Planning and Development Committee Agenda

Date:	Thursday, 19 October, 2017
Time:	9:00 am
Location:	Council Chamber Forum North, Rust Avenue Whangarei
Elected Members:	Cr Greg Innes (Chairperson) Her Worship the Mayor Sheryl Mai Cr Stu Bell Cr Crichton Christie Cr Vince Cocurullo Cr Tricia Cutforth Cr Shelley Deeming Cr Sue Glen Cr Phil Halse Cr Cherry Hermon Cr Greg Martin Cr Sharon Morgan Cr Anna Murphy

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

Planning and Development Committee – Terms of Reference

Membership

Chairperson: Councillor G C Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Cherry Hermon, Greg Martin, Sharon Morgan, Anna Murphy

Meetings: Monthly

Quorum: **7**

Purpose

To oversee planning, monitoring and enforcement activities, and guide the economic and physical development and growth of Whangarei District.

Key responsibilities include:

- Regulatory / Compliance
    - Environmental health
    - General bylaw administration
    - Animal (dog and stock control)
    - Hazardous Substances and New Organisms Control
    - Parking Enforcement (vehicles registrations and warrant of fitness)
    - Noise Control
    - Food Act
    - Landuse Consents
    - Building Act
- Building Control
    - Property Information and Land Information Memoranda
    - Consents and inspections
- Resource Consents
    - Subdivision, Land Use and Development Control
    - Development Contributions
- District Plan
    - Plan Changes
    - District Plan administration

- Strategic Planning
  - Futures planning
  - Urban design

- Economic Development
  - District Marketing/Promotions
  - Developer engagement

- Commercial Property

- Shared Services – investigate opportunities for Shared Services for recommendation to council.

Delegations

(i) All powers necessary to perform the committee's responsibilities, including, but not limited to:

(a) approval of expenditure of less than $5 million plus GST.

(b) approval of a submission to an external body

(c) establishment of working parties or steering groups.

(d) power to establish subcommittees and to delegate their powers to that subcommittee.

(e) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).

(f) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002

Item 3.1

Planning and Development Committee Meeting Minutes

Date:	**Thursday, 14 September, 2017**
Time:	**9:00 a.m.**
Location:	**Council Chamber** **Forum North, Rust Avenue** **Whangarei**
In Attendance	**Her Worship the Mayor Sheryl Mai** **Cr Stu Bell** **Cr Crichton Christie** **Cr Vince Cocurullo** **Cr Tricia Cutforth** **Cr Shelley Deeming** **Cr Sue Glen** **Cr Phil Halse** **Cr Cherry Hermon** **Cr Greg Martin** **Cr Sharon Morgan** **Cr Anna Murphy**
Not in Attendance	**Cr Greg Innes (Chairperson)**

Also present:

Chief Executive (Rob Forlong), General Manager Planning and Development (Alison Geddes), General Manager Strategy and Democracy (Jill McPherson), Manager Democracy and Assurance (Jason Marris), Manager Strategy (Tony Horton), Commercial Portfolio Manager (Mike Hibbert), Economic Development Facilitator (Peter Gleeson), Manager RMA Consents (Murray McDonald), Strategic Planner (Shireen Munday), Manager District Plan (Melissa McGrath), Manager Building Control (Paul Cook), Planner District Plan (Sarah Brownie), Governance Adviser (Jennie Thomas) and Executive Assistant (Judi Crocombe)

Cr Greg Innes (Chairperson) tendered his apologies for today's meeting.

Under Council's Standing Orders (cl.26(2), (5) & (6), Schedule 7 LGA 2002) provision is made that if a Chairperson is absent the Committee must elect a member to act as Chairperson at the Meeting.

Nominations were called for:

Her Worship the Mayor nominated Cr Crichton Christie.

Moved by Cr Martin
Seconded by Cr Morgan

That Cr Crichton Christie is elected to act as Chairperson at today's meeting.

Carried

1. Declarations of Interest

2. Apology

Cr Greg Innes

Moved by Cr Sharon Morgan
Seconded by Cr Shelley Deeming

That the apology be sustained.

Carried

3. Confirmation of Minutes of Previous Planning and Development Committee Meeting

3.1 Minutes Planning and Development Committee 17 August 2017

Moved by Cr Greg Martin
Seconded by Cr Anna Murphy

That the minutes of the Planning and Development Committee meeting held 17 August 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports

4.1 2017 bylaw reviews - Adoption of Statements of Proposal for consultation

Moved by Cr Anna Murphy
Seconded by Cr Sharon Morgan

That the Planning and Development Committee

a) Approves the Section 155 & 77 Local Government Act 2002 assessments as provided in Attachment 2.

b) Determines that -

i. in accordance with section 155(1) of the Local Government Act 2002, bylaws are the most appropriate way of addressing the perceived problems

ii. the current bylaws are not the most appropriate form of bylaw

iii. the proposed bylaws are the most appropriate form of bylaw

iv. there are no New Zealand Bill of Rights implications.

c) Proposes to -

i. revoke and replace the Parking and Traffic Bylaw

ii. revoke and replace the Keeping of Animals, Poultry and Bees Bylaw and to rename it the Animals Bylaw.

d) Approves the legislative process, analysis and consultation approach for both bylaws outlined in Attachment 1.

e) Adopts the Statements of Proposal in Attachments 3 and 4 for public consultation.

f) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.

On the Motion being put, Cr Cocurullo called for a Division:

Recorded	**For**	**Against**	**Abstain**
Her Worship the Mayor Sheryl Mai	X		
Cr Stu Bell	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo		X	
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Martin	X		

Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	**11**	**1**	**0**

Absent: Cr Innes

Carried

4.2 New Road Name - RMA Consents - Belton

Moved by Cr Greg Martin
Seconded by Cr Vince Cocurullo

That the Council or committee approves the new Private Right of Way off Parakiore Road continue to be named Parakiore Road.

Carried

4.3 New Road Name - RMA Consents - Huia Street Limited

Moved by Cr Sharon Morgan
Seconded by Cr Anna Murphy

That the Planning and Development Committee approve the new Private Right of Way off Huia Street to be named Eric Wakelin Lane.

Carried

5. Information Reports

5.1 Service Delivery Review Update - Economic Development

Moved by Cr Shelley Deeming
Seconded by Cr Vince Cocurullo

That the Planning and Development committee note the report and discuss the key findings to consider whether there's an opportunity for a joint approach for how local authorities provide economic development activities and services in Northland.

Procedural motion

Moved by Cr Greg Martin
Seconded by Cr Tricia Cutforth

That this item does lie on the table and not be discussed further at this meeting.

Carried

5.2 August Operational Report

Moved by Cr Anna Murphy
Seconded by Cr Cherry Hermon

That the Planning and Development Committee notes the Operational report for August 2017.

Carried

6. Public Excluded Business

Moved by Cr Vince Cocurullo
Seconded by Cr Crichton Christie

"That the public be excluded from the following parts of proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		**Reason for passing this resolution in relation to each matter**	**Ground(s) under Section 48(1) for passing this resolution**
1.1	Kaipara Moana Treaty Settlement Update	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Appointment of Independent Hearings Commissioner		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	**Grounds**	**Section**
1.1	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations). To prevent the disclosure or use of official information for improper gain or improper advantage.	Section 7(2)(i) Section 7(2)(j)
1.2	To protect the privacy of natural person	Section 7(2)(a)

Carried

7. Closure of Meeting

The meeting concluded at 9.48am

Confirmed this 19th day of October 2017

Councillor Crichton Christie (Acting Chairperson)

WHANGAREI DISTRICT COUNCIL

4.1 PC135 GNLC Private Plan Change Application Operative Decision

Meeting: Planning and Development Committee

Date of meeting: 19 October 2017

Reporting officer: Melissa McGrath (District Plan Manager)

1 Purpose

To seek a Council decision to make private plan change application (PC135 GNLC) operative and to authorise notification of the plan change operative date.

2 Recommendation/s

That the Planning and Development Committee

a) Approves Private Plan Change 135 GNLC, in accordance with Clause 17 of Part 1 of Schedule 1 of the Resource Management Act 1991; and

b) Approves the notification of Plan Change 135 GNLC in terms of Clause 20 of Part 1 of Schedule 1 of the Resource Management Act 1991.

3 Background

The private plan change application (PC135) was lodged on the 4th November 2016 by Terra Nova Planning Limited on behalf of GNLC. PC135 as notified requests three changes to the District Plan, summarised as follows:

a) To amend the Marsden Primary Centre Chapter of the District Plan by renaming two zones.

- 'Residential Compatible Industry Policy Area' is to be renamed as 'Mixed Use 1 Policy Area'.
- 'Light Industry Policy Area' is to be renamed as 'Mixed Use 2 Policy Area'.

This is a change of nomenclature only. It does not affect any underlying rules in the Chapter.

b) To amend the Marsden Primary Centre Chapter of the District Plan by amending Rule IE2.5(1)(ii) to streamline the areas affected by the different noise limits, by referencing only the Noise Zone 1 and Noise Zone 2 areas as shown in an amended Precinct 2 Plan, and removing all other descriptions from the Rule.

c) Provisions in the Noise and Vibration Chapter are to be amended as follows:

- ‘NAV.6.1 Noise Arising from Activities within Environments’ is to be amended to provide for separate noise limits for Marsden Primary Centre Noise Zone 2. These proposed noise limits will be less than the current limits (ie. ‘quieter’).

- As a consequential effect, reference to Marsden Primary Centre Noise Zone 2 under NAV.6.5 will be deleted. This is on the basis that, with the proposed reduced noise limits in Noise Zone 2, compliance with the sound insulation requirements for residential units under this rule is not required.

Council passed a resolution to accept the application on the 15th December 2016 in accordance with Clauses 23 and 25 in Part 2 of the First Schedule of the Act.

Proposed PC135 was notified on 20 December 2016 in accordance with Clauses 26 and 29 in Part 2 of the First Schedule. The submission period closing at 4pm on 8 February 2017. Seven submissions were received.

A Summary of Submissions was notified on 22 February 2017, with the submission period closing at 4pm on 13 March 2017. Four further submissions were received.

Subsequent to the close of further submissions the applicant undertook dialogue with submitters and made suggestions as to amended provisions to address various concerns raised.

A hearing was held on 31 May 2017. The Commissioner recommended that Council accept the changes recommended by the applicant and supported by Council’s planner, based on the s42A report and matters reconsidered in light of evidence presented by submitters and the applicant at the hearing and detailed in the applicant’s right-of-reply.

On 20 July 2017 Council adopted the Hearing Commissioners report and the plan change decision was notified on 26 July 2017. No appeals have been lodged to the Environment Court.

4 Significance and engagement

Council’s Significance and Engagement Policy has been considered in relation to this Agenda item.

The decisions or matters of this Agenda item do not trigger the significance criteria outlined in Council’s Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

5 Attachments

1. Recommendations of the Hearing Panel
2. Email from Environment Court confirming no appeals received

Proposed Private Plan Change 135 to the Whangarei District Plan

Proponent - GNLC Limited - seeking:

- **Renaming of 2 zones in the Marsden Primary Centre**
- **Amending Rule IE2.5(1)(ii) (noise controls in the Marsden Primary Centre)**
- **Amending Rules NAV.6.1 and NAV.6.5 (noise and vibration)**

Recommendations of the Hearing Panel to:

- **Implement PC 135**
- **Rename 2 zones in the Marsden Primary Centre**
- **Amend Rule IE2.5(1)(ii)**
- **Amend Rules NAV.6.1 and NAV.6.5**

Date 25 June 2017

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Glossary

Act and RMA mean the Resource Management Act 1991.

Council and WDC mean the Whangarei District Council.

DP and District Plan mean the operative District Plan for the Whangarei District.

GNLC means the Great Northern Land Company Ltd, the proponent of Plan Change 135.

NAV means noise and vibration and refers to a chapter in the District Plan.

PC and Plan Change mean Proposed Plan Change 135.

RMA means the Resource Management Act 1991.

RO and Reporting Officer mean the officer appointed by Council to report to the Commissioner in terms of Section 42A of the Act.

RPS means the Northland Regional Policy Statement.

WDC means the Whangarei District Council.

1. Summary of the Recommendations

The **Commissioner recommends** that:

1. Proposed Plan Change 135 (PC135) to the District Plan be **APPROVED** subject to the amendments as described below and contained in the amended version of the Plan Change document. (Attachments 1 and 2 to this report contain tracked change versions to enable the recommended amendments to be identified); and

2. The submissions be accepted, accepted in part, or rejected according to the reasons set out in this report (see sections 6 and 7).

The **changes, in summary**, recommended to the District Plan are as follows:

a. Marsden Primary Centre Chapter - two zones renamed:

   i. *Residential Compatible Industry Policy Area* to *Mixed Use 1 Policy Area*.

   ii. *Light Industry Policy Area* to *Mixed Use 2 Policy Area*.

b. Amend Rule IE2.5(1)(ii) (noise controls in the Marsden Primary Centre)

c. Amend Rules NAV.6.1 and NAV.6.5 (noise and vibration)

2. Delegation

The Commissioner Alan Withy, was delegated the responsibility by the Whangarei District Council to hear and make recommendations on PC135 pursuant to section 34A of the Resource Management Act 1991 ("RMA").

3. Process Matters Relevant to PC135

Notification period for submissions	20 December to 8 February 2017
Notification period for Further Submissions	22 February to 13 March 2017
Hearing date	31 May 2017
Parts of the District Plan affected by PC 135	Marsden Primary Centre Environment and Noise and Vibration (NAV) Chapters

At the hearing, GNLC as the proponent of the plan change, was represented by Mr K Littlejohn who called evidence from Mr S Hartley (Planning Consultant) and Mr P Ibbotson (Acoustic Consultant). Mr P Gray (director of GNLC) also attended and answered questions.

Seven submitters made written submissions and ten further submissions were received from four parties. Only two submitters actually attended and made oral submissions at the hearing: namely Northport Limited (Mr G Blomfield) and the New Zealand Refining Company (Mr R Elliot).

Written statements were tabled from Ms S Ho (NZ Transport Agency) and Ms M Hicks, neither of whom attended the hearing. Five other persons attended the hearing but did not participate. All submissions have been considered, whether they attended the hearing or not. No submissions were formally withdrawn.

Mr A Hartstone of Set Consulting was the s42A reporting officer, and he was accompanied by Ms McGrath, District Plan Team Leader, Ms L McColl, Support Assistant, and Ms A Miller, Support Assistant. A report by Mr J Styles, Acoustic Consultant was tabled and he was available by teleconference if required. In the event that proved unnecessary.

The hearing was held at the Marsden Yacht and Boat Club at One Tree Point, on Wednesday 31 May 2017.

4. Description of the Plan Change

The reporting planner, Mr A Hartstone, in his section 42A report, provided the background to, and a description of the plan change as follows. [1]

> *6. PC135 as notified requests three changes to the District Plan, summarised as follows:*
>
> *a) To amend the Marsden Primary Centre Chapter of the District Plan by renaming two zones. The zone currently identified as 'Residential Compatible Industry Policy Area' is to be renamed as 'Mixed Use 1 Policy Area'. The zone currently identified as 'Light Industry Policy Area' is to be renamed as 'Mixed Use 2 Policy Area'. This is a change of nomenclature only. It does not affect any underlying rules in the Chapter.*
>
> *b) To amend the Marsden Primary Centre Chapter of the District Plan by amending Rule IE2.5(1)(ii) to streamline the areas affected by the different noise limits, by referencing only the Noise Zone 1 and Noise Zone 2 areas as shown in an amended Precinct 2 Plan, and removing all other descriptions from the Rule.*
>
> *c) Provisions in the Noise and Vibration ('NAV') Chapter are to be amended as follows:*
>
> *i. 'NAV.6.1 Noise Arising from Activities within Environments' is to be amended to provide for separate noise limits for Marsden Primary Centre Noise Zone 2. These proposed noise limits will be less than the current limits (ie. 'quieter').*
>
> *ii. As a consequential effect, reference to Marsden Primary Centre Noise Zone 2 under NAV.6.5 will be deleted. This is on the basis that, with the proposed reduced noise limits in Noise Zone 2, compliance with the sound insulation requirements for residential units under this rule is not required.*
>
> *7. By way of explanation, the application projects that the mixed-use development to be undertaken within Noise Zone 2 will be dominated by residential activities. On that basis, a reduction in the noise limits across the zone is considered preferable. The reduction proposed is mooted as being effective in maintaining residential amenity without unduly limiting establishment of appropriate commercial activities, noting the intention of the Marsden Primary Centre Environment to allow for mixed use development while avoiding reverse sensitivity effects.*
>
> *8. In reducing the noise limits, sound insulation within residential units to be located in Noise Zone 2 is no longer required.*
>
> *9. The application is supported by a technical report prepared by Marshall Day Acoustics. That report details the suggested changes and assesses the implications as it relates to likely effects and building construction.*
>
> *10. The changes proposed under a) and b) above are not linked in any way, other than being contained in the same District Plan Chapter. No changes are proposed to the existing objectives or policies contained in either the Marsden Primary Centre or Noise and Vibration Chapters of the District Plan.*
>
> *11. Documentation contained in the application makes reference to a retirement village complex. A land use consent has been granted (WDC reference LU1600156 dated 27th January 2017) for a 75 unit retirement village with communal facilities located generally within the land bounded by Pokapu Road, Waiwarawara Drive, and Orua Road.*
>
> *12. Subsequent to the close of further submissions, the applicant has provided modified versions of the proposed provisions with a revised Section 32 assessment. The latest version of the modified provisions was provided to the Council on the 26th April 2017, with an updated Precinct Plan provided on the 1st May 2017. These provisions are contained in Attachment 2. For the purposes of this report, the proposed provisions contained in the application as notified are referred to as*

[1] Hartstone, ss6-17, pp7-9

the 'proposed provisions'. The latest version of the proposed provisions provided by the applicant is referred to as the 'modified provisions'.

The Site and Context:

13. *The land subject to this application is defined on the Precinct Plan provided in support of the Plan Change which encompasses the area identified as the Marsden Primary Centre Environment. This area has been subject to historic resource consent applications for subdivision which have resulted in the current cadastral layout. Subsequent to the granting of subdivision consents, the property owners in conjunction with the Council undertook an extensive structure planning exercise which resulted in the Marsden Point-Ruakaka Structure Plan 2008 being adopted by the Council in November 2009. While a non-statutory document, the Structure Plan formed the basis for the introduction of the Marsden Primary Centre Environment ... (*Known as Plan Change 83 – Northgate: Port Marsden Industrial Area lodged by North Holdings Limited) … *which was a private plan change approved by the Council on the 11 April 2012 and declared operative from the 24 April 2012.*

14. *Subsequent to the introduction of this operative Chapter, Council instigated a plan change process to review all noise and vibration provisions contained in the District Plan. As a result, Plan Change 110 resulted in a new chapter of the District Plan referred to as NAV being approved on the 11th May 2016 and declared operative on the 24th May 2016. This Chapter now contains all noise and vibration provisions across all chapters, including those that had been previously contained in the Marsden Primary Centre Environment.*

15. *Physically, the topography of the area in question contains flat grassed sections, with all roading and servicing infrastructure in place to service future development. Built development within the Marsden Primary Centre area at the time of preparing this report is limited to several residential buildings adjoining Casey Road in the northern portion of the site, and scattered commercial buildings and activities adjoining Pokapu and Waiwarawara Drive.*

16. *The western and southern boundaries of the development are bounded by One Tree Point Road and State Highway 15A respectively. The northern boundary is subject to a designation for the Oakleigh to Marsden rail corridor where Kiwirail Holdings Limited is the current designating authority. No physical works have commenced for establishment of the rail corridor. All land immediately surrounding the area is currently either farmed or used for rural lifestyle purposes.*

17. *In a wider context, the eastern boundary of the area is approximately 750 metres at its closest point from Marsden Point Road and associated existing heavy industrial activities, and 1.5 kilometres from the nearest residential development in Ruakaka. The Marsden Cove residential development is approximately 2 kilometres to the north of the area, being the closest existing residential development at One Tree Point. Approximately 2.6 kilometres to the northeast, Marsden Bay Drive forms the current boundary between existing rural and industrial activities associated with the Port and Marsden Point Refinery. ...*

The Commissioner accepts the above as an accurate description of the private plan change proposal and the process followed.

5. Statutory Considerations

Mr Hartstone addressed statutory considerations as follows: [2]

18. *There are a range of statutory provisions under the RMA that are of relevance to the consideration of requests for private plan changes. These include the provisions applicable to both public and*

[2] Ibid, ss18-24, pp9-10

private plan changes as well as specific provisions in the First Schedule of the RMA for private plan changes.

19. *Section 32 of the RMA establishes the process for evaluating the appropriateness of the Plan Change in achieving the purpose of the RMA. Section 32(1) states that an evaluation must:*

    (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

    (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

        (i) identifying other reasonably practicable options for achieving the objectives; and

        (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

        (iii) summarising the reasons for deciding on the provisions; and

    (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

20. *An assessment under Sub-Section 32(1)(b)(ii) must—*

    (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

        (i) economic growth that are anticipated to be provided or reduced; and

        (ii) employment that are anticipated to be provided or reduced; and

    (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

    (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

21. *The Environment Court decisions of Eldamos Investments Limited v Gisborne District Council (W047/2005) and Long Bay-Okura Great Park Society and ARC and Landco Limited v North Shore City Council (A78/2008) set out directives for evaluating objectives, policies, rules, and other methods in district plans. The principle findings of these decisions are relevant in general to an assessment of the proposal.*

22. *I consider that the Section 32 Analysis prepared by Terra Nova Planning Limited, read in conjunction with the Marshall Day report (contained in Attachment 1), adequately addresses the key components of Section 32 of the RMA as follows:*

    a) The purpose of the Section 32 analysis, or problem to be addressed, is the extent that the current provisions of the Marsden Primary Centre Environment and NAV Chapters limit the establishment of residential activities within the Marsden Primary Centre Environment. The objective of the analysis is defined as 'to ensure opportunities for, and the viability of, residential development within the (currently named) Light Industry and Residential-Compatible Policy Areas, without requiring significant additional acoustic treatment.'

    b) Technical background information has been provided by way of the Marshall Day report that informs the Section 32 analysis, analyses the extent of positive and negative effects associated with the changes, and sets the scope of the scale and significance of the proposal.

    c) The analysis assesses four reasonably practical policy options ranging from 'Status Quo (Do nothing)' to 'Awaiting amendments as part of the current rolling review urban package',

assesses the costs and benefits of each option, including implications on economic growth anticipated from the proposed changes, and selects a preferred option.

d) The scale of the analysis and resulting Section 32 report is commensurate with the scale of the proposal, noting that it is confined to a relatively small geographical area and discreet provisions in the District Plan.

23. It should be noted that where changes are made to the proposal as a result of consideration of submissions and through the hearing process, further evaluation under Section 32 is required. The extent of further analysis is largely dependent on the significance of the changes. This is relevant given that modified provisions have been developed by the applicant in response to submissions and further submissions.

24. None of the submissions received raise specific concerns about the validity or scope of the Section 32 analysis provided with the application.

The Commissioner accepts the above description of statutory provisions applying to this private plan change proposal.

A question of scope and jurisdiction was raised and Mr K Littlejohn (counsel for GNLC, the proponent) drew the Commissioner's attention to the following paragraph in the *Albany North Landowners v Auckland Council* judgement: [3]

> *"A particular concern ... in deciding whether to recommend rezoning ... has been the reasonableness of that to persons who were not active submitters and who might have become active had they appreciated that such was a possible consequence. Where the matter could reasonably have been foreseen as a direct or otherwise logical consequence of a submission point the Panel has found that to be within scope."*

The Commissioner accepts that principle applies in the present situation, and considers that the various recommended amendments to the District Plan will not offend that principle. No person appears to have been disadvantaged by the way the proposal has been processed, nor by the recommendations contained in this report to Council regarding PC 135.

6. Submissions and Evidence at the Hearing

Mr Littlejohn, presented opening submissions on behalf of the proponent of PC 135, GLNC, in which he described the motivation for the private plan change request as to better enable development of a '*comprehensive retirement village'* for which a resource consent has been granted. [4] He also said the change would *"'tidy up' the relevant NAV rules so that they will achieve an environment where the retirement village can function with minimal effects from its neighbours within the MPC."* [5] He indicated GLNC agreed with most of the reporting planners recommendations and some of the submitters' suggestions. He said PC 135 will *"... enable more of the MPC* (Marsden Primary Centre) *to be used for sensitive activities … by reducing the areas available for noisier activities...* and *… modifying the planning framework to accommodate the demand for living opportunities …* and *… enabling the sustainable management of this resort."* [6]

He referred to a process of consultation in preparing the proposals before the hearing, and called evidence from Mr P Ibbotson (noise) and Mr S Hartley (planning).

Mr P Ibbotson indicated he had provided input to PC 110, that set up the NAV noise and vibration regime in the District Plan. He reviewed the 'old' rules, the new ones (from PC 110's implementation in 2016), the PC 135 noise proposals, and also noise from both an 'effects' and 'reverse sensitivity' point of view. He then analysed the submitters concerns from a noise perspective, commented on the s42A Report, and concluded:

[3] CIV-2016-404-2336 [2016] NZHC 138, para [97]
[4] Littlejohn, s1, p1
[5] Ibid, s2, p1
[6] Ibid, s20, p4

"overall the proposed change will improve the level of amenity in the area for residential living activities while restricting or suppressing certain industrial or commercial activities." [7] Regarding 'reverse sensitivity' he concluded that *"Operational reverse sensitivity is ... unlikely to arise as noise from adjacent Business 4 or Marsden Point Port Zoned industrial land is already constrained by sensitive activities occurring closer to them than the Marsden Primary Centre Noise Zone 2 land, such that noise received at Noise Zone 2 will be well within reasonable limits to avoid disturbance."* [8]

Mr Ibbotson also described a long telephone discussion he had with Mr Styles the previous evening. Mr Styles had reviewed Mr Ibbotson's recommendations at Mr Hartstone's request. After reading the Styles written brief of evidence tabled at the hearing, he commented that he and Mr Styles were agreed on all but some very minor matters. Mr Hartstone subsequently confirmed that he was comfortable with the level of agreement reached between Messrs Ibbotson and Styles, and believed the developed amendments to noise rules which he was recommending incorporated the requirements of both noise experts.

Mr S Hartley gave an overview of the PC 135 proposals, addressed the submitters' concerns, and responded to the s42A Report's requests for more information on several identified matters. He described discussions with various affected parties, and the amendments to the proposals as presented to the hearing that arose from those discussions. He concluded by supporting the proposals *"with amendments and additions as sought in the Modified Version"* [9] and said "the plan change ... *(as modified) ... best reflect the original intent of the Primary Centre, current and perceived market demand, and appropriately protect the important transport State Highway ... and rail corridors, and existing and future industrial activities in the wider area."* [10]

Mr G Blomfield representing Northport Ltd as Technical Services Manager, summarised his company's concerns, and said: *"while the company has some concerns about reverse sensitivity effects associated with noise emanating from Northport itself, they are primarily concerned about reverse sensitivity effects associated with noise generated from existing and future truck movements on SH15."* [11] He indicated Northport would *"not oppose the plan change subject to the following modifications*": [12] (a) extension of the buffer area; and (b) noise sensitive activities being subject to approval by Northport and others (modifications summarised).

Mr R Elliot, representing the NZ Refining Company as Environmental Affairs Manager, summarised his company's position as similar to that of Northport, and sought essentially the same relief as Northport. [13]

Mr Elliot and Mr Blomfield both gave evidence of the importance of their companies' operations to Northland. It was established that the Regional Policy Statement directs that reverse sensitivity issues be recognised and appropriately dealt with by the district council; that is in relation to regionally important activities and infrastructure including the port.

Ms S Ho, Senior Planning Advisor, NZ Transport Agency did not attend, but her tabled brief of evidence described the Agency's concerns. It concluded by stating that *"... the Agency supports the remodified provisions by GNLC."* [14]

Ms M Hicks, a Ruakaka resident, did not attend but her tabled statement in support of her original submission said *"... my concerns one way or another have now been addressed."* and *"... the proposed redevelopment ... does not appear to be in conflict with the existing Ruakaka community."* [15]

The reporting planner, Mr A Hartstone had pre-circulated a s42A report, and he attended the hearing. He addressed the submitters concerns, statutory considerations, likely effects and concluded:

> *In response to submissions and further submission, the applicant has provided a modified proposal.*

[7] Ibbotson, s9.2, p14
[8] Ibid, s9.5, p15
[9] Hartley, s38, p6
[10] Ibid, s38, pp6-7
[11] Blomfield, s6, p2
[12] Ibid, s22, pp7-8
[13] Elliot, s6.1, p4
[14] Ho, s8.2, p4
[15] Hicks, handwritten letter, p1

I consider that the modified proposal adequately addresses potential reverse sensitivity issues associated with the State Highway … and rail corridor designation matters raised in submissions. [16]

He also said in his pre-circulated report:

Subject to the provision of information addressing the matters of scope and technical information addressing the reverse sensitivity issues, I consider the Plan Change request incorporating the modified proposal (contained in Attachment 2) is an appropriate response to the submissions received. I provide the following preliminary recommendation:

a) That GNLC Limited provides the following information in their evidence to assist the Hearing Commissioner consideration of the Plan Change request:

- *A technical report prepared by a suitably qualified acoustic engineer that specifically in response to concerns about any reverse sensitivity effect created by the proposal, associated with the existing or potential noise generating activities located on the sites owned by Refining NZ, Northport Limited, Marsden Maritime Holdings Limited. This shall be included in the pre-circulated expert evidence.*
- *An assessment of any scope issue that may arise where the inclusion of Noise Zone 2A (as per the modified proposal) may affect persons who own or occupy land, other than GNLC Limited, within Noise Zone 2A who did not make a submission based on the notified version of the plan change.*

b) Subject to further information being provided in evidence or information presented at the hearing that may alter my opinion, my preliminary recommendation having considered all the information supplied by the Requester, all submissions received, and having undertaken an analysis of the provisions, is that:

- *Pursuant to Clause 29(4) of Part 2 to the First Schedule of the RMA, proposed Private Plan Change 135 lodged by GNLC Limited to the operative Whangarei District Plan be approved with modifications. Those modifications are contained in Attachment 2 of this report;*
- *That submissions PC135-01 and PC135-02 seeking the Plan Change be approved in its entirety be rejected;*
- *That submissions PC135-03, PC135-04, PC135-05, PC135-06 seeking the Plan Change be declined in part (as it relates to NAV.6.5) be accepted;*
- *That submissions PC135-07 seeking the Plan Change be declined in its entirety be rejected.*
- *Subject to further information being provided in evidence or information presented at the hearing that may alter my opinion, the decisions on the further submissions be accepted, accepted in part, or rejected based on the decisions made on the submissions.*

He also tabled a written statement of evidence from Mr J Styles (Acoustic Consultant), which concluded: *"Overall, I generally agree with the analysis of the noise-related issues … set out in the evidence and reports prepared by Mr Ibbotson …".* [17] His written brief went on to describe those residual concerns and how they might be addressed. Mr Hartstone indicated orally that those concerns had been resolved to his (Mr Hartstone's) satisfaction by teleconference.

Mr Littlejohn in reply, provided a document confirming exactly what GNLC was seeking and that had been agreed with Mr Hartstone. [18] He indicated that: Kiwirail had agreed to the modified PC 135 proposals [19]; and

[16] Hartstone, s59, p15
[17] Styles, ss7.1-7.3, pp4-5
[18] Littlejohn Reply, s7, p2
[19] Ibid, s3, p2

that GNLC was content with an advice note on the plan indicating activities in Noise Zone 1 will have to comply with more stringent noise requirements closer to the boundary with Noise Zone 2. [20] He also submitted that the evidence had established that reverse sensitivity issues were adequately provided for in PC 135 as modified and proposed. [21]

7. Consideration of Submissions

7.1 Recommendations on Submissions

The RMA does not require a Council to make individual decisions on each and every submission or relief sought. This is set out in Schedule 1 – Preparation, Change, and Review of policy statements and plans. Clause 10 states: [22]

> *Decisions on provisions and matters raised in submissions*
>
> *(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*
>
> *(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.*

The Commissioner has addressed the submissions and further submissions below.

7.1.1 New Zealand Transport Agency

Submitter's Request: That the proposed changes ... be declined.

Discussion: The evidence of Ms Ho tabled at the hearing resiled from the relief sought, and indicated acceptance of the "remodified" proposals.

Finding: That the 'relief' sought be granted in part.

7.1.2 Northport

Submitter's Requests:

a) Extension of the 100 metre buffer areas - to an extent determined by a suitably qualified acoustic engineer.

b) Require the establishment of noise sensitive activities to seek the written approval of Northport and others.

[20] Ibid, s8, p2
[21] Ibid, ss11-15, 3-4
[22] RMA, Schedule 1, Clause 10

Discussion: The acoustic evidence heard at the hearing did not support the first 'relief' sought, extension of the buffer area, and implementation of the second 'relief' would introduce unreasonable and unjustified procedures. Furthermore Mr Blomfield conceded at the hearing that his company was not entirely opposed to the proposals.

Finding: That both the 'relief' items be rejected.

7.1.3 NZ Refining Company

Submitter's Requests: That PC 135 be not implemented.

Discussion: The acoustic evidence heard at the hearing did not support 'relief' sought. Furthermore Mr Elliot conceded at the hearing that his company was not entirely opposed to the proposals.

Finding: That the 'relief' items be rejected.

7.1.4 Marsden Maritime Holdings Limited

Submitter's Request: Decline the request to implement PC 135.

Discussion: The evidence at the hearing supported implementation of the change in a modified form and subject to detailed amendments.

Finding: That the 'relief' sought be rejected.

7.1.5 Y Daji

Submitter's Request: Implement PC 135.

Discussion: Implementation of PC 135 is recommended subject to amendments.

Finding: That the 'relief' sought be granted in part.

7.1.6 AI Limited

Submitter's Request: Implement PC 135.

Discussion: Implementation of PC 135 is recommended subject to amendments.

Finding: That the 'relief' sought be granted in part.

7.1.7 M Hicks

Submitter's Request: Reject PC 135, which was modified in further submissions and a letter tabled at the hearing.

Discussion: Ms Hicks has serious reservations about the zoning provisions for this area in the District Plan. However in her letter tabled at the hearing, she said the *"... proposed re-development ... is greatly improved and does not appear to be in conflict with the existing Ruakaka community."* [23]

Finding: That the 'relief' sought be granted in part.

[23] Hicks, letter dated 7 May 2017, p1

7.1.8 Kiwirail Holdings Limited

Submitter's Request: That various submissions be allowed, declined or allowed in part.

Discussion: Implementation of PC 135 is recommended subject to amendments, some of which will implement Kiwirail's requests. It changed its position to support for the modified PC 135 during the hearing.

Finding: That the 'relief' sought be granted in part.

7.1.9 M Kepa

Submitter's Request: Implement PC 135.

Discussion: Implementation is recommended for various reasons. The modified proposal should satisfy this submitter.

Finding: That the 'relief' sought be granted in part.

7.2 Overall Assessment of Effects of the Proposal

The s42A RO assessed the effects of PC135 as follows. [24]

25. *The scope of any assessment of effects associated with the Plan Change is limited to issues of noise, noting that the proposed changes to nomenclature do not create any effects.*

26. *The assessment of effects is informed largely by the contents of the Marshall Day report provided with the application as notified. Section 7.0 of that report concludes that the proposed change will '….result in positive effects on future residential land use due to a general improvement in the level of amenity that can be expected at all times.' It further states that '….the reduced daytime noise limits may potentially affect commercial activity by restricting or suppressing the type of commercial activities that could establish.'*

27. *The report focuses on noise effects within the Marsden Primary Centre Environment and highlights potential positive and negative effects resulting from what I consider to be a change in 'bias' from a predominance of industrial and commercial activities, to mixed use and predominantly residential activities. It is noted that this proposed change in bias has not drawn any submissions in opposition from landowners within the Marsden Primary Centre Environment.*

28. *However, submissions received from Northport Limited, Marsden Maritime Holdings Limited ('MMHL'), Refining NZ, and New Zealand Transport Agency ('NZTA') have all sought, as the single point of relief, that the proposed change to NAV.6.5 be declined. Further submissions lodged by Refining NZ and Kiwirail Holdings Limited, and a submission and further submissions from Margaret Hicks, support this position. This assessment of effects therefore focuses on reverse sensitivity effects associated with noise.*

29. *The existing NAV.6.5 was introduced as part of the Council-initiated Plan Change 110 to review all the noise and vibration provisions in the District Plan, and to collate them into one chapter of the Plan. Specifically, NAV.6.5 introduced sound insulation requirements for noise sensitive activities [25] established within a Business 1, 2, 3, Town Basin, Port Nikau Noise Zone 1 or 2, or Marsden Primary Centre Noise Zone 1 or 2 Environments. A description of the background to the existing provisions is contained in Section 3.0 of the Marshall Day report.*

30. *Submitters have raised the concern that removing internal noise design levels for any noise sensitive activities established in Noise Zone 2 may have a reverse sensitivity effect. That effect*

[24] Hartstone, ss25-39, pp11-13

[25] Defined in the District Plan as *'those activities that involve habitation of people within which concentration (of thoughts) is required and includes residential units, residential institutions, marae, hospitals, health care facilities and education facilities, excluding Airport staff and aviation training facilities or aero clubs (other than airport staff training facilities).'*

is identified through the submissions as encompassing noise effects arising from the operation of the refinery, State Highway 15A, construction and operation of rail services via the Oakleigh to Marsden Rail Corridor designation ('rail corridor'), the port, and potential future activities on existing land zoned for commercial and industrial use owned by MMHL.

31. *It is noted that Section 6.0 of the Marshall Day report touches on this matter but provides no detailed assessment of any reverse sensitivity effects as raised in submissions. No technical information has been provided by either the applicant or any of the submittors as to the potential extent of reverse sensitivity effects as claimed in the submissions. To date, the council has not sought independent advice on this matter.*

32. *The applicant has responded to the matters raised in submissions by providing the modified proposal to address reverse sensitivity effects associated with the operation of State Highway 15A and the rail corridor (see Attachment 2). That alternative splits Noise Zone 2 into Noise Zone 2 and Noise Zone 2A. Noise Zone 2A is intended to provide a 100 metre wide 'buffer' between the State Highway 15A and rail corridor boundaries. Properties within Noise Zone 2A will retain the current operative Plan provisions as they relate to sound insulation requirements, but will be subject to the proposed reduced internal noise limit rules.*

33. *At the time of preparing this report, it is understood that the applicant has circulated the modified proposal to Kiwirail and NZTA. Kiwirail have advised via e-mail dated 12th April 2017 that they '….approve of the latest proposed rules that you have supplied.' No advice has been received from NZTA as to their position on the modified proposal. However, NZTA's submission does state that it '….seeks to ensure a minimum 100m buffer setback from the edge of the state highway as outlined in the Guide to Management of Effects on Noise Sensitive Land use near the State Highway Network 2015.' This buffer setback appears to be achieved by the inclusion of Noise Zone 2A where it adjoins State Highway 15A.*

34. *I consider the inclusion of Noise Zone 2A is an appropriate response to the concerns of Kiwirail and NZTA. However, the applicant is invited to address this further at the hearing. In doing so, the applicant should address any possibility that the inclusion of Noise Zone 2A may affect persons who own or occupy land, other than GNLC Limited, within Noise Zone 2A who did not make a submission based on the notified version of the plan change. The notified version did not contain Noise Zone 2A, and those owners / occupiers therefore may have expected the proposed provisions for Noise Zone 2 to apply. Assuming that this question of scope can be adequately addressed, I support the modified proposal.*

35. *Refining NZ, Northport Limited, and Marsden Maritime Holdings ('MMHL') have all highlighted concerns regarding potential reverse sensitivity effects associated with existing or potential noise generating activities on their respective sites. The relief sought in these submissions is that the proposed changes to NAV.6.5 be declined. Section 16 of the RMA does place an onus on noise generating activities to ensure that any off-site noise effects do not exceed a reasonable level. However, as a matter of good planning practice, it is not appropriate to locate proposed residential development in close proximity to existing or potential noise generating activities.*

36. *As noted in the submission from Northport Limited, the operative Northland Regional Policy Statement ('RPS') includes specific policies emphasising the importance of regionally significant infrastructure. 'Regionally significant infrastructure' is defined in the RPS, and specifically includes the Marsden Point oil refinery and truck loading facility, Northport (including the adjoining land used for the movement and storage of cargo), state highways, and railway lines and associated railway facilities. MMHL owns a substantial portion of largely undeveloped Business 4 zoned land between the Northport facility and Marsden Primary Centre Environment.*

37. *By virtue of the hierarchy of planning documents established and defined in Section 75 of the RMA, the District Plan must give effect to the RPS. Policy 5.1.3 of the RPS as referenced in the Northport Limited submission reads (in full):*

'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.'

38. Notably, the policy emphasises reverse sensitivity associated with new residential development. This plan change, coupled with the granting of consent for a retirement village within the site, signals a potential change in land use biased towards residential development (although still recognising the 'mixed use' intent of the provisions). I therefore consider that the concerns raised in the submissions from Refining NZ, Northport Limited, and MMHL are valid. The onus is on the applicant to address these potential effects by way of technical evidence to confirm that any reverse sensitivity effects arising from the plan change may be avoided.

39. In recommending that technical evidence be provided to address reverse sensitivity concerns, I note that during the assessment and reporting on Plan Change 110, the provisions of the then-proposed RPS were specifically considered. The Section 42A report for Plan Change 110 records that Policy 5.1.3 referenced above was beyond challenge at that time, and therefore would be suitably addressed by way of what are now the operative provisions contained in the NAV Chapter of the Plan.

The acoustic evidence of Mr Ibbotson and Mr Styles supported the conclusions reached by Mr Hartstone, which are accepted by the Commissioner. The modified and amended proposals reached at the end of the hearing are considered consistent with the advice of Mr Hartstone and the other experts.

8. Conclusion

Mr Hartstone said in his s42A Report:

> *Subject to further information being provided in evidence or information presented at the hearing that may alter my opinion, my preliminary recommendation having considered all the information supplied by the Requester, all submissions received, and having undertaken an analysis of the provisions, is that: … the proposed Private Plan Change … be approved with modifications.* [26]

At the hearing, and after hearing the submissions and evidence for the proponent and submitters, he said orally that he was satisfied that: [27]

a) The further explanations given by the proponent in relation to his identified outstanding issues in the s42A Report were adequate.

b) The Regional Policy Statement was not contravened, and he relied primarily upon the fact it had not made a submission.

c) The proposed buffer would provide adequate protection to the railway and state highway.

d) Reverse sensitivity issues are adequately addressed in the modified change wording.

e) The suggested requirement to obtain consent from the port entities was inappropriate.

f) The restructuring and renaming of the existing zoning was sensible.

[26] Hartstone, s62, pp16-17
[27] Hartstone, oral evidence

The Commissioner accepts those conclusions. He also accepts Mr Littlejohn's submissions in reply, *that:*

> *"… PC135 relates solely to land within the Marsden Primary Centre Environment … As advised by Mr Ibbotson and Mr Hartley, the noise rules for the MPC were not updated in 2016 by PC110 as the purpose of that plan change was to rationalise and update those rules throughout the district, not to consider the appropriateness of their application on an area by area basis throughout the district. This is the purpose of PC135 in relation to the MPC only. … the application of bespoke noise provisions to the MPC is appropriate, given the history of the MPC area and the fact that it is a significantly underutilised, yet fully development ready, urban land resource within the Whangarei district, that is anticipated to be better utilised with the amendments proposed by PC135.* [28]

The Reply submissions also covered: the supply of documents requested at the hearing; the provision of wording for the change as agreed during the hearing with the s42A RO; a suggested note for the precinct plan to advise readers of possible constraints on noisy industry; and a response to concerns expressed about s16 of the Act. [29]

Wording for the change:

Attached to this Report are documents giving the wording as agreed between GNLC and the s42A reporting officer, and recommended for adoption for the District Plan by the Commissioner.

Note for the precinct plan:

The Commissioner can see no reason why an "advice note" as discussed at the hearing should not be inserted in relevant plan. It may serve as a useful warning to future would-be establishers of a noisy activity. The wording for the "advice note" is as provided with the Reply.

s16 of the Act:

The Reply argued as follows: [30]

> *11. Section 16 imposes a duty on all occupiers of land to adopt the best practicable option to ensure noise emissions from the land do not exceed a reasonable level. There is case law to the effect that compliance with a district noise rule may not necessarily avoid compliance with the obligation in section 16, but it will turn on the character, frequency and effect of the noise in context.*
>
> *12. The obligation is to ensure that any noise does not exceed a reasonable level. Such an evaluation of reasonableness allows for consideration of established land use patterns and of compliance with prescribed noise limits. Given the distance between Marsden Point and the land uses enabled in the MPC, the evidence is that the prospect of noise being unreasonable within Noise Zone 2 is extremely low. If it is unreasonable at the MPC, it will be intolerable at locations closer.*
>
> *13. The section 16 duty is also only relevant if you consider that there is a prospect of adverse reverse sensitivity effects arising from the changes to the noise rules proposed by PC135. However, the evidence for GNLC (Mr Ibbotson), the Council (Mr Styles), and NZTA (Mr Chiles), is that such effects are unlikely because of the proposal to retain acoustic treatment requirements for sensitive activities in Noise Zone 1 and Noise Zone 2A. You have no contrary expert evidence on this point and in my submission, this evidence is to be preferred over the corporate evidence for NZ Refining and Northport, which was not substantiated by any acoustic advice.*

The Commissioner accepts that argument and has framed the recommendations accordingly.

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[28] Littlejohn Reply, ss4-6, p2
[29] Ibid, s1, p1
[30] Ibid, ss11-13, p3

Based on the discussions above, and subject to the amendments to the original documents as shown in the attached documents, the Commissioner recommends that the Council adopt this plan change on the basis that:

1. The Commissioner is satisfied the statutory requirements of the Resource Management Act 1991 are satisfied in that:
    a) The amended provisions will be the most appropriate way of achieving the purposes of the RMA;
    b) The proposed provisions will be effective in generally achieving the objectives of Plan Change 135 while also satisfying the relevant wider objectives and policies of the District Plan;
    c) The proposed provisions generally maximise the benefits relative to the costs and are therefore the most efficient means by which the objectives of the Plan will be achieved;
2. The Plan Change can be seen as facilitating the sustainable management of the residential, commercial and industrial resources of the area.
3. It is noted that no matters of national importance arise.
4. It is noted the proposals are consistent with the Regional Policy Statement.
5. PC 135 is generally consistent with other relevant planning instruments.
6. The plan change will have positive effects by facilitating more sustainable development.:
7. The plan change will facilitate the social, economic and cultural wellbeing of the community, in a way that will avoid, remedy or mitigate adverse effects on the environment.

Accordingly the Commissioner recommends that the Council adopt PC 135 with the amendments discussed above for all of the reasons given in this report, and that:

A. Proposed Plan Change 135 to the Operative Whangarei District Plan is approved subject to the amendments described above and contained in the Decisions Version of the plan change documents attached to this report.

B. The submissions and further submissions be accepted, accepted in part, or rejected according to the reasons set out in this report, and that:

- ***Submissions seeking the Plan Change be approved in its entirety be rejected;***
- ***Submissions seeking the Plan Change be declined in part be accepted;***
- ***Submissions seeking the Plan Change be declined in its entirety be rejected.***

Dated 25 June 2017

Alan Withy

Independent Hearing Commissioner

MPC.A

Marsden Primary Centre

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MPC.A

Marsden Primary Centre

MPC.A.1 General Description, Objectives and Policies

MPC.A.1.(I) Description and Expectations

Whangarei District is experiencing significant population and economic growth which is projected to continue. Marsden Point - Ruakaka is one of the identified growth areas in the District, and is projected to have a significant population and employment increase over the next few decades, with some 40,000 people proposed to reside in the area in the longer term. Significant activities in the area include NorthPort, the Oil Refinery, heavy industrial activities, Marsden Cove Marina and residential and various nodes of residential and limited commercial development. Part of this area is comprised in the 'Marsden Primary Centre' which is intended as a new southern primary suburban centre which will complement Whangarei City itself. The growth options and direction for development of the area were canvassed and determined through an extensive consultative and analytical process undertaken with the Marsden Point-Ruakaka Structure Plan adopted by the Council in 2009.

The Marsden Primary Centre is already extensively provided with infrastructure services - with all roads and in-ground services in place; is in close proximity to established core infrastructure and provides the opportunity to develop a mixed use environment, creating capacity for long-term commercial and residential growth, and with potential to capitalise on growth opportunities for the City, the District and the Region.

The development process to be applied in the Marsden Primary Centre is designed to:

1. Enable the mixed use development of the site;
2. Use urban design principles to lead the design process;
3. Use a tiered approach for development assessment (Master Planning, Precinct Planning and various development and activity overlays);
4. Allow a mix of different urban activities; the use of innovative design and engineering solutions; and a staged approach in recognition of the long development timeframe of the site;
5. Avoid reverse sensitivity effects.

The development process adopted for the Marsden Primary Centre is designed to enable a flexible land use pattern to establish, creating opportunities for economic growth and a greater range and mix of land and economic uses to occur. The implementation of an overall urban design strategy (Master Plan) is the mechanism used to provide a framework and structure for the physical development of the Marsden Primary Centre site. Key components of the Master Plan approach are the setting in place of a land use and transportation network structure, and the definition of local area planning units (ie Precincts, and the application of an overall land use spatial budget that seeks to ensure balanced and sustainable physical growth and development; and the requirement for more detailed precinct planning to ensure adequate and appropriate urban design and layout, public transport, civic and recreational activities, open space, and an appropriate and adequate services and roading infrastructure framework.

MPC.A

Marsden Primary Centre

MPC.A.1.(II) Process for Development

To ensure the integrated development of the Marsden Primary Centre, a sequential 'Master Planning' and 'Precinct Plan' approach has been used as set out in the following diagram:

Master Plan		
Covers the whole site	Provides detail of core infrastructure layout, reserves and open space pattern and defines key urban design elements and network links to be included in the individual Precinct Plans	

Precinct Plan		
Covers a defined part of the site	Provides assumptions on end land use, provides specific urban design elements to be applied within a defined 'Precinct' and ensures that sufficient capacity will be provided within the infrastructure services. A Precinct Plan is given legal effect by relevant Environment Rules.	**Plan change**

Subdivision and land use		
Enables built development of Precinct Plan	Divides site into individual lots and lay out roading and reserves pattern and services and ensures infrastructure is built to the required standards	**Permitted, Discretionary and Prohibited Activities**

Building Consent	
Enables built development within lots created by subdivision	

Notes:

1. *A subdivision consent may be undertaken before all of the Precinct Plan(s) have been completed and approved to give effect to identified elements of the Master Plan i.e. establishing main roads, subdividing the site into the Precinct blocks etc.*
2. *Any change to the Master Plan and/or an adopted Precinct Plan will require a plan change to be undertaken.*

MPC.A

Marsden Primary Centre

MPC.A.1.(III) Master Plan

The Master Plan:

- Details and establishes the overall urban design framework for the development of the Primary Centre including retail, commercial, industrial, residential, community, education and open space areas and transport linkages;
- Establishes the overall infrastructure framework for the development of the Primary Centre and the infrastructure and servicing requirements of identified and possible land uses;
- Establishes a broad open space network;
- Establishes buffers to insulate development from sensitive activities on sites both within and outside the Primary Centre;
- Defines Precincts by way of a Precincts Plan.

MPC.A.1.(IV) Precinct Plans

Precinct Plans:

- Apply to a defined Precinct of the Marsden Primary Centre;
- Are consistent with the Master Plan and Precincts Plan;
- Detail the location of specific land uses within a particular Precinct;
- Detail specific urban design standards and bulk and location requirements to be applied within a particular Precinct;
- Where applicable, assess the servicing requirements (both physical and capacity-wise) of land uses and ensure that the infrastructure requirements of a particular Precinct are achievable;
- Specifically detail the provision of open space and access to areas within and between precincts, and other areas outside of the Primary Centre;
- Make provision for specific, defined matters such as reverse sensitivity, etc within the appropriate Precinct;
- Are implemented through appropriate Environment Rules.

MPC.A.1.(V) Subdivision and Built Development

Except as provided for in 2 below, subdivision and/or built development can only occur once Environment(s) Rules and its/their associated Precinct Plan(s) have been adopted.

MPC.A.1.(VI) Objectives and Policies for the Marsden Primary Centre Environments

The objectives and policies for the Marsden Primary Centre Environments take precedence over the objectives and policies in the Plan, unless Chapter MPC is silent on any matter in which case the objectives and policies in the Plan apply.

MPC.A.1.(VI).(a) Objectives for the Marsden Primary Centre

Development of the Marsden Primary Centre in an appropriate manner will;

1. Achieve sustainable and balanced physical development of the Primary Centre in regard to both the wider District and local centre impacts of comprehensive urban development in the Marsden Point location, including the avoidance of excessive commuting, recreational and shopping travel

through proportional and co-located residential, commercial, employment, educational and recreational activities;

2. Provide increased employment opportunities and commercial and residential capacity in an integrated, balanced and sustainable manner; including a mixed use environment in and around the town centre which promotes accessibility between residential, employment, recreation, community and shopping activities;

3. Enable a range of housing types and styles to be established that will support a growing and increasingly diverse population;

4. Avoid heavy industrial activities and provide activity buffers between industrial and residential / mixed use activities to ensure the co-locational compatibility of different land uses and activities;

5. Provide infrastructure and services that will lead to positive environmental outcomes with scope to enhance the surrounding environment and ensure that the development of the site does not limit future development through poorly planned services and infrastructure and that, where possible, the potential impacts of development are lessened through the use of low impact design systems for infrastructure;

6. Incorporate (over time) new transport and traffic initiatives that result in adequate roading, public transport and other transportation infrastructure being provided to accommodate the expected growth, with a roading hierarchy that is appropriate to the different activities within the area, incorporating pedestrian and cycleways and establishing further connections to adjoining urban nodes such as Marsden Cove and others in the wider Marsden Point –Ruakaka Area; and

7. Create a strong network of public open space, including places to enjoy a range of active and passive recreational activities whilst also enhancing the local ecology;

8. Ensure that the design of the development takes into consideration and where possible mitigates any existing or potential hazards, in particular flooding, geotechnical issues and ground contamination.

MPC.A.1.(VI).(b) Policies for the Marsden Primary Centre

1. Sustainable Development

   To apply a Masterplan and spatial budget governing the scale and location of residential, retail, non-retail commercial, industry, education, open space and other activities, in parallel with a precinct development approach that both implements the Masterplan and Spatial Budget, and as the basis for the co-ordinated design and layout of major activity areas.

2. Integration of Activities

   To recognise that the integration of different land use activities to enable a more intensified use of land – which assists in sustainably managing the land use resource – can lead to negative effects and to reduce the potential for such negative effects through the planned location of land uses and the application of performance standards.

3. Mixed Use Environments

   To recognise changing land-use patterns and residential and business characteristics and requirements, and, as a means of sustainably managing the use of land resources within the District, mixed use development is encouraged in the Marsden Primary Centre so long as the potential negative effects of different land-uses on amenity standards and expectations are effectively managed, and reverse sensitivity effects avoided and amenity values maintained.

4. Subdivision Flexibility

   To recognise that where the development of land in a mixed use manner will result in varying lot sizes and ownership (which may not necessarily fit comfortably with the standard subdivision rules contained within the District Plan), subdivision rules shall only be used as a starting point in the assessment of subdivision applications. The control of land use activities through density provisions is a very basic means of managing land uses and the suite of rules contained within

the District Plan relating to the management of potential effects of land use activities should be taken into account when assessing the subdivision of mixed-use developments.

5. Amenity Values

   To ensure that the effects of activities located in mixed use environments do not have adverse effects on other uses within the Environment, or on uses adjacent to, or outside of the Environment, by acknowledging that the incorporation of potentially sensitive uses into a mixed use environment (e.g. residential activities and restaurants/bars) may require that the sensitive uses incorporate measures to mitigate the effects generated by other activities, both within and outside of a mixed use environment.

6. Reverse Sensitivity

   Particular land uses in close proximity to heavy industrial uses can generate the potential for reverse sensitivity effects to arise and such effects are recognised and should be avoided through appropriate location of more sensitive activities and the application of specific performance standards for both industrial and the more sensitive activities.

7. Provision of Infrastructure

   The provision of infrastructure must be a key consideration in assessing any Precinct Plan. In the assessment of potential infrastructure requirements the demand generated by proposed land uses must be assessed and the capacity required both on and off the site must be provided before the related demand/need occurs. The use of new engineering initiatives for the provision of infrastructure and services are encouraged where such initiatives will provide infrastructure and services more efficiently and have capacity to lead to positive environmental outcomes. As part of the assessment of any Precinct Plan application it is necessary to carefully assess the staged nature of development and ensure that future development within the Precinct or external to that Precinct is not limited, through either the provision of under capacity services and/or the location of services without forethought to the requirement for future stages of development to connect to those services.

8. Transport and Access

   The provision of an efficient roading network - including provision for alternative modes of transport, including public transport, in alignment with Council's related strategy and direction - with the key existing roads potentially affected by development being One Tree Point Road, Port Marsden Highway, and the 'Boulevard' road, as well as the future key connecting roads depicted in the Master Plan. The assessment of the potential impact of development on the transport network shall take into account any changes in the modes of transport being used, particularly the use of public transport.

9. Provision of Open Space

   To require that the open space network provided within the Marsden Primary Centre is linked to assessed demand, enables unrestricted access by the public, and is designed so that open spaces are accessible, readily usable, able to cater for a range of uses and users, and linked in a legible manner.

10. Natural Hazards

    To ensure that as part of the assessment process of any Precinct Plan application(s), the extent of any natural hazards are taken into account, and effective means of avoiding, remedying and/or mitigating those hazards incorporated into the methods by which the site will be developed.

11. Precinct Plan Applications

    To require a Precinct Plan included with a plan change application for the Marsden Primary Centre to include the following information:

    (i) Area and Location

        Detail of the exact area that is to be the subject of the Precinct Plan.

(ii) Master Plan

a) A Precinct Plan must include all of the land identified for a Precinct in the Precincts Plan and shall give effect to the relevant /outcomes of the Master Plan and ensure integration of the Precinct Plan under consideration with already approved Precinct Plan(s) and not limit the development of future Precincts.

(iii) Urban Design and Open Space

a) A report by a suitably qualified urban designer/planner/architect, who is a signatory to the New Zealand Urban Design Protocol, detailing specific urban design elements that are to be applied within the particular Precinct. These design elements will be developed in accordance with the New Zealand Urban Design Protocol; being:

i. Specific urban design principles to be applied within the Precinct, including bulk and location controls;

ii. Design standards for streetscapes;

iii. Roading cross sections for collector and local roads specifically detailing any provision to be made for car parking;

iv. The location, dimensions and area of any shared/common car parking areas to be provided within the Precinct;

v. Specific details of the Open Space network to be created within the individual Precinct, detailing in specific terms:

- The location, dimensions and area of public open space to be provided.

- Connections to be provided between areas of public open space.

b) Methods for implementing the planting guidelines for road reserves and areas of public open space identified in the Precinct Plan.

(iv) Infrastructure Framework

a) An infrastructure framework incorporating engineering solutions, prepared by registered engineers with appropriate and demonstrated qualifications in each discipline, detailing the layout and capacity of services to be provided within the Precinct for:

i. Roading (including provision of public transport and alternative movement modes);

ii. Wastewater;

iii. Stormwater; and

iv. Water;

and confirmation from Council that there is sufficient capacity within, or planned capacity within, the network infrastructure external to the Precinct and external to the Marsden Primary Centre site to accommodate the predicted increase in service demand.

b) The infrastructure framework will also detail where necessary, those areas within the Precinct and within other Precincts required to be set aside for the physical provision of infrastructure.

c) The infrastructure network within the Precinct Plan should define any specific requirements necessary with regard to the provision of network utility services; namely electricity and telephone services and possible gas reticulation.

d) The infrastructure network within the Precinct Plan should detail the car parking standards to be applied in the assessment of the car parking requirements, including assessment methods to be applied where car parking areas serve multiple uses/sites and also detail the management/maintenance of shared/common car parking areas, which may include the vesting of such car parking areas in the Council once developed.

(v) Hazards

a) Detail and assessment of the extent of any areas subject to hazards, including flooding, any restrictive geotechnical conditions and ground contamination issues and methods to be applied to manage these potential hazards.

(vi) Ecology

a) The relevant Precinct Plan(s) are to provide for the protection and potentially the enhancement of ecological areas where merited.

(vii) Reverse Sensitivity

a) The relevant Environment Rules, in concert with the associated Precinct Plan(s), will address the potential for reverse sensitivity effects, especially involving residential or other sensitive people-base activities (e.g. child care, hospitals, etc) and activities which may generate effects which can impact on sensitive uses and in so doing create an untenable operating environment for the generating use. It is intended to ensure that legitimate activities operating within effects thresholds are not pressured to alter or cease their activities through unrealistic or unreasonable expectations; and that wherever possible sensitive activities themselves undertake measures to limit such effects on themselves (e.g. acoustic treatment of residential buildings etc).

MPC.A.2 Activity Status and Applications

Development Requiring a Precinct Plan and Environment Rules

(a) Physical development of the site (or part of the site) and / or subdivision (and the associated physical works) shall only occur in accordance with a Precinct Plan and Environment Rules in the Plan, and in accordance with any required land use or subdivision resource consents.

(b) If a Precinct Plan and associated Environment Rules have not been approved for any land within the Marsden Primary Centre, subdivision and/or physical development of the site for any permitted, limited discretionary or discretionary activity under the underlying Countryside Environment shall be a discretionary activity, and any non-complying activity shall be a prohibited activity.

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

TCSE.1.1 Description and Expectations

The Marsden Primary Centre Town Centre South Environment is located in the central sector of the Primary Centre and is bounded by One Tree Point Road and the Rail designation to the west and north, and bisected west-east by "Mainstreet" (Casey Street).

It is intended to provide primarily for a range of retail, commercial, civic and residential activities. A high standard of urban design is intended and this is to be achieved by detailed provisions relating to the scale, external treatment and location of buildings, and both the configuration of roads and open space.

Residential development is intended to be at relatively high density with both townhouse and apartment living, along with some areas of lower density residential around much of the periphery of the Town Centre residential area. This will assist in providing a buffer - along with similarly managed residentially compatible industry activities - between the adjoining residential and industrial areas.

Overall the intention is to enable and encourage the development of a community where all aspects of daily life (living, work, shopping, education and recreation) are co-located in a largely mixed use environment that avoids arbitrary land use separation and the loss of vitality and convenience that arises from that, including unnecessarily long and expensive trips between various activities. Much of the focus is on encouraging people-focussed activities in and around the town centre while allowing other activities to merge seamlessly where their varying effects can be accommodated.

The following Environment and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = *Town Centre South Environment - Commercial Policy Area*

Residential Policy Area = *Town Centre South Environment - Residential Policy Area*

~~Residential Compatible Industry~~Mixed Use 1 Policy Area = *Industry Environment - ~~Residential Compatible Industry~~Mixed Use 1 Policy Area*

~~Light Industry~~Mixed Use 2 Policy Area = *Industry Environment - ~~Light Industry~~Mixed Use 2 Policy Area*

Neighbourhood Centre Commercial Policy Area = *Industry Environment - Neighbourhood Centre Commercial Area*

TCSE.1.2 Objectives

1. Retail and commercial service activities are provided in an accessible and convenient location for people residing both within and outside the Marsden Primary Centre.
2. Opportunities are provided for people to live in close proximity to shops, services and employment by enabling mixed use business and residential activities.
3. A wide choice of housing options in high quality living environments is provided with higher densities in proximity to shops and employment.
4. A high standard of urban design shall be achieved for residential and commercial development, particularly in the medium density residential area and Main Street environments.
5. Provision is made for addressing reverse sensitivity conflicts, particularly between residential and commercial activities.

TCSE.1.3 Eligibility

Activities not requiring consent as a discretionary activity shall be a permitted activity.

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

TCSE.1.4 Notification

Land use proposals that are not contrary to the above requisite policies are precluded from public notification.

TCSE.1.5 Discretionary Activities

1. Any of the following activities are Discretionary Activities except as otherwise limited or provided for in the Commercial or Residential Policy Areas, or a Precinct Plan.

   (i) Activities involving the development or construction of buildings which do not comply with:

      a) The Town Centre South Precinct 1 Plan and Standards in Section F; or

      b) The provisions of the relevant Commercial or Residential Policy Areas.

   (ii) Activities exceeding the allocations in the Spatial Budget in Appendix G.

   (iii) Activities exceeding the levels and limits specified in the Specific Effects Thresholds in Section E:

      a) Part A: Specific Effects Thresholds for Noise Zone 2 (since replaced by Noise and Vibration Chapter); and

      b) Part B.

   (iv) Activities where the vehicle access on to a public road is not in accordance with the standards in Appendix 6 - Road Transport.

   (v) Activities which do not provide the number of car parks required for that activity under Appendix 6 - Road Transport.

   (vi) The development or construction of building(s) on sites identified in the Precinct 1 Plan and Standards in Section F as "Special Entrance Treatment 'A', 'B' or 'C' ".

Commercial Policy Area

2. Activities within the Town Centre South - Commercial Policy Area:

   (i) Which do not provide the number of car parks required for that activity under Appendix 6 - Road Transport except for the following:

      a) Restaurants (excluding Drive through Facilities and take-away food bars) seating more than 30 people,: a minimum of 75% of the number required by Appendix 6 - Road Transport.

      b) Restaurants (excluding Drive through Facilities and take-away food bars) seating 30 people or less: No parking required.

   (ii) That exceed the Internal Noise Environment noise levels set out in the Noise and Vibration Chapter;

   (iii) Which involve residential activities at ground floor level other than stair / lift entrances, and reception areas;

   (iv) That involve the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, as a principal activity on a site and/or occupying a GFA exceeding 50m^2;

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

Residential Policy Area

3. Activities within the Town Centre South - Residential Policy Area that:

   (i) Generate more than 20 daily vehicle movements per residential unit excluding any movements directly associated with the domestic activities of permanent occupants of a household unit;

   (ii) Exceed the noise levels set out in the Noise and Vibration Chapter for Noise Zone 2;

   (iii) Require more than 3 car parks under Appendix 6 - Road Transport;

   (iv) Operate outside the hours of 7:00am to 10:00 pm except for residential and visitor accommodation;

   (v) Involve the retail, trade or wholesale sale of goods;

   (vi) Involve the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, on site.

