

Strategy, Planning and Development Committee Agenda

Date: Thursday, 17 April, 2025

Time: 9:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

Elected Members: Cr Ken Couper (Chairperson)
Cr Scott McKenzie (Deputy Chairperson)
His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

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

1. Declarations of Interest / Take Whaipānga	
2. Apologies / Kore Tae Mai	
3. Confirmation of Minutes of Previous Strategy, Planning and Development Committee Meeting / Whakatau Meneti	
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7. Closure of Meeting / Te katinga o te Hui	

Recommendations contained in the agenda are not the decisions of the meeting.

Please refer to minutes for resolutions.

Strategy, Planning and Development Committee – Terms of Reference

Membership

Chairperson	Councillor Ken Couper
Deputy Chairperson	Councillor Scott McKenzie
Members	His Worship the Mayor Vince Cocurullo Councillors Gavin Benney, Nicholas Connop, Jayne Golightly, Phil Halse, Deborah Harding, Patrick Holmes, Marie Olsen, Carol Peters, Simon Reid, Phoenix Ruka and Paul Yovich

Meetings Monthly

Quorum 7

Purpose

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

Key responsibilities

- Regulatory and compliance
 - Environmental health
 - General bylaw administration
 - Animal (dog and stock control)
 - Hazardous substances and new organism control
 - Parking enforcement (vehicles registrations and warrant of fitness)
 - Noise control
 - Food Act
- Building Control
 - Property Information and Land Information Memoranda
 - Consents and inspections
 - Monitoring and compliance
- Resource Consents
 - Subdivision, land use and development control
 - Development contributions
 - Monitoring and compliance
- District Plan
 - Plan changes
 - District Plan administration

- Strategic Planning
 - Place based strategies (city centre), functional strategies (climate change)
 - Climate Adaptation
 - Growth planning
 - Urban design
 - Strategic alignment of infrastructure
 - Reporting strategic trends and analysis
- Economic Development
 - District marketing and promotions
 - Developer engagement
- Marinas
- Airport
- Forestry
- Operational accountability of performance including:
 - Health and Safety
 - Regular reporting on service delivery
 - Compliance
 - Sustainability
 - Finance
- Reporting on capital projects.
- Operational reporting for the Strategy and Democracy and Planning and Development groups within Council where their functions are not covered by other Committees.
- Procurement – general procurement relating to the areas of business of this committee, within delegations.
- Shared Services – investigate opportunities for Shared Services for recommendation to council.
- Council Controlled Organisations (CCOs) – monitoring the financial and non-financial performance of CCOs whose functions would otherwise fall under the scope of this committee. Includes trading CCOs (CCTOs) and those CCOs exempted under the LGA. Responsibilities include:
 - advising on the content of annual Statement of Expectations to CCOs
 - agreement of the Statement of Intent
 - monitoring against the Statement of Intent
 - for exempted CCOs, monitoring and reporting as agreed between Council and the organisation
 - quarterly reporting on performance

CCO accountable to this committee:

- Whangarei District Airport – CCO

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
 - a) the 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) adoption of strategies and policies relating to the key responsibilities of this committee (except for those that cannot be delegated by Council under Clause 32(1)(f) of Schedule 7 of the LGA).
 - 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.

The Committee does not have:

- i. The power to establish sub-committees.
- ii. The powers Council is expressly prohibited from delegating as outlined in Clause 32(1)(a)-(h) of Schedule 7 of the Local Government Act 2002; being:
 - the power to make a rate
 - the power to make a bylaw
 - the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
 - the power to adopt a long-term plan, annual plan or annual report
 - the power to appoint a chief executive the power to adopt policies required to be adopted and consulted on under the Local Government 2002 in association with the long-term plan or developed for the purpose of the local governance statement
 - the power to adopt a remuneration and employment policy.

Strategy, Planning and Development Committee Meeting Minutes

Date: Thursday, 20 March, 2025
Time: 9:00 a.m.
Location: Civic Centre, Te Iwitihi, 9 Rust Avenue

In Attendance
 Cr Scott McKenzie (Acting Chairperson)
 His Worship the Mayor Vince Cocurullo
 Cr Nicholas Connop
 Cr Jayne Golightly (Teams)
 Cr Phil Halse
 Cr Deborah Harding (Teams)
 Cr Patrick Holmes
 Cr Marie Olsen
 Cr Carol Peters
 Cr Simon Reid
 Cr Paul Yovich

Not in Attendance
 Cr Ken Couper (Chairperson)
 Cr Gavin Benney
 Cr Phoenix Ruka

Scribe D.Garner (Democracy Adviser)

Cr Scott McKenzie (Deputy Chairperson) chaired the meeting and opened with a karakia.

1. **Declarations of Interest / Take Whaipānga**

There were no declarations of interest made.

2. **Apologies / Kore Tae Mai**

Cr's Gavin Benney, Ken Couper and Phoenix Ruka

Moved By Cr Carol Peters

Seconded By Cr Nicholas Connop

That the apologies be sustained.

Carried

3. Confirmation of Minutes of Previous Strategy, Planning and Development Committee Meeting / Whakatau Meneti

3.1 Minutes Strategy, Planning and Development Committee 20 February 2025

Moved By Cr Carol Peters

Seconded By His Worship the Mayor

That the minutes of the Strategy, Planning and Development Committee meeting held on Thursday 20 February 2024, including the confidential section, 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 / Whakatau Rīpoata

4.1 New Private Road Name – RMA Consents – Carvall Enterprises Ltd – SD2200023

Moved By His Worship the Mayor

Seconded By Cr Paul Yovich

That the Strategy, Planning and Development Committee:

1. Approve the name of the private road off Whareora Road as Northwood Rise.

Carried

4.2 Road Naming Application – Burton – Ngunguru Road – SL2200042

Moved By Cr Scott McKenzie

Seconded By His Worship the Mayor

That the Strategy, Planning and Development Committee:

1. Approve the name of the private road off Ngunguru Road as Memory Lane.

Carried

4.3 Whangārei District Airport Draft Statement of Intent 2025-2026

Moved By His Worship the Mayor

Seconded By Cr Paul Yovich

That the Committee:

1. Under delegation endorse the Draft Statement of Intent 2025/2026 for the Whangarei District Airport.
2. Notes and provides feedback on the 2025/2026 Draft Statement of Intent.

Carried

4.4 Whangārei District Airport Half Yearly Financial Report to 31 December 2024

Moved By His Worship the Mayor

Seconded By Cr Carol Peters

That the Committee under delegation notes the Half Yearly Financial Report to 31 December 2024 for Whangārei District Airport.

Carried

5. Information Reports / Ngā Pūrongo Kōrero

5.1 Operational Report - Strategy Planning and Development - March 2025

Moved By Cr Carol Peters

Seconded By Cr Simon Reid

Carried

6. Public Excluded Business / Rāhui Tangata

There was no business held in public excluded.

7. Closure of Meeting / Te katinga o te Hui

The meeting concluded at 9:37am.

Confirmed this 17th day of April 2025

Cr Scott McKenzie (Acting Chairperson)

4.1 Knowledge Precinct Plan Update – Progress and upcoming engagement

Meeting: Strategy, Planning and Development Committee

Date of meeting: 17 April 2025

Reporting officer: David Mitchell (Team Leader – Strategic Planning and Urban Design)
 Lucy Edwards (Strategic Urban Designer)

1 Purpose / Te Kaupapa

To:

1. Update about the progress of the Knowledge Precinct Plan
2. Seek approval for public engagement to inform the Knowledge Precinct Plan
3. Provide context to the Precinct Plan by discussing the Knowledge, Education and Arts (KEA) Hub, and the commencement of the programme approach to understanding all work within the area

2 Recommendations / Whakataunga

That the Committee:

1. Notes the report.
2. Approves staff to undertake public engagement in May, focussed on the Knowledge Precinct Plan.

3 Background / Horopaki

3.1 Interrelated projects

The Knowledge Precinct Plan is one of several overlapping and interrelated Council projects. Before each project is explained below, a short summary of each is provided here:

- The Knowledge Precinct Plan is a high-level spatial plan, showing the outcomes agreed to by Council (via public input from engagement and consultation), and how the spaces can change to achieve those outcomes. It is a public-facing document.
- The Knowledge, Education and Arts (KEA) Hub is the primary focus of the Project Steering Board, established by Council, to pursue educational advancements for Northland. This concept is centred within the Knowledge Precinct Area.
- Forum North is a major Council asset that will require decision-making over its long-term function.

Figure 1 below shows how these three pieces of work relate. To help ensure cohesion between these workstreams, Council has established a Knowledge Precinct Programme following the Investment Management Framework.



Figure 1: Knowledge Precinct related projects, components of the programme approach

3.2 Knowledge Precinct Plan

Council is progressing development of the Knowledge Precinct Plan – the fourth and final precinct plan identified within the Whangarei City Centre Plan. The others are the City Core, Waterfront and Hihiaua precinct plans. The relationship to other existing documents is shown in Figure 2.



Figure 2: Knowledge Precinct Plan strategic relationship

This Precinct Plan covers the area surrounding the civic functions of Te Iwitahi, Forum North and the Library, and includes important spaces such as Cafler Park, Waiarohia Stream, Forum North and surrounding areas, shown in Figure 3 below. This is a non-statutory plan that will be developed through hapū and community engagement, to set a vision and key objectives for the area. Precinct plans also include a range of actions delivered over the long term either by Council or by other partners or the community.



Figure 3: Boundary of the Knowledge Precinct Plan

In 2024, with Council directly appointed Matakahe Architecture + Urbanism (Matakahe) to help deliver the Knowledge Precinct Plan. This appointment was made within existing budgets created by staff being on maternity leave, and considering Matakahe's knowledge and involvement with Te Iwitihi and their expertise. Matakahe also helpfully partnered with The Urban Advisory (TUA) to deliver the work. TUA is very familiar with Whangārei, being currently involved in the Future Development Strategy. Matakahe and TUA also have a strong history of working together.

Since then, staff and the consultant team have been meeting with the Project Steering Board, Elected Members, staff, and hapū representatives, as well as undertaking desktop and background research into the Precinct. This has allowed the project team to understand the area in detail, delve into what Council's approaches and activities are, and identify some important concepts that need to be discussed with the community. This is the next phase of work and is outlined in more detail below.

3.3 Knowledge, Education and Arts (KEA) Hub

A Project Steering Board (PSB) appointed by Council is primarily tasked with providing governance and oversight of activities within the Precinct, as well as the establishment (including partners and structural components) of a KEA Hub. Staff understand that this project is broadly understood by the Elected Members and updates are provided through the Chair's reports via the Chief Executive.

The KEA Hub aims to increase the number of students from Te Tai Tokerau that achieve tertiary education and qualifications, increase the potential jobs available to young people,

support the pipeline of infrastructure and investment across the region, and improve the earning potential of future generations.

The important part of the Knowledge Precinct Plan project is that staff are connected to and work with the PSB and KEA Hub, and look to strengthen the case of the KEA Hub. Staff believe recent updates on the Knowledge Precinct Plan have shown good alignment and progress in that relationship.

3.4 Knowledge Precinct Programme Management

Due to the overlap of the Precinct Plan, the KEA Hub, and Forum North – graphically shown in Figure 1 above – Council has initiated a Programme to help coordinate these projects. The PSB is heavily involved in guiding the direction of the Programme and will act as governance for the Programme.

