dealt with at paragraphs 247 - 250 of the s42A Report. The changes requested to NL-R6 by NDHB were not supported, due to an apparent misunderstanding of the application of NL-R6. It was identified in the s42A Report that including the Hospital Zone in NL-R6 is not specifically permitting lighting in this zone, but rather requiring lighting, and to a certain standard. The reporting officer considered the wording requested by NDHB<sup>5</sup> to be more onerous than the notified wording.
176. Given the technical nature of the relief sought by NZTA, advice was sought from Mr Gibson. Based on advice received from Mr Gibson, the reporting officer recommended that the relief sought by NZTA be accepted in part to include the reference to the additional standard as requested. A minor change to the wording to remove the reference to the standards being part of a 'series' was also recommended, as put forward by Mr Gibson.
177. The WDC Infrastructure Group's requested amendments to NL-R6 were not seen by the reporting officer to be necessary, as it is implicit that the provisions only apply to lighting and not the formation of parking or loading spaces. It was however, agreed that a cross reference in the Transport Chapter to the lighting requirements for parking and loading spaces (in the zones specified) could be beneficial.
178. WDC Infrastructure's requested amendments to NL-R6.2 were supported, being corrections to minor errors. The recommendation from the reporting officer was to:
- Amend NL-R6 as set out in Attachment 3 of the s42A Report.
  - Amend TRA-R2 to include a cross reference to the NL Chapter as set out in Attachment 2 of Part 9 of the s42A Report.

### Evidence from Submitters and Right of Reply

<sup>5</sup> We note that the s42A Report referred to 'Public Health Northland', however, on reading the submissions, it is clear that this submission point was in the NDHB submission.

179. Mr Ian McAlley presented planning evidence on behalf of NDHB and advised the recommendations in the s42A Report were supported. Similarly, the planning evidence prepared by Ms Catherine Heppelthwaite on behalf of NZTA generally concurred with the recommendations in the s42A Report.
180. Ms Heather Osborne presented planning evidence on behalf of WDC Infrastructure. At the hearing, she advised that the submission on the Lighting Chapter was resolved by the s42A Report recommendations.

#### Discussion and Reasons

181. We adopt the analysis in the s42A Report and its recommended amendments.

### Topic L: NL-R7 Any Subdivision

#### Relevant Submissions

Submitter	Submission# & Point #
WDC Infrastructure	242.58

#### Principal Issues Raised

- Change to NL-R7 from 'deisgn' to 'design'.

#### Reporting Planner's s42A Recommendation

182. This was dealt with at paragraph 253 of the s42A Report and the recommendation from the reporting officer was to amend NL-R7 as set out in Attachment 3 of the s42A.

#### Evidence from Submitters and Right of Reply

183. As noted above, Ms Osborne for WDC Infrastructure advised that the submission on the Lighting Chapter was resolved by the s42A Report recommendations.

#### Discussion and Reasons

184. We adopt the analysis in the s42A Report and its recommended amendments.

### Topic M: Information Requirement

#### Relevant Submissions

Submitter	Submission# & Point #
Fonterra	202.28

#### Principal Issues Raised

- Amendment of NL-REQ.

#### Reporting Planner's s42A Recommendation

185. This was dealt with at paragraph 256 of the s42A Report. The reporting officer agreed with the request to remove NL-REQ1.4 from the lighting chapter and relocate it to the signage chapter. However, for clarity, the reporting officer recommended a note be included within NL-REQ1 that directs the plan user to the signage chapter for illuminated signs. The recommendation was to:
- Amend NL-REQ1 as set out in Attachment 3 of the s42A.

- b. Amend SI-R17 as set out in Attachment 2 of the s42A Report.

### **Evidence from Submitters and Right of Reply**

186. We received a tabled statement from Mr Dean Chrystal in support of Fonterra's submissions.

### **Discussion and Reasons**

187. We adopt the analysis in the s42A Report. We recommend minor amendments to the recommended wording of NL-REQ1 to correct spelling, numbering, the cross-reference to the 'Signs' rather than 'Signage' Chapter and to relocate the heading 'Notes'. The recommended amendments are as follows:

*Notes:*

1. *Measurements relating to illuminated signage are contained in the Signs Chapter.*
2. *Measurement of the final installation may be required in order to ensure compliance.*

## **Topic N: Safety**

### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
E Pennington	15.3

### **Principal Issues Raised**

- A request for lighting over McLean Bridge and lighting when turning into boat club parking.

### **Reporting Planner's s42A Recommendation**

188. This was dealt with at paragraph 259 of the s42A Report. This request was out of scope, as PC82B does not direct the installation of physical infrastructure. The recommendation from the reporting officer was to not include a provision for lighting over McLean Bridge.

### **Evidence from Submitters and Right of Reply**

189. We did not receive any evidence on this submission point.

### **Discussion and Reasons**

190. We adopt the s42A report analysis and agree that the submission is out of scope. Accordingly, we recommend it is rejected.

## **Topic O: Temporary Lighting**

### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
L Gallie	110.1

### **Principal Issues Raised**

- A request for an extension to the hours of use in artificial, temporary lighting from 12 days to 40 days e.g. 1st Dec -6 Jan.

### **Reporting Planner's s42A Recommendation**

191. This was dealt with at paragraph 262 of the s42A Report. It was noted that the notified NL provisions do not include controls regarding the period of use of artificial lighting. The reporting officer considered the submitter's concern regarding timeframe of use to have already been addressed by the notified provisions. The recommendation was to not include a provision relating to hours of use for artificial lighting.

**Evidence from Submitters and Right of Reply**

192. No evidence was received.

**Discussion and Reasons**

193. We adopt the s42A report analysis and agree that no amendments are necessary, as Christmas light displays will be a permitted activity provided the performance standards in NL-R2 (renumbered LIGHT-R2) are met.

## Recommendations

194. For the reasons set out in this report, we recommend that Council:

1. Amend the provisions as set out in Attachments 1 and 2.
2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 10 of the Section 42A Report and as amended by the Part 9 of the Right of Reply for:
  - a. Plan Change 82A Signs
  - b. Plan Change 82B Lighting

195. With amendments to:

- a. SI-R19 to allow Consolidated Sign Installations as a restricted discretionary activity.
  - b. the Lighting Chapter title, as shown in Attachment 2.
  - c. NL-R2 (renumbered as LIGHT-R2) as shown in Attachment 2.
  - d. NL-REQ1 (renumbered as LIGHT-REQ1) as shown in Attachment 2.
3. Accept or reject submissions on Plan Changes 82A and 82B to the extent that would accord with provisions in Attachment 1 and 2.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# Signs (SIGN)

## Issues

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

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

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

Illumination of signage is increasingly used within the Whangarei District and may be associated with businesses advertising or the conveyance of safety information (including traffic safety). Illuminated signage is generally considered an effective method of conveying information due to its predominance against a dark background. However careful consideration needs to be applied to the design and location of illuminated signage. This is because poorly designed and located illuminated signage can have a detrimental impact on the surrounding environment including amenity and the safe and efficient operation of the transport network. For clarity purposes, the definition of Illuminated Sign includes reflective signs, digital signs, and signs that incorporate flashing, animation and variable message displays.

The District Plan controls apply to permanent signage where it is located on private land, public spaces such as parks and reserves and other civic spaces, and within the road, including footpaths and verandahs of buildings. Temporary signage which can be seen from public areas and the road, such as electoral signage, real estate signage and temporary event signage, is controlled through Council Bylaws. It is important to note that permanent signs located on or over roads, footpaths and public places are also subject to standard construction requirements for public safety purposes as specified in the Council Bylaw. Signs may also be subject to landowner approval and requirements imposed by the road controlling authority under the Land Transport Act 1998. All signs located on or over a state highway are subject to the NZ Transport Agency Signs on State Highways Bylaw 2010.

## Objectives

### SIGN-O1– Provision for Signs

Signage is provided for across a range of zones where:

1. It maintains, or where appropriate enhances, the character and amenity of the surrounding zone.
2. It does not adversely impact heritage values, the transport network, pedestrian and cyclist safety, or impede the efficient use of infrastructure.
3. It is provided in a manner which is efficient, legible and functional.

### SIGN-O2– Illuminated Signs

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



## Signs (SIGN)

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

### Policies

<b>SIGN-P1 – Scale and Intensity</b>	<p>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"> <li>1. Requiring signage to relate to the goods or services available on site.</li> <li>2. Limiting the size, location, and design of signage.</li> <li>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.</li> </ol>
<b>SIGN-P2 – Built Heritage</b>	<p>To avoid adverse effects of signage on scheduled built heritage items or within their surroundings by:</p> <ol style="list-style-type: none"> <li>1. Restricting unnecessary, unsympathetic, large-scale or inappropriate signage.</li> <li>2. Avoiding signs that will damage, dominate, obscure or detract from the built heritage item or surrounds.</li> </ol>
<b>SIGN-P3 – Health and Safety Signs</b>	<p>To provide for signage required to protect the health and safety of the community and enable navigation.</p>
<b>SIGN-P4 – Traffic Safety Signs</b>	<p>To manage signs visible from roads, including the state highway, to maintain traffic safety by:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Controlling the location, size and design of signage visible from roads.</li> </ol>
<b>SIGN-P5 – Community Signs</b>	<p>To provide for permanent community signage where:</p> <ol style="list-style-type: none"> <li>1. It clearly displays the location of public facilities, place-names and their distances, destinations of historical, cultural, spiritual, sporting, or scenic significance.</li> <li>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.</li> </ol>
<b>SIGN-P6 – Shared Location and Consolidated Signage</b>	<p>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>

## Signs (SIGN)

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

### Rules

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

## Signs (SIGN)

<p>property naming sign or number, official signs, road signs and community signs.</p> <p>d. Complies with the relevant building and major structure height in relation to boundary setback when located on a site adjacent to a Residential Zone or Open Space and Recreation Zone.</p> <p>e. Does not resemble any Official Sign, Road Sign or Traffic Signal.</p> <p>f. Is not located:</p> <ol style="list-style-type: none"> <li>Within 100m of an intersection and/or a traffic signal on legal road corridors with a posted speed limit of less than 70kph.</li> <li>Within 200m of an intersection and/or a traffic signal on legal road corridors with a posted speed limit of greater than 70kph.</li> </ol> <p><i>Rule Exemption:</i> SIGN-R2.1(d) does not apply where the sign is located within the Open Space and/or Sport and Active Recreation Zone and the adjoining zone is also an Open Space and/or Sport and Active Recreation Zone.</p>	<ol style="list-style-type: none"> <li>Impacts on cultural and heritage values.</li> <li>Cumulative effects.</li> <li>Duration of consent.</li> </ol>
<p><b>SIGN-R3</b></p> <p>Any Sign in Residential, Neighbourhood Centre, Marsden Primary Centre-Town Centre South, Rural Village Residential and Rural (Urban Expansion) Zones</p> <p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>There is no more than one sign per site.</li> <li>The height of the sign does not exceed 2m (applicable to freestanding signs and to signs affixed to a structure or building).</li> <li>The area of the sign does not exceed 1m<sup>2</sup>.</li> </ol> <p><i>Rule Exemption:</i> <i>Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>Visual amenity and character effects including: <ol style="list-style-type: none"> <li>Within the zone it is located.</li> <li>On adjacent or adjoining zones.</li> <li>On public spaces.</li> </ol> </li> <li>Scale, location and design.</li> <li>Lighting and traffic safety effects.</li> <li>Effects on landscape values and natural character.</li> </ol>

## Signs (SIGN)

		5. Effects on cultural and heritage values. 6. Cumulative effects. 7. Duration of consent.
<b>SIGN-R4</b>	<b>Any Sign in Rural Production and Rural Living Zones</b>	
Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. There is no more than one sign per site.</li> <li>2. The height of the sign does not exceed 3m (applicable to freestanding signs and to signs affixed to a structure or building).</li> <li>3. The area of the sign does not exceed 3m<sup>2</sup>.</li> </ol> <i>Rule Exemption:</i> <i>Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.</i>		Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including:             <ol style="list-style-type: none"> <li>a. Within the zone it is located-</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> <li>7. Duration of consent.</li> </ol>
<b>SIGN-R5</b>	<b>Any Sign within Open Space and Natural Open Space Zones</b>	
Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. There are no more than three signs per site.</li> <li>2. The height of any sign does not exceed 3m (applicable to freestanding signs and to signs affixed to a structure or building).</li> <li>3. The area of any sign does not exceed 3m<sup>2</sup>.</li> </ol> OR where: <ol style="list-style-type: none"> <li>4. Any sign is in accordance with an approved Reserve Management Plan authorised under the Reserves Act 1977.</li> </ol>		Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including:             <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> </ol>

## Signs (SIGN)

### *Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14– 16.*

7. Duration of consent.

SIGN-R6	Any Sign in the Waterfront Zone and Rural Village Centre Zone	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. There are no more than three signs per site.</li> <li>2. The height of any sign does not exceed 3m (applicable to freestanding signs and signs affixed to a structure or building).</li> <li>3. Any individual sign is no larger than 1m<sup>2</sup> and the total area of all signs is no greater than 3m<sup>2</sup>.</li> </ol> <p><i>Rule Exemption:</i></p> <p><i>Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14– 16.</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including: <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> <li>7. Duration of consent.</li> </ol>
SIGN-R7	Any Sign in the Airport Zone	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. There are no more than two signs per site.</li> <li>2. The height of any freestanding sign does not exceed 2m above ground level.</li> <li>3. The height of any sign affixed to a structure or building does not exceed the height of the structure or building to which the sign is affixed.</li> <li>4. On a site with a frontage less than 25m, the area of the signage does not exceed 2.5m<sup>2</sup>.</li> <li>5. On a site with a frontage greater than 25m, the area of the signage does not</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including: <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> </ol>

## Signs (SIGN)

exceed 0.1m<sup>2</sup> per metre of frontage to a maximum of 6m<sup>2</sup>.

*Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.*

6. Cumulative effects.
7. Duration of consent.

SIGN-R8	Any Sign within the Ruakaka Equine Zone	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Signs visible from beyond the zone only relate to the goods and services available within the Ruakaka Equine Zone, equine activities, or information related to the management of the Ruakaka Equine Zone.</li> </ol> <p><i>Rule Exemption:</i></p> <p><i>Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including:               <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> <li>7. Duration of consent.</li> </ol>
SIGN-R9	Any Sign within the City Centre, Sport and Active Recreation, Rural Village Industry, Mixed Use, and Local Centre Zones	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. There are no more than five signs per site (excluding directional signs). Any sign standards specified below contribute to the five-sign maximum.</li> <li>2. No more than one freestanding sign is shared by establishments on a rear site sharing an accessway.</li> <li>3. No more than one freestanding sign is permitted per road frontage where a single establishment occupies a site. If a site has two frontages the</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including:               <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> </ol>

## Signs (SIGN)

- signs shall have a separation distance of 25m.
4. The height of any freestanding sign does not exceed 8.5m above ground level, except within the City Centre Zone where the height does not exceed 4m above ground level.
  5. On a site with a frontage of less than 25m, the total signage area does not exceed 3m<sup>2</sup>.
  6. On a site with a frontage greater than 25m:
    - a. The total signage area does not exceed 0.12m<sup>2</sup> per metre of frontage up to a maximum area of 6m<sup>2</sup>.
    - b. No sign has an area greater than 3m<sup>2</sup>.
  7. The height of any sign affixed to a building or structure does not exceed the height of the building or structure.
  8. Directional signs with signage content for directional purposes only shall not exceed 1m<sup>2</sup> in area and 1.5m in height and do not contribute to the five-sign maximum.
4. Effects on landscape values and natural character.
  5. Effects on cultural and heritage values.
  6. Cumulative effects.
  7. Duration of consent.

*Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.*

SIGN-R10	Any Sign within the Commercial, Shopping Centre, Light Industry Zones	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. There are no more than five signs per site (excluding directional signs). Any sign standards specified below contribute to the five-sign maximum.</li> <li>2. No more than one freestanding sign is shared by establishments on a rear site sharing an accessway.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including:           <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> <li>b. On adjacent or adjoining zones.</li> <li>c. On public spaces.</li> </ol> </li> </ol>



## Signs (SIGN)

3. No more than one freestanding sign is permitted per road frontage where a single establishment occupies a site. If a site has two frontages the signs shall have a minimum separation distance of 25m.
  4. The height of any freestanding sign does not exceed 8.5m above ground level.
  5. On a site with a frontage of less than 25m, the total signage area does not exceed 6m<sup>2</sup>.
  6. On a site with a frontage greater than 25m:
    - a. The total signage area does not exceed 0.24m<sup>2</sup> per metre of frontage up to a maximum area of 12m<sup>2</sup>.
    - b. No sign has an area greater than 6m<sup>2</sup>.
  7. The height of any sign affixed to a building or structure does not exceed the height of the building or structure.
  8. Directional signs with signage content for directional purposes only shall not exceed 1m<sup>2</sup> in area and 1.5m in height and do not contribute to the five-sign maximum.
2. Scale, location and design.
  3. Lighting and traffic safety effects.
  4. Effects on landscape values and natural character.
  5. Effects on cultural and heritage values.
  6. Cumulative effects.
  7. Duration of consent.

*Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.*

SIGN-R11	Any Sign within the Heavy Industrial, Marsden Primary Centre Industry-Zones, Port and Strategic Rural Industries Zones
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The height of any sign affixed to a building or structure does not exceed the height of the building or structure to which the sign is affixed.</li> </ol>

<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Visual amenity and character effects including:           <ol style="list-style-type: none"> <li>a. Within the zone it is located.</li> </ol> </li> </ol>
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## Signs (SIGN)

2. The height of any freestanding sign does not exceed 9m above ground level.

*Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.*

- b. On adjacent or adjoining zones.
- c. On public spaces.

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

### SIGN-R12 Any Sign within the Hospital Zone

Activity Status: Permitted

Where:

1. Signs visible from beyond the zone only relate to the goods and services available within the Hospital Zone, or information related to the management of the Hospital Zone.

*Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.*

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion are restricted to:

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

### SIGN-R13 Any Sign on a Verandah

Activity Status: Permitted

Where:

1. The signs comply with the permitted sign rules for the relevant zone.
2. No more than one sign is located on the verandah fascia.
3. No more than one sign is attached beneath the verandah.
4. No sign is located on top of the verandah.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion are restricted to:

1. Visual amenity and character effects including:
  - a. Within the zone it is located.
  - b. On adjacent or adjoining zones.
  - c. On public spaces.
2. Scale, location and design.