TCSE.1.6 Requisite Policies

Spatial Budget

1. Business, service and residential living opportunities and the wider population distributional and numerical effects of development of the Marsden Primary Centre shall be managed by not exceeding the Spatial Budget in Appendix G, other than for transfers between any Precincts that do not exceed 10% of the specified standard.

Integration and Layout

2. Integrated development shall be achieved by requiring adherence to the requirements of the Precinct 1 Plan and Standards in Section F; with the exception of the following:

   (i) The specified layouts of identified roads and building footprints to a maximum of 20m variation;

   (ii) Other standards to a maximum of 10% variation.

General Urban Design

3. An application for land use consent shall be accompanied by a report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details the manner in which the design principles exhibited in Precinct 1 Plan and Standards in Section F are met by the proposed development.

4. Visual gateways on sites at key intersections, identified with 'Special Entrance Treatment" notations in the Precinct 1 Plan and Standards in Section F, shall be provided by requiring:

   (i) Buildings to meet the minimum height and bulk standards set out in the Precinct 1 Plan; and

   (ii) An application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which (among other relevant matters) includes an explanation and

   assessment of the manner in which the building proposed for the site provides:

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

a) A 'visual gateway' effect for people on the main approach roads;

b) Effective street frontage articulation; and

c) Private open space if residential units are proposed, including decks and balconies where appropriate.

Residential

5. At least 80% of medium density dwellings in the Residential Policy Area shall be within:

   (i) 250m of the Town Centre South Main Street Overlay;

   (ii) 200m of a neighbourhood park.

6. A minimum of 95% of medium and low density housing within the Residential Policy Area shall have full frontage to a street or lane.

Main Street

7. A sense of place and enclosure and a high standard of pedestrian amenity within the street environment on Mainstreet shall be achieved by requiring buildings to interface with the street in the manner prescribed in Precinct 1 Plan Standards in Section F.

Commercial Policy Area

8. All residential activities other than stair / lift entrances, and reception areas within the Commercial Policy Area shall be at first floor or higher, to maximise retail and commercial opportunities, and to avoid reverse sensitivity effects on such activities.

9. Activities within the Commercial Policy Area involving the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, shall not exceed 100m^2 GFA.

Residential Policy Area

10. Non-residential activities within the Residential Policy Area shall not:

    (i) Involve the retail or wholesale sale of goods directly to people physically attending the site, other than a show home;

    (ii) Involve the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods;

    (iii) Generate more than 20 daily vehicle movements per residential unit excluding any movements directly associated with the domestic activities of permanent occupants of a household unit;

    (iv) Require more than 4 car parks under Appendix 6 - Road Transport;

    (v) Under-provide parking by more than 1 car park required for that activity under Appendix 6 - Road Transport.

Activity Effects

11. The effects of activities shall be managed by requiring compliance with the Specific Effects Provisions in Section F.

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

Noise

12. Adverse noise effects shall be avoided by requiring compliance with the applicable noise limits set out in Precinct 1 Plan Standards in Section F.

Building Scale and Bulk

13. Overall amenity and visual impact effects shall be avoided or mitigated by ensuring the scale and bulk of buildings do not vary from the specifications in Precinct 1 Plan in Section F by more than 20%.

Building Setbacks

14. Overall adverse amenity effects shall be avoided or mitigated by ensuring the location and height of buildings in relation to boundaries do not exceed the specifications in the Precinct 1 Plan and Standards in Section F by more than 20%.

Landscaping

15. Adverse amenity effects shall be avoided or mitigated by ensuring that street and park boundary tree planting required in Precinct 1 Plan and Standards in Section F is instituted.

TCSE.1.7 General Policies

Integration and Layout

1. To ensure a high standard and integration of urban development by requiring detailed planning at a precinct level.
2. In respect of any alternative site, road and/or open space layout within the Residential Policy Area to that in Precinct 1 Plan and Standards in Section F, integrated development should be achieved by ensuring that the urban design principles exhibited in the Plan are met in respect of the number of sites/units, spatial allocations, connectivity between public streets, site orientation and the relationship of sites/units to public streets.

Urban Design

3. To ensure a people-based pedestrian environment and human-scale character in the Town Centre South, and in particular in relation to the Mainstreet frontage, through:
   (i) A continuity of building frontages abutting the street;
   (ii) Avoidance of extensive blank walls, and security fencing; and
   (iii) Avoidance of large floor space manufacturing and service activities.
4. To achieve a high quality living environment by ensuring that houses offer good:
   (i) Privacy;
   (ii) Solar access;
   (iii) Safety;
   (iv) Indoor/outdoor flows;
   (v) Quality visual character.
5. To achieve a high quality residential amenity by ensuring that non-residential activities directly complement and do not generate adverse:

(i) Noise;

(ii) Vehicle movement;

(iii) Parking;

(iv) Odour; or

(v) Privacy

Effects that unreasonably impact on residential ambience and expectations, having regard to the character; location and intensity of existing and anticipated future residential activities.

6. To ensure a clear definition between public and private space by encouraging block perimeter development based on optimising street frontages for buildings and sites.

7. That a consent application is accompanied by an urban design report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details:

   (i) Any alternative urban design principles applied;

   (ii) The reasons for inconsistency with the Precinct 1 Plan and Standards, and the anticipated alternative urban design outcomes;

   (iii) The alternative standards to those in the Precinct 1 Plan Standards as relevant for buildings, streetscapes, street furniture, landscaping and road cross sections, and parking areas.

8. On sites with 'Special Entrance Treatment' notations, alternative buildings, structures or other features shall be subject to an urban design report detailing the manner in which the design principles for the required visual 'gateway' effect are met by the proposed development.

Infrastructure

9. To ensure that appropriate infrastructure provision is made for proposed activities in regard to both site specific and cumulative effects having regard to the overall design thresholds for existing and future infrastructure in the Marsden Primary Centre.

Consolidated Development

10. To provide for a range of housing choice conveniently located in close proximity to shops, services, employment and public transport.

11. To provide for a range of housing densities, including large and small lots with detached houses, and medium density housing with semi-detached and attached houses, and apartments.

12. To locate a significant proportion of medium density residential development in easy walking proximity to shops and services within the Commercial Policy Area.

Reverse Sensitivity

13. To avoid reverse sensitivity effects between residential and commercial / industrial activities through the location and management of interfaces between different activities, including appropriate legal and construction methods and mechanisms.

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

Noise

14. To avoid significant adverse noise effects of any activity on another, particularly in regard to the provision of an acceptable level of amenity for residential and public places, including civic area and buildings.

Internal Noise

15. To avoid adverse effects arising from noise reception in regard to residential or other accommodation units, facilities for the care of the elderly or sick; education child care facilities; places of assembly and similar noise sensitive activities by ensuring appropriate building construction and treatment of the host building, having regard to the:

    (i) Maximum level of noise likely to be received in regard to the existing and potential activities enabled in the adjacent environment;

    (ii) Potential effects on people's health and safety;

    (iii) Length of time for which the internal noise environment will be greater than that specified, especially at night;

    (iv) Practicability of mitigation measures to reduce noise effects.

Vibration

16. To avoid adverse effects arising from vibration in regard to:

    (i) Duration, time and type of vibration;

    (ii) Effects on health and safety;

    (iii) Effects on amenity values.

Transport Network

17. To ensure that connectivity for all forms of transport is achieved by protecting and / or providing for the efficient and safe use of:

    (i) The external arterial roads of One Tree Point Road and Port Marsden Highway;

    (ii) Internal collector roads linking all precincts in the Marsden Primary Centre and land beyond the Centre;

    (iii) Pedestrian and cycle routes throughout the Marsden Primary Centre and aligning with existing and potential future external routes, and in particular connections to the Town Centre Environment;

    (iv) The Rail line.

18. To avoid potential adverse effects on the transport network in regard to:

    (i) One Tree Point Road, Port Marsden Highway, Boulevard Road and the Rail frontages;

    (ii) The effects of parking, loading and manoeuvring on existing public roads;

    (iii) The need for acceleration and deceleration lanes;

    (iv) Appropriate access design;

    (v) The number, location and design of vehicle crossing;

(vi) Pedestrian safety;

(vii) Efficiency and safety of roads;

(viii) Traffic safety and visibility;

(ix) Dust effects;

(x) The effect on roads in the vicinity of the site and their ability to carry the traffic that the proposal will generate;

(xi) The need for traffic control, including signs, signals and traffic islands;

(xii) The additional matters listed in Appendix 6;

(xiii) Those matters listed in Chapter 47 Road Transport Rules.

19. To recognise that in regard to the provision of parking in the Commercial Policy Area, there are opportunities for public transport, proximate residential living, parking aggregation, and other benefits which may limit parking needs for some activities beyond that provided for as a Permitted Activity.

~~Network Utilities~~

20. – *Deleted 13/01/2014 (Refer to Network Utilities Chapter)*

Signs

21. To avoid adverse effects arising from the construction, design and placement of a sign in reference to:

(i) Traffic safety;

(ii) Being visually appropriate to the neighbourhood by not dominating a site or the surrounding area;

(iii) Being visually obtrusive in terms of free standing sign height in relation to the height of surrounding buildings;

(iv) Creating an effect of clutter in the immediate area because of a poor relationship to other signs or elements and the amount of signage in relation to the frontage;

(v) Being sensitive (in terms of scale, form and harmony) to the building on which it is to be erected or displayed, to the immediate surroundings or to the places from which it can be seen;

(vi) Obscuring or detracting from landscape elements in the front yard of a site;

(vii) Being of such construction that its method of support or fixing is not aesthetically incorporated into its design;

(viii) The number and location of other signs in the vicinity;

(ix) The visual amenity and residential coherence of the neighbourhood (Residential Policy Area only);

(x) The appropriateness of the sign compared to the residential nature of the neighbourhood (Residential Policy Area only).

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

Boundary Amenity

22. To avoid adverse effects arising from the construction or placement of a fence in regard to:
    (i) Effects on amenity values;
    (ii) Effects on visual amenity;
    (iii) Effects on traffic safety;
    (iv) Effects on health and safety.

Lighting

23. To avoid adverse effects arising from the location and nature of artificial lighting in regard to:
    (i) Orientation, strength, intensity, colour, frequency of flashing of the light;
    (ii) Effects on traffic safety;
    (iii) Positive effects on pedestrian safety;
    (iv) Effect on amenity values;
    (v) Loss of night sky viewing.

Building Scale and Bulk

24. To avoid significant adverse effects from the scale and bulk of building in relation to:
    (i) The nature of activities on adjoining sites;
    (ii) The built characteristic of the neighbourhood;
    (iii) The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;
    (iv) Effects on landscape values;
    (v) Effects on availability of daylight;
    (vi) Effects on amenity values.

Building Setbacks

25. To ensure the location and height of buildings in relation to boundaries avoids more than minor adverse effects in relation to:
    (i) The outlook and privacy of adjoining and adjacent properties;
    (ii) Sunlight and daylight access to adjoining properties;
    (iii) Effects on streetscape in terms of achieving built development with a pedestrian scale.

Landscaping

26. To avoid significant adverse amenity effects by ensuring landscaping is appropriate and sufficient to:
    (i) Avoid adverse effects on neighbours;
    (ii) Avoid adverse effects on the amenity of the locality.

MPC.B

Marsden Primary Centre – Town Centre South Environment – Land Use

Outdoor Storage

27. To avoid adverse effects arising from outdoor storage activities in regard to:
    (i) Dust effects;
    (ii) Smell effects;
    (iii) Visual effects;
    (iv) Amenity effects;
    (v) Effects on amenity values;
    (vi) Effects on health and safety;
    (vii) Quality of stormwater runoff.

Aerials

28. To avoid adverse effects arising from any aerial and/or aerial support structure in regard to:
    (i) The design and external appearance of buildings and structures;
    (ii) Landscape treatment and screening;
    (iii) Site location and layout;
    (iv) Amenity effects including shading, visual effect and glare;
    (v) Construction materials;
    (vi) The effects on a heritage item or heritage values.

~~High voltage lines~~ – *Deleted 13/01/2014 (Refer to Network Utilities Chapter)*

29. *Deleted 13/01/2014 (Refer to Network Utilities Chapter)*

Offensive Trades

30. To avoid actual and potential adverse effects arising from any offensive trade classified as such in the Health Act 1956 having regard in particular to:
    (i) The nature, scale and location of the activity;
    (ii) The nature and location of adjoining sites, and activities existent on them;
    (iii) The nature and location of other sites in the general vicinity;
    (iv) The proposed measures for avoiding any nuisance arising from the activity, and the degree of risk of such measures failing;
    (v) The proposed methods for dealing with waste and for avoiding any contamination of the site or adjoining sites.

Coastal Inundation

31. To avoid endangerment or damage to people and property by ensuring that the development of inhabitable land and buildings:
    (i) Permits the avoidance, remediation or mitigation of coastal hazards; and/or

(ii) Prescribed minimum floor levels in relation to One Tree Point Datum Mean Sea Level 1964 are met or any deviation from them warranted in the circumstances.

Stormwater

32. To avoid the adverse effects of stormwater arising from the development and use of land and buildings by utilising appropriate alternative methods to ensure that the overall stormwater discharges meet the Whangarei District Council's Environmental Engineering Standards 2010.

TCSE.1.8 Prohibited Activities

1. The use or occupation of any building in the Commercial Policy Area until the upgrading of Mainstreet as depicted in the "Proposed Mainstreet Road cross-section" in Diagram 1 in Attachment 1 of the Precinct Plan has been completed.
2. Factory farming, mineral extraction, food irradiation.
3. Activities involving bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting, tanning; wood pulping; wool scouring; and
4. An activity that is classified as an offensive trade in the Health Act 1956.
5. The use, storage or on-site movement of hazardous substances that do not comply with the specified conditions in Part B: Specific Effects Thresholds in Section E.

MPC.C

Marsden Primary Centre – Industry Environment – Land Use

IE.2.1 Description and Expectations

The Marsden Primary Centre Industry Environment is located in the south-eastern sector of the Primary Centre, bounded by the Port Marsden Highway, One Tree Point Road and the Rail designation.

It is intended to provide primarily for a range of industrial and complementary business activities for the Marsden Primary Centre area and wider Marsden Point environment. However, a more mixed use environment than is typical of such development over the last few decades is sought and some provision is accorded for residential, community and commercial activities where both its effects, and effects on it, can be addressed.

As the industrial area adjoins residential and mixed use commercial activities located in the Town Centre South Environment, the effects of industrial activities on land uses in that Environment, and potential reverse sensitivity effects of residential and commercial activities on industrial uses, are taken into account by a combination of detailed urban design, and limits on the effects able to be generated by industrial uses.

However, the limitations on the nature and range of industrial activities are offset by the benefits for those industries and services which can locate in the Environment in close association with the residential, retail, community and education activities provided for in the Primary Centre.

The following Environment and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = *Town Centre South Environment - Commercial Policy Area*

Residential Policy Area = *Town Centre South Environment - Residential Policy Area*

~~Residential Compatible Industry~~Mixed Use 1 Policy Area = *Industry Environment - ~~Residential Compatible Industry~~Mixed Use 1 Policy Area*

~~Light Industry~~Mixed Use 2 Policy Area = *Industry Environment - ~~Light Industry~~Mixed Use 2 Policy Area*

Neighbourhood Centre Commercial Policy Area = *Industry Environment - Neighbourhood Centre Commercial Area*

IE.2.2 Objectives

1. A range of industrial, other business and associated employment, and limited residential and community activities are provided for within an industrial sector of the Marsden Primary Centre which give effect to and complement the mixed use outcomes sought for the Centre.
2. The viability and vitality of the Town Centre South prime commercial and residential form and function is reinforced and enabled by limiting the extent to which people-oriented activities are able to establish in the surrounding industrial environment.
3. That adverse effects of industrial activities on surrounding land uses are avoided or mitigated where practicable, including effects on residential and more fine-grained commercial activities.
4. The safe and convenient use of the roading network serving the Primary Centre is protected from inappropriate site access and land use activities.

5. The visual amenities of the Primary Centre, and in particular the borders of the main collector/arterial roads, are protected from adverse impacts of industrial development and activities.

6. The capacity and efficiency of existing and planned future infrastructure services of the Primary Centre are protected from inappropriate development.

7. Reverse sensitivity effects of non-industrial activities such as residential and office uses are avoided so as to not unreasonably constrain industrial activities.

IE.2.3 Eligibility

Activities not requiring consent as a discretionary activity shall be a permitted activity.

IE.2.4 Notification

Land use proposals that are not contrary to the requisite policies are precluded from public notification.

IE.2.5 Discretionary Activities

1. Any one or more of the following activities are Discretionary Activities except as otherwise limited or provided for in the ~~Residential Compatible Industry~~Mixed Use 1, ~~Light Industry~~Mixed Use 2 or Neighbourhood Centre Commercial Policy Areas, or a Precinct Plan:

   (i) Activities involving the development, construction or use of buildings which do not comply with:

      a) The Industry Precinct 2 Plan and Standards in Section F; and/or

      b) The provisions of the relevant ~~Residential Compatible Industry~~Mixed Use 1, ~~Light Industry~~Mixed Use 2, and Neighbourhood Centre Commercial Policy Areas.

   (ii) Activities that exceed the noise levels set out in the Noise and Vibration Chapter ~~as follows:~~for the Noise Zone 1, Noise Zone 2, and Noise Zone 2A areas as identified in Marsden Primary Centre: Precinct 2 Plan

      ~~a) Industry Environment and Neighbourhood Centre Commercial Policy Area:~~

      ~~Noise Zone 1 and Internal Noise Environment.~~

      ~~b) Light Industry Policy Area and Residential Compatible Industry Policy Area:~~

      ~~Noise Zone 2 and Internal Noise Environment.~~

   (iii) Activities that exceed the Internal Noise Environment levels set out in the Noise and Vibration Chapter for Noise Zone 1 and Noise Zone 2A.

   (iv) Activities that exceed the limits set out in the Specific Effects Thresholds Part B: in Section E.

   (~~i~~v) Activities where the vehicle access on to a public road is not in accordance with the standards in Appendix 6 - Road Transport.

   (vi) Activities which do not provide the number of car parks required for that activity under Appendix 6 - Road Transport.

(vii) Retail activity involving the sale or hire of goods merchandise or equipment where the GFA used for that purpose (excluding any area which performs solely a showroom function), exceeds 10% of the GFA of a business premise, up to a maximum of 300m^2.

(viii) Residential unit(s) where:

a) There is more than one unit per site; or

b) The site is less than 2,000m^2 in area.

(~~viii~~ix) The development, construction or use of buildings on sites where stormwater attenuation is not augmented by either:

a) Raising the spillway and outlet structure by 300mm on the stormwater pond on Lot 2 DP 386730; or

b) Piping the surplus stormwater volumes from the stormwater pond on Lot 2 DP 386730 to the stormwater pond on Lot 2 DP 406479.

(~~i~~x) An activity classified as an offensive trade in the Health Act 1956.

(xi) Retirement Villages.

~~Residential Compatible Industry~~Mixed Use 1 Policy Area

2. Activities in the ~~Residential Compatible Industry~~Mixed Use 1 Policy Area where:

(i) The site size or building coverage does not comply with the Precinct 2 Plan and Standards in Section F.

(ii) In regard to residential units/dwellings:

a) Units are located at ground level; or

b) There are more than three residential units on a site; or

c) A report is not provided from a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes an explanation and assessment of the manner in which the development provides for:

i. Orientation and access to the street or other public or private space, and passive surveillance of such areas;

ii. Private open space, including decks and balconies where appropriate;

iii. Effective facade articulation, including garage door materials, to ensure visual interest;

iv. Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;

v. Aural and visual privacy between units, and adjoining activities; or

d) The number of residential units within any development exceed the number of individual business premises; or

e) The total combined number of residential units within the ~~Residential Compatible~~Mixed Use 1 Policy Area exceeds 5% of the total number of residential dwelling units otherwise specified for the Primary Centre in the Spatial Budget in Appendix G.

(iii) In regard to activities or business premises where:

a) The GFA utilised for the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, exceeds 200m^2.

b) The sale or hire of goods merchandise or equipment occurs, except where this is ancillary to the manufacturing, assembly or maintenance of goods undertaken from the premises, and the GFA utilised for sales or hire does not exceed 50m^2.

c) The manufacture, fabrication, machining, processing, mechanical assembly or maintenance of vehicles, other machinery or goods, or the storage or warehousing of goods, is undertaken outside of a building; or

d) Service doors and opening windows face an adjoining site identified as Town Centre South Environment - Residential Policy Area at less than 900.

~~Light Industry~~Mixed Use 2 Policy Areas

3. Residential units/dwellings in the ~~Light Industry~~Mixed Use 2 Policy Area where:

(i) Units are located at ground level;

(ii) More than three residential units are in a development;

(iii) A report is not provided from a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes an explanation and assessment of the manner in which the development provides for:

a) Orientation and access to the street or other public or private space, and passive surveillance of such areas;

b) Private open space, including decks and balconies where appropriate;

c) Effective facade articulation, including garage door materials, to ensure visual interest;

d) Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;

e) Aural and visual privacy between units, and adjoining activities.

(iv) The number of residential units within any development exceed the number of individual business premises;

(v) The total number of residential units within the ~~Light industry~~Mixed Use 2 Policy Area exceeds 2.5% of the total allocation of residential dwelling units specified in the Primary Centre Spatial Budget in Appendix G;

(vi) The site fronts the Abraham Street extension and the Rail Corridor is designated.

4. Business units or activities in the ~~Light Industry~~Mixed Use 2 Policy Area where:

(i) The site fronts the Abraham Street extension, and there is no connection between Abraham Street and the Boulevard constructed in accordance with the Precinct Plan, and the GFA utilised for:

a) The manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, exceeds 200m^2; or

b) The display and sale of products or goods other than as ancillary to principal manufacturing, assembly or maintenance of goods undertaken from the premises, exceeds 50m^2.

(ii) The manufacture, fabrication, machining, processing, mechanical assembly or maintenance of vehicles, other machinery or goods, or the storage or warehousing of goods, is undertaken outside of a building.

Neighbourhood Centre Commercial Policy Area

5. Activities in the Neighbourhood Centre Commercial Policy Area where:

(i) The retail sales area of any business premises exceeds 150m^2 GFA; or

(ii) Where more than three residential units are in a development; or

(iii) Residential units/dwellings are located at the ground level; or

(iv) The number of residential units within any development exceeds the number of individual business premises.

IE.2.6 Requisite Policies

Integration and sustainable development

1. The integrated development and use of the Marsden Primary Centre, opportunities for industrial activities in the Industry Environment, and the sustainability of the Town Centre South Environment, shall be maintained by ensuring:

(i) Adherence to the requirements of the Industry Precinct 2 Plan and Standards in Section F with a maximum spatial divergence from the specified layouts and standards of up to 20m for roads and building layouts; and 10% for other standards;

(ii) The total number of residential units do not exceed 10% of the total allocation for the Primary Centre Spatial Budget in Appendix G;

(iii) Retail activity nodes involving the sale or hire of goods merchandise or equipment from small format premises shall be limited to the two locations identified as Neighbourhood Centre Commercial Policy Areas where the retail sales area of any business premise within the Centre does not exceed 150m^2, being of a scale and location:

(a) Sufficient to provide for the convenience needs for employees and visitors to other activities in the Industry Environment;

(b) That will not otherwise divert retail activities from the preferred location in and around the Town Centre South Environment - Commercial Policy Area.

(iv) Total retail activity GFA involving the sale or hire of goods merchandise or equipment within the ~~Light Industry~~Mixed Use 2 Policy Area shall not exceed 16,000m^2 GFA and no single business premise shall have a GFA of less than 1,000m^2; provided that the assessment of total retail activity GFA and the restriction on single business GFA excludes that :

(a) Occurring in the Neighbourhood Centre Commercial Policy Area;

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Marsden Primary Centre – Industry Environment – Land Use

(b) Relating to the sale or hire of goods merchandise or equipment (excluding any area which performs solely a showroom function) not exceeding 10% of the GFA of a business premise, up to a maximum of 300m^2.

Residential Activities

2. Residential activities within the ~~Residential Compatible Industry~~Mixed Use 1, ~~Light Industry~~Mixed Use 2, and Neighbourhood Centre Commercial Policy Areas shall protect the core industrial role of the underlying Environment and achieve a high standard of residential amenity by requiring:

   (i) The number of residential units to not exceed the number of industrial units on any site;

   (ii) Residential units to be located above ground level so as to maximise area of the land available for business activities and to provide a degree of separation between residential and industrial business uses; and

   (iii) An application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes (among other relevant matters) an explanation and assessment of the manner in which the development provides for:

      a) Orientation and access to the street or other public or private space, and passive surveillance of such areas;

      b) Private open space, including decks and balconies where appropriate;

      c) Effective facade articulation, including garage door materials, to ensure visual interest;

      d) Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;

      e) Aural and visual privacy between units, and adjoining activities.

Retirement Villages.

3. Retirement Village activities within the ~~Residential Compatible Industry~~Mixed Use 1 and ~~Light Industry~~Mixed Use 2 Policy Area shall protect the core light industrial role of the underlying Environment and achieve a high standard of residential amenity by requiring an application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, or acoustic engineer, which includes (among other relevant matters) an explanation and assessment of the manner in which the development provides for:

   (i) Orientation and access to the street or other public or private space, and passive surveillance of such areas;

   (ii) Private open space, including decks and balconies where appropriate;

   (iii) Effective facade articulation, including garage door materials, to ensure visual interest;

   (iv) Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents; and

   (v) Aural and visual privacy between the retirement units and adjoining activities.

Effects

4. The adverse effects of activities on adjoining and surrounding land uses shall be avoided by:

(i) The application of discreet Policy Areas; and

(ii) Requiring compliance with the Specific Effects Thresholds in Section E.

5. Adverse effects, in particular noise, visual, traffic and odour effects, on residential and sensitive commercial activities in the adjacent Town Centre South Environment shall be avoided by limiting the maximum extent of non- compliance with the activity standards for the ~~Residential Compatible Industry~~Mixed Use 1 and ~~Light Industry~~Mixed Use 2 Policy Areas in Discretionary Activity Rules 2 to 5 to no more than 20%.

Reverse Sensitivity

6. Reverse sensitivity effects resulting from residential activities in the Industry Environment shall be avoided by limiting residential activities to security or caretaking purposes at a maximum of one unit per site with a minimum area of 2,000m^2; other than where additional residential opportunities including Retirement Villages are provided for in the ~~Residential Compatible Industry~~Mixed Use 1 and ~~Light Industry~~Mixed Use 2 Policy Areas.

Building Height, Scale and Bulk

7. Adverse visual and urban character effects shall be avoided by general compliance with the building height controls in the Precinct 2 Plan Standards in Section F.

8. Adverse effects of buildings on sunlight and daylight admission to residential and sensitive commercial activities within the Town Centre South Environment, and Industry Environment - ~~Residential Compatible Industry~~Mixed Use 1 Policy Area, shall be avoided by compliance with the height to boundary controls in the Industry Precinct 2 Plan Standards in Section F.

Urban Design

9. A high standard of urban design quality, visual amenity and safe movement along key transport routes shall be achieved by ensuring no more than minor variation in maximum and minimum building setbacks and landscaping requirements, and preventing the storage of materials in yards, specified in the relevant Frontage Controls in the Precinct 2 Plan Standards in Section F.

Other Activities

10. The adverse effects arising from potentially offensive activities or processes classified as an offensive trades in the Health Act 1956 shall be avoided by prohibiting the location of such activities in any of the Policy Areas applying within the Industry Environment.

11. The adverse effects arising from stormwater generation by the development, construction or use of buildings on sites shall be avoided by stormwater attenuation being augmented by either:

(i) Raising the spillway and outlet structure by 300mm on the stormwater pond on Lot 2 DP 386730; or

(ii) Piping the surplus stormwater volumes from the stormwater pond on Lot 2 DP 386730 to the stormwater pond on Lot 2 DP 406479.

IE.2.7 General Policies

Urban Form and Development

1. To ensure a high standard and integration of urban development by requiring detailed planning at both Masterplan and Precinct level.

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Marsden Primary Centre – Industry Environment – Land Use

Urban Design

2. To achieve a high quality business environment by ensuring that height, bulk, site coverage, building setbacks from boundaries and landscaping provide a good standard of built amenity in relation to neighbouring sites and public streets.

3. To ensure a clear definition between public and private space by encouraging conventional perimeter development with sites generally facing public streets or significant areas of open space.

4. Where a proposed building or development is not in accordance with the Precinct 2 Plan and Standards, that a consent application is accompanied by an urban design report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details:

   (i) Any alternative urban design principles applied;

   (ii) The reasons for the inconsistency with the 2 Plan and the urban design outcomes expected;

   (iii) The alternative standards to those in the Precinct 2 Plan Standards as relevant for buildings, streetscapes, street furniture, landscaping and road cross sections, and parking areas, or other relevant matters.

Retail Activity

5. To ensure the sustainability of the Town Centre South Environment and to avoid the adverse effects of retail activities on the efficient use and operation of industrial activities; including industrial activities with greater actual or potential external effects, and associated roads and infrastructure by:

   (i) Co-locating retail activities - particularly large scale pedestrian and vehicle focussed activities - with the commercial and residential activities provided for in and immediately around the Town Centre South Environment;

   (ii) Limiting the overall scale and extent of retail activity within the Industry Environment,

   (iii) Consolidating neighbourhood shops and services serving local industrial activities in the two defined Neighbourhood Centres which are located within easy and convenient walking distance of those activities; and

   (iv) Maintaining the scale of retail activity in the Industry Environment at a significantly lower proportion to that in the Town Centre Environment.

Reverse Sensitivity

6. To avoid reverse sensitivity effects between activities with pedestrian and residential amenity (including residential units, offices and retailing), and industrial activities, by ensuring adequate separation between them.

Transport Network

7. To ensure that connectivity for all forms of transport is achieved by protecting and / or providing for the efficient and safe use of:

   (i) The external arterial roads of One Tree Point Road and Port Marsden Highway;

(ii) Internal collector roads linking all precincts in the Marsden Primary Centre and land beyond the Centre;

(iii) Pedestrian and cycle routes throughout the Centre and aligning with existing and potential future external routes, and in particular connections to the Town Centre Environment;

(iv) The Rail line.

8. To avoid potential adverse effects on the transport network in regard to:

(i) One Tree Point Road, Port Marsden Highway, and Boulevard road and the Rail frontages;

(ii) The effects of parking, loading and manoeuvring on existing public roads;

(iii) The need for acceleration and deceleration lanes;

(iv) Appropriate access design;

(v) The number, location and design of vehicle crossing;

(vi) Pedestrian safety;

(vii) Efficiency and safety of roads;

(viii) Traffic safety and visibility;

(ix) Dust effects;

(x) The effect on roads in the vicinity of the site and their ability to carry the traffic that the proposal will generate;

(xi) The need for traffic control, including signs, signals and traffic islands;

(xii) The additional matters listed in Appendix 6;

(xiii) Those matters listed in Chapter 47 Road Transport Rules.

~~Network Utilities~~

9. *Deleted 13/01/2014 (Refer to Network Utilities Chapter)*

Signs

10. To avoid adverse effects arising from the construction, design and placement of a sign in reference to:

(i) Traffic safety;

(ii) Being visually appropriate to the neighbourhood by not dominating a site or the surrounding area;

(iii) Being visually obtrusive in terms of free standing sign height in relation to the height of surrounding buildings;

(iv) Creating an effect of clutter in the immediate area because of a poor relationship to other signs or elements and the amount of signage in relation to the frontage;

(v) Being sensitive (in terms of scale, form and harmony) to the building on which it is to be erected or displayed, to the immediate surroundings or to the places from which it can be seen;

(vi) Obscuring or detracting from landscape elements in the front yard of a site;

(vii) Being of such construction that its method of support or fixing is not aesthetically incorporated into its design;

(viii) The number and location of other signs in the vicinity.

Boundary Amenity

11. To avoid adverse effects arising from the construction or placement of a fence in regard to:

(i) Effects on amenity values;

(ii) Effects on visual amenity;

(iii) Effects on traffic safety;

(iv) Effects on health and safety.

Lighting

12. To avoid adverse effects arising from the location and nature of artificial lighting in regard to:

(i) Orientation, strength, intensity, colour, frequency of flashing of the light;

(ii) Effects on traffic safety;

(iii) Positive effects on pedestrian safety;

(iv) Effect on amenity values;

(v) Loss of night sky viewing.

Noise

13. To avoid actual and potential adverse effects arising from noise generation in regard to:

(i) Maximum level of noise likely to be generated;

(ii) The nature and frequency of the noise, including any special audible characteristics;

(iii) Effect on nearby activities, in particular more noise sensitive residential, office and similar environments;

(iv) Length of time for which the specified noise level is exceeded, especially at night;

(v) Likely adverse effects on-site and beyond the site;

(vi) Mitigation measures to reduce noise generation.

Internal Noise

14. To avoid adverse effects arising from noise reception in regard to residential or other accommodation units, facilities for the care of the elderly or sick; education child care facilities; places of assembly and similar noise sensitive activities by ensuring appropriate building construction and treatment of the host building, having regard to the:

(i) Maximum level of noise likely to be received in regard to the existing and potential activities enabled in the adjacent environment;

(ii) Potential effects on people's health and safety;

(iii) Length of time for which the internal noise environment will be greater than that specified, especially at night;

(iv) Practicability of mitigation measures to reduce noise effects.

Vibration

15. To avoid adverse effects arising from vibration in regard to:

(i) Duration, time and type of vibration;

(ii) Effects on health and safety;

(iii) Effects on amenity values;

(iv) The additional matters listed in Appendix 10.

Outdoor Storage

16. To avoid adverse effects arising from outdoor storage activities in regard to:

(i) Dust effects;

(ii) Smell effects;

(iii) Visual effects;

(iv) Amenity effects;

(v) Effects on amenity values;

(vi) Effects on health and safety;

(vii) Quality of stormwater runoff.

Aerials

17. To avoid adverse effects arising from any aerial and/or aerial support structure in regard to:

(i) The design and external appearance of buildings and structures;

(ii) Landscape treatment and screening;

(iii) Site location and layout;

(iv) Amenity effects including shading, visual effect and glare;

(v) Construction materials:

(vi) The effects on a heritage item or heritage values.

~~High voltage lines~~ –

18. *Deleted 13/01/2014 (Refer to Network Utilities Chapter)*

Offensive Trades

19. To avoid actual and potential adverse effects arising from any offensive trade classified as such in the Health Act 1956 having regard in particular to:

(i) The nature, scale and location of the activity;

(ii) The nature and location of adjoining sites, and activities existent on them;

(iii) The nature and location of other sites in the general vicinity;

(iv) The proposed measures for avoiding any nuisance arising from the activity, and the degree of risk of such measures failing;

(v) The proposed methods for dealing with waste and for avoiding any contamination of the site or adjoining sites.

Coastal Inundation

20. To avoid endangerment or damage to people and property by ensuring that the development of habitable land and buildings:

    (i) Permits the avoidance, remediation or mitigation of coastal hazards; and/or

    (ii) Prescribed minimum floor levels in relation to One Tree Point Datum Mean Sea Level 1964 are met or any deviation from them warranted in the circumstances.

Hazardous Substances

21. To avoid actual and potential adverse effects arising from the use, storage or on-site movement of hazardous substances.

MPC.D

Marsden Primary Centre – Town Centre South and Industry Environments – Subdivision

The following Environment and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = *Town Centre South Environment - Commercial Policy Area*

Residential Policy Area = *Town Centre South Environment - Residential Policy Area*

~~Residential Compatible Industry~~Mixed Use 1 Policy Area = *Industry Environment - ~~Residential Compatible Industry~~ Mixed Use 1 Policy Area*

~~Light Industry~~Mixed Use 2 Policy Area = *Industry Environment - ~~Light Industry~~Mixed Use 2 Policy Area*

Neighbourhood Centre Commercial Policy Area = *Industry Environment - Neighbourhood Centre Commercial Area*

S.3.1 Objectives

1. Subdivision provides for and ensures the comprehensive and integrated development of the Marsden Primary Centre.
2. Subdivision results in a layout of allotments, roads, open space and infrastructure provision that ensures that the pattern and nature of development identified in the Masterplan and approved Precinct Plans is achieved.

S.3.2 Eligibility

Subdivision is a discretionary activity.

S.3.3 Notification

Subdivision proposals that are not contrary to the above requisite policies are precluded from public notification.

S.3.4 Requisite Policies

1. Subdivision shall comply with the layout and orientation of sites in Precinct Plans 1 (Town Centre South) and 2 (Industry).
2. In the Town Centre South Environment - Commercial Policy Area every allotment shall have:
   (i) A net site area of at least 100m^2;
   (ii) A minimum frontage to a road of at least 12 m for a corner site and 6m for all other sites.
3. In the Town Centre South Environment - Residential Policy Area every allotment shall be of sufficient size and shape to accommodate the housing typologies identified in Diagrams 5 and 6 in Attachment 1, in the Town Centre South Precinct Plan.
4. In the Industry Environment each allotment shall be:
   (i) Consistent with the configurations in the Industry Precinct Plan; and
   (ii) The maximum and minimum allotment sizes specified in the Industry Precinct Plan.
5. In both the Town Centre South and Industry Environments and Policy Areas, the boundaries of all allotments shall be drawn relative to existing buildings, so that:

(i) There is compliance as a permitted activity with the rules in Chapter 47 (Road Transport), and any other rules relating to parking, loading, manoeuvring and access; and

(ii) The building complies as a permitted activity with the rules in this Plan relating to site coverage, setbacks, daylight angles, and outdoor living space, except to the extent of any non-compliance that existed lawfully prior to subdivision.

Roading and Access

6. The identification of building platforms and accessways shall be required prior to s224 certification.

7. Every allotment shall be capable of having vehicular access to a road, and access physically provided prior to s224 certification where it is shared by two or more allotments.

8. That:

(i) Any new road or cycleway laid out or formed in a subdivision shall comply in all respects with the relevant standards in Appendix 6K and Appendix 9 of the District Plan;

(ii) New roads shall be formed along the general alignment of any indicative road shown on the Masterplan, Precinct Plan or Planning Maps;

(iii) A cycleway shall be provided along the Boulevard Road;

(iv) Street lighting shall be provided on all new roads created by the subdivision, and comply with the relevant standards in Appendix 9 of the District Plan.

Infrastructure Services

9. That:

(i) The design and layout of the subdivision shall provide for the efficient future extension of water supply, stormwater, sewerage and roads to any adjoining land in accordance with the Whangarei District Council's Environmental Engineering Standards 2010.

(ii) All allotments shall be provided, within their net site area, with a connection to a Council-maintained:

a) Reticulated sewerage system;

b) Water supply where available; or where no Council system is available, all allotments can be provided with a safe potable water supply; and the water supply is constructed to comply in all respects with the relevant standards in Appendix 9.

(iii) All allotments shall be provided, within their net site area:

a) With a means for the disposal of collected stormwater from the roofs of all potential or existing buildings and from all impervious surfaces; and

b) The disposal is by way of a connection to a Council-maintained stormwater system where available.

(iv) The stormwater disposal system shall be constructed to comply in all respects with the relevant standards in Appendix 9.

(v) All allotments shall be provided, within their net site area with a connection to a Council-maintained sewerage system, and the connection and sewage disposal system is constructed to comply in all respects with the relevant standards in Appendix 9 of the District Plan.

(vi) All allotments shall be provided with a connection to an electrical supply system at the boundary of the site; and the electrical supply is to be underground, where:

a) New roads are to be formed in the subdivision; or

b) The existing electrical supply is underground in the vicinity of the land being subdivided.

(vii) All allotments shall be provided with the ability to connect to a telecommunications system; and all new lines, including service leads/lines/connections shall be underground or wireless where:

a) There are no existing telecommunications lines and service leads/lines/connections; or

b) The existing telecommunications and service leads/lines/ connections are underground or wireless.

Earthworks

10. That:

(i) All earthworks shall comply with the relevant standards in Appendix 9;

(ii) There shall be no changes to the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland as a result of earthworks.

S.3.5 General Policies

1. To require all subdivision proposals to recognise and take into account all site-specific elements and features, and present comprehensive design solutions.
2. To ensure subdivision:

(i) Has been planned in a comprehensive manner, and is consistent with the spatial components of the Masterplan and Precinct Plans;

(ii) Enables the activities provided for by the Environment, Policy Area and Precinct Plans to be undertaken and / or controls met; and

(iii) Does not compromise the efficient subdivision and development of both the subject and adjoining land.

3. To lay out key subdivisional elements in a manner that:

(i) Provides all sites with direct street frontage and avoids the need for rear allotments;

(ii) Maximises building orientation to the sun, particularly for residential units;

(iii) Enables on-site and adjoining site privacy;

(iv) Achieves full connectivity of streets, open space and pedestrian routes and avoids dead end roads, cul-de-sacs and circuitous vehicle and pedestrian routes.

4. To facilitate the provision of walkways and cycleways for public access for recreation and to the services and facilities located at the Town Centre.
5. To ensure that the needs of residents and businesses are provided for in relation to engineering services such as communication and electricity, wastewater, water supply and stormwater services; having regard also to the Engineering Performance Standards in Appendix 9.
6. To require adequate provision for potable and fire fighting water supplies to each building site at the time of subdivision.

MPC.D

Marsden Primary Centre – Town Centre South and Industry Environments – Subdivision

7. To avoid, remedy or mitigate natural hazard risks, including instability, flooding and coastal inundation.

MPC.E

Marsden Primary Centre – Town Centre South and Industry Environments – Specific Effects Thresholds

Part A

~~**Noise Zone 1**~~ *(Deleted – refer to Noise and Vibration Chapter)*

~~**Noise Zone 2**~~ *(Deleted – refer to Noise and Vibration Chapter)*

~~**Internal Noise Environment**~~ *(Deleted – refer to Noise and Vibration Chapter)*

Part B

The following specific effects thresholds apply except than where Environment Rules apply different standards.

Network Utilities

a. The establishment of junction boxes, substations and other equipment cabinets required as part of a utility network that do not exceed a height greater than 2.5m and a ground coverage not exceeding 4.5m^2; and

b. The establishment of, or extension to, overhead telecommunication lines located on single poles; and

c. The establishment of network utility operations for the purposes of wireless communication, or the measurement, collection and distribution of meteorological information, that comply with the rules for Aerials and Aerial Support Structures; and

d. The upgrading, replacement, removal and maintenance of existing facilities to a no more than minor extent; and

e. The establishment of, or extension to, underground Network utility operations, including gas lines that have a maximum operating pressure not exceeding 2000 kilopascals.

Parking

f. Parking spaces are provided in accordance with Appendix 6 except where otherwise stated by the Environment rules.

Traffic

g. If any activity generates more than 200 vehicle movements in any 24 hour period the entrance of its vehicle access onto the public road is in accordance with the following standards, in addition to the general requirements set out in Chapter 47 and Appendix 6:

   (i) The access leads onto a public road with a sealed carriageway at least 7.0 metres wide; and

   (ii) All vehicle manoeuvring occurs within the site; and

   (iii) The entrance is designed to accommodate turns (entries and exits) by "B-trains" or larger vehicles such that:

   - There is a minimum 0.5 metre clearance to any obstructions near the entrance; and
   - At all times during the turn, the vehicle's wheels remain on paved surfaces and do not cross the centreline of either the access or the public road; and

   (iv) There is a right-turn bay and left-turn deceleration lane for vehicles turning into the entrance, both of which provide complete separation of turning and non-turning vehicles

and which are in accordance with the "minimum" standards in the Land Transport Safety Authority and Transit New Zealand's Manual of Traffic Signs and Markings; and

(v) There is a throat island at the crossing entrance, both ends of which are lit at night to a minimum illumination of 10 lux and have signs in place in accordance with the manual of Traffic Signs and Markings.

Signage

h. The construction and placement of a sign(s) which is not visible from a public place or neighbouring property(s).

i. The construction or placement of a sign which is visible from a public place or neighbouring property(s) if:

i. The sign is required under health and safety legislation; or

ii. The sign is erected by a road traffic authority for the purposes of traffic control or public safety and it is located within the legal road reserve; or

iii. The sign does not obscure any official signs or traffic signals; and

iv. The sign is static, and not flashing;

v. If illuminated, the added illuminance (horizontal or vertical) onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary or 15 lux at any road reserve boundary; and

vi. If illuminated, the sign is not within 20.0m of any road intersection; and

vii Where the road limit has a speed limit of 70 kph or greater, the sign is located so as to provide an unrestricted view to the motorist for a minimum distance of 250.0m.

j. In the Town Centre South Environment (Commercial Policy Area), Industry Environment (~~Residential Compatible~~Mixed Use 1 and ~~Light Industry~~Mixed Use 2 Policy Areas) the construction and placement of a sign where:

i. The sign relates to goods and services available on site; or is a property name sign; or is a community sign; and

ii. No more than 5 signs are displayed per site; and

iii. A free standing sign is no higher than 4.0m; and

iv. The total area of all signs is no greater than;

a) 3.0m² on sites with frontage less than 25.0m; and

b) 0.12m² per metre of frontage to a maximum area of 6.0m² on sites with a frontage greater than 25.0m.

v. As an alternative to i (iii – vi) and j (i – iii) above, signs complying with the conditions set out in Appendix 12; and

vi. Where separate activities on rear sites share an access way, a sign situated where the access way adjoins the road may include information relating to some or all of the activities located on sites served by the access way.

k. In the Town Centre South Environment (Residential Policy Area) the construction and placement of a sign where:

i. The sign relates to goods and services available on site; or is a property name sign; or is a community sign;

ii. No more than 1 sign is displayed per site;

iii. The sign is no higher than 2.0m; and

iii. The sign is no larger than 1.0m².

Note:

1. *Signs within the legal road boundary, or on road verges and road reserves are regulated by Council Bylaws.*
2. *Temporary signs, and signs on vehicles are regulated by Council Bylaws.*
3. *Signs located in public places are regulated by Council Bylaws.*

Fences

l. Fences within 4.5m of the road boundary are no higher than 3.0m.

Artificial Lighting

m. Artificial lighting is:

(a) Required under health and safety legislation; or

(b) A street light, navigation light, or traffic signal; or

(c) The following standards are complied with:

i. The added illuminance onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary, or 15 lux at any road reserve boundary; and

ii. The artificial light is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture; and

iii. The lower edge of the shield, as required by ii) above, is to be at or below the centreline of the light source.

n. The light is static, and is not flashing; and

o. The artificial lighting does complies with AS/NZS 1158/1996.

Notes:

1. *If the object or device that contains Artificial Lighting is a sign, then Appendix 12 Signs in the District Plan is solely applicable.*
2. *See Appendix 12 for illustration of c) (ii) and (iii) above.*

~~Construction Noise~~

p. *(Deleted – refer to Noise and Vibration Chapter)*

MPC.E

Marsden Primary Centre – Town Centre South and Industry Environments – Specific Effects Thresholds

q. *(Deleted – refer to Noise and Vibration Chapter)*

~~Vibration~~

r. *(Deleted – refer to Noise and Vibration Chapter)*

Electromagnetic Radiation

s. Activity exposures shall comply with NZS 2772.1:1999, Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.

Outdoor Storage

t. Outdoor areas of storage or stockpiles of materials or equipment shall comply with the relevant Precinct and Overlay building height, setbacks and daylight angle rules or are contained or maintained to prevent the dispersal of dust or airborne contaminants beyond the site;

u. Materials are stored in a way that avoids providing a food source for vermin; and

v. The best practicable option is adopted to prevent or minimise contaminants from stockpiles entering watercourses or water bodies.

Aerials and/or aerial support structures

w. Any aerial or aerial support structure shall not exceed a diameter of 2.4m or a height of 39.0m.

x. Any aerials and/or aerial support structures shall comply with the relevant building setback and daylight angle requirements for the Environment, Precinct and / or Policy Area in which they are located; and

y. Any dish antenna located on a site of any listed Heritage Building or Object is not visible from any public place.

Inundation

z. Buildings and structures shall have a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.

Hazardous Substances

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

(a) Shall comply with the conditions for permitted activities in Appendix 8; and/or

(b) The movement of hazardous substances between sites conducted by means of an underground pipeline.

Offensive Trade

bb. An activity that is classified as an offensive trade in the Health Act 1956 shall comply with the Act's requirements.

MPC.F

Marsden Primary Centre – Precinct Plans

1. Town Centre Precinct Plan

The Town Centre South Precinct Plan in **PART A** specifies the spatial location, configuration and orientation of:

(a) Buildings and land uses;

(b) Sites;

(c) Roads;

(d) Open space network; specifically: locations, dimensions and area of public open space, open space connections including specific open space proposals near the Main Street; and

(e) Major parking areas.

The Town Centre South Precinct Standards in **PART B** specify details of the:

(a) Design standards for streetscapes (including furniture, bollards, lighting poles etc);

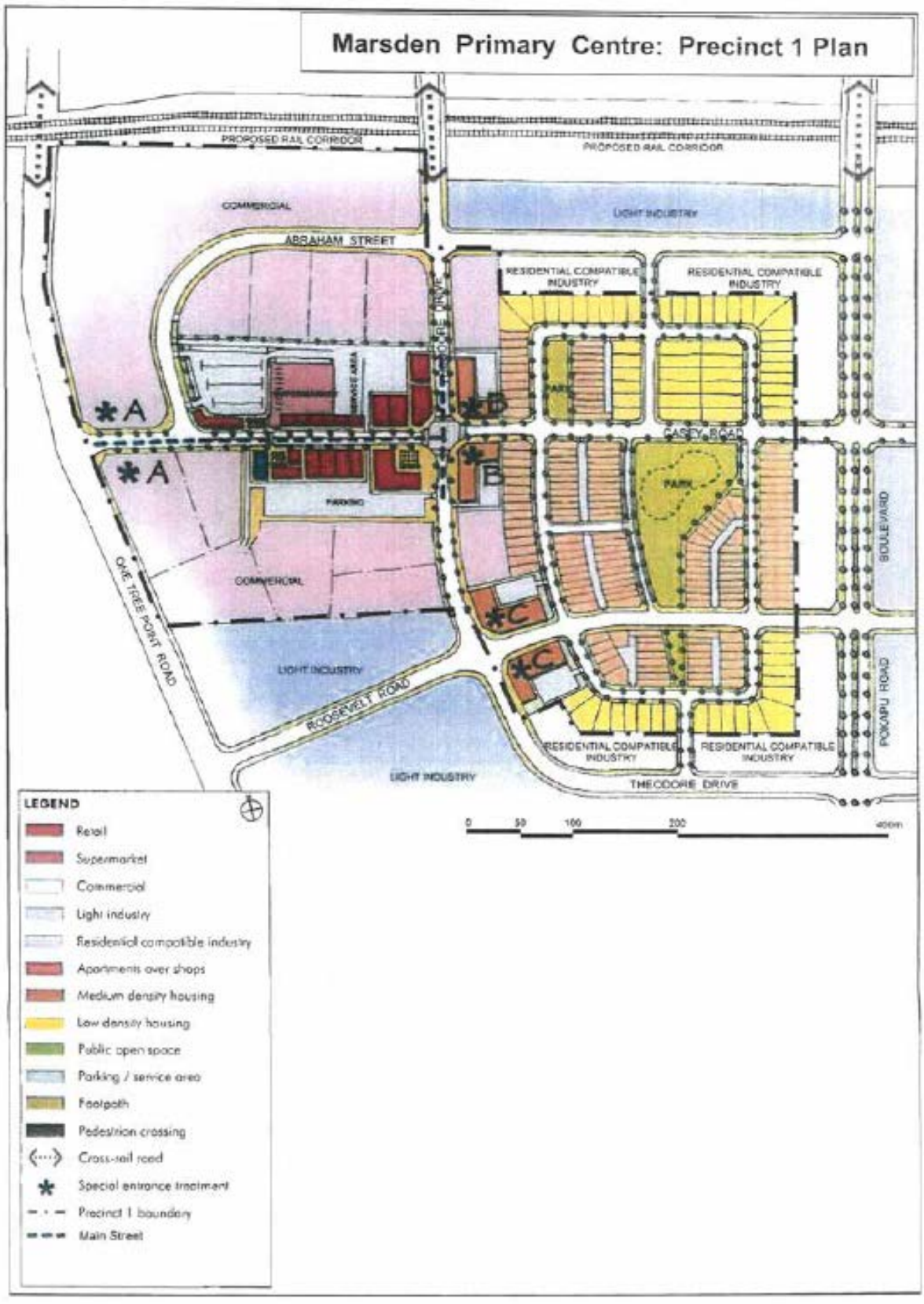
(b) Road cross sections for collector and local roads, including specific car parking provision (shared, common or public); and

(c) Residential development standards.

MPC.F

Marsden Primary Centre – Precinct Plans

PART A: Precinct 1 Plan



MPC.F

Marsden Primary Centre – Precinct Plans

PART B: Precinct 1 - Standards

Mainstreet

Street Configuration

(a) The road identified as "Mainstreet" on the Precinct Plan shall be constructed in accordance with the dimensions and treatments shown in Diagram 1 in Attachment 1.

Frontage Control: Mainstreet

(b) The following specific building design and location requirements applying to any site fronting the street identified as "Mainstreet" in the Precinct Plan:

Bulk and location

(i) Buildings:

a. Shall be built to the street boundary;

b. Shall extend over the full width of the site frontage to the street except for a single access with a maximum width of 6m but only where access is otherwise unavailable from a rear street or service lane;

c. Shall have a minimum façade height of 7m; provided that where a building facade does not abut another facade on the same or an adjoining site of at least the same height, it shall include a side wall that is no less than 6m long

Note: a building need not be more than a single story under this rule.

(ii) A building shall not protrude through a line drawn from the middle of Main Street at an angle of 600, measured from ground level over the full depth of the site.

Verandahs

(iii) Verandahs shall:

a. Be constructed or maintained along the entire site frontage of sites (excluding vehicle access);

b. Form a continuous line of shelter with adjacent verandahs;

c. Have a clearance above the footpath of at least 3.0m and no more than 4.0m;

d. Have a minimum width of 3.0m and be no less than 600mm from the kerb;

e. The required verandahs, in terms of this rule, are exempt from the building Bulk and Location controls in (b) above.

Building Facades

(iv) Building façades on the street zero lot line boundary shall:

a. Have a varied treatment so that no part of a wall exceeds a maximum length of 6m without articulation and/or a variation of materials;

b. Have a minimum of 50 % permeable glazing;

c. Not contain any loading bays, docks or car park entrances.

Parking and access

(c) Unimpeded vehicle connection and circulation shall be provided between all parking areas on adjoining sites.

Special Entranceway Treatment

(d) The sites identified with a "Special Entranceway Treatment" notation in the Precinct Plan have the following specific building design and location requirements to ensure a visual gateway to the street:

(i) Special Entranceway Treatment "A".

a. All buildings on sites notated as "Special Entranceway Treatment A" shall comply with the following:

i. Building facades facing the street shall:

- Have a varied treatment so that no part of a wall exceeds a maximum length of 10m without articulation and/or a variation of materials;
- Have a minimum of 30% of the faced area in permeable glazing;
- Not contain any loading bays or docks, or outdoor storage areas.

ii. Buildings shall have a minimum height of 7 m for a distance from the corner of the building of at least 20m along both road / street frontages.

(ii) Special Entranceway Treatment "B" and "C"

a. All buildings on sites notated as "Special Entranceway Treatment A or B" shall be a minimum of three stories for a distance of at least 20m along both road / street frontages.

Residential

Street Configurations

(a) The residential roads and streets shall be constructed in accordance with the dimensions and treatments shown in Diagrams 2, 3 and 4 in Attachment 1.

Residential Unit Numbers

(a) Residential units in the Commercial Policy Area shall not:

(i) Exceed a combined maximum of 150 units as specified in the Spatial Budget in Appendix G;

(ii) Be located above ground level except for entrance foyers containing reception areas and stairs or lifts to above ground units.

(b) Residential Units in the Town Centre South - Residential Policy Area identified as Medium or Low Density Housing shall not exceed a combined maximum of 250 units as specified in the Spatial Budget in Section G.

Residential Typologies

(c) Residential units shall be constructed and located on a site in accordance with the specified typologies in Diagrams 5 and 6 in Attachment 1 for Medium and Low Density Housing identified in the Precinct 1 Plan.

Maximum Height

(d) All buildings shall comply with the following building height controls:

(i) Residential Policy Area identified as Medium or Low Density Housing: no building shall exceed two stories in height.

(ii) In all other areas of the Residential Policy Area: no building shall exceed six stories in height.

Height to Boundary

(a) All buildings shall comply with the following building daylight controls:

(i) Unless otherwise permitted by the specified typologies, the Daylight Angles in Appendix 11 – Daylight Angles in the District Plan apply to any boundary adjoining a site within the Residential Policy Area;

(ii) All other site boundaries; including any front boundary: no control applies.

2. INDUSTRY PRECINCT PLAN

The Industry Precinct Plan in **PART A** specifies the location, configuration and orientation of:

(a) Sites;

(b) Roads;

(c) Retail and commercial services node locations.

The Industry Precinct Standards in **PART B** specifies details of the:

(a) Building location and landscaping fronting One Tree Point Road, Port Marsden Highway, the Boulevard, and the Rail Line;

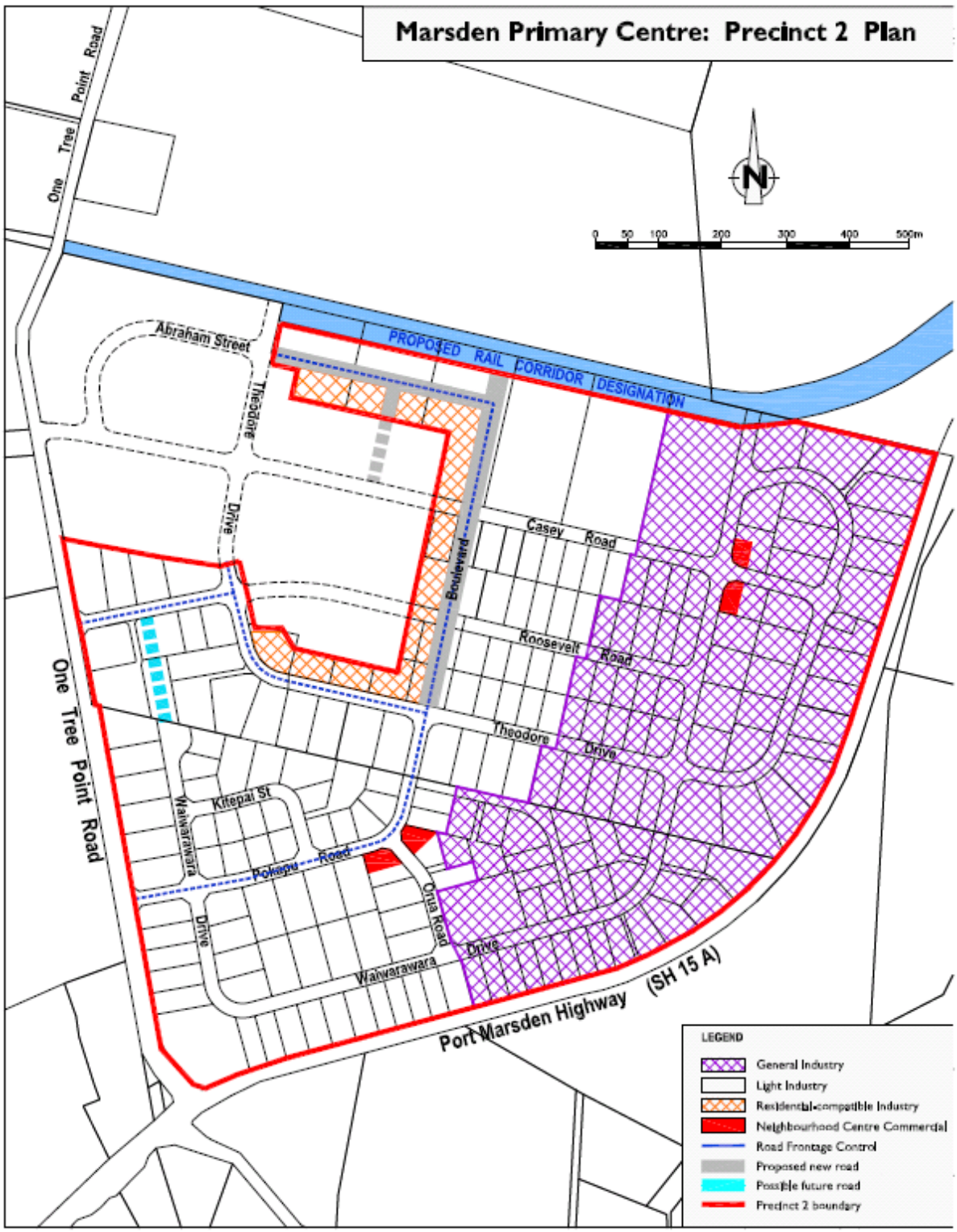
(b) Maximum building height;

(c) Landscaping standards for streets.

MPC.F

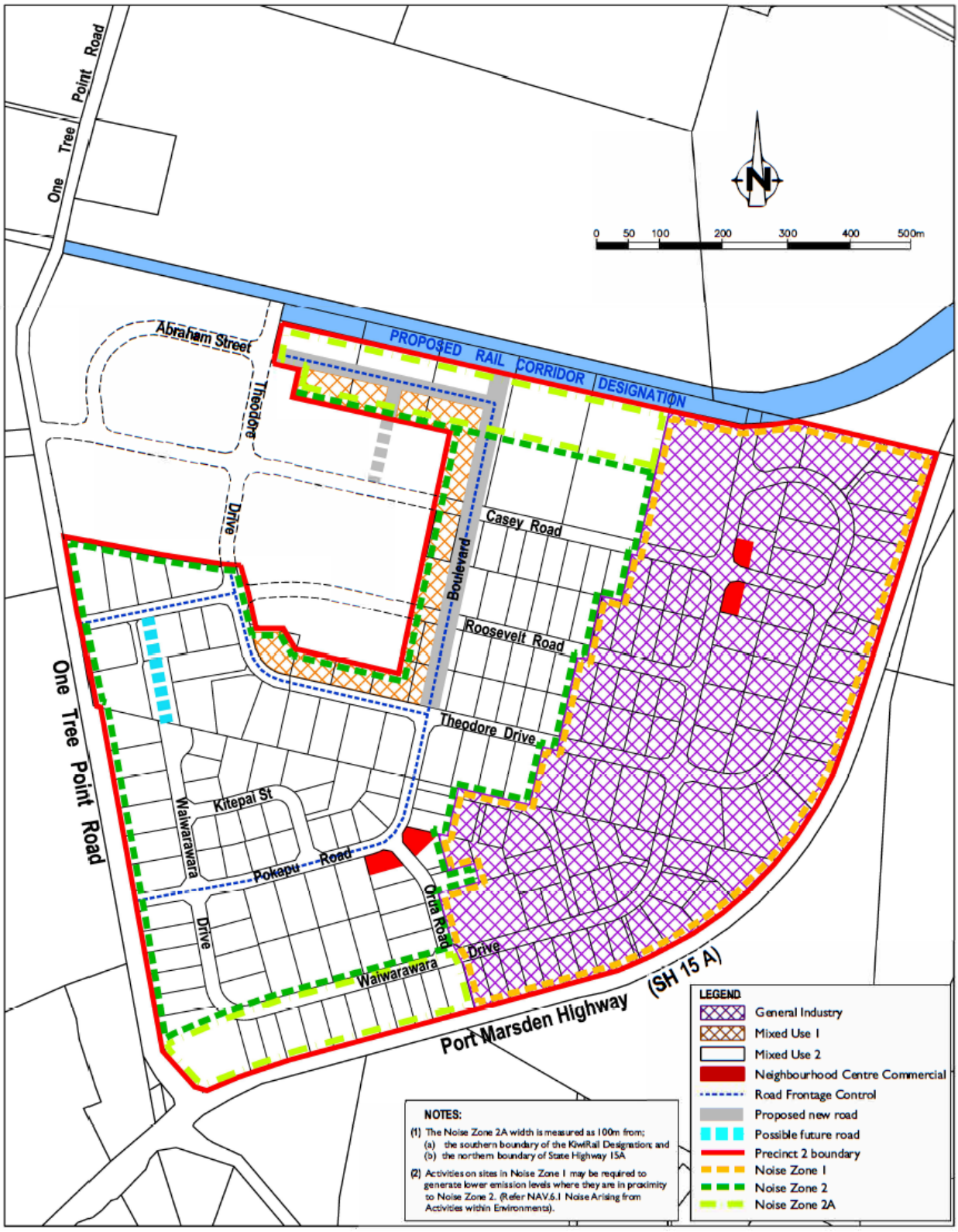
Marsden Primary Centre – Precinct Plans

PART A: Precinct 2 Plan



MPC.F

Marsden Primary Centre – Precinct Plans



MPC.F

Marsden Primary Centre – Precinct Plans

PART B: Precinct 2 - Standards

Road Configuration

(a) The road labeled as "Boulevard" shall be constructed in accordance with the dimensions and treatments shown in Diagrams 7 and 8 in Attachment 1.

Road Frontage

(b) Sites fronting the One Tree Point Road and Port Marsden Highway shall comply with the following restrictions:

(i) No direct vehicle access to One Tree Point Road or Port Marsden Highway;

(ii) All sites shall have a minimum planted landscape strip along the One Tree Point or Port Marsden Highway road frontage comprising a solid screen of trees a minimum of 2m in height. Planting shall be undertaken within 6 months of the completion of the building.

(c) Sites identified with the Frontage Control shall comply with the following restrictions:

(i) A maximum front yard building setback from the street boundary of 20m;

(ii) The front boundary or yard shall not be occupied by any fence higher than 1.2m.

(d) All sites shall have a minimum 2 metre wide planted landscape strip along a road boundary excluding site access, and shall planted within 6 months of the completion of the building.

(e) Except for in the General Industry area shown in the Precinct 2 Plan, no part of any front yard provided, or any part of a site within 20m of the street boundary of a site, shall be used for the external storage of products, goods, waste or recycled materials, excluding visitor or employee vehicle parking.

Minimum Building Setbacks

(f) Buildings shall meet the following minimum setback from boundaries:

(i) 6m from any boundary abutting a site in the Town Centre South Environment - Residential Policy Area.

(ii) 3m from any boundary abutting a site in the Town Centre South Environment - Commercial Policy Area.

(iii) In all other cases no minimum setback other than where required to accommodate the landscape strip required by (d) above.