A “programme” is language used within Council’s Investment Management Framework (IMF) and is broadly defined as a structure comprised of multiple related projects and non-project activities completed in tranches to deliver integrated outcomes or benefits. The work involves developing a supportive internal structure to coordinate and align Council’s decision-making across multiple interconnected projects. By implementing Council’s IMF, it ensures robust programme governance including aligned Council decisions, while enabling agile delivery of individual projects. This approach allows staff to coordinate resources, manage dependencies, and ultimately deliver greater value by focusing on collective outcomes rather than isolated project outputs. The programme approach includes ensuring robust engagement across all groups and communities with an interest in the programme area and/or outcomes.

In late 2024, Council ran an open tender process to source a Programme Manager. Caitlin Borgfeldt from Aurecon has been appointed and is supported by other staff from within Aurecon. Caitlin and team are still in the process of establishing setup documentation and agreeing work structures with the PSB, as well as meeting with staff and understanding the wider scope of Council’s projects within the area – including what work is happening, and what budgets or funds are allocated. This will continue alongside other key steps of confirming the Strategic Case and undertaking initial economic modelling to understand the benefits of any outcomes.

4 Discussion / Whakawhiti kōrero

4.1 Knowledge Precinct Plan and public engagement

Council staff presented the Knowledge Precinct Plan concept to the Strategy Planning and Development Committee in early 2023. A larger than expected delay occurred during the process because of availability of staff resource.

Since the second half of 2024, Council staff and consultants have been developing draft components of the Precinct Plan, in preparation for public engagement.

Key steps undertaken so far include:

- Spatial Analysis – an urban design and landscape context analysis.
- Strategic Framework Analysis – a review of relevant Council documents that relate to the Precinct, looking at structure and commonality of how they present their strategy component, and relevant actions or points to the site.

- Early engagement phases – workshops with Elected Members, the PSB, Council staff, hapū members and Council's Advisory Groups. The workshops covered two topics: first, the opportunities and issues that stakeholders identified within the site; and second, further exploring draft key moves. This information has been used to create a draft Strategic Framework, including Vision, Values, Outcomes and Key Moves and Actions.

This information has not been widely circulated, and staff are aiming to approach engagement in three phases:

1. Continue with those streams already utilised, including with hapū
2. Involve land and business owners of sites within the Precinct so they are informed and are invited to participate
3. Public engagement

Planning for these phases is underway with the intention to complete the public engagement before mid-2025. Once completed, the feedback will be used to further refine and develop a complete Draft Knowledge Precinct Plan for formal consultation ahead of adoption.

The public engagement in May would look to achieve three main outcomes:

1. Seek information from the wider public about how they use the Precinct, along with any identified issues
2. Seek information from landowners and businesses to understand if they have any particular concerns or aspirations, they wish to share with Council to inform the planning
3. Identify support for the key concepts already identified as being parts of the Precinct Plan, including the Lyric Theatre, as well as the provision of tertiary education facilities

To do this, staff have identified four main channels of engagement:

A survey	Online for approximately one month. This will be the main source of feedback. Specific questions for landowners and businesses may be asked.
A stall at the Whangarei Growers Market	An opportunity for the public to discuss the project with staff and for staff to have more in depth conversations with the public
Drop-in session(s) at the Whangarei Library	
Face to face meetings with stakeholders and interested parties	Available to all, with a specific focus on sectors, landowners and businesses to understand their feedback in detail

The feedback will help shape the draft Knowledge Precinct Plan. Feedback will be collated, and summary report/s will be created to help ensure feedback is incorporated into the Plan.

Staff are planning to undertake public engagement activities for the Precinct Plan in May 2025. Staff have not produced the exact material that will be available publicly, nor confirmed dates. When this information is available, staff will share this with Elected Members via the Operational Report and email updates.

4.2 Financial/budget considerations

There are several budgets relating to operational expenditure and capital expenditure within the Precinct projects and programme over time. Staff are working with Finance, Asset Managers and Project Managers to identify all the budgets related to the Precinct extent. In the meantime, below are some of the key budget lines related to this agenda:

Knowledge Precinct Plan

\$100,000 - This is for the development of the Knowledge Precinct Plan funded through the Strategic Planning budget and was identified in the LTP.

Knowledge, Education and Arts Hub

This project does not have any specific budget nor financial obligations or commitments.

Knowledge Precinct Programme Management

\$150,000 - This resourcing funds programme management and external advisory services and was enabled by a decision of Council to bring forward resourcing from Years 2 and 3 of the LTP intended for technical reports. It is allocated against the Knowledge Hub Programme.

There are also some deliverable budgets relating to the proposed Lyric Theatre, and asset decisions over Forum North that are also potentially relevant, within the current LTP.

4.3 Policy and planning implications

Given the project is at early public engagement stages, there are no policy or planning implications right now. However, one of the key stages of work undertaken was a review of the Strategic Framework Analysis (see Discussion), and as such, the work has been informed by existing policy and planning. Significantly, this includes documents such as Council's draft Future Development Strategy and existing Long-term Plan. The work thus far also aligns with other documents such as the City Centre Plan and Blue-Green Network Strategy.

4.4 Options

The option for the Committee is to either approve that staff undertake engagement, or not. Staff recommend approving this stage of work, as it is consistent with Council's approach to other strategic and spatial planning documents and processes – which significantly benefit from understanding the public and wider viewpoints about Council's work. The work cannot significantly progress without public input, given some of the risks highlighted below. Additionally, staff have looked to engage with those relevant, including the PSB, who have provided valuable feedback ahead of staff undertaking public engagement. This has been incorporated into the work.

If approval is not given, there will be two significant impacts:

- Delay in the project work. Staff have programmed to have a final draft of the Precinct Plan by Q4 2025. Delays in undertaking public engagement will complicate timelines, particularly given reporting timeframes and the local body elections later in 2025.
- Uncertainty over process. Staff do not feel it is appropriate to continue significant further work on the Precinct Plan without the opportunity to discuss with the public.

Given this is a Council project about public assets and potential investment by Council in public spaces and other initiatives, staff identify this as a critical step.

4.5 Risks

There are several key risks for the Committee to consider at this stage:

- Concern over the investment of public money – Staff understand that expenditure of public money is a critical issue for the public, as well as Elected Members. As such, it is expected that there may be some concern regarding Council's investment in this project and associated work streams. However, plans such as these are what is needed to deliver meaningful change in our District, and in this case, to give Council, and the public, an understanding of where and how this area can be expected to change. Staff highlight that the engagement material will need to highlight that this process does not commit Council to funding particular projects. However, if and when Council does choose to invest in this area, that investment should be aligned to this plan. That process will also be a public process, and include more detail such as detailed design or approval of business cases and funding.
- Misalignment of outcomes – There is a large scope of work that can happen in the Precinct, driven both from the public and private sectors. It is therefore likely that misalignment between outcomes occurs. This is generally mitigated by the Precinct Plan setting a direction for Council and others to work towards.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda 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.

However, ongoing work relating to this project will likely trigger this requirement if decisions over assets are required. Additionally, all precinct plans are developed with hapū and public engagement, alongside a range of discussions with landowners and partners within the precinct area. The intention is to Council support for public engagement – as per this report – while staff also produce a Communications Plan. Staff will communicate the key aspects of the Communications Plan to Elected Members for their interest.

4.2 Plan Change 2 General Amendments – Approval of Plan Change

Meeting: Strategy, Planning and Development Committee
Date of meeting: 17 April 2025
Reporting officer: Vita Strohush (Intermediate Planner District Plan)

1 Purpose / Te Kaupapa

To approve Plan Change 2 – General Amendments (PC2), in accordance with the requirements of clause 17(1) of Schedule 1 to the Resource Management Act 1991.

2 Recommendations / Whakataunga

That the Strategy, Planning and Development Committee:

1. Approves Plan Change 2 – General Amendments (PC2) as required by clause 17(1) of Schedule 1 to the Resource Management Act 1991 (RMA), enabling the Plan Change to be made Operative.
2. Resolves that the extent of changes to the Whangarei Operative District Plan that would result from approval of PC2 is limited to:
 - a. Insertions and deletions to the Whangarei District Plan text as shown in track changes in Attachment 2 – Decision Version Plan Change 2 Provisions.
 - b. Amendments to the Whangārei District Plan Maps as shown in Attachment 3 – Planning Maps and as set out Attachment 1 – Hearing Commissioner's Recommendations Report.
3. Notes that in accordance with clause 17(3) of Schedule 1 to the RMA the Council's seal will be affixed to those parts of the Whangārei District Plan that are amended by the approval of PC2.
4. Notes that a public notice will be notified in the local newspaper and on the Council's website on 7 May 2025 indicating the date on which PC2 is Operative in accordance with the requirements of Clause 20 of Schedule 1 to the RMA. The Whangārei Operative District Plan will be updated to incorporate PC2 thereafter.

3 Background / Horopaki

The plan making process under Schedule 1 of the Resource Management Act 1991 (RMA) requires final approval of a plan change at the close of the appeal period and/or resolution of appeals.

This step applies regardless of whether any changes have been made to the plan change in the resolution of any appeals (such as through mediation or in the Environment Court) as well as in situations where no appeals have been received, and no changes have been

made. The delegation for this decision sits with the Strategy, Planning and Development Committee.

In this case no appeals to Plan Change 2 - General Amendments (PC2) were received. The Decision version of the Plan Change as adopted by the Planning and Development Committee on 20 February 2025 thus remains unchanged and is the version of the plan change that is the subject of this decision. Refer Attachments 1-3.

The Strategy, Planning and Development Committee must now approve PC2. There is no legislative ability for PC2 not to be approved at this stage of the plan making process. Approving the plan change will enable it to be made 'Operative', meaning it will have full weight in decision making on resource consent applications. Not approving the Plan Change would leave Applicants with two sets of rules to consider for subdivision and development proposals/ resource consent applications, leading to a less efficient planning/ resource consent application process and uncertainty for the general public around the rules that apply to property/ subdivision and development aspirations.

Following approval of PC2 the date on which the Plan Change would become Operative will be advertised in the local newspaper and Councils' website in accordance with statutory requirements. On this date the Operative Whangarei District Plan would be updated to include the changes enabled by PC2.

4 Discussion / Whakawhiti kōrero

PC2 amends various chapters of the District Plan to address technical issues, such as fixing loopholes in rules, updating definitions, and correcting mapping errors. The proposed changes do not alter the overall policy direction of the District Plan. The extent of changes to the Whangarei Operative District Plan that would result from approval of PC2 is limited to:

- a. Insertions and deletions to the Whangarei District Plan text as shown in track changes in Attachment 2 – Decision Version Plan Change 2 Provisions.
- b. Amendments to the Whangārei District Plan Maps as shown in Attachment 3 – Planning Maps and as set out Attachment 1 – Hearing Commissioner's Recommendations Report.