## Signs (SIGN)

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| <p>5. Any signs located on or attached to or beneath the verandah:</p> <ul style="list-style-type: none"> <li>a. Do not exceed a combined total area of 2.5m<sup>2</sup>.</li> <li>b. Are located at least 2.4m above the footpath.</li> <li>c. Are setback 600mm horizontally from a vertical line taken from the road kerb, except for signs located on the verandah fascia.</li> <li>d. Are no more than 900mm in depth.</li> <li>e. Protrude no more than 200mm from the fascia.</li> <li>f. Where the sign is located under the verandah, is at right angles to the fascia.</li> </ul> | <ul style="list-style-type: none"> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> <li>7. Duration of consent.</li> </ul> |
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*Rule Exemption:*

*Official signs, road signs and community signs are only required to comply with SIGN-R2 and SIGN-R14 – 16.*

SIGN-R14 Any Official Sign	
<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. If illuminated, the sign satisfies the Illuminated Signage Brightness Limits specified in Rule SIGN-R17.2(d)-(e).</p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>1. The effects of the illuminated sign, specifically light spill and glare, on the amenity values and character of the surrounding zone(s).</li> <li>2. Scale, location, and hours of operation/duration of illumination.</li> <li>3. The effects of illumination/animation on traffic safety and the efficient and safe function of the roading network.</li> <li>4. Cumulative effects.</li> </ul>
SIGN-R15 Any Road Sign	
<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. Signs:</p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>1. Visual amenity effects.</li> </ul>

## Signs (SIGN)

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>a. Are erected by a road controlling authority or their authorised representative.</li> <li>b. Are for the purpose of traffic control, direction or public safety.</li> <li>c. Are located within the legal road reserve.</li> <li>d. Comply with the AS/NZS 1158 series of standards.</li> <li>e. That are illuminated satisfy the Illuminated Signage Brightness Limits specified in Rule SIGN-R17.2(d)-(e).</li> </ul> | <ul style="list-style-type: none"> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> <li>7. Duration of consent.</li> <li>8. The effects of the illuminated sign, specifically light spill and glare, on the amenity values and character of the surrounding zone(s).</li> </ul> |
|--|---|

*Note: Signage erected in the road reserve and areas subject to the control of the roading authority may also be subject to requirements imposed by the road controlling authority under the Land Transport Act 1998.*

SIGN-R16	Any Community Sign	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. The sign complies with the permitted standards of SI-R2 for signs visible beyond the site.</li> <li>2. Any illuminated sign satisfies the Illuminated Signage Brightness Limits specified in Rule SIGN- R17.2(d)-(e).</li> <li>3. The sign relates to the display of information for non-profit community associations/groups.</li> <li>4. The sign is located within the road or any public place, the following controls are met: <ul style="list-style-type: none"> <li>a. No more than one community sign is permitted per site frontage to the road.</li> </ul> </li> </ul>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>1. Visual amenity effects.</li> <li>2. Scale, location and design.</li> <li>3. Lighting and traffic safety effects.</li> <li>4. Effects on landscape values and natural character.</li> <li>5. Effects on cultural and heritage values.</li> <li>6. Cumulative effects.</li> <li>7. Duration of consent.</li> <li>8. The effects of the illuminated sign, specifically light spill and glare, on the amenity values and character of the surrounding zone(s).</li> </ul>

## Signs (SIGN)

- b. The total display area shall comply with the permitted activity sign rules for the underlying adjoining zone.
- c. The sign is not within a vehicular carriageway, shared path, cycleway or footpath.
- d. Where located within a state highway reserve area, the speed limit is less than 70km/hour.

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

SIGN-R17	Any Sign on a Scheduled Built Heritage Item or with the Site Surrounds	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The sign: <ul style="list-style-type: none"> <li>a. Only provides information directly related to the item's heritage value.</li> <li>b. Will not damage the built heritage item or the site surrounds.</li> <li>c. Does not contain illuminated, flashing or moving elements.</li> </ul> </li> <li>2. Total signage does not exceed an area of 0.25m<sup>2</sup> in Residential Zones.</li> <li>3. Total signage does not exceed an area of 2.5m<sup>2</sup> in Business Zones.</li> <li>4. Total signage does not exceed an area of 1.5m<sup>2</sup> in all other zones.</li> </ol> <p><i>Note: Site surrounds is defined in Chapter 4.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
SIGN-R18	Any Illuminated Sign not visible from beyond the site boundary	
	Activity Status: Permitted	

## Signs (SIGN)

SIGN-R19	Any Illuminated Sign visible from beyond the site boundary		
	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The illuminated sign is located within the following zones: <ol style="list-style-type: none"> <li>a. City Centre</li> <li>b. Mixed Use</li> <li>c. Commercial</li> <li>d. Shopping Centre</li> <li>e. Local Centre</li> <li>f. Light Industrial</li> <li>g. Heavy Industrial</li> <li>h. Sport and Active Recreation</li> <li>i. Port</li> <li>j. Marsden Primary Centre – Town Centre South or Industry</li> <li>k. Strategic Rural Industries</li> <li>l. Hospital</li> </ol> </li> <li>2. The illuminated sign: <ol style="list-style-type: none"> <li>a. Complies with the signage controls for the zone in which the sign is located and the requirements of SIGN-R2.</li> <li>b. Is not animated, moving or flashing and does not contain any moving image or wording.</li> <li>c. Is not located within 20m of any road intersection.</li> <li>d. Complies with the Illuminated Signage Brightness Limits in the table below.</li> <li>e. The maximum brightness levels have been measured by calculation or certified by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer or Independently Qualified Person).</li> </ol> </li> </ol>		<p>Activity Status when compliance not achieved: Discretionary</p>
	<p>Low light environment</p> <p>(Rural Urban Expansion, Rural</p>	<p>Medium light environment</p> <p>(Rural Village Centre Subzone, Strategic Rural Industries, Local Centre,</p>	<p>High light environment</p> <p>(Rural Village Industry Subzone, City Centre, Mixed Use,</p>

## Signs (SIGN)

	Living, Rural Production, Ruakaka equine, Natural Open Space, Low Density Residential, Large Lot Residential Zones)	Neighbourhood Centre, Residential, General Residential, Medium Density Residential, Open Space Zones)	Waterfront, Commercial, Shopping Centre, Light Industrial, Marsden Primary Centre, Heavy Industry, Sport and Active Recreation, Port, Airport and Hospital Zones)
Maximum candelas per m <sup>2</sup> (cd/m <sup>2</sup> ) during the hours of darkness	150	300	350

- f. Complies with a 0.5 second transition time between images.
- g. Has a minimum dwell time of 8 seconds per image.

### Matters of discretion:

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

*Note: All official signs, road signs, community signs or signs not visible from beyond the site boundary refer to rule SIGN-R14– R16 and SIGN-R18 above.*

*Note: During daylight hours, an exterior digital sign may have a significantly higher luminance to stand-out from a higher (daylight) background luminance, provided these signs are programmed to reduce their luminance down to a much lower level during the night hours.*

## Signs (SIGN)

<b>SIGN-R20</b>	<b>Any Illuminated Sign visible from beyond the site boundary</b>
	<p>Activity Status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The sign is located within the following zones: <ol style="list-style-type: none"> <li>Residential</li> <li>Neighbourhood Centre</li> <li>Open Space</li> <li>Natural Open Space</li> <li>Waterfront</li> <li>Marsden Primary Centre-Town Centre South</li> <li>Airport</li> <li>Ruakaka Equine</li> <li>Rural Production</li> <li>Rural Living</li> <li>Rural Village Residential</li> <li>Rural (Urban Expansion)</li> <li>Rural Village Industry</li> <li>Rural Village Centre</li> </ol> </li> </ol> <p><i>Note: All official signs, road signs, community signs or signs not visible from beyond the site boundary refer to rule SIGN-R14– R16 and SIGN-R18 above.</i></p>
<b>SIGN-R21</b>	<b>Consolidated Sign Installations</b>
	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>The effects of the consolidated signage installation, specifically on the amenity values and character of the surrounding zone(s).</li> <li>Scale, location and content of consolidated signage installations.</li> <li>The effects of consolidated signage installations on traffic safety and the efficient and safe function of the roading network.</li> <li>Cumulative effects.</li> </ol> <p><i>Note: Signs proposed to be displayed within legally established sign parks may require the approval of Council and may also require payment of a fee in accordance with Council's current Fees and Charges schedule.</i></p>

## Light (LIGHT)

### Issues

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

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

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

### Objectives

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

### Policies

LIGHT-P1 – Amenity and Character	To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.
LIGHT-P2 – Health and Safety	To enable the use of artificial lighting where it is required for health and safety reasons, traffic, cyclist and pedestrian safety or navigational purposes.
LIGHT-P3 – Mineral Extraction	To provide for the use of artificial lighting where it is required as a functional or operational component of mineral extraction activities in identified Quarry Resource Areas, while ensuring any adverse effects of the artificial lighting are minimised.
LIGHT-P4 – Safety	To enable safe and efficient use of areas which will be accessed by the general public after daylight hours by requiring appropriately designed, installed and maintained artificial lighting to be provided when developing or redeveloping these areas.



# Light (LIGHT)

## LIGHT-P5 – Road Network

To support the safe and efficient use of the roading, cycling and pedestrian network while maintaining the character and amenity of the surrounding environment by requiring street lighting to be provided at the time of subdivision.

### Rules

#### LIGHT-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: Permitted

Where:

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

#### LIGHT-R2 Any Artificial Lighting

Activity Status: Permitted

Where:

1. The artificial lighting is shielded or a suitable luminaire optic deployed, so that light emitted by the luminaire is projected below a horizontal plane running through the lowest point on the fixture as represented in LIGHT Appendix Illustration of District Wide Lighting Standard.
2. The light is static and is not moving or flashing.
3. Artificial lighting located in the Sport and Active Recreation Zone or the Open Space Zone complies with the AS/NZS 1158 and AS/NZS4282 standards.
4. The added illuminance onto any other site or a road reserve, measured at the boundary, does not exceed the following limits:
  - a. All zones (excluding the Sport and Active Recreation Zone and the Open Space Zone):
    - i. Artificial lighting measured at the receiving allotment boundary with a road reserve – 15 Lux.
    - ii. Artificial lighting measured at the receiving allotment boundary other than with a road reserve – 10 Lux.
  - b. Sport and Active Recreation Zone and Open Space Zone:
    - i. Artificial lighting measured at the receiving site boundary with a road reserve – 15 Lux.
    - ii. Artificial lighting measured at the receiving allotment boundary with the Residential, Natural Open Space, Rural Living, Rural Village Residential and Rural (Urban Expansion) Zones – 10 Lux.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment.
2. The effects of lighting on traffic and pedestrian safety.

## Light (LIGHT)

- iii. Artificial lighting measured at the receiving site boundary with all other zones – 20 Lux.

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

5. The activity complies with LIGHT-REQ-1.

*Note: Any artificial road lighting, health and safety or navigational artificial lighting, and artificial lighting for mineral extraction activities in Quarrying Resource Areas is not required to comply with LIGHT-R2.*

LIGHT-R3	Any Artificial Road Lighting	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The artificial lighting is erected by a road controlling authority (or their authorised representative).</li> <li>2. The artificial lighting is for the purpose of traffic control or public safety.</li> <li>3. The artificial lighting is located within the road reserve.</li> <li>4. The artificial lighting complies with the AS/NZS 1158 series of standards.</li> </ol> <p><i>Note: Road lighting includes street lighting and illuminated traffic signals.</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment.</li> <li>2. The effects of lighting on traffic and pedestrian safety.</li> </ol>
LIGHT-R4	Any Health and Safety or Navigational Artificial Lighting	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Artificial lighting required for health and safety purposes and complies with the requirements of the relevant standards or legislation.</li> <li>2. Artificial lighting which is a navigational aid or installation is erected or constructed by the relevant authority (or their authorised representative) and operated in accordance with the relevant legislation.</li> </ol> <p><i>Note: Navigational aids may be provided by but are not limited to the following authorities: Maritime New Zealand, Civil Aviation Authority, a Regional Council or a District Council.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>

## Light (LIGHT)

LIGHT-R5	Any Artificial Lighting for Mineral Extraction Activities in Quarrying Resource Areas	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Artificial lighting is on vehicles associated with mineral extraction activities and the vehicles are located within an identified QRA Quarrying Resource Area (as identified in the Planning Maps and in QRA Appendix 1 Schedule of Existing Quarrying Resource Areas).</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
LIGHT-R6	Any Car Parking or Loading Spaces in the City Centre, Commercial, Light Industrial, Heavy Industrial, Waterfront, Marsden Primary Centre – Town Centre South and Industry, Rural Village Centre and Rural Village Industry Zones	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Artificial lighting is provided for all parking and loading areas associated with an activity that:               <ol style="list-style-type: none"> <li>Is not a residential activity.</li> <li>Operates after daylight hours.</li> </ol> </li> <li>The artificial lighting complies with AS/NZS1158 and AS/NZS4282 standards.</li> <li>The artificial lighting complies with all standards in LIGHT-R2 for the relevant zone.</li> </ol> <p><i>Compliance Standard: All zones not listed in LIGHT-R6 must comply with LIGHT-R2 – R5 for all artificial lighting.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
LIGHT-R7	Any Subdivision	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Artificial lighting is provided for all streets, walkways, cycleways and roads created by the subdivision.</li> <li>The artificial lighting complies with the AS/NZS1158 series of standards as listed in REF.1 Referenced Documents at REF.1.2 b.</li> </ol> <p>Matters of control:</p> <ol style="list-style-type: none"> <li>Amenity and character of the surrounding environment.</li> <li>Traffic and pedestrian safety.</li> </ol> <p><i>Note: Lighting and traffic signals which are to be vested in Council may also require additional approvals to be obtained from the Council's roading department in relation to design and construction.</i></p> <p><i>Note: Acceptable means of compliance can also be found in the Whangārei District Council Engineering Standards.</i></p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The effects of artificial lighting and glare on the amenity values and the character of the zone or surrounding environment.</li> <li>The effects of lighting on traffic and pedestrian safety.</li> </ol>

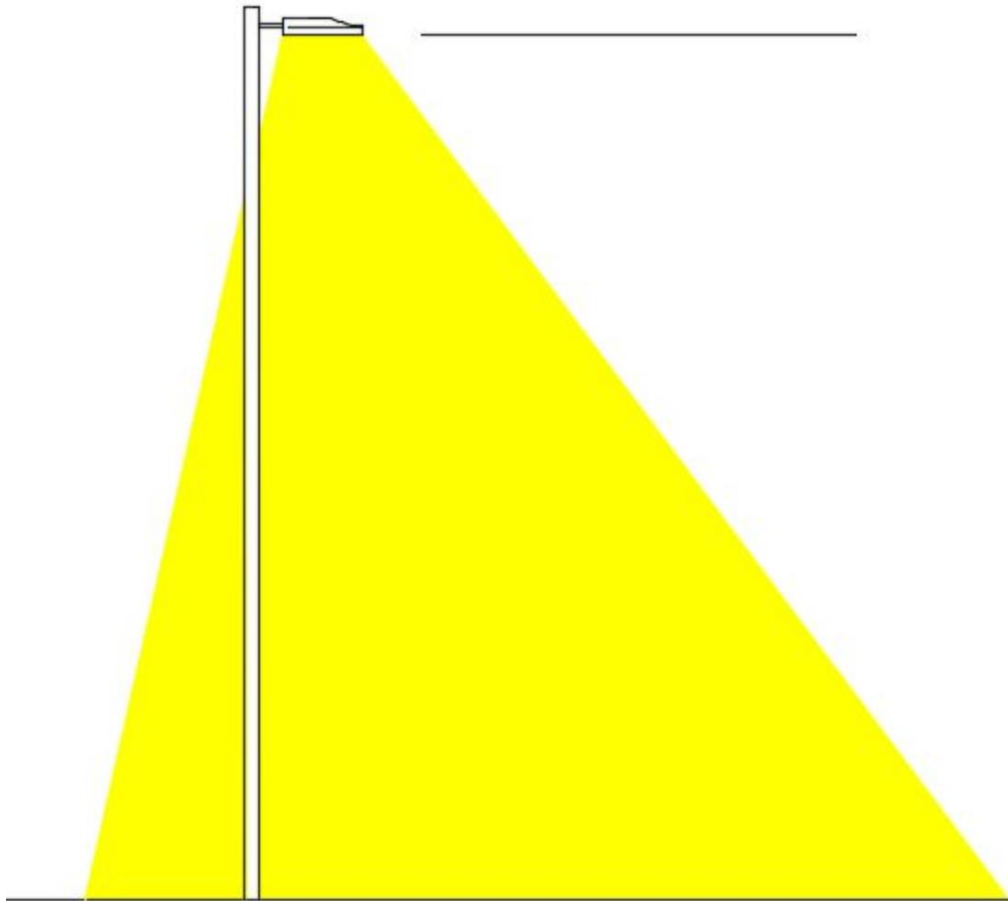
## Light (LIGHT)

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

## Light (LIGHT)

*LIGHT Appendix Illustration of District Wide Lighting Standard*

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



# **Report 12 – Open Space Zones Proposed Plan Change 115**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Natural Open Space Zone (NOSZ) Chapter
2. Recommended Open Space Zone (OSZ) Chapter
3. Recommended Sport and Active Recreation Zone (SARZ) Chapter



## Introduction

1. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
2. The abbreviations used in this report are set out in Report 1.
3. This report follows the same structure as Part 11 of the s42A Report. It is split into four parts:
  - I. General
  - II. Natural Open Space Zone
  - III. Open Space Zone
  - IV. Sport and Active Recreation Zone
4. Where this report refers to the s42A Report it is referring to Part 11. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 10.
5. It is noted that the s42A Report recommended changes to the zone names in accordance with the National Planning Standards. The changes to the zone names are detailed below and are recommended to be accepted by the Panel.

Notified Zone Name	S42A Recommended Zone name
Conservation Zone ( <b>CON</b> )	Natural Open Space Zone ( <b>NOSZ</b> )
Open Space Zone ( <b>OS</b> )	Open Space Zone ( <b>OSZ</b> )
Sport and Active Recreation Zone ( <b>SAR</b> )	Sport and Active Recreation Zone ( <b>SARZ</b> )

## Evaluation of Submissions

### Part I: General

#### Relevant Submissions

Submitter	Submission# & Point #
P Batelan	100.5
C Collins	189.2 and 3
PBRRRA Inc.	139.1 and 3
PTB	173.7
J Edwards	193.14
S Whitley	63.1
B Hall	83.9 and 10
AJ and JK Morgan	170.1
WHCA	201.3
Jameson	291.7
WDC Infrastructure	242.30 and 59
DOC	143.20 and 23
WDC Planning	236.108 – 120
NZTA	240.93

#### Principal Issues Raised

- General support of the provisions of Plan Change 115.
- Introduction of the new CON, OS and SAR zones to replace the existing Open Space Environment.