Maximum Height

(g) Buildings are subject to the following height controls:

(i) All buildings shall comply with the following building height controls:

a. In the ~~Residential Compatible~~Mixed Use 1 Industry Policy Area no part of any building shall exceed 9m in height.

b. In the ~~Light Industry~~Mixed Use 2 Policy Area no part of any building shall exceed 15 m in height.

c. In all other areas of the Industry Environment, no part of the building shall exceed 20.0m in height; except where:

i. No part of the building exceeds a height of 35.0m; and

ii. No more than 25% of the net site area of the site is occupied by buildings that exceed 20.0m in height.

MPC.F

Marsden Primary Centre – Precinct Plans

Height to Boundary

(h) All buildings shall comply with the following building daylight controls:

(i) The Daylight Angles in Appendix 11 – Daylight Angles apply to any boundary adjoining a site within the:

a. ~~Residential Compatible Industry~~Mixed Use 1 Policy Area - Industry Environment;

b. Neighbourhood Centre Commercial Policy Area – Industry Environment.

(ii) All other site boundaries; including any front boundary: no control applies.

Minimum and maximum business premise and site sizes

(i) All buildings, activities and subdivision shall comply with the following minimum and maximum building and site size controls (where there is no restriction or limit, no control applies) relating to the specified areas in the Precinct 2 Plan:

(i) General and ~~Light Industry~~Mixed Use 2

a. Minimum site size: 1,000 m^2

(ii) ~~Residential Compatible Industry~~Mixed Use 1

a. Site size

i. Minimum site size: 500m^2 or no minimum where the site accommodates an existing unit

b. Maximum site coverage

i. Single unit/tenancy: 500m^2

ii. Multiple tenancies: 250m^2 for each unit

(iii) Neighbourhood Centre Commercial

a. Site size

i. Minimum site size: 500m^2 or no minimum where the site accommodates an existing unit

b. Maximum site coverage

i. Single unit / tenancy: 200m^2

ii. Multiple tenancies: one of 200m^2, other units 100m^2 per unit

Building width to street frontage

(j) All business premises shall comply with the following street frontage maximum building width controls:

(i) ~~Residential Compatible Industry~~Mixed Use 1

a. Single unit / tenancy: 15m

b. Multiple tenancies: 10m per unit / tenancy

(ii) Neighbourhood Centre Commercial

a. Single unit / tenancy: 15m

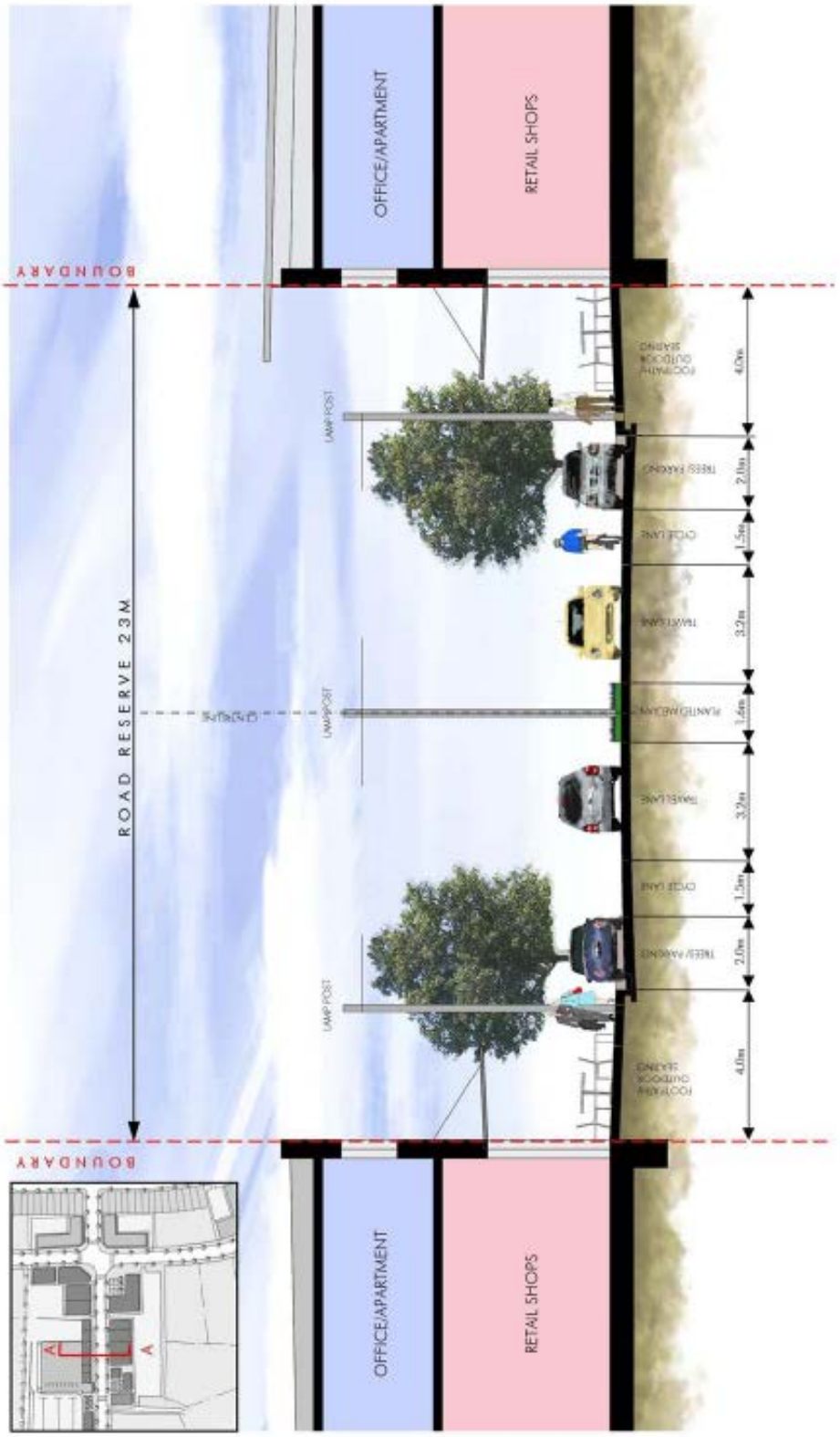
b. Multiple tenancies: 10m per unit / tenancy

MPC.F

Marsden Primary Centre – Precinct Plans

ATTACHMENT 1

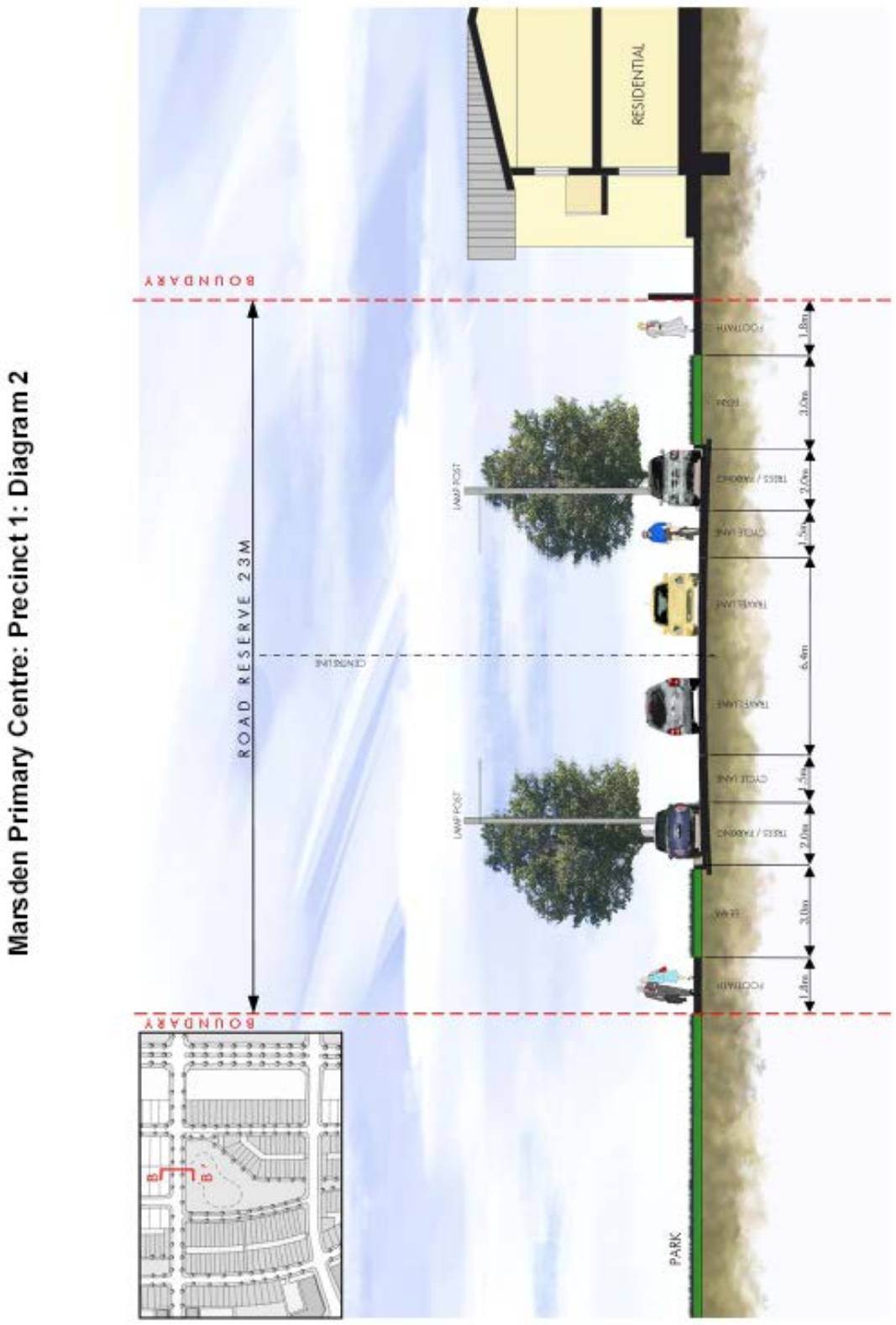
Marsden Primary Centre: Precinct 1: Diagram 1



MPC.F

Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1: Diagram 2



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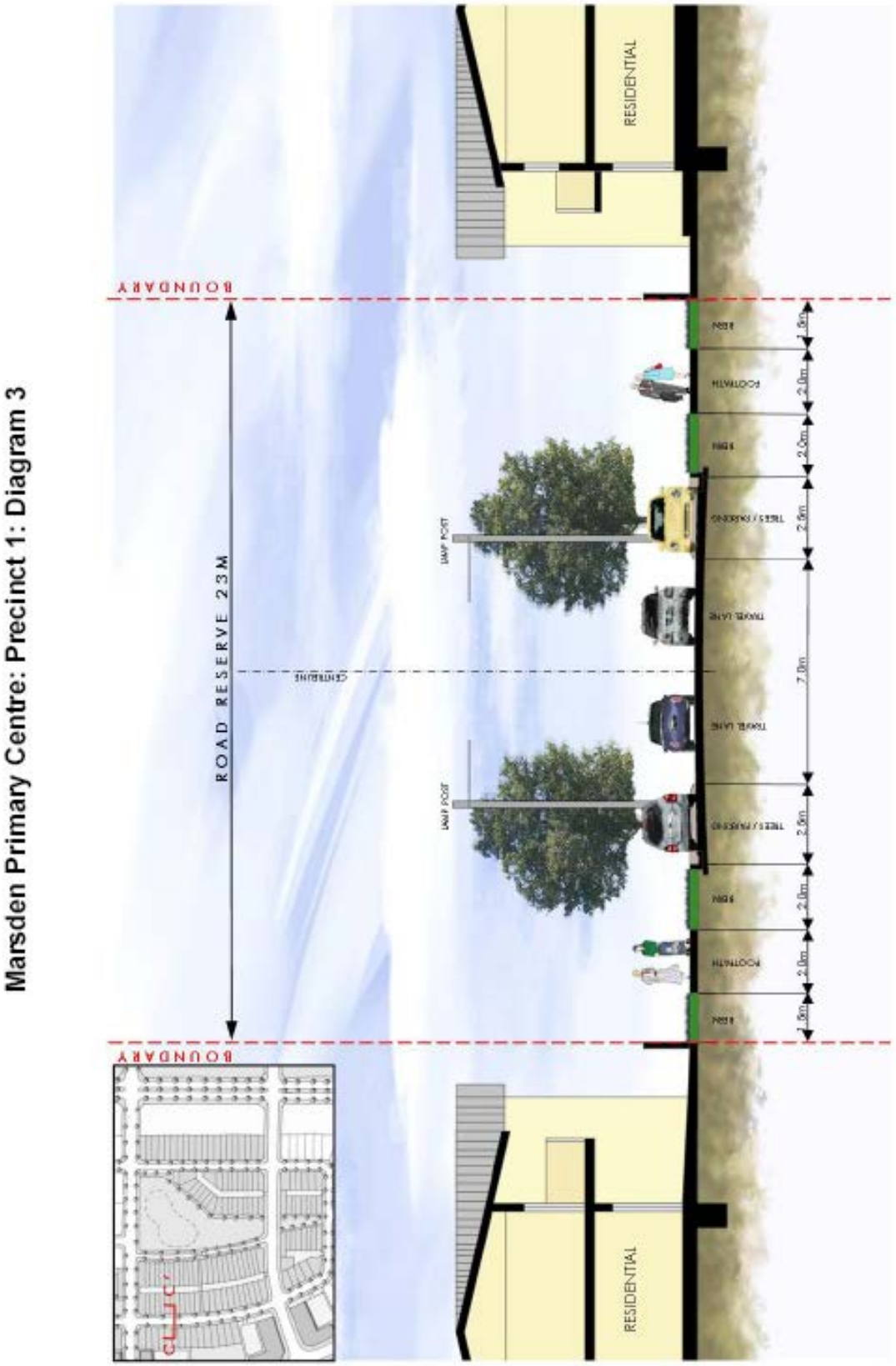
Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1: Diagram 3



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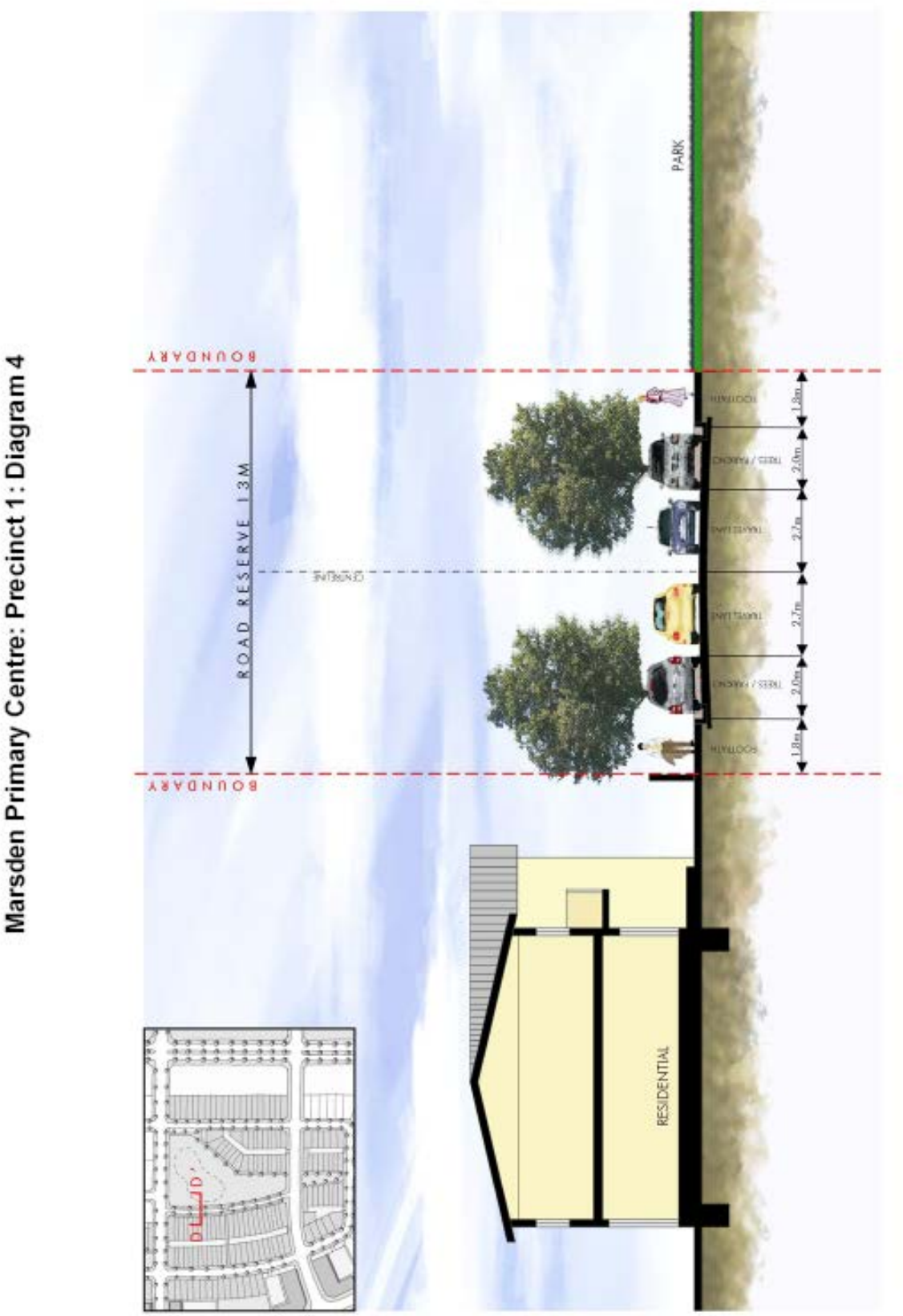
Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1: Diagram 4



MPC.F

Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1

Diagram 5: Higher density housing typology

- 2 Storey (3 bedroom, 2 bathroom, single garage)

MPC.F

Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1

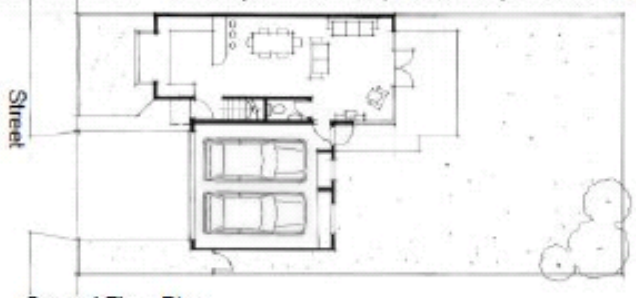
Diagram 6: Lower density housing typology

TYPOLOGY E&F SUITABLE ON RESIDENTIAL LOTS:
- 10m X 25m (250 sqm)
- 10m X 30m (300 sqm)
- 12m X 25m (300 sqm)

TYPOLOGY E - Single Storey House (3 bedroom, 1 bathroom, double garage)

Ground Floor Plan

TYPOLOGY F - 2 Storey Townhouse (3 bedroom, 2 bathroom, double garage)



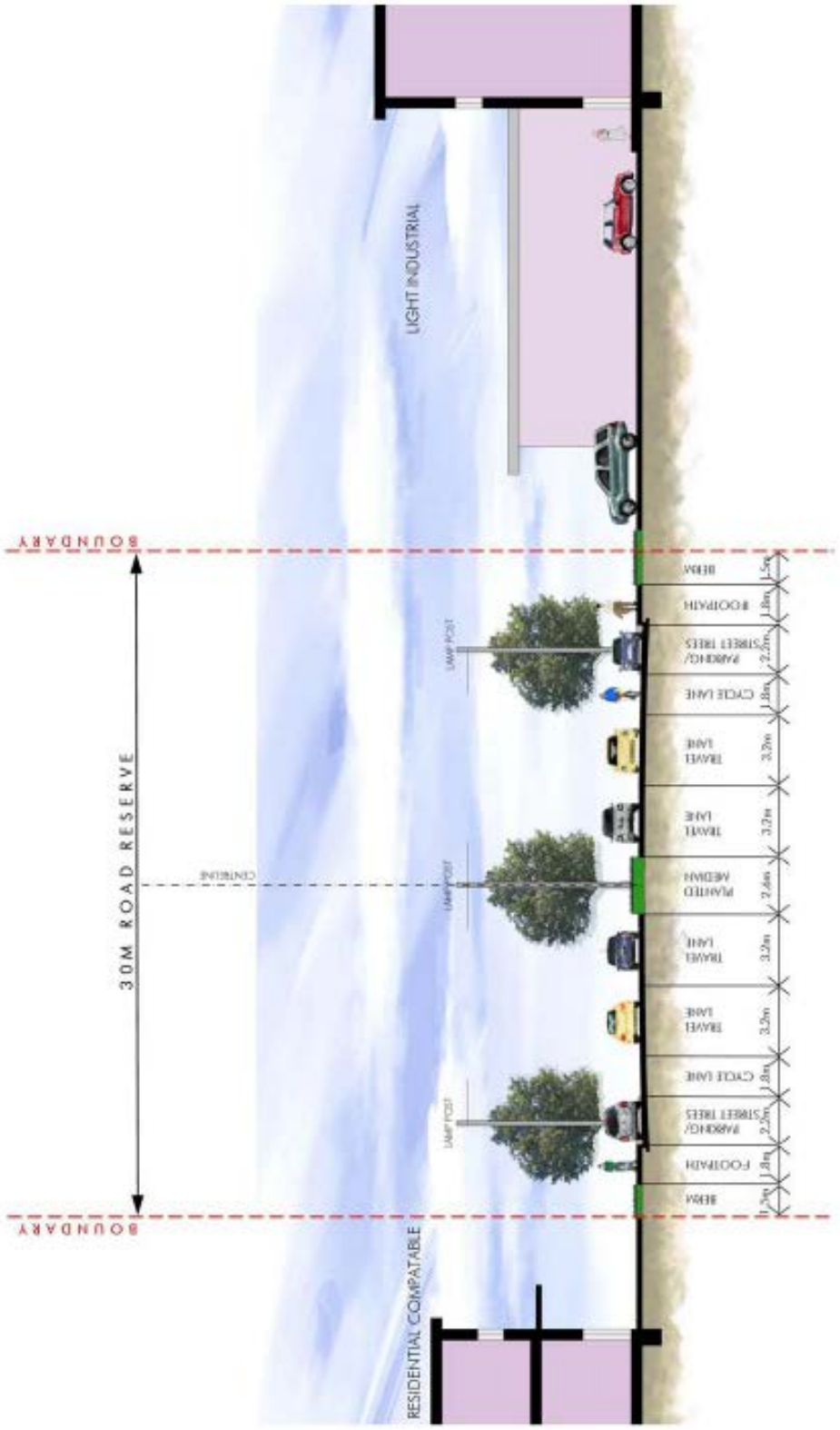
Ground Floor Plan

First Floor Plan

MPC.F

Marsden Primary Centre – Precinct Plans

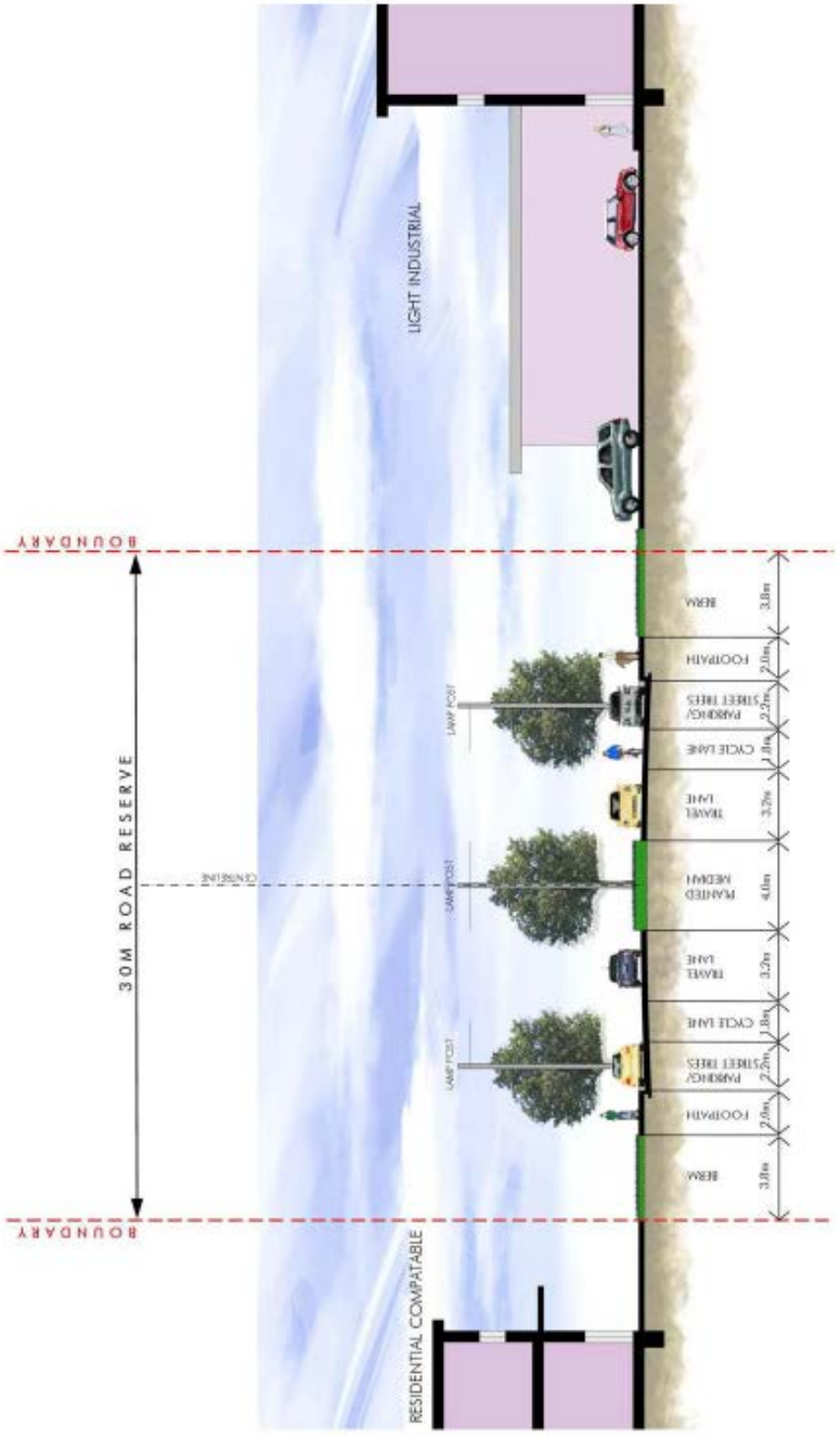
Marsden Primary Centre: Precinct 1: Diagram 7



MPC.F

Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1: Diagram 8



MPC.F

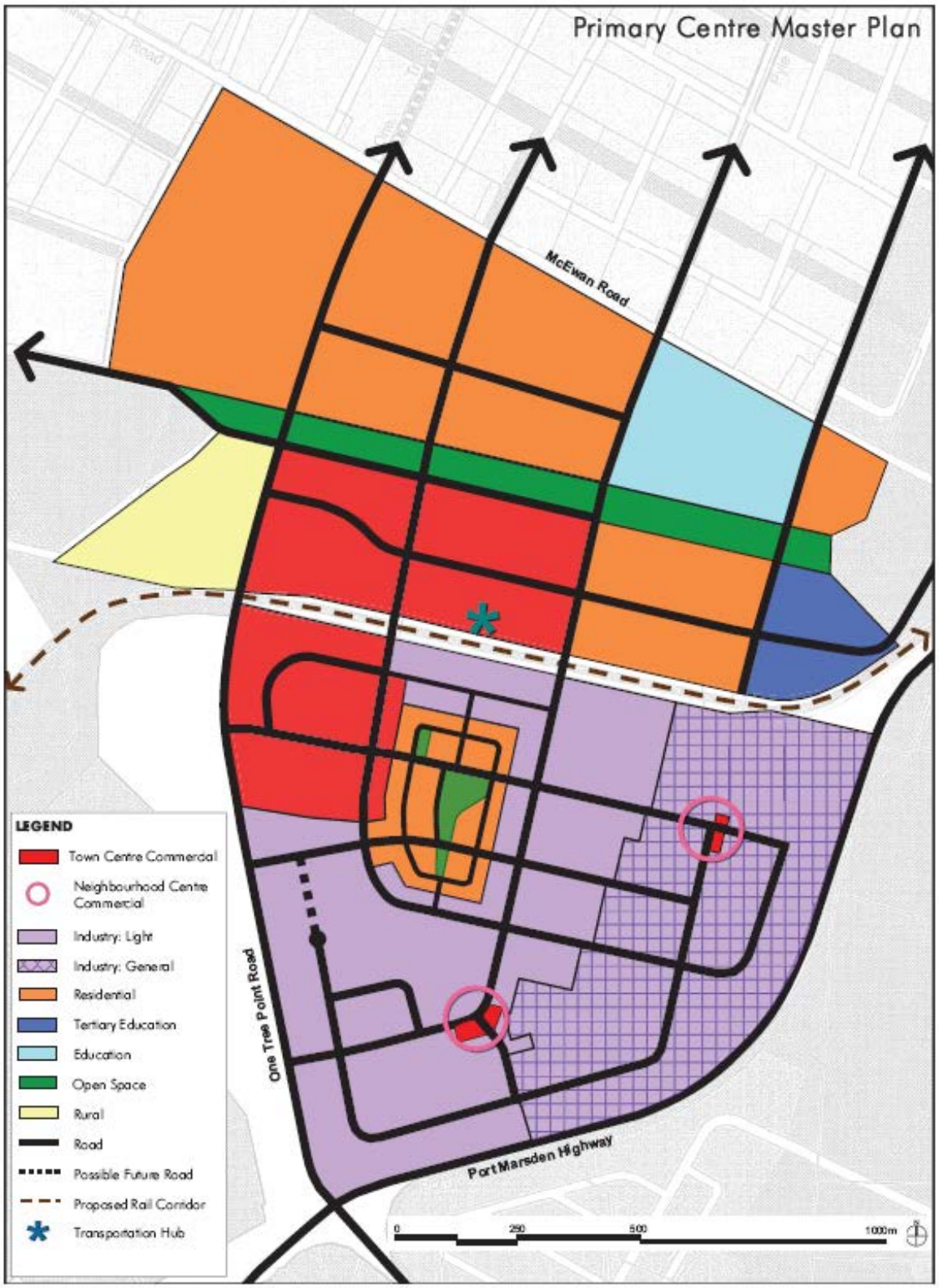
Marsden Primary Centre – Precinct Plans

(G) MARSDEN PRIMARY CENTRE: ATTACHMENTS

- Masterplan
- Precincts Plan
- Spatial Budget

MPC.F

Marsden Primary Centre – Precinct Plans



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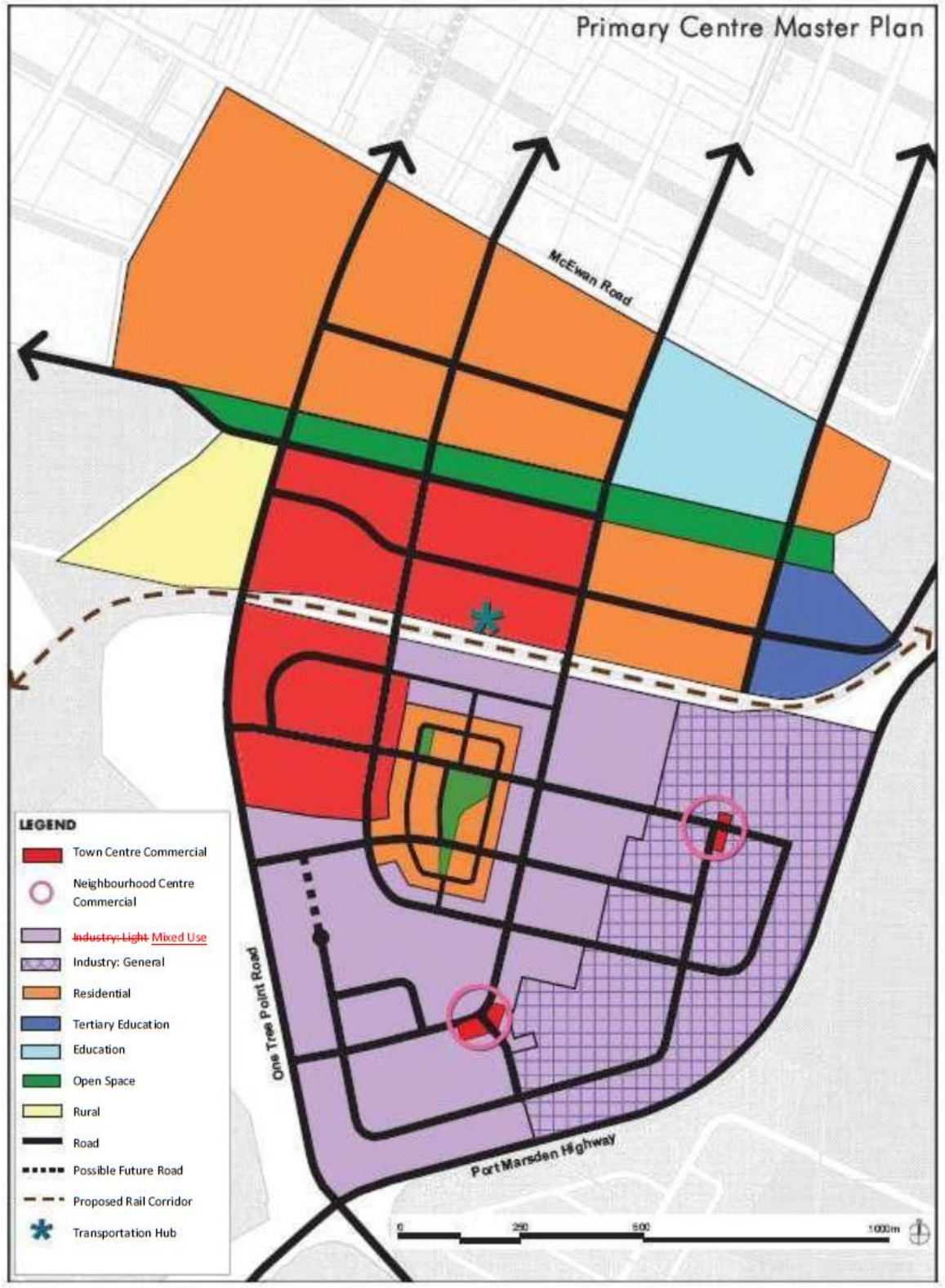
Marsden Primary Centre – Precinct Plans



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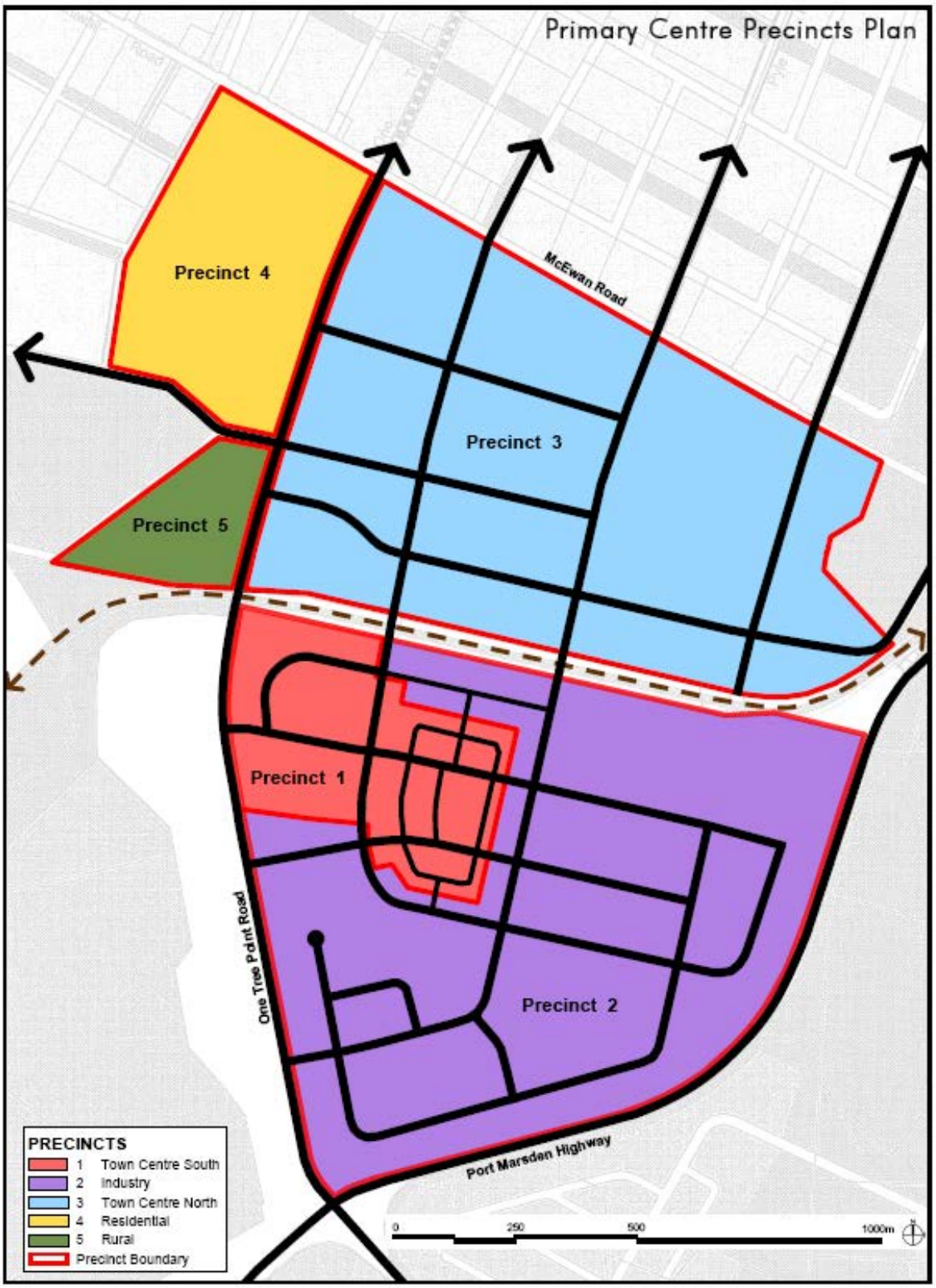
Marsden Primary Centre – Precinct Plans



MPC.F

Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Master Plan Spatial Budget

Precinct	Retail + N-R Commercial		Retail	Non-Retail Commercial	Industry	Residential		Education	Transport	Mass Green Space	Community	Rural
	ha	ha	m^2 gfa	m^2 gfa	ha	ha	du's	ha	ha	ha	ha	ha
Precinct 1 Town Centre South	30	16	20,000	22,000		9	400 *1			5		
Precinct 2 Industry	105		750	1,500	105							
Precinct 3 Town Centre North	101	20	39,250	58,500		48	1,280 *2	19	1	9	4	
Precinct 4 Residential	27					26	500			1		
Precinct 5 Rural	9											9
TOTAL m^2 gfa			60,000	82,000								
TOTAL du's							2,180					
TOTAL gross ha	272	36			105	83		19	1	15	4	9

*1 Including 150 residential units above ground level in the identified "Town Centre Commercial" area

*2 Including 400 residential units above ground level in the identified "Town Centre Commercial" area

MPC.F

Marsden Primary Centre – Precinct Plans

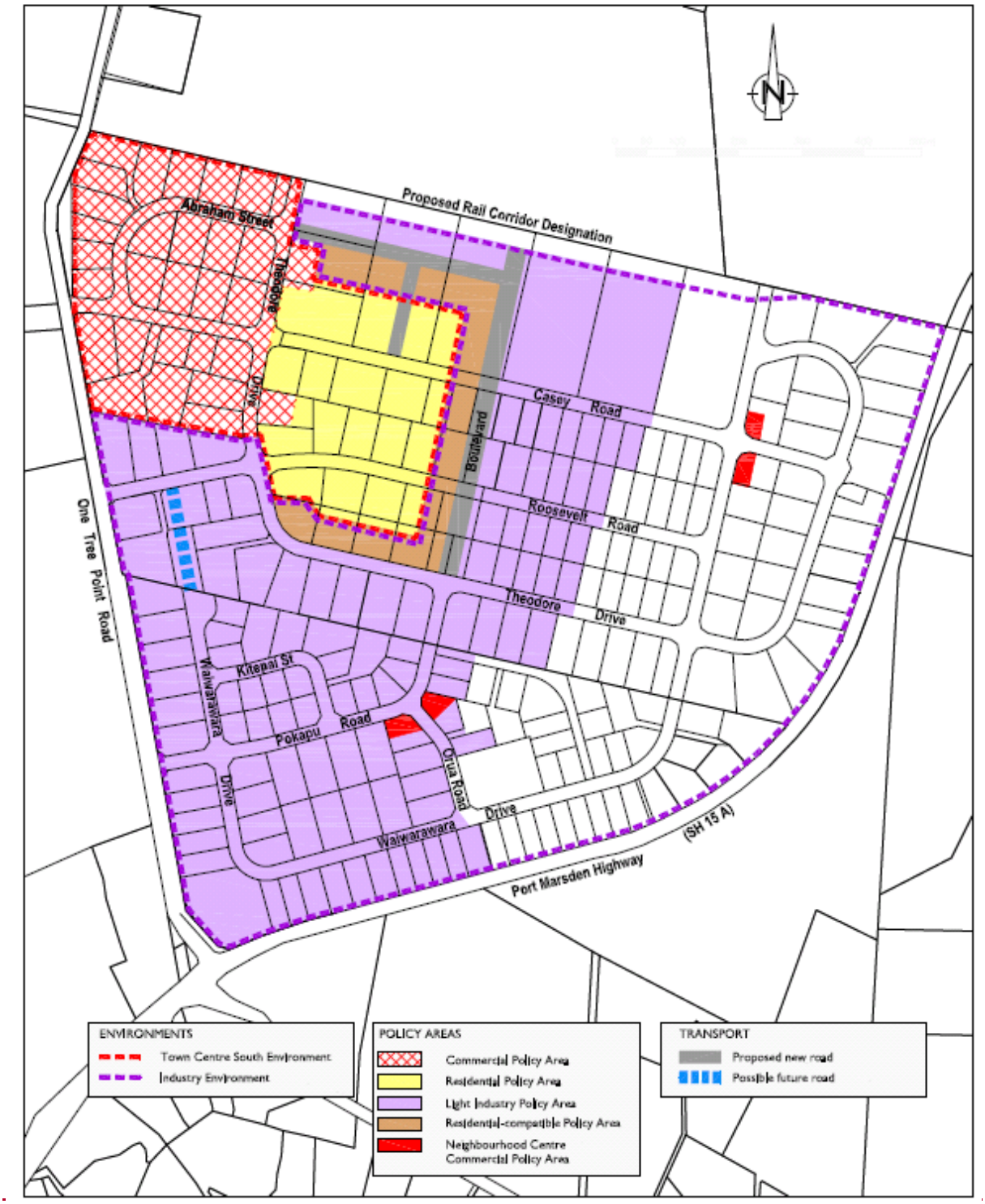
MARSDEN PRIMARY CENTRE

PROPOSED CHANGES TO THE
DISTRICT PLAN'S ENVIRONMENT MAPS

MPC.F

Marsden Primary Centre – Precinct Plans

Marsden Primary Centre
Town Centre South and Industry Environments Plan



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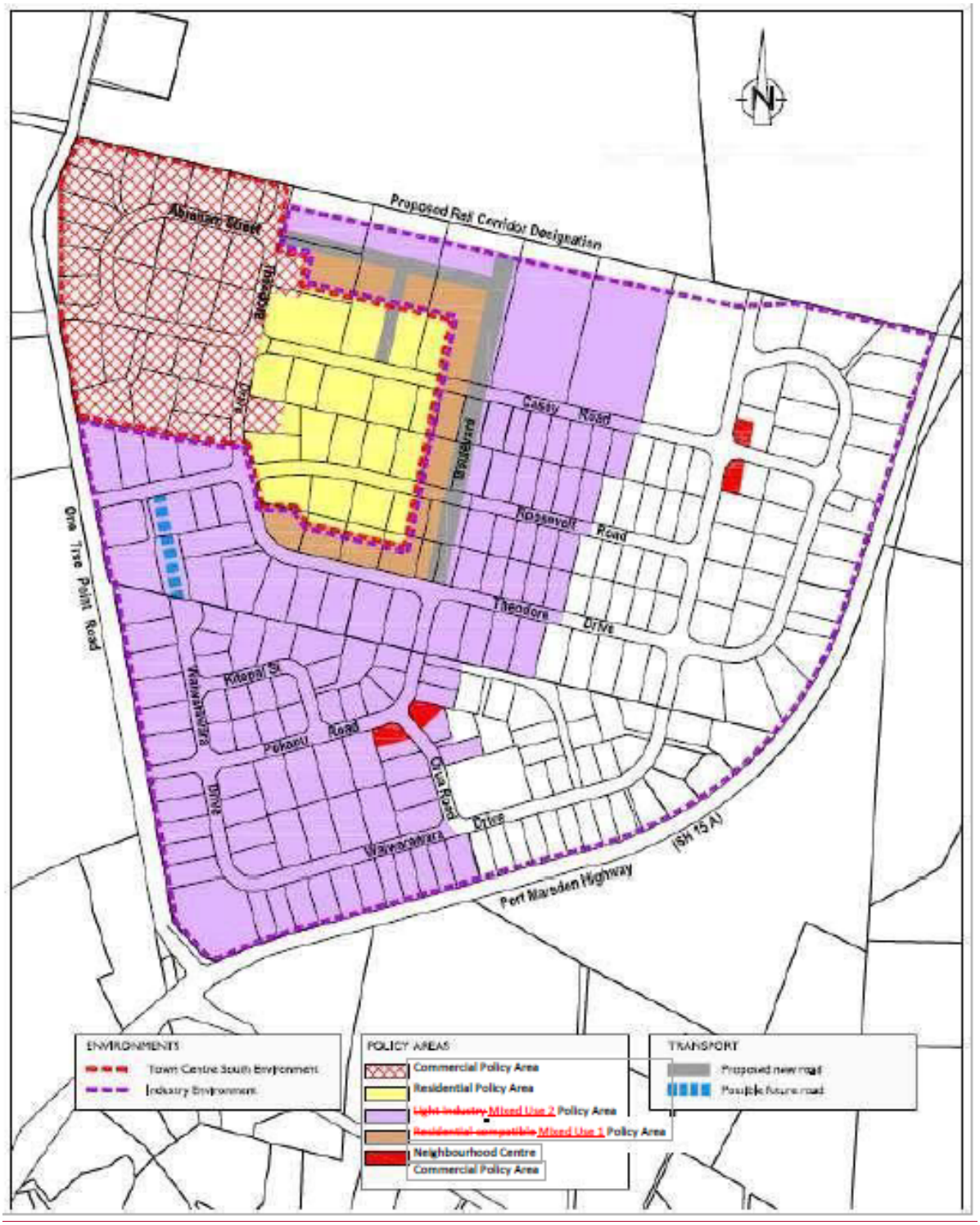
Marsden Primary Centre – Precinct Plans



NAV

Noise and Vibration

Index

NAV.1 Description and Expectations

Noise has the potential to cause adverse effects, depending on a number of factors including frequency, timing, volume and the type of noise. Disturbance of sleep is often the greatest complaint in relation to noise, however other adverse effects include general nuisance, psychological and chronic health effects, interference with speech communication and interference with learning processes, thinking and education.

Excessive noise can detract from the character and amenity values associated with the local environment. Noise generating activities can also be restricted by noise 'sensitive' activities in proximity that seek a higher level of amenity (reverse sensitivity). In an urban sense noise is a significant issue (especially at night) in mixed use zones and in 'interface' areas where noise sensitive activities (e.g. residential uses) are located in close proximity to high noise emitting land uses (e.g. bars and panel beaters).

The Resource Management Act 1991 (RMA) addresses noise in two ways. First, under section 16 there is a duty on every occupier of land and every person carrying out an activity in, on, or under a water body or the coastal marine area to adopt the best practical option to not emit more than a reasonable level of noise. Section 16 of the Act states that a national environmental standard, plan or resource consent may prescribe noise emission standards. Section 16 therefore guides how district plans can address noise emissions.

The other way the RMA addresses noise is through the control of excessive noise. There are specific provisions in the Act to deal with excessive noise, which normally involves intermittent noise sources that require immediate attention, for example loud stereos associated with parties. The excessive noise provisions stand apart from district plan provisions.

Noise rules have been designed to provide an adequate level of protection from the potential effects of noise. The rules within this chapter provide certainty about the level of ambient sound permitted

during specific time frames within each Environment and acknowledge that there will be some noise associated with activities. The rules aim to strike a balance between the need for land to be used for its intended purpose while ensuring that other land users are not exposed to unreasonable levels of noise.

Permitted noise levels are set at a limit that is consistent with the character and amenity values anticipated in each Environment. Differing noise limits are established in interface areas between Environments to ensure that reasonable noise limits can be maintained. Reasonable noise limits are established for other activities such as, construction and demolition, airport operation, temporary military training, use of explosives, helicopter landing areas, shooting ranges and wind turbines.

In certain areas noise sensitive activities are restricted in order to ensure the unhindered and continued operation of high noise generating activities. In other areas the provision of acoustic insulation requirements for buildings containing noise sensitive activities in high noise environments will allow various activities to co-exist in Environments anticipating mixed use. Guidance from the most recent New Zealand Standards will ensure that noise levels are measured and analysed in accordance with international best practice.

Vibration is generally only a concern adjacent to construction or demolition projects; where there is operation of mechanical plant near or attached to buildings / structures; or in relation to explosives use and blasting. Accordingly vibration limits have been provided to ensure that vibration from construction, demolition, fixed mechanical plant and use of explosives and blasting does not exceed reasonable levels. For construction, demolition and fixed mechanical plant, a simplified approach has been taken whereby single velocity limits have been specified. This approach is considered to be the least complicated and will ensure the required level of amenity if maintained. For explosives use and blasting a more flexible approach has been adopted to achieve operational efficiency and to ensure the required level of amenity is maintained.

NAV.2 Eligibility

The following provisions shall apply district wide in addition to any other provisions in this District Plan applicable to the same area or site.

NAV.3 Objectives

1. To enable a mix of activities to occur across a range of Environments, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.
2. To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

NAV.4 Policies

1. To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each Environment.
2. To avoid reverse sensitivity effects by:
    a. Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels.
    b. Restricting noise sensitive activities in Environments where they could unduly compromise the continuing operation of appropriate business activities.
    c. Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities.

3. To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic amenity values of each Environment by:

    a. Establishing noise limits that are consistent with anticipated noise and vibration levels in each Environment.

    b. Requiring high noise generating activities to provide suitable mitigation measures to maintain appropriate noise levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.

4. To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.

5. To ensure that noise associated with activities in open spaces and on public recreational areas is appropriate to the amenity values anticipated in the surrounding environment.

NAV.5 Noise Measurement and Assessment

Unless specified otherwise, noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 *"Acoustics – Measurement of environmental sound"* and assessed in accordance with New Zealand Standard NZS6802:2008 *"Acoustics - Environmental Noise."*

NAV.6 Permitted Activties

Unless specifically stated otherwise, any activity shall be a permitted activity provided it complies with all of the noise standards given in the following section(s) *NAV.6.1 – NAV.6.15* and all other relevant Environment and District Wide rules.

NAV

Noise and Vibration

NAV.6.1 Noise Arising from Activities within Environments

The following noise limits shall apply within and between Environments:

Noise emitted from any site in the following Environment	Noise measured within the applicable boundary of any of the following Environments (refer to following table for applicable assessment location)	Daytime 0700 to 2200 hours	Night-time 2200 to 0700 hours		Notes [8,9]
		dB L_{Aeq}	dB L_{Aeq}	dB L_{AFmax}	
Business 2	Living 1, 2, 3 Open Space Coastal Countryside Urban Transition Countryside Kamo Low/Medium Density Living	55	45	75	
Business 4 Marsden Point Port	Living 1, 2, 3 Urban Transition Countryside	55	45	75	
All Environments other than: -Business 2 -Business 4 -Marsden Point Port	Living 1, 2, 3 Coastal Countryside Urban Transition Kamo Low/Medium Density Living	50	40	70	1, 2, 3
	Countryside Open Space	55	40	70	1, 2, 3
All Environments	Business 1 Town Basin	60	55	80	4, 5
	Business 2 Airport Bulk Format Retail	65	60	80	
	Business 3 Kamo Activity Precinct	60	50	75	
	Business 4 Marsden Point Port	75	75	-	
	Port Nikau and Marsden Primary Centre - Noise Zone 1	65	65	70	3
	Port Nikau ~~and Marsden Primary Centre -~~ Noise Zone 2	60	55	70	3
	Marsden Primary Centre – Noise Zone 2 and Noise Zone 2A	55	45	70	3
	Marsden Primary Centre - Town Centre	55	45	70	3
Mineral Extraction Areas	Any noise sensitive activity not owned or controlled by the quarry owner or operator	**Low noise Environment**			6, 7
		50	40	70	
		High noise Environment			
		55	45	75	

NAV

Noise and Vibration

The above noise rules shall apply within the relevant boundary assessment location as set out below:

Site boundary	Notional Boundary
• Living 1, 2 • Kamo Low / Medium Density Living • Bulk Format Retail • Kamo Activity Precinct • Open Space • Business 1, 2, 3, 4 • Town Basin • Airport • Marsden Point Port • Port Nikau - Noise Zone 1 and 2 • Marsden Primary Centre - Noise Zone 1 and 2 • Marsden Primary Centre - Town Centre	• Living 3 • Coastal Countryside • Urban Transition • Countryside • Any noise sensitive activity not owned or controlled by the quarry owner or operator in a mineral extraction area

1. Normal residential activity occurring in Living Environments such as children's play, spontaneous social activities, lawnmowing and home maintenance work undertaken by/for the occupier is excluded from compliance with the noise rules during the daytime provided such activity is reasonable in terms of duration and noise level and in the case of home maintenance does not exceed the rules for construction noise. This exclusion does not apply to non-residential land use within the Living Environments (such as childcare centres).

2. NAV. 6.1 shall not apply to mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Countryside, Coastal Countryside or Urban Transition Environments. Limited duration events are those activities normally associated with industry practice, of relatively short duration, and where no reasonable alternative is available. Any such activity shall be subject to Section 16 of the Resource Management Act.

   "Limited duration activities" in this context include, but are not limited to:

   - Spraying and harvesting of crops and/or weeds for horticultural or agricultural purposes e.g. topdressing or aerial spraying
   - Primary forestry activities (not including milling or processing)

   This exclusion does not apply to:

   - static irrigation pumps;
   - motorbikes that are being used for recreational purposes;

3. NAV.6.1 shall not apply if the activity under consideration is a mineral extraction activity included in the Appendix 14 Schedule of Existing Mineral Extraction Areas. Where this occurs the limits and stated timeframes in Appendix 14 shall apply.

4. Noise generated by temporary activities in the Town Basin Environment may exceed the noise rules in any Environment for 12 days every calendar year provided that noise does not exceed a level of 65 dB L_{Aeq} between 0900 and 2300 hours at the boundary of any Living Environment.

5. In the Business 1 Environment the "daytime" noise standard shall apply between 0700 and 0000 hours (midnight) on Fridays and Saturdays. The "night-time" noise standard shall apply between 0000 and 0700 hours on Saturday and Sunday mornings.

6. In Mineral Extraction Areas the "daytime" noise standard shall apply between 0630 and 2130 hours. The "night-time" noise standard shall apply between 2130 and 0630 hours.
7. Except where an alternative noise limit is provided for the activity within the District Plan [See Appendix 14 – Schedule of Existing Mineral Extraction Areas] then the activity shall comply with the noise limit stated within the notional boundary of a noise sensitive activity not owned or controlled by the quarry owner or operator.
8. NAV.6.1 shall not apply to the following specific activities which are provided for elsewhere:
    - Construction activities. Refer to Section [NAV.6.2] for specific rule.
    - Wind turbines and wind farms. Refer to Section [NAV.6.3] for specific rule.
    - Shooting ranges. Refer to Section [NAV.6.4] for specific rule.
    - Helicopter and aircraft landing areas. Refer to Section [NAV.6.7] for specific rule.
    - Engine testing at the airport. Refer to Section [NAV.6.8] for specific rule.
    - Noise from explosives. Refer to Section [NAV.6.9] for specific rule.
    - Temporary military training activities. Refer to Section [NAV.6.10] for specific rule.
    - Bird Scaring devices. Refer to Section [NAV.6.11] for specific rule.
    - Road traffic noise. Refer to Section [NAV.6.12] for specific rule.
    - Frost fans. Refer to Section [NAV.6.13] for specific rule.
    - Emergency Generator Testing. Refer to Section [NAV.6.14] for specific rule.
9. The noise rules shall not apply to the following activities:
    - Level crossing warning devices.
    - The operation of emergency service vehicles or emergency callout sirens.
    - Noise from aircraft and helicopters when in flight.
    - Unamplified noise from sporting events in Open Space Environment where these occur for up to 20 hours per week between 0700 and 2100 hours.
    - Unamplified noise from standard school outdoor activities where this occurs between 0700 and 1800 hours Monday to Sunday.
    - Rail movements within Fonterra's Kauri Milk Processing site (the area encompassed within Scheduled Activity 15); excluding the loading and unloading of goods from trains within the site.
    - Emergency generators used to ensure the continued operation of network utilities. This exemption shall not include emergency generator testing which are required to comply with NAV.6.14.

NAV.6.2 Construction Noise

Noise from demolition and construction, including that undertaken as part of temporary military training activities, shall comply with the guidelines and recommendations of NZS 6803: 1999 *"Acoustics - Construction Noise".* Noise levels shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 *"Acoustics - Construction Noise"*. NAV.6.2 shall not apply to permitted maintenance or utility works undertaken within the road carriageway of a road where:

a. It has been demonstrated to Council that these works cannot reasonably comply with the referenced noise guidelines at the time when they must be carried out; and

b. A construction noise and vibration management plan, as prepared by a Recognised Acoustician, has been provided to Council.

NAV.6.3 Wind Turbines

Noise from wind turbines and wind farms shall comply with NZS6808:2010 *"Acoustics – Wind farm noise".*

NAV.6.4 Shooting Ranges

Where any new shooting range is established, or an existing shooting range or its use is altered or extended:

a. Between 0900 and 1800 sound levels from the shooting range activity shall not exceed 50 dB L_{AFmax} from the notional boundary of any noise sensitive activity or visitor accommodation and;

b. Between 1800 and 2200 and 0730 and 0900 sound levels from the shooting range activity shall not exceed 40 dB L_{AFmax} from the notional boundary of any noise sensitive activity or visitor accommodation and;

c. No shooting shall occur between 2200 and 0730.

For the avoidance of doubt, in relation to alterations or extensions to an existing shooting range, compliance with items a, b and c is required for the altered or extended component of the activity.

NAV.6.5 Sound Insulation Requirements

1. Any noise sensitive activity established within a Business 1, 2, 3, Town Basin, Port Nikau Noise Zone 1 or 2, or Marsden Primary Centre Noise Zone 1 or 2A Environments shall be designed and constructed to ensure the following internal design noise levels:

Environment	Bedrooms and sleeping areas within dwellings or units 2200 – 0700 hours	Other habitable spaces within dwellings or units 0700 - 2200 hours	Teaching spaces, places of religious assembly, health and veterinary service buildings 0700 – 2200 hours
Business 1 Business 2 Business 3 Kamo Activity Precinct Town Basin	30 dB L_{Aeq}	40 dB L_{Aeq}	35 dB L_{Aeq}
Port Nikau and Marsden Primary Centre Noise Zone 1 and Noise Zone 2A	35 dB L_{Aeq}	45 dB L_{Aeq}	35 dB L_{Aeq}

2. For design purposes, the following external L_{eq} noise levels shall be used. These noise levels shall be assumed to be incident on the façade.

Environment	Design noise level (dB L_{eq}) - incident							
	63	125	250	500	1k	2k	4k	dBA

Bedrooms and Sleeping Areas	Hz	Hz	Hz	Hz	Hz	Hz	Hz	
Business 1 Town Basin	66	65	55	54	49	42	38	55
Business 2 Port Nikau and Marsden Primary Centre Noise Zone 2A	67	64	61	58	55	52	49	60
Business 3	57	54	51	48	45	42	39	50
Port Nikau and Marsden Primary Centre Noise Zone 1	72	69	66	63	60	57	54	65
Other Habitable Rooms								
Business 1 Town Basin Business 3	71	70	60	59	54	47	43	60
Business 2 Port Nikau ~~and Marsden Primary Centre~~ Noise Zones 1 and 2 Marsden Primary Centre Noise Zone 1 and Noise Zone 2A	72	69	66	63	60	57	54	65

Note: Where windows are required to be closed to achieve these sound levels the ventilation requirements of the New Zealand Building Code shall be achieved.

Note: A certificate from a Recognised Acoustician, confirming that the building accommodating the noise sensitive activity will achieve the minimum sound insulation requirements, is required to confirm compliance with NAV.6.5.

NAV.6.6 Activities Establishing near the Airport Environment

1. Within the Air Noise Margin:

a. A minor addition or alteration to an existing building, which is not to be used as a habitable room, is a permitted activity.

b. The following are **controlled** activities within the Outer Control Boundary:

i. The addition of a habitable room;

ii. The construction of a new residential unit if:

- The net site area associated with each residential unit is at least 1000m^2.
- The proposed construction is the first residential unit upon an allotment that is less than 1000m^2 and that allotment existed before 1 December 2005.

iii. Visitor's accommodation.

c. Control is reserved over:

i. The effect of aircraft noise on the living standard within buildings or habitable rooms. Whether the design and materials used in the construction achieves an internal design level of 40 dB L_{dn} for noise within any habitable room.

d. Any activity that does not comply with the standard for a **permitted** or **controlled** activity is a **discretionary** activity. See NAV.7 for Discretionary activity criteria.

2. Within the Air Noise Boundary:

a. New noise sensitive activities are **prohibited** activities

b. Visitor Accommodation is a **discretionary** activity:

Note 1 - Conditions of consent: Any application for land use consent for a residential or other noise-sensitive activity in the Outer Control Boundary, will be required to have a notice registered against its

title and included in the LIM report which alerts the owner that the property falls within a noise-sensitive area and can therefore expect noise levels higher than would normally be expected in that Environment.

Note 2 - Notification: Council has identified reverse sensitivity effects that new noise-sensitive activities may have on the safe and efficient operation of the Whangarei Airport. It has also identified potential adverse effects of the Airport on noise-sensitive activities. Therefore, applications for resource consent may require the written approval of the Whangarei Airport as an affected party if such applications are to be considered on a non notified basis.

NAV.6.7 Aircraft and Helicopter Landing Areas

Helicopter landing areas, including those used for military training activities, shall comply with and be measured and assessed in accordance with NZS 6807:1994 *"Noise Management and Land Use Planning for Helicopter Landing Areas"*. NAV.6.7 shall not apply to emergency helicopter movements. Noise from aircraft other than helicopters shall comply with NZS6805:1992 *"Airport Noise Management and Land Use Planning."*

The use of aircraft and helicopters undertaking rural production activities on an intermittent and infrequent basis are exempt from compliance with NAV.6.7.

NAV.6.8 Engine Testing

Aircraft engine testing in the Airport Environment is a permitted activity if:

a. Between the hours of 0700 and 2300, the noise generated by aircraft engine testing, assessed at any point within the boundary of any Living Environment, does not exceed 55 dB $L_{Aeq\ (16\ hours)}$ and 65 dB $L_{Aeq\ (15\ minutes)}$;

b. Between the hours of 2300 and 0700, noise generated by aircraft engine testing assessed at any point within the boundary of any Living Environment, does not exceed 45dB $L_{Aeq\ (8\ hours)}$ and 65 dB L_{AFmax};

c. Between the hours of 2300 and 0700, for the purposes of essential, unscheduled maintenance and engine testing on a maximum of 15 occasions within any calendar year, noise generated within the boundary of any Living Environment does not exceed 55 dB $L_{Aeq\ (8\ hours)}$ and 70 dB L_{AFmax}. In these circumstances the noise limits set out in b. above shall not apply;

d. The time, duration and other essential details of any testing undertaken in accordance with the requirements of c. above shall be recorded and advised to the Whangarei District Council within two weeks of any such event.

NAV.6.9 Explosives Use

Peak noise levels from explosives, excluding those from Temporary Military Training Activities, use shall not exceed the following limits when measured within the notional boundary of any building set out in the following table:

Affected building type	Permitted blasting time window	Number of blasts per year	Max peak sound level applying to all blasts dB L_{Cpeak}
Occupied noise sensitive activity and visitor accommodation	0700 to 1900 hours	≤ 20 >20	120 115

Occupied commercial and industrial buildings	All hours of occupation	All	125
Unoccupied buildings	All times	All	140

NAV.6.10 Temporary Military Training Activities

Temporary military training activities are permitted activities provided that they comply with the following rules:

1. *Weapons firing and/or the use of explosives*
   a. Weapons firing and explosives use on any site shall not exceed a total of 31 days in any 365 day period.

   b. Weapons firing and/or use of explosives shall comply with the following:

Table 1:

Activity	Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity
i. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m
	1900 to 0700 hours	At least 4500m
ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m
	1900 to 0700 hours	At least 2250m

Table 2:

Rules to be complied with if minimum separation distances for sources NAV.6.10.1(i) and (ii) cannot be met:		
Rule	**Time (Monday to Sunday)**	**Noise level at the notional boundary to an individual building housing a noise sensitive activity**
(a)	0700-1900hrs	For the use of explosives: 120 dB L_{Cpeak} For the use of small arms and pyrotechnics: 90 dB L_{Cpeak} with one period in any 365 day period of up to five days consecutive use up to 120 dB L_{Cpeak}
(b)	1900-0700hrs	For the use of explosives: 90 dB L_{Cpeak} For the use of small arms and pyrotechnics: 60 dB L_{Cpeak} with one period in any 365 day period of up to five days consecutive use up to 90 dB L_{Cpeak}
(c)	A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain: • A description of the site and activity including times, dates, and nature and location of the proposed training activities. • Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites. • A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations. • A programme for notification and communication with the occupiers of affected noise sensitive sites	

	prior to the activities commencing, including updates during the event. • A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.

Note: "Small arms" include, but are not limited to, revolvers, self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns.

Note: "Explosives" include but are not limited to explosive charges, cannons, grenades, mortars and rockets.