4.1 Plan Change Process to Date

The timeline of process steps to arrive at the decision point that is the subject of this report for PC2 is as follows:

- 18 May 2023: proposed plan change discussed with the Strategy, Planning and Development Committee.
- 27 April 2023: presentation to iwi and hapū working groups (Te Huinga).
- 21 June 2023: presentation to iwi and hapū working groups (Te Karearea).
- August 2023: The Strategy, Planning and Development Committee endorsed early public engagement on a draft General Amendments plan change.
- 4 September 2023 to 27 October 2023: Early public engagement period. Iwi and hapū were invited to provide initial feedback and comment. A draft version of the plan change was provided to Patuharakeke for feedback in accordance with the Mana Whakahono ā Rohe between Patuharakeke Iwi Trust Board and Council.
- 20 June 2024: A pre-notification update on the draft plan change and a summary of the public feedback received was provided to the Strategy, Planning and Development Committee.
- Whangarei District Council prepared and publicly notified PC2 on 7 August 2024.
- The Plan Change was open for submissions from 7 August 2024 to 2 October 2024.

- A hearing into the provisions and matters raised in submissions was held on 28 November 2024. This hearing was heard by a Council-appointed Independent Hearings Commissioner (Richard Blakey).
- Following the hearing the Council appointed Independent Planning Commissioner prepared a recommendation on the provisions and matters raised in submissions.
- This recommendation (and the 'Decision' version of PC2 provisions and maps) was adopted by the Strategy, Planning and Development Committee on 20 February 2025 (refer Attachment 1-3).
- The decision on the plan change was notified by public notice on 26 February 2025, starting the period within which an appeal on the plan change could be made.
- The appeal period closed on 9 April 2025, without any appeals being received.

It is noted that many of the proposed PC2 amendments did not receive any submission in support or opposition. Pursuant to s86F(1)(a) of the RMA, rules that did not receive submissions in opposition have been 'treated as operative' since 3 October 2024.

4.2 Decision Required

As the notified decision version of the plan change has not been appealed, Council must now approve the plan change without amendment in accordance with clause 17(1) of the RMA. This is a procedural matter which acknowledges that PC2 has completed the Schedule 1 plan change process. There is no legislative ability to not approve the plan change at this stage of the plan making process.

As the appeals period has closed, further changes to PC2 are not possible without notifying a new plan change.

It is recommended that PC2 be approved as required by statute. Incorporation of PC2 into the Whangārei District Plan will enhance the effective implementation of the provisions and streamline processes for Resource Consent Applicants and Council staff in implementing the District Plan. It will also give certainty to the general public about the rules that apply to property/ subdivision and development proposals.

4.3 Next Steps

At approval of a plan change, the following process steps must follow:

- In accordance with clause 17(3) of Schedule 1 to the RMA, the Council seal must be affixed to PC2.
- The Operative date of the PC2 must be notified in the local paper and on Councils' website in accordance with the requirements of clause 20 of Schedule 1 to the RMA.
- On the advertised Operative date, the Whangārei Operative District Plan must be updated to incorporate the changes enabled by approval of PC2.

4.4 Financial/budget considerations

This plan change process is largely resourced by District Plan staff time. Budget has been allocated from the operational District Plan budget to cover the administrative costs of the plan making process (including costs associated with the notification and hearings processes) and costs associated with GIS mapping changes.

4.5 Risks

There are no identified risks associated with approving PC2. The plan change has been through a robust process in accordance with the statutory requirements of Schedule 1 to the RMA. Implementation of PC2 will improve the efficiency and effectiveness of the Whangārei District Plan and will assist the Council in its effective administration of the District Plan. However, and as outlined above, not approving the Plan Change would leave Applicants with two sets of rules to consider for subdivision and development proposals/ resource consent applications, leading to a less efficient planning/ resource consent application process and uncertainty for the general public around the rules that apply to property/ subdivision and development aspirations.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy as PC2 has followed the public engagement and submissions process of the RMA. The public will be informed of the decision via the agenda publication on the website, a notice in the District Plan section of the website and a public notice in the local newspaper.

6 Attachments / Ngā Tāpiritanga

Attachments 2 and 3 (Decision version recommended plan provisions and maps) were too large to be included within the agenda and will be provided under a separate cover.

Attachment 1: Hearing Commissioner's Recommendations Report (4 February 2025)

Attachment 2: [Decision Version Plan Change 2 Provisions](#) (track changes)*

Attachment 3: Planning Maps*

Plan Change 2: General Amendments

Report and Recommendations of the Independent Commissioner

Commissioner Richard Blakey

4 February 2025

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Independent Commissioner:	The plan, submissions and further submissions were heard by Hearing Commissioner: Richard Blakey
Notification date:	7 August 2024
Hearing:	28 November 2024
Hearing closed:	3 February 2025
Appearances:	<p><u>Council</u></p> <ul style="list-style-type: none"> • Robert Burgoyne (Kaiārahi Pūkenga - Planner) • Vita Strohush (Planner) • Devon Ashcroft (Planner) <p><u>Ian Gladwell</u></p> <p><u>Max Dunn</u></p> <p><u>Parua Bay Residents and Ratepayers Association</u></p> <ul style="list-style-type: none"> • James Griffin <p><u>WDC Infrastructure Group</u></p> <ul style="list-style-type: none"> • Christine Niblock <p><u>Reyburn & Bryant</u></p> <ul style="list-style-type: none"> • Brett Hood <p><u>Channel Infrastructure NZ Limited</u></p> <ul style="list-style-type: none"> • Ebony Ellis <p><u>Northpower Limited and Northpower Fibre Limited</u></p> <ul style="list-style-type: none"> • David Badham • Rachel Wansbone (Northpower Representative)
Hearings advisor:	Ashley Middleton (Support Assistant)
Recommendation:	<p>Pursuant to clause 10 of Schedule 1 of the Resource Management Act 1991, Plan Change 2 is recommended to be Approved as proposed within the Council's section 32 report (Appendices 1 and 2), as amended by the Section 42A Report (Appendix 1) and the Reply (Appendix 1) and section 4 of the Addendum Reply.</p> <p>The reasons for the recommendation are set out below.</p>

1 Introduction to the Plan Change and Relevant Statutory Provisions

1. Whangārei District Council (**the Council**) delegated to Richard Blakey (Independent Commissioner) the responsibility to hear and make recommendations on Plan Change 2: General Amendments (**PC2**) to the Whangārei District Plan (**District Plan**). Mr Blakey declared that he did not have any perceived, actual, or potential conflicts of interest in considering this plan change.
2. PC2 is a Council-initiated plan change that has been prepared following the standard Schedule 1 process under the Resource Management Act 1991 (**RMA**). This plan change forms part of the Council's on-going rolling review of its District Plan pursuant to s.79 of the RMA.
3. PC2 seeks to amend various technical issues that have been identified in the District Plan. It introduces amendments throughout the District Plan to address issues identified by Council staff, consultants, and members of the public. The Council's s.32 report (dated 1 July 2024) advised that the proposed amendments are general in nature and, where possible, create minimal changes to how the District Plan is interpreted. The amendments consist of the correction of errors or anomalies; simple adjustments to improve clarity and interpretation; minor amendments to outdated text and maps; and changes to address 'loopholes'.
4. The Council's s.32 report goes on to advise that the amendments do not propose any substantial changes to the overall policy direction, objectives, or rules of the District Plan "*but are needed to provide clarity, consistency, improve user experience, and remove duplication and errors*".¹ Accordingly, it states that "*PC2 is an important step to improve the functionality and effectiveness of the WDP*"² and that these amendments have been included within a single plan change process for administrative efficiency.
5. The s.32 report also advises that the scope of PC2 is limited to:
 - The issues identified, and the provisions that are proposed to be amended or inserted by PC2; and
 - The issues that were identified in pre-notification feedback.³
6. On that basis, the s.32 report states that changes that are not in accordance with these criteria are outside the scope of PC2.
7. The s.32 report provides an analysis of the amendments and the way in which these meet the tests of s.32 and have regard to their effectiveness and efficiency relative to other means of achieving the purpose of the RMA. It concludes that:⁴

...the proposed amendments and provisions have been detailed and compared against viable alternatives and are considered to represent the most efficient and effective means of achieving the relevant objectives and of addressing the identified resource management issues with the operative provisions.

¹ Council s.32 Report, at [6]

² Ibid

³ Ibid, at [38]

⁴ Ibid, at [497]

8. PC2 was publicly notified on 7 August 2024, with submissions closing on 4 September 2024. Further submissions closed on 2 October 2024. A total of 21 original submissions and four further submissions were received. A summary of these submissions was set out in Attachment E to the Council's Section 42A Report, with the outcomes sought by submitters summarised by topic within that report. All the further submissions were from parties who made an original submission.
9. The Section 42A Report, dated 30 October 2024, was prepared by Robert Burgoyne (Kaiārahi Pūkenga - Planner), Vita Strohush (Planner) and Devon Ashcroft (Planner), in accordance with s.42A of the RMA and with reference to the s.32 evaluation for PC2. The purpose of the Section 42A Report was to:
 - consider and makes recommendation on matters raised in submissions;
 - include recommendations to the Commissioner to accept, accept in part, or reject individual submission points and where appropriate, include recommended changes to the PC2 provisions; and
 - consider, in responding to submissions, the efficiency, effectiveness, risk, and appropriateness of the District Plan provisions at a level of detail that corresponds with the scale and significance of the requested changes in accordance with s.32AA.
10. A hearing was undertaken remotely (via MS Teams) on 28 November 2024, albeit that it was based at the Council's offices which meant that Council officers and some submitters attended the hearing in person.

2 Statutory Framework and Policy Context

11. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the s.32 report accompanying the notified plan change. Section 2 of the s.32 assessment, that also formed part of the Section 42A Report, also describes the statutory context for the consideration of the plan change. I have adopted that analysis and will not repeat it again in detail, including the analysis of the relevant national policy statement, national environmental standards and Northland Regional Policy Statement provisions.
12. I also note that s.32 clarifies that analysis of efficiency and effectiveness is to be at 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.
13. Clause 10 of Schedule 1 of the RMA requires that a decision on a plan change must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with s.32AA. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. I note that the Section 42A Report and evidence in reply presented by the Council satisfies the obligations of s.32AA, and that material should be read in conjunction with this recommendation, and where I have concluded that minor amendments are required to PC2 as notified (in line with the recommendations provided by Council officers). These are considered throughout this report as set out below.

14. Having considered the evidence and relevant background documents, I am satisfied, overall, that PC2 has been developed in accordance with the relevant statutory and policy matters. The plan change, as amended will assist the Council in the effective administration of the District Plan, meets the requirements of s.32AA and will give effect to Part 2 of the RMA. For completeness, I note that I have adopted the recommendations on submissions as set out in the Section 42A Report (which are presented in tables throughout that report), except as amended through the findings set out in section 3 of this report below.