- Protection of existing Open Space Environments and active planning to purchase more land for Open Space.
- Opposition to the proposed increase of a building to a maximum of 500m<sup>2</sup> or 15% of an Open Space area.
- Prioritisation of the steps in development of 'recreational reserve' adjacent to the Parua Bay and District Community Centre.
- Implementation of provisions to address shortfalls in open space provision/availability.
- Re-evaluation of the use of Pohe Island and William Fraser Memorial Park. This includes reducing the frequency of use, reduce the hours of events to 9am-9pm, and no amplified speakers. If zoning does go ahead restrictions should be put in place as detailed in the submission to manage noise and lighting.
- Amendment of objectives, policies and rules to provide for consideration of the avoidance of the spread of plant pathogens, or the addition of a new objective/policy and rule to address kauri dieback disease by managing vegetation clearance and other works around Kauri.
- Insertion of full stops in OS-R7.
- Provision for a new permitted activity status for proposed newly defined 'General Public Amenities'.
- Addition of new rule to ensure that any activity is in accordance with Section 4(3) of the RMA 1991.
- Amendment of OSZ-R1, OSZ-R3, OSZ-R4, CON-R1, CON-R3, CON-R4, SARZ-R1, SARZ-R3, SARZ-R4, SARZ-R10 – R13 (and SARZ-RNew3).
- Deletion of OSZ-R20, CON-R35, SARZ-R27.
- Incorporation of provisions encouraging alternative transport modes to assist in alleviating peak parking demand.
- Retention of OS-R10, SAR-R13 and CON-R16.
- Rezoning of Section 1 SO 475907 to Open Space.

#### **Reporting Planner's s42A Recommendation**

6. These issues were dealt with in paragraphs 24-61 of the s42A Report and the recommendation from the Reporting Officer was to retain the notified provisions and amend the provisions as set out in Attachments 1 - 3.

#### **Evidence from Submitters and Right of Reply**

7. Representatives from DOC presented in support of their original submission. Mrs Horton's recommendation remained the same and she advised that the matter was dealt with within the recently operative Notable and Public Trees Chapter (PC129).
8. Mr Whitley presented in support of his original submission however he did not request a change to a specific provision within the Open Space provisions. It was suggested by Mrs Horton during the hearings to liaise with other departments within Whangarei District Council to help with Mr Whitley's request.
9. Ms Edwards, Dr Grundy and Mrs Morgan raised concerns about the underlying zoning of a site recently consented for a Housing New Zealand development and requested the land be rezoned open space. Mrs Horton advised that the land is consented for residential development and that it would be inappropriate to rezone as either one of the types of open space zone.

10. Representatives from NZTA presented in support of their original submission. Mrs Horton agreed with their request and stated that because no specific change to a rule as notified had been proposed, no change is required. Mrs Horton also advised that these matters are also addressed more appropriately elsewhere in the WDP.
11. In regards to the other matters raised by the above submissions Mrs Horton did not address these specifically in her RoR as no substantively new material or evidence was before her (beyond what was included in the original submissions) that prompted her to provide additional comments or revise her original recommendations included in the s42A Report.

### Discussion and Reasons

12. The Hearings Panel agrees with the analysis in the s42A report and finds that the various names should be amended to be consistent with the National Planning Standards.
13. The Panel also agrees with the various other amendments sought by WDC Planning as many are to ensure that the provisions are consistent with the National Planning Standards, or to correct minor spelling and other minor errors and they will improve the readability and functionality of the notified provisions
14. In relation to the submission from DoC we note that the original submission did relate to PC's 88I, 155 and 147 when in fact the PC for the Open Space zones was PC115. We accept that the reference to PC155 was just a typographical error and have taken the DoC submission into account when making our recommendations on PC115. The DoC submission did correctly refer to 'Open Space'. We disagree with Mrs Horton's recommendation that no provision should be included in PC115. We agree with Mr Riddell that it is unlikely that any vegetation clearance would be classed as 'earthworks'. We further agree that vegetation clearance for purposes of forming tracks and/or paths is a relatively common activity in Open Space and Conservation Zones. We therefore recommend that a new rule is included as set out in Attachments 1 and 2. These amendments are the most appropriate way to achieve the purpose of the Act.<sup>1</sup> The amendments are also the most appropriate way to achieve the objectives, including SD-O6 (now DGD-O6) and SD-P18 (now DGD-P8) and the new objectives NOSZ-P8 and OSZ-P6. Kauri dieback disease is a significant resource management issue within the region and one which we find is appropriate to address at this time.
15. In respect of the submissions and evidence regarding the development of the recreational reserve in Parua Bay no actual relief was sought to the Open Space provisions and any other relief (such as the process of developing and acquiring land) is outside of our scope. This issue is also similar to those submissions and evidence in respect of the acquisition and development of more reserve land in the general Parua Bay and Whangarei area and again is outside our scope. However, as suggested by Mrs Horton the submitters should pursue this issue through other means (such as development contributions, Annual Plan submissions) with the Council. We note from Mrs Horton's evidence that the section 32 analysis and the supporting document 'Open Space Review' prepared by Xyst for the Council, states that by 2038 a further 11ha (approximately) will be required. This information should be useful when the submitters (if they choose) raise this issue in another forum.
16. Regarding the use and the re-evaluation of the frequency of use, reduced hours and noise and lighting restrictions on the area known as Pohe Island and William Fraser Memorial Park the submitter, as in the case above in paragraph 15, should raise these issues with the Council direct as the restrictions and conditions that the submitter wishes to be applied to the area are outside the scope of the plan change.
17. We read and heard submissions and evidence from a number of parties (including Ms Edwards, Dr Grundy and Mrs Morgan) regarding the underlying zoning of a site recently consented for a Housing New Zealand (now Kainga Ora) development in Puriri Park Road, Maunu adjacent to the reserve. The relief was that the land be rezoned open space.
18. Mrs Horton advised that the land had recently been consented for residential development and that it would be inappropriate to rezone as either one of the types of open space zone. She covered the

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<sup>1</sup> As set out in Mr Andrew Riddell's statement of evidence on behalf of the Director-General of Conservation at paragraphs 16 - 24

submissions on this issue in Part 8 at paragraph 267 and we generally agree with her assessment.

19. Some of the submissions and evidence was about the history of the site and the ownership details. We visited the site and surrounding area and from our visit it does appear that the site and adjacent reserve are very similar and appear to be one large reserve which could have the same zoning. However, we have to accept that the site is privately owned, has a residential zoning, has received resource consent for development and that it would be inappropriate to rezone the land (at this stage) as one of the open space zones.
20. WDC Infrastructure made multiple submissions points and we agree with the Reporting Officer that the submissions be accepted or accepted in part for the reasons outlined in the s42A Report and RoR.
21. In relation to the submission from PTB we agree with the recommendation in the s42A Report for the reasons shown and agree that the site at the Pukekauri Forest should remain as Rural Production Zone and the submission should be accepted.

## Part II: Natural Open Space Zone

### Topic A: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
DOC	143.21
Refining NZ	260.29

#### Principal Issues Raised

- Retention of objectives as notified.
- Inclusion of a new objective within the Natural Open Space Zones to recognise and provide for the operational and functional needs of regionally significant infrastructure, including recognising that a reduced level of amenity may be experienced.

#### Reporting Planner's s42A Recommendation

22. This was dealt with in paragraphs 63 and 66 of the s42A Report and the recommendation from the Reporting Officer was to retain the Natural Open Space Zone Chapters as notified, and amend provisions set out in Attachments 1, 2 and 3 of the s42A Report.

#### Evidence from Submitter and Right of Reply

23. Representatives from DoC presented evidence that sought the same objective in several zones to avoid the spread of plant pathogens including *Phytophthora agathidicida*. Mrs Horton stated that this was dealt with in the recently operative Notable and Public Trees Chapter (PC129).
24. Mr Masefield, on behalf of Refining NZ, stated that the new objective for the Conservation Zone, which Refining NZ sought out in its primary submission, is unnecessary.

#### Discussion and Reasons

25. We have discussed the issue of Kauri Dieback disease above in Part 1. We recommend that a new objective is included as set out in Attachment 1. This objective would be the most appropriate way to achieve the purpose of the Act<sup>2</sup>, as it would address a significant resource management issue in the region and would give effect to NRPS policy 4.4.1.
26. We acknowledge and accept the submissions that support the NOSZ Objectives as advertised.
27. In relation to the submission from Refining NZ we agree with Reporting Officer for the reasons shown in the s42A Report that a new Objective is unnecessary and acknowledge Mr Masefield's evidence at the hearing. We agree that the operational and functional needs of RSI is addressed appropriately and correctly elsewhere within the District Plan and do not need to be repeated/duplicated in the NOSZ.

### Topic B: Policies

#### Relevant Submissions

Submitter	Submission# & Point #
I and D Beattie	109.3 – 7
DOC	143.22

#### Principal Issues Raised

<sup>2</sup> Ibid

- Amendments to make CON-P4 and P5 become CON-P2 and P3.
- Amendments to CON-P6 to eliminate possibility of further subdivision.
- Amendments to CON-P3 to accommodate low scale residential development on existing properties.
- Deletion of CON-P7.
- Amendment to the existing policy framework to provide consideration of the avoidance of the spread of plant pathogens, or addition of a new policy to address kauri dieback disease by managing vegetation clearance and other works around Kauri.

#### **Reporting Planner's s42A Recommendation**

28. This was dealt with in paragraphs 67-70 of the s42A Report and the recommendation from the Reporting Officer was to retain the provisions as notified and amend the provisions set out in Attachments 1, 2 and 3 of the s42A Report.

#### **Evidence from Submitter and Right of Reply**

29. No evidence was presented on behalf of Ian and Dianne Beattie.
30. Representatives from DOC presented evidence that sought the same objective in several zones to avoid the spread of plant pathogens including *Phytophthora agathidicida*. Mrs Horton stated that this is dealt with in the recently operative Notable and Public Trees Chapter (PC129).

#### **Discussion and Reasons**

31. We have discussed the issue of Kauri Dieback disease above in Part 1. We have recommended that a new objective is included as set out in Attachment 1. We further recommend the addition of a new policy to implement the recommended objective, as set out in Attachment 1. This policy would be the most appropriate way to achieve the objective, as it would address a significant resource management issue in the region and would give effect to NRPS policy 4.4.1.
32. We did not hear from Ian and Dianne Beattie in support of their submission and agree with the opinion/evidence of the Reporting Officer as shown in the s42A Report. We agree that the policies should be read together and not in isolation.

### **Topic C: Rules - Landuse**

#### **Relevant Submissions**

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
Public Health Northland	207.15
WDC Infrastructure	242.23 – 29, 31, 39, 40, and 48
NRC	264.25
MOE	267.11
WHCA	201.1
DOC	143.23
I and D Beattie	109.8-11

#### **Principal Issues Raised**

- Amendment to CON-R8 to make 'Farming' a Non-Complying activity.
- Amendment to CON-R1 requiring publicly notified resource consent for any development within this zone.
- Amendment to all CON rules to ensure that there is no allowance for commercial or industrial

development, quarrying, mining, roading or stockpiles.

- Amendment to all CON rules relating to building development to ensure minimal disturbance and inconspicuous within the 'Outstanding Natural Landscape'.
- Amendment to all CON rules to include the protection of waterways and minor tributaries from the run-off of heavily grazed and fertilized pasture.
- Clarification on CON-R3.1, R4.1 and R6.2 to better explain setback, height in relation to boundary, and stockpiles.
- Amendment to CON-R7.1(b) to provide for maintenance of drainage infrastructure and provide for specific clearance required to form new walking tracks that comply with the relevant SNZ HB 8630:2004 standard.
- Amendment to CON-R7.1(c)(ii) to remove ambiguity.
- Amendment to CON-R7.1(c)(i)(a). to include a note to exclude public or notable trees.
- Amendment to CON-R7.1(c)(v) to provide for maintenance of drainage infrastructure.
- Amendment to CON-R9 – R16 to better control the type of activities to be controlled.
- Amendment to CON-R17 to provide for Plantation Forestry as a Discretionary Activity.
- Amendments to all CON provisions to allow for the community led development project to continue within Lot 1 DP 70474.
- Retention of CON-R16 as notified.
- Addition of a new rule - Where: 2. The clearance of indigenous vegetation: c. Does not occur within three times the radius of the canopy dripline (the kauri hygiene zone") of a New Zealand Kauri tree.

#### Reporting Planner's s42A Recommendation

33. This was dealt with in paragraphs 81-89 of the s42A Report and the recommendation from the Reporting Officer was to retain the provisions as notified and amend the provisions as set out in Attachments 1, 2 and 3 of the s42A Report.

#### Evidence from Submitter and Right of Reply

34. Ms Osborne (on behalf of WDC Infrastructure) requested that the Setbacks and Height in Relation to boundary rules across all open space zones, where the open space zones are adjoining another open space zoned site, an exemption be applied for sites with open space zoning as this may entail unnecessary consenting requirements relating to internal boundaries of many sites in common ownership. Mrs Horton was of the view that the setback and HIRTB provisions hold more relevance to adjoining residential or commercial zoned sites. It was recommended that a common exemption note be included in the provisions as set out in Attachments 1 – 3 to exempt setbacks and height in relation to boundary rules between internal boundaries of open space zones relating to rules: CON-R3.1; CON-R4.1; OS-R3.1; OS-R4.1; SAR-R3; and SAR-R4.
35. Ms Osborne stated that Rules NOSZ-R7 and OSZ-R7 provide for indigenous vegetation clearance as a permitted activity where it is associated with certain activities. WDC Infrastructure's submission was to include new walking tracks that comply with SNZHB 8630:2004. Ms Osborne stated that the restrictions are onerous where new walking tracks that require any tree removal are required to comply with the recently operative Notable and Public Trees Chapter Mrs Horton's opinion was that new walking tracks will also be subject to the recently made operative Notable and Public Trees Chapter and she considered that indigenous vegetation clearance for new walking tracks can be included as permitted within NOSZ-R7 and OSZ-R7. Mrs Horton recommended that these rules be amended as set out in **Attachments 1 and 2**, respectively.



36. Ms Osborne stated that Rules NOSZ-R9 – R16.2(b); OSZR8-R10.2(b); and SARZ-R6 – R9.3(b) all contain rules restricting activities that are located between the front of the building and the road and stated that it appears unclear what effects these rules are controlling and how the rule will be interpreted. Her relief sought is to remove the sub-rule. Mrs Horton stated that as written the rule provides for ambiguity and may be confusing for consenting purposes. To provide clarity it she suggested that the sub rules, (Rules CON-R9 – R16.1(b)(ii); OSR8-R10.2(b)(ii); SAR-R6 – R9.3(b)(ii), be effectively deleted/removed from the provisions as set out in **Attachments 1 – 3**.
37. Representatives from DoC further extrapolated on the request to amend the objectives, policies and rules to provide for consideration of the avoidance of the spread of plant pathogens, or the addition of a new objective/policy and rule to address kauri dieback disease by managing vegetation clearance and other works around Kauri. Mrs Horton's recommendation remained the same, specifically as the matter was dealt with within the recently operative Notable and Public Trees Chapter (PC129).

#### **Discussion and Reasons**

38. We have discussed the issue of Kauri Dieback disease above in Part 1. We have recommended that a new objective and policy is included as set out in Attachment 1. We further recommend the amendment of NOSZ-R9, as set out in Attachment 1. The amendments include a consequential amendment to clause ii of the rule in order to add a standard to ensure the listed activities do not occur within three times the maximum radius of the canopy dripline of a New Zealand Kauri tree. These provisions would be the most appropriate way to achieve the associated objective, as it would address a significant resource management issue in the region and would give effect to NRPS policy 4.4.1.
39. We did not hear any evidence from I and D Beattie in support of their submission and agree with the Reporting Officer that there should be no change to the provision for residential development for the reasons shown in the s42A Report.



## Part III: Open Space Zone

### Topic A: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.57 and 58
DOC	143.18

#### Principal Issues Raised

- Insertion of a new objective to ensure the effective, efficient and safe use of public open space.
- Amendment of OS-O1 to provide for equitably accessible quality public open spaces.

#### Reporting Planner's s42A Recommendation

40. This was dealt with in paragraphs 93 and 94 of the s42A report and the recommendation from the Reporting Officer was to retain the provisions as notified and to amend the provisions as set out in Attachment 2 of the s42A report. Mrs Horton advised that the objective as notified simply requiring 'quality' public open space is sufficient and no new objective is required. She stated that because of the terrain and topography of Whangarei, to provide for equitably accessible quality public open spaces might not be achievable. Mrs Horton recommended that OS-O1 be amended to include the term 'accessible' but not 'equitably'.

#### Evidence from Submitter and Right of Reply

41. Representatives for DoC presented evidence that sought the same objective in several zones to avoid the spread of plant pathogens including *Phytophthora agathidicida*. Mrs Horton stated that this is dealt with in the recently operative Notable and Public Trees Chapter (PC129).

#### Discussion and Reasons

42. We agree with Mrs Horton's opinion that it is not always possible to provide equitably accessible quality public open spaces (although this would be desirable) and that the term 'accessible' should be included but not the term 'equitably'.
43. We have discussed the issue of Kauri dieback disease in Parts I and II above and for the same reasons, recommend that a new objective is included to address this issue, as set out in Attachment 2.

### Topic B: Policies

#### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.59 and 60
DOC	143.19

#### Principal Issues Raised

- Insertion of policies OS-P1A – Amenity provision and OS-P1A – Access.
- Amendment to the existing policy framework to provide consideration of the avoidance of the spread of plant pathogens, or addition of a new policy to address kauri dieback disease by managing vegetation clearance and other works around Kauri.

#### Reporting Planner's s42A Recommendation

44. This was dealt with in paragraph 96 of the s42A report and the recommendation from the Reporting Officer was to retain the provisions as notified and to amend the provisions as set out in Attachment 2 of the s42A report. Mrs Horton also referred to her recommendations as set out in paragraph 93 of the s42A report.

**Evidence from Submitter and Right of Reply**

45. The DoC presented legal submissions and evidence in regards to the provision of a new Policy.

**Discussion and Reasons**

46. We have discussed the issue of Kauri dieback disease in Parts I and II above and for the same reasons, recommend that a new policy is included to address this issue, as set out in Attachment 2.
47. In regards to the submission from Public health we agree with the Reporting Officer's opinion as shown in the s42A Report.

## Topic C: Rules – Land use

**Relevant Submissions**

Submitter	Submission# & Point #
AJ and JK Morgan	170.2, 4 – 6
PBRR Inc.	139.2
DOC	143.20
WHCA	201.2
Fire NZ	165.71
WDC Infrastructure	242.32– 39, and 41
MoE	267.7
H Infanger and P Marty	286.2

**Principal Issues Raised**

- Amendment to OS-R5 to state that coverage of all buildings does not exceed 50m<sup>2</sup> or 15% of the net site area.
- Amendment of OS-R7 to include "Does not occur within three times the radius of the canopy dripline (the Kauri hygiene zone) of a New Zealand Kauri tree.
- Consideration of maintenance of drainage infrastructure and provision for specific clearance required to form new walking tracks that comply with relevant SNZHB 8630:2004 (OS-R7.1(b)).
- Exclusion of floodlights which have a maximum height of 18.5m (OS-R4.1).
- Inclusion of a note to exclude Public or Notable Trees from OS-R7.1(c)(i)(a).
- Provision for maintenance of drainage infrastructure (OS-R7.1(c)(v)).
- Revision of cumulative outdoor area rule for Recreational Facilities (OS-R9).
- Amendment to OS-R9 to better control the type of activities to be controlled.
- Provision for Plantation Forestry as a Discretionary Activity (OS-R12).
- Opposition to the increase of a building to a maximum of 500 m<sup>2</sup> or 15% of an Open Space site.
- Retention of OS-R21 as notified.
- Limitations on construction of a building to a size of 50m<sup>2</sup> or 15% maximum of the open space area and for an OS building height to be 5.5m rather than 8m.