2. Mobile noise sources, excluding sources NAV.6.10.1(i) and (ii)

a. Activities shall comply with the "typical duration" noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise* (with reference to 'construction noise' taken to refer to other, mobile noise sources) provided that no building housing a noise sensitive activity is exposed to noise above 35 dB L_{AFmax} from a Temporary Military Activity mobile source for more than a total of 31 days in any 365 day period.

b. Activities that do not comply with the duration limit in NAV.6.10.2(a) shall comply with the noise limits in NAV.6.10.3. Fixed (stationary noise sources).

Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources, excluding sources NAV.6.10.1(i) and (ii)

Time (Monday to Sunday)	**Noise level at the notional boundary to any building housing a noise sensitive activity***	
0700 to 1900 hours	55 dB $L_{Aeq\ (15\ min)}$	n.a.
1900 to 2200 hours	50 dB $L_{Aeq\ (15\ min)}$	
2200 to 0700 hours the next day	45 dB $L_{Aeq\ (15\ min)}$	75 dB L_{AFmax}

Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. Helicopter landing areas

Helicopter landing areas shall comply with noise limits set out in *NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*.

5. Restricted Discretionary Activities

Any activity that does not comply with rules NAV.6.10.1 – NAV.6.10.4 shall be a Restricted Discretionary Activity. Discretion is restricted to those matters listed in NAV.7.1(a) – (m).

NAV.6.11 Bird Scaring Devices

The use of bird scaring devices is a **permitted** activity in the Countryside or Coastal Countryside Environments if:

a. Bird scaring devices do not operate between half an hour after sunset and half an hour before sunrise.

b. Each device operates at not more than 6 "events" per hour where an "event" includes clusters of up to three shots from gas operated devices or three individual shots from a

firearm in quick succession. (This rule does not apply to bird scaring devices that generate a noise level of less than 55 dB L_{AE} within the notional boundary of any noise sensitive activity not owned by the operator of the device).

c. The sound level from any event does not exceed 65 dB L_{AE} within the notional boundary of any noise sensitive activity not owned by the operator of the device.

d. The bird scaring device is only operated when a crop is at risk from bird damage.

The use of bird scaring devices in other Environments is a **discretionary** activity.

Advice Note: Existing use rights may apply where a bird scaring device has been lawfully established prior to the operative date [insert operative date] of the NAV chapter.

NAV.6.12 Road Traffic

a. Noise from any new or altered road shall be assessed in accordance with and meet the provisions of New Zealand Standard NZS 6806:2010 *"Acoustics - Road-traffic noise - New and altered roads."*

b. The installation and operation of Audio-Tactile pedestrian call buttons at traffic signal controlled intersections and pedestrian crossings is a permitted activity. Installations shall comply with Australian Standard AS2353: 1999 Pedestrian Push- button Assemblies.

NAV.6.13 Frost Fans

The use of frost fans is a **permitted** activity in the Countryside or Coastal Countryside Environments if:

a. Noise generated by single or multiple frost fans on a site does not exceed 55 dB $L_{Aeq\ (10\ minute)}$ at any time when assessed at the notional boundary of any noise sensitive activity on a separate site under different ownership.

Note: The noise rule includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured noise levels.

b. Operation of frost fans during the night period shall be for protection of crops from frost only. Any other operation, such as for the purposes of maintenance, shall be undertaken during the day period.

c. A legible notice shall be fixed to the road frontage of the property on which the frost fan is being used giving the name, address and telephone number of the person responsible for its operation.

The use of frost fans in any other Environment is a **discretionary** activity.

Advice Note: Existing use rights may apply where a frost fan has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

NAV.6.14 Emergency Generator Testing

The testing of emergency generators is a permitted activity in all Environments if:

a. The duration of testing does not exceed 12 hours total per annum;

b. Testing occurs between 0900 and 1700 hours only;

c. Noise levels do not exceed the following:

i. 60 dB $L_{Aeq(15\ min)}$ within the relevant boundary assessment location of any Marsden Primary Centre – Town Centre Living, Open Space, Coastal Countryside, Urban Transition or Countryside Environments.

ii. 65 dB $L_{Aeq(15\ min)}$ within the site boundary of any Business 1, 3, Town Basin, Port Nikau Noise Zone 2, Marsden Primary Centre Noise Zone 2 .

iii. 70 dB $L_{Aeq(15\ min)}$ within the site boundary of any Business 2, Airport, Port Nikau Noise Zone 1, Marsden Primary Centre Noise Zone 1 Environment.

iv. 85 dB $L_{Aeq(15\ min)}$ within the site boundary of any Business 4 or Marsden Point Port Environment.

NAV.6.15 Vibration

1. Continuous Vibration from Stationary Machinery

Vibration from building services is a permitted activity if vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery is installed and maintained so that any resulting vibration does not exceed the levels in the following table when measured in adjacent buildings or areas of buildings under different ownership from the source of vibration:

Affected occupied building type	Time	Maximum vibration level in mm/s rms between 8 and 80 Hz
Industrial	All	0.8
Commercial	All	0.4
Noise sensitive activity	0700 to 2200 hours	0.2
	2200 to 0700 hours	0.14
Surgery rooms of healthcare facilities	All	0.1

2. Construction Vibration

Vibration from construction and demolition activity is a permitted activity if it does not exceed the following levels when measured at the point of effect.

a. For human annoyance, vibration should be assessed at the location of the affected person inside the building, typically on the appropriate floor. Vibration should be measured in three orthogonal directions orientated to the axes of the building and assessed in the single axis in which vibration is greatest.

b. For building damage, vibration should be assessed at the horizontal plane of the highest floor of the building. Vibration should be measured in two horizontal orthogonal directions orientated to the axes of the building and assessed in the single axis in which vibration is greatest. Note that for the building damage criteria in NAV 6.15.2 Note 2 an alternative measurement location is defined.

Effect	Affected occupied building	Activity	Time	Maximum vibration level mm/s ppv	Notes
Annoyance	Occupied noise sensitive activity or visitor accommodation in any	General construction activity	2200 to 0700	0.3	1
			0700 to 2200	1	1

	Environment				
	Occupied commercial or industrial activity in any Environment	General construction activity	2200 to 0700	5	
			0700 to 2200	1	
Building damage	Unclassified structures of great intrinsic value such as historic buildings	All activity	All times	2.5	
	Non-occupied dwellings and buildings of similar design	All activity	All times	5	
	Non-occupied commercial and industrial buildings	All activity	All times	10	

[1] Except that in surgery rooms of hospital facilities, maximum vibration levels from construction and demolition activities shall not exceed 0.1mm/s rms between 8 and 80Hz.

[2] NAV.6.15.2 shall not apply to permitted maintenance or utility works undertaken within the road carriageway where the following levels are achieved:

Table 1

Effect	**Receiver**	**Location**	**Details**	**Maximum vibration level (mm/s PPV)**
Annoyance and building damage	Occupied noise sensitive activity or visitor accommodation building in any Environment	As set out in NAV.6.15.2 above	2000 to 0630 hours	1
			0630to 2000 hours	5
	Occupied commercial or industrial activity building in any Environment	Inside the building	0630 to 2000 hours	5
Building damage	Unoccupied buildings	Base of building on side of building facing vibration source or, where this is not practicable, on the ground outside the building	Vibration – transient (including blasting)	Refer to table 2 below
			Vibration – continuous	Refer to table 2 below - 50% of Table 2 Values

Table 2

Type of building	**Peak component velocity (PPV) in frequency range of predominant pulse**	
	4 to 15 Hz	**15 Hz and above**
Reinforced or framed structures Industrial and heavy commercial buildings	50 mm/s	50 mm/s
Unreinforced or light framed structures Residential and light commercial buildings	15 mm/s at 4Hz increasing to 2 0mm/s at 15 Hz	20 mm/s at 15Hz increasing to 50

		mm/s at 40 Hz

Notes:
- All values referred to in table 2 are at the base of the building
- For unreinforced or light framed structures and residential and light commercial buildings at frequencies below 4 Hz a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.

3. *Vibration from Explosives Use and Blasting*

Vibration from explosive use and blasting from activity other than provided for in NAV.6.15.2 is a permitted activity if it does not exceed the levels set out in the following table, when measured in general accordance with the provisions of Australian Standard AS2187.2: 2006 Explosives – Storage and use – Use of explosives.

Category	Type of blasting operations	Peak component particle velocity (mm/s)
Occupied noise sensitive activities and visitor accommodation	Operations lasting longer than 12 months or more than 20 blasts per year	5 mm/s for 95% blasts per year 10 mm/s maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied noise sensitive activities and visitor accommodation	Operations lasting less than 12 months or less than 20 blasts per year	10 mm/s unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive site, such as factories and commercial premises	All blasting	25 mm/s unless agreement is reached with the occupier that a higher limit may apply

NAV.7 Discretionary Activties

1. *Assessment of Discretionary Activities for NAV.6.1 – NAV.6.15*

Unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all of the permitted noise and vibration provisions given in the previous sections NAV.6.1 – NAV.1.6.15. When assessing discretionary applications pursuant to these sections, the assessment shall include (but is not limited to):

a. The level of sound likely to be received

b. The existing ambient sound levels

c. The nature and frequency of the noise including the presence of any special audible characteristics

d. The effect on noise sensitive activities within the environment

e. The likely time when noise will be audible and the extent of the exceedance of the noise rule at that time

f. Whether the level and character of the noise is below recognised guidelines or standards for the preservation of amenity

g. The potential for cumulative effects to result in an adverse outcome for receivers of noise

h. The effects of noise on recreation or conservation areas within the Open Space Environment.

i. The value and nature of the noise generating activity and the benefit to the wider community having regard to the frequency of noise intrusion and the practicality of mitigating noise or using alternative sites.

j. Any proposed measures to avoid, remedy or mitigate noise received off-site

k. The potential for any reverse sensitivity effects

l. The level of involvement of a Recognised Acoustician in the assessment of potential noise effects and/or mitigation options to reduce noise.

m. The ability of noise sensitive activities to unduly compromise the continuing operation or future development of other lawful activities

2. Assessment of Discretionary Activities for NAV.6.6 Activities Establishing Near the Airport Environment

When assessing discretionary applications pursuant to section NAV.6.6, the assessment shall include (but is not limited to):

a. Consideration of the proposed location of the noise-sensitive activity in relation to airport activities;

b. Effects, or potential effects arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids; and the potential of buildings or structures to create glare, electromagnetic interference, smoke, mechanical turbulence or other adverse effects;

c. The effect, or potential effect of the noise-sensitive activity on the operation of Whangarei Airport; particularly having regard to helicopter TLOF and hover points and the runway centreline alignments, requirements for aircraft on approach, and aircraft utilising navigational aids/lighting.

d. The effect, or potential effect of airport operations, in particular noise, and health/safety effects from low flying aircraft, on the noise-sensitive activity, given low ground clearances for aircraft on approach/ takeoff over this area, and high single event noise levels and average daily noise levels;

e. The effect of topographical characteristics of the land in relation to shielding of airport noise;

f. Relevant objectives and policies, as they relate to the protection of a regionally significant transportation resource;

g. Any remedial measures to avoid, remedy or mitigate potential conflict with the safe and efficient operation of the airport;

h. Whether there has been adequate and meaningful consultation with the Airport Authority with respect to the current or potential effects associated with the operation of the airport resource, whether any issues have been resolved and any mitigation measures that have been proposed.

Allie Miller

From: Grace, Trent <Trent.Grace@justice.govt.nz>
Sent: Wednesday, 6 September 2017 1:13 PM
To: Allie Miller
Subject: RE: PC135 - GNLC Ltd - Whangarei District Council

Categories: [SharePoint] You saved this message in 'District Plan > District Plan Preparation'

Hi Allie

I have checked the database and the Auckland Registry's mail, and have discussed this matter with my colleagues in the Auckland Registry. I confirm that, at the time of sending this email, I am not aware of any appeals having been lodged with the Environment Court regarding Plan Change 135 - GNLC Limited.

I understand, according to the Council's own calculations (rather than the Registry's), that the appeal period has now ended.

Kind regards
Trent

Trent Grace
Case Manager
Environment Court of New Zealand | Land Valuation Tribunal - Auckland

Level 2 | 41 Federal Street | PO Box 7147 Wellesley Street | CX10086 | Auckland
DDI: +64 9 916 9310 | Ext: 59310
E-mail: Trent.Grace@justice.govt.nz

From: Allie Miller [mailto:allie.miller@wdc.govt.nz]
Sent: Wednesday, 6 September 2017 11:33 a.m.
To: Grace, Trent
Subject: PC135 - GNLC Ltd - Whangarei District Council

Good Morning Trent,
Following up on yesterday's correspondence, I am emailing to confirm whether or not PC135 – GNLC Ltd has received any appeals as at 5.00pm yesterday, 5 September 2017.

Could you please respond with confirmation of whether or not we have received any appeals during this period so we can have official confirmation for our records.

Warm Regards,
Allie Miller
Support Assistant – District Plan | **Whangarei District Council**
Private Bag 9023 | Whangarei 0148 | www.wdc.govt.nz
Phone: 09 470 3062
E: allie.miller@wdc.govt.nz

WHANGAREI DISTRICT COUNCIL

4.2 Recording Ngāti Pūkenga Statutory Acknowledgement in the District Plan

Meeting: Planning and Development Committee

Date of meeting: 19 October 2017

Reporting officer: Melissa McGrath

1 Purpose

To approve the recording of the Ngāti Pūkenga Statutory Acknowledgement in the Operative District Plan in accordance with the Ngāti Pūkenga Claims Settlement Act 2017.

2 Recommendation/s

That the Committee approves the recording of the Ngāti Pūkenga Statutory Acknowledgement in the Operative District Plan as detailed in Attachment 1 in accordance with Section 34 of the Ngāti Pūkenga Claims Settlement Act 2017.

3 Background

A statutory acknowledgement is a formal acknowledgement from the Crown of the mana of tangata whenua in relation to a special area.

It recognises the particular cultural, spiritual, historical and traditional association of an iwi or hapū with the site, which is identified as a statutory area. In some instances, there may be more than one hapū or iwi who is recognised as having an association with a given area.

Statements of association within a statutory acknowledgement/area are set out in Treaty of Waitangi settlement legislation.

While there may be minor variations in the legislation for each settlement, the purposes of a statutory acknowledgement will generally include the following:

- Notification of resource consent applications.
- Environment court regard to statutory acknowledgement in determining whether or not iwi or hapū have an interest greater than the general public.
- Consent authorities are required to forward summaries of resource consent applications to the relevant iwi or hapū for activities within or adjacent to or impacting directly on the statutory area.
- The relevant iwi or hapū may cite a statutory acknowledgement as evidence of association with a statutory area in submissions to and proceedings before Council.

4 Discussion

The Ngāti Pūkenga Claims Settlement Act 2017 gained assent on 14 August 2017. Section 34 of this Act states the Council requirements:

34 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) a copy of sections 29 to 33, 35, and 36; and

(b) descriptions of the statutory areas wholly or partly covered by the plan; and

(c) the statement of association for each statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

5 Significance and engagement

Council's Significance and Engagement Policy has been considered in relation to this Agenda item.

The decisions or matters of this Agenda item do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website and notification to district plan holders.

6 Attachments

1. Summary of Deed of Settlement
2. Recommended District Plan Text
3. Ngati Pūkenga and The Trustees of Te Tāwharau o Ngati Pūkenga Trust and the Crown, Deed of Settlement Schedule: Documents (statement of association extract)
4. Ngati Pūkenga and The Trustees of Te Tāwharau o Ngati Pūkenga Trust and the Crown, Deed of Settlement: Attachments (maps extract)

Deed of Settlement

BETWEEN THE CROWN AND NGĀTI PŪKENGA

General background

Ngāti Pūkenga are today dispersed through four small and scattered kāinga located in Tauranga, Maketu, Whangārei and Hauraki. This settlement will be comprehensive settlement for all Ngāti Pūkenga historical Treaty claims. Ngāti Pūkenga will also be entitled to share in any collective iwi redress that may arise due to any collective iwi negotiations.

On 25 January 2010, the Crown recognised the mandate of Te Au Maaro o Ngāti Pūkenga Charitable Trust to represent Ngāti Pūkenga in negotiating a comprehensive historical Treaty settlement.

The Crown signed Terms of Negotiation with Ngāti Pūkenga on 25 January 2010. On 27 July 2012, the Crown and Ngāti Pūkenga negotiated a Statement of Position and Intent which formed the basis for this settlement.

On 23 November 2012, Ngāti Pūkenga and the Crown initialled a Deed of Settlement. The deed was then ratified by the people of Ngāti Pūkenga and signed on 7 April 2013. The settlement will be implemented following the passage of settlement legislation.

Te Au Maaro o Ngāti Pūkenga Charitable Trust were represented by Rahera Ohia, Shane Ashby, Te Awanuiarangi Black, Dominic Wilson and Areta Gray in day-to-day negotiations. The Office of Treaty Settlements, with the support of the Department of Conservation, Land Information New Zealand, the Ministry of Primary Industries and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Pūkenga.

Summary of the historical background to the claims of Ngāti Pūkenga

Ngāti Pūkenga today is an iwi comprising the descendants of Te Tāwera, Ngāti Ha and Ngāti Pūkenga.

Ngāti Pūkenga are tangata whenua of Tauranga Moana and in 1840 their ahi kāroa in Tauranga Moana had been sustained in accordance with their tikanga over many generations. They were renowned as warriors and priests, and were an iwi who were often called upon to assist other tribal groups with their disputes.

The Ngāti Pūkenga rangatira, Te Kou o Rehua signed Te Tiriti o Waitangi at Maungatapu in April 1840. He expected that the Crown would protect his people's rights, property, and privileges, and repeatedly spoke of the partnership which he believed flowed from Te Tiriti.

By the mid-1850s, however, Ngāti Pūkenga was concerned at the discriminatory nature and inconsistent application of the law by the Crown. Nevertheless, Ngāti Pūkenga did not send men to fight against the Crown after it invaded the Waikato in 1863, and, as an iwi, did not fight in 1864 when war came to Tauranga Moana after Crown troops attacked Pukehinahina.

In 1865, the Crown issued an order in council to create a confiscation district which was extended by statute in 1868 to include 290,000 acres. It also purchased 93,000 acres of the land 'returned' to Māori inside the confiscation district at Katikati Te Puna from another iwi without investigating the ownership of this land. The Crown paid Ngāti Pūkenga compensation of £350 for their interests in the 50,000 acres of the confiscation district which it retained and £150 for their interests in Katikati Te Puna.

The Crown was slow to return the land in the confiscation district it did not otherwise acquire. In 1877, when a commission finally investigated the customary ownership of land in which Ngāti Pūkenga claimed ancestral interests, it did not allow them to present their evidence in an open hearing. Ngāti Pūkenga were only awarded a small block at Ngāpeke on the basis of a tuku aroha by another iwi in addition to the 98 acres reserved for them in the 50,000 acre block the Crown retained. The Crown repeatedly relied on the advice of a single official to reject Ngāti Pūkenga's numerous protests that this did not reflect their customary interests.

Ngāti Pūkenga lost much of their kāinga matua through the confiscation of their lands at Tauranga Moana and were dispersed between their four small and scattered kāinga as a result. The Native Land Court awarded individual Ngāti Pūkenga interests in a number of blocks at Maketū. The Court also awarded Ngāti Pūkenga land at Pakikaikutu and Manaia which had been gifted by other iwi. However, the individualisation of tribal land tenure imposed by the native land laws made Ngāti Pūkenga lands more susceptible to alienation, partition and fragmentation.

Industrial and agricultural development and urbanisation through the twentieth century has caused significant environmental degradation. The impact on Ngāti Pūkenga has been severe. Valuable sources of kaimoana at Tauranga Moana, Maketu and Manaia have been lost due to the pollution and sedimentation of waterways. Changes to the environment, including the clearing of indigenous vegetation, have led to regular flooding at Manaia which has prevented iwi landowners from effectively cultivating and farming their lands near the coast. Ngāti Pūkenga consider that they have benefitted little from the rapid urbanisation which has occurred in the Tauranga district since 1945. Until recently they were excluded from any involvement in planning or resource management.

Since the raupatu in Tauranga Moana, Ngāti Pūkenga has been dispersed to four dislocated kāinga which have functioned as autonomous entities in their own regions. Ngāti Pūkenga believe they have been inappropriately marginalised in histories about Crown-Māori relations in Tauranga Moana.

Summary of the Ngāti Pūkenga settlement

Overview

The Ngāti Pūkenga Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Pūkenga resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- an agreed historical account, Crown acknowledgments and apology
- cultural redress
- financial and commercial redress.

The benefits of the settlement will be available to all members of Ngāti Pūkenga wherever they may live.

Crown acknowledgements and apology

The deed contains a series of acknowledgements by the Crown where its actions arising from interaction with Ngāti Pūkenga have breached the Treaty of Waitangi and its principles.

The Crown unreservedly apologises for bringing war to Tauranga Moana, and unjustly extinguishing all customary title to land within the Tauranga Moana confiscation district. The Crown is sorry that Ngāti Pūkenga did not receive the same opportunity as others to protect and nurture their interests in Tauranga Moana after the raupatu, and that Ngāti Pūkenga were left increasingly dependent on lands outside Tauranga Moana for their support. For the Crown, the marginalisation of Ngāti Pūkenga in Tauranga Moana, and the harm this caused, are sources of profound regret.

The Crown apologises for exacerbating this harm by consistently failing to respect the rangatiratanga of Ngāti Pūkenga in their remaining lands.

The Crown acknowledges the suffering it caused Ngāti Pūkenga through its breaches of the Treaty of Waitangi. This settlement will, the Crown sincerely hopes, mark the beginning of a new relationship between the Crown and Ngāti Pūkenga which is founded on respect for the Treaty of Waitangi and its principles.

Cultural redress

1. Recognition of the traditional, historical, cultural and spiritual associations of Ngāti Pūkenga has with places and sites owned by the Crown within their area of interest. This allows Ngāti Pūkenga and the Crown to protect and enhance the conservation values associated with these sites.

1(A) SITES TRANSFERRED TO NGĀTI PŪKENGA

Four sites will be vested in the post-settlement governance entity:

- Liens Block
- Pae Ki Hauraki
- Otukopiri
- Te Tihi o Hauturu

Otanewainuku and Puwhenua will be jointly vested with five other iwi.

1(B) STATUTORY ACKNOWLEDGEMENTS

A Statutory Acknowledgement recognises the association between Ngāti Pūkenga and a particular site or area and enhances the iwi's ability to participate in specified resource management processes.

The Crown offers a statutory acknowledgement over the following areas:

- Te Tumu to Waihi Estuary
- Hauturu Block
- Pakikaikutu
- Manaia Harbour
- Manaia river.

1(C) CULTURAL REVITALISATION

The Crown will pay to the governance entity on the settlement date $500,000 for Ngāti Pūkenga cultural revitalisation, and $180,000 for Marae revitalisation in Manaia.

Relationships

2(A) PROTOCOLS

The Deed of Settlement will provide for protocols to facilitate good working relationships between Ngāti Pūkenga and the Minister for Arts, Culture and Heritage.

2(B) LETTERS OF INTRODUCTION

The Minister for Treaty of Waitangi Negotiations will write to:

- Ministry of Business, Innovation and Employment
- Ministry of Education
- Ministry for the Environment
- Ministry for Primary Industries
- Ministry of Social Development
- Ministry for Culture and Heritage
- Bay of Plenty Tertiary Partnership
- University of Waikato
- University of Auckland
- Massey University
- North Tec
- Te Wananga o Aotearoa
- Te Wananga o Raukawa
- Waiariki Institute of Technology
- Telecom New Zealand Ltd
- Whangārei District Council
- Northland Regional Council
- Thames Coromandel District Council
- Waikato Regional Council
- Bay of Plenty Polytechnic
- Te Whare Wananga o Awanuiarangi

Financial and commercial redress

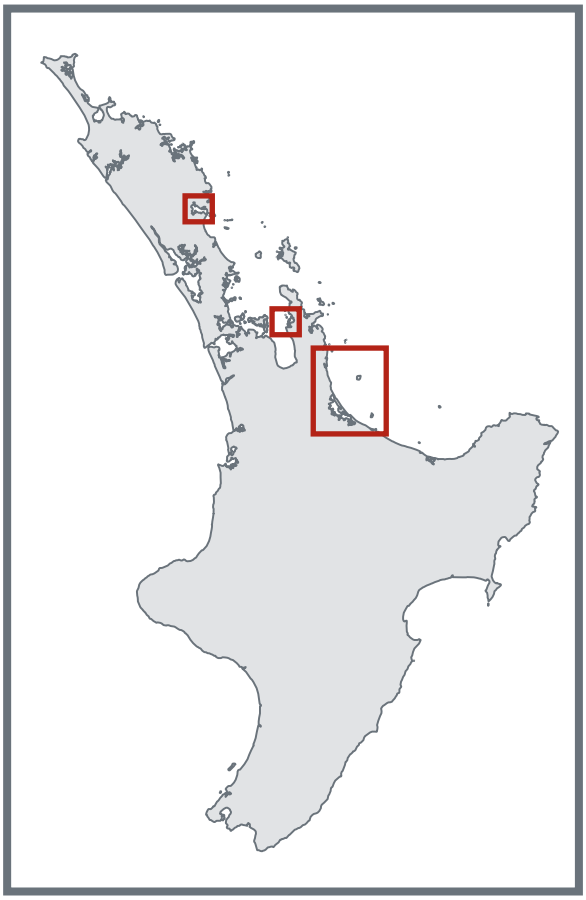
3. This redress recognises the losses suffered by Ngāti Pūkenga arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngāti Pūkenga with resources to assist them to develop their economic and social well being.

3(A) FINANCIAL REDRESS

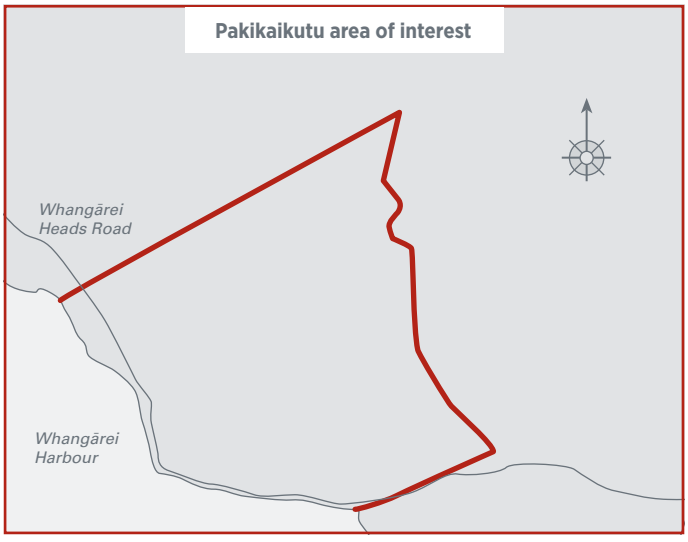
Ngāti Pūkenga will receive financial redress of $5 million plus interest

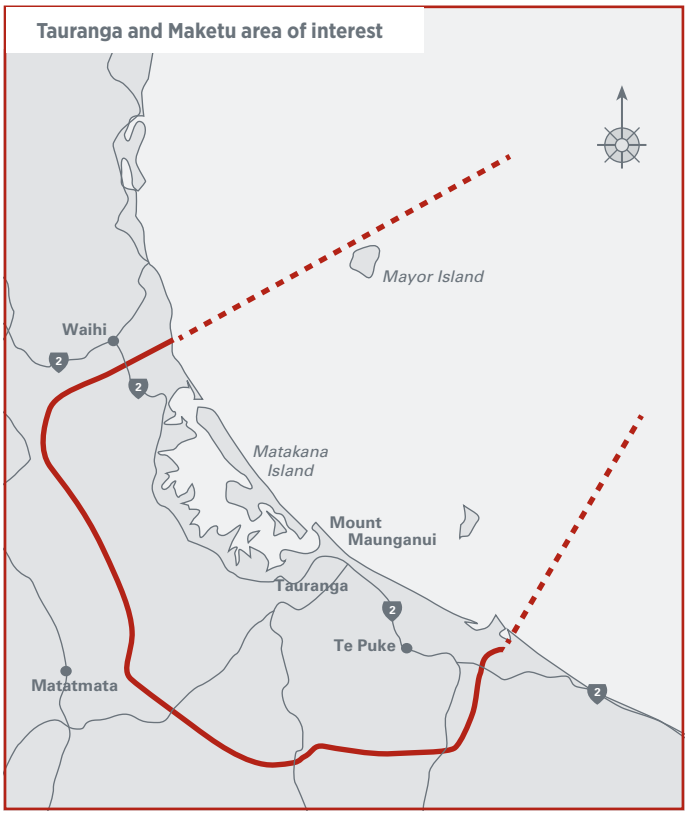
3(B) COMMERCIAL REDRESS

Ngāti Pūkenga will be entitled to purchase, using part of their financial redress, a number of commercial redress properties at a value of $1.88 million




Manaia area of interest
Waimate Island
Coromandel
Whanganui Island
Manaia Harbour
Firth of Thames
Coromandel Forest Park


Pakikaikutu area of interest
Whangārei Heads Road
Whangārei Harbour


Tauranga and Maketu area of interest
Mayor Island
Waihi
2
2
Matakana Island
Mount Maunganui
Tauranga
2
Te Puke
Matatmata
2

Questions and Answers

1. **What is the total cost to the Crown?**

   The total cost to the Crown is $5 million plus the value of cultural redress properties to be vested.

2. **Is there any private land involved?**

   In accordance with Crown policy, no private land is involved.

3. **Are the public's rights affected?**

   No.

4. **Are any place names changed?**

   No.

5. **What are Statutory Acknowledgements and Deeds of Recognition?**

   Statutory Acknowledgements acknowledge areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. Statutory Acknowledgements do not convey a property right and are non-exclusive.

6. **What happens to memorials on private titles?**

   The legislative restrictions (memorials) placed on the title of Crown properties and some former Crown properties now in private ownership will be removed once all Treaty claims in the area have been settled.

7. **When will the settlement take effect?**

   The settlement comes into force on the day after the date on which it receives the Royal assent.

8. **Does Ngāti Pūkenga have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?**

   When the deed is signed and settlement legislation is passed it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Pūkenga. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

   The settlement will still allow Ngāti Pūkenga to pursue claims against the Crown for acts or omissions after 21 September 1992 including claims based on the continued existence of aboriginal title of customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

9. **Who benefits from the settlement?**

   All members of Ngāti Pūkenga wherever they may now live.

10. **What about the Tauranga Moana Iwi Collective Deed?**

    At the time of signing, the Tauranga Moana Iwi Collective are working towards signing the collective deeds.

11. **Will there be any delays for Ngāti Pūkenga because of the Tauranga Moana Iwi Collective deed?**

    Yes. Once the Ngāti Pūkenga Deed is signed, the introduction of settlement legislation will wait until the Tauranga Moana Iwi Collective Deed is signed as some redress that Ngāti Pūkenga will receive is included in the Tauranga Moana Iwi Collective Deed. The Ngāti Pūkenga settlement legislation will settle all Ngāti Pūkenga claims and therefore the Crown cannot introduce settlement legislation until all redress provided to Ngāti Pūkenga is agreed.

12. **What about the Hauraki Collective Deed?**

    At the time of signing, the Hauraki Collective and the Crown are still negotiating towards a Collective Deed.

SAK.1

Statutory Acknowledgements

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SAK.1 Description and Expectations

A statutory acknowledgement is a formal acknowledgement from the Crown of the mana of tangata whenua in relation to a special area.

It recognises the particular cultural, spiritual, historical and traditional association of an iwi or hapū with the site, which is identified as a statutory area. In some instances, there may be more than one hapū or iwi who is recognised as having an association with a given area.

Statements of association within a statutory acknowledgement/area are set out in Treaty of Waitangi settlement legislation.

While there may be minor variations in the legislation for each settlement, the purposes of a statutory acknowledgement will generally include the following:

- Notification of resource consent applications.
- Environment court regard to statutory acknowledgement in determining whether or not iwi or hapū have an interest greater than the general public.
- Consent authorities are required to forward summaries of resource consent applications to the relevant iwi or hapū for activities within or adjacent to or impacting directly on the statutory area.
- The relevant iwi or hapū may cite a statutory acknowledgement as evidence of association with a statutory area in submissions to and proceedings before Council.
- Recording of the statutory acknowledgement in the district plan.

SAK. 2

Statutory Acknowledgement for Ngāti Pūkenga

SAK.2.1 Statutory Areas

Statutory Area	Location
Pakikaikutu coastal statutory area	As shown on OTS-060-009

In accordance with Section 38 of the of the Ngati Pūkenga Claims Settlement Act 2017:

(1) In relation to the Pakikaikutu coastal statutory area, the statutory acknowledgement

(a) applies, and is limited, to an area 100 metres wide on the seaward side of, and adjoining, the line of mean high-water springs; but

(b) does not of itself constitute, and may not be relied upon as, evidence that Ngāti Pūkenga is an iwi whose territory abuts Whāngarei Harbour for the purposes of section 143 of the Maori Fisheries Act 2004.

Maps of the statutory areas can be found in the document *Ngati Pūkenga and The Trustees of Te Tāwharau o Ngati Pūkenga Trust and the Crown, Deed of Settlement: Attachments: https://www.govt.nz/dmsdocument/5539.pdf*

SAK.2.2 Statements of Association

Ngāti Pūkenga, also known as Te Tāwera, settled the Pakikaikutu block near Pārua Bay in 1838. The area is more commonly known as Tamaterau today. The land was 'tuku whenua' due to the killing of a Ngāti Pūkenga chief at the place.

According to tribal history, Te Tāwera were on their way north in canoes to trade for firearms. On the way one of the crew members, Te Kohupō wished to visit with his sister who had married an important chief of the area. Disembarking near Whāngarei Heads he made his way around the coast, passing through Parua Bay. Unbeknown to him, he was being stalked by a local warrior and when he took rest near a small stream he was surprised and killed at Pakikaikutu.

News of Te Kohupō's murder soon reached Te Tāwera in the Bay of Islands. Readying and arming themselves with their recently acquired firepower they set forth heading southwards towards Whāngarei Harbour where they entered intent on 'utu'. Arriving at Pārua Bay they spied a large contingent of people on the shore, and emissaries issued forth carrying with them terms of peace.

The canoes were drawn up on the beach and the entire retinue made their way up from Pārua Bay over to Pakikaituku. The Whāngarei chiefs pointed out the place where Te Kohupō had met his end, rituals were enacted and in recognition of the unwarranted taking of his life, the land was given over to Te Tawera.

The coastal areas, particularly from Waiakaraka to Pārua Bay (where the canoes landed), was incredibly important to Ngāti Pūkenga, more so because of the steep nature of the Pakikaikutu block, and the challenges these presented when food needed to be grown, dwellings built, or game taken. The 'kāpata kai' as expressed by elders was the moana itself. There were oyster reefs at Tamaterau and Pārua that were utilized by the locals, spots where kina, scallops and mussels could be harvested. Every type of fish imaginable could be caught according to its own season in the shallows and deeper channels around the coast. When transport by water was the main mode of travel, the beaches and small coves provided safe anchorages, and canoes could ply this area taking aboard large seine nets to encircle large schools of hearrings, kahawai, parore, snapper and myriad of other species.

SAK. 2

Statutory Acknowledgement for Ngāti Pūkenga

The shallows along this coastal strip abounded in various types of pipi, a staple for the people living there, as these could be taken at almost any time of the year regardless of the weather, dried and stored for leaner times, or gathered in quantities to supply the many gatherings, mourning ceremonies or taken as gifts for other iwi and hapū. Indeed, all of the marine life mentioned and more, when presented to other tribal groups in the quantities required helped to balance the delicate inter-tribal relationships and ensure the mana of Ngāti Pūkenga was upheld and enhanced.

SAK.2.3 Sections 29 – 33, 35 and 36 of the Ngati Pukenga Claims Settlement Act 2017

In accordance with Section 34 of the Ngati Pukenga Claims Settlement Act 2017, Sections 29 – 33, 35 and 36 of the Act are recorded:

29 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association for the statutory areas.

30 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 31 to 33; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with sections 34 and 35; and

(c) to enable the trustees and any member of Ngāti Pūkenga to cite the statutory acknowledgement as evidence of the association of Ngāti Pūkenga with a statutory area, in accordance with section 36.

31 Relevant consent authorities to have regard to statutory acknowledgement

(1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

(3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

32 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

SAK. 2

Statutory Acknowledgement for Ngāti Pūkenga

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.

(3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

33 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.

(2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.

(3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—

(a) in determining whether the trustees are persons directly affected by the decision; and

(b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.

(4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

35 Provision of summary or notice to trustees

(1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:

(a) if the application is received by the consent authority, a summary of the application; or

(b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

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Statutory Acknowledgement for Ngāti Pūkenga

(a) as soon as is reasonably practicable after the relevant consent authority receives the application; but

(b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

(4) A copy of a notice must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.

(5) The trustees may, by written notice to a relevant consent authority,—

(a) waive the right to be provided with a summary or copy of a notice under this section; and

(b) state the scope of that waiver and the period it applies for.

(6) This section does not affect the obligation of a relevant consent authority to decide,—

(a) under section 95 of the Resource Management Act 1991, whether to notify an application:

(b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

36 Use of statutory acknowledgement

(1) The trustees and any member of Ngāti Pūkenga may, as evidence of the association of Ngāti Pūkenga with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

(d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.

(2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

(a) the bodies referred to in subsection (1); or

(b) parties to proceedings before those bodies; or

(c) any other person who is entitled to participate in those proceedings.

(3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.

(4) The content of a coastal statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

(a) Te Ohu Kai Moana Trustee Limited for the purposes of determining coastline entitlements under section 11 and Schedule 6 of the Maori Fisheries Act 2004; or

(b) the Maori Land Court or any person or body in the determination of a dispute under Part 5 of the Maori Fisheries Act 2004.

(5) To avoid doubt, the content and existence of the statutory acknowledgement do not—

SAK. 2

Statutory Acknowledgement for Ngāti Pūkenga

(a) imply, and should not be treated as implying, that the association Ngāti Pūkenga has with a statutory area is exclusive; or

(b) preclude any iwi other than Ngāti Pūkenga from stating that they have, or from being treated as having, an association with, or an interest in, a statutory area; or

(c) preclude either the trustees or members of Ngāti Pūkenga from stating that Ngāti Pūkenga has an association with a statutory area that is not described in the statutory acknowledgement; or

(d) limit any statement made by Ngāti Pūkenga, other iwi, or their members.

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Statutory Acknowledgement for Ngāti Pūkenga

Ngāti Pūkenga

and

The Trustees of Te Tāwharau o Ngāti Pūkenga Trust

and

THE CROWN

DEED OF SETTLEMENT SCHEDULE: DOCUMENTS

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1 STATEMENTS OF ASSOCIATION - STATUTORY ACKNOWLEDGEMENTS

The Ngāti Pūkenga statements of association are set out below. These are statements of Ngāti Pūkenga's particular cultural, spiritual, historical, and traditional association with identified areas.

Te **Tumu to Waihi Estuary Coastal Statutory Acknowledgement Area** (as shown on deed plan OTS 060 007)

Ngāti Pukenga have important associations with the coast from Te Tumu to Maketū to Little Waihi.

The coastal area around Te Tumu once sustained a considerable population including the ancestors of Ngāti Pūkenga. There was no shortage of fishing places. Our ancestors foraged and gathered food from the whole area as the kahitua (tuatua) is migratory and shifts from place to place. This required our tupuna to gather them from different places. Likewise the pārā or frostfish would be gathered at appropriate times, as the name indicates, when there were heavy frosts. The frost stuns the fish and they are gathered early in the morning before the gulls are able to dine on them. Kaikai karoro is a shellfish that inhabits a spiral shaped shell and the flesh, when cooked and retrieved, tastes something akin to crayfish or crab. Pingao, a plant used originally to bind staves together in the same way harakeke was used, and later on to create fine tukutuku panel designs, were harvested from the dunes.

In times of peace, our people spent a considerable amount of time living on this coast, gathering, fishing, preserving and preparing the bounty the coast provided. This area was also significant because a large swamp, 'Te Reporoa', ran along the back of the dunes and was a very important source of water fowl such as duck, pūkeko, matuku etc. Eels abounded and swamp plants such as harakeke, toetoe, various mosses and black mud called 'paru' and suchlike were gathered to build shelters and to produce clothing.

The Maketū estuary has been a traditional food gathering area of Ngāti Pūkenga shared with other iwi for hundreds of years. The types of food taken from this estuary include tuangi, pipi and tio (oysters). Many types of fish are caught there including kahawai, snapper, flounder, mullet, whitebait and eels from the Kaituna river. The Maketū estuary is famed for the abundance of food.

Around the point at Okurei, mussels, kina and paua were once numerous and sustained considerable populations. There are many named fishing spots along the Maketū coast, and on the ocean side of the sand bar kahitua (tuatua) can be obtained.

The Waihi estuary is of particular importance to Ngāti Pūkenga because of the proximity of our land at Waewaetutuki that directly abuts the estuary. According to our pakeke, the Ngāti Pūkenga stronghold at Waewaetutuki was a powerful defensive position. Invaders advancing from the Waihi estuary were hampered from scaling the pa as the pa was built to make climbing incredibly difficult, thus enabling Ngāti Pūkenga to pick them off methodically.

The Waihi estuary provided a safe place for the mooring of waka as well. Ngāti Pūkenga traditions tell of a famous waka called Te Whakatahataha which was moored in the Waihi estuary. It was in this waka that Ngāti Pūkenga used a technique that allowed them to overcome the flotilla of the other iwi who were better armed. Disguising themselves in a particular way by raising their cloaks above their faces and paddling in a contrary way, Ngāti Pūkenga gave the impression that they were trying to flee the other iwi. The Ngāti Pūkenga war party waited until the other iwi were relatively close and had fired their volley. Dropping their cloaks and reversing their direction they

rammed the other iwi, overturning their waka and evening the odds. The other iwi succumbed on that day.

The abundance of seafood and fowl made the estuary a most desirous place to live. Waihi estuary was therefore also Ngāti Pūkenga's maara kai, shared with the many iwi and hapu who also called it home.

Ngāti Pūkenga today continue to carry out our customary practices as our ancestors did along the coast from Te Tumu to Maketū to Little Waihi. We still gather shellfish from those places. We still fish along the coast. We still maintain the narratives handed down by our old people.

Pakikaikutu Coastal Statutory Acknowledgement Area (as shown on deed plan OTS 060 009)

Ngāti Pūkenga, also known as Te Tāwera, settled the Pakikaikutu block near Pārua Bay in 1838. The area is more commonly known as Tamaterau today. The land was 'tuku whenua' due to the killing of a Ngāti Pūkenga chief at that place.

According to our tribal history Te Tāwera were on their way north in canoes to trade for firearms. On the way one of the crew members, Te Kohupō wished to visit with his sister who had married an important chief of the area. Disembarking near Whāngarei Heads he made his way around the coast, passing through Pārua Bay. Unbeknown to him, he was being stalked by a local warrior and when he took a rest near a small stream he was surprised and killed at Pakikaikutu.

News of Te Kohupō's murder soon reached Te Tāwera in the Bay of Islands. Readying and arming themselves with their recently acquired firepower they set forth heading southwards towards Whāngarei Harbour where they entered intent on 'utu'. Arriving at Pārua Bay they spied a large contingent of people on the shore, and emissaries issued forth carrying with them terms for peace.

The canoes were drawn up on the beach and the entire retinue made their way from Pārua Bay over to Pakikaikutu. The Whāngarei chiefs pointed out the place where Te Kohupō had met his end, rituals were enacted and in recognition of the unwarranted taking of his life, the land was given over to Te Tāwera.

The coastal area, particularly from Waikaraka to Parua Bay (where the canoes landed), was incredibly important to Ngāti Pūkenga, more so because of the steep nature of the Pakikaikutu block, and the challenges these presented when food needed to be grown, dwellings built, or game taken. The 'kāpata kai', as expressed by Ngāti Pūkenga elders was the moana itself. There were oyster reefs at Tamaterau and Pārua that were utilised by the locals, spots where kina, scallops and mussels could be harvested. Every type of fish imaginable could be caught according to its own season in the shallows and deeper channels around the coast. When transport by water was the main mode of travel, the beaches and small coves provided safe anchorages, and canoes could ply this area taking aboard large seine nets to encircle the large schools of herrings, kahawai, parore, snapper and myriad other species.

The shallows along this coastal strip abounded in various types of pipi, a staple for the people living there, as these could be taken at almost any time of the year regardless of the weather, dried and stored for leaner times, or gathered in quantities to supply the many gatherings, mourning ceremonies or taken as gifts for other iwi and hapū. Indeed, all of the marine mentioned and more when presented to other tribal groups in the quantities required helped to balance the delicate inter-tribal relationships and ensure the mana of Ngāti Pūkenga was upheld and enhanced.

DOCUMENTS SCHEDULE

1: STATEMENTS OF ASSOCIATION - STATUTORY ACKNOWLEDGEMENTS

Manaia Harbour Statutory Acknowledgement Area (as shown on deed plan OTS 060 006)

Nowadays all of Te Tāwera are Ngāti Pūkenga and all of Ngāti Pūkenga are Te Tāwera. Therefore for the purposes of this Statement of Association the term Te Tāwera also means Ngāti Pūkenga and the term Ngāti Pūkenga also means Te Tāwera.

Manaia harbour was and is a central food source for Te Tāwera from times of old to the present. Many species of fish and other kaimoana were caught and collected there including patiki, tamure, parore, mullet, herrings, kingfish and kahawai. Manaia harbour is also known for having the largest pipi bed on the Coromandel peninsula.

As well, the land around the harbour holds many sacred sites such as urupa, waahi tapu and battle grounds. For Te Tāwera it is also the place where our Kaitiaki, Tuhirae (Mango shark) swims looking over the people of Ngāti Pūkenga. Another significant area bordering the harbour is Paiakarahi (beach). This is where the body of Te Kou o Rehua was taken and the Hahunga ceremony carried out. This area and all the harbour areas are of huge cultural and spiritual significance to all Te Tāwera.

Manaia River Statutory Acknowledgement Area (as shown on deed plan OTS 060 011)

Nowadays all of Te Tāwera are Ngāti Pūkenga and all of Ngāti Pūkenga are Te Tāwera. Therefore for the purposes of this Statement of Association the term Te Tāwera also means Ngāti Pūkenga and the term Ngāti Pūkenga also means Te Tāwera.

The Manaia awa is a greatly treasured taonga of Te Tāwera and Ngāti Pūkenga and features in the tribal pepeha. We offer the awa formal greetings in our hui and tangi and consider ourselves as guardians of the awa. We see the awa as an integrated whole of water and land within the Manaia catchment. The awa runs along the Manaia tuku lands and passes right beside Manaia marae.

The awa is a vital part of the Pātaka kai or "food basket" of Manaia. We have caught and preserved large numbers of eels and fish over the centuries. In early times the summer months provided such large numbers of kahawai, herrings, and mullet the awa bed was not visible due to the swarming masses migrating up the awa. We were able to preserve fish for the leaner seasons by drying them using the Pawhara process, smoking, and by storing large quantities in vinegar. However from the later 1900s the fish stocks have reduced as the awa's health has deteriorated. It has been common custom for the fish and tuna collected from Manaia awa to be shared among our whānau.

Manaia awa is an important source of fresh water for the iwi, especially the marae. It plays a significant part in our daily lives by providing water for bathing, washing, travel by waka, boiling and cooking, medicinal purposes, and harakeke.

Hauturu Block (as shown on deed plan OTS 060 005)

Nowadays all of Te Tāwera are Ngāti Pūkenga and all of Ngāti Pūkenga are Te Tāwera. Therefore for the purposes of this Statement of Association the term Te Tāwera also means Ngāti Pūkenga and the term Ngāti Pūkenga also means Te Tāwera.

The Crown acknowledges that Ngāti Pūkenga has cultural, spiritual, historical, and traditional associations with the area set out in this Statement of Association.

The Hauturu Block once formed part of the original tuku lands gifted to Te Tāwera by Ngāti Maru. It was and always will be of huge cultural and spiritual significance to Te Tāwera for it contains our

sacred maunga, Hauturu, as well as waahi tapu, mahinga kai, battle grounds and several urupa where the remains of our tupuna lie.

Hauturu has special significance to both Te Tāwera and Ngāti Maru in the Manaia area. Ngāti Maru traditions say that Hauturu was the elder of two siblings. One day, Hauturu's younger brother, Pukewhakataratara, decided he would stand up and block the view that Hauturu had of his beloved Rangitoto, an island across the other side of Tikapa Moana. When Hauturu asked Puke to sit, so as not to obstruct his view of Rangitoto, Puke vehemently refused and rebuked him saying 'who are you, that I should sit down?' Hauturu seeing no amicable solution to the problem quickly knocked his younger brother flat to the ground reminding him of his status as the tuakana or elder of the two. Pukewhakataratara has not moved from where he fell and remains there to this day.

The peak of Hauturu is also an important ancestral marker, confirmed by Ngāti Maru chiefs at the tangihanga of Te Kou o Rehua in September 1865. When Te Kou's son, Paroto, stood and returned the Manaia lands to Ngāti Maru, saying that he would take all his people back to Tauranga, all the Ngāti Maru chiefs present stood one after another to affirm the original tuku to Te Kou, saying 'Ko hauturu hei kawhena mo Te Kou' ('let Hauturu be the resting place of Te Kou'), further adding that they should stay here on their own land. This whakatauki is widely used to acknowledge and describe this ancestral icon and the Te Tāwera tuku lands.

A pa site stands on the Paekihauraki ridgeline between Hauturu and Pukerangiora within this block. Te Kou ordered the building of the pa in the 1850s for defensive purposes. Though access to the pa site is now overgrown, once you get there the remains can still be clearly seen. For instance, there are heaped hangi stones around the pa area and the old defensive trenches are still easily visible. Even twenty years ago, the remains of the old ramparts were still visible although they crumbled at the touch.

This area was also a bountiful source of kai. Tawawawahi Stream, located in the upper reaches of the Hauturu Block, was a source of freshwater koura and eels. Other tributaries that flowed through the Hauturu Block also contained an abundance of tuna, kokopu and koura. The areas surrounding Hauturu were the homes for wild pigs and other wildlife and kereru that were fat because aruhe (fern root), a staple food for the people was plentiful in the area. The many smaller caves among the rock walls of the maunga were in fact used for keeping and preserving kai when needed.

Te Tāwera whanau continue today to go to this area to gather kai and sometimes to stay overnight or for extended periods to be one with the land. It is a place of beauty and spiritual healing virtually untouched by the ravages of man.

Ngāti Pūkenga

and

The Trustees of Te Tāwharau o Ngāti Pūkenga Trust

and

THE CROWN

DEED OF SETTLEMENT: ATTACHMENTS

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Manaia Kāinga Area of Interest

ATTACHMENTS

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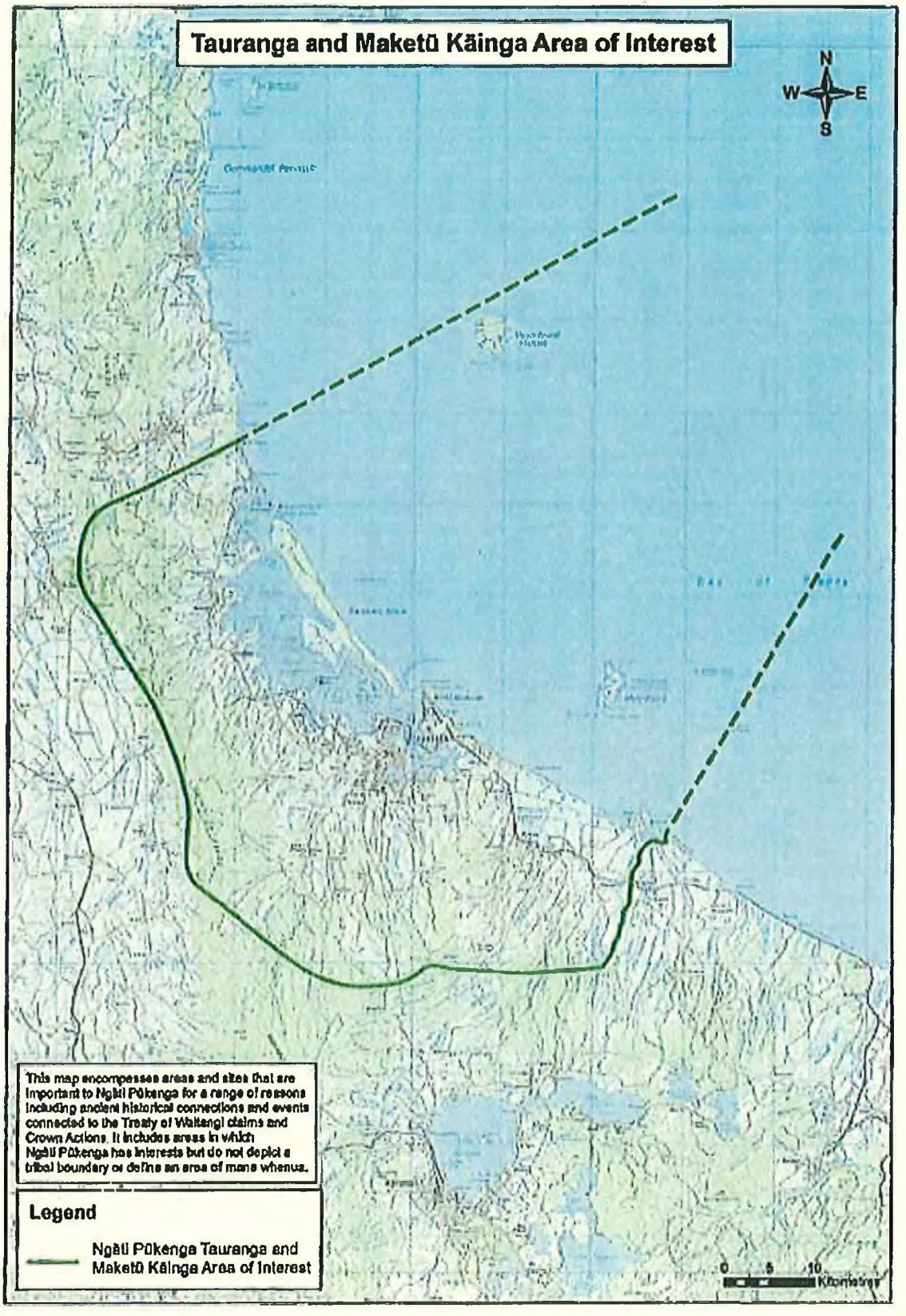
Tauranga and Maketū Kāinga Area of Interest



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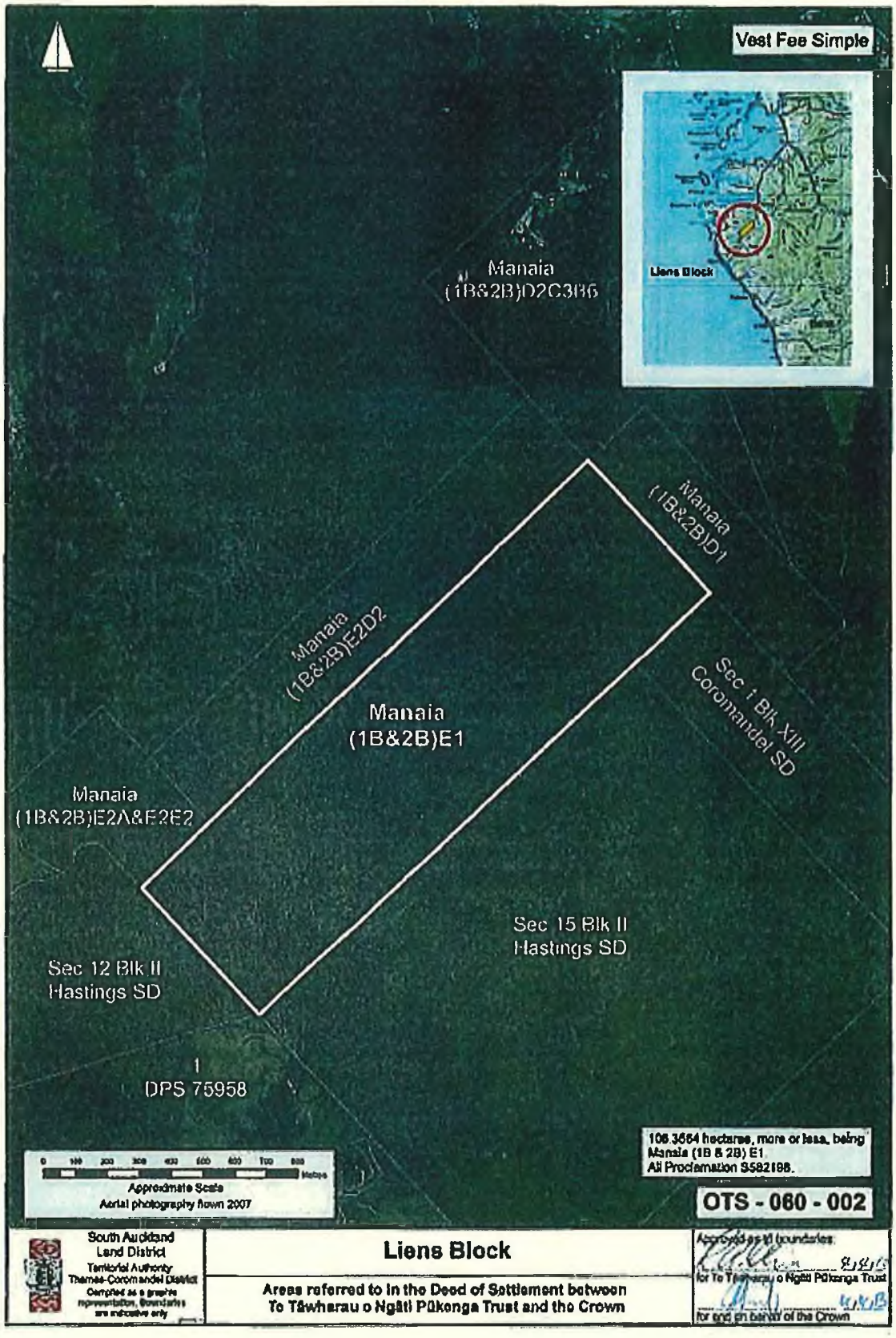
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Approximate Scale
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OTS - 060 - 002
South Auckland
Land District
Territorial Authority
Thames-Coromandel District
Compiled as a graphic
representation, boundaries
are indicative only
Liens Block
Areas referred to in the Deed of Settlement between
Te Tāwharau o Ngāti Pūkenga Trust and the Crown
Approved as to boundaries:
for Te Tāwharau o Ngāti Pūkenga Trust
for and on behalf of the Crown

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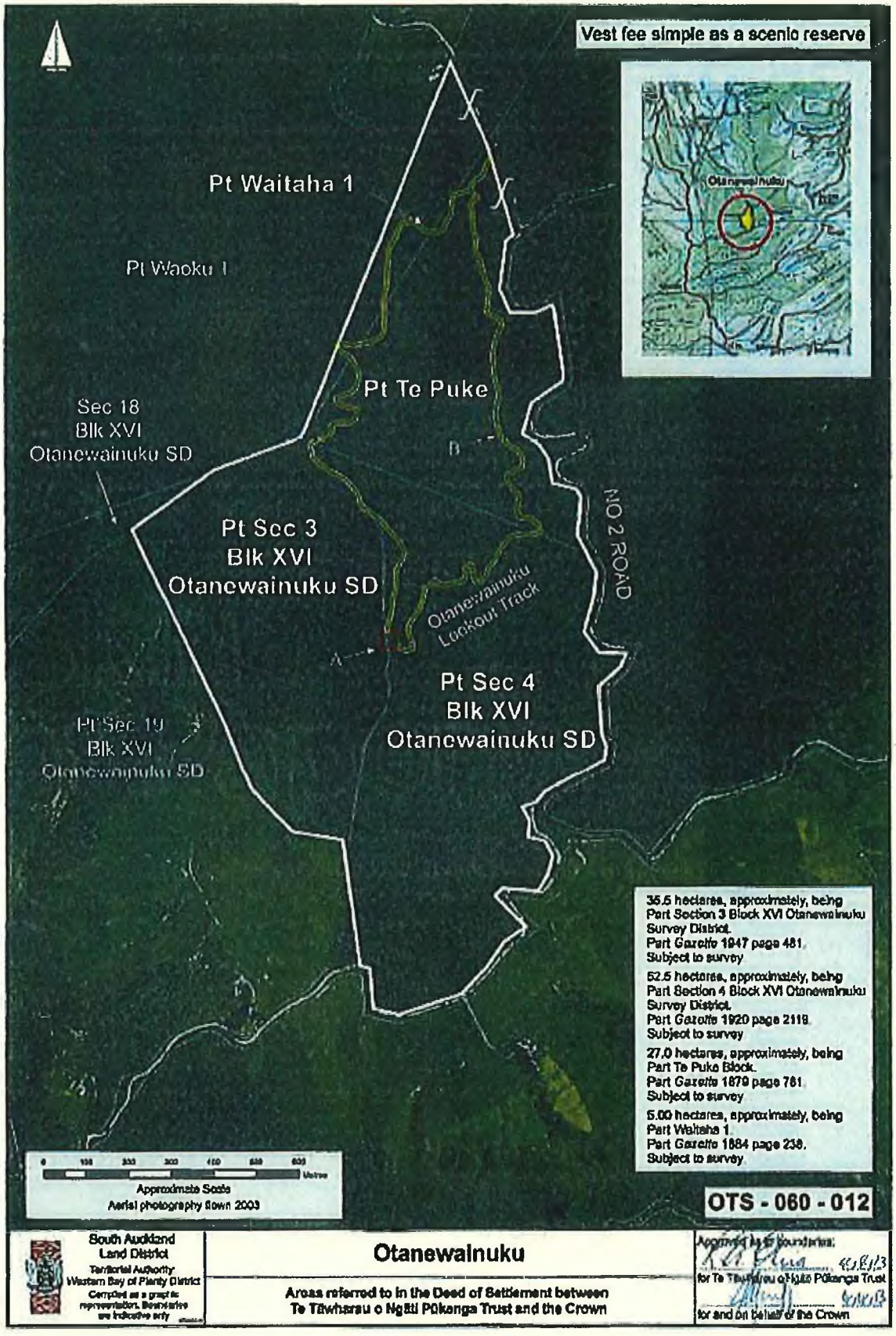

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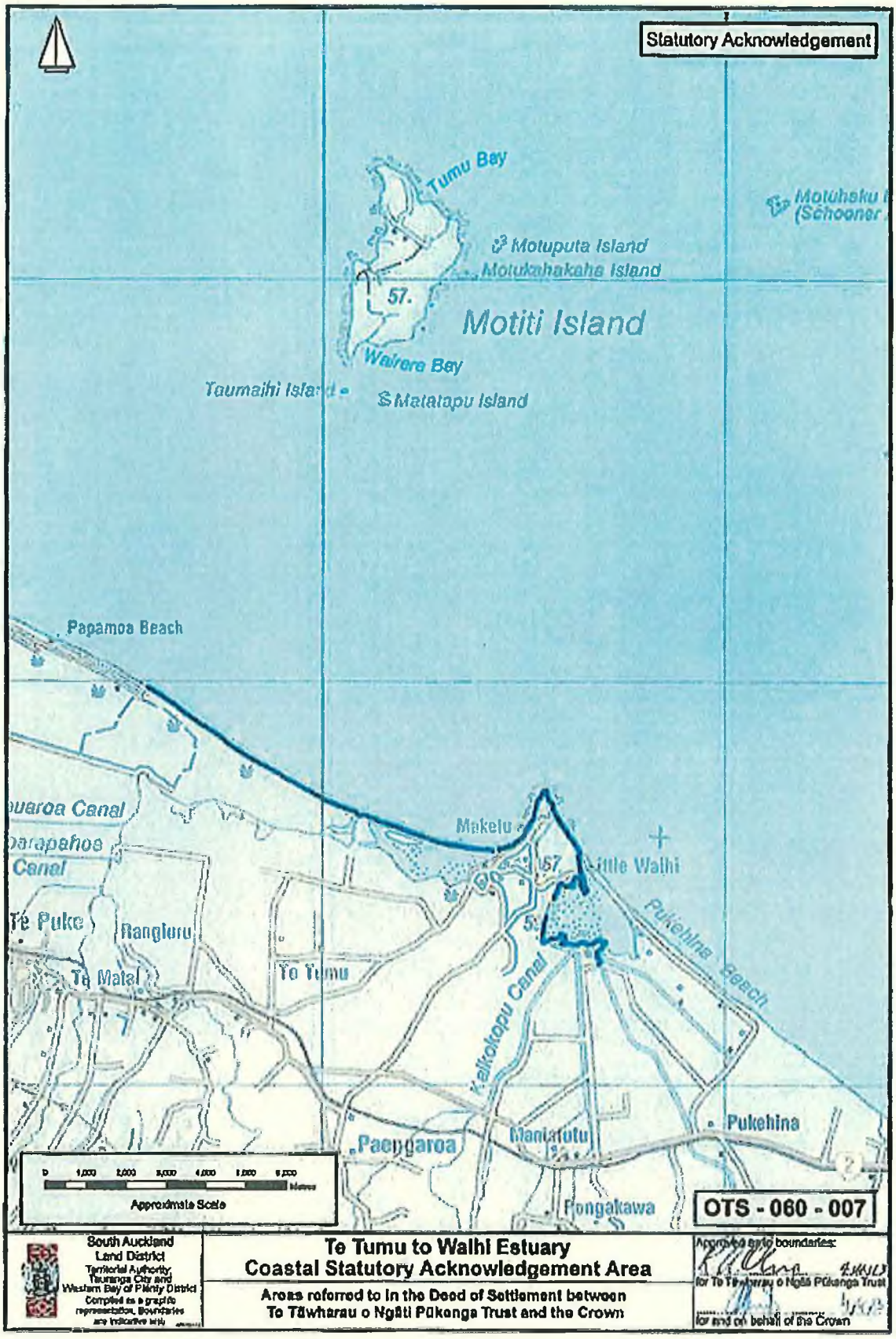