3 *Summary of Evidence and Matters of Contention*

3.1 *Introduction*

15. The hearing evidence in this case includes the notified plan change, the accompanying s.32 evaluation and supporting documentation, the submissions received, the Council's Section 42A Report and the presentations and evidence presented and tabled at the hearing by the submitters, and responses to my questions. This information is all part of the public record and is not repeated. This material was taken as read.
16. The Section 42A Report, prepared by the planning officers noted above, addressed the submissions received and the relief sought by each submitter. This was presented on a topic-by-topic basis and included an overall discussion on each issue before making a recommendation in response to the relief sought, and whether each submission should be accepted or rejected. It then included as Appendix 1 an extract of the track change provisions of PC2 recommended to be amended through the Section 42A Report.
17. At the commencement of the hearing Mr Burgoyne provided a brief overview of PC2 and an initial response to the evidence that had been received from submitters. The Council's right of reply (**Reply**) was prepared by those officers who prepared the Section 42A Report and responded to the evidence heard. This was received on 9 December 2024, with an Addendum to the Reply received on 3 February 2025 (**Addendum Reply**). This was prepared in respect of the notification process associated with a resource consent application that was noted by the Council to be of relevance to its recommendations in respect of the zoning of land at the Part Parua Block, as described later in this report.
18. To reduce repetition, I have focused on the matters raised by each submitter through their evidence with reference to matters arising during the hearing and the response provided through the Reply. I have also concentrated on matters relating to the areas of contention between the submitters and the Council as all the background information, submissions and evidence are available on the Council's website using the reference 'Plan Change 2: General Amendments'. It is noted that a number of matters were agreed between the parties, as referred to in some expert evidence statements, and as recorded in the Council's Reply, and this is also referred to in the commentary below.

3.2 *Submitters (and topics)*

3.2.1 *Golden Bay (Portland Strategic Rural Industries Zone)*

19. A tabled statement was received from Jacqui Hewson (Senior Planner) on behalf of Golden Bay, being a division of Fletcher Concrete & Infrastructure Ltd. The primary matter arising in

the submission related to a concern that the Planning Maps did not provide spatial differentiation between the 'Strategic Rural Industries Zone' (**SRIZ**) and the 'Portland Strategic Rural Industries Zone' (**PSRIZ**). However, Ms Hewson's statement advised of Golden Bay's general support of the Council's recommendations set out in the Section 42A Report, which recommended that Golden Bay's relief be accepted in part, by recommending an alternative solution, and which had stated:⁵

...it is not necessary to create a new mapping symbology for the Portland location of SRIZ as it is clearly identified in the SRIZ chapter.

20. Ms Hewson's statement advised that Golden Bay accepted that the Portland location is identified *within* the Chapter, but she considered that "*all relevant spatial extents should be included within the Planning Maps and not contained within the Chapters as the Planning Maps should be a 'one stop shop' for spatially defined matters*".⁶ She went on to say:⁷

Whilst [Golden Bay] accepts the rationale for not updating the planning maps in lieu of including a reference to spatial area of the 'Portland Strategic Rural Industries Zone' map within Rule CE-R1.3 which states, "an efficient way to resolve this issue, ensuring that CE-R1.3 is interpreted correctly, is to add the following amendments into CE-R1.3 – 3. Any activity within the Portland Strategic Rural Industries Zone Area shall not be subject to the Coastal Environment land use rules (refer to maps shown in SRIZ Appendix 1 – Maps)."... [Golden Bay] remains of the opinion that updating the Planning Maps would better align with overall objective and purpose of the Plan Change as set out in paragraph 13 above.

21. Ms Hewson advised that Golden Bay would welcome the Commissioner's consideration of this matter in granting the original relief that it had sought. However, in lieu of that outcome she confirmed that Golden Bay would still support the Council's recommendation as an interim solution to provide greater clarity and certainty in the application of Rule CE-R1.3.
22. The relevant section of the Reply, prepared by Ms Ashcroft, stated that she had not changed her recommendation on this matter. She noted that no substantial new evidence had been presented by Golden Bay, but highlighted that the identification of the SRIZ maps within the SRIZ chapter is not unique in the District Plan, and that "*[t]his method of spatially defining these areas in a chapter can be seen through other chapters, including the Waterfront Zone and the Future Urban Zone as examples*".⁸
23. I note in this regard that the legend to the planning maps identify the SRIZ, as part of the list of 'Special Purpose Zones'. Within the District Plan maps, Map 13 (1:50,000 scale) refers to the subject Portland area as being within Maps 77 (1:10,000 scale), using the generic SRIZ colour/hatching. Reference to the SRIZ chapter readily identifies (under the 'Issues' preamble) that the SRIZ incorporates three different areas, being the Fonterra Milk Processing Site at Kauri and Ancillary Irrigation Farms; the Croft Timber Mill at Kauri; and the Cement Works at

⁵ Section 42A Report, at [109]

⁶ Hewson, at [16]

⁷ Ibid, at [17]

⁸ Reply, at [3.11]

Portland. Appendix 1 to this chapter then provides a clear delineation of where these 'sub-zones' are located.

24. I note that a review of other Special Purpose zones, as referred to in the Reply, incorporates a similar approach. For example, the Waterfront Zone, while located in a singular and more defined area, is comprised of different outlines to define the two sub-zones. The Shopping Centre Zone also identifies three separate such centres, although these are not the subject of an appendix to show their location.
25. Accordingly, I find in accordance with Ms Ashcroft's recommendation on this matter and do not consider that it is necessary for the spatial extent of the Portland SRIZ area to be specifically defined in the planning maps separate from its existing delineation as being within the SRIZ.
26. No further changes are therefore recommended to be included as part of PC2 to address this matter.

3.2.2 Ian Gladwell and Max Dunn (Environmental Benefit Subdivisions)

27. Ian Gladwell referred to his original submission (#016) while Max Dunn had provided a statement of evidence regarding their concerns in respect of subdivisions and associated environmental benefit provisions. I have addressed their respective presentations together because the basis of their submission and evidence was in respect of Mr Gladwell's resource consent application for a subdivision involving protection and enhancement of High Natural Character Areas. They sought to rely on the PC2 hearing process as a way of highlighting particular issues within parts of the District Plan that had arisen within their resource consent application, and their concerns as to the Council's interpretation and application of Rule SUB-R16.3 (environmental benefit subdivisions), along with issues related to District Plan mapping accuracy, existing use rights and the scope of PC2.
28. The Section 42A Report had commented that the submissions by Mr Gladwell and Mr Dunn were 'out of scope' because other potentially affected parties would not have been able to anticipate changes in the Rural Production Zone (**RPZ**) subdivision provisions. They would not therefore have been alerted to the need for a further submission. Substantial changes to subdivision rules would have been required to be assessed in the s.32 report. The Section 42A Report went on to say that:⁹

It is unclear exactly what amendments are sought to SUB-R16 and SUB-REQ3 or why amendments are needed to the provisions. WDC is preparing to review provisions related to Ecosystems and Indigenous Biodiversity within the WDP, as part of its rolling review. This review will provide the opportunity to consider SUB-R16 more comprehensively and in more detail. Council officers are preparing to undertake pre-notification consultation in late 2024/early 2025.

29. I note that although Mr Dunn is a consultant planner, his submission was made in his own name and his evidence advised that he was content for his statement to be considered as non-expert evidence. His evidence was wide-ranging but in essence sought that his concerns be

⁹ Agenda, at [130]

addressed by the inclusion of certain proposed additions to the District Plan by way of 'explanatory notes'. Unfortunately, these appeared to be cast in a somewhat pejorative way, as may be ascertained by the following example (being a suggested addition to the six explanatory notes included at the end of SUB Rule R16):¹⁰

7. *The term Environmental Protection Area is not defined in the district plan and as such Clauses 3 b, c, d and e are open to interpretation, especially in relation to Category B HNCA features, where 2 or more exist on the same site. The Council will adopt an 'effects' (rather than pedantic rule) based assessment here until the term is defined (in a future plan change) and the rule simplified, so it too is much more 'effects' based.*

30. It was suggested to Mr Dunn during the hearing that explanatory notes of this nature were of limited usefulness, and not of a drafting standard that could realistically be incorporated into a District Plan. As to the question of scope, Mr Dunn acknowledged that whilst some matters may be out of scope as referred to in the Section 42A Report, "*others are not*", although he provided no clear indication of which matters he considered to be within scope or not. The point of his evidence appeared to be encapsulated by his statement that:¹¹

... we are simply requesting that the Independent Hearing Commissioner recognise them as 'technical' district plan matters that can be dealt with through PPC2 and warrant clarification through rule explanations and/or footnotes.

31. Regrettably I have to make the observation that this approach was quite unhelpful. In addition, Mr Dunn's proposed explanatory notes did not include any degree of analysis in s.32AA terms that would assist in the determination of whether the various additions would accord with the relevant tests for inclusion in a district plan.
32. The relevant section of the Reply (as authored by Ms Strohush) incorporated a fulsome response to the matters raised by Mr Dunn. She addressed the apparent themes of rule appropriateness/interpretation, mapping accuracy, existing use rights and scope which I summarise as follows (footnotes omitted):¹²

- a) *Rule SUB-R16.3 and the associated information requirements in SUB-REQ3 were developed through a consent order on an appeal on Plan Change 85A ("PC85A") – Rural Production Environment. I consider that the appropriateness of the rule has been established through the PC85A process and the associated Environment Court appeal. A re-consideration of these provisions would be more appropriately reviewed within the upcoming Ecosystems and Indigenous Biodiversity plan change which is currently open for pre-notification consultation until 31 January 2025. Notification of the Ecosystems and Indigenous Biodiversity plan change is planned for mid-2025.*
- b) *I recognise that rule SUB-R16.3 presents a complex framework, however I do not agree with the interpretational issues raised by Mr Gladwell and Mr Dunn. I note the purpose of Environmental Benefit subdivision as per PC85A was to enable*

¹⁰ Dunn, at [3.9]

¹¹ Ibid, at [1.9]

¹² Reply, at [3.13]

limited opportunities for further development in exchange for environmental benefits and was not intended for sites under 20ha. In my opinion the rule is clear, and I am not aware of any other consents having confusion with the issues raised by Mr Gladwell and Mr Dunn. In response to the specific relief sought in paragraph 2.14 of the submitters' evidence, I consider an explanatory note to Figure SUB 1 is unnecessary since SUB-R16.3(e) already provides sufficient clarity.

- c) *The mapping of High Natural Character Areas was set by the Northland Regional Policy Statement 2016 ("NRPS"). Plan Change 87 ("PC87") incorporated this mapping into the [District Plan] through a formal plan change process under Schedule 1 of the RMA. No submissions were made in the course of PC87 pertaining to mapping over Mr Gladwell's property. Therefore, since the mapping was established through a legitimate Schedule 1 process under PC87, I consider there is no scope under PC2 to amend the mapping over Mr Gladwell's property.*
- d) *The submitter notes there is already development present within what would be the 50m setback from the environmental protection area. Existing buildings and accessways have existing use rights under section 10 of the RMA, provided they are legally established, and the use of those does not change in scale, character or intensity. Any new development would have to comply with SUB-R16.3 setbacks if relying on net environmental benefit for development rights. I consider the interpretation of the rule is clear in this respect.*
- e) *As discussed in the s42A Report, I consider the matters covered in submitter's evidence are out of scope of PC2 as they are not "on" the plan change and they lack a direct connection between the submission and the degree of the notified changes proposed to the plan.*

33. The Reply goes on to conclude as follows:

3.14 *In my opinion the changes to SUB-R16 and SUB-REQ3 in Mr Dunn's evidence present additional validity concerns. Under s76(2) of the RMA, district rules have the force and effect of a regulation and therefore must conform to common law principles and conventions regarding validity. The nature of Mr Dunn's requested notes may be considered ultra vires to the requirements of the RMA in relation to discretionary activities. SUB-R16.3 provides for Environmental Benefit subdivision as a discretionary activity, whereby full consideration of objectives, policies and any other relevant matters is required. [In] my view the notes as requested in paragraphs 3.9 and 4.13 of the submitter's evidence are worded inappropriately and would have the effect of circumventing RMA decision making under the discretionary activity status. In contrast, Notes 1-8 in the operative version of SUB-R16 are administrative in nature and serve as cross-referencing to other rules in the [District Plan].*

3.15 *Based on the above analysis I recommend that the requested changes to SUB-R16 and SUB-REQ3 be rejected.*

34. For the reasons set out in my introductory comments I agree with, and have no difficulty accepting, Ms Strohush's analysis of the submitters' points, and I therefore make the finding

that the requested changes to SUB-R16 and SUB-REQ3 are rejected for the reasons that the changes do not properly relate to the purpose and scope of PC2. Furthermore:

- (a) The relevant rules have been established through a previous plan change process and an associated Environment Court appeal and consent order. Any re-evaluation of these provisions is more appropriately reviewed within the Council's proposed plan change relating to Ecosystems and Indigenous Biodiversity that I am advised has been scheduled for later this year.
- (b) The proposed explanatory notes are inappropriate and *ultra vires* to the extent that they are not necessary nor consistent with the requirements for district rules under s.76(2) of the RMA, and are not supported by any s.32AA analysis.