- Protection within OS from subdivision.
- Clarification on OS-R3.1, R4.1 and R6 to better explain setback, height in relation to boundary, and stockpiles.

#### Reporting Planner's s42A Recommendation

48. This was dealt with in paragraphs 109-119 and the recommendation from the Reporting Officer was to retain the notified provisions and amend the provisions as set out in Attachment 2.

#### Evidence from Submitter and Right of Reply

49. Representatives from DOC presented in support of their original submission. Mrs Horton's recommendation remained the same and she advised that the matter was dealt with in the recently operative Notable and Public Trees Chapter (PC129).
50. Ms Osborne requested that the Setbacks and Height in Relation to boundary rules across all open space zones, where the open space zones are adjoining another open space zoned site, an exemption be applied for sites with open space zoning as this may entail unnecessary consenting requirements relating to internal boundaries of many sites in common ownership. Mrs Horton is of the view that the setback and HIRTB provisions hold more relevance to adjoining residential or commercial zoned sites. It is recommended that a common exemption note be included in the provisions as set out in Attachments 1 – 3 to exempt setbacks and height in relation to boundary rules between internal boundaries of open space zones relating to rules: CON-R3.1; CON-R4.1; OS-R3.1; OS-R4.1; SAR-R3; and SAR-R4.
51. Ms Osborne has stated that Rules NOSZ-R7 and OSZ-R7 provide for indigenous vegetation clearance as a permitted activity where it is associated with certain activities. Infrastructures submission to include new walking tracks that comply with SNZHB 8630:2004. Ms Osborne has stated that the restrictions are onerous where new walking tracks that require any tree removal are required to comply with the recently operative Notable and Public Trees Chapter. It is considered that indigenous vegetation clearance for new walking tracks can be included as permitted within NOSZ-R7 and OSZ-R7. Mrs Horton recommended that these rules be amended as set out in **Attachments 1 and 2**, respectively.
52. Ms Osborne discussed that Rules NOSZ-R9 – R16.2(b); OSZR8-R10.2(b); and SARZ-R6 – R9.3(b) all contain rules restricting activities that are located between the front of the building and the road. Ms Osborne stated that it appears unclear what effects these rules are controlling and how the rule will be interpreted. Relief sought is to remove the sub-rule. Mrs Horton stated that as written the rule provides for ambiguity and maybe confusing for consenting purposes. To provide clarity it is suggested that the sub rules, (Rules CON-R9 – R16.1(b)(ii); OSR8-R10.2(b)(ii); SAR-R6 – R9.3(b)(ii), be effectively deleted/removed from the provisions as set out in **Attachments 1 – 3**.

#### Discussion and Reasons

53. In relation to the DoC submission on Rule R7 and the inclusion of Rule regarding clearance of indigenous vegetation we agree with the DoC that a new Rule should be added reading "c. Does not occur within three times of the radius of the canopy dripline of a New Zealand Kauri". We further find that a consequential amendment should be made to clause ii of the rule in order to add a standard to ensure the listed activities do not occur within three times the maximum radius of the canopy dripline of a New Zealand Kauri tree. Although Mrs Horton considered that there was no further provision required because recent changes had been made as a result of PC129 – Notable and Public Trees on land administered by Council our view is that the specific Rule requested by the DoC is appropriate and specific to New Zealand Kauri trees. We do not see any issues with having two definitions in the District Plan when one is specifically targeting New Zealand Kauri trees and the protection of them from Kauri Dieback Disease (from which at present there is no cure) and we have also recommending including such a Rule in the EARTH Chapter.
54. These provisions would be the most appropriate way to achieve the associated objective, as it would address a significant resource management issue in the region and would give effect to NRPS policy 4.4.1.

## Topic D: Rules – Subdivision

### Relevant Submissions

Submitter	Submission# & Point #
AJ and JK Morgan	170.2

### Principal Issues Raised

- Support of OS Subdivision rules as notified.

### Reporting Planner's s42A Recommendation

55. This was dealt with in paragraph 121 and 122 and the recommendation from the Reporting Officer was to retain the provisions as notified and amend the provisions as set out in Attachment 2 of the s42A report.

### Evidence from Submitter and Right of Reply

56. No evidence was presented on this matter.

### Discussion and Reasons

57. We agree with the recommendation as set out in the s42A Report for the reasons given.

## Topic E: Zoning

### Relevant Submissions

Submitter	Submission# & Point #
Carol Messenger	313.1

### Principal Issue Raised

- Opposition of rezoning of sites Lots 4 and 6 DP 174870 and Lots 1-2 and Lot 5 DP 174870 in Ruakaka from Open Space to Medium Density.

### Reporting Planner's s42A Recommendation

58. In Part 8 of the s42A Report at paragraph 277 the submission from Ms Messenger was assessed as seeking that the OS zone remain on the land to the south east of Karawai Street toward the foredunes.

### Evidence from Submitter

59. Ms Messenger provided evidence at the hearing of the sites she was referring to and why the properties should not be rezoned from Open Space to Medium Density. Mrs Horton in her RoR stated that, after reviewing the sites and ownership, the sites should remain as Open Space as they are currently gazetted for conservation purposes and in the ownership of the Crown.

### Discussion and Reasons

60. We did visit the sites during our site visits and agree with the submitter and the Reporting Officer that the sites should remain Open Space Zone based on the reasons shown in the s42A Report and RoR.

## Part IV: Sport and Active Recreation Zone

### Topic A: Overview

#### Relevant Submissions

Submitter	Submission# & Point #
WCRB	125.2

#### Principal Issues Raised

- Amendment to the SAR Overview recognising camp grounds, camping activities and community activities.

#### Reporting Planner's s42A Recommendation

61. This was dealt with in paragraph 125 of the s42A report and it was recommended by the Reporting Officer that the inclusion of the word "camping" is not appropriate and would not assist the submitters in their operations at the site. In Mrs Horton's opinion the inclusion of the term 'community activities' within the SAR overview may assist in clarifying the purpose of the zone.

#### Evidence from Submitter and Right of Reply

62. No evidence was presented on this matter.

#### Discussion and Reasons

63. We agree with the recommendation as set out in the s42A Report for the reasons given.

### Topic B: Objectives

#### Relevant Submissions

Submitter	Submission# & Point #
Public Health Northland	207.67

#### Principal Issues Raised

- Amendment of SAR-O1 to include provisions for equitable accessibility.

#### Reporting Planner's s42A Recommendation

64. This was dealt with in paragraph 127 of the s42A report and it was recommended by the Reporting Officer to retain the provisions as notified and to amend the provisions as set out in Attachment 3 of the s42A report. Mrs Horton advised that the request to include provision for 'accessibility' within SAR-O1 is appropriate in her opinion, as it is important that public open spaces are accessible to all. Mrs Horton considers that the term 'equitable' is not achievable in all circumstances.

#### Evidence from Submitter and Right of Reply

65. No evidence was presented on this matter.

#### Discussion and Reasons

66. We agree with the recommendation as set out in the s42A Report for the reasons given.

### Topic C: Policies

#### Relevant Submissions

Submitter	Submission# & Point #
Waipu Cove Reserve Board	125.5

#### Principal Issues Raised

67. Retention of SAR-P1 and P4 that enable community facilities on public land in the SAR.

#### Reporting Planner's s42A Recommendation

68. This was dealt with in paragraph 129 of the s42A report and the Reporting Officer advised that she concurred with the submission with regard to the SAR Policies. Her recommendation was to retain the provisions as notified and amend the provisions as set out in Attachment 3 of the s42A report.

#### Evidence from Submitter and Right of Reply

69. No evidence was presented on this matter.

#### Discussion and Reasons

70. We agree with the recommendation included in the s42A Report for the reasons given.

### Topic D: Rules – Land use

#### Relevant Submissions

Submitter	Submission# & Point #
Waipu Cove Reserve Board	125.3 and 6
WDC Infrastructure	242.42 – 47
PNJV	224.34
PNTJV	142.40

#### Principal Issues Raised

- Port Nikau Three Joint Venture (PNTJV) and Port Nikau Joint Venture (PNJV) have stated that SAR-R10-R13 inadvertently requires consent for the listed activities establishing further than 50m from a residential zone. The overall construct of the rule is unclear and confusing.
- Provision for temporary commercial and food and beverage activities that are ancillary to the main use of the site to be within 50m from a residential zone (SAR-R7 - R9.2).
- Review of the cumulative outdoor area in SAR-R12.1.
- Provision for clarity in relation to 'sports' or 'formal outdoor recreation spaces and/or structures' and their hours of operation to enable them within this zone (SAR-R12).
- Retention of rule SAR-R1 or a similar provision specifically allowing activities that are consistent with a reserve management plan to be undertaken as a permitted activity.
- Amendment to SAR-R13 to change the opening hours from 0800-2200 to 0700-2200.
- Amendments to enable camping in the SAR environment.
- Clarification on SAR-R3, R and R5 to better explain setback, height in relation to boundary, and stockpiles.

#### Reporting Planner's s42A Recommendation

71. This was dealt with in paragraphs 137 to 140 of the s42A report and it was recommended by the Reporting Officer to retain the provisions as notified and to amend the provisions as set out in Attachment 3 of the s42A report.

### Evidence from Submitter and Right of Reply

72. Ms Osborne (on behalf of WDC Infrastructure) requested that the Setbacks and Height in Relation to boundary rules across all open space zones, where the open space zones are adjoining another open space zoned site, an exemption be applied for sites with open space zoning as this may entail unnecessary consenting requirements relating to internal boundaries of many sites in common ownership. Mrs Horton stated that the setback and HIRTB provisions hold more relevance to adjoining residential or commercial zoned sites and recommended that a common exemption note be included in the provisions as set out in Attachments 1 – 3 to exempt setbacks and height in relation to boundary rules between internal boundaries of open space zones relating to rules: CON-R3.1; CON-R4.1; OS-R3.1; OS-R4.1; SAR-R3; and SAR-R4.
73. Ms Osborne stated that Rules NOSZ-R9 – R16.2(b); OSZR8-R10.2(b); and SARZ-R6 – R9.3(b) all contain rules restricting activities that are located between the front of the building and the road and that it appears unclear what effects these rules are controlling and how the rule will be interpreted. Relief sought is to remove the sub-rule. Mrs Horton advised that as written the rule provides for ambiguity and maybe confusing for consenting purposes. To provide clarity it is suggested that the sub rules, (Rules CON-R9 – R16.1(b)(ii); OSR8-R10.2(b)(ii); SAR-R6 – R9.3(b)(ii), be effectively deleted/removed from the provisions as set out in Attachments 1 – 3.

### Discussion and Reasons

74. We agree with the recommendation of the Reporting Officer as shown in the s42A Report and agree that the submissions should be accepted or rejected accordingly and that a common exemption note should be included and this is shown in Attachments 1 to 3.

## **Recommendations**

75. For the reasons set out in this report, we recommend that Council:
1. Amend the provisions as set out in Attachments 1, 2 and 3.
  2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 11 of the Section 42A Report and as amended by the Part 10 of the Right of Reply; with amendments to:
    - a. Include objectives, policies and rules in relation to Kauri dieback disease in the Open Space Zone and Natural Open Space Zone.
  3. Accept, accept in part or reject submissions to the extent that would accord with provisions in Attachment 1, 2 and 3.

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**





# Natural Open Space Zone

## (NOSZ)

### Issues

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

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

The Natural Open Space Zone consists of the following New Zealand Reserve Association Park Categories:

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

The Natural Open Space Zone often has high ecological/biodiversity values and it is therefore appropriate to limit the scale and intensity of activities and development to ensure there are minimal adverse effects and as little modification to the environment as possible.

The Natural Open Space Zone is characterised by minimal buildings and structures, largely undeveloped areas and open expanses of land. Land may have limited public access and infrastructure such as car parks, walking tracks and camp grounds.

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

### Objectives

NOSZ-O1 – Natural Environment	Protect and enhance the natural, ecological, landscape, cultural and heritage values of the Natural Open Space Zone.
NOSZ-O2 – Activities and Buildings	Buildings associated with recreational, educational, cultural and conservation activities, complement and do not compromise the values and qualities of the Natural Open Space Zone.
NOSZ-O3 – Kauri dieback disease	Avoid the spread of plant pathogens including <i>Phytophthora Agathidicida</i> (kauri dieback disease).

### Policies

NOSZ-P1 - Open Spaces	To identify and protect open spaces that are managed primarily for conservation and have high natural, ecological, landscape, cultural and heritage values.
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# Natural Open Space Zone

## (NOSZ)

NOSZ-P2 – Adverse Effects	To manage adverse effects on the values and qualities of the Natural Open Space Zone by limiting the use, location, scale, and design of buildings.
NOSZ-P3 – Enable Appropriate Structures	To enable structures and platforms in appropriate locations to enhance visitors understanding and experience of natural, cultural and heritage values.
NOSZ-P4 – Limiting Inappropriate Activities	To avoid, remedy and mitigate adverse effects on the values and qualities of the Natural Open Space Zone by managing the scale and nature of activities.
NOSZ-P5 – Manage Activities	To avoid adverse effects on amenity and character of the Natural Open Space Zone by managing activities to ensure that they support ongoing conservation.
NOSZ-P6 – Subdivision	To avoid the fragmentation of Natural Open Space Zone land where subdivision would not protect high natural, ecological, landscape, cultural and heritage values.
NOSZ-P7 – Subdivision Design and Layout	To protect the natural, cultural and heritage values of the Natural Open Space Zone by managing the design and layout of subdivision.
NOSZ-P8 - Kauri dieback disease	To discourage vegetation clearance within the vicinity of New Zealand Kauri tree ( <i>Agathis Australis</i> ) and to ensure that vegetation clearance is undertaken in a way to avoid the spread of plant pathogens including <i>Phytophthora Agathidicida</i> (Kauri Dieback Disease).

### Rules

NOSZ-R1	Any Activity Not Otherwise Listed in This Chapter
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>
NOSZ-R2	Any Activity
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is in accordance with Section 4(3) of the RMA 1991.</li> </ol>
NOSZ-R3	Minor Buildings
	<p>Activity Status: Permitted</p> <p><i>Note: Minor buildings are exempt from rules NOSZ-R4 – R7.</i></p>

# Natural Open Space Zone (NOSZ)

NOSZ-R4	Building and Major Structure Height	
	Activity Status: Permitted  Where:  1. The maximum building height and major structure height is 5.5m above ground level.	Activity Status when compliance not achieved: Discretionary
NOSZ-R5	Building and Major Structure Setbacks	
	Activity Status: Permitted  Where:  1. All buildings and major structures comply with the minimum building and major structure setback rule of the adjoining zone closest to the building or major structure.  2. All buildings and major structures are set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).  <i>Exemption: NOSZ-R5.1 does not apply where the adjoining zone is an Open Space and Recreation Zone.</i>	Activity Status when compliance not achieved: Discretionary
NOSZ-R6	Building and Major Structure Height in Relation to Boundary	
	Activity Status: Permitted  Where:  1. All buildings and major structures comply with the minimum height in relation to boundary rule of the adjoining zone closest to the building or major structure.  <i>Exemption: NOSZ-R6 does not apply where the adjoining zone is an Open Space and Recreation Zone.</i>	Activity Status when compliance not achieved: Discretionary
NOSZ-R7	Building Gross Floor Area	
	Activity Status: Permitted  Where:  1. The maximum gross floor area of any building is 50m <sup>2</sup> . 2. The total cumulative gross floor area of all buildings is no more than 15% of the site area.	Activity Status when compliance not achieved: Discretionary

# Natural Open Space Zone

## (NOSZ)

NOSZ-R8	Outdoor Areas of Storage or Stockpiles
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules NOSZ -R4 – R7.</li> <li>b. Is screened from view from adjacent public places and surrounding Local Centre, Mixed Use, Residential or Open Space and Recreation Zones, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date].</li> </ol> </li> </ol>
	<p>Activity Status when compliance not achieved: Discretionary</p>
NOSZ-R9	Indigenous Vegetation Clearance
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The clearance of indigenous vegetation:               <ol style="list-style-type: none"> <li>a. Does not exceed 250m<sup>2</sup> per site within each 10 year period from [operative date].</li> <li>b. Is not undertaken within 20m of a water body.</li> <li>c. Do not occur within three times the maximum radius of the canopy dripline of a New Zealand Kauri tree (<i>Agathis Australis</i>).</li> </ol> </li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>d. Is associated with:               <ol style="list-style-type: none"> <li>i. Routine maintenance within 7.5m of the eaves of existing buildings:                   <ol style="list-style-type: none"> <li>a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.</li> <li>b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.</li> </ol> </li> <li>ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains, drainage infrastructure, new walking tracks and other lawfully established activities. Except that no indigenous vegetation clearance shall occur within three times the maximum radius of the canopy dripline of a New Zealand Kauri tree (<i>Agathis Australis</i>).</li> <li>iii. Pest plant removal and biosecurity works.</li> <li>iv. Vegetation removal for customary rights.</li> </ol> </li> </ol>
	<p>Activity Status when compliance not achieved: Discretionary</p>

# Natural Open Space Zone

## (NOSZ)

- v. Conservation planting, including planting for ecological restoration purposes.

*Note: See the NPT Chapter for rules relating to Notable & Public Trees.*

NOSZ-R10	Farming
Activity Status: Permitted Where: 1. The activity is a primary activity or ancillary activity.	
NOSZ-R11	Residential Unit
NOSZ-R12	General Retail
NOSZ-R13	Commercial Services
NOSZ-R14	Food and Beverage Activity
NOSZ-R15	Visitor Accommodation
NOSZ-R16	Place of Assembly
NOSZ-R17	Recreational Facilities
NOSZ-R18	Educational Facility
NOSZ-R19	General Community
Activity Status: Discretionary Where: 1. The activity is a primary activity or ancillary activity. 2. Any combination of activities listed in rules NOSZ-R11 to NOSZ-R19 have: a. A cumulative GFA of less than 300m <sup>2</sup> per site. b. A cumulative outdoor area less than 500m <sup>2</sup> .	
Activity Status when compliance not achieved: Non-Complying	
NOSZ-R20	Plantation Forestry
Activity Status: Discretionary Where: 1. The activity is a primary activity or ancillary activity.	