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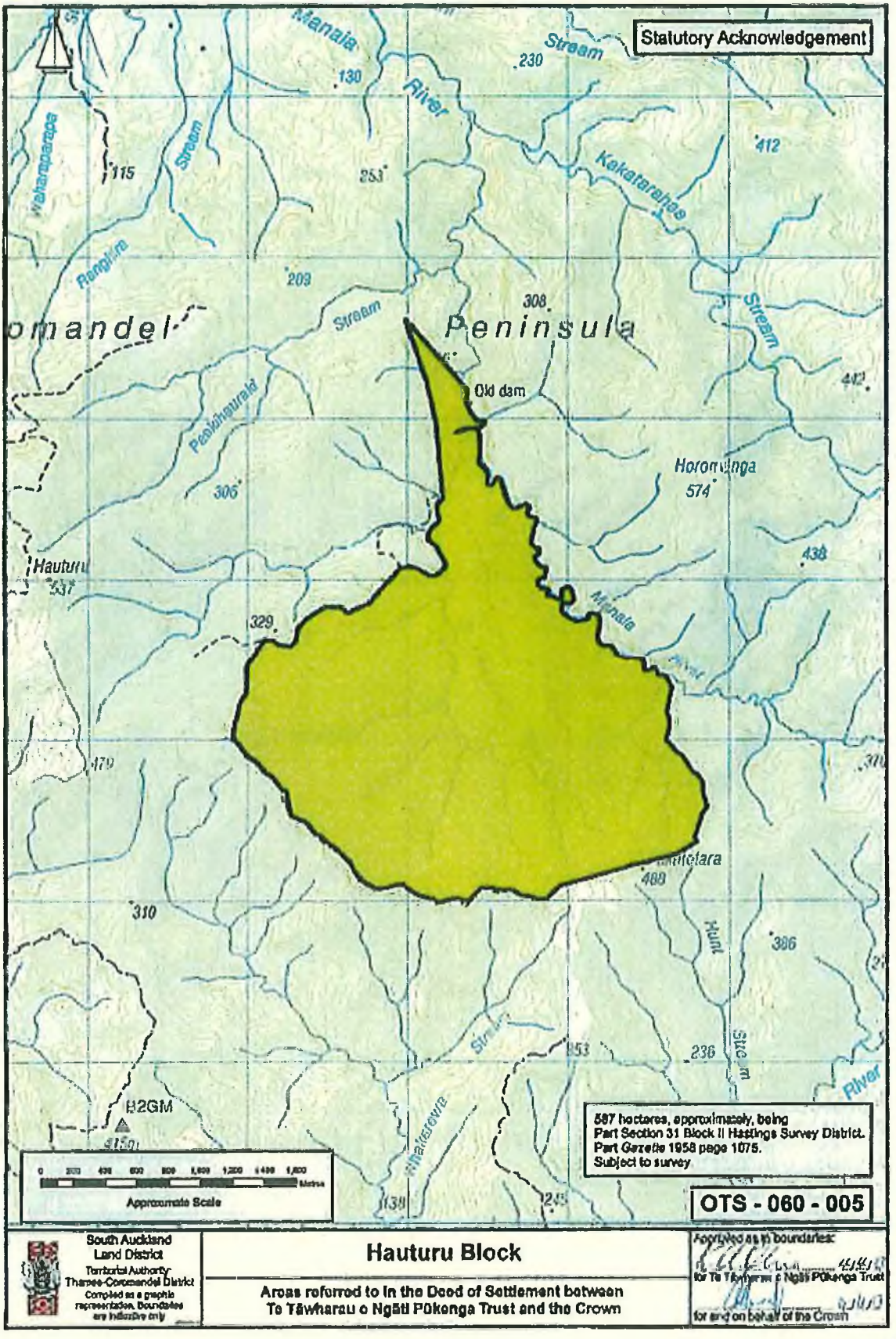

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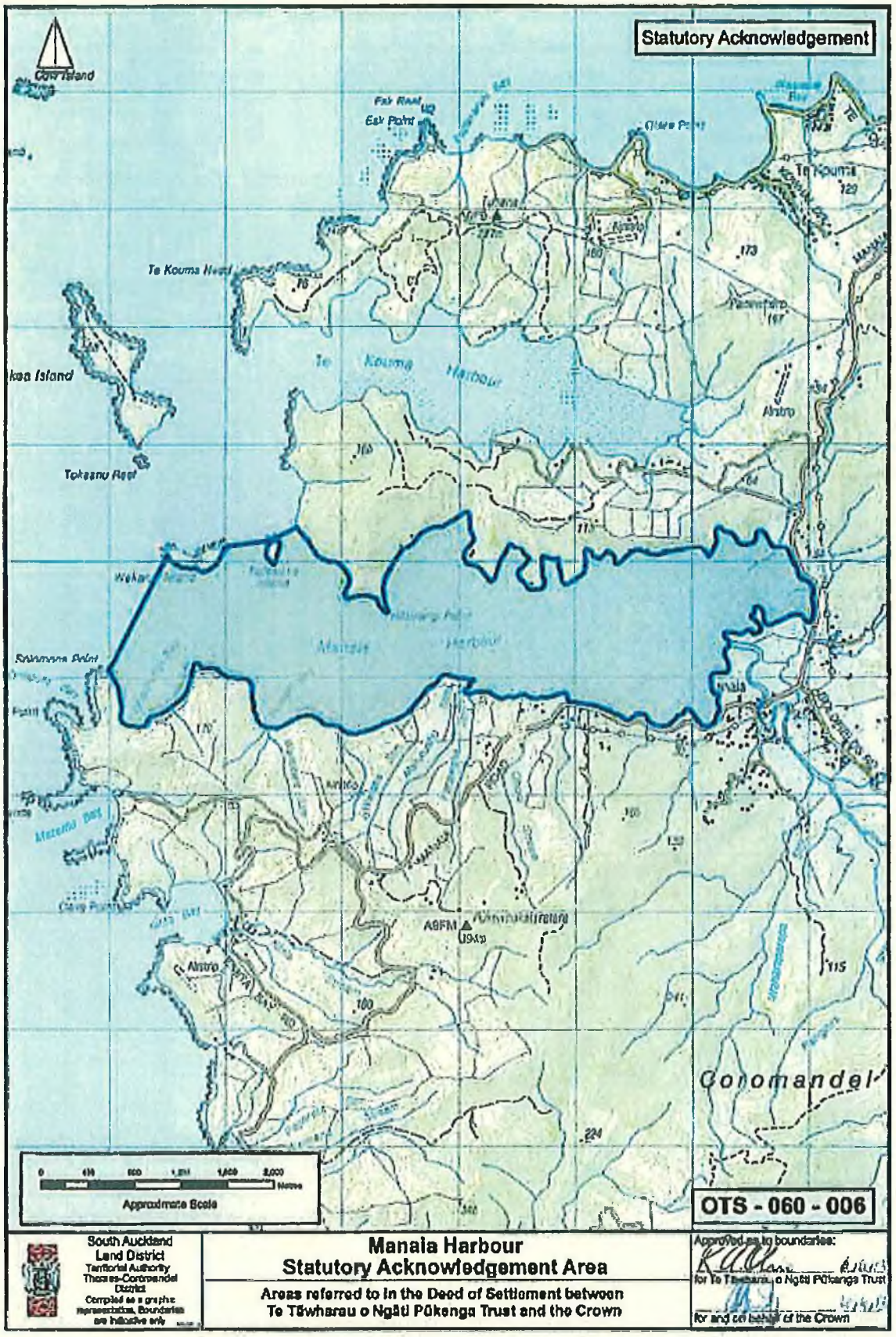

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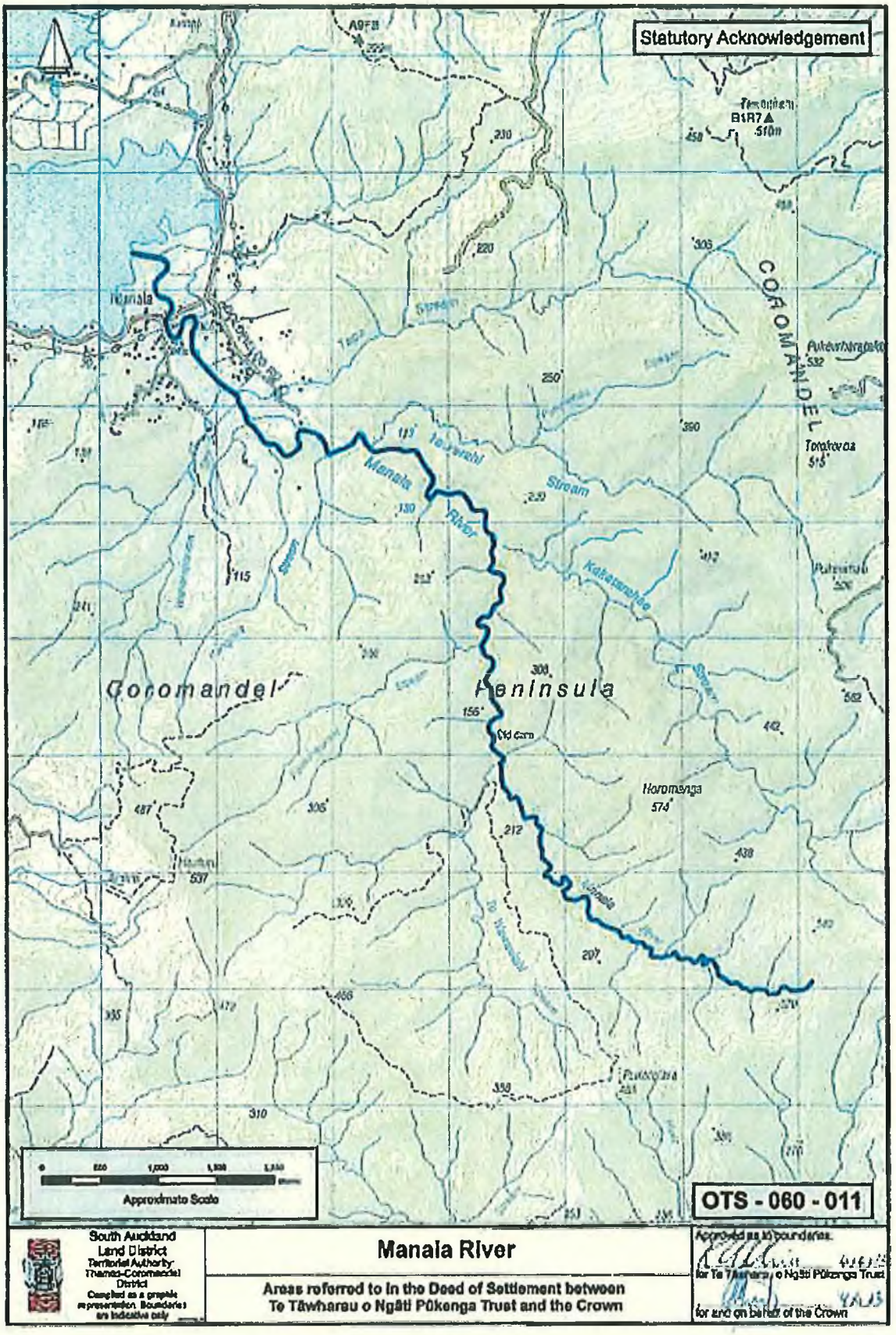


WHANGAREI DISTRICT COUNCIL

4.3 Service Delivery Review Update – Economic Development

Meeting: Planning and Development
Date of meeting: 19 October 2017
Reporting officer: Peter Gleeson – Economic Development Facilitator

1 Purpose

To provide an overview of the completed service delivery review for Economic Development activities.

2 Recommendation/s

That the Planning and Development Committee receive and note the report and opt to maintain the current joint resourcing arrangement Whangarei District Council has with Northland Inc that was implemented at the beginning of 2016.

3 Background

This was reported to the Planning and Development Committee in September; however, no decision was made and the item was left to lie on the table.

Section 17A of the LGA requires local authorities to periodically review the way they govern, fund and deliver their services. This means considering alternative ways of providing the service, analysing any of those options that could prove beneficial and providing a recommendation as an outcome of the review.

The four Northland councils have undertaken a joint review of their economic development activities, including tourism and destination marketing services. This review, undertaken by MartinJenkins, was done to ensure compliance with the requirements of section 17A of the Local Government Act 2002. The section 17A review must consider three elements: how a service is governed; how it is funded; and how it is delivered. The intention is that the recommendations from the review will inform the development of respective councils' Long Term Plans 2018-2028.

The final reports, both detailed and summary, have been circulated to each council. The summary report is attached in Appendix 1 and the full report is available upon request. While there are specific recommendations that each council can digest individually, the key question for councils collectively to consider is whether, as recommended, there's any appetite for councils to take a more collaborative approach to the provision of councils' economic development activities and services in Northland.

The report recommends that a jointly-owned Council Controlled Organisation (CCO) would be the most effective and efficient delivery model.

Should councils not wish to make such a significant move, the report suggests that Far North District Council and Kaipara District Council adopt a similar joint resourcing agreement to the arrangement that Whangarei District Council has implemented with Northland Inc.

4 Discussion

If Council feels there may be appetite for a jointly-owned CCO, then senior staff could be tasked to prepare further analysis of how this could best be progressed for further discussion.

4.1 Financial/budget considerations

Currently Whangarei District Council contribute a total of $105,000 per annum to Northland Inc economic development activities, including tourism and destination marketing services.

Should Council decide to progress to a CCO model the contribution required from Whangarei District Council could possibly increase. Northland Inc. is currently, largely funded by Northland Regional Council.

4.2 Policy and planning implications

If changes are to be made through the pending Long Term Plan (LTP) processes, then progress needs to be made in a timely fashion.

4.3 Options

There are two options to consider;

a) Maintain the current joint resourcing arrangement that Whangarei District Council has with Northland Inc that was implemented at the beginning of 2016.
b) Pursue a jointly-owned Council Controlled Organisation.

Council staff can investigate the pros and cons of each option to assist Councillors to reach a decision.

5 Significance and engagement

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via [report publication on the website, Council News, Facebook or any other channel you currently use to inform customers – please also advise Communications]

Where a matter is considered significant, or more extensive engagement is proposed (i.e. it falls within the consult to empower range of the spectrum), greater consideration will be required using the separate sub-headings 5.1 and 5.2. Any decision on a significant matter must be made by Council.

6 Attachments

1. Review of Economic Development Arrangements in Northland-Summary Report.
2. Review of Economic Development Arrangements in Northland-Final Report (available upon request – contact Pete Gleeson Peter.Gleeson@wdc.govt.nz).

MARTIN JENKINS

REVIEW OF ECONOMIC DEVELOPMENT ARRANGEMENTS IN NORTHLAND

Summary Report

for Local Authorities in Northland - Northland Regional Council, Far North District Council, Kaipara District Council, Whangārei District Council

July 2017

CONTENTS

Introduction

Northland Regional Council (NRC), Far North District Council (FDNC), Kaipara District Council (KDC) and Whangārei District Council (WDC) invest close to $6.5 million annually in economic development activities. These activities are either directly delivered by Councils or through Northland Inc, a Council-Controlled Organisation (CCO) of NRC.

The main types of activities being delivered are:

- Destination marketing and management (e.g., marketing campaigns and collateral, events facilitation)
- Business development and innovation support (e.g., business assessments, facilitation of capability and R&D funding)
- Sector development and investment support (e.g., cluster facilitation, impact assessments of major industry projects, sector profiles)
- Economic strategy support and economic intelligence.

The Councils commissioned MartinJenkins to undertake a review of economic development arrangements in the region. In particular, they wanted to understand:

- The role of local government in economic development in the region, based on an analysis of challenges and opportunities facing the Northland economy, rationales for local government activities in economic development, and legislative and central government expectations.
- Economic development activities, identifying strengths, weaknesses and any relevant gaps in the activities, based on:
  - the Councils' objectives, priorities and performance targets
  - identifying any overlaps and/or duplication across Councils' and Northland Inc's activities and with other relevant agencies
  - an assessment of the efficiency of current arrangements and the benefits of the activities versus costs
  - an assessment of the overall effectiveness of the current delivery models of the four Councils, including governance arrangements, funding arrangements and current economic development reporting and accountability mechanisms.
- Options for future economic development delivery arrangements, based on clear criteria, and recommendations for any changes in functions, form and funding.

What is working well?

1. A large number of activities are being delivered and services are reaching a large number of organisations and individuals

- Given the level of investment and resources going into economic development activities and what we have observed in other regions, in our view there is a relatively large number of services and initiatives being delivered in the region. For example:
  - Northland Inc facilitated over $350,000 of NZTE funding and over $1 million of Callaghan Innovation funding to local businesses over 2014/15 and 2015/16
  - More than 20 investors were hosted in the region in 2015/16
  - Support for the development of six new tourism products and experiences was provided through the Investment & Growth Reserve (IGR) over 2014/15 and 2015/16
  - A large range of events have been supported by the Far North and Whangārei District Councils annually
  - Support for the development of five industry good opportunities was provided through the IGR over 2014/15 and 2015/16.
- A large number of organisations and entrepreneurs are being reached through these services. For example, in 2015/16 Northland Inc had over 250 unique business interactions and made 57 mentor matches. 90,000 Northland visitor guides were produced and distributed. NorthlandNZ.com had close to 208,000 sessions and WhangereiNZ.com had close to 138,000 users and 375,000 page views in the same year.
- Organisations in all parts of the region are getting supported, for example, there were 24 active business engagements in the Far North, 45 engagements in Whangārei and 11 engagements in Kaipara in 2015/16. There were 16 mentor matches in the Far North, 30 in Whangārei and 11 in Kaipara in the same year. Tourism and sector development projects supported through the IGR were located in all parts of the region.

2. There are no major gaps in economic development services

Economic development activities delivered in Northland are consistent with other regions

- All regions of New Zealand support the provision of economic development services and activities (there are over 20 economic development entities and 30 regional tourism organisations in New Zealand). Depending on the regional context and priorities, economic development activities tend to span business development support, skills support, promotion of innovation, investment attraction and promotion, internationalisation support, industry development and major sectoral project support, destination promotion and events attraction, and district or community improvement.

- Economic development activities supported through the Councils and Northland Inc cover the spectrum of economic development services offered in most other regions. As with every other region, destination marketing and promotion (including events) and business development support are major areas of activity. Northland is more active in investment facilitation and sector development projects than several other regions, leveraging the NRC's Investment & Growth Reserve (IGR).
- Although Councils in Northland are active in district marketing, broader regional destination marketing and promotion currently has limited emphasis compared to other regions.

3. The right types of activities are being delivered

The vast majority of economic development activities are consistent with the identified opportunities and needs facing the region and are generally supported by evidence

- Research and consultation suggests that the major economic development challenges and opportunities facing Northland relate to:
  - Improving infrastructure & connectivity, particularly roading and UFB. Consistent with this, Northland Inc and Councils have developed the digital enablement plan for the region and been involved in advocating for and supporting roading and signage improvements.
  - Harnessing the potential of Māori land and capability. Several Maori/iwi economic development projects have been supported through the IGR.
  - Increasing the productivity and value generated by key sectors. Northland Inc facilitates industry coalitions and has, with NRC, supported IGR projects for a variety of sector projects.
  - Improving the quality of marketing and improving the visitor value proposition of the region through enhancing tourism products. Northland Inc supports this through promotional campaigns, the regional destination website, hosting media and trade personnel, and participating in tourism events. Territorial authorities support a range of district events, local information centres and local promotional campaigns.
  - Improving the capability and scale of local businesses. Northland Inc supports this through providing business information and referrals, facilitating business mentoring and its role as a regional partner for NZTE and Callaghan Innovation.
  - Improving the quality of information on the potential of the economy and key assets and advantages in order to attract and retain investment and talent. Northland Inc hosts investors, has developed an investment prospectus and facilitates feasibility studies and IGR applications for major investment projects. WDC works with Northland Inc to facilitate investment into the district.
  - Upgrading skills and connections between employers and potential employees. This is an area that has not been a focus for Northland Inc or Councils, although Councils have been involved in a few skills initiatives such as a skills attraction campaign and jobs initiatives.

There are clear rationales for Councils supporting the types of activities that are being delivered

- Councils and Northland Inc are appropriately focused on facilitation, information provision and addressing collective action issues, which are the types of activities where there are good arguments for local government involvement. Only the provision of funding directly to firms through the IGR could be regarded as potentially inconsistent with appropriate roles of local government, given that it is direct assistance, benefits are captured privately and there are other providers of such capital. However, each case depends on the extent of private versus public benefits associated with the investment and whether the investment is generating additional activity that otherwise would not occur.

4. In most cases, Northland Inc and Councils work together well and with other support organisations

- There is little overlap in economic development activities between Northland Inc and the Councils or between the Councils. Councils tend to be involved in activities closer to their core roles (e.g., supporting improvements in connectivity or the quality of the regulatory environment) or on district-focused activities such as local events and marketing and supporting community improvement initiatives. Northland Inc tends to focus on activities that are based on overcoming regional issues and taking up regional opportunities, such as supporting regional marketing and business capability improvement.
- There are several examples of joint work between Councils and between Councils and Northland Inc, for example:
  - The development of the regional response and submission for UFB2, RBI2 and mobile blackspot funding and the digital enablement plan
  - The development of the Twin Coast Cycleway and Twin Coast Discovery project
  - A range of sector and investment projects, for example, the assessment of the proposed Ngawha wood processing facility and facilitation of Hawaiki Cable.
- There are activities where Councils and Northland Inc are both operating, such as marketing, supporting tourism product, sector development and investment projects as these can have regional and district dimensions to them. However, the roles tend to be complementary rather than competing. For example, Northland Inc and WDC explicitly work together on the ‘landing pad’ investment promotion and facilitation initiative.
- Stakeholders consulted indicated that there were generally good working relationships between Northland Inc, Councils and other support providers in the region and that complementary business and economic development services are usually well coordinated.

5. It appears that businesses and industry value the activities that are delivered

There are high levels of client satisfaction with Northland Inc

- 89 percent of respondents to a Regional Business Partner survey said that their overall level of satisfaction with Northland Inc was good or better in the year ended June 2016. 92 percent of respondents said Northland Inc's information was good to excellent and 97 percent said the service and support they received helped their business.
- Several of the organisations interviewed for this review that interacted with Northland Inc were positive about the information and facilitation assistance provided, even if they had not received financial support.

There is a high level of co-investment (time and funding) in activities and projects, which signals that organisations are getting value out of economic development activities

- Several of the activities that are delivered require co-investment and most require a high level of organisation participation, for example:
  - Clients that access NZTE capability vouchers or Callaghan Innovation R&D funding also have to contribute their own funds to the project (often 50 percent of the total contribution, or more in the case of R&D grants) and generally reasonable time and staff resources (e.g., attendance at training, time spent on testing and refining a new product).
  - There is considerable co-investment in marketing initiatives. For example, 14 businesses attended the TRENZ event with Northland Inc in 2015, including 3 first-time companies that were incentivised by Northland Inc; businesses co-invested $155,000 in Northland Inc marketing collateral in 2016; and an international marketing group co-funded $32,500 towards an offshore trade marketing programme with Northland Inc.
  - All projects supported through the IGR involve co-funding feasibility studies, business cases and the implementation of projects.

6. Local government is adequately resourcing economic development in the region in total

- Council investment in economic development represented around 2.2 percent of total local government operating expenditure in the region in 2015. The investment was the equivalent of close to $39 of economic development spend per capita. This is slightly higher than the national average of 2.1 percent of local government operational spending and $26 per capita.

7. There is some evidence that broader impacts are being achieved and activities are making a genuine difference

- Some business development services appear to be making a difference, with 69 percent of Northland clients that had received Regional Business Partner support saying they had implemented business improvements or changes as a result. This was higher than the average result across New Zealand.
- Economic impact assessments of events supported by FNDC and WDC also indicate that major events are generating a good return on investment. For example, the Bay of Islands Ocean Swim series is estimated to have injected $2.4 million into the economy over 2014 to 2017; the Kainui Vineyard Concert had 12,000 visitors in 2016 with 50 percent from outside the Bay of Islands and the concert was estimated to add $650,000 to the Far North's GDP; the Whangārei Fritter Festival in 2016 attracted 5,300 attendees with 20 percent of these from outside the district and the economic impact was estimated to be $1.05 million; the FIFA U20 World Cup games in 2015 were estimated to result in new direct spend of $1.5 million into Whangārei.
- Organisations involved in industry coalitions said that the groups were delivering results beyond what would otherwise been achieved. For example, it was unlikely that the international education strategy proposal would have been developed without Northland Inc's advice and support. Several members of the food and beverage coalition would not have attended the Auckland Food show without Northland Inc support and feedback suggested that Northland Inc played an important role in facilitating the development of the Savour brand.
- IGR supported feasibility and business case reports have been used to influence decision-making, Moreover, the IGR process and funding has leveraged a significant amount of funding from external sources, including central government and the private sector. An additional $24.7 million has been invested in the projects on top of local government funding. $10.3 million of this is from central government, so has been new to the region.

8. Northland Inc is relatively efficient at delivering services

- Northland Inc's expenditure has increased steadily over the last three years by around 14 percent per annum. However, its level of outputs has also increased over the period and in several cases at a proportionally higher rate than the increase in funding (for example, the number of business engagements has increased by 36 percent per year; the number of IGR projects Northland Inc has facilitated has almost doubled over the three years; the number of industry coalitions facilitated has increased from 2 to 5 over the three years). There appears to have been no reduction in efficiency. In addition, Northland Inc's proportion of staff costs to total expenditure is about average compared to similar economic development agencies. Moreover, the level of visitor spending and visitor nights in the region is high relative to the level of local government investment in destination marketing activities.

What could be improved?

1. Economic strategy development and priority setting

There is limited buy-in to the Tai Tokerau Northland Economic Action Plan (TTNEAP)

- Ideally, there should be a high degree of consistency between the priority areas and desired outcomes of the Tai Tokerau Northland Growth Study/TTNEAP and He Tangata (the Tai Tokerau Māori Economic Development Strategy), and local government economic development priorities and outcomes as articulated in Northland Forward Together, Long-Term Plans (LTPs), district economic development plans and the Statement of Intent (SOI) and Business Plan of Northland Inc. However, overall there are relatively few areas of clearly consistent priorities and outcomes across all of these strategic documents, although Kaipara has faced other priorities in the last few years. No Councils have adopted the outcomes in TTNEAP.
- There are some areas of alignment between He Tangata, the Growth Study/TTNEAP and Council priorities. However, there are differences in the specification of the respective outcomes and goals and feedback indicated that areas of alignment were largely cosmetic rather than purposeful.
- There was consistent feedback provided that the Councils and other stakeholders do not really regard TTNEAP as a 'regional plan' and that they have not bought into all the outcomes and actions of the Plan. There were several views that TTNEAP does not really have a clear set of priorities and instead has included a 'laundry list' of every conceivable action. In addition, there are views that TTNEAP was driven by central government and that there was limited regional engagement beyond the core group of agencies involved in developing TTNEAP (e.g., Central government, Council and Northland Inc representatives). Similarly, discussions with Māori groups indicated that the process by which TTNEAP was developed did not involve sufficient engagement with Māori and hence there is not genuine alignment between TTNEAP and He Tangata.

There is limited communication and engagement between Councils and Northland Inc on priorities

- Ideally, economic development priorities should translate from economic strategies and Council plans to Northland Inc investment decisions and actions via a combination of discussions between the Councils and Northland Inc, an NRC Letter of Expectation (LOE) with Northland Inc, other Council funding agreements with Northland Inc, and Northland Inc's Statement of Intent and Business Plan as shaped by these discussions and expectations. In addition, priorities should also be informed by input and feedback from other key economic development partners and stakeholders in the region, such as Māori/iwi organisations, industry groups, infrastructure companies, educational institutions etc.
- Interviews have indicated that there is good engagement between Northland Inc and NRC in considering activities for the year ahead as part of the SOI process. However, it is not apparent that this results in any changes in prioritisation. Northland Inc currently has too many objectives and spreads its resources over a large number of activities to achieve all of the objectives.

Northland Inc also presents its intended priorities and activities to the WDC Council and has done so with the NRC Māori Advisory Committee. However, in these cases we heard that this is more of a presentation than a discussion where genuine input can be provided and debate had, which reflects the nature of formal Council meetings. Northland Inc has not been able to engage with the other Councils in a meaningful way.

- There is no formal process of engagement with other economic development partners and stakeholders when setting Northland Inc priorities. Northland Inc previously developed an MOU with Iwi Chief Executives to provide support for He Tangata, but this did not progress.

2. Service mix and reach

- There are some areas where the current level of emphasis does not appear to be sufficient based on identified opportunities, comparisons with other regions and stakeholder feedback:
  - **Regional destination marketing**. A major economic opportunity identified through research and the Tai Tokerau Northland Growth Study was the need for improved destination marketing activities but it does not appear that there is sufficient resources going into that area at a regional level. There are also differences in views about whether Northland Inc, Councils or local promotion organisations are best placed to deliver domestic-focused destination marketing activities.
  - **Regional events.** Several stakeholders suggested that major events could benefit from regional leadership and coordination. They suggested that there were current events that could be of regional significance if they were better promoted and coordinated with other activities. Northland does not have a visitor or events strategy or plan, which is common to many other regions.
  - **Māori/iwi economic development.** Stakeholders noted that Māori/iwi are increasingly playing an important role in shaping the economic growth of the region. Some questioned whether sufficient work was being undertaken with iwi organisations or Māori businesses to support the development of their capability and growth. It was considered by some that opportunities are being missed to connect Māori businesses with networks and resources. Although Northland Inc has made a genuine effort to support Māori economic development through a dedicated advisor and IGR projects, it is time to refresh this approach.
  - **Industry development.** Representatives from some primary sectors indicated that, at times, Northland Inc did not support industry initiatives that were underway and that they thought this was because staff in the organisation did not have a good understanding of the sector. Some also thought that Northland Inc could do more to work with existing industry groups and seek their advice on potential projects.
- Whangārei has been receiving a relatively high level of business development outputs, with the Far North receiving a relatively low level of outputs on the basis of their business population and Kaipara receiving a mixed level of services across different activities. However, there are variations in reach from year to year. It has been difficult for Northland Inc to ensure reach of some services, such as business development and investment facilitation activities, into parts of

the region because of the distances and travel time required to reach businesses beyond the Whangārei district.

3. Destination marketing and management activities

- There are some mixed results on the effectiveness of destination marketing activities. Neither Northland Inc nor WDC have been meeting their website traffic targets. Whangārei's branding is not always meaningful for visitors. Although Northland's domestic visitor expenditure had been growing at a reasonable rate, the region is not performing as well on international visitor expenditure. On the positive side, industry representatives are contributing resources to both regional and district marketing activities. However, some operators in the Far North do not regard regional marketing as being effective for the Bay of Islands.
- The region's regional marketing spend is well below the national average. The region invests around $7 per rateable property, $4 per capita and $0.35 per guest night in regional destination marketing and promotion, compared to an average of $25 per ratepayer, $11 per capita and $1.19 per guest night across all RTOs.
- There is considerably more investment going into district marketing than regional marketing although it is not apparent that the returns for this marketing activity are better than regional marketing. National evidence suggests that destination marketing tends to provide a positive return on investment by improving the awareness of the region with potential visitors and reinforcing decisions to travel to the region, i.e., it encourages new visitors to the region. However, some elements of district marketing are geared to attracting visitors and spend from other parts of the region rather than generating new spend for the region.

4. Investment and Growth Reserve

- There are several issues with the processes involved in developing and assessing applications for the IGR:
  - The quality of the cases has been variable. In several cases the broader benefits and impacts are not well articulated, particularly in relation to commercial investments.
  - In all cases, there has not been a strong argument made for the local government funding contribution. The arguments are generally that the projects will be good for the communities and generate jobs but the reasons why local government should contribute funding for these benefits relative to other parties (and the levels of funding sought) are not well made.
  - There has not been a prioritisation of the projects – they have been assessed and considered for local government support as they have developed. It's not clear that all of the projects are the most important for the region and how they fit within regional economic development priorities.
  - The transaction costs involved in approving relatively small amounts of IGR funding for feasibility studies and business cases are too high as both the Northland Inc Board and the Northland Regional Council assess all applications.

- In some cases there have been very long timeframes involved between an initial discussion about a project and a final decision on an application. Several stakeholders noted that they did not understand the process or the documentation requirements of the IGR.
- There is limited funding available to meet the current pipeline of projects. It is highly likely that, even with improved prioritisation, future requests for funding will exceed the annual allocation each year, with the consequence that the balance of the fund will reduce over time and no new projects will be able to be funded.

5. Assessing and reporting on the impact of economic development activities

- As is common across regions in New Zealand, there is limited information on the impact of economic development activities with the exceptions of some forms of business development support and major events. There has not been any formal evaluation of Northland Inc's services beyond the national programmes it facilitates in the region. Because of the limited and mixed evidence available about outcomes, it is difficult to suggest that the benefits of all activities exceed their costs or, conversely, that there are obvious areas of economic development activities that are not effective and that should be discontinued.
- Economic development performance indicators used by Councils and Northland Inc are of mixed use for performance measurement or resource decisions. Measures are either focused on outputs or long-term outcomes that are difficult for organisations to influence in any one year and tend to be limited in scope. There are few 'intermediate outcome' measures which are more directly attributable to the activities. Some current indicators may incentivise the wrong types of behaviours by encouraging a focus on achieving a quantity of outputs rather than quality.

How should the current model be improved?

- Based on an assessment of the identified areas for improvement, consideration of services that should be delivered together and functions that should be in-house versus independent of Council, feasible options for improving the delivery of economic development activities in the region are:

- The Status Quo
- Enhanced Status Quo – this would mean that Northland Inc would remain a CCO of NRC, but that: a) additional mechanisms would be adopted to ensure more effective engagement and communication between Northland Inc, Councils and other economic development partners; and b) Northland Inc would extend its delivery into the Far North, for example, by having representation based in FNDC and/or a co-funded resource with FNDC.
- Refocusing Northland Inc. This would involve transferring some of Northland Inc's current activities to Councils such as the portfolio management role for TTNEAP and IGR applications associated with major strategic projects.
- Leveraging other providers. This would involve changing Northland Inc from a CCO to an independent organisation and for Councils to contract with Northland Inc and potentially other organisations (e.g., Chambers) for economic development services.
- Extended Regional Model. This would involve converting Northland Inc from a NRC CCO to a jointly owned CCO, with all Councils in the region taking an ownership and governance role in Northland Inc and jointly contributing funding to Northland Inc. This would also involve Northland Inc extending its presence in different districts through having satellite offices or joint staff with the respective Council.

- The pros and cons of these options were assessed against a range of criteria, including practicality, representation and responsiveness, effectiveness, costs, accountability, and ability to leverage the resources of others.

1. Improving the current delivery arrangements and service mix

- Overall, our assessment is that the that the best approach for enhancing the existing model is:
  - For Northland Inc to become a jointly-owned CCO, with joint shareholding across the four Councils and a joint committee to provide direction and oversee Northland Inc's performance and resourcing.
  - To extend the delivery of Northland Inc into each district through a hub and spoke delivery model, for example by having representation and joint resourcing arrangements in each district with the district Councils and potentially the Bay of Islands Marketing Group and/or other promotion groups.
  - To increase Northland Inc's destination marketing activity relative to other economic development activities. The increase in activity should include the introduction of a regional events facilitation and marketing role.
    - At a minimum, the current three-year IGR allocation for regional tourism promotions that Northland Inc is receiving should be added to their baseline. However, Northland Inc and NRC should also consider opportunities for reallocating funding from other activities. There is also likely to be opportunities to obtain leverage from district marketing and event activities through Northland Inc extending its services into the districts.

- To ensure that Northland Inc and Council destination marketing and management activities (including events) are focused on the right priorities and opportunities over the long-term, Northland Inc and the Councils should work with partners and stakeholders to develop a regional visitor and events strategy and plan for the region.

– To improve engagement between Northland Inc & Councils and Māori/iwi organisations on economic development priorities and services. The model provides for the potential to increase the level of engagement with Māori through a joint resourcing approach with the Iwi Chief Executive's collective or other Māori/iwi organisations.

2. Enhancing communication and engagement between the Councils and Councils and Northland Inc

- The current model can also be enhanced by improving Council and Northland Inc engagement in setting priorities and assessing and communicating the impacts/outcomes of activities, including:
  – Workshop sessions between Northland Inc and the Joint Committee of Councils to discuss key developments during the year (up to twice per year).
  – An annual strategy session involving representative Councillors, the Chief Executive and senior management of Councils, and Northland Inc's Board, Chief Executive and senior management. Representatives from major industry, support and iwi organisations should also be invited to the annual strategy session.
  – Regular meetings between the Chief Executives of the Councils and Chief Executive of Northland Inc (e.g., quarterly).
  – Improved reporting by Northland Inc and Councils on economic development activities.

3. Improving Northland Inc and Council reporting on economic development

- Assessing the benefits of economic development activities can be improved by more clearly identifying the linkages between outputs, immediate impacts and short-medium term outcomes and capturing better feedback from business and industry clients about their views on the changes that have resulted from activities. This can be articulated in an agreed output and outcome framework that sets out an intervention logic about how the range of activities delivered Councils and Northland Inc contributes to desired outcomes. This will also provide a framework for monitoring progress towards outcomes and the basis for Councils to develop a monitoring and evaluation plan, which should include a formal evaluation of Northland Inc's activities at an appropriate time (e.g., by 2020).

4. Improving the operation of the Investment & Growth Reserve

- The operation of the IGR can be improved by:
  – Focusing the fund on feasibility studies, business cases and impact investments, as the economic development rationales and benefits from commercial projects are limited.

- Introducing guidelines and templates for feasibility studies and businesses cases to ensure that additional and wider economic benefits are clearly assessed and specified.
- Prioritising the pipeline of projects to focus on those with the greatest potential impact and public benefits, aligned with regional economic development priorities.
- Enabling the Northland Inc Board to make decisions on feasibility and business case applications, up to an agreed maximum (e.g., $100,000), with NRC officials' providing advice as part of the process.

5. Improving TTNEAP and its support arrangements

TTNEAP and its support arrangements can be improved by:

- Revamping TTNEAP to become a regional economic development strategy and plan, with agreed priority areas, goals and outcomes and which is aligned with Northland Forward Together, He Tangata, Council Plans and Northland Inc priorities. The aim should be for the strategy and plan to more aspirational about the future of the region and to provide greater direction about how economic development activities will support this future.
- Revamping the TTNEAP Advisory Group so that it provides direction and decision-making on priorities and involves a genuine partnership between local government, Māori/iwi, the business community and central government.
- Ensuring engagement with the region to discuss and update the priorities and Plan annually, for example, through holding workshops between Councils, Northland Inc, business leaders, Māori/iwi leaders and other major economic development partners.

What are the benefits and costs?

Key benefits associated with the recommended changes include:

- Greater alignment of economic development priorities and outcomes across Council/s and Northland Inc and hence better opportunity to leverage the resources of all to achieve common goals.
- Relatively little disruption to Northland Inc or Council operations and delivery as a result of implementing changes.
- Reduced compliance costs for Northland in reporting to different Councils.
- Improved measurement of economic development activity performance and impacts and subsequently a better ability to make appropriate changes to resource and investment decisions.
- Increased flexibility/agility by being able to make decisions about changes to activities across Councils and Northland Inc through the joint committee structure, which would have previously necessitated a reliance on a larger number of decision-making mechanisms across Councils.

- Increased opportunity to identify efficiencies in delivering activities across all Councils and Northland Inc as a result of increased engagement.

Key costs and risks associated with the recommended arrangements include:

- An increase in Council staff and Councillor time required to develop and agree on: priorities with Northland Inc; the Shareholders Agreement; the Joint Committee role and structure; and the outcome and output framework. Some Councils (e.g., KDC and FNDC) will now be expected to participate in additional meetings and workshops with Northland Inc.
- An increase in Northland Inc staff and Board time required to help develop the outcome and output framework, improve reporting and participate in workshops with the Councils. This may divert resources away from delivery.
- Time and costs associated with public consultation on the changes to the CCO arrangements. This can be minimised by utilising existing consultation processes, such as those associated with the update of the LTPs and Annual Plans.
- Costs involved in extending Northland Inc's services into districts (e.g., set-up costs, coordination costs) although some costs could be minimised by sharing overheads with others.
- A risk that Councils will attempt to influence operational rather than strategic matters through the new engagement/communication mechanisms.

In our view these costs and risks are manageable and will not outweigh the benefits of the proposed arrangements.

Recommendations

We recommend that:

Strategy and priority setting

- The Councils and Northland Inc work with Māori/iwi, central government, key industry and economic support organisation representatives to develop a regional economic strategy and plan that sets the goals and priorities for economic development in the region.
  - This should effectively be a revamp of TTNEAP and should aim to align Northland Forward Together, He Tangata, Council Plan and Northland Inc priorities.
  - The process needs to involve engagement with businesses and communities across the region.
  - The process should be led by a revamped TTNEAP Advisory Group which involves a genuine partnership between and representation from local government, Māori/iwi, the business community and central government.
- District-level economic plans and activity-specific strategies (e.g., the proposed visitor and events strategy) need to be aligned with the regional strategy and plan over time.

- Northland Inc should become a jointly owned-CCO, with joint shareholding across the four Councils and a joint committee to provide direction and oversee Northland Inc's performance and resourcing.
- Councils and Northland Inc should adopt a broader range of mechanisms to discuss and agree on Northland Inc's objectives and priorities each year, including an annual strategic workshop with economic development partners and stakeholders, workshops between Northland Inc and the Joint Committee of Councils, and a Letter of Expectations that sets out combined Council expectations about outputs, outcomes, performance measurement and reporting.

Opportunities for improving the service mix and reach

- Northland Inc should extend its delivery across districts through a hub and spoke delivery model, for example, by having representation and joint resourcing arrangements with the district Councils and potentially the Bay of Islands Marketing Group and/or other promotion groups.
- Northland Inc and Councils should extend the delivery of economic development activities to Māori/iwi organisations and discuss the potential for a joint servicing arrangement with Iwi Chief Executives and/or other Māori organisations.
- Resourcing and delivery of regional destination marketing should be increased relative to other forms of regional economic development activity.
  - The expansion of activity should include major regional events facilitation and marketing.
  - The current three-year regional promotion budget funded through the IGR should be added to Northland Inc's baseline.
  - Northland Inc should work with NRC to identify potential areas for reallocating funding from other activities.
- A regional visitor and events strategy should be developed to help prioritise tourism product development, coordinate district and regional marketing efforts, determine how to create better leverage from events, and to identify appropriate levels and sources of funding for destination marketing and management activity in the region over the long-term.
- The IGR should be refocused to support impact investments (and associated feasibility studies and business cases) and the pipeline should be prioritised to focus on those with the greatest potential impact, aligned with regional economic development priorities
  - Guidelines and templates for feasibility studies and business cases should be introduced to ensure that additional and wider economic benefits are clearly assessed and specified.

Opportunities for getting greater value from economic development investment

- NRC should discuss appropriate levels of funding support for Northland Inc from the other Councils as part of the process for implementing the joint CCO arrangement.

  - There will be a stronger basis for these discussions once there are agreed economic development priorities across the Councils. In the first instance, we recommend that FNDC and KDC consider adopting a joint Council-Northland Inc resourcing arrangement similar to the arrangement that WDC has implemented.

- Councils should assess the costs and benefits of introducing a differential rate or other charging arrangements for destination marketing activities as part of the development of the visitor and events strategy, including whether and how such mechanisms could be implemented.

Assessing and reporting on activities and impacts

- The Councils and Northland Inc should develop an output and outcome framework that sets out the intervention logic between the resources being used for economic development, the activities being delivered and outputs, and the desired short, medium and longer-term outcomes.
- Councils and Northland Inc should develop and adopt a monitoring and evaluation plan, which should specify how performance information will be collected, to consistently measure and report on economic development activities. This should include a formal evaluation of activities at an appropriate time (e.g., in 2020).

WHANGAREI DISTRICT COUNCIL

4.4 New Road Name – Resource Consents

Meeting: Planning and Development
Date of meeting: 19 October 2017
Reporting officer: Keryn Ryan – Team Leader Support (RMA Consents)

1 Purpose

To name a private right of way in the Whangarei District.

2 Recommendation

That the Planning and Development Committee approve the new private right of way off Great North Road to be named Layby Lane.

3 Background

A road naming application by Rose Cottage Rotorua Ltd has been received on 29 August 2017, for a private right of way off Great North Rd, Springs Flat.

4 Discussion

The private right of way name has been considered in accordance with Council Road Naming Policy.

5 Significance and engagement

Having considered the significance and Engagement Policy this proposal and decision is not considered significant and the public will be informed via agenda publication on the website.

6 Attachments

1. Application for the naming of a new road
2. Location Map – Rose Cottage Rotorua Ltd.

Private Bag 9023 | Whangarei 0148 | New Zealand
T: 09 430 4200 | 0800 WDC INFO | 0800 932 463 | F: 09 438 7632
W: www.wdc.govt.nz | E: mailroom@wdc.govt.nz

Application for the naming of a new private right of way.

Subdivision at Springs Flat, Kamo.

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Private ROW	Layby Lane	In reference to the side of the road nearby which is used by vehicles as a layby.	Accepted	N/A
	Waituna Lane	In reference to Water eels.	Accepted	Yes
	Matariki Lane	In reference to the stars.	Accepted	Yes

Consultation

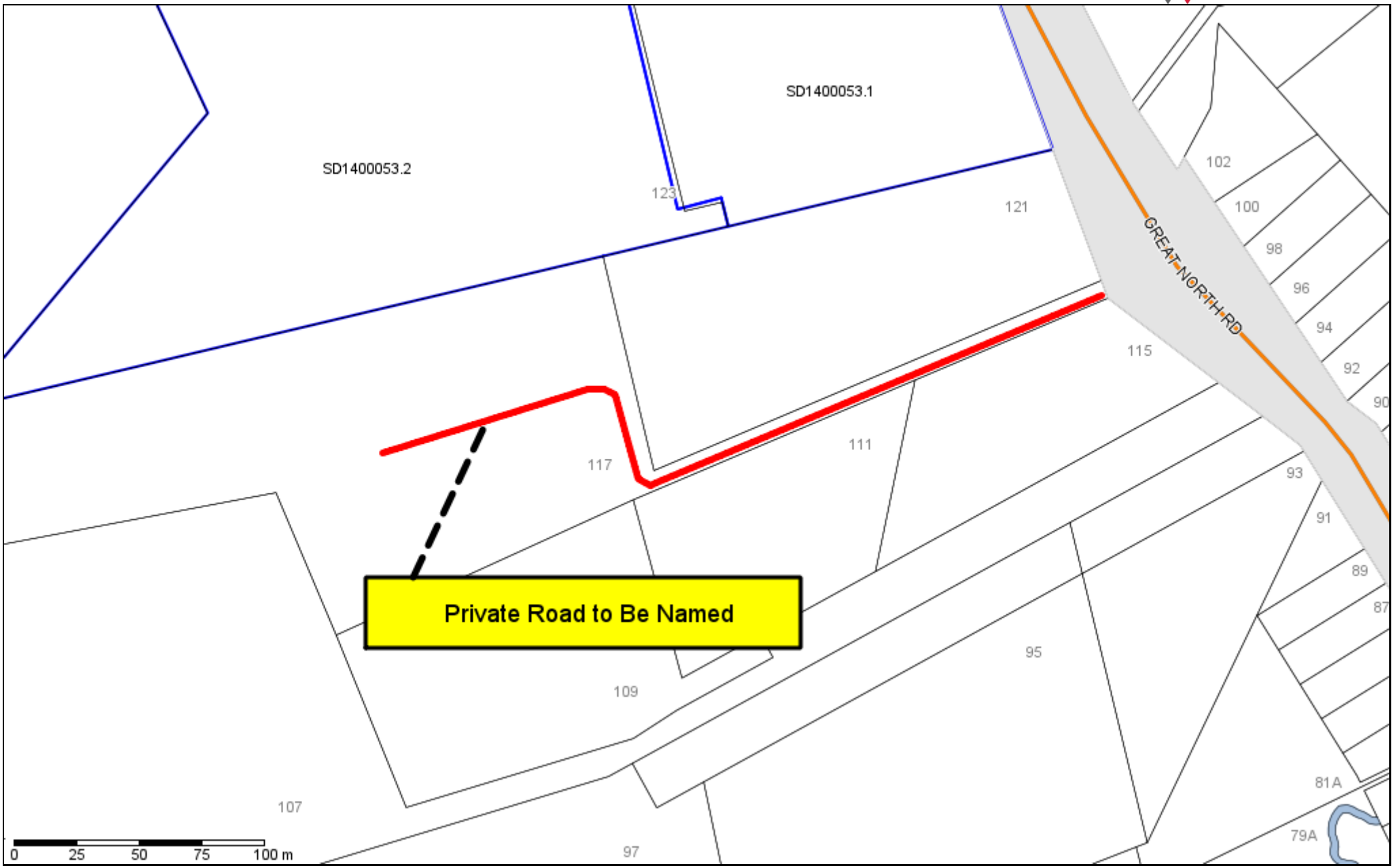
No consultation has been undertaken with neighbouring properties, as they do not have access over the right of way, and as such are not affected.

Recommendation

That the new private right of way off Great North Rd be named Layby Lane.

Document References

Location Map.



SD1500041 | Private Road to Be Named | 19 October 2017

Rose Cottage Rotorua Ltd | Council Meeting

WHANGAREI DISTRICT COUNCIL

5.1 Catchment Management Plans

Meeting: Planning and Development Committee
Date of meeting: 19 October 2017
Reporting officer: Joanna Wilson, Strategic Planner

1 Purpose

To update Council on the Catchment Management Plans for Mangere and Whangarei Harbour.

2 Recommendation/s

That the Planning and Development Committee notes the update on the Mangere and Whangarei Harbour Management Plans.

3 Background

There are five priority catchment groups in Northland:

- Mangere
- Waitangi
- Doubtless Bay
- Whangarei Harbour
- Pouto.

The catchment groups were established by Northland Regional Council (NRC). Their goal is to work collaboratively to make consensus recommendations about improving water management in each catchment. The groups are made up of representatives from the community, tangata whenua and industry stakeholders. Each of these catchment groups have been developing management plans for their catchments.

Councillor Cutforth is the Whangarei District Council (WDC) representative on the Whangarei Harbour Catchment Group. Deputy Mayor Councillor Morgan is the WDC representative on the Mangere Catchment Group.

4 Discussion

Recently the Whangarei Harbour and Mangere groups finalised their catchment plans. These plans were adopted by NRC on 30 August 2017.

The Mangere Catchment Group and the Whangarei Harbour Catchment Group have recommended several non-regulatory actions and rules to improve water quality in these catchments. The rules will be incorporated into the NRC Regional Plan.

The catchment groups are moving into the implementation phase for the non-regulatory actions. While the majority of the recommendations do not require significant input or change of practice for Whangarei District Council, there are a number of recommendations specifically linked to stormwater management and green infrastructure within the Whangarei Harbour Catchment that will require additional resourcing to achieve. These can be found on pages 38 and 39 of the Whangarei Harbour Catchment Management Plan.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy.

6 Attachments

1. Mangere Catchment Management Plan
2. Whangarei Harbour Catchment Management Plan

WAIORA NORTHLAND WATER

Mangere Catchment Management Plan

August 2017

Northland REGIONAL COUNCIL

Contents

Introduction

The purpose of the Mangere Catchment Plan is to identify desired community solutions to issues/problems that are impacting on waterbody uses and values in the Mangere catchment.

A draft Mangere Catchment Plan was developed by a collaborative stakeholder group supported by Northland Regional Council and made up of members representing a range of parties with an interest in freshwater in the Mangere catchment. The Mangere Catchment Group identified catchment values, issues that impact on those values, and their objectives for improving their catchment. Both regulatory and non-regulatory methods were considered to implement the objectives sought.

The draft Mangere Catchment Plan was released for consultation with the wider public. The Mangere Catchment Group is appreciative of the time taken by the public to provide feedback on both the substance and format of the catchment plan. The feedback has been taken into consideration in revision of the catchment plan. The Mangere Catchment Plan should be read together with the Proposed Regional Plan. The Proposed Regional Plan sets out the region-wide objectives, policies and regulatory rules for fresh and coastal water management (among other things), while the Mangere Catchment Plan provides a catchment specific approach using both regulatory (rules) and non-regulatory methods. Once finalised, the regulatory methods in the catchment plan will be included in a section of the Proposed Regional Plan specific to Mangere. Once notified both the Proposed Regional Plan and Mangere specific provisions will be subject to the submission, hearings, council decisions and appeals process under the Resource Management Act 1991.

Catchment overview

The Mangere catchment has an area of approximately 81km^2 (8100 hectares) and is located immediately west of Whangārei. The catchment has four larger sub-catchments – the Waipui, Patuwairua, Mangapiu, and Mangere stream catchments which drain into the Mangere River.

The Mangere River drains via the Wairua River and Northern Wairoa River to the Kaipara Harbour on Northland's west coast. The Wairua and Northern Wairoa rivers have a high demand for water extraction. Some of the eastern arms of the Kaipara Harbour have experienced high rates of sediment deposition on beds and beaches which has altered the shellfish species present, food gathering opportunities and recreational use.

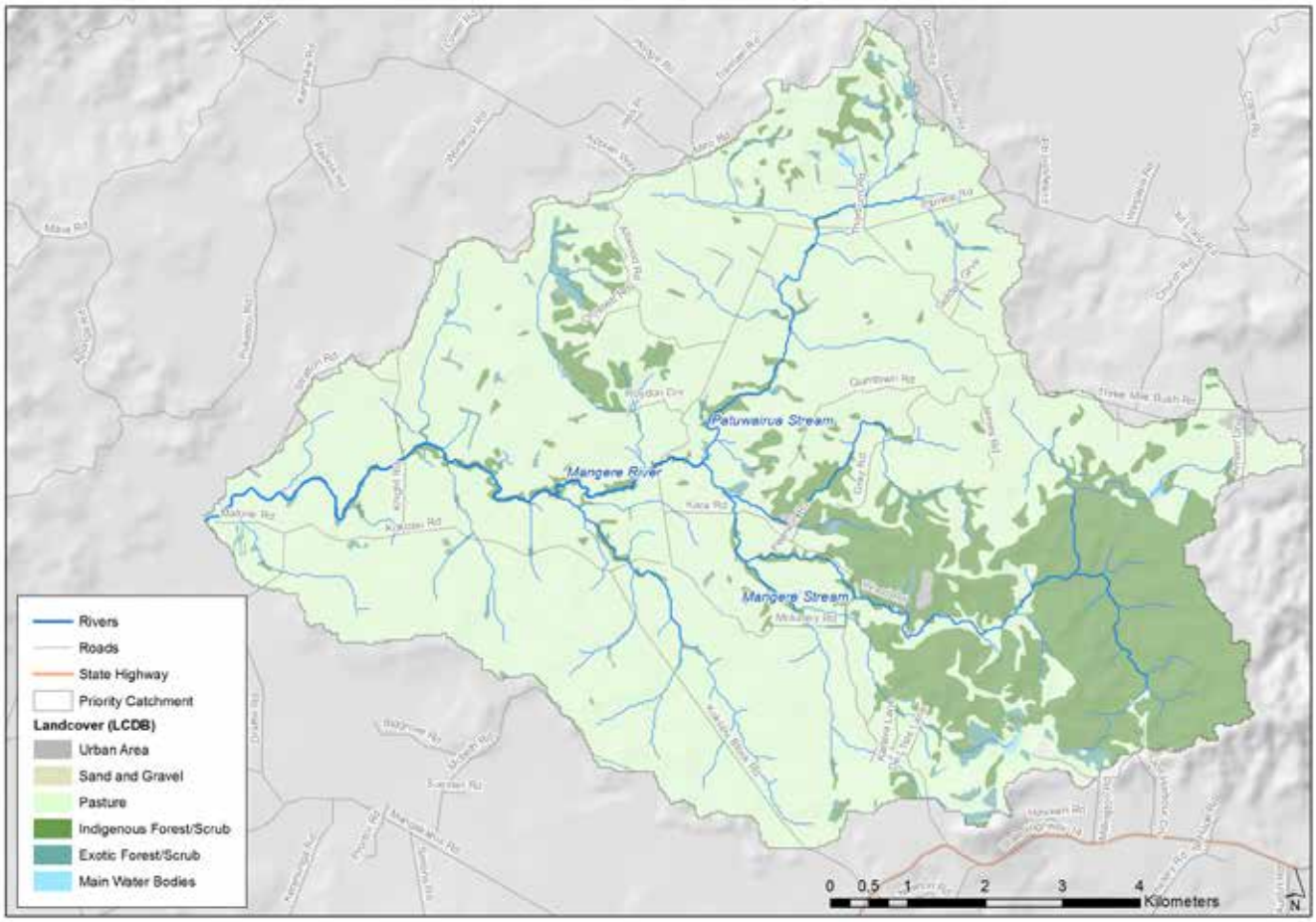


Figure 1: Mangere catchment and land cover

Catchment topography and land use

Land use/cover is predominantly pastoral farming (77%) and indigenous forest (23%) – see Figure 1. The catchment topography is a mixture of hill-country with a slope over 15 degrees (41% of the catchment) and lowlands under 15 degrees of slope (59% of the catchment) – see Figure 2. Hill-country topography is generally more prone to hill-slope erosion. Larger river reaches in lowland topography are generally more prone to streambank erosion. Types and rates of erosion also depend on the underlying geology and soils as well as overlying land use/cover and are discussed in the following chapter.

Indigenous forests occur predominantly on hill-country with a large area within the Pukenui Forest. Along the Mangere River, Mangere Stream and Patuwairua Stream is one of the largest remnant riparian indigenous forests (167 hectares) in the Whangārei Ecological District[1] which is considered of high conservation value.

Most lowland terrestrial wetlands (gumlands) have been drained and converted to pastoral use.

[1] See Page 70, Department of Conservation, *Natural Areas of Whangarei Ecological District.*

Pastoral grazing occurs predominantly on lowland topography and is undertaken for commercial and cultural ('lifestyle') purposes.

The catchment has a relatively high proportion of dairy farms compared to other Northland catchments. The majority of dairy farms occur on lowland topography south of the Mangere River – see Figure 3. Twenty of the 21 dairy farms have recently upgraded their farm dairy effluent systems to include partial/full irrigation to land.

The catchment contains a relatively high proportion of rural-residential development compared to other Northland catchments due to its proximity to Whangārei. All residential development disposes of sewage to land and there are no direct discharges to waterbodies.

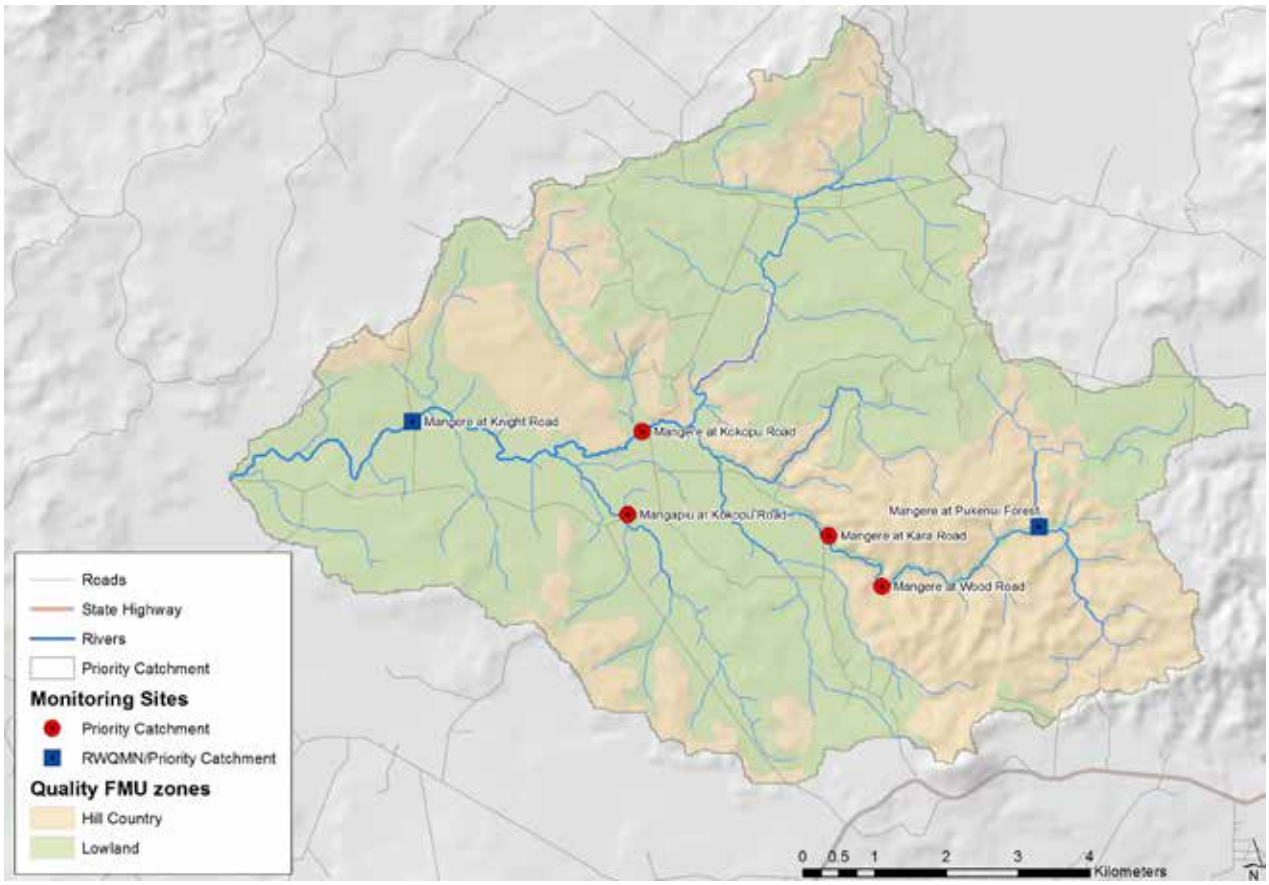


Figure 2: Water quality monitoring sites and Hill country and lowland areas

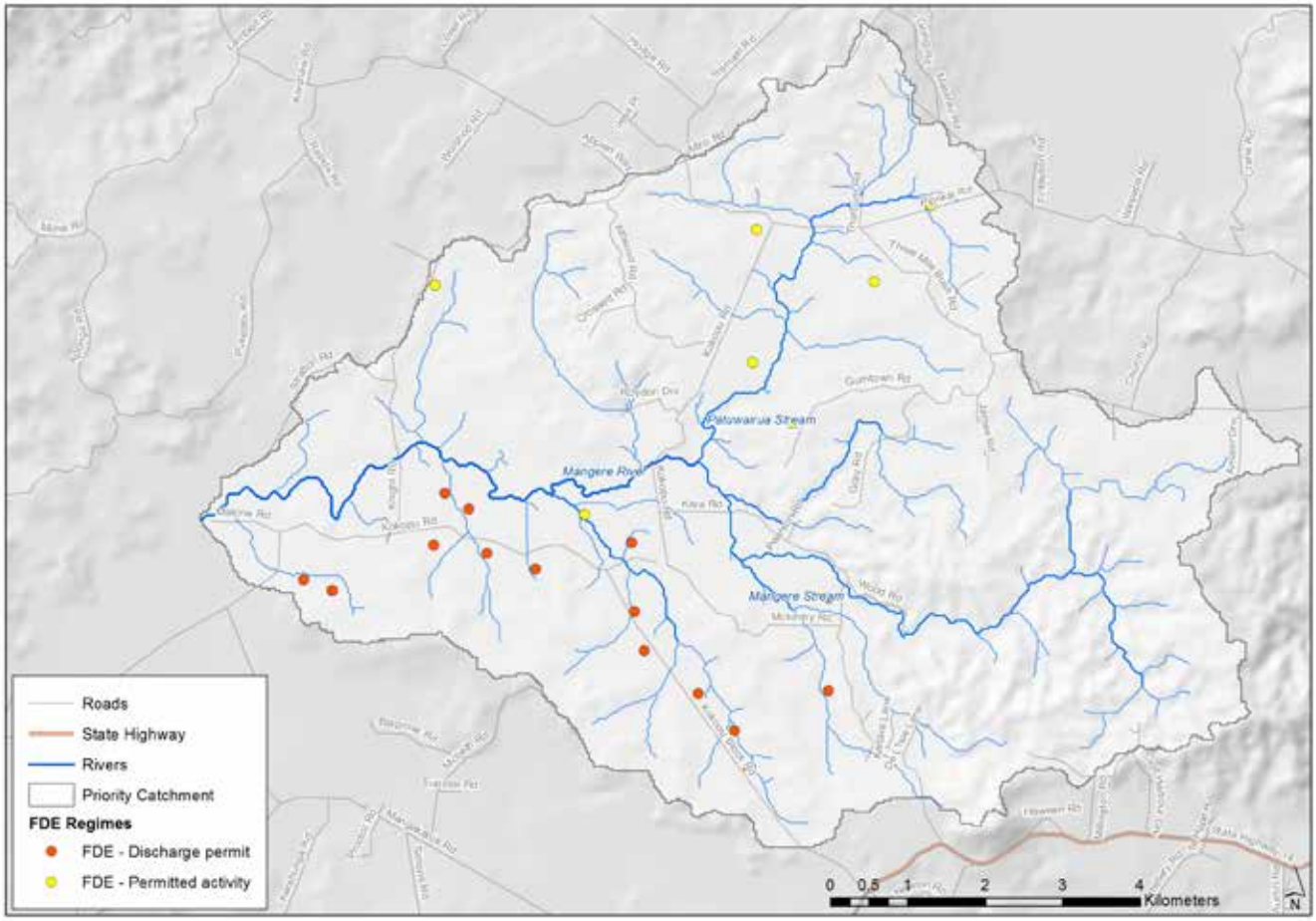


Figure 3: Farm dairy effluent discharges – Permitted Activity (land only) and Consented (land & water)

Waterbody types

Aquifers in porous basalt lava flows on the northern, western and southern edges of the catchment (Matarau, Three Mile Bush and Maunu aquifers) contribute to groundwater recharge of stream base-flows.

The catchment has a mixture of hard-bottom and soft-bottom river reach habitat. Soft-bottomed river reaches occur over soft-substrate geology and in lowland reaches where flow velocities decrease and sediment deposits. Recent alluvium soils make up a significant proportion of the Mangere Stream and Mangere River reaches and are more prone to stream bank erosion – see Figure 4. Hard-bottomed stream reaches predominantly occur in hill-country reaches (greater than 15 degree slope) to the east of the catchment where flow velocities are high with overly hard substrate geology. However, there is a hard-bottomed reach of the Mangere River which flows over an old basalt lava flow near the Mangere Falls.