35. While the submitter has expressed some frustrations with the process associated with his resource consent application, I make the further observation that any perceived or actual issues of interpretation will need to be pursued through that separate hearing process, and with reference to the provisions of District Plan as they are currently formulated. In that regard, I also note that, subject to the timing considerations, the Council's upcoming plan change on 'Ecosystems and Indigenous Biodiversity' may become relevant to that hearing process, even if only as a s.104(1)(c) matter.

3.2.3 Parua Bay Residents and Ratepayers Association and Whangarei District Council – Infrastructure Group (Zoning of Part Parua Block)

36. Both the Parua Bay Residents and Ratepayers Association (**PBRRA**) and the Whangarei District Council – Infrastructure Group (**WDC-IG**) made submissions relating to the zoning at Part Parua Block, seeking to rezone the site from Natural Open Space Zone (**NOSZ**) to Open Space Zone (**OSZ**), as the zoning of NOSZ was considered to have resulted from an error associated with an earlier plan change, being Plan Change 115 - Open Space (**PC115**).
37. The Section 42A Report noted that a concurrent resource consent process was underway for a skatepark proposal on the land, and that the provisions within the NOSZ have triggered a non-complying activity status for that application. It generally accepted the rationale for the suggestion that application of the NOSZ arising from PC115 process was in error. However, it also considered that fairness issues could arise in respect of potentially affected hapū who have been engaging with the Council through the resource consent process and may not have anticipated the need to also engage with the Council through the PC2 process. It advised that the skatepark application had been limited notified to the three hapū on 15 November 2024, with the submission period closing on 12 December 2024.
38. The submission from PBRRA, as spoken to by James Griffin, also identified that the site has been subject to several strategies and plans in the past, and that the current zoning overlooks other planned uses of the land. Given the breadth of information regarding recreational activities planned for the site, PBRRA considered that the zoning is in error and that it would be appropriate for this to be corrected through PC2.
39. The evidence of Christine Jo-Anne Niblock for the WDC-IG described the land acquisition and zoning history of the Part Parua Block, including the aforementioned zoning errors that were considered to have arisen as a result of PC115. Ms Niblock noted the acceptance within the

Section 42A Report as to the apparent zoning error that had occurred. However, she disagreed with the Section 42A Report insofar that, in her view, the separate resource consent application is not relevant to the intent of PC2, and that the purpose of WDC-IG's submission was to ensure that the zoning aligns with the anticipated use of the site, as supported by the recently adopted Parua Bay Placemaking Plan. She went on to summarise the interests of the relevant hapū in the resource consent application and clarified that only one of the three hapū are opposed to the application, while the other two have sought only to provide a response through the consent process.

40. Ms Niblock also discussed the concerns of hapū in respect of the site's significance to Māori and lack of Te Ao Māori in Parua Bay. She considered that the objective for enhancement of Te Ao Māori is highlighted in the Parua Bay Placemaking Plan, and can be achieved irrespective of the site's zoning, and that "[a] change from NOSZ to OSZ would not undermine the ability to enhance Te Ao Māori or prevent the protection of sites of significance to Māori".¹³ She confirmed, therefore, that WDC-IG therefore continues to seek the relief that the Part Parua Block be rezoned to OSZ to correct the historic error arising from PC115.
41. The Reply notes that while a resource consent is required, the NOSZ does anticipate some recreational uses that do not compromise the values and qualities of this zone (NOSZ-O2). This contrasts with the OSZ, whereby recreational facilities up to a certain threshold (which would include the proposed skatepark), would be a permitted activity on the site, and thus significantly alter the scope of the 'permitted baseline' for the site.
42. The Reply went on to advise that a further addendum would be provided by 20 December 2024 to allow for consideration of any additional information arising from the notification process associated with the skatepark application. However, in a further memorandum dated 16 December 2024, Ms Strohush advised that no formal submissions were received at close of the consent notification period on 12 December 2024, but it was understood that hapū concerns still remain. She noted that the due date for a decision on the application was 31 January 2025.
43. Given this timeline, Ms Strohush suggested that it would be preferable to enable the consent process to conclude before her recommendation on the zoning of the land is provided, and sought an extension to the due date for that recommendation to 4 February 2025. This was accepted by way of Direction 1 that was issued on 16 December 2025.
44. Ms Strohush's Reply Addendum was duly received on 3 February 2025. It confirmed that no submissions had been received on the application for the skatepark, and that consent had been approved on the same date. Ms Strohush did note, however, that Te Waiariki Ngāti Korora Ngāti Takapari Hapū Trust (**Trust**) had retained cultural sensitivity -related concerns, particularly in respect of the wetlands located within the site. Nevertheless, she again acknowledged the prior zoning error arising from PC115, and recommended that the Part Parua Block be rezoned to OSZ, for the reasons that:

- i. The NOSZ zoning criteria under PC115 were applied incorrectly and omitted the intended gazetted purpose of the reserve as a "Recreation Ground".*

¹³ Niblock, at [4.16]

- ii. *OSZ would be more consistent with the historical zoning prior to PC115, as set out in WDC-IPD evidence.*
 - iii. *OSZ would better enable the structure plan/strategic vision for the area as set out in the Parua Bay Placemaking Plan 2024.*
 - iv. *OSZ would be better aligned with the existing environment taking into account the recently approved resource consent for a skatepark within the site.*
45. In addition, I note Ms Strohush's comments that the wetland on the site will continue to be subject to the protections under the National Policy Statement for Freshwater Management, the National Environmental Standards for Freshwater 2020, and chapter C.2.2 of the Northland Regional Policy Statement. She has also advised that the conditions imposed on the recent resource consent provide for the protection of the wetland's values, including construction management controls, permanent stock exclusion, and protective fencing for the wetland features. Having regard to those factors, I am satisfied that the cultural interests of the Trust in the appropriate management of this natural resource will continue and not be affected by a change in the zoning of the land.
46. Further, and in respect of the reasons set out by Ms Strohush above that support the rezoning of NOSZ to OSZ, which accords with the relief sought by the respective submitters, I agree that the zoning of the site should be changed from NOSZ to OSZ, and recommend accordingly.

3.2.4 Reyburn & Bryant (Boundary Adjustment / Boundary Relocation Subdivision)

47. Planning evidence was presented by Brett Hood in support of the submission by Reyburn & Bryant, which related to the boundary adjustment and boundary relocation provisions of the District Plan and the amendments proposed in PC2. Mr Hood provided a helpful interpretation of the relevant terms used in the respective rules and advised that he sought to ensure that these aspects of the subdivision provisions were practical, workable and provided flexibility associated with these types of subdivisions. In summary, Mr Hood proposed certain changes to the boundary adjustment rule in SUB-R17A, and the definition of boundary relocation subdivision. The particulars of the changes sought were set out in Appendix 2 to his evidence.
48. The relevant section of the Reply, prepared by Mr Burgoyne, advised of his general support for Mr Hood's proposed wording changes, other than in respect of the following recommended amendments:
- a) *Moving the new "boundary relocation" policy to sit in the Rural Production Zone ("RPROZ") chapter rather than the [SUB] chapter. The RPROZ chapter contains other subdivision specific policies for that zone whereas the SUB chapter contains broader district-wide policies related to subdivision.*
 - b) *Removing compliance standard 6 in SUB-R15 of Mr Hood's recommended provisions and drafting this as a policy instead. The compliance standard stated that a consent notice or covenant restricting development rights to pre-subdivision levels is an acceptable means of complying with the rule. In my opinion a consent notice cannot be used as a means of compliance, but referring to it in the new policy provides a pathway to consider consent notices and covenants as a means of managing effects.*

c) *Amending the activity status where compliance is not achieved with SUB-R15.3(b) of Mr Hood's recommended provisions to be non-complying rather than discretionary to align with the activity status for standard subdivisions in the RPROZ under SUB-R16.*

d) *Minor amendments to wording and structure to improve clarity and efficiency.*

49. The amendments are set out in Appendix 1 to the Reply (in green highlight text), and in Mr Burgoyne's view are "*an efficient and effective method of achieving RPROZ-O4, RPROZ-O5, RPROZ-P8, SUB-O1, SUB-O5, SUB-P1, SUB-P3, and the recommended RPROZ policy related to boundary relocations*".¹⁴ He also noted that he had discussed the amendments with Mr Hood and advised that he was supportive of them.
50. I accept the rationale for Mr Burgoyne's recommendations, and do not consider that any further changes or amendments are required. I have, however, been cognisant of the evidence of David Badham (for Northpower) which also sought changes in respect of boundary relocations and associated definitions, as discussed later in this report. From my review of the amendments in Appendix 1, I am satisfied that no issues arise in this respect.
51. Overall, the relief sought in the submission by Ryburn & Bryant is upheld, to the extent shown in Appendix 1 to the Reply, and in respect of the following:
- Definition: Boundary Relocation;
 - SUB-R15: Boundary Relocation Subdivision in the Rural Production Zone (full text);
 - SUB-R16: Amendments to 'Note 8';
 - SUB-R17A: Boundary Adjustment Subdivision, amended clause 1.b, 2, 3.b and Compliance Standard 1; and
 - RPROZ-P10A: Boundary Relocation Subdivisions – new policy.

3.2.5 Channel Infrastructure (Marsden Point Import Terminal)

52. Ebony Ellis presented legal submissions on behalf of Channel Infrastructure (**Channel**), who own and operate the Marsden Point Import Terminal (**Import Terminal**) at the entrance to the Whangārei Harbour. Ms Ellis noted that while the Import Terminal was formerly a refinery, it is now an import, storage, and distribution terminal for the fuel needed to power the upper North Island. Her legal submission sought amendments to the District Plan references to "refinery" in PREC6, the Definitions Chapter and the Transport Chapter.
53. These amendments were in support of Channel's submission which had sought minor amendments to the District Plan to update various references to the 'refinery' or related terms such as 'refinery functioning' or 'refinery activities' in the Marsden Point Energy Precinct (**MPEP**) and the definition of 'refinery activities'. Ms Ellis noted that the amendments as sought generally relate to provision headings/titles and the 'Issues' section of the MPEP, but that Channel also proposes a small number of discrete amendments to the definition of 'refinery

¹⁴ Reply, at [3.4]

activities', 'Policy PREC6-P1 Refinery Functioning', and 'Table TRA 1C: Minimum on-site car and bicycle parking requirements for Industrial Activities'.