# Natural Open Space Zone

## (NOSZ)

NOSZ-R21	Intensive Livestock Farming
NOSZ-R22	Farm Quarrying
NOSZ-R23	Industrial Activities
NOSZ-R24	Supported Residential Care
NOSZ-R25	Retirement Village
NOSZ-R26	Motor Vehicle Sales
NOSZ-R27	Garden Centres
NOSZ-R28	Marine Retail
NOSZ-R29	Drive Through Facilities
NOSZ-R30	Trade Suppliers
NOSZ-R31	Hire Premise
NOSZ-R32	Service Station
NOSZ-R33	Funeral Home
NOSZ-R34	Grocery Store
NOSZ-R35	Entertainment Facilities
NOSZ-R36	Care Centre
NOSZ-R37	Emergency Services
NOSZ-R38	Hospital
NOSZ-R39	General Commercial
Activity Status: Non-Complying Where: 1. The activity is a primary activity or ancillary activity.	

# Open Space Zone (OSZ)

## Issues

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

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

The Open Space Zone consists of the following New Zealand Reserve Association Park Categories:

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

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

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

## Objectives

OSZ-O1 – Informal Recreation	Provide for accessible quality public open spaces for informal recreation and small-scale community uses.
OSZ-O2 – Values	Protect the amenity, cultural, historic and natural values of the Open Space Zone.
OSZ-O3 – Kauri dieback disease	Avoid the spread of plant pathogens including <i>Phytophthora Agathidicida</i> (kauri dieback disease).

## Policies

OSZ-P1 – Providing for Community	To provide for a variety of accessible informal recreational activities and small-scale community uses while mitigating any potential adverse effects on neighbouring residents, the community and the environment.
OSZ-P2 – Building and Structures	To limit the location, scale and design of buildings and structures to complement the natural, historic, cultural and recreational values and function of the Open Space Zone.
OSZ-P3 – Protection	To protect the natural, cultural, historic and recreational values of the Open Space Zone by avoiding activities that are not recreational or small scale community activities.
OSZ-P4 – Non-Recreation Activities	To manage non-recreation activities by ensuring that they: <ol style="list-style-type: none"> <li>1. Are not likely to generate reverse sensitivity effects.</li> <li>2. Support, or are compatible with, the recreation, education and place of assembly activities within the Zone.</li> </ol>



# Open Space Zone (OSZ)

	3. Ensure that the natural, cultural, heritage and recreational values are not compromised by the nature, scale and design of activities and buildings.
OSZ-P5 – Subdivision	To avoid the fragmentation of Open Space Zone land where subdivision design and layout would not protect high natural, cultural, heritage and recreational values.
OSZ-P6 - Kauri dieback disease	To discourage vegetation clearance within the vicinity of New Zealand Kauri tree ( <i>Agathis Australis</i> ) and to ensure that vegetation clearance is undertaken in a way to avoid the spread of plant pathogens including <i>Phytophthora Agathidicida</i> (Kauri Dieback Disease).

## Rules

OSZ-R1	Any Activity Not Otherwise Listed in This Chapter	
	Activity Status: Permitted Where: 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan.	
OSZ-R2	Any Activity	
	Activity Status: Permitted Where: 1. The activity in accordance with Section 4(3) of the RMA 1991.	
OSZ-R3	Minor Buildings	
	Activity Status: Permitted <i>Note: Minor buildings are exempt from rules OSZ-R4 – R7.</i>	
OSZ-R4	Building and Major Structure Height	
	Activity Status: Permitted Where: 1. The maximum building height and major structure height is 8m above ground level, excluding floodlights which have a maximum height of 18.5m above ground level.	Activity Status when compliance not achieved: Discretionary
OSZ-R5	Building and Major Structure Setbacks	
	Activity Status: Permitted Where:	Activity Status when compliance not

# Open Space Zone (OSZ)

1. All buildings and major structures comply with the minimum building and major structure setback rule of the adjoining zone closest to the building or major structure.
2. All buildings or major structures are set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

*Exemption: OSZ-R5.1 does not apply where the adjoining zone is an Open Space and Recreation Zone.*

achieved:  
Discretionary

OSZ-R6	Building and Major Structure Height in Relation to Boundary
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings and major structures comply with the minimum height in relation to boundary rule of the adjoining zone closest to the building or major structure.</li> </ol> <p><i>Exemption: OSZ-R6 does not apply where the adjoining zone is an Open Space and Recreation Zone.</i></p>
	Activity Status when compliance not achieved: Discretionary

OSZ-R7	Building Coverage
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The coverage of all buildings does not exceed 500m<sup>2</sup> or 15% of the net site area whichever is the lesser.</li> </ol>
	Activity Status when compliance not achieved: Discretionary

OSZ-R8	Outdoor Areas of Storage or Stockpiles
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with rules OSZ-R4 – R6.</li> <li>b. Is screened from view from adjacent public places and surrounding Local Centre, Mixed Use, Residential or Open Space and Recreation Zones, except for construction materials for a maximum period of 12 months within each 10-year period from [Operative Date].</li> </ol> </li> </ol>
	Activity Status when compliance not achieved: Discretionary

# Open Space Zone (OSZ)

OSZ-R9	Indigenous Vegetation Clearance	
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. The clearance of indigenous vegetation:</p> <ul style="list-style-type: none"> <li>a. Does not exceed 250m<sup>2</sup> per site within each 10 year period from [Operative Date].</li> <li>b. Is not undertaken within 20m of a water body.</li> <li>c. Do not occur within three times the maximum radius of the canopy dripline of a New Zealand Kauri tree (<i>Agathis Australis</i>).</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>d. Is associated with:               <ul style="list-style-type: none"> <li>i. Routine maintenance within 7.5m of the eaves of existing buildings:                   <ul style="list-style-type: none"> <li>a) Including the removal of any tree where any part of the trunk is within the 7.5m distance.</li> <li>b) Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance.</li> </ul> </li> <li>ii. Operation, maintenance and repair of existing tracks, lawns, gardens, fences, drains, drainage infrastructure, new walking tracks and other lawfully established activities. Except that no indigenous vegetation clearance shall occur within three times the maximum radius of the canopy dripline of a New Zealand Kauri tree (<i>Agathis Australis</i>).</li> <li>iii. Pest plant removal and biosecurity works.</li> <li>iv. Vegetation removal for customary rights.</li> <li>v. Conservation planting, including planting for ecological restoration purposes.</li> </ul> </li> </ul> <p><i>Note: See the NPT Chapter for rules relating to Notable &amp; Public Trees.</i></p>	<p>Activity Status when compliance not achieved: Discretionary</p>
OSZ-R10	Place of Assembly	
OSZ-R11	Recreational Facilities	
OSZ-R12	Educational Facilities	
OSZ-R13	General Community	
	<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# Open Space Zone (OSZ)

1. The place of assembly, educational facilities or general community activity is located further than 50m from a Residential Zone.
2. The recreational facility is located further than 10m from a Residential Zone.
3. Any combination of activities listed in rules OSZ-R10 to OSZ-R13 have:
  - a. A cumulative GFA of less than 300m<sup>2</sup> per site.
  - b. A cumulative outdoor area less than 500m<sup>2</sup>.
4. The activity is a primary activity or ancillary activity.

OSZ-R14	Farming
Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	
OSZ-R15	Plantation Forestry
OSZ-R16	Community Corrections Activity
Activity Status: Discretionary Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	
OSZ-R17	Intensive Livestock Farming
OSZ-R18	Farm Quarrying
OSZ-R19	Industrial Activities
OSZ-R20	Residential Activities
OSZ-R21	Commercial Activities
OSZ-R22	Care Centre
OSZ-R23	Emergency Services
OSZ-R24	Hospital
Activity Status: Non-Complying Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	



# Sport and Active Recreation Zone (SARZ)

## Issues

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

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

The Sport and Active Recreation Zone consists of the following New Zealand Reserve Association Park Categories:

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

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

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

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

## Objectives

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

## Policies

SARZ-P1 – Active Recreation	To enable active recreation by providing for a range of accessible sport, recreational and community activities, associated buildings and infrastructure.
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# Sport and Active Recreation Zone (SARZ)

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

## Rules

SARZ-R1	Any Activity Not Otherwise Listed in This Chapter
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Resource consent is not required under any rule of the District Plan.</li> <li>2. The activity is not prohibited under any rule of the District Plan.</li> </ol>
SARZ-R2	Any Activity
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity in accordance with Section 4(3) of the RMA 1991.</li> </ol>

# Sport and Active Recreation Zone (SARZ)

SARZ-R3	Minor Buildings	
		<p>Activity Status: Permitted</p> <p><i>Note: Minor buildings are exempt from rules SARZ-R4 – R6.</i></p>
SARZ-R4	Building and Major Structure Height	
		<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum building height and major structure height is 10m above ground level, excluding floodlights which have a maximum height of 18.5m above ground level.</li> </ol>
		<p>Activity Status when compliance not achieved: Discretionary</p>
SARZ-R5	Building and Major Structure Setbacks	
		<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures comply with the minimum building and major structure setback rule of the adjoining zone closest to the building or major structure.</li> <li>All buildings and major structures are set back at least 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).</li> </ol> <p><i>Exemption: SARZ-R5.1 does not apply where the adjoining zone is an Open Space and Recreation Zone.</i></p>
		<p>Activity Status when compliance not achieved: Discretionary</p>
SARZ-R6	Building and Major Structure Height in Relation to Boundary	
		<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All buildings and major structures comply with the minimum height in relation to boundary rule of the adjoining zone closest to the building or major structure.</li> </ol> <p><i>Exemption: SARZ-R6 does not apply where the adjoining zone is an Open Space and Recreation Zone.</i></p>
		<p>Activity Status when compliance not achieved: Discretionary</p>



# Sport and Active Recreation Zone (SARZ)

SARZ-R7	Outdoor Areas of Storage or Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The outdoor area of storage or stockpile: <ol style="list-style-type: none"> <li>Complies with rules SARZ-R4 – R6.</li> <li>Is screened from view from adjacent public places and surrounding Local Centre, Mixed Use, Residential or Open Space and Recreation Zones, except for construction materials for a maximum period of 12 months within each 10-year period from [operative date].</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
SARZ-R8	Garden Centres	
SARZ-R9	General Retail	
SARZ-R10	Commercial Services	
SARZ-R11	Food and Beverage Activity	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is an ancillary activity to the primary place of assembly, recreational facility or education facility within the same site.</li> <li>The activity is located further than 50m from a Residential Zone.</li> <li>Any combination of activities listed in rules SARZ-R8 to SARZ-R11 have: <ol style="list-style-type: none"> <li>A cumulative GFA of less than 25% of the site area.</li> <li>A cumulative outdoor area less than 500m<sup>2</sup>.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
SARZ-R12	Place of Assembly	
SARZ-R13	Entertainment Facilities	
SARZ-R14	Recreational Facilities	
SARZ-R15	Educational Facilities	
SARZ-R16	General Community	

# Sport and Active Recreation Zone (SARZ)

Activity Status: Permitted

Where:

1. The activity is located:
  - a. Within 50m of Residential Zone boundaries and is not open for visitors, clients, deliveries or servicing and does not operate outside the hours of 08:00 and 22:00; or
  - b. Further than 50m from Residential Zone boundaries.
2. The activity is a primary activity or ancillary activity.

Activity Status when  
compliance not  
achieved:  
Discretionary

SARZ-R17	Community Corrections Activity
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Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

SARZ-R18	Rural Production Activity
SARZ-R19	Industrial Activities
SARZ-R20	Residential Activities
SARZ-R21	Motor Vehicle Sales
SARZ-R22	Marine Retail
SARZ-R23	Drive Through Facilities
SARZ-R24	Hire Premise
SARZ-R25	Service Stations
SARZ-R26	Funeral Home
SARZ-R27	Trade Suppliers
SARZ-R28	Grocery Store
SARZ-R29	Visitor Accommodation
SARZ-R30	Care Centre
SARZ-R31	Emergency Service
SARZ-R32	Hospital
SARZ-R33	General Commercial

# Sport and Active Recreation Zone (SARZ)

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

# **Report 13 – Precincts Proposed Plan Change 88J**

**Report and Recommendations of Independent Commissioners**

**Commissioner Richard Knott (Chair)**

**Commissioner Rachel Dimery**

**Commissioner Bill Smith**

**12 May 2020**

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## ***Attachments***

1. Recommended Precincts Chapter
2. Recommended DA1 PNDA Chapter, including PNDA Plans

## Introduction

3. Report 1 provides an overview of the hearing and the general approach taken in preparing our recommendations. It also sets out the statutory framework.
4. The abbreviations used in this report are set out in Report 1.
5. This report follows the same structure as Part 12 of the s42A Report. It is split into the following topics:
  - a. PREC1 – Oil Refinery Precinct
  - b. PREC2 – Hihiaua Peninsula Precinct (HPP)
  - c. Port Nikau Joint Venture (PNJV) – Development Area and Precinct
  - d. Port Nikau Precinct (PNP) – Objectives and Policies
  - e. Port Nikau Precinct (PNP – Rules
  - f. Port Nikau Three Joint Venture (PNTJV) - Precinct
6. Where this report refers to the s42A Report it is referring to Part 12. Where this report refers to the Right of Reply (**RoR**) report it is referring to Part 11.
7. Report 6 on the LIZ and HIZ also deals with specific issues in regards to Precincts and in particular issues such as electrified and/or barbed wire fortified fences, the NZCPS and the 27m setback in the PNTJV and PNJV (paragraphs 59, 64, 71, 72 and 80), issues with Refining NZ, recommended Precinct for the Rewarewa D Block Landowners (paragraphs 89 and 91 to 94) and a Precinct for the Marsden Technology Park which is dealt with in detail in Topic – M Part 6 paragraphs 131 to 142).

## Evaluation of Submissions

### Topic A: PREC1 – Oil Refinery Precinct

#### Relevant Submissions

Submitter	Submission# & Point #
Refining NZ	260.8
	260.9, 10 and 13
	260.11
	260.12
	260.13
	260.14
	260.15
	260.16
	260.17
The Oil Companies	101.40

#### Principal Issues Raised

- Amendments to the overview, objectives, policies and rules:
  - Change the name of PREC1 to “Marsden Point Energy Precinct”.
  - The removal of the word “oil” from OPR-O1 and OPR-P1.
  - Insertion of two new policies, for Regional Significance and Alternative Energy Generation Technology.

- Insertion of new rules, no building setback requirements, no boundary planting, maximum building height of 130m and all artificial lighting associated with Refining activities are permitted activities.
- Amendments to the definition of Oil Refinery Activities as follows:

**~~Oil Refinery Activities~~**: means the use of land and/or building within the ~~Oil Refinery~~ Precinct for refinery related activities, including:

~~... (c) Distribution of products;~~

~~(e) (d) Cogeneration~~ Electricity generation plans and associated transmission lines;

~~(d) (e) Offices;~~

~~(e) (f) Support and community activities;~~

~~(f) (g) Visitor centres;~~

~~(g) (h) Canteens/cafes and residential dwellings~~ associated with the refinery; and

~~(h) (i) Facilities catering to the needs of staff and visitors.~~

- Amendment of the definition of Oil Refinery Activities to remove the provision for residential dwellings associated with the refinery.

#### Reporting Planners 42A Recommendation

8. These were dealt with in paragraphs 24 - 31 of the s42A Report and Ms McGrath recommended the following:
  - a. Amend the title of PREC 1 to Marsden Point Energy Precinct and undertake any consequential numbering and cross-referencing amendments.
  - b. Amend OPR-O1 and OPR-P1 as detailed in Part 12 of the s42A **Attachment 3** and Part 5 of the s42A **Attachment 4**.
  - c. Amend the definition of Oil Refinery Activities as detailed in Part 1 of the s42A **Attachment 1**.
  - d. Insert new setback rule as detailed in **Part 5 Attachment 4**.
  - e. Retain as notified the reliance upon the building height rules of HI (noting amendments recommended in Part 5 of the s42A).
  - f. Relocate PREC1 to the HI chapter and renumber accordingly.

#### Evidence from Submitter and Right of Reply

9. Mr Blair Masfield presented evidence on behalf of Refining NZ supporting the following relief:
  - An additional precinct policy to enable alternative methods of electricity generation.
  - Clarification of amendments to 'oil refinery activities definition'.
  - Support for original relief sought with respect to building setback and lighting rules. A refinement of relief sought to seek a specific maximum building height within the precinct.
10. With regard to (c) above, Mr Masfield had recommended the following provision wording:

#### **HEIGHT**

*Activity Status: Permitted*

*Construction, alteration or replacement of a building or structure is a permitted activity if:*

1. The building or structure exists at [operative date] and following the alteration or replacement works, its height is not materially increased; or
2. In the case of the existing Flare Stack, following alteration or replacement, its height is not increased above 130m above ground level; or
3. One (1) additional Furnace Stack is constructed to a height not exceeding 75m above ground level; or



4. Up to three (3) additional Columns are constructed to a height not exceeding 56m above ground level. a. 20m above ground level; or  
 b. 40m above ground level provided no more than 25% of the net site area is occupied by buildings and structures that exceed 20m above ground level.

For all other buildings and structures not covered above, the maximum permitted height is:

Activity Status when not Permitted: Restricted Discretionary

Matters of Discretion:

1. The effects of the bulk and location of the building or structure;
2. The effects on Cultural Values, Outstanding Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features;
3. Methods to avoid, remedy or mitigate significant adverse effects from the structure height; and
4. The operational and safety requirements for the structure.

Notification:

Applications processed under this rule are precluded from public notification.

11. Ms McGrath liaised with Mr Masefield with respect to the recommended height rule, and he confirmed that 'flare stack', 'furnace stack' and 'columns' would fit within the recommended definition of 'major structure' and would not be defined as 'buildings'. As such Ms McGrath's opinion was that the major structure and building height rules should be separated to improve understanding, efficiency and effectiveness. Mr Masefield had also recommended a building height rule which maintains a building height consistent with Ms McGrath's recommendation for the underlying Heavy Industrial Zone. Therefore, she concluded that PREC1 did not require an exemption rule for building height.
12. Ms McGrath recommended amendments to the PREC1 rules to amend the building height rule and insert a major structure height rule to provide certainty of the relationship between the underlying HIZ-R2 and the recommended building height rule. Ms McGrath did not change her position with respect to (a) additional precinct policies, and she continued to support the amendments to the definition of 'oil refinery activities' and insertion of a setback rule.
13. The Oil Companies identified an error in the s42A Report, track changes to Oil Refinery Activities definition. Ms McGrath confirmed that an error had occurred when applying the track changes to the definition of Oil Refinery Activities in the consequential amendments document, she recommended that the definition be amended as detailed in the RoR Part 1, **Attachment 1**.

### Discussion and Reasons

14. We adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments and agree that the submissions should be accepted or rejected accordingly.

## Topic B: Hihiaua Peninsula Precinct (HPP)

### Relevant Submissions

Submitter	Submission# & Point #
T Savage	255.2
Population Health Unit of the Northland District Health Board	207.61

### Principal Issues Raised

- Requests to plan for growth. Change to residential in Lower Dent in Herekino means more residents subject to rising water levels. Where will light industry move to?
- Inclusion of a new safety objective: Promote the development of a safe and healthy Hihiaua Peninsula Precinct.