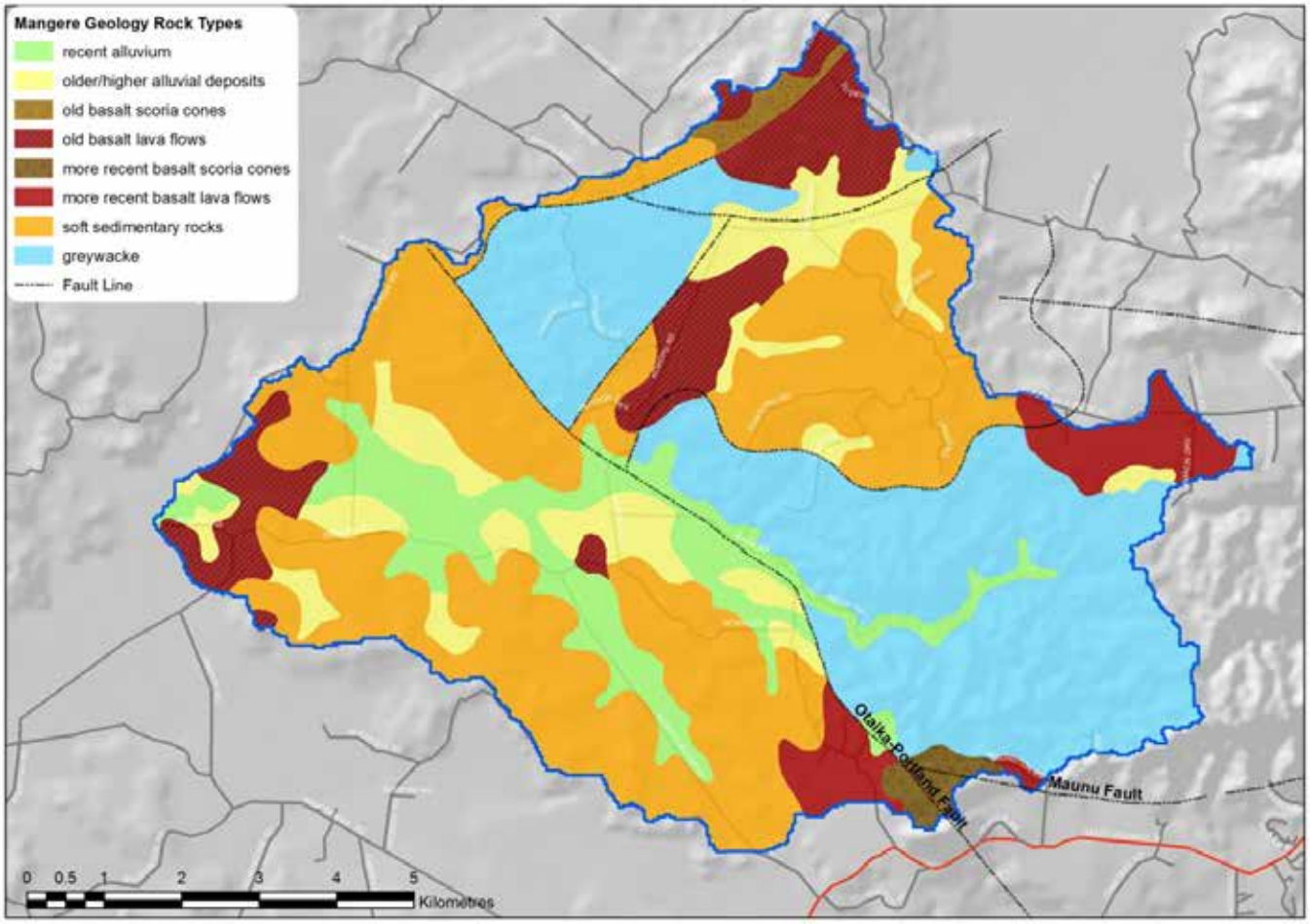


Figure 4: Geology in the catchment

Catchment river flows are not 'manipulated' – that is, flows are not controlled by intentional dam releases. River/stream base-flows are at their lowest in summer and peak in winter, with median flows in autumn and spring. Stormflows occur frequently and play an important role in providing flow variation and controlling populations of aquatic species by removing and resetting plant, periphyton, invertebrate, and exotic fish populations.

There are some remnant river wetlands (swamps, marshes) but no natural lakes. There are four privately owned in-stream dams in the catchment which capture and store seasonal base-flows and stormflows for summer extraction. The stored water in two of these dams (Millington Road and Three Mile Bush Road) is not fully utilised.

Waterbody species

Aquatic species (periphyton, plants, invertebrates, fish, birds etc) have populated suitable habitat in hard-bottom and soft-bottom river reaches.

Hard-bottomed river reaches can support periphyton growth where there is sufficient light and accrual times between flushing storm flows. Invertebrate in hard-bottom river reaches are expected to be naturally dominated by communities of mayflies, stoneflies and caddisflies.[2]

[2] Page 17, Ministry for the Environment. A User guide for the Macroinvertebrate Community Index.

Soft-bottom rivers support watercress growth where there is sufficient light. Invertebrate in soft-bottom river reaches are expected to be naturally dominated by communities of snails, worms and chromatids, which are generally more tolerant of nutrient enrichment and sedimentation.

The natural occurrence of fish species in the catchment is limited due to the climate and natural migratory barriers, including distance from the coast, the Wairua Falls (and Wairua Power Station) and the Mangere Falls.

Particular invertebrates of value that have been found in surveys include koura (freshwater crayfish – food gathering and conservation value) and the freshwater crab (conservation value).

Native fish species found in surveys include longfin eels (food gathering and conservation value), shortfin eels (food gathering), common bully (food gathering), and crans bully. Exotic fish species found in surveys include brown trout (gamefish) and gambusia (pest-fish).

Waterfowl species which are frequently observed include mallard ducks and pukeko (food gathering and game fowl).

Public Access

The catchment consists of private and public land. Most of the land and waterbody beds in the Mangere catchment are in private ownership. However, there are areas of public land (Department of Conservation reserves, paper roads, marginal strips and esplanade reserves) which provide opportunities for recreational and cultural activities in water bodies – see Figure 5. The Pukenui Forest reserve is accessible to the population of Whangārei and is popular for walking. Other forms of public access occur on some reaches of the Mangere Stream and Mangere River but public use for recreational and cultural activities is currently low.

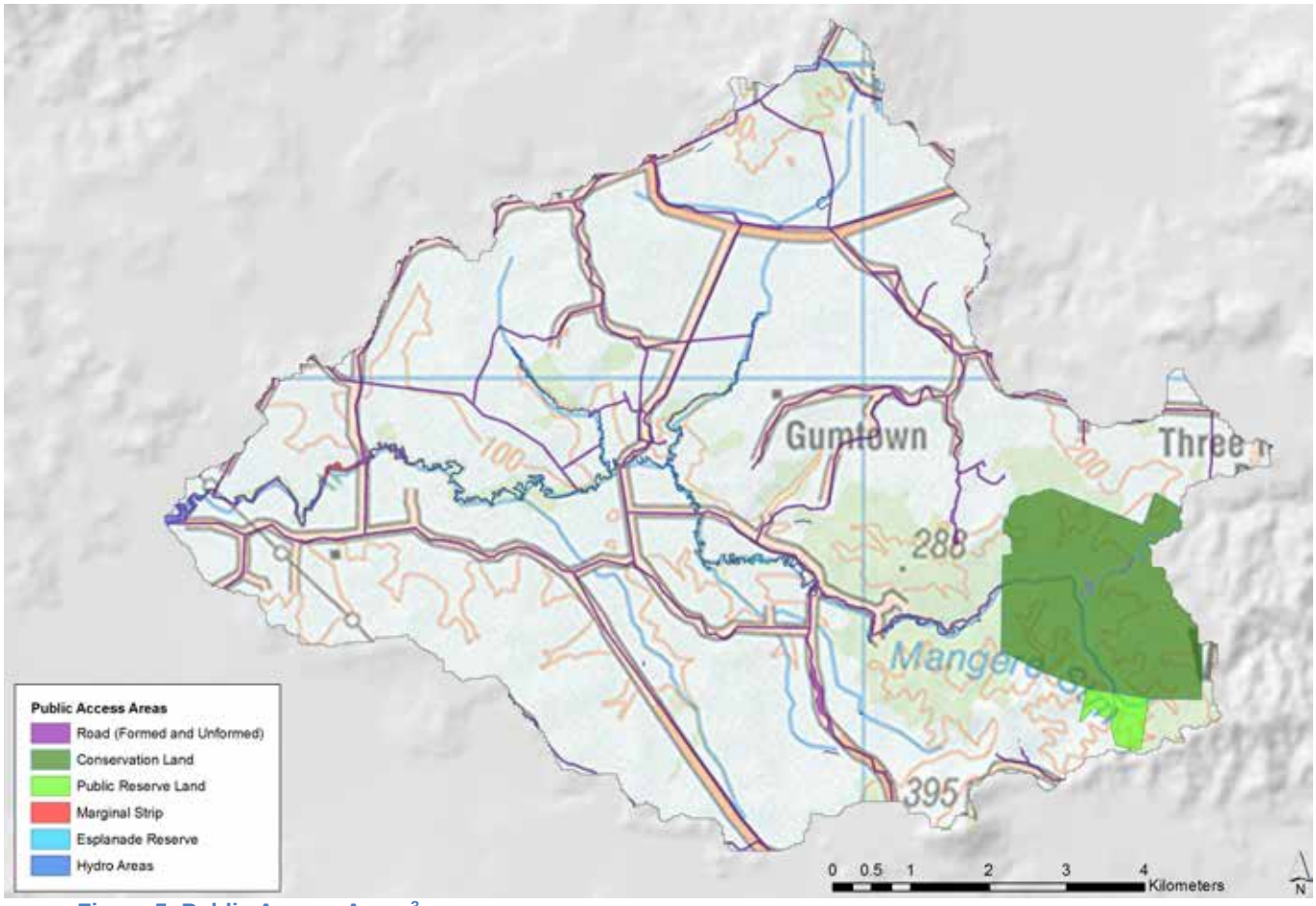


Figure 5: Public Access Areas[3]

[3] **Note:** Access to 'hydro areas' is only available when they are adjacent to public reserves – see Walking Access NZ.

Land erosion modelling

Sediment modelling (SednetNZ) has been undertaken to identify the sources of sediment in Mangere and the estimated annualised yields of soil erosion and loads entering the river network.

The SednetNZ model is useful for broadly predicting critical source areas of different types of erosion. The model then estimates annualised sediment yield from critical source areas under different types of vegetation (pasture or woody). The estimated sediment yield from that land is averaged over long-term timeframes (decadal to century). However, on-the-ground surveys are needed to identify if erosion is actually occurring and/or if sediment yield is being controlled.

The total long-term sediment yield from the whole catchment is estimated at 13,008 tonnes per year from 81km^2 (8100 hectares):

- 4032 tonnes/year (31%) of this comes from streambank erosion; *and*
- 8976 tonnes/year (69%) comes from hill-slope erosion.

Streambank sediment yield can be the result of natural or human induced factors. Natural contributions to stream bank erosion include stream bed erosion and saturation of river banks. Human induced contributions can include deforestation of riparian margins and livestock access and grazing. Sednet cannot identify contributions from various sources with sufficient accuracy and on-the-ground surveys are needed to identify if erosion is occurring and its causes.

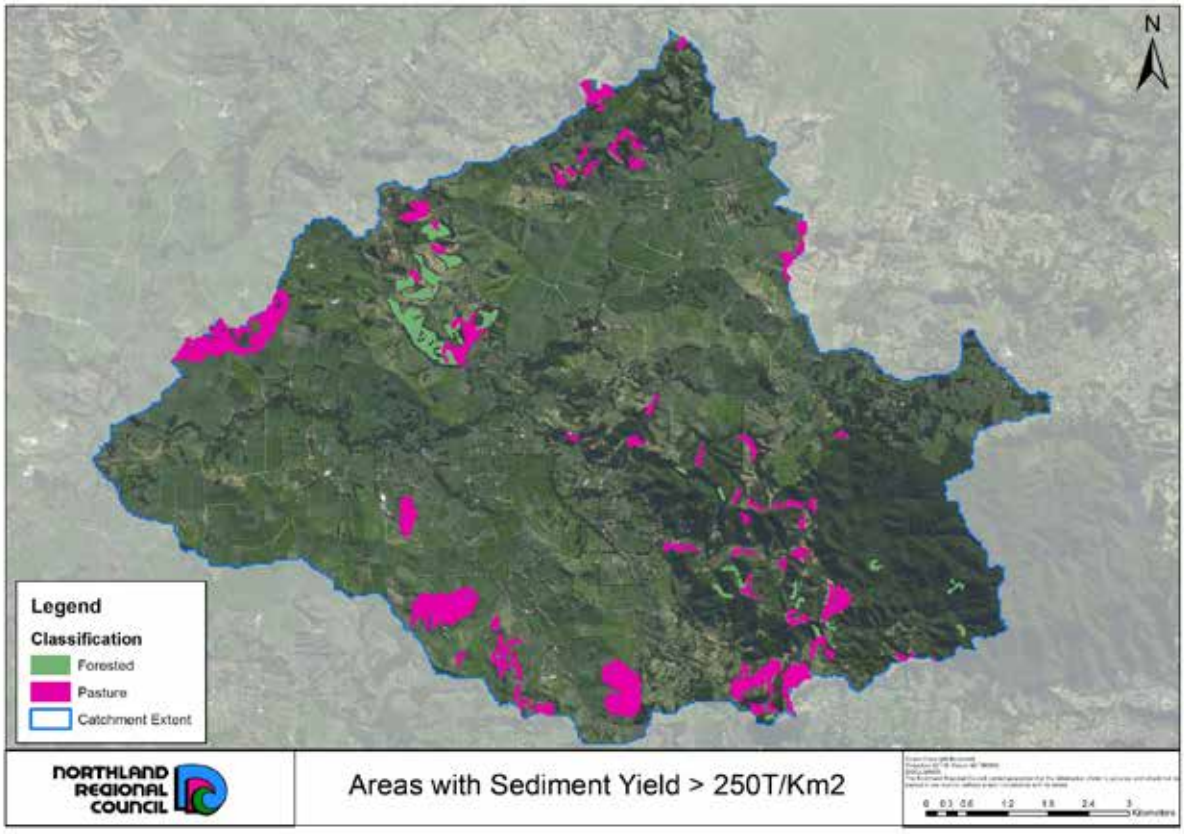
Hill-slope sediment yield is based on four main erosion processes: surficial (overland) erosion; gully erosion; earthflow erosion; and landslide erosion. Yield of gully erosion, earthflow erosion and landslide erosion is determined to a large extent by topography (lowland and hill-country), vegetation (pasture and woody vegetation) and soil type.

- 59% of the catchment (4779 hectares) is in lowland topography (less than 15 degrees actual slope):
  - 59% of the catchment (4779 hectares) is lowland vegetated in pasture – contributing 690 tonnes/year (0.14 tonnes/ha/year); and
- 41% of the catchment (3321 hectares) is in hill-country topography:
  - 23% of the catchment (1863 hectares) is hill-country woody vegetation – contributing 2065 tonnes/year (1.11 tonnes/ha/year); and
  - 18% of the catchment (1458 hectares) is hill-country pasture – contributing 6210 tonnes/year (4.26 tonnes/ha/year).

Pastoral hill-country is a significant source of hill-slope erosion – 69% of the catchment's hill-slope erosion comes from 18% of the catchment area. Figure 6 shows predicted high sediment yielding areas of land – this is based on a predicted sediment yield of more than 250 tonnes / km^2 / year. High yields are due to the soil and underlying geology but could be reduced with targeted tree planting.

Modelled rates of hill-slope erosion may be overestimated where land holders have already undertaken measures to: reduce erosion – such as afforestation or spaced planting of poplars or willows; or, to reduce sediment yield from erosion – such as construction of detention dams. The Mangere Catchment Group recommends that landowners be required to develop Erosion Control Plans if undertaking pastoral land use on areas in the catchment that have predicted sediment yields greater than 250 tonnes / km2 / year (see Figure 6).

Figure 6: High sediment yielding land in Mangere catchment (estimated using SEDNET)



Water quality monitoring

Rivers: a number of measures of river water quality have been monitored by the Northland Regional Council in the Mangere catchment to understand the condition of the water for human health and aquatic ecological health. Figure 7 shows the monitored sites. Table 1 shows the results.

The National Objectives Framework (NOF) is part of the National Policy Statement for Freshwater Management. The framework provides a nationally consistent approach to managing attributes (water quality measures) for different freshwater uses/values. The following (in bold) are substances which must be monitored under the National Objectives Framework:

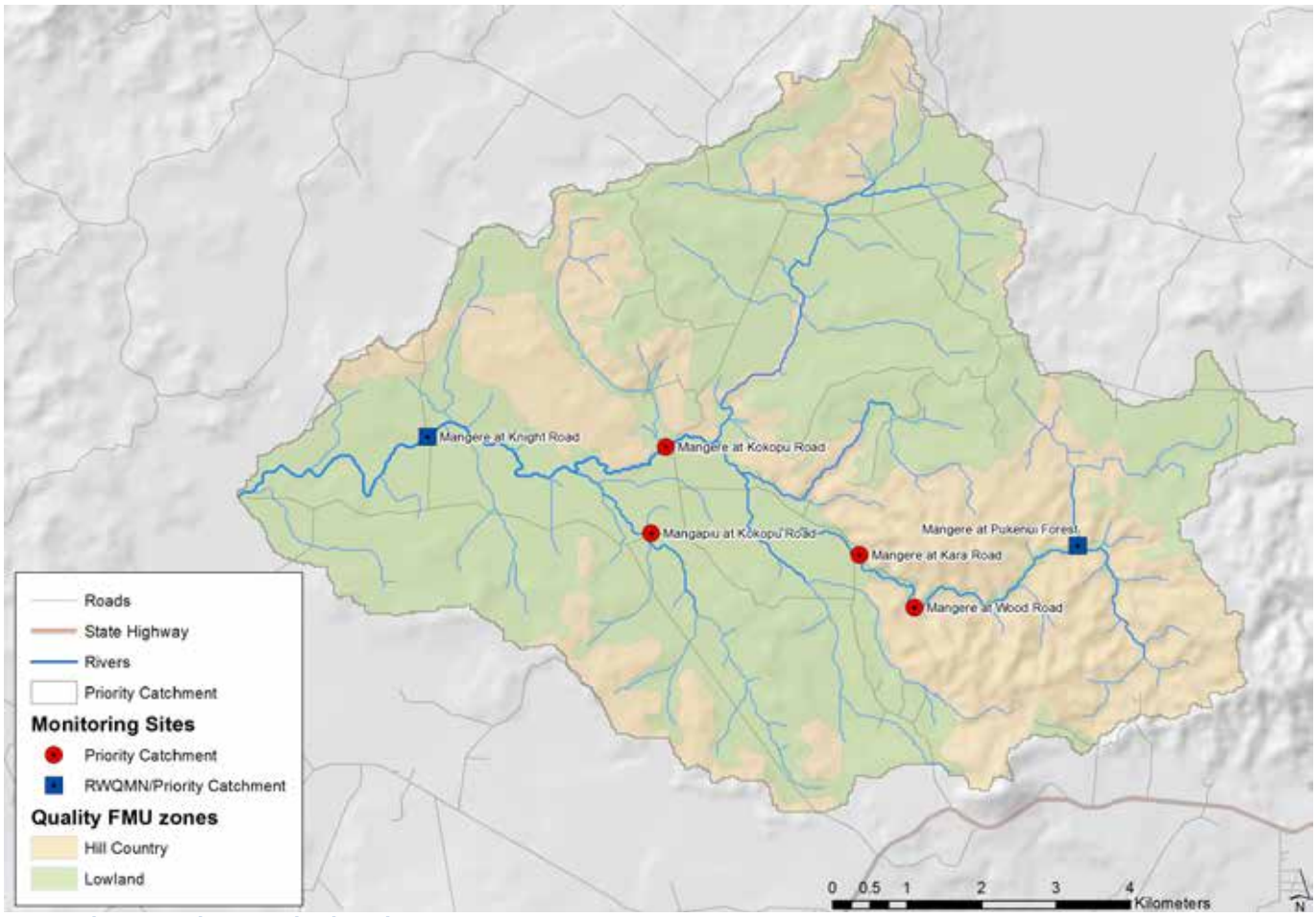


Figure 7: River monitoring sites

E.coli concentrations are an indicator of pathogen concentrations. Pathogens can cause human infections if swallowed while undertaking immersion activities and are caused by faecal matter contamination.

High concentrations of *e.coli* (or pathogen) concentrations, during river base-flows ('annual medians'), can be caused by the direct discharges of faecal matter. Potential sources of direct discharges of

faecal matter into waterbodies include farm dairy effluent, livestock access, or waterfowl. Monitoring shows that *e.coli* concentrations in the catchment are highest in the southern lowland areas where the concentration of dairy farms is highest. There are no swimming sites within the Mangere catchment which are monitored under the council's Northland Swimming Water Quality Monitoring Programme.

High ***ammonia*** concentrations and low ***dissolved oxygen*** concentrations can cause toxicity and hypoxia in sensitive invertebrate species and fish. Dissolved oxygen concentrations can vary widely due to natural causes but must be managed below point-source discharges[4]. High *ammonia* and low *dissolved oxygen* concentrations, during river base-flows ('annual medians'), can be caused by the decomposition of organic matter in water. Point-sources discharges from farm dairy effluent discharges have decreased in the catchment with increasing levels of land based application. Other potential sources of organic matter occur to land – for example domestic wastewater, silage pits and offal pits. The council also monitors sensitive macro-invertebrate populations (*MCI*) as these are a biological indicator of organic enrichment. Monitoring shows that high *e.coli* concentrations in the catchment generally coincide with high *ammonia* and low *dissolved oxygen* concentrations and low *MCI* scores.

Nitrate concentrations can cause toxicity in sensitive fish and invertebrate species.

[4] See page 26 and page 29, Ministry for the Environment. A Draft Guideline to Attributes.

High *nitrate* concentrations can be caused by the deposition of urine and its leaching through porous geology or aquifers to surface waterbodies. There are areas of porous geology in the catchment. However, monitoring shows that *nitrate* concentrations in Catchment Rivers are not at a level that could cause toxicity in sensitive fish and invertebrate species.

Periphyton 'blooms' (excess organic matter accumulation) can hinder recreational/cultural activities and water supplies. The subsequent decay of blooms can also cause *ammonia toxicity* and *hypoxia* in sensitive fish and invertebrates. Periphyton monitoring has not been undertaken in the catchment as there are few hard-bottomed river reaches with sufficient light (less than 60% shading) to support blooms[5]. *Periphyton* take their nutrients up from the water column and growth can also be managed with nutrient concentration limits (*dissolved reactive phosphorus* and *dissolved inorganic nitrogen*). However, concentrations that are necessary to limit blooms depend on the frequency of stormflows and the degree of shading.

Turbidity is a measure of water cloudiness which can be caused by the presence of organic matter or inorganic (soil) particles. Sources of *turbidity* during base-flows (annual medians), can be caused by discharges of organic matter, livestock access to streams, hill-slope erosion or works within streams. Monitoring of *dissolved reactive phosphorus* suggests catchment geology

[5] Page 56, MfE New Zealand Periphyton Guideline: Detecting , Monitoring and Managing Enrichment of Streams.

(naturally high phosphorous levels) is a significant source. *Dissolved reactive phosphorus* and sediment tend to bond and 'travel' together and concentrations are also elevated where the proportion of inorganic particles in *turbidity* are high.

Council trend analysis showed a number of meaningful improvements in *E. coli* and nutrient levels over the past 10 years. However, when the time period for analysis is reduced to the last five years, results indicate a levelling off with no meaningful improvement[6]. Dairy NZ trend analysis also identified improving trends in *E.coli*, *Ammoniacal Nitrogen*, and *Dissolved Reactive Phosphorus* from 2007 to 2010[7]. However, from 2011 – 2015 the only significant improvement was a reduction in *Turbidity*[8].

A summary of the results is shown in Figure 8.

[6] Mangere Catchment Water Quality Update; Northland Regional Council; April 2016.
[7] Water Quality Status and Trends – Mangere River; Dairy NZ; March 2014.
[8] Technical Memo; Dairy NZ; March 2016.

Table 1: river water quality monitoring sites and result.

NOF Legend

A	Similar to reference conditions
B	Slightly impacted
C	Moderately impacted (lower/upper limit national bottom line)
National bottom line	
D	Degraded/unacceptable (must be managed to C or better)

Other measures

A	Similar to reference conditions
B	Slightly impacted
C	Moderately impacted
D	Degraded/below guidelines

Water quality monitoring site	**National Objective Framework (NOF) attributes**			**RMA 1991[9]**	**Ecological indicators**		**ANZECC[10] guideline value**	
	Escherichia coli (*E. coli*/100mL)	**Nitrate nitrogen (mg/L)**	**Ammoniacal nitrogen (mg/L)**	**Dissolved oxygen (% saturation)**	**Macro-invertebrates**	**Stream habitat**	**Turbidity (NTU)**	**Dissolved reactive phosphorus (mg/L)**
	Annual median A ≤260 B >260 ≤540 C >540 ≤1000 D >1000	**95th percentile A ≤1.5 B >1.5 ≤3.5 C >3.5 ≤9.8 D >9.8**	**Annual maximum A ≤0.05 B >.05 ≤0.4 C >0.4 ≤2.2 D >2.2**	**Annual median ≥80**	**MCI score (indicator of 'organic enrichment')**	**% rating compared with reference site**	**Annual median <5.6**	**Annual median <0.01**
Mangere at Pukenui Forest	A	A	A	Above	127	100%	Below	Above
Mangere at Wood Road	C	A	B	Below	114	50%	Below	Above
Mangere at Kara Road	B	A	A	Above	122	81%	Below	Above
Mangere at Kokopu Road	B	A	B	Above	97	34%	Above	Above
Mangapiu at Kokopu Road	C	A	C	Below	64	30%	Above	Above
Mangere at Knight Road	C	A	B	Below	101	53%	Above	Above

[9] The council has monitored *dissolved oxygen* concentrations but the methodology differs from the new National Objective Framework guidelines.
[10] Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines)

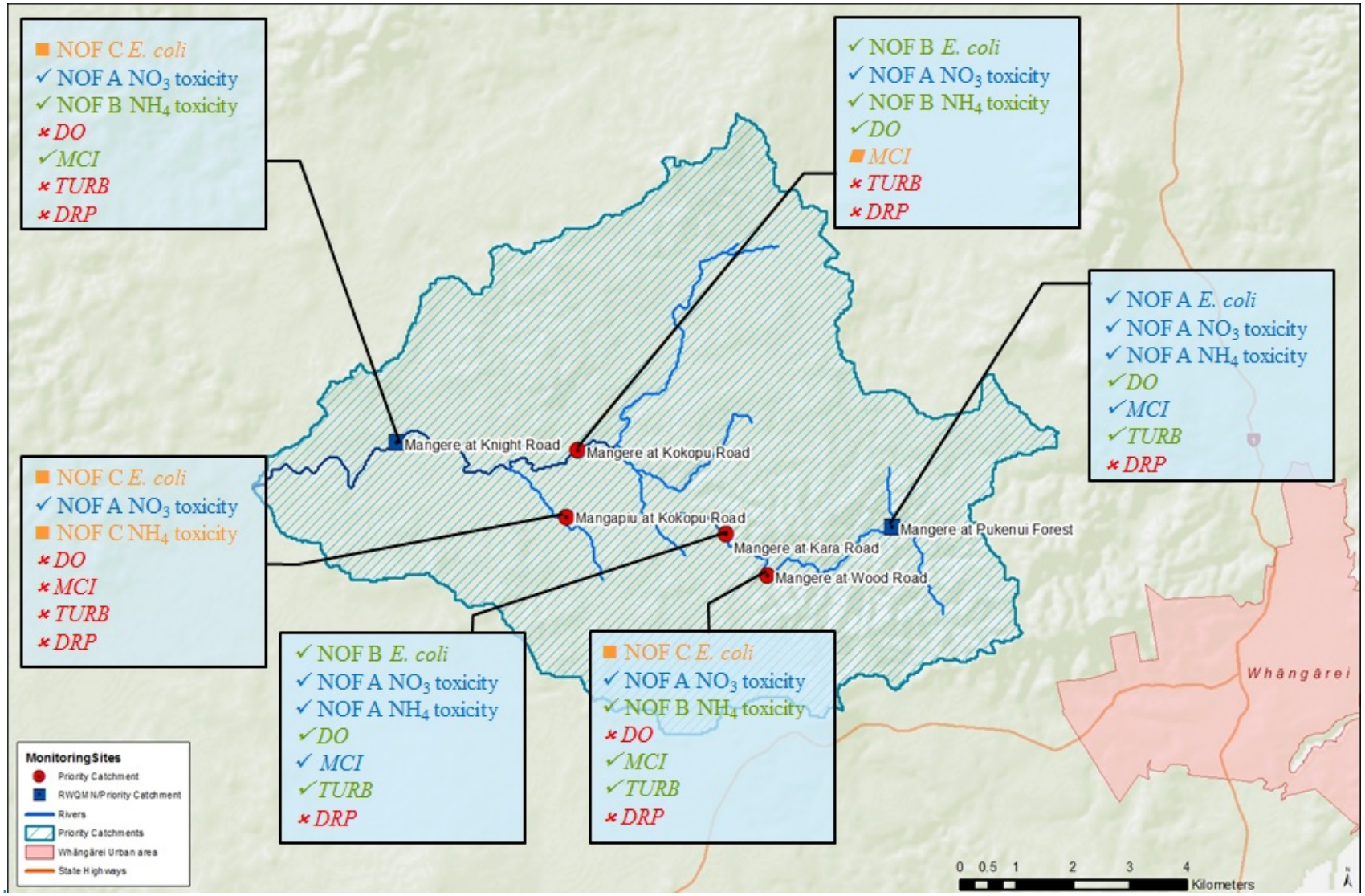


Figure 8: River water quality monitoring site results

Water quantity modelling

The taking and use of water is a regulated activity under the RMA and cannot be undertaken unless expressly authorised by the RMA or a rule in a regional plan. The RMA authorises the taking of a reasonable volume of water for specific uses – these include livestock drinking, individual domestic use and firefighting. Regional plans authorise the taking of small volumes of ground or surface water for any use without consent (a *permitted activity*). All other water takes require a consent and are classified in the Regional Plan as a *discretionary activity* (can be refused).

The greatest demand for water is for extraction from summer river base-flows. However, there are also two consented groundwater takes and four dams in the catchment. The four in-stream dams capture and store seasonal base-flows and stormflows. Stored water in three of the dams is extracted and used for on-farm irrigation – stored water in one of the dams is currently unused.

Rivers: the council has modelled what the river summer base-flows (known as Mean Annual Low Flows) would be in the catchment without extracted water takes. Modelled Mean Annual Low Flows and the location of consented water takes are shown in Figure 9. The Mangere River at Knights Road is predicted to have a mean annual low flow (MALF) of 126L/s in summer without any water extraction. The model does not account for increased river flows due to deforestation, which generally increase stormflows rather than base-flows.[11]

Maximum volumes of river extraction that occur during summer have been estimated for different uses:

- Livestock drinking is estimated to be 873m^3/day (or 10.1L/s).
- Dairy shed use is estimated to be 449m^3/day (or 5.2L/s).
- Irrigation is estimated (from consented volumes) to be 4294m^3/day (or 49.7L/s) – the two largest irrigators take 3110m^3/day (or 36L/s) of this near the bottom of the catchment.

The total estimated allocated volume of extraction for all users is 65L/s (or 52% of MALF). This indicates a high demand for water that could significantly affect in-stream flows or other users.

Requirements to maintain minimum flows in-stream during summer are imposed to limit the amount of water that can actually be taken. Conditions of existing consents held by the two largest irrigators on the Mangere River at the bottom of the catchment require water extraction to stop if it will result in river flows dropping below 90L/s (or 72% of MALF) at Knights Road.

The Northland Regional Council has grouped rivers in the region into four different Freshwater Management Units (FMU) for managing river water quantity, based on their uses, values and sensitivity to extraction. Each FMU is subject to different limits on the taking of water –

[11] Page 7, Landcare Research, Forestry and Water Yield: The New Zealand Example.

how much water should remain in rivers (minimum flow) and the total amount that can be extracted (allocation limit). These limits will be included in the Proposed Regional Plan and serve to protect in-stream values and reliability of supply for water users. The limits are expressed as a percentage of the river's mean annual low flow (MALF). The Mangere catchment is identified as 'small rivers' FMU. The 'small rivers' FMU has proposed allocated volume limits of 40% of MALF or the existing allocation level, and minimum flow limits of 80% of MALF or the existing minimum flow level (see Figure 8). In the Mangere catchment the allocated volume limits would therefore be 52%; and the minimum flow limits would be 72%.

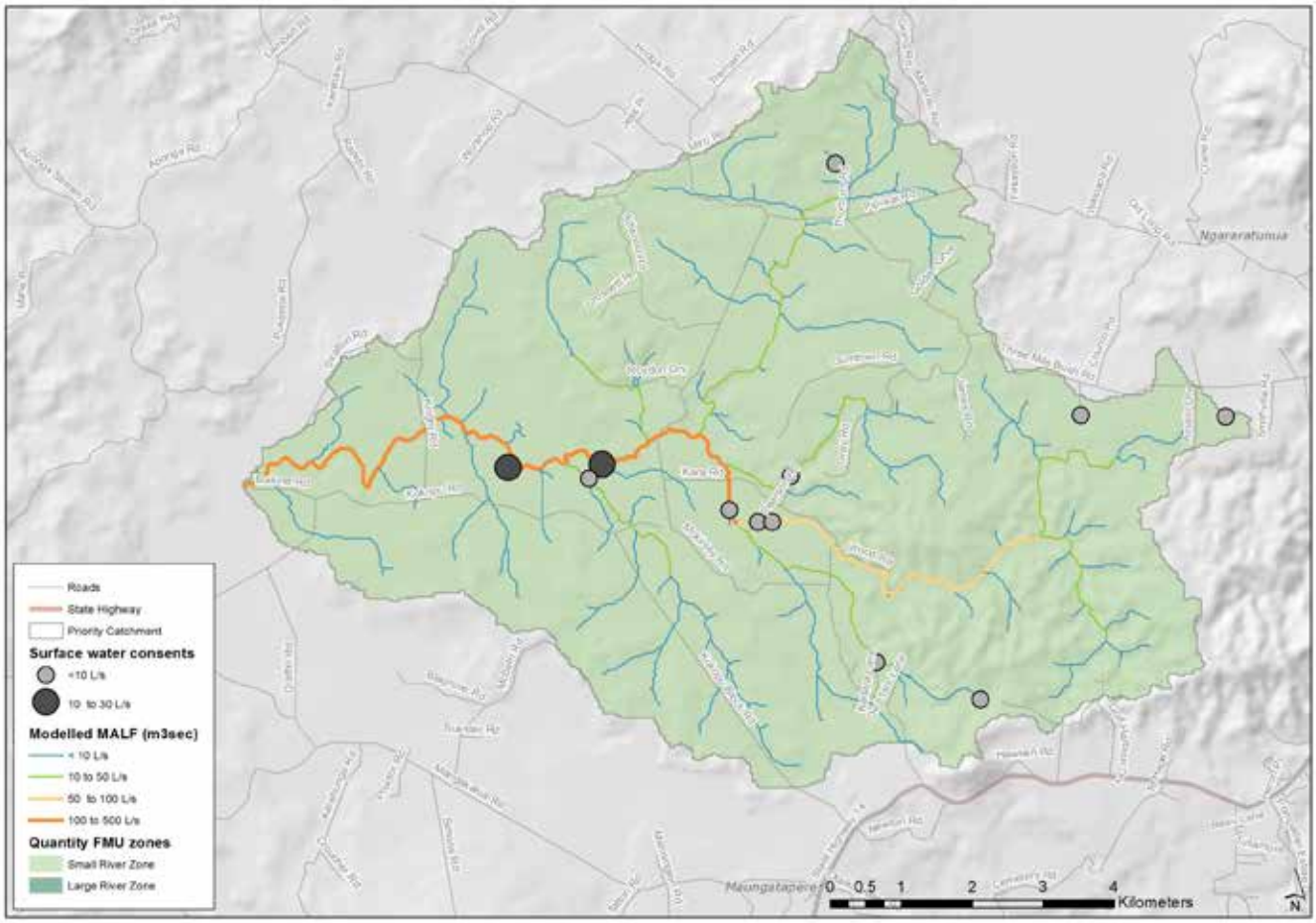


Figure 9: water quantity freshwater management unit zone – small rivers.

Catchment issues

The Mangere Catchment Group has identified the following issues and how they impact on the various uses and values in the catchment. This high-level impact analysis has helped to set objectives and the selection of methods to achieve those objectives in the following sections.

Table 2: Mangere catchment uses and values, and issues and objectives

Impacts on uses and values of waterbodies in the Mangere Catchment						
Potential Issues	impacts on **Aquatic Ecosystems** · Plants – watercress · Fish – eels, bully, banded kokopu · Invertebrates – koura	impacts on **Cultural Issues** · Kaitiaki – Transfer of native fish	impacts on **Recreational Uses** · Eeling · Duck shooting · Wading · Swimming	impacts on **Water Supply Uses** · Livestock Drinking · Farm Dairy Sheds · Damming · Irrigation	impacts on **Catchment Drainage Uses** · Groundwater - Land drainage · Surface water - Run-off and Flooding · Contaminant Removal - entrained substances	impacts on **Land Use** · Pastoral · Horticulture · Extractive Industries · Small Business
Pastoral hill-slope erosion *Hill-slope erosion rates under particular vegetation, soils and topography.*	***Negative impacts:*** *Increases erosion and risk of sedimentation of hard-substrate downstream stream/estuary beds.*					***Positive impacts:*** *Reduces planting and management of trees.* ***Negative impacts:*** *Reduces pastoral production, livestock shade/fodder, timber production.* *Increases loss of productive soils due to hill-slope erosion.*

Impacts on uses and values of waterbodies in the Mangere Catchment						
Livestock access to waterbodies *Treading sediment losses* *Discharges of faecal matter (pathogens and organic matter) and urine.* *Taking of water for livestock drinking needs.*	***Negative impacts:*** *Increases risk of habitat avoidance by turbidity sensitive fish and invertebrate species.* *Increases risk of habitat avoidance by ammonia and dissolved oxygen sensitive fish and invertebrate species.* *Increases risk of periphyton 'blooms' (on hard-substrate).*		***Negative impacts:*** *Increases pathogens and risk of immersion infections.*	***Positive Impacts:*** *Reduces need to install water supply infrastructure (dams, troughs, reticulation etc).*	***Negative Impacts:*** *Increases load of base-flow contaminants (suspended sediment, pathogens, organic matter, nutrients) in rivers.*	***Positive impacts:*** *Reduces need for access infrastructure (fences, culverts, bridges etc).*
Grazing of waterbody margins *Filtration of contaminants from storm run-off.*	***Negative impacts:*** *Reduces filtration and increased risk of sedimentation in downstream/estuary hard-substrate beds.*				***Positive impacts:*** *Reduces need for weed maintenance* *Reduces debris and risk to the free flow of water* *Reduces flood debris damage.* ***Negative impacts:*** *Increases loads of stormflow contaminants.*	***Positive impacts:*** *Increases pastoral production.*
Deforested waterbody margins *Stream bank erosion from loss of root structure.*	***Negative impacts:*** *Increases erosion and risk of sedimentation of downstream hard-substrate stream/estuary beds.* *Reduces shading and*	***Positive impacts:*** *Reduces shading. More water cress availability.*	***Negative impacts:*** *Reduces scenic and wilderness value.*		***Positive impacts:*** *Reduces debris and risk to the free flow of water.* *Reduces debris and risk of flood damage*	***Positive impacts:*** *Reduces need for planting and management of trees.*

Impacts on uses and values of waterbodies in the Mangere Catchment						
Sunlight and heat in waterbodies due to loss of canopy.	*increases risk of heat stress in sensitive fish and invertebrate species.* *Reduces shading and increases risk of periphyton blooms (on hard-bottom reaches).*				***Negative impacts:*** *Increases need for nutrient limits to control periphyton blooms (on hard-substrate reaches).*	***Negative impacts:*** *Reduces shading, fodder and wood.* *Increases loss of productive soils due to stream bank erosion.*
Populations of waterfowl in waterbodies *Grazing of pasture.* *Discharges of faecal matter (pathogens and organic matter) and urine.*	***Negative impacts:*** *Increases risk of habitat avoidance by ammonia and dissolved oxygen sensitive fish and invertebrate species.* *Increases risk of periphyton 'blooms' (on hard-substrate).*		***Positive impacts:*** *Increases hunting and gathering opportunities.* ***Negative impacts:*** *Increases pathogens and risk of immersion infections.*		***Negative impacts:*** *Increases loads of base-flow contaminants in rivers.*	***Negative Impacts:*** *Reduces pastoral production*
Farm dairy effluent discharges to waterbodies *Discharges of faecal matter (pathogens and organic matter) and urine.*	***Negative impacts:*** *Increases risk of habitat avoidance by ammonia and dissolved oxygen sensitive fish and invertebrate species.* *Increases risk of periphyton 'blooms' (on hard-substrate).*		***Negative impacts:*** *Increases pathogens and risk of immersion infections.*		***Positive impacts:*** *Reduces need for wastewater infrastructure (storage, irrigation etc).* ***Negative impacts:*** *Increases loads of base-flow contaminants in rivers.*	***Negative impacts:*** *Increases artificial fertiliser use on land.*
Waterbody wetlands *Filtration of contaminants*	***Positive impacts:*** *Reduces risk of downstream sedimentation of hard-substrate*		***Positive impacts:*** *Reduces pathogens and*		***Positive impacts:*** *Reduces stormflow volumes.* *Reduces loads of*	***Negative impacts:*** *Reduces pastoral production.*

Impacts on uses and values of waterbodies in the Mangere Catchment						
from base-flows and stormflows. *Temporary storage of peak stormflows.*	*stream/estuary beds.* *Reduces risk of down-stream habitat avoidance by ammonia and dissolved oxygen sensitive fish and invertebrate species.*		*risk of immersion infections.*		*base-flow and stormflow contaminants in rivers.*	
Water extraction from summer base-flows *In-stream (aquatic species and waterbody activities) needs.* *Out-of-stream (water supply) needs.*	***Negative impacts:*** *Reduces fish and aquatic species habitat.* *Increases risk of periphyton 'blooms' (on hard-substrate)* *Increases risk of habitat avoidance by ammonia and dissolved oxygen sensitive fish and invertebrate species.*		***Negative Impacts:*** *Reduces populations of species for fishing &hunting* *Reduces immersion opportunities.*	***Positive impacts:*** *Reduces need to install water supply infrastructure (storage).* ***Negative Impacts:*** *Reduces water available to other users.*	***Negative impacts:*** *Increases concentration of base-flow contaminants.*	***Positive Impacts:*** *Increases land production over summer.*
Damming/extraction of stormflows or seasonal base-flows (autumn-spring)	***Positive impacts:*** *Can maintain or increase habitat for fish and aquatic species.* ***Negative impacts:*** *Increases dams and risk to free fish passage.*		***Positive impacts:*** *Increases opportunities for waterbody activities on dams.*	***Negative impacts:*** *Requires construction of water supply infrastructure (storage).*	***Positive impacts:*** *Dam releases can be used to remove periphyton blooms (on hard-substrate reaches).*	***Positive impacts:*** *Enables sustained or intensified production over summer.* ***Negative impacts:*** *Requires construction and operation of individual or community infrastructure.*

Impacts on uses and values of waterbodies in the Mangere Catchment						
Populations of exotic/pest fish *Predation or competition with native fish species by trout and gambusia.*	***Negative impacts:*** *Reduces populations of native fish species due to predation and competition.*		***Positive impacts:*** *Increases recreational fishing and hunting opportunities.*			
Fishing reserves *Mataitai reserves.* *Taiapure reserves.*	***Positive impacts:*** *Increases population of breeding adults.*		***Positive impacts:*** *Reduces availability of mahinga kai for recreational or cultural harvesting.*			
Transfer of native fish *Kaitiaki activities.*	***Positive impacts:*** *Increases population of adults.*	***Positive impacts:*** *Practising of culture.*	***Positive impacts:*** *Increases availability of mahinga kai for recreational/or cultural harvesting.*			
Public reserves *Esplanade reserves.* *Infrastructure reserves.*	***Positive impacts:*** *Enables community conservation.*		***Positive impacts:*** *Enables community access and use.*	***Positive impacts:*** *Enables community owned dams and water.*	***Positive impacts:*** *Enables community wetlands and/or vegetated margins.*	***Positive impacts:*** *Enables landholder management of waterbodies.* ***Negative impacts:*** *Reduces landholder use of waterbodies.*

Catchment objectives

The Mangere Catchment Group has identified the following objectives to address the significant issues identified in the catchment. The objectives describe the outcomes sought in the catchment (broad and specific) to provide an appropriate balance between the various uses and values in the catchment.

Table 3: Mangere catchment uses and values, and issues and objectives

Uses and values	Issues that impact uses and values[12]	Broad (high-level) objectives	Specific (low-level) objectives
Ecosystem health · Hard-bottomed and soft-bottomed habitat. · Native species: birds, fish, invertebrates, plants, periphyton.	· Pastoral hill-slope erosion. · Livestock access to waterbodies. · Farm dairy effluent discharges to waterbodies. · Water extraction from summer base-flows. · Populations of exotic/pest fish species. · Deforested waterbody margins. · Transfer of native fish.	**Improve fresh and coastal habitats for native aquatic species.**	· Maintain hard-bottomed river reaches and reduce sediment loads to the Kaipara Harbour by reducing pastoral hill-slope erosion. · Improve habitat for turbidity sensitive fish and invertebrate during base-flows by reducing sediment and organic matter discharges from: o livestock access to waterbodies; and, o farm dairy effluent and domestic discharges to waterbodies. · Improve habitat for dissolved oxygen and ammonia sensitive fish and invertebrate by reducing organic matter and nutrient discharges from: o farm dairy effluent; and o livestock access to waterbodies; and, o domestic wastewater. · Maintain native fish habitat by maintaining current levels of water extraction from summer base-flows. · Improve native fish populations by maintaining the transfer of native fish.

[12] see Table 2 for more detail.

Uses and values	Issues that impact uses and values[12]	Broad (high-level) objectives	Specific (low-level) objectives
			· Improve native fish and invertebrate habitat by reducing populations of exotic/pest fish species. · Improve habitat for birds and temperature sensitive fish and invertebrates by maintaining riparian forests along the Mangere River, Mangere Stream and Patuwairua Stream.
Recreational/cultural Activities · Food gathering exotic species – watercress, ducks. · Food gathering. · Swimming. · Walking. · Wading. · Education. · Kaitiaki – transfer of native species.	· Public reserves. · Fishing reserves. · Transfer of native fish. · Farm dairy effluent discharges to waterbodies. · Livestock access to waterbodies. · Water extraction from summer base-flows.	**Improve waterbodies for recreational and cultural activities.**	· Improve access along the Mangere River, Mangere Stream and Patuwairua Stream margins by supporting the creation of esplanade reserves. · Improve native eel populations for non-commercial purposes by reducing commercial harvesting. · Improve native fish populations by maintaining the transfer of native fish. · Maintain the quantity of water available for food gathering and immersion activities by maintaining current levels of water extraction from summer base-flows. · Improve the quality of water for immersion activities by reducing discharges of pathogens from: o Effluent discharges to waterbodies; and o Livestock access to waterbodies.
Catchment drainage · Ground water (land drainage. · Surface water (storm run-off and storm flows). · Contaminant removal.	· Farm dairy effluent discharges to waterbodies. · Livestock access to waterbodies. · Grazing of waterbody margins.	**Improve the ability of waterbodies to remove contaminants in water and accommodate stormflows**	· Improve the ability of rivers to remove contaminants during base-flows by reducing: o Effluent discharges to rivers; and o Livestock access to waterbodies. o Maintaining riparian vegetation to act as a filter. · Improve the ability of rivers to remove stormflows by maintaining river bed capacity and riparian margins / wetlands.

Uses and values	Issues that impact uses and values[12]	Broad (high-level) objectives	Specific (low-level) objectives
Water supply · Domestic use. · Livestock drinking. · Dairy shed – wash-down & cooling. · Irrigation – pasture. · Horticulture. · Dams and storage. · Small business/industry.	· Water extraction from summer base-flows. · Damming/extraction, of stormflows and seasonal base-flows.	**Improve water availability and the security of water supplies.**	· Maintain the reliability of water supplies for existing users by maintaining current minimum flows and allocation. · Improve water availability by increasing the damming/extraction of stormflows and seasonal (autumn-spring) base-flows. · Increase efficient use of extracted water.
Land use · Pastoral farming . · Quarrying. · Horticulture.	· Pastoral hill-slope erosion. · Damming/extraction, of stormflows and seasonal base-flows.	**Improve the productive capacity of land in the Mangere catchment.**	· Maintain productive soils by reducing pastoral hill-slope erosion. · Improve summer production by increasing the damming/extraction of stormflows and seasonal (autumn–spring) base-flows.

Catchment methods

The Mangere Catchment Group has identified the following methods to achieve the desired objectives in the catchment. Specific regulatory measures identified by the group may be included in the new regional plan and apply specifically to the Mangere catchment in addition to those in the Regional Plan.

Table 4: Mangere catchment proposed implementation methods (regulatory and non-regulatory) to achieve objectives.

Issues and current management approach	Mangere Catchment Plan approach
Livestock access to waterbodies Currently there are no operative regional rules requiring stock to be excluded from rivers and lakes. Dairy farmers have largely excluded livestock from streams wider than 1m and deeper than 30cm through industry good practice and supplier contracts.	**Regulatory:** As per regional plan with the additional requirement that: Beef cattle, dairy support cattle and deer are to be excluded from permanently flowing rivers and drains on land with slope of >15^0 from 1 January 2025. **Non regulatory:** · Encourage stock exclusion where not required by a rule (this would mean encouraging stock exclusion from intermittently flowing streams or by an earlier date). · Encourage water quality improvement / Erosion Control Plans where not required by a rule.
Grazing of waterbody margins Currently operative regional rules permit stock access and grazing within the 'riparian management zones' (0-20m) if it is the grazing of pasture. Approximately 63% of the catchment's river reaches have pastoral vegetation. It is uncertain how many reaches have set aside grass filter strips.	**Regulatory:** · None. **Non regulatory:** · Encourage 1-2 metre setbacks from stock-excluded waterbodies.
Riparian management	**Regulatory:**

Issues and current management approach	Mangere Catchment Plan approach
Operative regional rules restrict the removal of woody vegetation in waterbody margins unless it is for the purpose of: forestry; controlling streambank erosion; maintaining river flows; or, infrastructure (200m^2). Approximately 37% of the catchment's river reaches have woody vegetation. This is predominantly in hill-country and in remnant riparian forests along the Mangere River, Mangere Stream and Patuwairua Stream. The remnant riparian forests are identified as being of significant ecological value within the Whangārei district.	· As per regional plan. **Non regulatory:** · Regional Council to help the community to create riparian forests along the Mangere River, Mangere Stream and Patuwairua Stream.
Farm Dairy Effluent discharges to waterbodies Operative regional rules provide for farm dairy effluent discharges to land as a permitted activity (subject to conditions). Where farms cannot meet the permitted activity conditions, resource consents are required for discharge of treated effluent to water in accordance with conditions. There are currently 21 dairy farms in the catchment: seven rely solely on discharge to land; 15 have consent to discharge to land and/or water – one of these has no provision for land application. There are currently no discharges of human effluent to water.	**Regulatory:** · As per regional plan. **Non regulatory:** · None.
Pastoral hill-slope erosion Currently there are no operative regional rules to manage pastoral hill-slope erosion. Critical erosion-prone areas have been modelled for the Mangere catchment (using SednetNZ). This indicates that most of the pastoral hill-slope erosion comes from a portion of hill-country (see Figure 2). The current approach to managing hill slope erosion is working with landowners to address erosion on a voluntary basis through Farm Erosion Control or Farm Water Quality Improvement Plans, with some financial assistance provided (for example, for poplars).	**Regulatory:** Erosion control plans for high sediment yielding land in pasture to be compulsory after 1 January 2025 (See Figure 5). **Controlled activity – Pastoral land use after 1 January 2025 on *High Sediment Yielding Land* in the Mangere Catchment is a controlled activity if an Erosion Control Plan has not been developed for the land.** **Matters of control:** 1. **the effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion; and** 2. **the location, timing and prioritisation of measures to control or mitigate sediment**

Issues and current management approach	Mangere Catchment Plan approach
	from areas of gully, landslide and earthflow erosion. 3. **information and monitoring requirements.** *Meaning of words:* ***"Erosion Control Plan** means: a plan developed by a suitably qualified professional which specifically identifies areas of gully, landslide, and earthflow erosion and measures to mitigate sediment yield from these areas. The Erosion Control Plan must be approved by Northland Regional Council".* ***"High sediment yielding land"**– land mapped in the new Regional Plan as having high potential sediment yield from erosion processes.* (see Figure 5). **Non regulatory:** · 50-100% subsidy for poplars/willows associated with erosion control plan implementation (case-by-case basis). · Encourage erosion control plans on other areas of land subject to erosion.
Water allocation Operative regional rules apply a minimum flow (the lowest level rivers can be reduced as a result of extraction of water – typically around 70-84% of Mean Annual Low Flow), but do not provide a 'hard' limit on the total volume that can be extracted (an allocation limit). Allocation limits protect: the reliability of supply for existing water users; and, aquatic habitat (limiting the period when a river could be held at minimum flow). Currently, the total volume of water allocated for extraction from rivers in the Mangere catchment is high at around 52% of Mean Annual Low Flow. The	**Regulatory:** Retain the current minimum flow and allocation volume as limits –i.e. do not aim to reduce allocation or increase minimum flows from the current: Apply the following water quantity limits for the Mangere Catchment: · A minimum flow limit of 72% of the seven day Mean Annual Low Flow (as calculated for individual reaches).

Issues and current management approach	Mangere Catchment Plan approach
actual minimum flow that must be maintained in rivers by those extracting water is 72% of Mean Annual Low Flow.	· An allocated volume limit of 52% of the seven day Mean Annual Low Flow (as calculated for the catchment – at the Knights Road recording station). **Non-regulatory:** · None.
Damming/extraction of stormflows and seasonal base-flows Operative regional rules allow the diversion of storm run-off to an off-stream dam as a permitted activity. Any extraction or damming of stormflows in a stream or river requires consent. There is expected to be a large number of small off-stream paddock dams capturing run-off for livestock drinking. There are also four privately owned in-stream dams of significant size that have consent to divert and store water. Water stored in two of these dams is not fully utilised.	**Regulatory:** · As per regional plan. **Non-regulatory:** · Council to encourage off-stream storage and flow harvesting.
Transfer of native fish The harvest and transfer of native fish species to a location where they already exist is the responsibility of the Ministry for Primary Industries under the *Fisheries Act 1996.* The transfer of eels and banded kokopu occurs from below the Wairua falls to streams in the Mangere catchment	**Non-regulatory:** · Support the transfer of native fish species by tangata whenua within the catchment.
Fishing reserves The commercial harvest (and total allowable catch) of fresh and marine fish species is the responsibility of the Ministry for Primary Industries under the *Fisheries Act 1996*. Commercial harvesting of eels does occur in the catchment. However, the Department of Conservation, as the land holder, restricts commercial eel harvesting in public reserves (Pukenui Forest).	**Non-regulatory:** · Support the creation of a fishing reserve (taiapure or mataitai reserves) by tangata whenua within the catchment.
Exotic/pest fish species Exotic or pest fish species can be addressed through regional pest management plans. The regional council can also support community efforts	**Non-regulatory:** · Seek voluntary restrictions on the release of exotic fish species (trout) from Fish & Game.

Issues and current management approach	Mangere Catchment Plan approach
to address pests through community pest control areas (CPCAs). Fish surveys have identified the presence of Gambusia and trout. Transfer of trout is authorised by the Department of Conservation and implemented by Fish & Game. Trout have been released in the Mangere catchment in the past.	· Seek formal restrictions on the release of exotic fish species (trout) from Department of Conservation. · Support the reduction of Gambusia populations.
Public reserves The creation of public reserves (esplanade reserves) in waterbody margins is the responsibility of the district councils under the Resource *Management Act 1991*. There are public reserves in the Pukenui Forest and in reserves along the Mangere Stream and Mangere River.	**Non-regulatory:** · Support the continued identification of the Mangere River, Mangere Stream and Patuwairua Stream in the Whangārei District Plan as an esplanade priority area for the creation of esplanade reserves.

Conclusion

The recommendations of the Mangere Catchment Group can be grouped into two types – regulatory (that is, rules) and non-regulatory (that is, voluntary measures or actions). Regulatory measures only have effect once adopted into statutory documents by local authorities or other agencies with regulatory powers.

The regulatory measures identified by the Mangere Catchment Group will be recommended to council for inclusion in the Proposed Regional Plan. If adopted by Council as part of the Proposed Regional Plan, they will then be subject to the same submissions, hearings and appeal processes.

Non-regulatory measures will rely on operational initiatives by the Mangere Catchment Group members and affiliates and / or other parties or agencies. Funding for these measures will also depend on council annual / long term plan processes and / or other agency funding. Implementation of non-regulatory measures will be set out in a prioritised implementation plan.

A draft of the Mangere Catchment Plan was subject to public consultation during August to September 2016. The Mangere Catchment Group greatly appreciates the time, effort and thought provided in the feedback received. This feedback has been considered during subsequent revision of the Mangere Catchment Plan in early 2017.

Glossary

Ammonia	A highly soluble nitrogen compound, chemical formula NH_3, characteristically found in manure, sewage and anaerobic conditions.
ANZECC (Australian New Zealand Environment Conservation Council) 2000 Guidelines	The ANZECC (2000) guidelines outline trigger values for water quality aspects that put stress on river and stream health. This specifies a level below which there is a low risk that adverse biological effects will occur. The trigger values are not designed to be used as threshold values at which an environmental problem is inferred it they are exceeded. Rather they are designed to be used in conjunction with professional judgement to provide an assessment of the state of a water body.
Chlorophyll a	A green pigment found in plants that is used to absorb sunlight during photosynthesis. Chlorophyll a concentrations are an indicator of phytoplankton abundance and biomass in water.
Contact recreation	Primary contact recreation refers to swimming and bathing; secondary contact recreation refers to activities such as boating, fishing and wading.
Dissolved oxygen	A measure of the quantity of oxygen in the water column. Oxygen is required by freshwater and marine organisms, with some species being more sensitive to low oxygen levels than others.
Dissolved reactive phosphorus (DRP)	The fraction of phosphorus that consists largely of inorganic orthophosphate (PO_4) form of phosphorus that can be directly taken up by algae. The amount of dissolved reactive phosphorus therefore indicates the amount of phosphorus that is immediately available for algal growth
Escherichia coli (E. coli)	A common form of faecal bacteria that live in the guts of mammals and birds. Although usually harmless themselves, high levels of E. coli indicate that other pathogens – invisible microbes such as bacteria, viruses, and so on that cause disease – are present.
FDE (Farm Dairy Effluent)	FDE systems are divided into consented or non-consented (permitted) types. Non-consented systems are visually inspected and graded depending on compliance with the criteria for “permitted activities” in the Regional Water and Soil Plan. All Northland dairy farms are inspected at least once per season. Follow-up inspections are also made to all farms found to have significantly non-compliant discharges.
FMU (Freshwater Management Unit)	A water body, multiple water bodies or any part of a water body determined by the council as the appropriate spatial scale.
Heavy rainfall event	50mm within six hours or greater than 100mm rain in 24 hours.
Kaitiakitanga	Guardianship, protection or preservation. Environmental management based on the traditional Māori world-view.
L/s (litres per second)	A unit of measure of river volume flow rate, that is, the number of litres of water which passes that point per second.

Mahinga kai	Food and other resources, and the areas they are sourced from.
Mahinga mātaitai	Customary seafood gathering site, shellfish bed.
Mana	Prestige, authority, control, power, influence
Manaakitanga	Hospitality, kindness.
Mana whenua	Those who have customary authority.
Mātauranga	Knowledge, body of knowledge.
Mauri	The essential life force of all things; spiritual essence.
MALF (Mean Annual Low Flow)	A 7-day MALF is commonly used for setting minimum flow and allocation limits because it is a measure of water availability during dry periods. MALF also standardises minimum flow and allocation by the size of the river.
MCI (Macroinvertebrate Community Index)	An index where macroinvertebrates are used for monitoring and reporting on stream health in New Zealand. The MCI assigns a score to each species or taxon (from one to 10), based on its tolerance or sensitivity to organic pollution, then calculates the average score of all taxa present at a site.
MPN (Most Probable Number)	Method used to enumerate the number of bacteria in a sample.
Nitrate	A highly soluble compound of nitrogen and oxygen with the chemical formula NO_3.
NOF (National Objective Framework)	Established in the National Policy Statement for Freshwater Management 2014, providing a number of grades as well as “national bottom lines” – thresholds of water quality attributes that good management should prevent our waterways from reaching in a consistent way across the country.
NTU (Nephelometric Turbidity Units)	A measure of turbidity in water being the propensity of particles to scatter a light beam.
Periphyton	Slime and algae community growing on river and stream beds. As the primary producer in stream ecosystems, it is an important indicator of ecosystem health.
Taonga tuku iho	Treasure(s) handed down.
Turbidity	Measure of water clarity, the cloudiness or haziness of water. A measure of the degree to which light is scattered in water by particles, such as sediment and algae.
Wāhi tapu	Places and things that are sacred.

WAIORA NORTHLAND WATER

Whangārei Harbour Catchment Management Plan

August 2017

Northland REGIONAL COUNCIL

Table of contents

Introduction

The purpose of the Whangārei Harbour Catchment Plan (catchment plan) is to identify measures to maintain and/or improve fresh and coastal water quality over time. The catchment plan involves the setting of catchment-specific objectives and associated methods to manage water quality and quantity based on the uses and values identified by a collaborative stakeholder group, which has been supported by staff from Northland Regional Council and Whangārei District Council.

The catchment plan has been developed alongside the new Regional Plan for Northland. These documents should be read together, as the new Regional Plan sets out the region-wide objectives, policies and rules for fresh and coastal water management (among other things), while the catchment plan provides a catchment specific approach using both regulatory (rules) and non-regulatory methods. Once finalised, the regulatory methods in the catchment plan are recommended for inclusion in a section of the new Regional Plan specific to the Whangārei Harbour catchment.

Following this introductory section, which provides information about the freshwater management units and the current state of water quantity and quality in the catchment, the plan is divided into three sections:

- The first section identifies the uses and values associated with freshwater and harbour water, and highlights the key issues that need to be managed to support these uses and values.
- The second section describes high level objectives for the catchment, and in turn specific objectives for the attributes that need to be managed to achieve these objectives.
- The final section outlines the methods that will be used to achieve these objectives. These are separated into regulatory and non-regulatory methods. Regulatory methods can be implemented through the new Regional Plan for Northland, Whangārei District Plan or through consent conditions. Non-regulatory methods will be implemented through a variety of means following development of an implementation plan.

Catchment description

The Whangārei Harbour catchment is located on the south-east coast of Northland. It has an area of approximately 300km^2; contains much of Whangārei city urban area; and has a population of around 52,000 people.

The catchment has heterogeneous geology and soils, and has a wide range of land uses, including pastoral farming, plantation forestry, native bush and urban environments (Figure 1).

The catchment is made up of a number of smaller sub-catchments (Figure 2). The three main sub-catchments are formed around the three larger systems – the Hātea River, the Otaika/Puwera streams and the Waiarohia/Raumanga streams.

The catchment flows to a drowned river valley/large estuarine harbour of approximately 105km^2, with an average high tide depth of just 4.4 metres, due to extensive intertidal flats. The harbour can be understood in three distinct areas: upper harbour (west of Matakohe/Limestone Island), middle harbour, and lower harbour (east of Manganese Point).

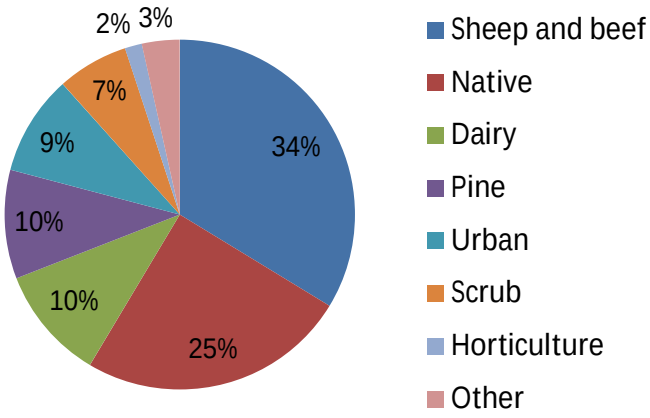


Figure 1 Land use in the Whangārei Harbour catchment.