54. In addition, Ms Ellis advised that:

10. *The introduction of the MPEP in Plan Change 88 was intended to reflect the strategic shift in operations at the Site, including investigations into how emerging technologies, including alternative energy generation technologies, could be utilised at the Site. Including due to the timing of Plan Change 88 within the 'rolling' District Plan review process, the ongoing changes at the Site – and likely future changes – have not been fully reflected in the MPEP. The relief sought by Channel Infrastructure is intended to address this.*
11. *The proposed amendments do not seek to alter the operation of the MPEP, nor broaden the application of its provisions. The proposed amendments are intended only to update the terminology to better reflect the existing environment (i.e. actual current operations at the Site) and likely future operations at the Site, while maintaining the overall policy intent and substantive content of the MPEP and the wider District Plan.*

55. The Section 42A Report had set out some issues as to the scope of the Channel submission because it would expand the policy settings for the former refinery site as they relate to operational shifts that occurred after the implementation of the MPEP in Plan Change 88 (PC88). As a result, potentially affected parties would not have been alerted to the need for a further submission. It also suggested that the future use of the refinery site is not yet clear, given public announcements as to the potential establishment of a biorefinery. It also stated that while the amendments appeared to be of minor significance, they may have material implications in terms of the interpretation of the District Plan. In addition, the Section 42A Report considered that it was unclear what additional benefit would be achieved by the amendment to PREC6 for the fuel pipeline, given that it is already subject to a designation (reference CTS-1). The Section 42A Report had therefore recommended that Channel's submission be rejected.

56. Ms Ellis' legal submissions addressed the question of scope with reference to relevant caselaw, as well as the issue of potentially affected parties, and highlighted the minor nature of the amendments being sought by Channel.

57. The relevant section of the Reply, as prepared by Ms Strohush, appeared to largely accept Ms Ellis' legal submissions, and acknowledged that some of the requested changes do not have material impact to the District Plan, and in this regard would not affect any other person. However, she went on to say:¹⁵

In my opinion the amendments to the Issues section of PREC6 and PREC-O1 as sought in the original submission are not entirely consistent with the definition of "regionally significant infrastructure" in both the [District Plan] and the NRPS. Appendix 3 of [the] NRPS defines regionally significant infrastructure by means of an explicit list, therefore a careful approach to drafting is required to avoid applying the status (and more enabling

¹⁵ Reply, at [3.18]

policy framework) that is afforded to regionally significant infrastructure to such future activities that may establish on the site which may not necessarily be on the NRPS list of regionally significant infrastructure...

58. The Reply advised that Ms Strohush had liaised with Ms Ellis on the revised amendments to these provisions, and received advice from Ms Ellis that these changes were supported. The Reply therefore recommended that the Definitions chapter, PREC6 chapter and Table TRA 1C of the TRA Appendix 1A: Industrial Activities be amended as set out in Appendix 1 to the Reply.
59. It is noted that an edit to those changes was highlighted in the Addendum Reply in order to correct a reference in Policy PREC6-P1 from “Refinery” to “Energy Precinct”. The wording shown at section 4 of the Addendum Reply will therefore form part of the changes that are recommended to be included in the Council’s decision.
60. I accept the rationale for Ms Strohush’s recommendations, including the above editorial change, and noting the agreement that is understood to be reached with Channel’s legal representative, I do not consider that any further changes or amendments are required.
61. Overall, the relief sought in the submission by Channel is upheld, to the extent shown in Appendix 1 to the Reply, and in respect of the following provisions:
 - Definition: MPEP Activities, and at clause (h);
 - TRA Appendix 1A: Activities within the MPEP;
 - PREC6: Amendments to:
 - the Issues statement;
 - Objective O1 (the regional significance objective relating to the MPEP);
 - Policy P1 (MPEP Functioning);
 - Rule R1 (MPEP Activities heading); and
 - Rule R6 (MPEP heading relating to artificial lighting)

3.2.6 Northpower (Subdivisions and communications infrastructure)

62. Mr Badham presented planning evidence on behalf of Northpower Limited and Northpower Fibre Limited (**Northpower**), and addressed the Council’s proposed amendments to Rule SUB-R2 relating to infrastructure connections for new allotments which he did not support. His evidence set out proposed changes to the rule, to make it clear that consideration of future electrical and communications systems are applied in respect of every new allotment, and recommended a new matter of control, as follows:

...

2. *The location and design of telecommunications and electricity infrastructure to service potential future development in a coordinated and efficient manner.”*

63. The Section 42A Report had recommended the adoption of the above matter of control but had not addressed the more substantive matters raised in Northpower’s submission. Mr

Badham addressed the proposed approach in detail in his evidence and incorporated a s.32AA analysis in support of his recommended amendments. Overall, he considered that the changes he proposed would be the most efficient and effective way to achieve SUB-O4, which is to ensure that “[s]ubdivision and development provides for the efficient and orderly provision of services and infrastructure”, and would give effect to SUB-P5 - i.e., “[t]o achieve efficient and effective provision of services and infrastructure by ensuring new allotments are capable of being provided with adequate services and infrastructure”.

64. The relevant section of the Reply, prepared by Mr Burgoyne, noted that he had discussed Mr Badham’s suggested changes prior to the hearing, and Mr Burgoyne subsequently filed a revised set of recommended provisions, as provided on the morning of the hearing. Mr Burgoyne advised in the Reply that in his opinion, Mr Badham’s revised amendments are appropriate for the following reasons:¹⁶

- a) *The amendments address the concern in relation to allotments for access, roads, and reserves. Subdivisions frequently propose allotments which are not able to have any buildings or development, such as allotments for esplanade reserves and access. Under the [District Plan], these types of allotments require connections to, or easements to connect to, electrical supply at their boundary under SUB-R2. In my opinion there is no clear [rationale] for requiring electrical supply to such allotments and it is appropriate to include exemptions within SUB-R2.1(b) – (e).*
- b) *Boundary adjustments/boundary relocation subdivisions often propose to create “new allotments” that do not have individual development rights. In my opinion, requiring connections to, or easements to connect to, electrical supply to the boundary of these undevelopable allotments is unnecessary and it is appropriate to include exemptions within SUB-R2.1(b) – (e).*
- c) *The revised amendments give effect to SUB-O4 and provide an efficient and effective method of providing electrical and telecommunication connections while not unnecessarily requiring consent where no connections are required.*

65. I accept the rationale for Mr Burgoyne’s recommendations. Having regard to the agreement that is understood to be reached with Mr Badham in this regard, I do not consider that any further changes or amendments are required. As previously referred to, I have also considered these changes in light of those sought by Mr Hood (for Reyburn & Bryant) and as agreed with by the Council, and am satisfied that no areas of potential inconsistency arise.

66. Overall, it is my recommendation that the relief sought in the submission by Northpower is upheld, to the extent shown in Appendix 1 to the Reply, and in respect of SUB-R2 (Rule 1.b – e).

4 Findings with respect to sections 32 & 32AA and Part 2

67. In terms of s.5 of the RMA, it is my finding that the provisions of PC2 are consistent with, and are the most appropriate way, to achieve the purpose of the RMA. I am also satisfied the matters set out in ss.6, 7 and 8 of the RMA have been addressed. PC2 and its provisions, as

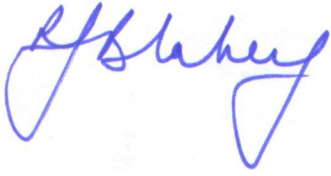
¹⁶ Reply, at [3.9]

amended, have recognised and provided for, have had appropriate regard to and taken into account those relevant ss.6, 7 and 8 matters.

68. Having considered all the evidence and relevant background documents, I am satisfied, overall, that PC2 has been developed in accordance with the relevant statutory and policy matters with regard to ss.32 and 32AA and Part 2 of the RMA. The plan change will clearly assist the Council in its effective administration of the District Plan.

5 Recommendation

69. Pursuant to my delegation under section 34A of the Resource Management Act 1991, and pursuant to clause 10 of Schedule 1 of the Resource Management Act 1991, I recommend that Plan Change 2 to the Whangārei District Plan is approved subject to the modifications as set out in Appendices 1 and 2 to the Council's section 32 evaluation (dated 1 July 2024), except as amended by:
- (a) the changes set out in Appendix 1 to the Section 42A Report (30 October 2024);
 - (b) and as further amended in Appendix 1 to the Council's Reply (9 December 2024); and
 - (c) section 4 of the Addendum Reply (3 February 2025).
70. Submissions on the plan change are accepted and rejected in accordance with the Section 42A Report and this recommendation report. These generally align with the recommendations set out in the aforementioned Section 42A Report and the Council's Reply (and Addendum Reply).
71. The reasons for the recommendation are that Plan Change 2:
- (a) will assist the Council in achieving the purpose of the RMA and is consistent with the provisions of Part 2;
 - (b) is consistent with the Northland Regional Policy Statement;
 - (c) is supported by necessary evaluation in accordance with sections 32 and 32AA of the RMA; and
 - (d) will assist with the effective implementation of the Whangārei District Plan.



Richard Blakey

Independent Commissioner

4 February 2025

5.1 District Plan Review – Draft Amendments for Feedback

Meeting:	Strategy, Planning and Development Committee
Date of meeting:	17 April 2025
Reporting officer:	Robert Burgoyne – Kaiārahi Pūkenga – Planner, District Plan Vita Strohush – Intermediate Planner, District Plan

1 Purpose / Te Kaupapa

To seek feedback from Elected Members on draft District Plan amendments related to the following District Plan review topics:

- Temporary Activities
- Cross Boundary Matters
- Contaminated Land
- Minor Improvements

2 Recommendations / Whakataunga

That the Committee:

1. Notes the report.
2. Provides feedback on the draft amendments prior to targeted consultation with iwi/hapū, stakeholders, and interest groups.

3 Background / Horopaki

This Report provides a summary of draft amendments to the District Plan that have been prepared by Staff following the review of, and early consultation on, the Temporary Activities, Cross Boundary Matters, Contaminated Land topics of the District Plan. The report also summarises proposed minor amendments to other District Plan provisions to address feedback received during the review process. The draft amendments for each topic are included as Attachments 1-3.

Feedback is sought from Elected Members on the drafts to inform the completion of draft Plan Changes for notification. The final versions of draft Plan Changes will be brought to the Strategy, Planning and Development Committee for a decision on notification.

4 Discussion / Whakawhiti kōrero

An overview of the plan review process to date and outline of the draft amendments for each topic review is provided below.

4.1 Overview of Plan Review Process to Date

Staff commenced a review of the topics subject to this briefing in August 2024.

The topics were then brought to a Council Briefing on 23 October 2024. This briefing included:

- a presentation on the scope of each topic,
- a discussion of the legal requirements for each,
- an outline of potential implications of Central Government's Resource Management Reform programme on these plan reviews,
- details about the proposed approach to consultation, and
- an outline of timeframes and next steps for the review work.