### Reporting Planners 42A Recommendation

15. This was dealt with in paragraphs 34 - 37 of the s42A Report and Ms McGrath recommended:

- a. Retain PREC2 Hihiaua Peninsula Precinct as notified.
- b. Relocate PREC2 to the MUZ chapter and renumber accordingly.

#### Evidence from Submitter and Right of Reply

16. No evidence was presented on these topics.

#### Discussion and Reasons

17. We adopt the analysis in the s42A Report and its recommendations and agree that the submissions should be rejected accordingly.

### Topic C: Port Nikau Joint Venture (PNJV) – Development Area and Precinct

#### Relevant Submissions

Submitter	Submission# & Point #
PNJV	224

#### Principal Issues Raised

- Replacement of the notified PNP (Port Nikau Precinct) with:
  - Identification of the majority of the PNJV land in a Port Nikau Development Area (**PNDA**) as depicted in the submission<sup>1</sup> and further submission<sup>2</sup>, and that the provisions be generally those in the draft Port Nikau Development Area Chapter included in the submission and updated via further submission.
  - Identification of the remainder of the PNJV land in a Precinct split into two sub-precincts 'A' (west) and 'B' (east) as depicted in the submission<sup>3</sup>, and that the Precinct provisions be generally those in the LIZ subject to the additions and exemptions outlined in the submission.
- Exemption rules in Precinct Area A: enabling 6m setback from MHWS, security fencing on the boundary with residential and open space zoned land, exemption of activities in the precinct from compliance with LI-R7-R11(1) and (3), and amendment of the activity status of LI-R22 from non-complying to restricted discretionary, adopting similar matters for discretion as those in LI-R15-R21.
- Exemptions rules in Precinct Area B: enabling security fencing on the boundary with residential and open space zone land and exemption of activities in the precinct from compliance with LI-R7-R11(1) and (3).
- Precincts A and B be exempt from compliance with plan changes 109 (Transport), 136 (Three Waters Management), 147 (Earthworks), and 148 (Strategic Direction and Subdivision).
- Exemption and a weakening of activity status from notified TWM and TRA provisions in proposed provisions PNDA-R2 and PNDA-R3.
- Further submissions oppose the zoning of the site because it omits the ability to make more detailed assessment of transport effects; oppose the exemptions from district wide chapters; and seek to ensure that reverse sensitivity effects on the neighbouring Heavy Industrial zone are addressed.

#### Reporting Planners 42A Recommendation

<sup>1</sup> Submission 224 Attachment 2.

<sup>2</sup> Further Submission X383

<sup>3</sup> Submission 224 Attachment 2

18. This was dealt with in paragraphs 44 – 72 of the s42A Report, Ms McGrath provided two recommendations:
- a. Her primary recommendation was that the Commissioners reject submission 224 in its entirety and maintain the notified Port Nikau Precinct (**PNP**) because insufficient information had been provided to support the submission.
  - b. Subject however to the specified additional information being satisfactorily provided by PNJV prior to or at the hearing she had a secondary recommendation supporting a PNDA.
  - c. In detail her secondary recommendation was then to:
    - i. Accept in part the PNJV submission with respect to the deletion of the entire notified PNP and replacement with the PNDA.
    - ii. Accept in part the PNJV submission with respect to exemptions from the District-Wide chapters, providing for an exemption for the PNDA from the subdivision chapter but no other exemptions.
    - iii. Reject the PNJV submission with respect to the requested Port Nikau Precinct Areas A and B, retaining the notified underlying zoning in those locations as LIZ.
    - iv. Undertake the following amendments to the requested PNDA provisions:
      - a. Amend the PNDA underlying zoning by identification of MUZ zone as recommended in paragraph 67.
      - b. Amend the PNDA objectives as recommended and detailed in s42A Report Attachment 4.
      - c. Amend the PNDA policies as recommended and detailed in the s42A Report Attachment 4.
      - d. Amend the PNDA rules as recommended and detailed in s42A Report Attachment 4.
      - e. Amend the District Plan Zone maps 10, 13 and 73 to reflect the underlying zoning of the PNDA and delete reference to the PNP.

#### **Evidence from Submitter and Right of Reply**

19. Mr Hood presented evidence on behalf of PNJV, supporting the original PNJV submission seeking a development area and precincts to replace the operative Port Nikau Environment (**PNE**), including tabling a revised set of recommended Port Nikau Development Area (**PNDA**) provisions in response to the s42A Report. Ms McGrath's opinion remained unchanged that either planning tool, a Precinct or a Development Area, could be applied to this location.
20. Mr Hood provided further information in response to the matters raised in the s42A report:
- Mr Hood supported the requested precincts PNP A and B, cross referencing to his evidence and reasoning on behalf of PNJV and the various exemptions from TRA, TWM, EARTH, SD and SUB, District-Wide Chapters.
  - In response to the s42A and Mr Riley's recommendation, Mr Hood provided a sample of more detailed PNDA plans prepared by Construct<sup>4</sup> to demonstrate that the potential effects can be managed through urban design and building typology selection. This exercise had led Mr Hood to conclude that amendments to the PNDA provisions are required to achieve good quality outcomes. Mr Hood in his tabled provisions recommended amendments to PNDA-R9 and PNDA-R16.
21. Mr Hood also presented evidence outlining his basis for supporting the exemption from Integrated Transport Assessment requirements (**ITA**). Mr Collins presented evidence on behalf of New Zealand Transport Agency (**NZTA**) supporting the further submission in opposition to PNJV, in his view the PNDA (or the PNP) should not be exempt from the requirements of the TRA15 and TRA16<sup>5</sup>. This evidence was further clarified by Mr Gribbon in his Memorandum of Counsel for the NZTA in response

<sup>4</sup> Construct Associates Ltd

<sup>5</sup> Pre-circulated evidence Mr Collins on behalf of NZTA pages 10 and 11

to questions from the hearing panel<sup>6</sup>.

22. Mr Burgoyne as reporting planner responded to the PNJV submission point seeking exemption from the TRA in RoR Part 8 and Ms McGrath concurred with his recommendations. Mr McKenzie reviewed the evidence and had provided a detailed response - refer to RoR Part 1 Attachment 5. Overall Mr McKenzie's opinion was that an ITA should be prepared at the time of the application to ensure that it assesses the specific scale and nature of the activity proposed. Ms McGrath did not support exempting the PNTJV and PNJV land from the ITA rule requirements.
23. Also in response to the s42A, Mr Hood presented evidence outlining his basis for supporting the exemption from the TWM requirements. Mr Burgoyne had responded to the PNJV submission point seeking exemption from the TWM in RoR Part 8 (pages 23 and 24) and Ms McGrath concurred with his recommendations on the PNDA Provisions.
24. Mr Hood had also provided evidence in response to the matters raised in the s42A Report with respect to the provisions and Ms McGrath's opinion/response is as follows:

Provision	Summary of Mr Hood's Evidence	Ms McGrath Response
PNDA-O2 Infrastructure	Redundant given that infrastructure capacity has already been confirmed.	As previously detailed, in my opinion the TWM and TRA provisions should apply and therefore PNDA-O2 is not redundant.
PNDA-P3 Street Networks and Formation	The word 'effective' appears twice and the word 'by' may be missing.	Agree.
PNDA-P8 Mixed Use	The words "to the" should be added before the words "Mixed Use Area".	Agree.
PNDA-R54 and R57	Consideration should be given to including Food and Beverage and Care Centre activities as permitted activities in the Mixed Use Area as the effects of both of these activities are adequately managed by the NAV provisions.	Following discussion with Mr Hood and the certainty provided through the identification of a Mixed Use Area, I can support a permitted activity with management of the GFA to maintain a fine grained and active frontage.
PNDA-P10 Subdivision	Minor typos.	Agree.
PNDA-R1 Any Activity	The proposed TRA and TWM exemptions should be added to 2.	As previously detailed, in my opinion the TWM and TRA provisions should apply. I do not support the insertion of an exemption.
PNDA-R3 Financial Contributions	Exchange the word 'may' for 'shall'.	Evidence presented has not changed my opinion and the s42A recommendation stands.
PNDA-R5 Street and Pedestrian Networks	Matter of discretion 2 should not include the words "consistency with".	Agree.
PNDA-R6 Open Space	Delete the word "all". Matter of discretion 2 should not include the words "consistency with".	Agree.

25. Mr Hood tabled a revised set of PNDA provisions which included amendments to rules PNDA -R9 to PNDA-R16 to incorporate an assessment of building typologies. It was confirmed at the hearing that Mr Hood and Ms McGrath would review these building typology provisions to attempt to reach an agreed position and report to the Panel.
26. In preparation for the RoR Ms McGrath and Mr Hood worked collaboratively to try to reach an agreed position with respect to technical planning aspects of the PNDA. They identified a number of aspects

<sup>6</sup> Memorandum of Counsel for the NZTA in response to questions from the hearing panel, paragraphs 3.19 – 3.29

which needed further clarity.

27. Ms McGrath's opinion was that it was necessary to amend the PNDA plans to accompany the provisions. PNJV confirmed that they would provide this further information by the 21 February 2020.
28. Part 11 of the RoR Attachment 2 is an amended PNDA chapter, with provisions other than those noted, agreed between Mr Hood and Ms McGrath.

### Discussion and Reasons

29. Following the RoR Mr Hood and the Council continued to discuss provisions and plans for the PNDA. We were provided with updated information on the 6<sup>th</sup> March 2020, including:
30. Updated provisions for the PNDA.
31. A Master Plan and larger scale typology plans, colour coded to link to specific building typologies.
32. A full suite of building typologies.
33. A Port Nikau public realm plan setting out fixed street and open space networks.
34. A sub-area plan to identify different residential areas within the PNDA that have different provisions (rules) and typologies.
35. A town centre ground floor site plan, and (indicative) upper level floor plans.
36. Detailed plan for harbour edge residential areas (Sub Area A).
37. Mr Hood explained in his accompanying email that:

Permitted development in Sub Area A must be in accordance with the stated typologies. If it is not, then restricted discretionary consent is required.

Permitted development in Sub Area B and C must be either in accordance with the identified typologies and PNDA-RNew2, or the default provisions which are similar to the medium density residential zone being introduced elsewhere in Whangārei.

Development in the commercial area is to be spatially in accordance with the town centre ground floor site plan. Other bulk and location rules for development in the commercial area (i.e. height etc) are included in the PNDA provisions.

Street and public space networks are fixed as per the Port Nikau Public Realm plan.

Following our receipt of this information we asked Council staff for their updated recommendation. This was provided by way of an Addendum to Right of Reply Part 11, dated 12 March 2020. In this Ms McGrath confirmed that PNJV have now supplied sufficient information to address the concerns she had raised in her s42 and RoR. She also confirmed that Mr Hood on behalf of PNJV has reviewed her RoR Addendum and confirmed his support (as detailed in Attachment 3 to the RoR Addendum).

She confirmed her recommendations, based on the updated information, as being:

Accept in part the PNJV submission and delete the entire notified PNP and replace it with the PNDA as set out in Attachment 1<sup>7</sup>.

Accept in part the PNJV submission and provide for an exemption for the PNDA from the Subdivision Chapter but no other exemptions from District Wide Chapters.

Reject the PNJV submission with respect to the requested Port Nikau Precinct Areas A and B, retaining the notified underlying zoning in those locations as Light Industrial Zone (LIZ).

<sup>7</sup> Attachment 1 to Addendum to Right of Reply; this included deleting PNDA-R2

Accept the agreed PNDA provisions as detailed within Attachment 1.

Amend the District Plan Zone maps Z10, Z13 and Z73 to reflect the PNDA and delete reference to the PNP.

Replace the references to underlying zones with Areas A, B, C and D as set out in Attachment 1 to her Addendum, amend Sub-Area Plan to identify 'Area D' to replace the 'Local Commercial Underlying Zone'.

Insert reference to PNDA as a consequential amendment in the following provisions:

- i. Amend the Multi Unit Development definition – insert reference to PNDA.
- ii. Amend the Reticulated Wastewater Area definition – insert reference to PNDA.
- iii. Amend the Reticulated Water Supply Area definition – insert reference to PNDA.
- iv. Amend Chapter 23, policy 23.4.3 – insert reference to PNDA Areas A, B and C.
- v. Amend NTW.2.2.2(c)(i) – insert reference to PNDA.
- vi. Amend NTW.2.5.1 – insert reference to PNDA Area D.
- vii. TRA-R8(2) Crossings, Access and Parking Areas – insert reference to PNDA.
- viii. TRA-Appendix 2D, Table TRA9. Private Access Requirements, Note 1. 'Urban Sites' – insert reference to PNDA.
- ix. Amend the NAV Chapter as detailed in Attachment 2 to her Addendum.
- x. Amend Appendix 8A – A8.3 a) i. – insert reference to PNDA Area D.
- xi. Amend Appendix 8A – A8.3 b) – insert references to PNDA Areas A, B and C and PNDA Area

38. From our reading of the most up to date version of the DA1 PNDA chapter provided as Attachment 1 to Ms McGrath's Addendum we understand that there are a limited number of areas of disagreement between the Council and Mr Hood. We discuss each of these below.

39. Whether there should be exemptions from TRA-R15, TRA-R16 and the TWM Chapter in PNDA-R1. We have considered the evidence of the experts on this matter, including the evidence of Mr McKenzie in the RoR. As noted by Mr Burgoyne in his Part 8 RoR:

'Mr McKenzie has reviewed the evidence and provided response within Attachment 5 of Part 1 of the RoR. Mr McKenzie states, "the complete exemption of the Port Nikau Precinct from the requirement to prepare an ITA in support of a future consent/subdivision approval is not in my opinion appropriate". Overall Mr McKenzie is of the opinion that an ITA should be prepared at the time of the application to ensure that it assesses the specific scale and nature of the activity proposed. I rely on the evidence of Mr McKenzie and do not support exempting the PNTJV and PNJV land from the ITA rule requirements.'

40. We accept this view. We likewise accept the view of Mr Burgoyne that there should not be exemptions from the TWM Chapter and that it is appropriate that an assessment of TWM issues should be prepared at the time of the application to ensure that it assesses the specific scale and nature of the activity proposed, and also provides the opportunity (where appropriate) to consider integrated three waters management and low impact design as intended by TWM-R6 and R7.

41. The final difference of opinion between Mr Hood and Ms McGrath is whether the word 'shall' should be used rather than 'may' in PNDA-R3. We recognise the opinion of Mr Hood, as set out in his evidence, that the inclusion of the word 'may' provides the Council with the option of simply taking or requiring the reserves without a recognition of the wider public benefits. Whilst we have sympathy for this view,



we believe that the use of the word 'shall' would unduly narrow the scope of the rule. Given this we accept the Council's view that that the word 'may' should remain.

42. We note that since the s42A version of the chapter PNDA-R6 has been altered to require that open space be '*spatially located in accordance with the PNDA Plans*' rather than '*provided in accordance with the PNDA Plans*'. Given the reliance on the PNDA plans to identify the appropriate location and quantum of open space within the PNDA area, we are concerned that this alteration could allow the provision of a lesser area of open space in each location or perhaps a reconfigured shape of open space would may be less fit for purpose than that shown on the PNDA plans. We believe that the original use of '*provided in accordance with the PNDA Plans*' would limit this possibility. Given this we recommend that the original wording be retained.

A number of the PNDA rules are based on rules within other chapters of the plan. Whilst we recognise that the underlying zoning has now been removed from the PNDA area, we consider that it remains important to have consistency across the plan where possible. We have recommended changes to other rules across the plan and in some cases changes were proposed in the RoR. We consider that some of the PNDA rules are as a result out of step with these other rules. To ensure consistency across the plan we recommend that:

PNDA-R13 be amended to be consistent with MRZ-R5.

PNDA-R18 and PNDA-R19 be amended to be consistent with MRZ-R14 and MRZ-R15 (removing new floor area for units greater than 3 bedrooms).

PNDA-R70 be amended to be consistent with LCZ-R4(2) to require a zero setback from the road boundary (with the retention of the exceptions).

PNDA- R71 be amended to be consistent with LCZ-R7 by removing clause 1 and to control the use of film on windows and to control the use of sectional doors and shutters in addition to roller doors.

PNDA-R72 amended to be replaced by the text from LCZ-R8

PNDA-R77 and PNDA-R78 be amended to be consistent with LCZ-R14 (removing net floor area for units greater than 3 bedrooms).

43. Apart from our recommended additional changes, we accept the updated recommendation provided in the Addendum to the RoR and the recommended amendments in this and agree that the submissions should be accepted or rejected accordingly.

## Topic D: Port Nikau Precinct (PNP) Objectives and Policies

### Relevant Submissions

Submitter	Submission# & Point #
Heron	161.14 and 15
Population Health Unit of the Northland District Health Board	207.62 and 63
NZTA	240.89 and 90

### Principal Issues Raised

- Retention of PNP-O4 and amendment of PNP-P4 to insert "and by imposing sound insulation requirements for noise sensitive activities in all other areas".
- Inclusion of new safety objective and policy.
- Retention of PNP-P2 as notified and the amendment to PNP-P3 "To ensure the provision of an effective, efficient and safe transport network".

### Reporting Planners 42A Recommendation

44. These issues had been addressed in paragraphs 79 – 81 of the s42A Report, Ms McGrath recommended:
45. Should the Commissioners accept her primary recommendation with respect to the PNJV submissions, she recommended that the Commissioners, amend policies PNP-P4 and PNP-P3 as detailed in the s42A Report **Attachment 3**.
46. Should the Commissioners accept her secondary recommendation with respect to the PNJV submissions, she recommended that the Commissioners, insert policy PNDA-P3 as detailed in the s42A **Attachment 4**.

#### Evidence from Submitter and Right of Reply

47. Mr Arbuthnot presented evidence on behalf of Heron agreeing with the s42A recommendation.

#### Findings and Explanations of the Hearing Panel

48. We adopt the analysis in the s42A Report, as amended by the RoR and Addendum to the RoR its recommended amendments in relation to the PNDA policies and agree that the submissions should be accepted or rejected accordingly noting that we have accepted the Reporting Officer's secondary recommendation above.

### Topic E: Port Nikau Precinct PNP Rules

#### Relevant Submissions

Submitter	Submission# & Point #
Heron	161.16 and 17
WDC Planning and Development Department	236.101 to 236.107
NZTA	240.91
	240.92
KiwiRail	265.15, 16 and 17

#### Principal Issues Raised

- Retention of PNP-R2 to PNP-R9 and the amendment of PNP-R1 to insert reference to compliance with other District Wide and Resource Area rules of the District Plan.
- Multiple amendments to the PNP rules to improve clarity and correct drafting errors.
- Inclusion of provisions which link the change in land use to defined transport network mitigation. Provision should consider that some of the works proposed in the Operative PNP provisions have been completed (such as the Rewarewa Road intersection) but some other works are still subject to a Detailed Business Case analysis (eg. Whangārei to Te Hana).
- Amendment of PNP-REQ to change the title to Subdivision and/or Activity.
- Retention of Appendix 3 and PNP-R3 and the amendment of PNP-REQ3 to include reference to the level crossing on or connecting to Port Road.