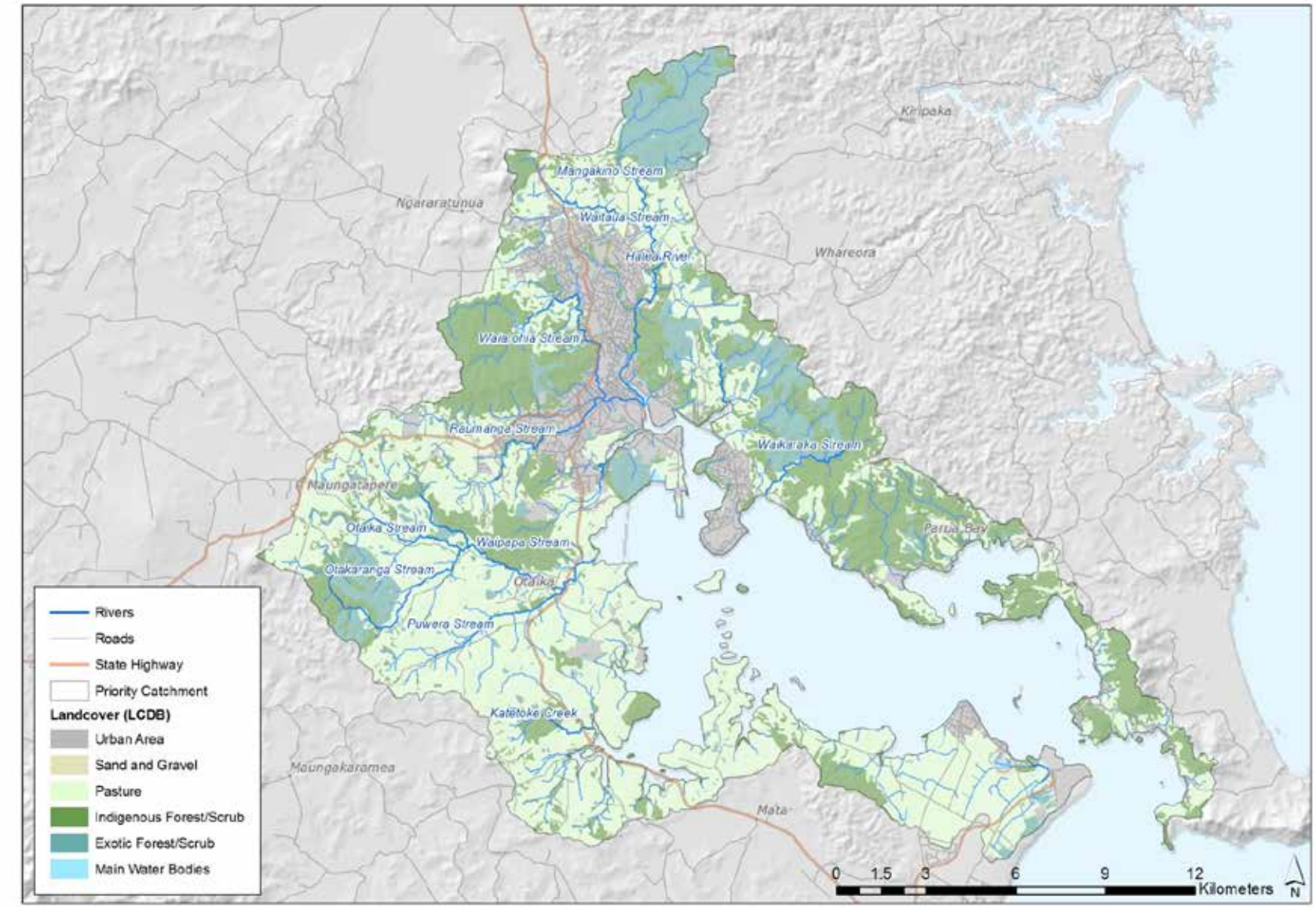


Figure 2: Whangārei Harbour catchment showing main rivers and land cover.

Fresh water quantity – freshwater management units and current state

A freshwater management unit (FMU) is defined as a water body, multiple water bodies or any part of a water body determined by the council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes. Northland Regional Council has grouped rivers in the region into four different FMUs for managing river water quantity based on their uses, values and sensitivity to extraction:

- Coastal rivers;
- Small inland rivers;
- Large rivers; and
- Outstanding rivers.

Each FMU is subject to different limits on the taking of water – how much water should remain in rivers (minimum flow) and the total amount that can be extracted (allocation limit). These limits will be included in the new Regional Plan and serve to protect aquatic habitat values and reliability of supply for water users. The limits are expressed as a percentage of the river's Mean Annual Low Flow (MALF).

Under the regional approach, all the rivers in the Whangārei Harbour catchment are designated as being a coastal river FMU (Figure 3). Coastal rivers have the highest diversity in native fish as many native fish move between fresh and coastal waters as part of their lifecycle. These rivers are sensitive to water takes given their typically small flow, which also means they have the lowest natural reliability for users. Coastal rivers have the most restrictive default allocation limits of the four – having the highest minimum flow (90% MALF) and lowest allocation (30% MALF) limits.

Figure 4 shows the current level of water allocation compared to the regional default allocation limits for coastal rivers (30% MALF) in the Whangārei Harbour sub-catchments (note allocation can change as a result of consents issued or surrendered). Most sub-catchments have either a low or moderate level of allocation (dark and light green coloured areas). However, two sub-catchments, Hātea and Otaika, have a level of allocation above the regional default allocation limit (orange areas). These sub-catchments are fully allocated and therefore 'capped' – i.e. it would be difficult to argue for more water to be allocated.

Table 1 provides water allocation details for these two sub-catchments, showing MALF, default minimum flow and allocation volumes, and the current allocation levels and uses. The current level of allocation in both these sub-catchments are dominated by one or two large takes: Whangārei District Council water takes for public water supply on both the Hātea and Otaika, and a take at the bottom of the Otaika providing water for the Golden Bay cement works at Portland. The remaining consents in these two catchments are for horticultural irrigation. It should be noted that in some cases the actual volume of water used and the volume of water allocated through consents can be quite different and full allocation does not necessarily equate to impacts on these rivers.

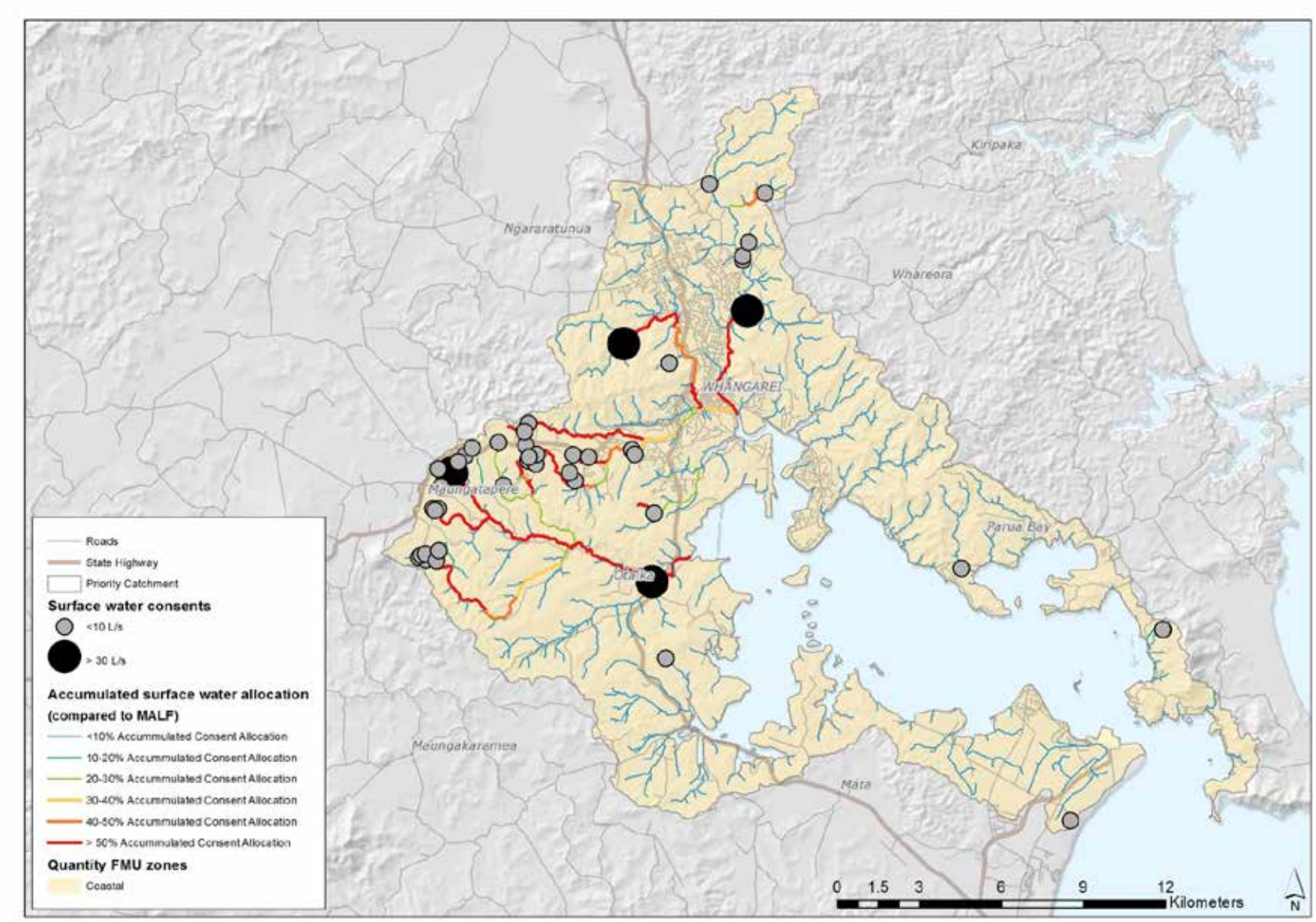


Figure 3: proposed water quantity FMUs in the Whangārei Harbour catchment **and consented surface water takes.**

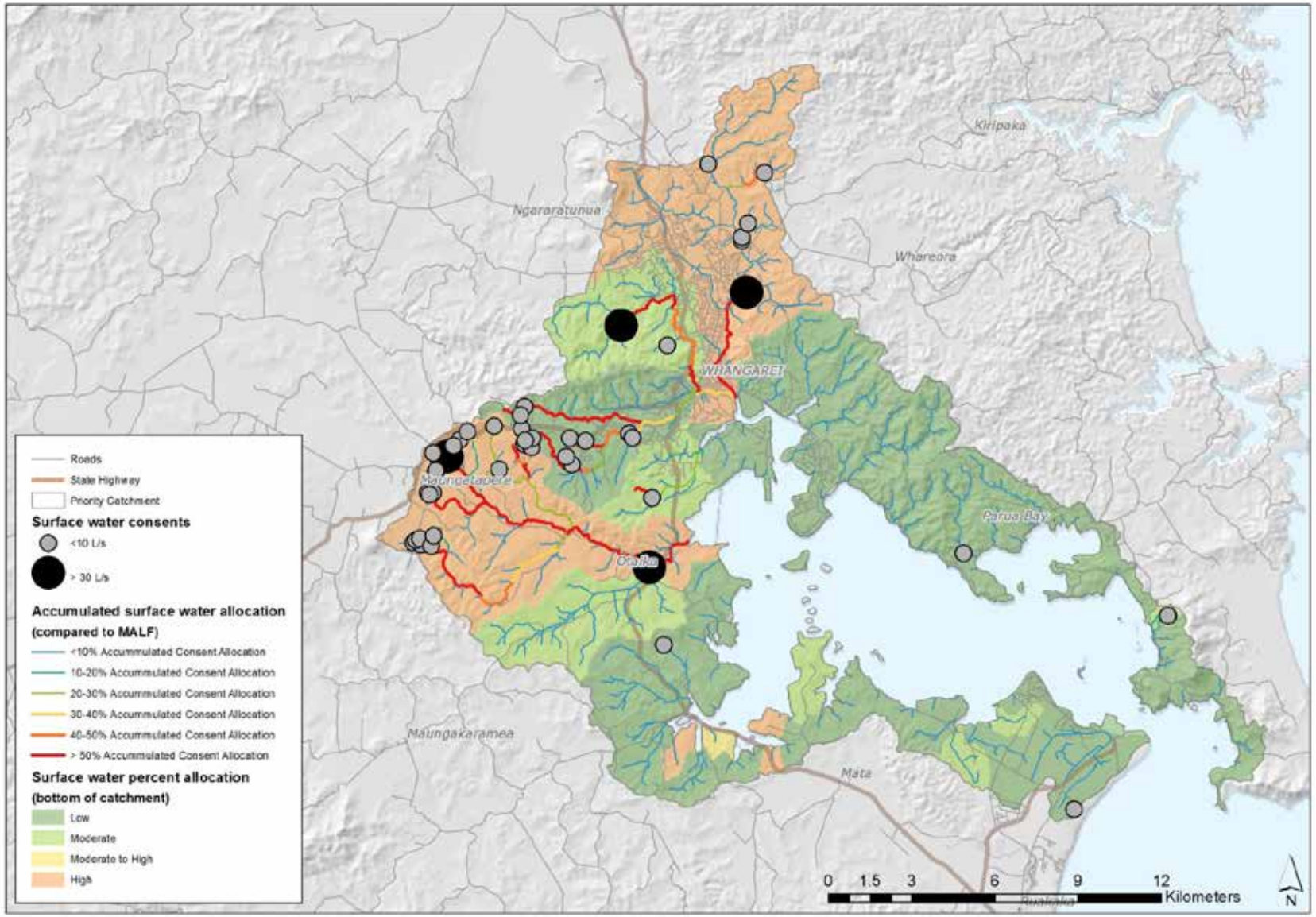


Figure 4: current state of surface water allocation in the Whangārei Harbour catchment.

Table 1: water allocation in the Hātea and Otaika sub-catchments.

Sub-catchment	7-day MALF[1]	Default minimum flow at bottom of the catchment[2]	Default allocation at bottom of the catchment[3]	Current level of allocation[4] – instant-aneous rate	Current level of allocation – 24 hour average daily allocation	Key consents	Non-consented takes	
							Stock drinking	Dairy wash-down
Hātea at Whareora Rd	**122L/s**	**109L/s** (90% MALF)	**37L/s** (30% MALF)	**123L/s** (100% MALF – high)	**110L/s** (90% MALF)	**Whangarei District Council** Max take rate **115L/s** Min flow **114L/s** (93% MALF at reach)	**1L/s** (<1% MALF)	**Not applicable**
Otaika	**135 L/s**	**121.5L/s** (90% MALF)	**40.5L/s** (30% MALF)	**160L/s** (118% MALF – high)	**61L/s** (45% MALF)	**Golden Bay Cement** Max take rate **100L/s** Min flow **36L/s** (26% MALF at bottom of catchment) **Whangarei District Council** Max take rate **31L/s** Min flow not applicable	**4.1L/s** (3% MALF)	**1.7L/s** (1% MALF)

Notes:
1. 7-day Mean Annual Low Flow (MALF) is commonly used for setting minimum flow and allocation limits because it is a measure of water availability during dry periods. MALF also standardises minimum flow and allocation by the size of the river.
2. Minimum flows are set to protect in-stream values, aquatic ecosystems in particular. For reference, the regional default minimum flow limit for small river FMUs is 80% MALF, for example, 98L/s for Hātea.
3. Allocation limits are set to cap the amount of water that can be taken from a water body above a minimum flow. For reference, the regional default allocation limit for small river FMUs is 40% MALF, for example, 49L/s for Hātea.
4. Current level of allocation includes both consented takes and an estimate of non-consented takes.

Fresh water quality – freshwater management units and current state

The new regional plan proposes identifying Lowland and Hill Country areas for the purpose of livestock exclusion rules. Lowland is land below an average15^0 slope, while Hill Country is land above an average 15^0 slope. Figure 5 shows the Lowland and Hill Country areas as they relate to the Whangārei Harbour catchment. Figure 5 also identifies the 12 sites in the Whangārei Harbour catchment that are monitored by Northland Regional Council for fresh water quality. Three of these sites (Hātea at Mair Park, Waiarohia at Second Avenue and Otaika at Otaika Valley Road) have been monitored over a longer period of time as part of Northland Regional Council's River Water Quality Monitoring Network (RWQMN). The other nine sites were established in July 2014 to assist in monitoring the catchment.

Tables 2 and 3 summarise the current state of fresh water quality in the Whangārei Harbour based on monthly sampling at these 12 monitoring sites during the 24-month period June 2014 to July 2016 for a number of different measures. The Puwera at Bennett's site is no longer considered suitable as a water quality sampling site as it ephemeral with low flows generally. This site is being relocated to an area with higher flows nearby on the Puwera. Table 2 provides the results as they relate to the "National Objective Framework (NOF)" attributes which are compulsory. In its current form the NOF does not address all the water quality issues of concern in Northland. For this reason other guidelines/indicators are used to give a more complete picture of water quality (Table 3). While the NOF and guidelines such as the Australian New Zealand Environment Conservation Council (ANZECC) 2000 Guidelines are quite different and are not directly comparable, it is useful to provide results for both to give an overall indication of water quality throughout the catchment. For example, the ANZECC (2000) guidelines outline trigger values for water quality aspects that put stress on river and stream health. This specifies a level below which there is a low risk that adverse biological effects will occur. Council also monitors stream macroinvertebrates (MCI) and stream habitat as indicators of water quality and stream health.

Results for the river water quality monitoring site on the Mangere River in the Pukenui Forest provide a reference site to allow for comparison with a native forested sub-catchment. Information on flow is available for three sites, and is summarised below.

Water quality monitoring site	**Flow (L/s)**		
	7 day MALF	**Mean Flow**	**Median Flow**
Hātea at Mair Park	122	1094	539
Waiarohia at Second Avenue	64	362	150
Raumanga at Bernard St	88	355	196

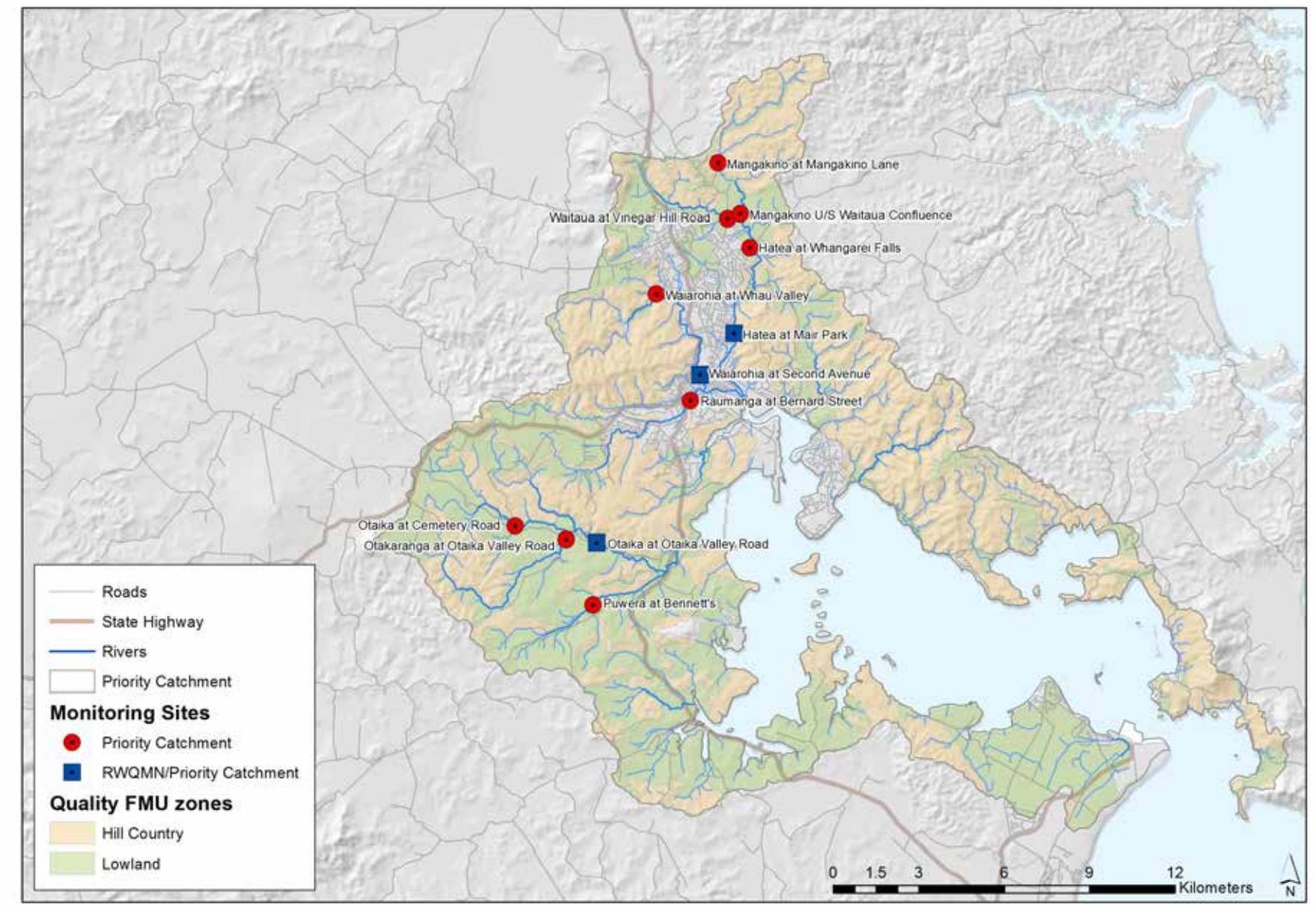


Figure 5: Water quality monitoring sites and Lowland areas (land <15^0 slope) and Hill Country areas (land >15^0 slope) in the Whangārei Harbour catchment.

Table 2: freshwater quality in the Whangārei Harbour catchment using NOF attributes.

Water quality monitoring site	FMU	National Objective Framework (NOF) attributes						
		Nitrate nitrogen toxicity (mg/L)		Ammoniacal nitrogen toxicity (mg/L)		Escherichia coli (*E. coli*/100mL)		Periphyton exceeds no more than 8% of samples[1] (Chl-a mg/m^2)
		Annual median A ≤1 B >1≤2.4 C >2.4≤6.9 D >6.9	95th percentile A ≤1.5 B >1.5 ≤3.5 C >3.5≤9.8 D >9.8	Annual median A ≤0.03 B .0.3≤0.24 C .0.24≤1.3 D.1.3	Annual maximum A ≤0.05 B >.05≤0.4 C >0.4≤2.2 D >2.2	Annual median A ≤260 B >260≤540 C >540≤1000 D >1000	Annual 95th percentile A ≤260 B >260≤540 D >540	Chlorophyll-a A ≤50 B >50≤120 C >120≤200 D >200
Mangere at Pukenui Forest	LL	A	A	A	A	A	A	ND
Mangakino at Mangakino Lane	HC	A	A	A	A	A	D	C
Mangakino U/S Waitaua confluence	LL	A	A	A	B	C	D	ND
Waitaua at Vinegar Hill Road	LL	A	A	B	B	B	D	ND
Hātea at Whangārei Falls	LL	A	A	A	B	B	D	ND
Hātea at Mair Park	HC	A	A	A	B	A	D	C
Waiarohia at Whau Valley	LL	A	A	A	B	B	D	B
Waiarohia at Second Avenue	No	A	A	A	B	B	D	C
Raumanga at Bernard Street	No	A	A	A	A	C	D	B
Otaika at Cemetery Road	LL	B	B	A	B	C	D	ND
Otakaranga at Otaika Valley Road	LL	A	A	A	B	A	D	ND
Otaika at Otaika Valley Road	LL	A	B	B	B	B	D	D
Puwera at Bennett's	LL	A	A	B	D	B	D	B

Notes:

ND = No Data: water quality monitoring site is not suitable for Periphyton chlorophyll-a sampling due to not having a stony substrate.

1. It is too early to make a definite judgement regarding the current status of Periphyton chlorophyll-a. The results provided are based on one year's worth of sampling. The NPS-FW indicates three years of sampling.

Source: Northland Regional Council (2016), *Whangārei Harbour Catchment: Water Quality Update*.

Table 2 legend

A	Similar to reference conditions
B	Slightly impacted
C	Moderately impacted (lower/upper national bottom line)
National bottom line	

D	Degraded/unacceptable (must be managed to C or better)

Table 3: freshwater quality in the Whangārei Harbour catchment using national guideline/trigger values.

Water quality monitoring site	ANZECC guidelines						RMA 1991	Ecological indicators	
	Nitrate, nitrite, nitrogen (mg/L)	Ammoniacal nitrogen (mg/L)	Total nitrogen (mg/L)	Dissolved reactive phosphorus (mg/L)	Total phosphorous (mg/L)	Turbidity (NTU)[1]	Dissolved oxygen (% saturation)	Macro-invertebrates [2]	Stream habitat[3]
ANZECC 2000 trigger	Annual median <0.444	Annual median <0.021	Annual median <0.614	Annual median <0.01	Annual median <0.033	Annual median <5.6	Annual median ≥80	MCI score	% rating compared with reference site
Mangere at Pukenui Forest	Below	Below	Below	Above	Below	Below	Above	127	100
Mangakino at Mangakino Lane	Below	Below	Below	Below	Below	Above	Above	129	90
Mangakino U/S Waitaua confluence	Below	Above	Below	Above	Below	Above	Above	99	37
Waitaua at Vinegar Hill Road	Above	Above	Above	Above	Below	Below	Below	71	34
Hātea at Whangārei Falls	Above	Above	Below	Below	Below	Below	Above	ND	ND
Hātea at Mair Park	Below	Above	Below	Above	Below	Below	Above	109	76
Waiarohia at Whau Valley	Above	Above	Below	Above	Below	Below	Above	115	78
Waiarohia at Second Avenue	Below	Above	Below	Above	Below	Below	Above	98	48
Raumanga at Bernard Street	Above	Below	Above	Above	Below	Below	Above	106	45
Otaika at Cemetery Road	Above	Above	Above	Above	Above	Above	Above	88	36
Otakaranga at Otaika Valley Road	Below	Above	Below	Below	Below	Above	Below	69	43
Otaika at Otaika Valley Road	Above	Above	Above	Above	Above	Below	Above	129	81
Puwera at Bennett's	Below	Above	Above	Above	Above	Below	Above	89	36

A	Similar to reference conditions
B	Slightly impacted

Notes:
ND = No Data as monitoring has not been done at this site.
1. Turbidity national trigger/guideline value: ≤ 5.6 NTU. This is an upper limit indicative of unmodified or slightly disturbed ecosystems in New Zealand lowland rivers.
2. Macroinvertebrate Condition Index (MCI) scoring index: Poor < 80; 80 ≤ Fair < 100; 100 ≤ Good < 120; 120 ≤ Excellent.
3. Stream habitat score: above or below 50% of reference condition.
Source: Northland Regional Council (2016), *Whangārei Harbour Catchment: Water Quality Update*.

C	Moderately impacted
E	Extremely unacceptable

Table C3 legend

Coastal water quality – zones and current state

Northland Regional Council is proposing in the new Regional Plan to classify the region's coastal waters into four zones for managing aquatic eco-system health: open coast, estuarine (the main bodies of estuaries and harbours), tidal creeks (shallow, narrow sediment depositional areas in the upper harbour reaches of estuaries) and Hātea River. Each zone will have different water quality standards in acknowledgement that water quality differs between the zones. Water quality standards for recreation will apply to open coast and estuarine zones, and the standards for aquaculture and shellfish consumption will apply to aquaculture sites and popular shellfish gathering sites identified by council.

The proposed coastal water quality zones as they relate to the Whangārei Harbour catchment are shown in Figure 6.

Table 4 summarises the current state of coastal water quality in the Whangārei Harbour based on bi-monthly sampling at 16 monitoring sites covering the five-year period January 2010 to December 2014. Water quality in sites tested in the outer harbour is good. Sites tested in the Hātea arm and tidal creek areas could be improved.

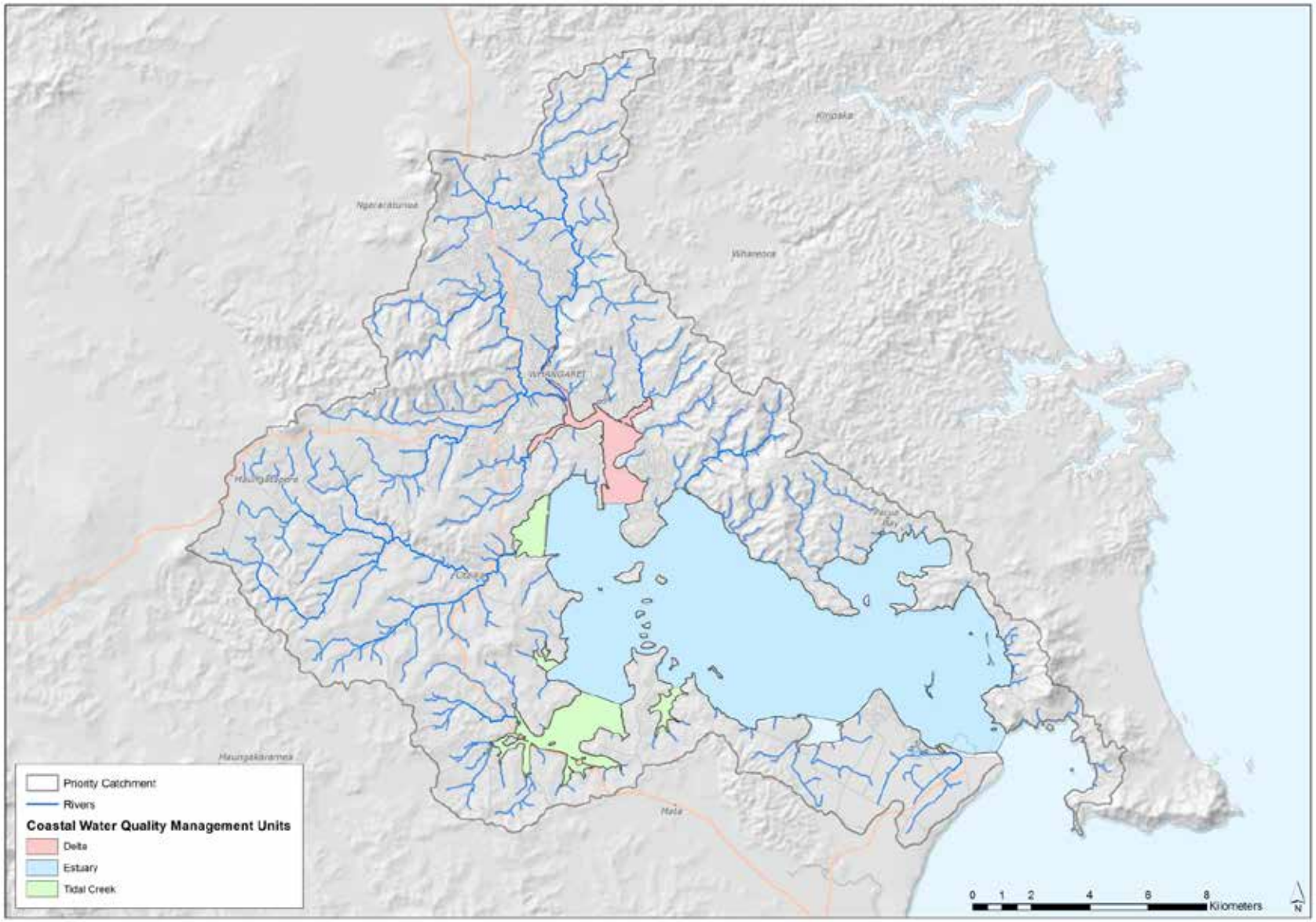


Figure 6: proposed coastal water quality zones in the Whangārei Harbour catchment.

Table 4: coastal water quality in the Whangārei Harbour.

Proposed zone	Site name	Nitrate-nitrite nitrogen	Ammon-ium	Chlorophyll-a	Enterococci (Primary contact guidelines)	Faecal coliform (Shellfish guideline)	Dissolved reactive phosphorus	Turbidity	Dissolved oxygen	Water quality index
		NNNmg/l	NH_4mg/l	mg/l	MPN/100ml	MPN/100ml	DRP mg/l	NTU	% saturation	Index
		Median	Median	Median	95th percentile	Median	Median	Median	Median	
	ANZECC 2000 trigger[1]	0.0150	0.0150	0.00400	40	14	0.0050	10.0	80%<X<110%	NA
Hātea	Town Basin	0.4100	0.0660	0.00250	393	149	0.0650	4.3	87.8	15.0
	Upper Hātea River	0.4450	0.0745	0.00280	369	79	0.0735	4.5	84.8	13.8
	Waiarohia Canal	0.5750	0.0790	0.00200	362	76	0.0885	4.3	87.6	13.6
	Limeburners Creek	0.4400	0.0835	0.00175	724	100	0.0900	6.2	85.7	11.7
	Kissing Point	0.2100	0.0650	0.00200	401	27	0.0585	5.7	87.5	16.6
	Lower Hātea River	0.1035	0.0340	0.00250	361	16	0.0380	5.2	87.4	27.0
Tidal Creek	Otaika Creek	0.3000	0.0445	0.00220	109	111	0.0080	9.1	85.9	25.9
	Mangapai River	0.0079	0.0160	0.00190	59	6	0.0145	8.5	79.4	33.2
	Portland	0.0091	0.0140	0.00225	16	1	0.0140	6.2	91.2	35.8
Estuarine	Kaiwaka Point	0.0430	0.0215	0.00175	337	1	0.0200	5.0	90.9	36.6
	Onerahi	0.0100	0.0053	0.00175	36	1	0.0135	5.0	96.7	51.2
	Tamaterau	0.0075	0.0095	0.00140	16	1	0.0100	2.7	96.5	53.8
	One Tree Point	0.0032	0.0025	0.00140	6	1	0.0075	0.9	98.5	72.6
	Snake Bank	0.0035	0.0025	0.00130	46	1	0.0080	0.9	98.7	65.1
	Blacksmith Creek	0.0024	0.0025	0.00083	10	1	0.0070	0.7	98.8	64.2
	Marsden Point	0.0030	0.0025	0.00115	8	1	0.0070	0.7	99.0	73.1
	Mair Bank	0.0028	0.0025	0.00115	36	1	0.0070	0.6	99.0	64.8

Notes:
1. Default trigger values for south-east Australia for slightly disturbed estuary ecosystems. This specifies a level below which there is a low risk that adverse biological effects will occur. The median faecal coliform bacterial concentration should not exceed 14 MPN/100mL, with no more than 10% of the samples exceeding 43 MPN/100 mL
Source: Northland Regional Council (2016), *Coastal Water Quality Monitoring: 2010-2014 results.*

Council also monitors coastal water quality for recreational bathing during the summer (end of November to end of February) to assess the risk of contamination. There are two permanent sites in the Whangārei Harbour catchment: Onerahi and Taurikura Bay. Three additional sites at McLeod Bay, Urquharts Bay and One Tree Point were monitored during the 2015/16 season. All samples taken from all five sites during the 2015/16 season – which were each sampled 14 times – were below the trigger level indicating that the water quality was suitable for swimming on all sampling occasions. Recent end-of-season grading for the two permanent monitoring sites are presented in Table 5.

Table 5: results for coastal permanent monitoring swimming sites in the Whangārei Harbour 2007/08 to 2015/16.

Site name	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Onerahi playground	100	100	100	89	100	94	100	93	100
Taurikura Bay	92	75	100	89	100	100	100	100	100

	95-100% samples within guidelines (no 'Action' result)		90-94% samples within guidelines
	75-89% samples within guidelines		<75% samples within guidelines

In addition to assessing sites for their suitability for swimming, results from sites also popular for shellfish gathering are compared to the Ministry for the Environment and Ministry for Health microbiological guidelines. These samples are collected over the summer months rather than the entire shellfish gathering season, which, excluding scallops, is all year round in Northland. Various sites within the Whangārei Harbour are assessed. Results for the last six seasons are presented in Table 6.

Table 6: Results for recreational shellfish gathering sites coastal permanent monitoring sites 2010/11 – 2015/16

	% of sample exceeding MPN of 43/100ml					
Site Name	**2010/11**	**2011/12**	**2012/13**	**2013/14**	**2014/15**	**2015/16**
One Tree Point at Intertidal Beach	ND	13%	12%	13%	7%	7%
Onerahi playground	ND	47%	18%	13%	14%	ND
Taurikura Bay	18%	19%	6%	6%	29%	ND
Urquharts Bay	18%	ND	ND	ND	ND	0%

1. Guideline value is that no more than 10 percent of samples should exceed an MPN of 43/100ml.

Sedimentation in the Whangārei Harbour

Using sediment cores taken from eight intertidal and one sub-tidal site, NIWA (2013b) found that the upper harbour has substantially infilled with eroded catchment soils. Mud is exported from the upper to the lower harbour where it has been accumulating in the bays and inlets that indent the northern shoreline. The study identified three areas in the upper Whangārei Harbour that deposit catchment sediments and three long-term "mud sinks" east of Onerahi Peninsula (Figure 7). These are:

- Upper harbour mangrove habitats, which are assumed to be accreting at a rate that is equal to the long-term rate of relative sea-level rise (1.5 mm/y at the Ports of Auckland).
- Upper harbour saltmarsh habitats, also assumed to be accreting at a rate that is equal to the long-term rate of relative sea-level rise (1.5 mm/y at the Ports of Auckland).
- Upper harbour unvegetated intertidal flats, accreting at a spatially-averaged rate of 4 mm/y.
- Parua Bay, in the lower harbour, where rapid vertical accretion of the intertidal flats occurred until the early 1950s when reduced tidal inundation lowered sediment delivery. Today, the intertidal flat is accumulating sediment (2.9mm/year) at a similar rate to the central subtidal basin (2.2mm/year).
- Munro Bay, in the lower harbour, where mud from rivers discharging to the upper harbour has been depositing from the mid-1950s, burying the previous shell-rich sands.
- Along the northern shore from Onerahi Peninsula east to Jacksons Bay, in the middle harbour.

The study estimated that the average sediment accumulation rate (SAR) in the Whangārei Harbour is 3.4mm/year, within the range observed in other North Island estuaries (1.9-6.7mm/year) over the last century. The long-term sediment yield from the upper harbour catchment has been estimated from sedimentation data as 30,400 ±6040 tons per year over the last 50 years (1962-2012). However, this period includes the time when Portland Cement discharged large quantities of sediment to the harbour (1958-82), which will have had an effect on the 3.4mm/year figure. Sediment modelling using SedNetNZ[1] estimated a total erosion based sediment yield of 24,000 tons per year for the upper harbour catchment and 31,500 tons per year for the whole Whangārei Harbour catchment (Figure 8). Pastoral land use accounts for 43% of total erosion sediment. While land based erosion processes currently account for about 85% of total erosion in the catchment, stream bank erosion varies considerably by sub-catchment. SedNetNZ models fine sediment generated through natural erosion processes (e.g. landslide, earthflow, gully and surficial erosion). It does not account for sediment generated from activities such as earthworks.

[1] SedNetNZ is a model used to identify types of erosion processes and their relative yield to total sediment load

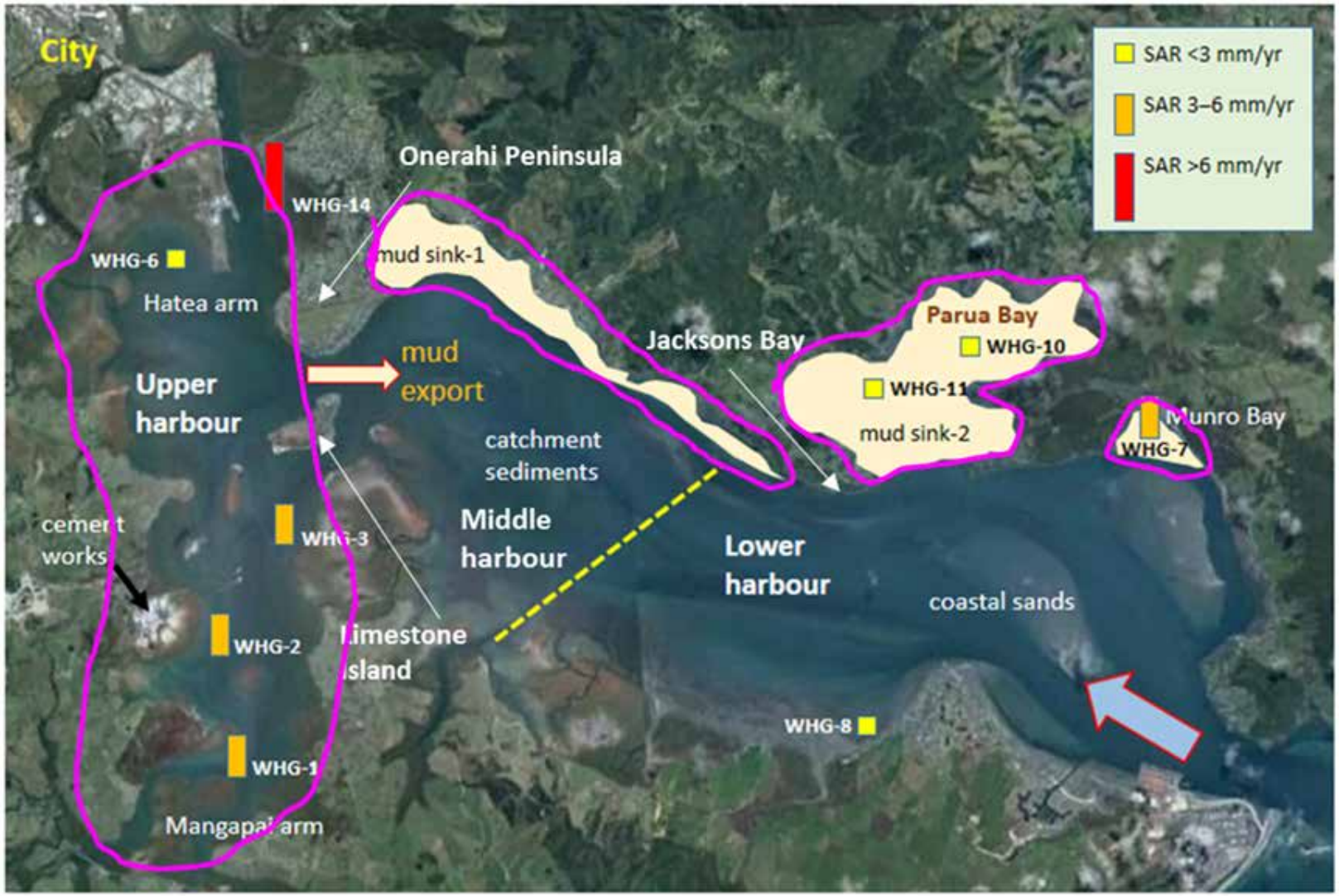
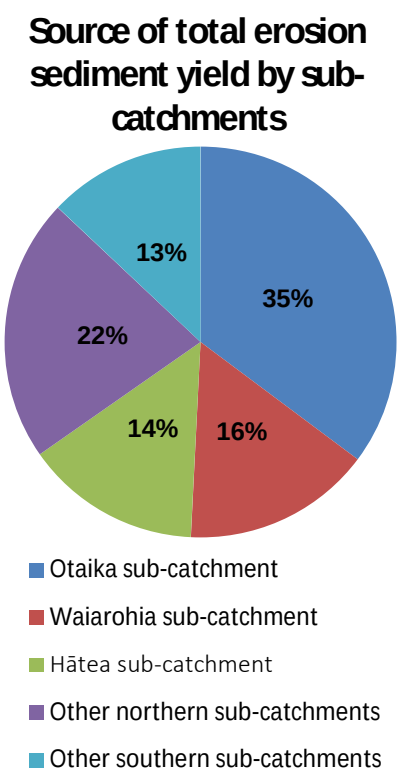
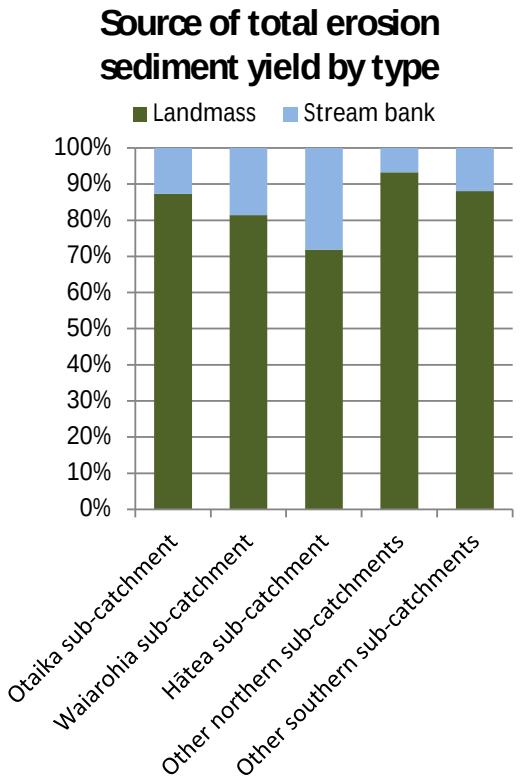
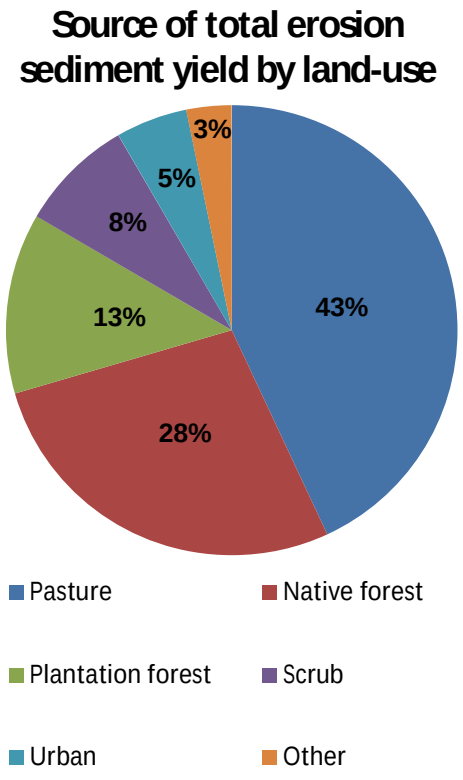


Figure 7: summary of recent sedimentation in Whangārei Harbour based on core sampling data.


Source of total erosion sediment yield by sub-catchments
35%
16%
14%
22%
13%
Otaika sub-catchment
Waiarohia sub-catchment
Hātea sub-catchment
Other northern sub-catchments
Other southern sub-catchments


Source of total erosion sediment yield by type
Landmass
Stream bank
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
Otaika sub-catchment
Waiarohia sub-catchment
Hātea sub-catchment
Other northern sub-catchments
Other southern sub-catchments


Source of total erosion sediment yield by land-use
43%
28%
13%
8%
5%
3%
Pasture
Native forest
Plantation forest
Scrub
Urban
Other

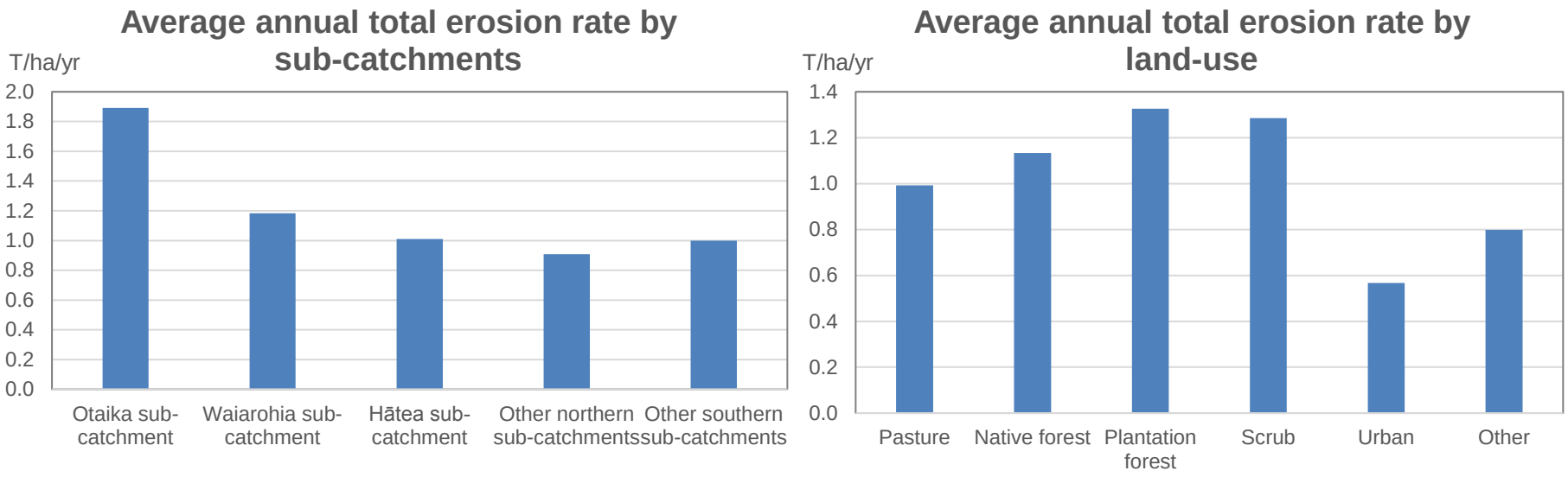


Figure 8: SedNetNZ erosion modelling results for Whangārei Harbour catchment.

The charts above show total erosion by sub-catchment and average annual total erosion rate (T/ha/yr) by land use. Plantation forestry, native forest and scrub tend to have higher erosion rates because they are typically located on the steepest, most highly erodible soil in the catchment. If pasture production was taking place on these areas of the catchment then the erosion rate would be much higher and conversely if plantation forestry was taking place on land in pasture, then annual erosion rates from these areas would be lower.

The Whangārei Harbour Catchment Plan recommends targeting high sediment yielding land for intervention to address erosion processes (i.e. a requirement for pastoral land use on these areas to develop an Erosion Control Plan by 2025). In the Whangārei Harbour catchment high sediment yielding land is land that is estimated to generate 250 tonnes of sediment/KM^2 per annum or more (refer to Appendix 5 for a map of these areas). Full implementation of the erosion control plans is modelled to reduce hill slope erosion by 23%.

Uses and values

A key step in the process used to develop this catchment plan was identification of uses and values – this identifies the matters of primary concern in the catchment. The following table lists the specific uses and values for fresh and coastal water identified by the Whangārei Harbour catchment group. These have been organised by the group into five broad categories of uses and values for determining issues and objectives for the catchment.

Table 7: uses and values for fresh and coastal water

Broad uses and values categories						
				Socio-economic		
Ecosystem health	**Natural form and character**	**Cultural health**	**Recreation**	**Potable water supply**	**Other water supply**	**Navigation**
Biodiversity and habitat. Instream values – macro invertebrate biodiversity. Contribution to maintaining natural clean environment. Essence of quality of well-being. Well-being – able to sustain life. Waste dilution/filtration. Education. Linked ecosystems from mountain to sea.	Sense of place/well-being. Natural character/landscape. Great karma/help keep sanity/aesthetics/sense of peace.	Kaitiakitanga (obligation of tangata whenua includes knowledge and guardianship). Tikanga (traditional practices in relation to everything). Mauri (protection of life force of water bodies and all within them). Mahinga kai/mataitai (fishing, shellfish gathering, tuna, koura, watercress, etc.). Wai tapu (healing waters, sites of significance associated with waterways). Cultural identity (awa, harbour named in pepeha, whakapapa, etc, important to cultural/spiritual well-being). Mātauranga Māori/Wai tukiato (gift of knowledge and resources for future generations, our own "science" practices, etc. in relation to catchment management).	Swimming Diving Kayaking Sailing Rowing Waka ama Hiking	Domestic drinking (public and private). Clean drinking water is a basic human right. Respect of mokopuna.	Irrigation. Stock drinking. Cowshed/plant cleaning and cooling. Forestry. Small industry. Firefighting.	Access historical use. Navigation. Tauranga waka. Access for boating. Anchorage. He ara haere. Port (Marsden and inner city).

Attributes

Once uses and values have been identified, the second step is to determine the factors (attributes) that affect or support those uses and values (E.g. recreational use is affected by the attributes *E.coli* and visual clarity). This in turn can be used to set attribute specific objectives to protect or improve a given value (E.g. an objective to reduce *E.coli* and improve visual clarity for the purposes of recreational use). The Table below sets out the relationship between attributes and uses and values identified by the catchment group - the greater the shaded area, the more important that attribute is determined to be in relation to supporting that use/value.

Table 8: uses and values associated with attributes

Attributes	Uses and values																							
	Ecosystem Health			Natural form and character			Cultural Health			Recreation			Socio-economic											
													Potable water supply			Other water supply			Navigation					
Nitrate nitrogen (toxicity)	■	■	■	■			■	■	■	■	■		■	■	■	■								
Ammonia (toxicity)	■	■	■	■			■	■	■	■	■		■	■	■	■								
Periphyton (trophic state)	■	■	■	■			■	■	■	■	■		■	■	■	■								
Escherichia coli (E.Coli) - [faecal indicator bacteria]							■	■	■	■	■	■	■	■	■	■								
Enterococci (Ent.) - [faecal indicator bacteria]							■	■	■	■	■	■												
Nutrients	■	■	■	■			■	■	■	■	■		■	■	■	■								
Clarity	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■				
Sediment (deposited)	■	■	■	■	■	■	■	■	■	■			■	■	■	■	■		■	■	■			
Dissolved Oxygen (below point source)	■	■	■	■	■		■	■	■				■											
Heavy metals and petrochemical compounds	■	■					■	■	■	■			■	■	■	■	■	■						
Gross pollutants (inorganic solid waste)	■	■		■	■	■	■	■	■	■	■	■	■	■		■			■	■	■			
Obstructions (including fish passage barriers)	■	■	■	■	■	■	■	■		■	■								■	■	■			
Riparian cover	■	■	■	■	■	■	■	■					■	■										
Flow	■	■	■	■	■	■	■	■	■	■			■	■		■	■	■	■					
Level of modification	■	■	■	■	■	■	■	■											■					
Water temperature	■	■	■				■	■	■	■			■											
Agrichemicals	■	■	■				■	■	■	■	■	■	■	■	■	■	■							
Odour/Taste	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■							
Sight - scum, film etc	■			■			■	■		■	■		■						■					

Note:
the top four (shaded) attributes are compulsory under the NPS Freshwater 2014

The issues/problems

This section outlines the key issues associated with managing water quality and quantity in the Whangārei Harbour catchment. These are arranged under the five broad categories of uses and values. Under each of the broad categories, the catchment group has identified some specific uses and values. Resolving issues that relate to one use or value may impact on other uses and values (E.g. a reduction in sediment may address ecosystem health, cultural and recreational values).

Table 9: issues relating to identified uses and values

Uses/values	**Issue (specific and/or generic)**
Ecosystem health	1. Habitat for native fish species is impacted by lack of connectivity and riparian cover, flow/abstraction, sediment, and dissolved oxygen levels. 2. All streams surveyed to date have had man-made fish passage barriers identified (Appendix 4). 3. The upper harbour has substantially infilled. Mud travels from the upper to lower harbour where it has been accumulating in the bays and inlets that indent the northern shoreline. Sub-soils that come from streambank erosion, gullying and slips and land disturbance from subdivisions/earthworks, etc., are major sources of new sediment deposited in stream beds and at river deltas in the upper harbour since the mid-1980s. Pre-1980s sediment discharges from the Portland cement factory are still redistributing through the harbour. 4. The upper harbour scores poorly in terms of overall water quality: a. Stormwater discharge and run-off from the urban environment contains contaminants including heavy metals, petrochemical compounds and other particulate matter. b. Wastewater treatment plants contribute nutrients into the marine environment while heavy rainfall-related flows from the network are a source of faecal pathogens. c. Industrial discharges from activities such as boat yards and factories contribute suspended sediments and particulate and dissolved matters into the marine environment. d. Leaching from landfills is a potential source of contaminants into the marine environment. 5. Stock access to waterways and associated discharge/disturbance to bed/stream bank/habitats. 6. Variable flow – if it is too low ecosystem health is affected, particularly during prolonged natural periods of low flows. 7. Lack of catchment-wide knowledge on the status of ecosystem health and impacts on it, for example inanga spawning sites.

Uses/values	Issue (specific and/or generic)
	8. There are cumulative effects of land use and development activity on water quality within the catchment.
Natural form and character	1. A low level of native riparian cover reduces natural character in some sub-catchments. 2. Stream channelization, culverting and piping reduce natural form. 3. Water extraction impacts on natural flow levels, and can prolong periods of low flow. 4. Gross pollutants/scum/poor clarity can have a negative impact visually on the natural character of water bodies.
Cultural health	1. The Mauri of water is in decline and needs enhancing and protection. 2. Water is perceived as a public utility and infinite resource rather than a taonga tuku iho. 3. Mahinga kai and mātaitai resources are increasingly limited due to reduced habitat/water quality. Subsequently, cultural values including, but not limited to, mana, manaakitanga, mātauranga, kaitiakitanga are impacted. 4. Mana Whenua are increasingly unable to carry out cultural and traditional activities on, within and around water resources. 5. Wāhi tapu/cultural sites of significance can be impacted by works in and next to waterways. 6. Loss of ability to practice kaitiakitanga and associated mātauranga.
Recreation	1. In-stream recreational use, in particular primary contact, is limited by pathogens across the catchment including popular swimming sites at Whangārei Falls and Raumanga Stream. 2. Marine recreational use (swimming in particular) can be restricted in the upper harbour by pathogens, particularly during or after heavy rainfall events. 3. Lack of knowledge on causes of health issues related to recreational water use due to non-reporting. 4. Visible rubbish, litter and weeds reduce amenity values.
Socio-economic	1. Two sub-catchments (Hātea and Otaika) are highly allocated for water quantity, limiting potential for economic development. 2. Large priority water takes for reticulated water supply for Whangārei and connected villages limit availability for other water takes. 3. High demand and limited availability during low flows can limit economic potential. 4. Commercial harvest of fish/shellfish is limited by water quality and sedimentation.

Objectives

This part outlines the objectives for the Whangārei Harbour catchment. These are divided into two levels. First there are high level objectives that set the broad aspirational outcomes. Below this are more detailed objectives that are set for specific attributes or other variables identified by the group that contribute to the achievement of the high level objectives.

High level objectives

The following table lists the high level objectives for the Whangārei Harbour catchment. For each objective, the uses and values that it supports are noted. The objectives take into account the fact that improvements in water quality will take time and that there are often delays in the time it takes for the ecosystem to respond.

Table 10: uses and values associated with high level objectives

High level objectives	**Uses and values supported by the objective**				
	Eco-system health	**Natural form and character**	**Cultural health**	**Recrea-tion**	**Socio-economic**
Coastal Within 10 years, faecal pathogen, turbidity, sedimentation rates, heavy metals and nutrient levels have reduced in the Hātea zone of the upper harbour, and within 30 years they have significantly reduced, so that it becomes more accessible to a wide range of water-related activities and its impact on the ecological condition of the rest of the harbour is reduced.	*ü*		*ü*	*ü*	*ü*
Within 10 years faecal pathogen and sedimentation rates have reduced in the tidal creek zones, and within 30 years they have significantly reduced, so that they become more accessible to a wide range of water-related activities and their impact on the ecological condition of the rest of the harbour is reduced.	*ü*		*ü*		

Good water quality in the estuarine zone is maintained and where practical improved for its ecological condition and high recreational, cultural, and economic uses and values.	ü		ü	ü	ü
High level objectives	**Uses and values supported by the objective**				
	Eco-system health	**Natural form and character**	**Cultural health**	**Recrea-tion**	**Socio-economic**
Freshwater Maintain and enhance habitat to support indigenous fish species by improving connectivity and riparian cover.	ü		ü		
Maintain and enhance water quality to ensure sustainable mahinga kai.		ü	ü		ü
Maintain and enhance water quality for secondary contact recreation in rivers and streams.				ü	
Improve water quality to primary contact recreation levels during the summer bathing season in regionally significant swimming sites within 10 years, and at additional sites within 30 years.			ü	ü	
Minimise adverse effects of abstractions on the ecosystem health, natural character and mauri of rivers and streams.	ü	ü	ü	ü	
Maximise the availability and reliability of water supply.					ü

Attribute level objectives

The following table lists the detailed objectives for the Whangārei Harbour catchment. Objectives are set for each of the attributes identified by the group as being important to manage in order to support the high-level objectives set above and in turn the various uses and values identified by the catchment group.
The first four are the relevant compulsory NOF attributes set under the national freshwater policy statement.

Table 11: objectives for each attribute

Attribute	Current state in Whangārei Harbour catchment	Catchment group objective
Nitrate toxicity	**Freshwater**: all results for nitrate toxicity fall into the 'A' or 'B' NOF grade band indicating that nitrate toxicity is not a problem. **Coastal**: the highest median concentration of NNN was found at Waiarohia Canal. The other five sites in the Hātea and Otaika also have higher median concentrations than the ANZECC trigger value.	Defer to new Regional Plan
Ammonia toxicity	**Freshwater**: results indicate that ammonia levels generally meet toxicity guidelines, with the maximum falling into the 'A' or 'B' NOF grade bands at all sites except Puwera at Bennett's Farm where the maximum falls into the 'D' band, exceeding the NOF bottom line. There is uncertainty around the quality of the data at this site due to its ephemeral nature. This site is no longer considered suitable as a water quality site and has been relocated nearby. **Coastal**: the highest median concentration of NH_4 was found at Limeburners Creek – the immediate receiving environment for discharges from the Whangārei wastewater treatment plant. The other five sites in the Hātea River and at Otaika Creek in Whangārei also had high median concentrations.	Defer to new Regional Plan with the exception of Puwera where it needs to be improved to a B attribute state.

Attribute	Current state in Whangārei Harbour catchment	Catchment group objective
Periphyton (trophic state)	**Freshwater**: the appropriate length of time series data (three years) is currently unavailable but Otaika has been flagged as a potential issue. **Coasta**l: sites in the lower harbour have low median chlorophyll a concentrations.	Defer to new Regional Plan but very likely need to review once an appropriate time series data is available.
Escherichia coli (*E. coli)*	**Freshwater**: Median *E. coli* levels at all sites are suitable for secondary contact (E.g. *E.coli* <1000/100mL as an annual median). However, no sites are suitable for full immersion (swimming) – that is more than 5% of samples at all sites exceed 540 *E.coli*/100mL.	Defer to new Regional Plan for secondary contact, with the addition of the following objective for primary contact: Improve *E.coli* levels so there is a less than 5% risk of infection for primary contact (*E.coli* levels of <540/100mL - 95th percentile) at the Hātea Falls and Raumanga swimming sites during the period covered by regional council's Recreational Swimming Water Quality Programme (end of November until end of February each year) excluding heavy rainfall events.
Enterococci	**Coasta**l: the highest median enterococci concentrations are recorded at sites in the Hātea and Otaika. Enterococci concentrations are low in the harbour outside of tidal creek zones.	Improve the water quality in the Hātea coastal zone for swimming during the period covered by regional council's Recreational Swimming Water Quality Programme, excluding heavy rainfall events.
Phosphorous	**Freshwater**: dissolved reactive phosphorous (DRP) levels are elevated with many sites well above the ANZECC 2000 guideline value for lowland rivers, in particular Otaika at Cemetery Road, Otaika at Otaika Valley Road and Puwera at Bennett's Farm. **Coastal**: the highest median DRP concentrations were recorded at the six sites in the Hātea River.	Defer to new Regional Plan.

Attribute	Current state in Whangārei Harbour catchment	Catchment group objective
Turbidity (suspended sediment)	**Freshwater**: of the 11 sites monitored, four have turbidity levels above the ANZECC 2000 guidelines for lowland rivers: two in the Hātea catchment and two within the Otaika catchment. **Coasta**l: the lowest median turbidity was recorded at sites close to the entrance of the Whangārei Harbour. The highest medians were recorded at Otaika and Mangapai. None exceeded ANZECC guidelines.	No numeric objectives have been set but note High level objective for reduced sedimentation.
Sediment (deposited)	**Freshwater:** no data available. **Coastal:** the average Sediment Accumulation Rate (SAR) in the Whangārei Harbour is 3.4mm/year, which is the mid-range for other North Island estuaries for which data is available.	No numeric objectives have been set but note High level objective for reduced sedimentation.
Dissolved Oxygen (DO)	**Freshwater**: DO levels are mainly within guideline with all but two of the medians (Waitaua at Vinegar Hill Road and Otakaranga at Otaika Valley Road) above RMA guidelines (80% saturation) **Coastal**: lowest medians recorded in tidal creek environments: Mangapai, Hātea, Limeburners and Otaika, although only Mangapai had a median below guidelines.	Defer to new Regional Plan
Heavy metals and industrial compounds	**Coastal**: concentrations of copper, zinc and lead exceed trigger values in the upper Hātea and Waiarohia Canal sites. Concentrations of copper also exceed trigger values at Kissing Point and lower Hātea River sites. Concentrations are below trigger values downstream of the Hātea. Sampling is taken from sediment and not the water column.	Improve our understanding of effects of heavy metals/industrial contaminants, and identify opportunities to improve on status quo and not rely on dilution.
Gross pollutants (inorganic solid waste)	**Coastal**: Sea Cleaners removed 67,350 litres of rubbish from the Whangārei Harbour over two months in November-December 2015, following 40,000 litres in one month, in late 2014.	Record a downward trend in litter accumulations in and around harbour by 2020.
Obstructions (including fish passage barriers)	**Freshwater**: five rivers/streams were surveyed over the summer 2014/15, concentrating on the Waiarohia, Otaika and Raumanga catchments. A total survey length of 24.3km. In total, 26 barriers were observed, ranging in severity from small rock dams to large concrete structures.	Remove or remediate barriers to fish migration along the Waiarohia, Otaika, and Raumanga streams by 2020.

Attribute	Current state in Whangārei Harbour catchment	Catchment group objective
Riparian cover	Approximately one-third of total catchment stream length is located within land covered with indigenous forest, exotic forest or scrub. Low cover over the remaining.	Increase riparian cover throughout the catchment.

Implementation

This section identifies current and future actions that will be undertaken for the purposes of achieving the objectives set out in section 2. These actions are divided into two tables. The first lists those to be implemented through the new regional plan as regulations, and the second lists non-regulatory actions. Appendix 3 shows the relationship between the attributes for which objectives have been set and the various actions. The diagram shows that attribute objectives will be achieved through a number of actions, and that an action can have an impact on more than one attribute. Cost-benefit efficiencies need to be considered during implementation.