Following this briefing, early consultation on these topics was undertaken from November 2024 through January 2025. The consultation consisted of:

- Public engagement through a Have Your Say website which included information and discussion documents on the review topics and survey questions.
- Providing information on the review work, inviting feedback, and offering further meetings to the following key external stakeholders and interest groups:
 - Iwi/hapū
 - Statutory bodies (e.g., local territorial authorities and relevant Ministries)
 - Infrastructure providers (e.g., Northpower, Transpower, and Firstgas)
 - Other key stakeholders (e.g., New Zealand Defence Force and Fonterra)
 - Local practitioners and planning professionals
 - Residents and Ratepayers Associations and Interest/Advisory Groups

At the close of the early consultation Elected Members received an update on the plan reviews at the 26 February 2025 Council briefing. This included a summary of feedback received during early consultation, and an overview of the recommended approach to progress the drafting of amendments to the District Plan. The key points of feedback from Elected Members at this briefing and responses are set out in Attachment 5.

4.2 Temporary Activities

The Operative Whangārei District Plan does not contain any policies enabling temporary activities and there are very limited rules which provide for temporary activities. It is important that provisions are included in the Plan to acknowledge the benefits of, and provide for, temporary activities. However, it is also important to manage significant adverse effects that may arise from temporary activities.

To address the above and considering feedback previously provided by Elected Members and through early consultation (refer Summary of Feedback in Attachment 5), a new Temporary Activities chapter and associated consequential amendments have been drafted as shown in Attachment 1. The amendments provide for:

- A new Temporary Activities chapter with clear objectives, policies, and rules for temporary activities.
- A new definition of temporary activities that better aligns with the National Planning Standards expectations.
- A rule framework that provides for:
 - Temporary activities in public places (e.g. open space land, reserves, and roads) as permitted activities.

- Temporary activities not in public places as permitted activities where certain thresholds and standards are met based on the underlying zoning.
- Clear exemptions from other District Plan rules where it is not necessary or appropriate to apply the standards to temporary activities.
- Minor updates to the “Temporary Military Training Activities” rules.
- Exemptions from the district-wide noise standards for temporary activities in public places.
- Clear rules for temporary signs, including exemptions for temporary signs in a public place.

It is considered that these amendments are appropriate as they will:

- Clearly state the provisions that apply to temporary activities to address the uncertainty of the Operative District Plan.
- On both public and private land, provide more enabling rules than the status quo, whilst still managing significant adverse effects on surrounding environments.
- Rely on Council’s Public Places Bylaw 2014 to manage the effects of temporary activities in public places. This will reduce resource consent requirements for activities in public places and will allow Council to be more flexible with how public places are managed.
- Respond to feedback received during consultation.
- Better align the District Plan provisions with the National Planning Standards and current practices in other district plans throughout New Zealand.

4.3 Cross Boundary Matters

Cross boundary matters refer to situations where an activity takes place on or near a territorial boundary, or where the effects of a particular activity impact the territory of an adjacent authority (e.g. where an activity in one district will result in traffic effects on a road in another district).

The Cross Boundary Matters chapter of the District Plan sets out processes to achieve integrated resource management across our territorial boundary lines. The chapter does not contain any rules and does not manage cross boundary matters within the District (i.e. neighbouring property boundaries).

No significant issues have been identified with the operative chapter through the review and associated early consultation process. However, as Council is required to notify a plan change even if no changes are proposed, minor amendments are recommended to be made through the plan change process to simplify and streamline the provisions. This approach would largely retain the operative chapter in its current form while allowing for improvements and simplification of the chapter.

The draft amendments are shown in Attachment 2.

4.4 Contaminated Land

The District Plan contains objectives and policies within a Contaminated Land chapter, to manage the use or redevelopment of contaminated pieces of land. The chapter does not contain any rules and instead relies on the regulations prescribed in the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*.

No significant issues have been identified with the operative chapter through the review and associated early consultation process. However, as Council is required to notify a plan change even if no changes are proposed, minor amendments are recommended to be made through the plan change process to simplify and streamline the current provisions and better align the chapter with the National Environmental Standard. This approach would largely retain the operative chapter in its current form while allowing for improvements and simplification of the chapter.

The draft amendments are shown in Attachment 3.

4.5 Minor Improvements

Analysis work in preparation for the above plan reviews uncovered some minor errors and inconsistencies within various parts of the District Plan. To address these issues in a timely manner and leverage process efficiencies, it is recommended to introduce a Minor Improvements plan change alongside the above topics.

The scope of a Minor Improvements plan change would be limited to a narrow suite of issues, without making changes to objectives, policies, zoning, or maps (except for an administrative update of the road hierarchy map layer). These amendments would improve efficiency and effectiveness of the relevant provisions and are intended to provide clarity, consistency, improve user experience and interpretation in resource consenting processes, and address anomalies, gaps, and errors without altering the existing policy intent.

A summary of the identified issues and potential amendments are included in Attachment 4.

4.6 Next steps

Following this meeting, Council staff will amend the draft provisions based on feedback from Elected Members. The draft provisions will be circulated to iwi/hapū, stakeholders, and interest groups for a further round of targeted consultation.

Approval to formally notify draft plan changes in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 will be sought from the Strategy, Planning and Development Committee.

The anticipated process steps and timeline to a 'decision to notify' point are:

- **April – May 2025:** Targeted consultation on draft District Plan provisions.
- **May – July 2025:** Finalise draft plan change documentation.
- **July 2025:** Seek Strategy, Planning and Development Committee decision to notify plan changes.

The Resource Management Reform programme of Central Government has been considered in preparing for these reviews. There remains a lack of detail around the Reform; whilst it is acknowledged that this may result in broad system changes that impact plan making processes generally, it is unlikely that the Reform will impact the policy direction proposed in drafting the provisions for these plan review topics. Council staff are actively monitoring the Reform to ensure we are well placed to adjust our work programme or rescope plan reviews where required.

5 Financial/budget considerations / Ngā pānga pūtea/tahua

These plan reviews and the development of plan changes following consultation will be largely resourced using Council staff time. Budget has been allocated from the operational District Plan budget to cover limited technical expert input (if required), costs associated with GIS mapping changes, the administrative costs of consultation and notification, hearings processes, and possible legal fees associated with the plan change process.

6 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda 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.

7 Attachments / Ngā Tāpiritanga

Attachment 1 – Draft Temporary Activities Amendments to District Plan Text

Attachment 2 – Draft Cross Boundary Matters Amendments to District Plan Text

Attachment 3 – Draft Contaminated Land Amendments to District Plan Text

Attachment 4 – Summary Table of Identified Issues and Potential Amendments for a Minor Improvements Plan Change

Attachment 5 – Summary of Feedback Received on the Temporary Activities Plan Review

Draft Temporary Activities Amendments to District Plan Text

Insert a new Temporary Activities chapter as follows:

Temporary Activities (TEMP)

Issues

Temporary activities are short-term activities and events that have a specified duration. They can include but are not limited to cultural, community, musical, recreational, or sporting events. Temporary buildings and structures such as stages and tents may be necessary to support these activities.

Temporary activities generate various benefits, attract and retain residents, and give a sense of community belonging and place. Conversely, temporary activities have the potential to generate adverse effects such as traffic, noise, and visual effects. However, the adverse effects arising from temporary activities are typically of a short duration.

The purpose of this chapter is to recognise the importance of temporary activities to Whangārei and to manage significant adverse effects arising from temporary activities. Other chapters such as Signs and Noise and Vibration contain additional rules relating to temporary activities.

Temporary activities and associated buildings and structures are also managed by the Building Act 2004, Reserves Act 1977, Health Act 1956, and Whangarei District Council policies and bylaws. Approval from the Council or other agencies may be required for activities such as selling alcohol or food, erecting structures and signs, preparing traffic management plans, using public places, or closing roads.

Objectives

TEMP-O1 Temporary Activities

Temporary activities are provided for to enhance the vibrancy and vitality of the District and contribute to the social, cultural, and economic well-being of communities while appropriately managing significant adverse effects.

Policies

TEMP-P1 Positive Effects

To recognise that temporary activities are important to the social, cultural, and economic well-being of people and communities and can have a functional need or operational need to be in certain locations.

TEMP-P2 Temporary Activities in Public Places

To enable and encourage temporary activities in public places while recognising the role of other legislation and bylaws in managing temporary activities in public places.

TEMP-P3 Significant Adverse Effects

To avoid or mitigate significant adverse effects of temporary activities in relation to their compatibility with the surrounding environment by managing their scale, frequency, nature, design, intensity, and duration, while recognising that the adverse effects may be temporary.

TEMP-P4 Long Term Effects

To ensure that all effects and relevant objectives and policies are appropriately assessed where temporary activities have a long duration, the effects are long lasting, or the effects are no different in character, intensity, or scale than they would be for a similar permanent activity.

TEMP-P5 Temporary Military Training Activities

To enable temporary military training activities in locations where there is a functional need or operational need to locate, provided that they remedy or mitigate their adverse effects on the site and the surrounding area.

Rules

TEMP-R1 Application of Temporary Activities Chapter Rules

All Zones and Development Areas

1. The following rules do not apply to temporary activities:
 - a. All rules in the Area-Specific Matters chapters; and
 - b. All rules in the Transport chapter; and
 - c. All rules in the Natural Hazards chapter; and
 - d. Rules CH-R1 – CH-R15 in the Coastal Environment chapter; and
 - e. All rules in the Light chapter.
2. All other district plan rules apply to temporary activities in addition to TEMP-R2 – TEMP-R4.
3. All relevant objectives and policies in the District-Wide Matters and Area-Specific Matters chapters apply for resource consent applications for temporary activities.

TEMP-R2 Temporary activities in a public place, excluding temporary military training activities

All Zones and Development Areas

Activity Status: Permitted

Compliance standards:

1. *No other district plan rules apply to any non-permanent building or major structure that is ancillary to the temporary activity.*

Note:

1. *Temporary activities undertaken in a public place may require approval from the Whangarei District Council and may be managed under Council bylaws.*

TEMP-R3 Temporary activities not in a public place, excluding temporary military training activities

All Zones and Development Areas

Activity Status: Permitted

Where:

1. Within the Residential Zones, Rural Zones, Future Urban Zone, Airport Zone, Hospital Zone, and Port Nikau Development Area:
 - a. The duration of an individual temporary activity does not exceed three consecutive days (excluding set up and pack down activities); and

- b. The activity does not result in a site being used for temporary activities for more than 12 days in any 365-day period (excluding set up and pack down activities); and
 - c. The activity does not operate outside the hours of 07:00 and 22:00 Monday to Sunday.
- 2. Within all other zones:
 - a. The duration of an individual temporary activity does not exceed five consecutive days (excluding set up and pack down activities); and
 - b. The activity does not result in a site being used for temporary activities for more than 24 days in any 365-day period (excluding set up and pack down activities); and
 - c. The activity does not operate outside the hours of 06:00 and 22:00 Monday to Sunday.
- 3. All buildings and structures associated with the activity are set up no earlier than three days prior to the activity commencing and are removed within three days of the activity concluding.