#### Reporting Planners 42A Recommendation

49. These issues were addressed in paragraphs 88 - 89 of the s42A Report. Ms McGrath recommended that should the Commissioners accept her primary recommendation with respect to the PNJV submissions that the following should be recommended:
  - c. Amend PNP-R1 as detailed in s42A Report **Attachment 3**.
  - d. Amend minor errors and titles of rules as detailed in s42A Report **Attachment 3**.



- e. Amend PNP-R3 and REQ3 as detailed in s42A Report **Attachment**

3.

### Evidence from Submitter and Right of Reply

50. Mr Arbuthnot<sup>8</sup> presented evidence on behalf of Heron confirming that Heron accepts the changes recommended in the s42A recommendation.
51. Mr Collins<sup>9</sup> presented evidence on behalf of NZTA. Mr Collins supported the primary recommendation of the s42A Report (to apply a precinct to Port Nikau being the PNP), subject to a number of minor amendments. If the Commissioners were of a mind to accept the PNP then Ms McGrath agreed with the minor amendments requested by Mr Collins listed in paragraphs 5.17 (a) – (c) in his evidence.

### Discussion and Reasons

52. We adopt the analysis in the s42A Report, as amended by the RoR and Addendum to the RoR its recommended amendments in relation to the PNDA policies and agree that the submissions should be accepted or rejected accordingly noting that we have accepted the Reporting Officer's secondary recommendation above.

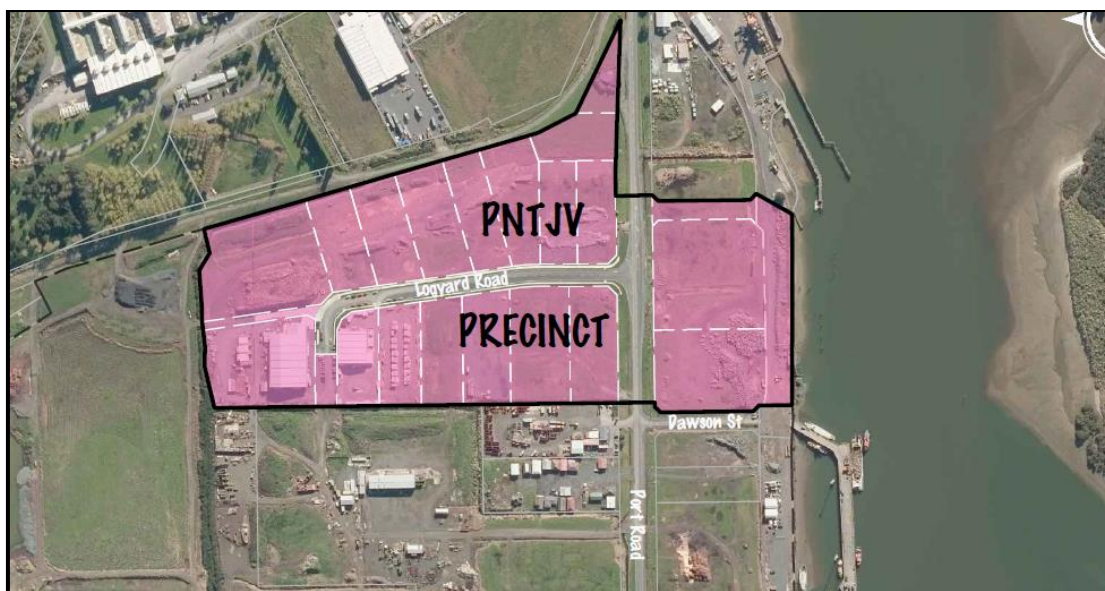
## **Topic F: Port Nikau Three Joint Venture (PNTJV) Precinct**

### Relevant Submissions

Submitter	Submission# & Point #
PNTJV	148

### Principal Issues Raised

- Rezone their land (as identified in the submission) LIZ with a precinct overlay, with amendments to the LIZ provisions, and relief from compliance with PC 109, 136, 147 and the Subdivision Chapter of PC148.



**Figure 2 – Extract of Submission 142 Map of PNTJV Precinct**

- Inclusion of rules to enable a nil setback from the Hatea River, enable security fencing on the boundary with residential and open space zone land, exemption of activities in the precinct from compliance with LIZ-R7-R11(1) and (3) and changes to the activity status of LIZ-R22, LIZ-R25-27 and LIZ-R33-38 from non-complying to restricted discretionary, adopting similar matters for discretion as those in LIZ-R15-R21.

<sup>8</sup> Pre-circulated evidence, Mr Arbuthnot paragraphs 6.1 – 6.4

<sup>9</sup> Pre-circulated evidence Mr Collins on behalf of NZTA, paragraphs 5.15 – 5.17

### Reporting Planners 42A Recommendation

53. These issues had been addressed in paragraphs 93 - 96 of the s42A Report, Ms McGrath did not support the introduction of a Precinct and recommended that the LIZ be retained as notified.

### Evidence from Submitter and Right of Reply

54. Mr Hood presented evidence on behalf of PNTJV supporting the original submission, seeking a Precinct to apply to the subject site and seeking exemption from the LIZ rules focusing on:
- f. LIZ-R5 fencing rule – requesting permitted electrified and/or barbed wire fortified fences.
  - g. LIZ-R3(1)(d) setback from MHWS – deletion of the rule.
  - h. LIZ-R7 – R11(2) Industrial Activities – opposing s42A recommendation.
  - i. LIZ-R7-R11(4) Industrial Activities – opposing the 30m setback from Residential Zone boundaries.
  - j. LIZ-R22 General Retail – opposition to notified activity status.
  - k. LIZ-R33 – R38 – opposition of non-complying activity status.
55. Ms McGrath maintained her primary opinion as expressed in the s42 Report and did not support a Precinct applying to the subject site. She recommended an alternative solution with respect to LIZ-R3, refer to RoR **Part 5** for further information and an alternative solution with respect to LIZ-R7 – R11(2) and (4), refer to RoR **Part 5** for further information. She recommended that submission 142 be accepted in part in accordance with the amendments recommended in RoR Part 5.

### Discussion and Reasons

56. We adopt the analysis in the s42A Report, as amended by the RoR and its recommended amendments and agree that the submission should be rejected accordingly.

## **Recommendations**

57. For the reasons set out in this report, we recommend that Council:
- 1. Amend the provisions as set out in Attachments 1 and 2.
  - 2. Adopt the Reporting Officers' recommendations on submissions and further submissions in Part 12 of the s42A Report and as amended by the Part 11 of the RoR and Addendum to Part 11 of the Right of Reply for the:
    - a. Precincts (PREC) Chapter
    - b. DA1 PNDA Chapter, including PNDA Plans

With amendments to:

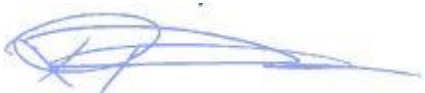
- a. PNDA-R6 to read 'provided in accordance with the PNDA Plans'
- b. PNDA-R13 be amended to be consistent with MRZ-R5.
- c. PNDA-R18 and PNDA-R19 be amended to be consistent with MRZ-R14 and MRZ-R15 (removing new floor area for units greater than 3 bedrooms).
- d. PNDA-R70 be amended to be consistent with LCZ-R4(2) to require a zero setback from the road boundary (with the retention of the exceptions).
- e. PNDA-R71 be amended to be consistent with LCZ-R7 by removing clause 1 and to control the use of film on windows and to control the use of sectional doors and shutters in addition to roller doors.

- f. PNDA-R72 amended to be replaced by the text from LCZ-R8
- g. PNDA-R77 and PNDA-R78 be amended to be consistent with LCZ-R14 (removing net floor area for units greater than 3 bedrooms).

Dated: 12 May 2020



**Richard Knott, Chair**



**Rachel Dimery, Commissioner**



**Bill Smith, Commissioner**

# Precincts (PREC)

## Issues

A precinct spatially identifies and manages an area where additional place-based provisions apply which to modify or refine aspects of the policy approach or outcomes anticipated in the underlying Zone(s) or refine or modify land use outcomes. If a precinct applies to only one underlying zone it will be located in the relevant zone chapter, if a precinct applies to multiple underlying zones it will be located in the precincts chapter.

The objectives, policies and rules of the underlying Zone apply in addition to any relevant provisions of a precinct unless stated otherwise. The underlying Zone rules shall apply when a precinct does not state a precinct rule for the same activity.

As stated in Rule HPW-R1.2, where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the Zone or in the district-wide matter rules, then the activity status in the precinct takes precedence over the activity status in the Zone or district-wide matter rules, whether that activity status is more or less restrictive.

## PREC4 - Light and Heavy Industry Setback from Water Exemption Precinct (SWEP)

### Issues

The Light and Heavy Industry Setback from Water Exemption Precinct recognises the functional and operational need for industrial activities, particularly marine industry in close proximity to the coastal marine area.

### Objectives

SWEP-O1 – Water Setbacks	Recognise the functional and operational need for industrial activities, particularly marine industry to be located within the setback from Mean High Water Springs.
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### Policies

SWEP-P1 – Water Setbacks	To recognise the functional and operational need for industrial activities, particularly marine industry to be located within the setback from the coastal marine area by applying an exemption to the setback rules.
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### SWEP– R1 Building and Major Structure Setbacks

Activity Status: Permitted

Where:

1. All buildings and major structures comply with:
  - a. LIZ-R3 (1)a, b, and c.
  - b. HIZ-R3 (1)a, b, and c.

## Precincts (PREC)

Note: All buildings within SWEP are exempt from compliance with LIZ-R3 (1)d and HIZ-R3 (1)d.

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# DA1

## Port Nikau Development Area (PNDA)

### Issues

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

The following underlying zones apply in the PNDA:

- Medium Density Residential Zone
- Local Centre Zone
- Mixed Use Zone

The PNDA has a suite of objectives, policies, and rules that will guide the assessment of resource consent applications. The rules require development to proceed in accordance with PNDA Plans and Building Typologies included in the chapter.

The objectives, policies and rules of the underlying zones do not apply to development under the PNDA, except in circumstances stated in the PNDA provisions.

PNDA Plans are attached to this chapter and include:

- Underlying Zone PNDA plan;
- Sub-Area PNDA plan;
- Residential Area A building typologies;
- Residential Area B building typologies;
- Residential Area C building typologies;
- Residential A and Local Commercial Area spatial layout plans;
- Street cross – sections.

The district wide objectives, policies and rules of the Subdivision Chapter does not apply to development in the PNDA unless otherwise stated in the PNDA provisions.

All other district wide objectives, policies and rules shall apply to development in the PNDA unless otherwise stated in the PNDA provisions.

### Objectives

PNDA-O1 – Urban Design	Create a strong sense of place through application of urban design principles.
PNDA-O2 – Infrastructure	Ensure adequate provision of infrastructure and services to meet development capacity while recognising the impacts of development on existing infrastructure networks.
PNDA-O3 – Reverse Sensitivity	Manage reverse sensitivity effects between Zones and between incompatible land use activities.
PNDA-O4 – Range of Activities	Provide for mixed use development, including commercial, community and residential activities, that: <ol style="list-style-type: none"> <li>1. Provides for the community's social and economic needs;</li> <li>2. Improves community access to goods, services, community facilities, and opportunities for social interaction;</li> <li>3. Manages adverse effects on the environment;</li> <li>4. Does not undermine the vitality and viability of the City Centre;</li> <li>5. Creates high levels of internal amenity through good quality urban design.</li> </ol>

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PNDA-O5 – Biodiversity	Development of the site allows for the maintenance of existing (pre-development) ecological values.
PNDA-O6 – Open Space	To incorporate open space for recreation and public access to the coastal marine area.

Policies	
PNDA-P1 – Urban Design (Overall Development Structure)	Discourage development which is not consistent with the urban design principles in the PNDA plans.
PNDA-P2 – Built Form	To achieve high quality urban design outcomes by enabling medium density housing and providing for a mix of housing typologies to encourage a diverse community consistent with the PNDA plans.
PNDA-P3 – Street Networks and Formation	<p>To ensure the provision of an effective and safe transport network:</p> <ol style="list-style-type: none"> <li>1. A simple and legible street layout.</li> <li>2. A street network that is linked to a well-connected movement system with choice of travel direction, and easy access to the Town Centre.</li> <li>3. That streets are aligned to create viewshafts to the water, Town Centre, the central park, and the southern park.</li> <li>4. The inclusion of park-side-streets to maximise the visibility of public reserves to create safe and active green spaces.</li> </ol>
PNDA-P4 – Reticulated Infrastructure Services	<p>To ensure that new lots and development are appropriately serviced by:</p> <ol style="list-style-type: none"> <li>1. Either               <ol style="list-style-type: none"> <li>a. Requiring new lots to have a connection to reticulated infrastructure services (water, sewer, stormwater, electricity and telecommunications); or</li> <li>b. In the case of super lots, demonstrating that infrastructure services can be provided to the future lots upon further subdivision; and</li> </ol> </li> <li>2. Considering alternative locations for three waters infrastructure where there are reduced road widths in accordance with the PNDA street network and cross sections, and trees within berms that could adversely affect underground infrastructure.</li> </ol>
PNDA-P5 – Reverse Sensitivity	To avoid, remedy, or mitigate adverse reverse sensitivity effects of sensitive activities by managing the design and location of sensitive activities in proximity to commercial and industrial activities in the neighbouring Light Industrial zones.
PNDA-P6 – Ecological Values	To recognise the existing wader bird habitat of ecological significance by retaining the existing open water buffer between the south-western boundary of the PNDA and the wader bird habitat (on the outer edge of the mangroves).
PNDA-P7 – Open Space	<p>To provide open space that:</p> <ol style="list-style-type: none"> <li>1. Meets the recreational needs applicable to the density of development.</li> <li>2. Facilitates public access to the CMA, recognising that some activities have an operational necessity to be located within riparian and coastal</li> </ol>



# DA1

## Port Nikau Development Area (PNDA)

	margins and that in some instances the exclusion of public access is necessary.
PNDA-P8 – Mixed Use	To manage potential adverse effects of non-residential uses by confining commercial and community uses (other than home occupations) to the Mixed Use Area.
PNDA-P9 – Town Centre	<p>Discourage development that does not achieve the following outcomes for the Town Centre:</p> <ol style="list-style-type: none"> <li>1. A simple and legible street layout.</li> <li>2. Enhanced vehicle circulation.</li> <li>3. The linking of landmarks, such as the tide gauge building, the waterfront edge, and the marina, with strongly defined pedestrian and vehicle routes.</li> <li>4. Buildings, public spaces, and street networks designed to create view shafts to the water, tide gauge building, and plaza.</li> <li>5. Breaks in built form on the main street to ensure visibility of the plaza and public areas in order to create safe and active green spaces.</li> <li>6. A tree lined main street and a network of open spaces.</li> <li>7. Orientation of public areas to the north and west for solar gain where practicable.</li> </ol>
PNDA-P10 – Subdivision	<p>To encourage design and layout of subdivision that achieves the following:</p> <ol style="list-style-type: none"> <li>1. Lots are shaped and sized to allow generous sunlight to living and outdoor spaces, and to provide high levels of onsite amenity and privacy.</li> <li>2. Where possible, lots are located so that they over-look and front the road and open spaces.</li> <li>3. The creation of multiple rear sites is limited, and where practicable avoided.</li> </ol>

### All Zones

PNDA-R1	Any Activity
<ol style="list-style-type: none"> <li>1. The underlying zone shall apply as identified on the District Plan Zone maps.</li> <li>2. Areas shall apply as identified on the PNDA-Areas Map.</li> <li>3. The rules of the underlying zone shall apply unless otherwise stated in the PNDA rules.</li> <li>4. The rules of the area shall apply unless otherwise stated in the PNDA rules.</li> </ol>	
PNDA-R2	Any Activity
<ol style="list-style-type: none"> <li>1. Except for (2) below, the relevant rules of the district wide chapters apply unless otherwise stated in the PNDA rules.</li> </ol>	



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## Port Nikau Development Area (PNDA)

2. The rules of the district wide Subdivision chapter do not apply to the PNDA.

### PNDA-R3 Removal of PNDA

1. The PNDA will be removed from the District Plan (and the underlying zone and all district wide rules will apply):
  - a. When development in the PNDA is complete; or
2. In whole or in part upon agreement between the landowner and the Council.
3. Development is deemed to be complete when:
  - a. In the case of a residential or commercial lot, the lot has been developed to its fullest extent.
  - b. In the case of infrastructure, infrastructure has been installed in accordance with the PNDA.

### PNDA-R4 Financial Contributions

1. Any road upgrading or provision of public open space required under rules PNDA-R5 and PNDA-R6 may be provided in accordance with the Financial Contributions chapter (Chapter 80) of the Whangārei District Plan.

### PNDA-R5 Minor Buildings

Activity Status: Permitted

*Note: Minor buildings are exempt from rules PNDA-R10 to PNDA-R14, PNDA-R39 and PNDA-R65 to PNDA-R68.*

### PNDA-R6 Street and Pedestrian Networks

Activity Status: Permitted

Where:

1. Streets and footpaths are:
  - a. Located in accordance with the PNDA Plans.
  - b. Formed in accordance with the PNDA 'Street Sections' plans.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Alternative location of open space and impact on PNDA layout.
2. Consideration of the Whangārei District Council Engineering Standards.
3. Urban design best practice.
4. Traffic and pedestrian safety and efficiency.
5. Vesting of streets and the split of linear parks between road to vest and reserve to vest with Whangārei District Council.

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## Port Nikau Development Area (PNDA)

PNDA-R7	Open space	
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Open Space is provided in accordance with the PNDA Plans.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. Alternative location of open space and impact on PNDA layout.</li> <li>2. Consideration of the Whangārei District Council Engineering Standards.</li> <li>3. Urban design and landscape best practice.</li> <li>4. Pedestrian safety and efficiency.</li> <li>5. Vesting of open space with Whangārei District Council.</li> </ol>
PNDA-R8	Subdivision	
	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every Super Lot:               <ol style="list-style-type: none"> <li>a. Spatially aligns with the PNDA plans, including the street network and the ability to accommodate the relevant building typologies.</li> <li>b. Every allotment that does not contain an existing residential unit at the time of subdivision (excluding super lots) is capable of accommodating the building typologies under the PNDA plans and rules.</li> <li>c. Every allotment that does contain an existing residential unit or building at the time of subdivision (including unit titles) complies with the PNDA permitted activity rules.</li> </ol> </li> <li>2. Open Space is spatially located in accordance with the PNDA Plans.</li> </ol> <p><b>Matters over which control is reserved</b></p> <ol style="list-style-type: none"> <li>1. The ability to site appropriate building typologies within the proposed lots.</li> <li>2. Fire rating on boundaries.</li> </ol>	<p>Activity Status when compliance not achieved with PNDA-R8.1 a - c: Discretionary</p> <p>Activity Status when compliance not achieved with PNDA-R8.2: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. Alternative location of open space and impact on PNDA layout.</li> <li>2. Consideration of the Whangārei District Council Engineering Standards.</li> <li>3. Urban design and landscape best practice.</li> <li>4. Pedestrian safety and efficiency.</li> </ol>

# DA1

## Port Nikau Development Area (PNDA)

3. Compliance with the relevant PNDA plans.
4. The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure in accordance with the PNDA plans and rules.
5. The staged provision of park and/or public land (including public open space), spatially in accordance with the PNDA plans and rules.
6. Public access to the CMA in accordance with the PNDA plans.
7. The need for consent notices to manage future built form on super lots, particularly the relationship of this built form with potential development on adjacent lots.