Regulatory (included in regional plan as needed)

Table 12: actions to be implemented by regulatory methods

Actions	Current management approach and situation	Whangārei Harbour-specific
Minimum flow limits	Regional rules in the Operative Water and Soil Plan currently apply a minimum flow (the lowest level rivers can be reduced as a result of extraction) typically around 80% of MALF.	Defer to new Regional Plan rules
Primary water allocation limit	Allocation limits are not provided for in the Operative Water and Soil Plan	Defer to new Regional Plan rules

Actions	Current management approach and situation	Whangārei Harbour-specific
Stock exclusion	There are currently no regional rules in the Operative Water and Soil Plan requiring stock to be excluded from rivers and streams. Dairy farmers have largely excluded livestock from streams wider than 1m and deeper than 30cm through industry good practice and supplier contracts. Approximately 430km of river/streams flow through pasture in the Whangārei Harbour catchment: 57% through Lowland and 63% Hill Country. 518kms of stream bank need fencing to exclude stock – of which 313kms (64%) are in Lowland areas and 187kms (36%) are in Hill Country. At a cost of $8 per metre, this equates to $4.1 million in expenditure. Assuming that stock exclusion can reduce *E.coli* loads by up to 60%, modelling suggests that exclusion could lower *E.coli* concentrations at swimming sites by more than 50%.	Support new Regional Plan rules with the addition that dairy cows, pigs, beef cattle, dairy support cattle and deer are excluded within two years after the new Regional Plan becomes operative from all river types upstream of the swimming sites mapped on the Hātea and Raumanga (see map in Appendix 3).
Farm dairy effluent (FDE)	Regional rules in the Operative Water and Soil Plan currently provide for dairy effluent discharges to land as a permitted activity, subject to conditions such as allowing no discharge to surface freshwater, no land discharge within 20m of waterbody, etc. Where farms cannot meet the permitted rules, resource consents are required. There are 19 FDE regimes in the catchment, of which two are inactive (see map in Appendix 6). Of the 17 active, four are operating as a permitted activity. Of the remaining 13, four have resource consent to discharge treated effluent directly to water via a pond system without land application. Most consented farm dairy effluent regimes dispose to land unless weather and other conditions make this in breach of the permitted activity conditions, in which case they directly discharge treated effluent from the pond system to surface water. During the monitoring of all Whangārei Harbour catchment FDE regimes in Aug-Nov 2015, 44% were found to be fully compliant, 31% non-compliant and 25% significantly non-compliant.	Defer to new Regional Plan rules

Hill slope erosion from pasture	The current approach to managing hill slope erosion is to work with land owners on a voluntary basis through Farm Water Quality Improvement Plans (FWQIPs) with some financial assistance provided (for example, for poplars). There are currently 28 FWQIPs in the catchment, mainly on lifestyle blocks but also seven dairy farms (see map in Appendix 7). These are not necessarily farms where hill slope erosion is located. Consequently, modelling suggests that current farm plans have very little impact on reducing sediment loads but are dealing with other issues.	Require Erosion Control Plans from 1 January 2025 for pastoral land use on high sediment yielding land to target active gully, earthflow and landslide erosion (see map in Appendix 5). Controlled activity – Pastoral land use on *High sediment yielding land* after 1 January 2025 is a controlled activity if an Erosion Control Plan has not been developed for the land. Matters of control: 1. the effectiveness of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion, and 2. the location, timing and prioritisation of measures to control or mitigate sediment from areas of gully, landslide and earthflow erosion. 3. information and monitoring requirements ***See Appendix 5 for map*** ***Meaning of words:*** *"Pastoral land use means: effective grazing area and includes all contiguous land areas in herbaceous species including isolated trees. It excludes those forested areas which achieve 100% canopy closure or other*

		woody vegetation which prevents pastoral growth. *"**Erosion Control Plan** means: a plan developed by a suitably qualified professional which specifically identifies areas of gully, landslide, and earthflow erosion and measures to mitigate sediment yield from these areas. The Erosion Control Plan must be approved by Northland Regional Council".* *"**High sediment yielding land**"– land in the Whangārei Harbour catchment with estimated sediment yield of 250 tonnes/km2 per year or more.*

Earthworks	The current thresholds in the Operative Water and Soil Plan are as follows: · Outside the riparian management zone[2], the maximum volume of moved or disturbed earth must not exceed 5000m^2 in any 12-month period where the activity is not undertaken on erosion-prone land; · Outside the riparian management zone, the volume moved or disturbed must be less than 1000m^3 in any 12-month period and the surface area of the soil exposed must be less than 1000m^2 where the activity is undertaken on erosion-prone land; and · Within the riparian management zone, the maximum area of exposed soil must be less than 200m^2 and the volume moved must be less than 50m^3. Currently permitted if less than 1000m^3 in any 12-month period on highly erodible land and 5000m^3 in any 12-month period elsewhere per site. Otherwise discretionary activity.	The catchment group supports a move to an area based approach to earthworks control
Vegetation clearance	The Operative Water and Soil Plan includes rules for vegetation clearance as follows: Vegetation clearance on erosion prone land that is not in the Riparian Management Zone is a permitted activity, provided: the area of vegetation clearance is less than five hectares in any 12 month period, unless the clearance is plantation forestry; vegetation clearance by burning does not take place on peat soils; nor any contiguous area in excess of five hectares on other soils; and the site of the activity is re-established in woody vegetation within 24 months from the start of the vegetation clearance operation. Otherwise discretionary activity.	Defer to new Regional Plan rules

[2] The Regional Water and Soil Plan defines the riparian management zone as the land between the bed of a river, lake, or indigenous wetland, or the coastal marine area and a distance measured inland from the bank of the water body or from the top of the bank adjacent to the coastal marine area of: (a) 5m where the dominant slope is less than 8 degrees, (b) 10m where the dominant slope is between 8-15 degrees, and (c) 20m where the dominant slope is greater than 15 degrees.

Public stormwater network discharges	Stormwater can contain a range of contaminants, such as organic and inorganic matter, heavy metals, hydrocarbons, and faecal microbes. Generally speaking, contaminant levels in stormwater are not normally high enough to cause acute adverse effects on aquatic ecosystems. The more common situation is the build-up (accumulation) of persistent contaminants such as heavy metals in receiving environments, which can cause chronic adverse effects on aquatic ecosystems. Heavy metal concentrations in sediments at almost all estuarine monitoring sites in Northland (the main receiving environment for urban stormwater) are below guidelines levels. The Hātea River arm of the Whangārei Harbour is the only area where some heavy metals (copper and zinc) in the river bed are above recommended guideline levels. Stormwater is also a source of gross pollutants.	Defer to new Regional Plan
Public wastewater network discharges	The Regional Water and Soil Plan and Regional Coastal Plan regulate discharges of wastewater from municipal wastewater treatment plants, reticulation networks, and domestic on-site treatment systems. On the whole, the rules and associated policies are robust and do not require any major changes. Whangarei District Council has undertaken substantial investment in upgrading its wastewater treatment and network over the past six years (Appendix 6).	Defer to Regional Plan

Non-regulatory actions

Table 13: actions to be implemented by non-regulatory methods

Action areas	Specific recommendation
Farm water quality improvement	· Where land doesn't fall under the Erosion Control Plan "rule", farm water quality improvement plans should still be encouraged and promoted to improve water quality. · Northland Regional Council to work in partnership with industry to reduce rate of non-compliance and increase land application of farm dairy effluent.
Stormwater network	· Whangarei District Council investigates investing in more stormwater filtration devices/gross pollutant traps.[3] · Stormwater catchment management plans to include provisions for stormwater filtration/gross pollutants where required. · Identify the location of all pipes within the Whangārei urban stormwater network and their current state.
Obstructions	· Remove or remediate fish passage barriers within the Otaika, Raumanga and Waiarohia catchments by 2020[4] in conjunction with tangata whenua and stakeholders. · Northland Regional Council to set aside funding for this restoration work.
Gross pollutants	· Northland Regional Council to continue funding Sea Cleaners beyond the current three-year commitment (which ends in 2017/18). · Undertake a project with NorthTec to carry out an annual rubbish collection and count at 4-5 sites in the upper and lower harbour.

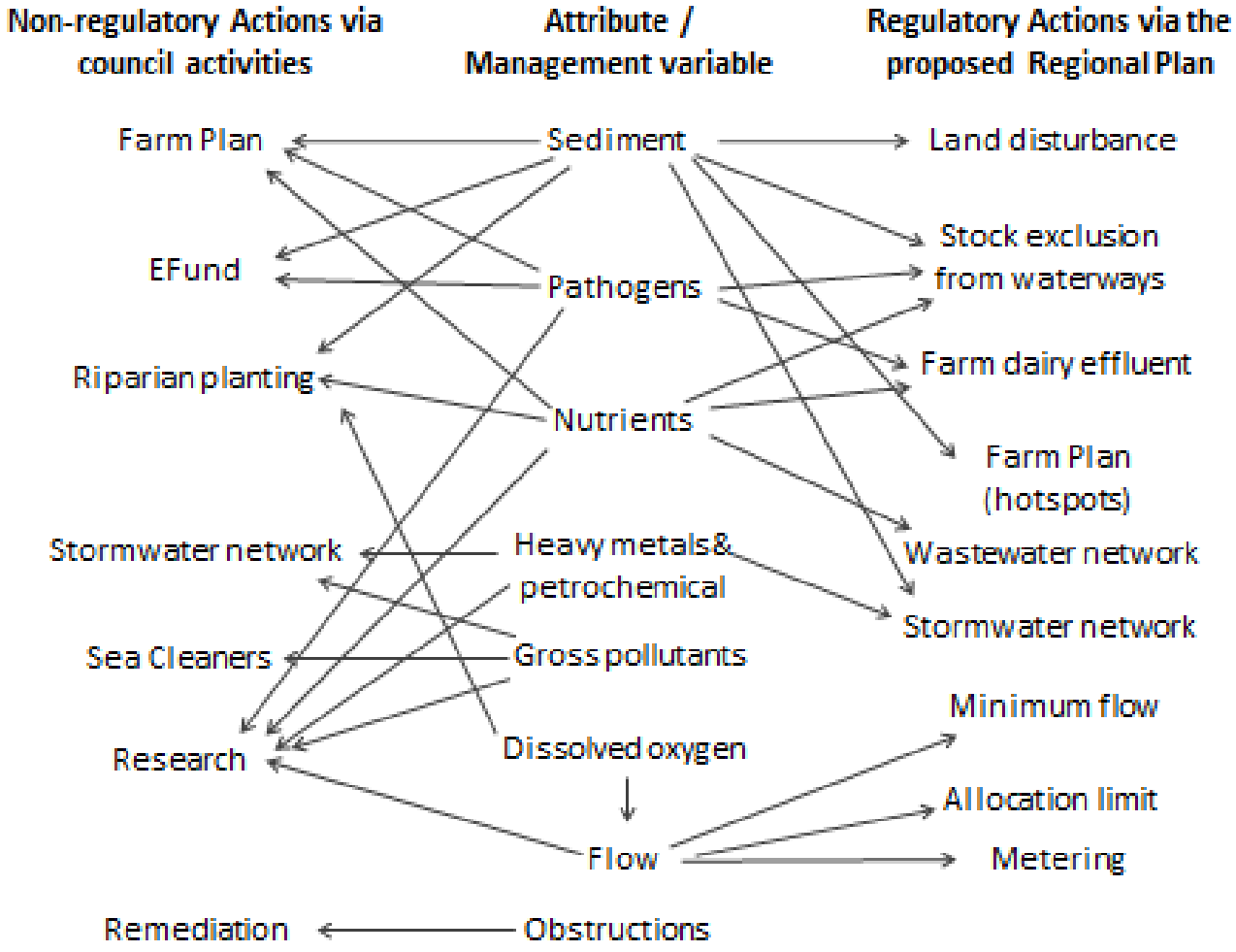
[3] District Council installed a Vortcapture Gross Pollutant Trap at Banff St in 2015 as a trial.
[4] The fish barrier identified at the bottom of the Waiarohia Stream was removed in January 2016.

Cultural sites	· Support restoration of freshwater/harbour cultural sites that have been damaged by:
	  · Working in partnership with tangata whenua and other interested parties in the development of software regarding sites of significance – history, meaning, etc.
	  · Encouraging recognition of cultural sites that have been damaged (as a positive in a consent condition) through actions such as restoration planting, fencing off, cultural interpretation or markers.

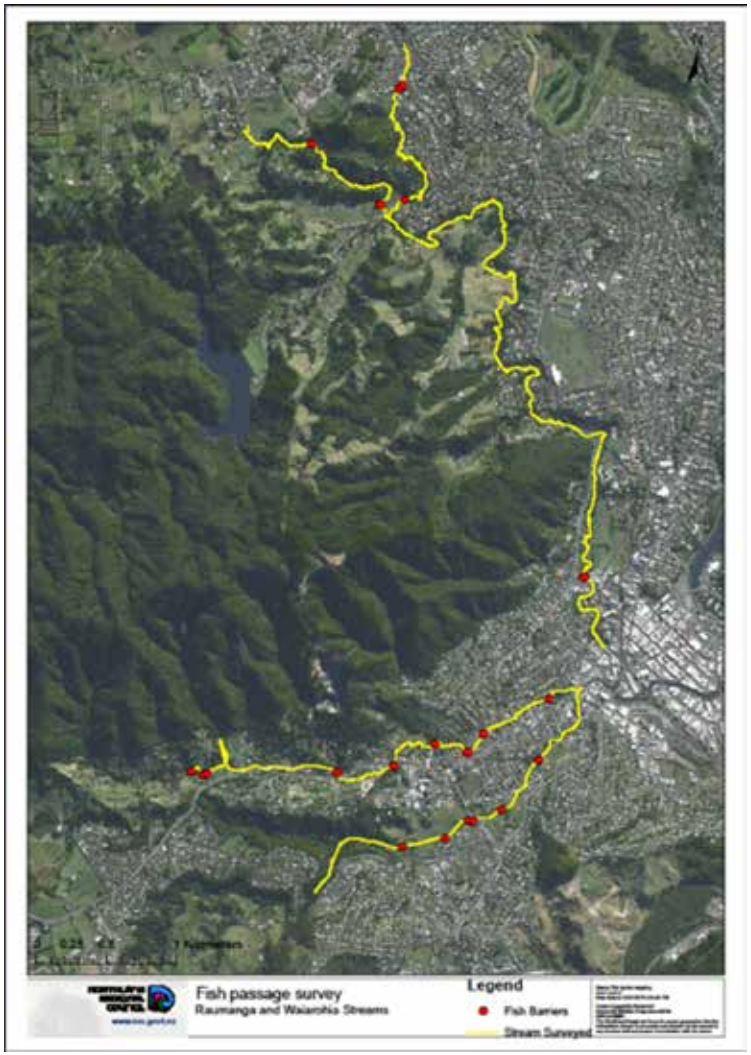
Monitoring and research	· Continue monitoring all current freshwater monitoring sites for at least five years to obtain an appropriate baseline from which long-term trends in water quality can be assessed. · Investigate the extent of health issues related to recreational use in the upper harbour in conjunction with the Northland District Health Board. · Investigate the environmental impacts of current allocation levels in the Hātea and Otaika sub-catchments to determine if there are environmental effects associated with current level of allocation. · Research into risk of microbeads/household compounds from wastewater system – perhaps look at ecological impacts at Limeburners. · Ongoing monitoring of nutrients as part of ongoing regional council monitoring in the harbour. · Investigate cause of high nitrates in Otaika. · Establish a funding pool to carry out source-tracking/one-off water quality investigations. · Promote/encourage cultural health monitoring of waterways by tangata whenua. · Continue to monitor wildfowl contribution to *E.coli* as new technology comes available. · Monitor stormwater discharges for sediment/heavy metals and other contaminants. · Investigate sedimentation rates for urban area.
Education/raising awareness	· Whangarei District Council to continue to finance public education programmes such as “Drains to Harbour”. · Publicise the 0800 number (pollution hotline) more widely and encourage community to report incidents when they happen so that issues can be resolved. · Raise awareness of wildfowl pollution issue – that is, do not feed the ducks at Whangārei Falls. · Whangarei District Council to encourage private green developments and support the use of green infrastructure.

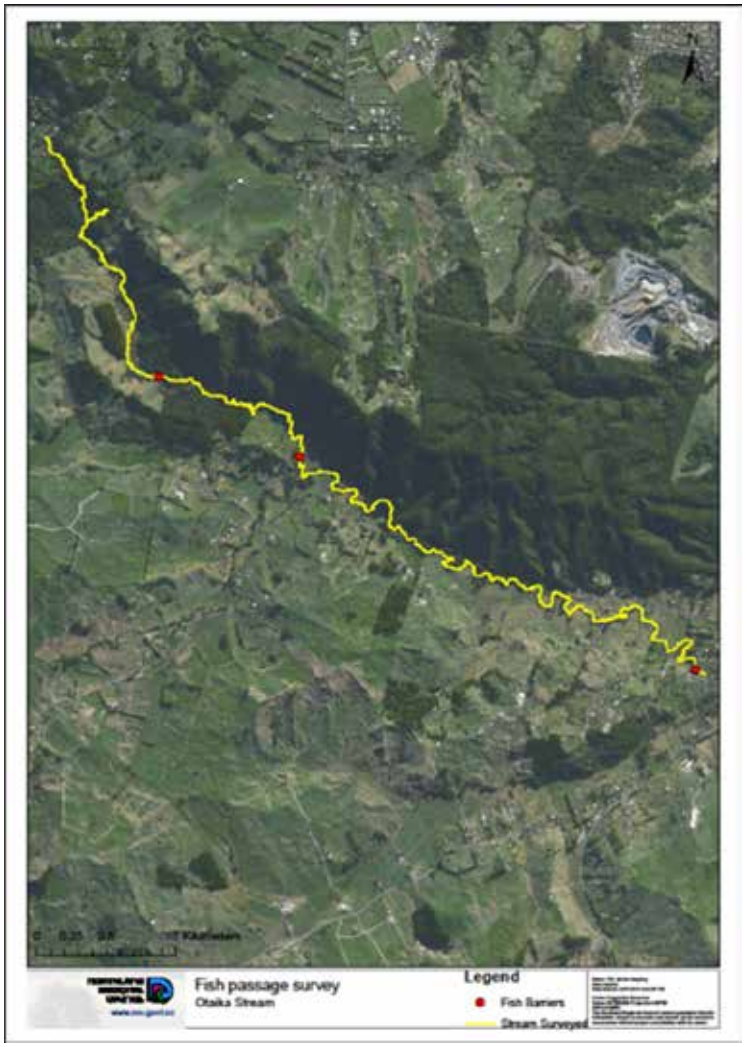
Resourcing	· Ensure staffing levels are sufficient to respond to incidents in the catchment and appropriate follow-up/investigation is taken to identify the underlying source. · Ensure Northland Regional Council's Environment Fund is sufficiently funded and supported to achieve objectives.
Revegetation	· Northland Regional Council's Environment Fund is accessible for wetland creation and encouraged to be used for this purpose. · Encourage riparian restoration by landowners and community groups. · Whangarei District Council to continue to fund community planting sites.
Water allocation	· Establish and maintain sub-catchment water user groups for highly allocated catchments.
Wastewater	· Continue improvements to the wastewater network. · Septic tank monitoring regime and compliance to be investigated.

Appendix 1: relationship diagram between attributes and actions

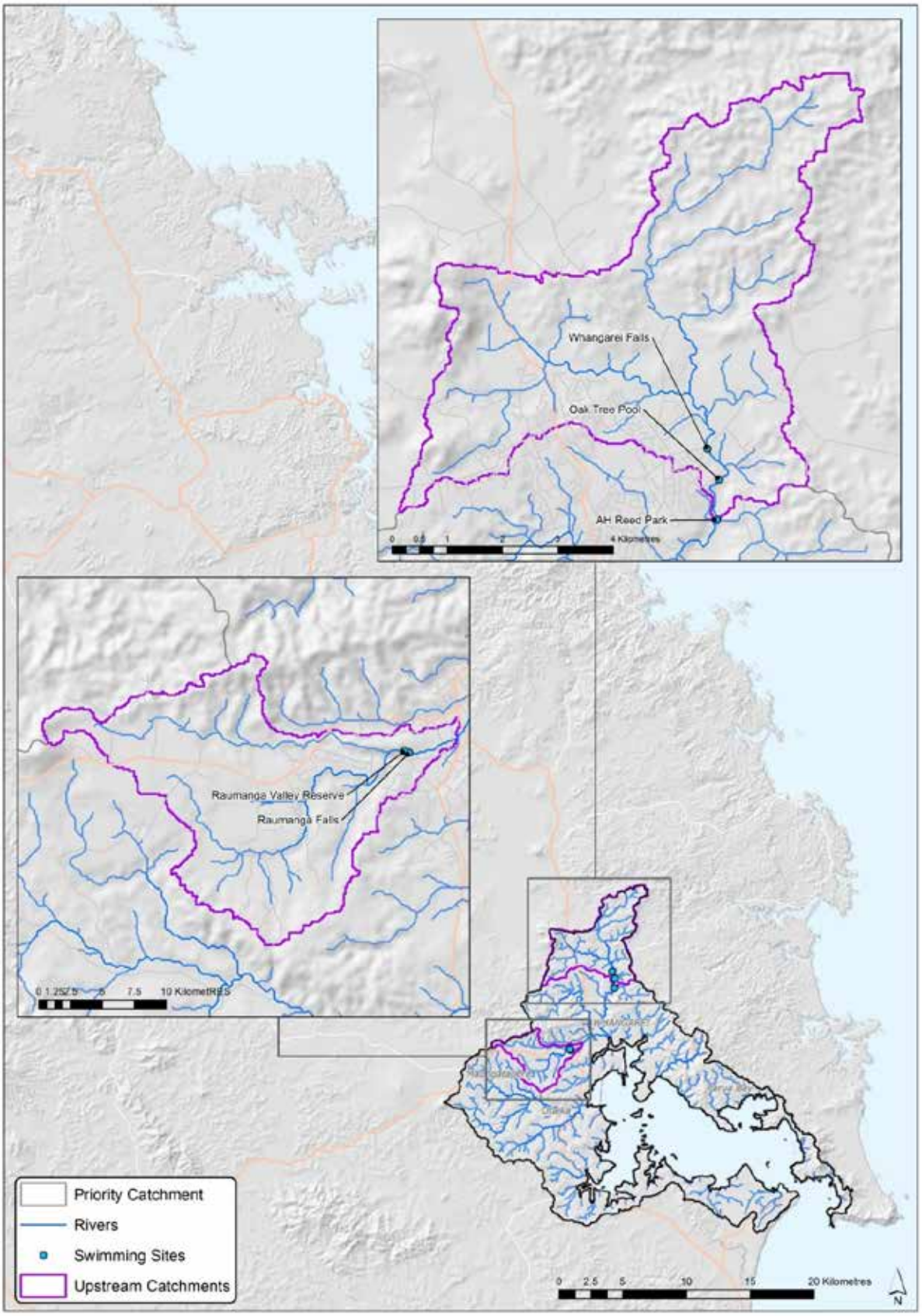


Appendix 2: mapped fish passage barriers in the Whangārei Harbour catchment

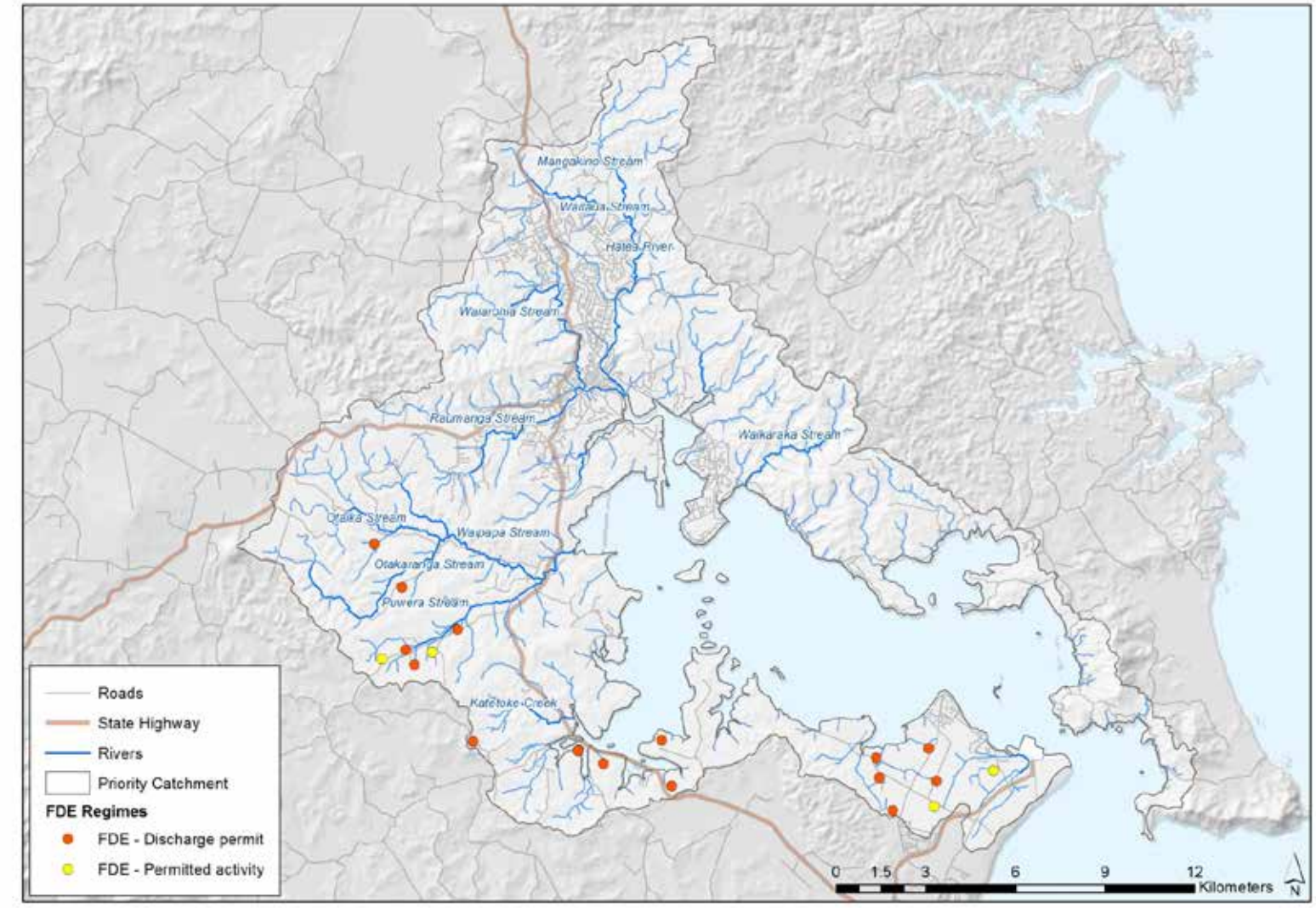




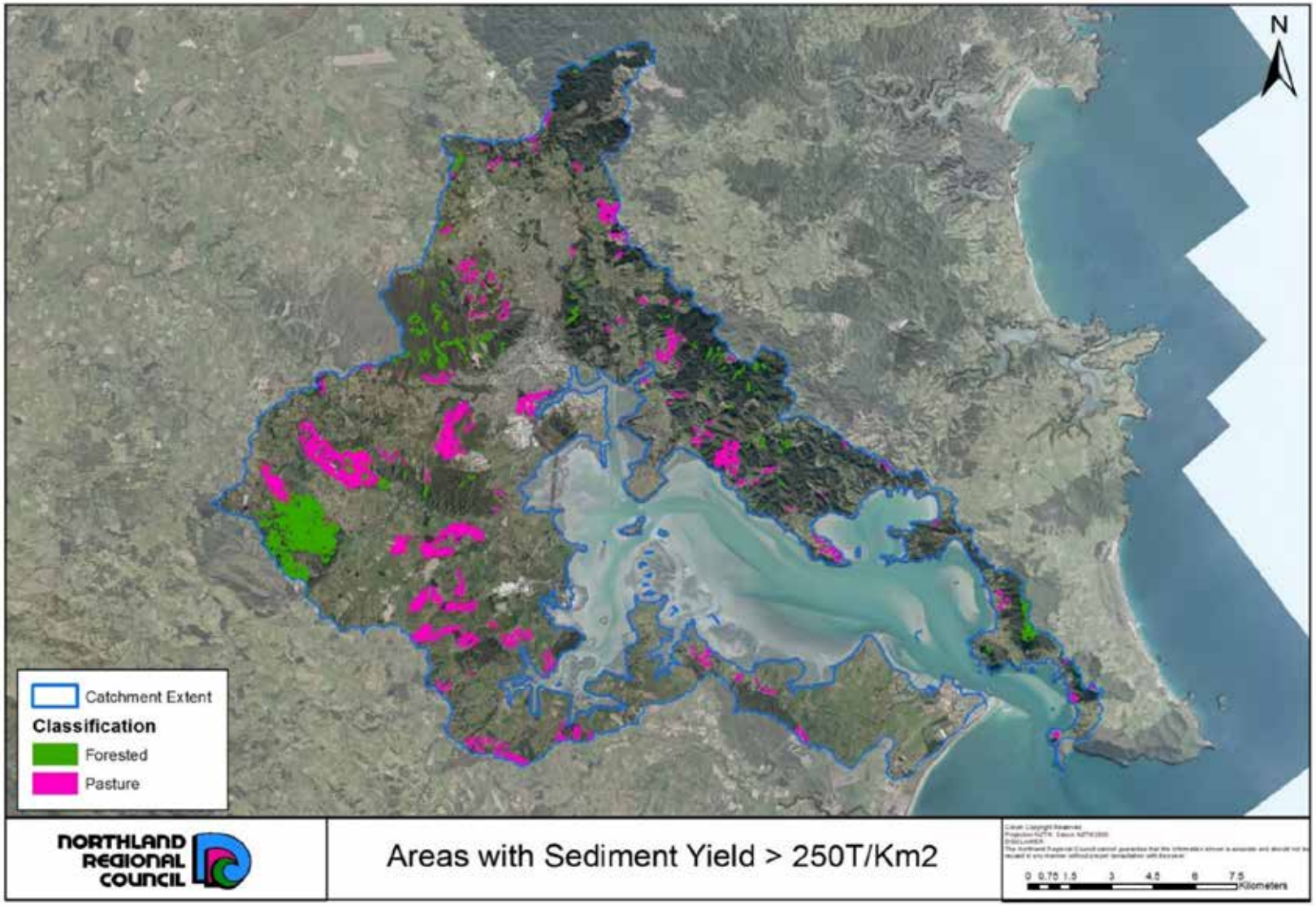
Appendix 3: freshwater swimming sites above which stock are to be excluded



Appendix 4: farm dairy effluent regimes in the Whangārei Harbour catchment



Appendix 5: High sediment yielding land (>250 tonnes/km2/yr)



Appendix 6: list of major wastewater capital works undertaken by Whangarei District Council

Year	Item	Outcome	Approximate cost
2009 - 2015	Sewer network modelling and master plan development.	Computer simulation of sewer performance developed and calibrated. Used to develop works programme to address public health risk from sewage spills in Whangārei.	$1.0M+
2010 – 2016	General improvement works. Telemetry system upgraded and remote pump stations and sites connected. WWTP equipment upgraded/replaced. Failed sewer lines replaced.	Pump station reliability greatly improved. Pump station fault response time reduced to 30 mins (city) 60 mins (rural). Sewer spills due to faulty lines reduced. Equipment reliability and safety improved.	$5.0M
2011	Okara Park pump station upgrade. This station pumps around 70% of the city's wastewater.	Bigger pumps put in and redundancy added. Pump capacity exceeds inflow rate – no more spills.	$2.5M
2011	New 750mm pipe between Okara station and treatment plant.	Provides redundancy and allows more flow to be pumped to treatment plant. Pump capacity around 1100 litres per second.	$1.5M
2012	Hatea wastewater storage and treatment system installed on Whareora Rd.	Stores most wastewater except for big events. During big events water treated and disinfected before being discharged to Hātea River. Reduces risk of spills at Hātea station and from downstream network.	$5.0M
2013	Whangārei wastewater plant reconfigured to treat all incoming flows plus allowance for growth to 2041. Storm flow disinfection system installed. Replacement consent issued.	All flow that enters plant is treated and disinfected to meet resource consent standards. Treatment capacity 1600L/s.	$2.5M
2014	Ruakaka south sewer system.	Approximately 460 properties and the Ruakaka campground connected to sewer system with waste pumped to Ruakaka wastewater treatment plant. Septic tanks abandoned.	$9.7M

Year	Item	Outcome	Approximate cost
2014	Hikurangi wetland replacement.	Replaced subsurface wetland with floating wetland to improve quality of effluent going into membrane. Approx. 50% improvement occurred.	$0.35M
2014	New Whangārei WWTP consent, new pipe to wetlands, subsurface wetland replaced with floating system.	Consent modified so that all water leaving treatment plant passes through wetland. Water quality at discharge point improved.	$2.0M
2015	Sewer lines – new pipes, upgrades and renewals.	Sewer lines renewed under Kamo Rd and Denby Crescent. New bypass line constructed down Lupton Ave. New connection made from Kensington sewer system to pipeline adjacent to Whareora Rd. New line built under SH1/SH14 intersection to provide for future growth. Reduced risk of spills.	$3.0M
2015	Rising main from Onerahi main pump station upgraded.	Pipeline replaced and upsized. Premature failure as a result of cyclic fatigue.	$1.0M
2015/16	Waipū renewals and growth related upgrades.	New screens at treatment plant, desludging of main pond, replacement of subsurface wetland with floating system. New rising main from Waipū township to plant and upgrade of other pipes in town.	$2.5M
2016/18	Tarewa Park storage and treatment system.	Similar system to Hātea to be built in Tarewa Park. Will eliminate risk of storm related spills around I- Site, reduce other local spills, and reduce risk of spills further down in sewer network.	$4.5M
2016-18	Proposed Hikurangi sewer network renewal.	Address stormwater related spills in Hikurangi and high flows to treatment plant.	$3.8M (2016)

Glossary

Ammonia	A highly soluble nitrogen compound, chemical formula NH_3, characteristically found in manure, sewage and anaerobic conditions.
ANZECC (Australian New Zealand Environment Conservation Council) 2000 Guidelines	The ANZECC (2000) guidelines outline trigger values for water quality aspects that put stress on river and stream health. These specify a level below which there is a low risk that adverse biological effects will occur. The trigger values are not designed to be used as threshold values at which an environmental problem is inferred if they are exceeded. Rather they are designed to be used in conjunction with professional judgement to provide an assessment of the state of a water body.
Chlorophyll a	A green pigment found in plants that is used to absorb sunlight during photosynthesis. *Chlorophyll a* concentrations are an indicator of phytoplankton abundance and biomass in water.
Contact recreation	Primary contact recreation refers to swimming and bathing; secondary contact recreation refers to activities such as boating, fishing and wading.
Dissolved oxygen	A measure of the quantity of oxygen in the water column. Oxygen is required by freshwater and marine organisms, with some species being more sensitive to low oxygen levels than others.
DRP (Dissolved reactive phosphorus)	The fraction of phosphorus that consists largely of inorganic orthophosphate (PO_4) form of phosphorus that can be directly taken up by algae. The amount of dissolved reactive phosphorus therefore indicates the amount of phosphorus that is immediately available for algal growth
E. coli (Escherichia coli) ()	A common form of faecal bacteria that live in the guts of mammals and birds. Although usually harmless themselves, high levels of E. coli indicate that other pathogens – invisible microbes such as bacteria, viruses, and so on that cause disease – are present.
FDE (Farm dairy effluent)	FDE systems are divided into consented or non-consented (permitted) types. Non-consented systems are visually inspected and graded depending on compliance with the criteria for “permitted activities” in the Regional Water and Soil Plan. All Northland dairy farms are inspected at least once per season. Follow-up inspections are also made to all farms found to have significantly non-compliant discharges.
FMU (Freshwater management unit)	A water body, multiple water bodies or any part of a water body determined by the council as the appropriate spatial scale.
Heavy rainfall event	50mm within six hours or greater than 100mm rain in 24 hours.
Kaitiakitanga	Guardianship, protection or preservation. Environmental management based on the traditional Māori world-view.
L/s (litres per second)	A unit of measure of river volume flow rate, that is, the number of litres of water which passes that point per second.

Mahinga kai	Food and other resources, and the areas they are sourced from.
Mahinga mātaitai	Customary seafood gathering site, shellfish bed.
Mana	Prestige, authority, control, power, influence
Manaakitanga	Hospitality, kindness.
Mana whenua	Those who have customary authority.
Mātauranga	Knowledge, body of knowledge.
Mauri	The essential life force of all things; spiritual essence.
MALF (Mean annual low flow)	A 7-day MALF is commonly used for setting minimum flow and allocation limits because it is a measure of water availability during dry periods. MALF also standardises minimum flow and allocation by the size of the river.
MCI (Macroinvertebrate community index)	An index where macroinvertebrates are used for monitoring and reporting on stream health in New Zealand. The MCI assigns a score to each species or taxon (from one to 10), based on its tolerance or sensitivity to organic pollution, then calculates the average score of all taxa present at a site.
MPN (Most probable number)	Method used to enumerate the number of bacteria in a sample.
Nitrate	A highly soluble compound of nitrogen and oxygen with the chemical formula NO_3.
NOF (National objective framework)	Established in the National Policy Statement for Freshwater Management 2014, providing a number of grades as well as “national bottom lines” – thresholds of water quality attributes that good management should prevent our waterways from reaching in a consistent way across the country.
NTU (Nephelometric turbidity units)	A measure of turbidity in water being the propensity of particles to scatter a light beam.
Periphyton	Slime and algae community growing on river and stream beds. As the primary producer in stream ecosystems, it is an important indicator of ecosystem health.
Taonga tuku iho	Treasure(s) handed down.
Turbidity	Measure of water clarity, the cloudiness or haziness of water. A measure of the degree to which light is scattered in water by particles, such as sediment and algae.
Wāhi tapu	Places and things that are sacred.

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WHANGAREI DISTRICT COUNCIL

5.2 Kiwi Coast Update

Meeting: Planning and Development Committee
Date of meeting: 19 October 2017
Reporting officer: Joanna Wilson, Strategic Planner.

1 Purpose

To inform council of the progress being made by the Kiwi Coast project. A presentation on Kiwi Coast will be given by Ngaire Tyson, Kiwi Coast Coordinator.

2 Recommendation/s

That the Planning and Development Committee notes the update on the Kiwi Coast Project.

3 Discussion

October is 'Save the Kiwi' month. In many parts of New Zealand, kiwi continue to decline unless they are behind predator proof fences, on offshore islands, or within defended 'sanctuaries'.

Along the eastern coastline of Northland it is a different story. Here, some managed populations of the Northland brown kiwi are not only stable, but actually increasing. This is largely due to the efforts of community-led conservation projects, working in partnership with government agencies, other organisations and private landowners to carry out predator control, release kiwi back into the wild and advocate for responsible dog control.

The concept of a kiwi corridor along the eastern coastline of Whangarei has steadily gained momentum over recent years, to the point where it has developed into a shared vision called the Kiwi Coast. The Kiwi Coast is a collaborative initiative that links over 90 community-led conservation projects, iwi and hapu, forestry companies, government agencies and organisations in the shared vision of increasing kiwi numbers along Northland's east coast.

The Kiwi Coast project is supported by the Kiwi Coast Think Tank, which has representatives from agencies, local government, community and iwi, including Whangarei District Council. The vision of Kiwi Coast is to support and connect community-led kiwi recovery along the east coast of Northland. The project has been running for four years now and has seen a huge increase in the number of groups and organisations involved, from 30 entities in the first year to 97 as of September. This is largely thanks to having a coordinator readily available to community groups and a flexible can-do attitude towards resourcing new projects.

The Kiwi Coast is deliberately being promoted as a 'kiwi saving' project. However, while a key focus will be on protecting kiwi and their habitat, it is expected that the actions

undertaken such as pest control, community engagement, and dog control advocacy will also benefit the wider biodiversity values of the area.

Highlights from this year's annual report are:

- The number of groups involved increasing to 94 (has since increased to 98)
- The length of the Kiwi Coast increasing to 291km, now extending to the southern limit of the Northland Region
- The collective area under active management increasing to 130,701 ha
- 169,731 animal pests collectively removed from the Kiwi Coast over the last 4 years with 56,629 animal pests removed in 2016 alone – that's 1000 pests being removed from eastern Northland every week
- Monitoring data confirming kiwi numbers are either stable or increasing at almost all managed sites on the Kiwi Coast
- 2,838 people attending Kiwi Coast supported wild kiwi events and skill building workshops.

The Kiwi Link Community Pest Control Area (CPCA), one of the many initiatives under the Kiwi Coast banner, has celebrated its first year of operations. Kiwi Link brings nine projects in eastern Whangarei together to restore biodiversity and rebuild kiwi populations A continuous predator trapping network is being built over the collective 13,625 ha to provide a predator controlled area for kiwi dispersing out of Whangarei Heads or Tutukaka. With support from the Northland Regional Council and Kiwi Coast, further predator traps are added into the network every year, increasing the safety of roaming kiwi, and creating the first part of the Northland "kiwi corridor".

The Kiwi Coast Trust recently signed a partnership agreement with Northland Regional Council. This formalises the relationship between the two organisations and provides the Kiwi Coast Trust with practical and financial resources to provide support to the Kiwi Coast community groups through a full-time coordinator.

Although Whangarei District Council does not provide financial resources to the Kiwi Coast Trust, it does provide representation on the Kiwi Coast Think Tank and plays an important role in kiwi conservation through our implementation of pet-free subdivisions and dog-control practices, as dogs are the primary killer of adult kiwi. With the growth of Kiwi Coast an increasing number of community groups are requesting permission to undertake pest control on council land, or for council to undertake pest control on our own land.

Councillors are invited to attend a kiwi release at Tawapou Coastal Native Nursery, 606 Matapouri Road, on Friday 17th November at 6pm.

4 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy.

5 Attachments (under separate cover)

1. Kiwi Coast Annual Report 2017
2. Kiwi Link Annual Report 2017

Attachments are available under separate cover by contacting the Democracy team or online at www.kiwicoast.org.nz

WHANGAREI DISTRICT COUNCIL

5.3 Planning and Development and Strategy Operational Report

Meeting:	Planning and Development Committee
Date of meeting:	19 October 2017
Reporting officers:	Alison Geddes (General Manager Planning and Development) Jill McPherson (Acting General Manager Strategy and Democracy)

1 Purpose

To provide a brief overview of work occurring, in the current financial year, across functions that the Planning and Development Committee has responsibility for.

2 Recommendation/s

That the Planning and Development Committee notes the Operational report for September 2017.

3 Discussion

Planning and Development

There has been increased activity in the economic development area with approaches from companies and individuals who are interested in investing in the District. As part of the City Centre Plan we have also been meeting with landowners, seeking their feedback and discussing possibilities with them. However, there are some landowners with whom we have not yet been able to make contact.

Business in both planning and building consenting remains steady and we are beginning to benefit from the realignment of the departments and the arrival of new senior staff, especially in compliance and monitoring in both building and resource management. We have also been successful in recruiting suitable building control staff and have signed a contract with a private sector company, to provide resource for overflow Building Consent processing. The District Plan programme is continuing as planned with no "nasty surprises".

We have recently farewelled Grant Couchman, Manager Health and Bylaws who has been with Council for 47 years. We thanked him for the contribution he has made to WDC in its various guises, throughout his career. He was particularly active in getting the Food Safety regime established in New Zealand and introduced innovative policy around management of alcohol policy to the District, some of which has been used as a model for other Councils. His position is currently being advertised.

Strategy

The City Centre Plan is progressing well. The feedback on the work to date from the third business forum will be reported to the Scoping Meeting, and a draft Plan is still on track for approval by the end of the year.

Work continues to support our role on Kaipara Moana Working Party, and to completed our compliance requirements for the NPS – Urban Development Capacity.

With the Camping in Public Places Bylaw approved, the scope of enforcement is the next decision. The policy framework for future amendments to the bylaw has yet to be scoped.

4 Significance and engagement

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via report publication.

5 Attachment

Planning and Development Operational Report - September

Operational Report – Planning and Development and Strategy and Democracy (September activities)

Economic Development

The Economic Development Manager attended the Economic Development New Zealand (EDNZ) conference where NZ First leader Winston Peters as the key note speaker strongly advocated the development of Port Marsden as well as the road and rail links between Whangarei and Auckland.

A number of significant current development projects continue to be assisted and facilitated through the Council processes.

Ongoing planning is being undertaken in collaboration with representatives of FNDC, KDC and the NRC as well as Northland Inc. with regards to the Digital Enablement Plan in order to expand the ultra-fast and rural broadband initiative; included in this plan, is a plan to reduce mobile black spots throughout Northland. Digital Enablement is a high priority on the Te Taikoerau Northland Economic Action Plan (for which we are represented on the Action Group).

The Economic Development Manager recently presented to 20 Auckland Unitec, third year Social geographic students, who are researching the economy of Whangarei. Their project case studies will be made available in early December.

We have also been in discussion with three potential investors, one of whom already owns a significant parcel of land in Whangarei.

Commercial Property

Town Basin

Washing and cleaning of Town Basin tenancies is complete and painting of the ground floor levels is about 70% complete. All painting is expected to be completed well before Labour Weekend. A number of rotten weatherboards have been identified as part of the work and will be replaced accordingly.

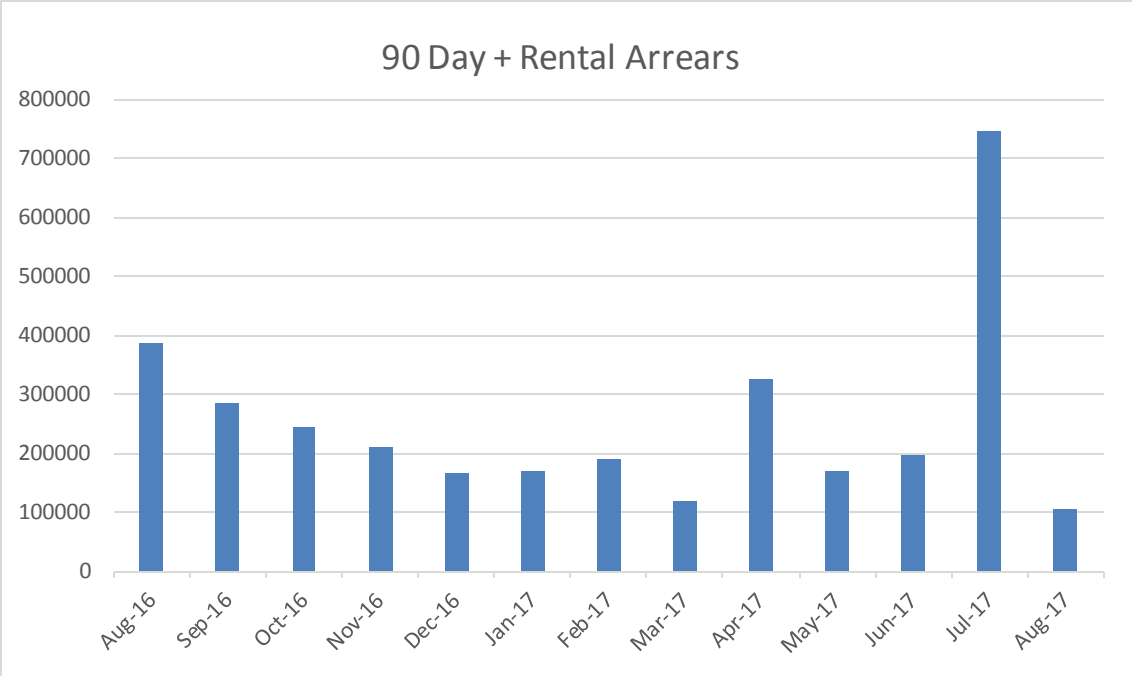
A number of Rent Reviews have been determined. There have been some surprises in the amount of movement however, staff and tenants are working together and many have already been agreed.

Arbitration Award

Arrears from the recent arbitration have been paid in full. Staff formalised the required legal process to recover costs associated with the arbitration, however payment was received after the lessee legal counsel were notified of the pending documentation. The recovery of legal fees associated with the arbitration are still unknown, pending a decision from the meidators.

Rent Reviews/Renewals

Rental reviews and renewals continue in accordance with both Ground and Commercial Freehold leases. Receipt of the arbitration arrears significantly reduces the total arrears owing.



*The data is reflective of the entire August invoicing cycle.

201-209 Port Road (ex-Balance/ Fertilizer Stores)

Demolition works are to be opened for public tender during the first week of October, with the successful tender to be awarded mid-November. Discussions will be held with the preferred tenderer to determine whether physical works can be started late 2017 or pushed back to early 2018 (this will be governed by contractor availability).

Airport Management Contract Review

The Request for Proposal (RFP) closed on Friday 29 September. All three shortlist proposals were received within the required timeframe. The evaluation team is scheduled to meet on Tuesday 3 October to review each proposal, with further workshops with each potential supplier to take place on Thursday 5 October.

Once the workshop is complete the Council/WDA will enter an Agreement in Principle with the successful supplier to conduct the implementation phase tasks of the process.

Strategic Planning

Long Term Plan and Growth Model

An overview of the revised growth model for the Long-Term Plan was presented at a Council Briefing on 6 September.

At the same briefing a presentation was given on the Environmental Scan, a high-level document which outlines strategic issues which may affect our Council and District over the next 10 years.

Whangarei City Centre Plan

A second business sector meeting was held on 5 September. A third business sector group meeting will be held on 10 October to seek input from building and business owners in the City Centre.

Meetings have also taken place with key land and business owners in the City Centre as well as a workshop with local Architects.

The feedback from these meetings will form a first draft of the Whangarei City Centre Plan, to be presented to Councillors on the 19 October.

National Policy Statement on Urban Development Capacity

Staff completed the first quarterly monitoring report requirement which will be presented to Council. Staff are also planning the next phase of work on the capacity assessments which are due to be completed by June 2018.

Bylaw Development

The Camping in Public Places Bylaw was adopted by Council on 28 September. Strategic Planning are continuing to work with Health and Bylaws on the enforcement of the Bylaw. This work will be presented through a Council Briefing on 19 October.

A statement of proposal for the Parking & Traffic Bylaw and the Keeping of Animals, Poultry and Bees Bylaw was presented to the Planning and Development Committee on 14 September. These two bylaws are open for public consultation between 15 September and 15 October.

Upper North Island Strategic Alliance (UNISA)

UNISA prepared feedback on the Auckland Plan Refresh, which was to be submitted to Auckland Council on 29 September. Staff are working on agenda items for the Chief Executive Meeting to be held on 13 October.

Kaipara Moana Treaty Settlement Working Party

Staff have been working with Northland Regional Council, Auckland Council and Kaipara District Council to compile information for the Kaipara Moana Working Party meeting on 27 October.

District Plan

PC85 A – D, PC86 Rural, PC87 Coastal Area, PC102 Minerals and PC114 Landscapes

The hearings were officially closed on 13 September 2017. The hearing panel are deliberating and preparing a recommendation report to Council.

PC131 GMO

Federated Farmers of New Zealand withdrew their appeal against the Auckland Unitary Plan GMO provisions.

PC82 Signs and Artificial Lighting and PC129 Notable and Public Trees

Consultation has opened, providing 6 weeks for feedback. The consultation period closes on 10 November 2017. 800 letters and draft rules for PC129 have been posted to landowners with existing heritage trees located within their property or adjacent to their property. PC82 and PC129 have been sent to all statutory bodies, practitioners, plan holders and hapu.

PC134 Designations

The designations chapter is being reviewed and s32 evaluation report being drafted. District Plan staff are working closely with Requiring Authorities to review each designation to determine whether designations have been given effect to, lapsed or substantial process has been made towards implementing the designation. Requiring Authorities will have the opportunity to request new designations as part of the plan change preparation.

Inter-District Council District Plan and Professional Development Meetings

The District Plan Department initiated a meeting with Far North District Council and Kaipara District Council to discuss district plan review progress, share ideas and gain consistency between Councils. Key areas of discussion were:

- National District Plan Templates – direction
- Mana Whakahono a Rohe – opportunities
- Papakainga provisions
- Submissions to the Proposed Regional Plan

B&A Urban and Environmental (Barkers) and Brookfields Lawyers ran a professional development session for Council planners on the same day. Topics presented:

- National Environmental Standard for Plantation Forestry
- Marine and Coastal Area (Takutai Moana) Act 2011
- WDC Papakainga provisions

Visit from Catholic University of Eichstaett-Ingolstadt in Bavaria, Germany Geography Students

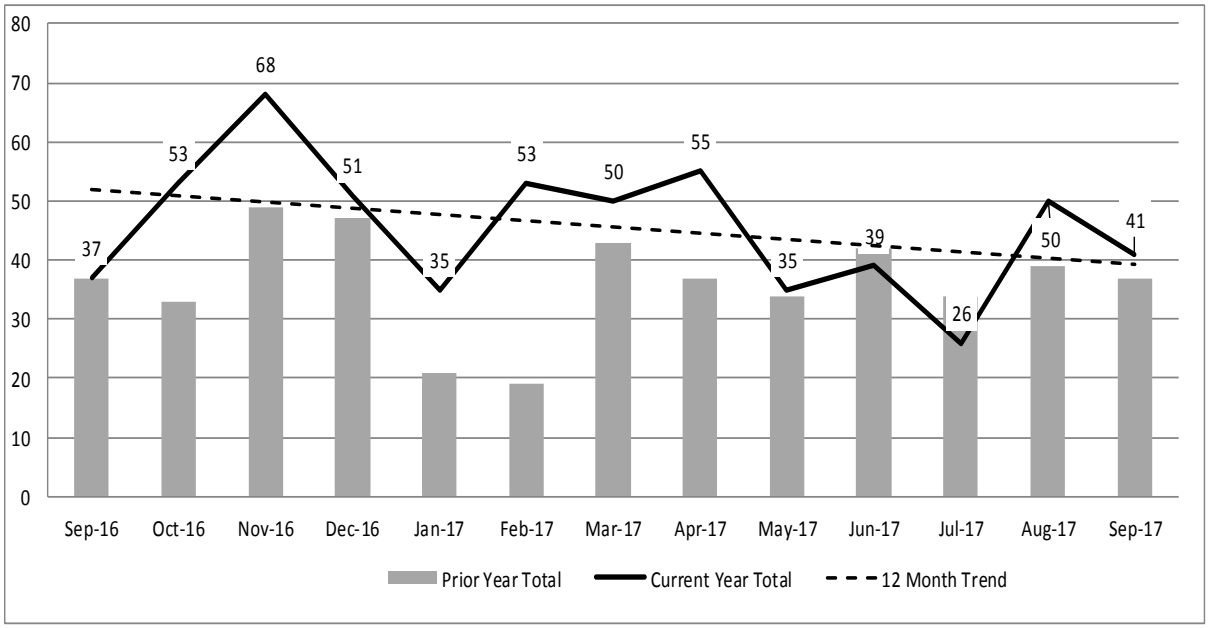
Rural lifestyle was the topic of interest and students were interested to hear about the WDC rural rezoning approach.

RMA Consents

Resource Consents

Resource Consent Processing

September has seen a slight decline in the resource consent numbers from August with 41 applications received, but overall numbers are still significantly ahead from the previous 12-month period.



Subdivision

Subdivision applications equated to 70% of the total number of applications. Again, the majority of subdivisions are rural based proposals utilising the current rules which may change as a result of the plan changes currently being processed. It is noted that a 12-lot residential subdivision has been received for the site bordered by Corks Road and Vinegar Hill Road. It is anticipated that a further subdivision of the balance area will be forthcoming.

Landuse

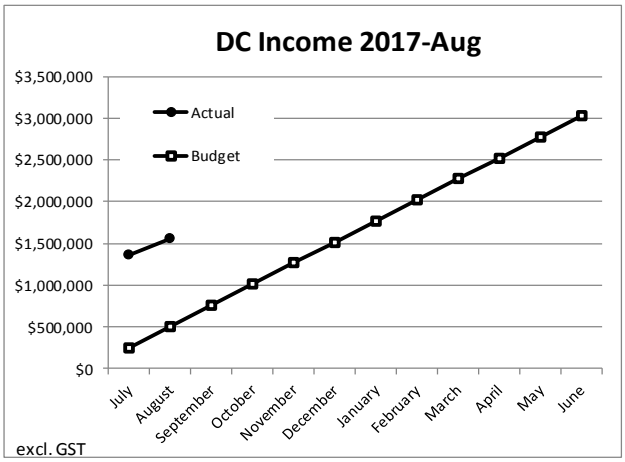
Landuse applications made up 30% of the total number of resource consents for the period.

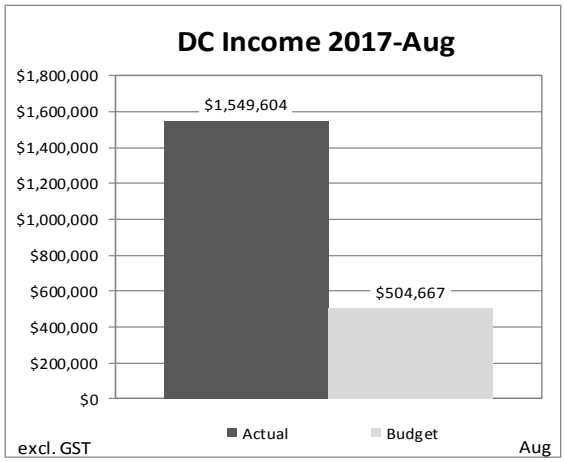
The application by GBC Winstones to deposit overburden from their Otaika Quarry has been scheduled for hearing over 3 days from 8-10 November. The matter will be heard and determined by 2 Independent Hearings Commissioners.

The application by Zodiac Holdings Ltd to construct a water bottling plant at Poroti has been publicly notified with nearly 1000 submissions received. The matter is likely to be heard late November or December.

Development Contributions (Year-to date)

DCs invoiced to end of August totalled $1.5M. As DCs recover part of the cost of past and future projects, which have or will be been undertaken in anticipation of growth, this money is already allocated to those projects. As can be seen the actual income is in advance of the budget.





Appeals

There are no current appeals in relation to resource consents.

Building

Building Consent Processing

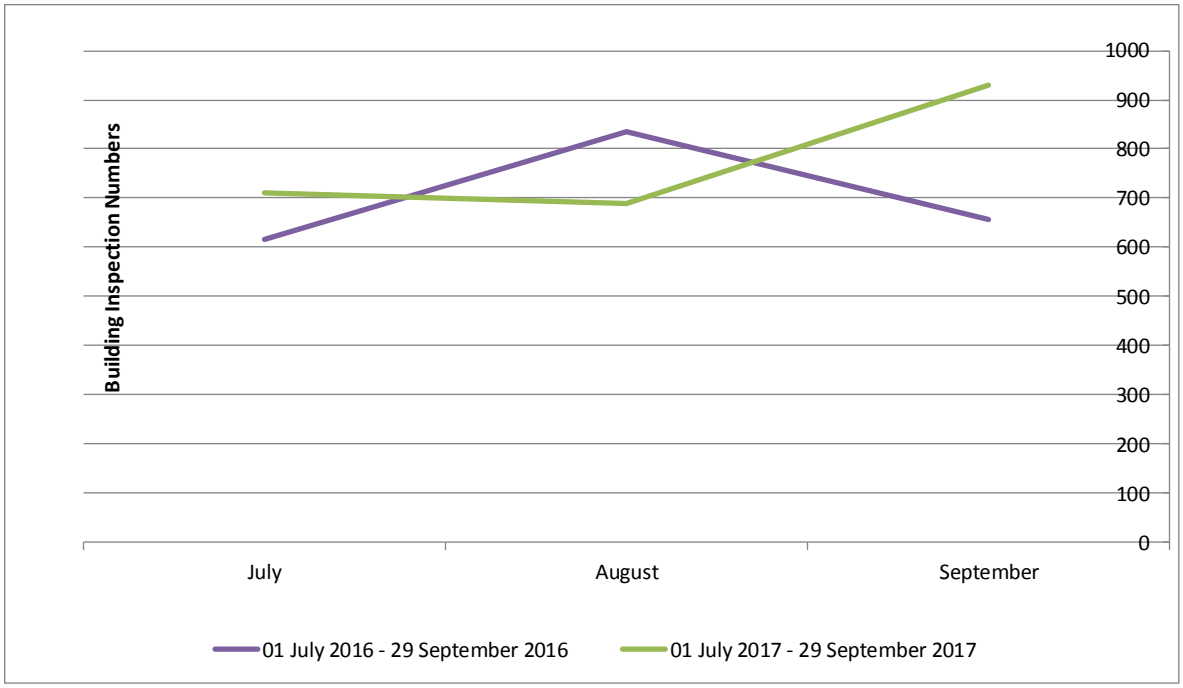
Building consent applications have continued to show a steadiness in activity. The number of consents issued within timeframe has declined from last month's figures and year to date average is slipping. However, from now the trend is expected to reverse as extra processing resource has been added.

Performance Indicators			
		Sep-17	**Year's Average To Date**
Building Consents	Issued In 20 Days	48%	53%
LIMs	% Within 7 Days	100%	96%
LIMs (Statutory Requirement)	% Within 10 Days	100%	100%
PIMs	% Within 5 Days	99%	93%
Inspections (Completed within 48 Hrs)	% Complete Within 2 Working Days	88%	93%

The procurement process has now been completed for an overflow contractor. The new contractor is working with us to get IT systems and processes aligned so they can receive and dispatch building consents online. With the approval of the business case which sought additional staff resources, we have been able to successfully recruit technical staff.

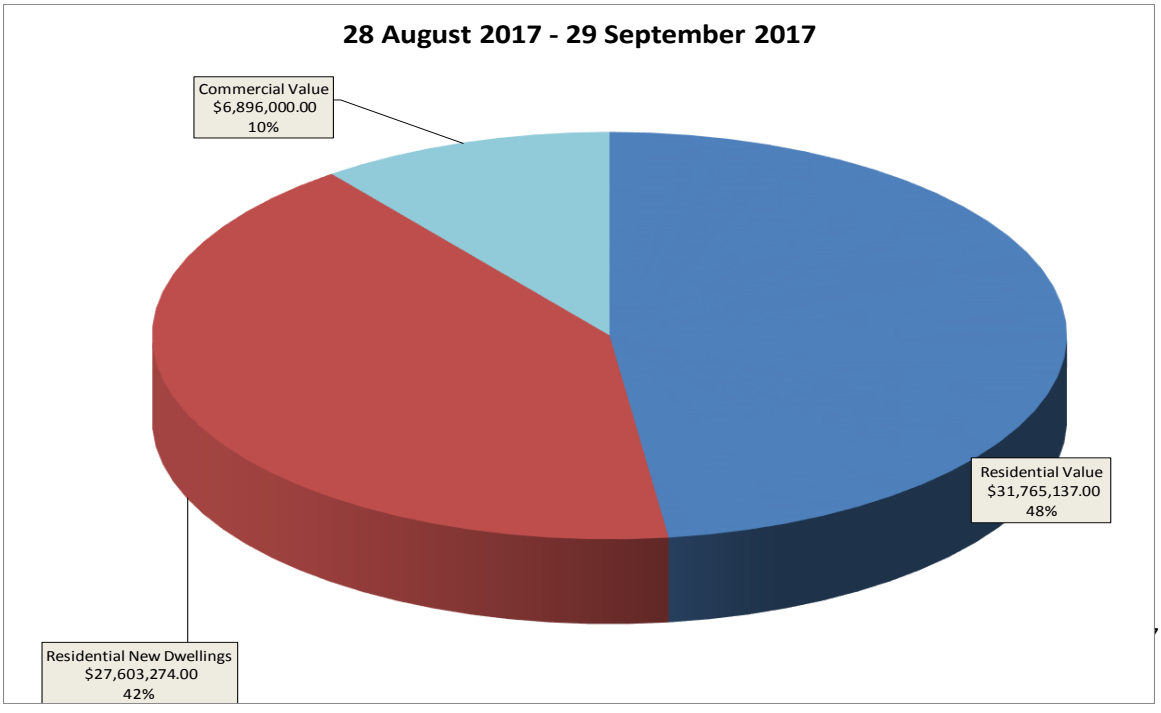
Inspections

Inspection numbers have increased and the team is fully stretched to meet the annual plan 2-day timeframe. It is likely that once the overflow contractor is bedded in technical staff will be moved to meet this increasing demand.



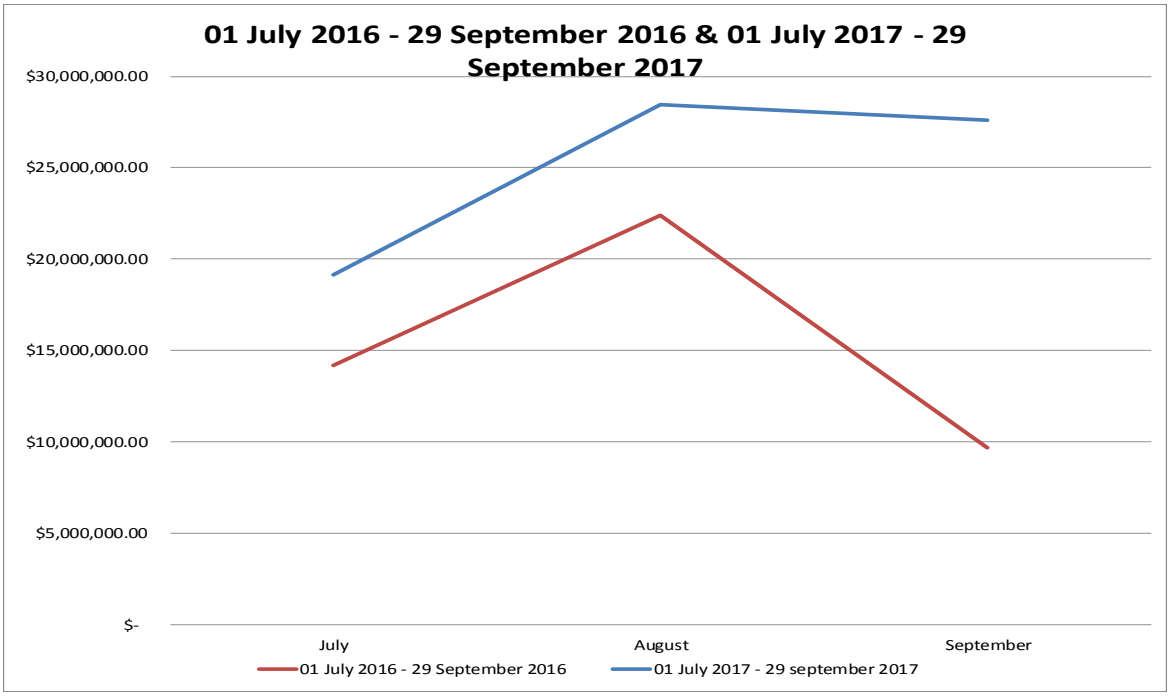
Residential and Commercial trends

The residential sector continues to show strength and resilience with new dwellings being 42% of all the overall building work. This continues to be a national and North Island trend in areas like Northland, Tauranga (the Bay of Plenty) and Hamilton.



New Dwelling Trends and Wards

New dwellings have shown a continuing strength in value.



Health and Bylaws

Council's District Licensing Committee this month said farewell to Commissioner John Williamson, who has been the Committee's Chairperson since its establishment in December 2013. Over this period, the Committee and mainly it's Chairperson determined more than 2300 applications.

As of 2 October 2017, our new Commissioner, Ann Court took over this function from John. As was the case under John, all unopposed applications will be dealt with by Ann on the papers and in her case remotely, thus alleviating the need for her to come to Whangarei to do so. Opposed applications will continue to be heard by a three-person Committee in Whangarei, if and when required.

During the month, the department dealt with a number of electioneering sign complaints, but generally had a very good response from candidates when asked to remove a non-compliant sign.

Signs, in general keep staff busy with what seems an ever-increasing number of request to replace vandalised signs in the district, especially those on the coast and those restricting vehicles and or dogs from beaches.

RESOLUTION TO EXCLUDE THE PUBLIC	
That the public be excluded from the following parts of proceedings of this meeting.	
The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:	
1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i)}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and **it is** in the public interest that such information should continue to be supplied.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of _____

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.