### PNDA-R9 Rural Production Activity

Activity status: Non Complying

Where:

1. The activity is a primary activity or ancillary activity.

### Medium-Density Residential Underlying Zone

#### PNDA-R10 Any Building in Residential Area A

Activity Status: Permitted

Where:

1. The building complies with the Building Typology shown on the PNDA plans.
2. Buildings are located within the sites in accordance within the site in accordance with the locations shown on the PNDA plans.

Activity Status when compliance not achieved:  
Restricted Discretionary

Matters for discretion:

1. The general urban design principles depicted on the PNDA plans.
2. Shading and privacy for adjoining properties.
3. The privacy of occupants.
4. Effects on amenity values.
5. Road frontage domination.
6. Access to private open space.

# DA1

## Port Nikau Development Area (PNDA)

PNDA-R11	Any Building in Residential Area B and C
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Buildings comply with one of the Area B and C Building Typologies as shown on the PNDA plans and where they are located and orientated in accordance with the following criteria:             <ol style="list-style-type: none"> <li>a. For sites with a single frontage, the front façade of the building shall include a window from a habitable room and a door as the main entrance within the front façade that these are clear and visible.</li> <li>b. For sites with multiple public frontages, the building shall:                 <ol style="list-style-type: none"> <li>i. Provide pedestrian access to each frontage; and</li> <li>ii. Include a kitchen, dining room, living room or bedroom to each frontage; and</li> <li>iii. Articulate each building frontage as if it is a front façade; and</li> <li>iv. Shall locate the garage behind the front façade if the building; and</li> <li>v. Shall maintain one roof form that is extended to the front of the building for single storey dwellings; and</li> <li>vi. Shall be setback from road frontages a minimum of 5.5m; and</li> <li>vii. Shall comply with PNDA-R15; or</li> </ol> </li> </ol> </li> <li>2. Buildings shall comply with PNDA-R12-R15.</li> </ol> <p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. The general urban design principles depicted on the PNDA plans.</li> <li>2. Shading and privacy for adjoining properties.</li> <li>3. The privacy of occupants.</li> <li>4. Effects on amenity values.</li> <li>5. Road frontage domination.</li> <li>6. Access to private open space.</li> </ol>

# DA1

## Port Nikau Development Area (PNDA)

PNDA-R12	Building and Major Structure Height	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum height of buildings and major structures is 12m, except where the building or major structure is located within Residential Area A where the maximum height is 20m.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. The general urban design principles depicted on the PNDA plans.</li> <li>2. Shading and privacy for adjoining properties.</li> </ol>
PNDA-R13	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Buildings except within Residential Area A, and major structures are set back at least:               <ol style="list-style-type: none"> <li>a. 10m from MHWS, and</li> <li>b. 2m from the road boundary.</li> </ol> </li> <li>2. Any habitable room of a building is set back at least 1m from side and rear boundaries, except where a common wall between two buildings on adjacent sites is proposed.</li> <li>3. Any non-habitable building or non-habitable room of a building is set back at least 1m from side and rear boundaries, allowing for a nil setback of 7.5m on any single boundary for a maximum total building length of 10.5 m on all boundaries.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. The general urban design principles for access to the CMA depicted on the PNDA plans.</li> <li>2. The privacy of occupants.</li> <li>3. Effects on amenity values.</li> <li>4. Road frontage domination.</li> <li>5. Access to private open space.</li> </ol>
PNDA-R14	Building Bulk in Relation to Boundary	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any part of a building, except within Residential Area A that is greater than 3.5m in height is confined within the arms of a single 150° angle formed by two lines intersecting at a common point on any side or rear boundary such that</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. Privacy and amenity of occupants on site.</li> <li>2. Sufficient sunlight access to outdoor areas and habitable rooms within the site.</li> </ol>

# DA1

## Port Nikau Development Area (PNDA)

each line forms an angle of 15° with that boundary, except that:

- a. This rule does not apply where a common wall between two buildings on adjacent sites is proposed.

Note: Measurements for PNDA-R14(2) can be taken from the furthest boundary when adjoining an access lot/access leg.

3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

PNDA-R15	Outdoor Living Courts	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every residential unit:               <ol style="list-style-type: none"> <li>a. With one or more habitable rooms at ground floor level provides an outdoor living court of at least 20m<sup>2</sup> and at least 4m depth.</li> <li>b. With all habitable rooms above ground floor with 1 bedrooms provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.</li> <li>c. With all habitable rooms above ground floor, with 2 or more bedrooms provides an outdoor living court of at least 8m<sup>2</sup> and at least 2.4m depth.</li> </ol> </li> <li>1. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under PNDA-R12 above.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. Privacy and amenity of occupants on site.</li> <li>2. Sufficient sunlight access to outdoor areas and habitable rooms within the site.</li> <li>3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> </ol> <p>Notification:</p> <p>Any restricted discretionary activity under PNDA-R30 shall not require the written consent of affected persons and shall not be notified or limited notified unless special circumstances exist under section 95A(4) of the RMA, 1991.</p>
PNDA-R16	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Fences do not exceed a height of 2m above ground level, except in front yards where the</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters for discretion:</p> <ol style="list-style-type: none"> <li>1. Effects on the amenity value of the streetscape.</li> <li>2. CPTED.</li> </ol>

# DA1

## Port Nikau Development Area (PNDA)

	<p>maximum height does not exceed 1.2m.</p> <p>2. Notwithstanding (1) above, the maximum height of fences in front yards is 2m where living courts are located at the front of the dwelling.</p> <p>3. Any fence within 3m of a road boundary is at least 50% visually permeable for any portion above 1m high.</p> <p>4. Fences adjoining a public open space area are at least 50% visually permeable for any portion above 1.5m high.</p> <p>5. Fencing is not fortified with barbed wire, broken glass or any form of electrification.</p>	3. Privacy and amenity of occupants on site.
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PNDA-R17	Landscaping	
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. At least 25% of the net site area is in lawn or planted.</p>	Activity Status when compliance not achieved: Discretionary

PNDA-R18	Garages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. Any ground floor garage which faces the street occupies less than 40% of the site frontage; or</p> <p>2. The garage has a frontage exceeding 40%;</p> <p>i. The garage complies with the PNDA building typology in accordance with PNDA-R11 or PNDA-R10; and</p> <p>ii. Any adjoining site has an existing single garage.</p>	Activity Status when compliance not achieved: Discretionary

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## Port Nikau Development Area (PNDA)

PNDA-R19	Hours of Operation	
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any non-residential activity operates or is open for visitors, clients, deliveries or servicing between the hours of 06:00 – 18:00.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

PNDA-R20	Principle Residential Unit	
PNDA-R21	Minor Residential Unit	
	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Every principal residential unit provides a Net Floor Area of at least:               <ol style="list-style-type: none"> <li>For 1 bedroom – 45m<sup>2</sup>.</li> <li>For 2 bedrooms – 70m<sup>2</sup>.</li> <li>For 3 bedrooms – 90m<sup>2</sup></li> </ol> </li> <li>Every residential unit provides a living area that can receive direct sunlight for at least 5 hours on the winter solstice.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The design, size and layout of buildings to provide appropriate privacy and amenity of occupants on-site.</li> </ol> <p>Notification:</p> <p>Any restricted discretionary activity under PNDA-R20-R21 shall not require the written consent of affected persons and shall not be notified or limited notified unless special circumstances exist under section 95A(4) of the RMA 1991.</p>

### Activities in Residential Areas 'A' and 'B'

PNDA-R22	Retail Activity	
PNDA-R23	Commercial Services	
PNDA-R24	Food and Beverage Activity	
PNDA-R25	Care Centre	
PNDA-R26	Visitor Accommodation	
	<p>Activity status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>



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## Port Nikau Development Area (PNDA)

1. The activity is ancillary to a residential unit on the site.
2. The principal operator of the activity is a permanent resident on the site.
3. The activity does not include, before 0800 or after 1600 on any day, the operation of machinery, receiving of customers or the loading or unloading of vehicles.
4. The activity generates less than 20 traffic movements per day.
5. There is no carparking between the residential unit and the road.
6. In addition to the principal operator the activity has no more than two persons engaged in providing the activity.
7. The activity does not exceed the use of 15% of the total GFA of all buildings on the site.
8. The total area of signage is less than 0.25m<sup>2</sup> per site.
9. There is no illuminated or flashing signage.
10. No more than 6 tariff-paid visitors are staying on-site at any one time.
11. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.

PNDA-R27	Supported Residential Care
PNDA-R28	Retirement Village Premises

Activity status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

PNDA-R29	Place of Assembly
PNDA-R30	Emergency Services
PNDA-R31	Recreational Facilities
PNDA-R32	Educational Facilities

Activity status: Discretionary

Where:

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## Port Nikau Development Area (PNDA)

1. The activity is a primary activity or ancillary activity.

PNDA-R33	Entertainment Facilities
PNDA-R34	Service Stations
PNDA-R35	Funeral Home
PNDA-R36	Hospital
PNDA-R37	Industrial Activities
PNDA-R38	General Commercial
PNDA-R39	General Community
<p>Activity status: Non Complying</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>	

### Activities for Residential Area 'C'

PNDA-R40	Trade Supplier
PNDA-R41	Grocery Store
PNDA-R42	General Retail
PNDA-R43	Food and Beverage Activity
PNDA-R44	Care Centre
<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. Any individual activity is less than 300m<sup>2</sup> per site.</p> <p>2. The activity is a primary activity or ancillary activity.</p>	
Activity Status when compliance not achieved: Discretionary	
PNDA-R45	Commercial Services
PNDA-R46	Visitor Accommodation
PNDA-R47	Place of Assembly
PNDA-R48	Recreational Facilities

# DA1

## Port Nikau Development Area (PNDA)

PNDA-R49	Emergency Services
PNDA-R50	Educational Facilities
<p>Activity Status: Permitted</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>	
PNDA-R51	Standalone Car Parking Facility
PNDA-R52	Drive Through Facilities
PNDA-R53	Entertainment Facilities
PNDA-R54	Service Stations
PNDA-R55	General Commercial
PNDA-R56	General Community
<p>Activity Status: Discretionary</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>	
PNDA-R57	Industrial Activities
PNDA-R58	Motor Vehicle Sales
PNDA-R59	Garden Centres
PNDA-R60	Marine Retail
PNDA-R61	Hire Premise
PNDA-R62	Funeral Home
PNDA-R63	Hospital
<p>Activity Status: Non-Complying</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>	

# DA1

## Port Nikau Development Area (PNDA)

### Local Centre Underlying Zone

<b>PNDA-R64</b>	<b>Building</b>	
	<p>Activity Status: Permitted</p> <p>Where</p> <ol style="list-style-type: none"> <li>Buildings are located in accordance with: <ol style="list-style-type: none"> <li>The PNDA Plan; and</li> <li>PNDA-R65 to R69.</li> </ol> </li> </ol>	
<b>PNDA-R65</b>	<b>Building and Major Structure Height</b>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum height of buildings or major structures is 20m.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
<b>PNDA-R66</b>	<b>Building and Major Structure Setbacks from MHWS</b>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any building is set back in accordance with the PNDA plans; or</li> <li>Any building or major structure is set back at least 10m from MHWS.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>The general urban design principles for access to the CMA depicted on the PNDA plans.</li> </ol>
<b>PNDA-R67</b>	<b>Building and Major Structure Setbacks</b>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Buildings are set back in accordance with the PNDA plans; or</li> <li>Buildings or major structures are set back: <ol style="list-style-type: none"> <li>5m from a boundary that adjoins a Residential or Open Space Zone.</li> <li>Zero setback from a road boundary at ground floor level for the entire length of the street frontage, except: <ol style="list-style-type: none"> <li>A setback of up to 1.5m for a maximum width of 2.5m to allow for a recessed pedestrian entrance.</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

# DA1

## Port Nikau Development Area (PNDA)

PNDA-R68	Building Frontages	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. At least 65% of the building frontage at ground floor is clear glazing with no film or other covering or finish added to the glazing that would limit visibility through it.</li> <li>2. The principal public entrance to the building is situated to face the road where the building is on a front site.</li> <li>3. There are no roller doors, sectional doors or shutters (except emergency services and security grilles which allow views from the street into the premises) along the site frontage.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R69	Verandahs	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All buildings within 2.0m of a road boundary are provided with verandahs:               <ol style="list-style-type: none"> <li>a. Along the entire frontage of the building (excluding vehicle access) and forms a continuous line of shelter with adjacent verandahs; and</li> <li>b. The Clearance above the footpath is at least 3.0m and not more than 4.0m; and</li> <li>c. The Width of the verandah is:                   <ol style="list-style-type: none"> <li>i. The width of the corresponding footpath less 600mm from the kerb line; and</li> <li>ii. A maximum of 5.0m</li> </ol> </li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R70	Fences	
	<p>Activity Status: Permitted</p> <p>Where:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# DA1

## Port Nikau Development Area (PNDA)

1. The fence is along a site frontage and is required by a by-law or for public health and safety; or
2. The fence is along a road boundary.
3. Fencing within 1m of any side or rear boundary is no higher than 2m.

PNDA-R71	Outdoor Storage and Stockpiles	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any outdoor area of storage or stockpile:               <ol style="list-style-type: none"> <li>a. Complies with PNDA-R64 and PNDA-R67.</li> <li>b. Is screened from view from public places and surrounding residential or open space zone sites.</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R72	Carparking	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All carparking is spatially positioned in accordance with the PNDA town centre plan.</li> <li>2. The number of car parking spaces required for individual activities complies with TRA-Appendix 1, except that:               <ol style="list-style-type: none"> <li>a. Spaces may be provided within the road reserve or on common land if consistent with the PNDA town centre plan.</li> <li>b. The overall number of spaces is at least the number of spaces shown on the PNDA town centre plan (Note: this does not preclude additional spaces being provided on a voluntary basis).</li> </ol> </li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. Availability of alternative modes of transport (including walking and public transport);</li> <li>2. Trip generation.</li> <li>3. Public amenity values.</li> </ol>
PNDA-R73	Hours of Operation	
	<p>Activity status: Permitted</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

# DA1

## Port Nikau Development Area (PNDA)

Where:

1. Any non-residential activity operates or is open for visitors, clients, deliveries or servicing between the hours of 06:00 – 22:00 where the activity is located closer than 50m from a boundary with a residential zone.

PNDA-R74	Principal Residential Unit	
PNDA-R75	Minor Residential Unit	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Every principal residential unit provides an internal area (excluding garages) of at least:               <ol style="list-style-type: none"> <li>a. For 1 bedroom – 45 m<sup>2</sup></li> <li>b. For 2 bedrooms – 70 m<sup>2</sup></li> <li>c. For 3 bedrooms – 90 m<sup>2</sup></li> </ol> </li> <li>2. Any 1 bedroom residential unit provides an outdoor living court of at least 4 m<sup>2</sup> and at least 1.5 m depth.</li> <li>3. Any 2+ bedroom residential unit contains an outdoor living courts of at least 8 m<sup>2</sup> and at least 2.4 m depth.</li> <li>4. Every residential unit is above ground floor.</li> </ol>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The design, size and layout of buildings to provide appropriate privacy and amenity of occupants on-site.</li> </ol>
PNDA-R76	Grocery Stores	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The GFA does not exceed 500m<sup>2</sup>.</li> <li>2. The activity is a primary activity or ancillary activity.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
PNDA-R77	Commercial Services	
PNDA-R78	Food and Beverage Activity	
PNDA-R79	General Retail	

# DA1

## Port Nikau Development Area (PNDA)

<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any individual activity is less than 300m<sup>2</sup> per site.</li> <li>The activity is a primary activity or ancillary activity.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>
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PNDA-R80	Artisan Industrial Activities
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity is a primary activity or ancillary activity.</li> <li>Any individual activity is less than 300 m<sup>2</sup> GFA per site.</li> <li>The goods sold on site are also manufactured on site, provided that the retailing is ancillary to the manufacturing. For this rule manufacturing excludes activities which comprise only the packaging, labelling, sorting, mixing or assembling of premade products.</li> <li>Any outdoor area associated with the activity is not located between the front of the building and the road.</li> </ol>	<p>Activity Status when compliance not achieved: Discretionary</p>

PNDA-R81	Place of Assembly
PNDA-R82	Entertainment Facilities
PNDA-R83	Recreational Facilities
PNDA-R84	Emergency Services
PNDA-R85	Educational Facilities
	<div>Activity Status: Permitted</div> <div>Where:<div><div>1. The activity is a primary activity or ancillary activity.</div><div>2. Any individual activity is less than 1,000 m² GFA per site.</div></div></div> <div>Activity Status when compliance not achieved: Discretionary</div>



# DA1

## Port Nikau Development Area (PNDA)

3. Any outdoor area associated with the activity is not located between the front of the building and the road.

PNDA-R86	Visitor Accommodation
Activity Status: Permitted Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	
PNDA-R87	Marine Retail
PNDA-R88	Motor Vehicle Sale
PNDA-R89	Garden Centres
PNDA-R90	Trade Suppliers
PNDA-R91	Supported Residential Care
PNDA-R92	Care Centre
PNDA-R93	Retirement Village
PNDA-R94	Drive-through Facility
PNDA-R95	Service Station
PNDA-R96	Funeral Home
PNDA-R97	Hospital
Activity Status: Discretionary Where: <ol style="list-style-type: none"> <li>1. The activity is a primary activity or ancillary activity.</li> </ol>	
PNDA-R98	General Industry
PNDA-R99	Manufacturing and Storage
PNDA-R100	Repair and Maintenance
PNDA-R101	Marine Industry
PNDA-R102	Hire Premise Activities
Activity Status: Non Complying	

# DA1

## Port Nikau Development Area (PNDA)

Where:

1. The activity is a primary activity or ancillary activity.

PNDA-R103

Waste Management Facility

PNDA-R104

Landfill

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.





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## ***Urban and Services Plan Changes – Recommendation Report***

This is to advise that due to the large size of the file, the below document is available upon request using the contact details above.

- PNDA Plans to accompany Recommended DA1 PNDA Chapter