Activity Status when compliance not achieved: Discretionary

Compliance standards:

- 1. *Where compliance is achieved with rule TEMP-R3 then no other district plan rules apply to any non-permanent building or major structure that is ancillary to the temporary activity.*
- 2. *Rule TEMP-R3.3 does not apply where a building or major structure would otherwise be permitted under all relevant rules of the district plan.*

TEMP-R4 Temporary military training activities

All Zones and Development Areas

Activity Status: Permitted

Where:

- 1. The duration of the activity does not exceed a period of 60 consecutive days (excluding set up and pack down activities); and
- 2. All buildings and structures associated with the activity are set up no earlier than five days prior to the activity commencing and are removed within five days of the activity concluding.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

- 1. Adverse effects on:
 - a. Amenity values of the surrounding sites; and
 - b. Pedestrian health and safety; and
 - c. The efficiency and safety of the transport network; and
 - d. Public access to public places.
- 2. Adverse effects related to noise, vibration, light, and dust; and
- 3. The location, scale, and intensity of the activity and any associated buildings or structures; and
- 4. The duration, hours, times, and days of the week on which the activity will occur.

Compliance standards:

- 1. *Rule TEMP-R4.2 does not apply where a building or major structure would otherwise be permitted under all relevant rules of the district plan.*

Amend the Definitions chapter as follows:

Definitions

Definitions

Term	Definition
Major Structure	means any: <ol style="list-style-type: none"> vehicle used as residential activity, excluding temporary activities.
Temporary Activity	<p>means:</p> <ol style="list-style-type: none"> any commercial activity undertaken in a temporary or moveable structure within a road; or any activity which is undertaken for a short term, not exceeding 3 days duration, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year, and includes any gala, sports event, festival, hui or other community activity; or any temporary military training activity not exceeding 60 days duration. <p><u>means activities and their ancillary structures and parking and access that have a specified limited duration and are distinct from the usual day-to-day use of a site.</u></p> <p><u>Includes:</u></p> <ol style="list-style-type: none"> <u>A commercial activity undertaken in a temporary or moveable structure within a road; and</u> <u>Temporary military training activities; and</u> <u>Events such as festivals, concerts, markets, fairs, and carnivals; and</u> <u>Parades and ceremonies; and</u> <u>Council organised public firework displays; and</u> <u>Short-term filming activities; and</u> <u>Public meetings and other community events; and</u> <u>Sporting and recreation events.</u> <p><u>Excludes:</u></p> <ol style="list-style-type: none"> <u>Permanent activities associated with the temporary activity such as earthworks, vegetation clearance, and transport infrastructure; and</u> <u>Industrial activities; and</u> <u>Residential activities; and</u> <u>Construction and demolition; and</u> <u>Informal day-to-day activities with de minimis effects.</u>

Amend the Noise and Vibration chapter as follows:

Noise and Vibration (NAV)

Rules

NAV-R2 Noise Arising from Activities within Zones

Notes:

- ~~4. Noise generated by temporary activities in the Waterfront Zone may exceed the noise rules in any Zone for 12 days every calendar year provided that noise does not exceed a level of 65 dB LAeq between 09:00 and 23:00 hours at the boundary of any Residential Zone.~~
9. The noise rules shall not apply to the following activities:
 - a. Level crossing warning devices.
 - b. The operation of emergency service vehicles or emergency callout sirens.
 - c. Noise from aircraft and helicopters when in flight.
 - d. Unamplified noise from sporting events in Open Space and Sport and Active Recreation Zone where these occur for up to 20 hours per week between 07:00 and 21:00 hours.
 - e. Unamplified noise from standard school outdoor activities where this occurs between 07:00 and 18:00 hours Monday to Sunday.
 - f. 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.
 - g. 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-R17.
 - h. Temporary activities, excluding temporary military training activities, in public places within the Waterfront Zone, Open Space Zone, or Sport and Active Recreation Zone or within a road.

Amend the Signs chapter as follows:

Signs (SIGN)

Issues

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

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

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

Illumination of signage is increasingly used within the Whangarei District and may be associated with businesses advertising or the conveyance of safety information (including traffic safety). Illuminated signage is generally considered an effective method of conveying information due to its predominance against a dark background. However careful consideration needs to be applied to the design and location of illuminated signage. This is because poorly designed and located illuminated signage can have a detrimental impact on the surrounding environment including amenity and the safe and efficient operation of the transport network. For clarity purposes, the definition of Illuminated Sign includes reflective signs, digital signs, and signs that incorporate flashing, animation and variable message displays.

The District Plan controls apply to permanent signage where it is located on private land, public spaces such as parks and reserves and other civic spaces, and within the road, including footpaths and verandahs of buildings. Temporary signage in public places are regulated by the ~~which can be seen from public areas and the road, such as electoral signage, real estate signage and temporary event signage, is controlled through~~ Council Bylaws rather than the District Plan. It is important to note that permanent signs located on or over roads, footpaths and public places are also subject to standard construction requirements for public safety purposes as specified in the Council Bylaw. Signs may also be subject to landowner approval and requirements imposed by the road controlling authority under the Land Transport Act 1998. All signs located on or over a state highway are subject to the NZ Transport Agency Signs on State Highways Bylaw 2010.

Rules

SIGN-R1 Any Activity Not Otherwise Listed in This Chapter

Activity Status: Permitted

Where:

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

Notes:

1. In addition to the SIGN rules, signs may be ~~All temporary signs located on vehicles, within the legal road boundary, on road verges, road reserves, or on private land where they are visible from an adjoining or adjacent property and roads, are~~ regulated by Council Bylaws and the New Zealand Transport Agency (in relation to state highways).

SIGN-R4A Any Temporary Sign

Activity Status: Permitted

Where:

1. The sign is in a public place; or
2. The sign:
 - a. Complies with the permitted standards of SIGN-R5; and
 - b. If illuminated, satisfies the Illuminated Signage Brightness Limits in SIGN-R19.2(d) – (e); and
 - c. Will be removed within two working days of the specific event or occurrence to which it relates concluding, or for real-estate signs will be removed within 20 working days after the sale is unconditional.

Note:

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

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion are restricted to:

1. Visual amenity effects; and
2. Scale, location and design; and
3. Lighting and traffic safety effects; and
4. Effects on landscape values and natural character; and
5. Effects on cultural and heritage values; and
6. Cumulative effects; and
7. Duration of consent; and
8. The effects of the illuminated sign, specifically light spill and glare, on the amenity values and character of the surrounding zone(s).

SIGN-R5 Any Sign Visible from Beyond the Site on which it is Located

All Zones and Port Nikau Development Area

Activity Status: Permitted

Where:

1. The sign:
 - a. Does not obscure any official sign, traffic sign or traffic signal.
 - b. Is located so as to provide an unrestricted view to the motorist for a minimum distance of 250m if the sign is visible from a road which has a speed limit of 70kph or greater.
 - c. Relates to goods and services available on the site, except for a property naming sign or number, official signs, road signs, temporary signs, and community signs.

- d. Complies with the relevant building and major structure height in relation to boundary setback when located on a site adjacent to a Residential Zone or Open Space and Recreation Zone.
- e. Does not resemble any official sign, road sign or Traffic Signal.
- f. Is not located:
 - i. Within 100m of an intersection and/or a traffic signal on legal road corridors with a posted speed limit of less than 70kph.
 - ii. Within 200m of an intersection and/or a traffic signal on legal road corridors with a posted speed limit of greater than 70kph.

SIGN-R6 – SIGN-R16 – Amend Rule Exemptions

Rule Exemption:

1. Official signs, road signs, [temporary signs](#), and community signs are only required to comply with SIGN-R2 -R5.

SIGN-R19 Any Illuminated Sign Visible from Beyond the Site Boundary

Notes:

1. All official signs, road signs, [temporary signs](#), community signs or signs not visible from beyond the site boundary refer to rule SIGN-R2 – R4A and SIGN-R18 above.

SIGN-R20 Any Illuminated Sign Visible from Beyond the Site Boundary

Note:

1. All official signs, road signs, [temporary signs](#), community signs or signs not visible from beyond the site boundary refer to rule SIGN-R2 – R4A and SIGN-R18 above.

Amend the Transport chapter as follows:

Transport (TRA)

TRA Appendix 5 - Integrated Transport Assessment Thresholds

Compliance Standards:

1. *The threshold limits for rows (1) – (19) within Table TRA 15 apply per site or building, whichever is the more restrictive.*
2. ~~Temporary activities, r~~R*ural production activities, general public amenities, network utilities and public playgrounds* s are exempt from TRA-R15.

Compliance Standards:

1. *The threshold limits for rows (1) – (19) within Table TRA 16 apply per site or building, whichever is the more restrictive.*
2. ~~Temporary activities, r~~R*ural production activities, general public amenities, network utilities and public playgrounds* s are exempt from TRA-R16.

Draft Cross Boundary Matters Amendments to District Plan Text

Delete the operative Cross Boundary Matters chapter and insert a new Cross Boundary Matters chapter as follows:

Cross Boundary Matters (CBM)

Issues

The Whangārei District shares boundaries with the Kaipara District and the Far North District, and it is within the Northland Regional Council's jurisdiction. Each District Council has responsibility for administration only within its own legal boundaries, but there are cross boundary matters that may arise.

Cross boundary matters refer to situations where an activity takes place on or near a territorial boundary, or where the effects of a particular activity impact on the territory of an adjacent authority (e.g., where an activity in one district will result in traffic effects on a road in another district).

Whangārei District Council only has jurisdiction within its own territorial boundaries. Therefore, The Whangārei District Plan cannot impose rules on land use and development in other districts. However, it is still important to achieve coordination and cooperation between territorial authorities (where possible) to manage resources and the effects of activities in an integrated and consistent way.

Cross boundary matters can be addressed by:

1. Ensuring consistency and a degree of integration between the Whangārei District Plan and the plans and policy statements of adjoining territorial authorities and the Northland Regional Council.
2. Consulting with adjoining authorities on resource management matters, including plan reviews, plan changes, and resource consent applications as required under the RMA or as is necessary or appropriate. This may include discussions with Council officers, possible notification of resource consent applications in adjoining authorities and, where appropriate, joint processing of resource consent applications, including the holding of joint hearings.
3. Ensuring that the overall policies and rules in the District Plan take reasonable account of the actual and potential adverse effects of activities on adjacent areas.

Objectives

CBM-O1 Cross Boundary Matters

Resource management issues which cross administrative boundaries are addressed in a coordinated and integrated manner.

Policies

CBM-P1 Cross Boundary Matters

To address cross boundary matters by:

1. Cooperating with neighbouring territorial authorities and the Northland Regional Council to manage natural and physical resources in an integrated manner; and
2. Having regard to the effects of activities within other districts when assessing resource consent applications.

Draft Contaminated Land Amendments to District Plan Text

Delete the operative Contaminated Land chapter and insert a new Contaminated Land chapter as follows:

Contaminated Land (CL)

Issues

Contaminated soil in the District can have adverse effects on human health if it is not appropriately managed.

Under the RMA the Council has a responsibility to prevent or mitigate adverse effects from the development, subdivision, or use of contaminated land. This includes observing and enforcing the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (“NЕСS”).

The NESCS provides a national environmental standard for activities on land where soil may be contaminated. The NESCS seeks to ensure that contaminated pieces of land are appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human health and its intended use.

There are no independent or additional rules in the District Plan to manage contaminated pieces of land. The purpose of this chapter is to provide a corresponding policy framework for assessing resource consent applications required under the NESCS.

The Northland Regional Council has other responsibilities under the RMA in relation to contaminated land. This includes managing the effects of activities on the environment (such as the discharge of contaminants in soil into surface water or groundwater) and identifying and monitoring contaminated land through the Selected Land-use Register (“SLR”). The SLR is a regional database of sites that have been, or may have been, used for activities and industries included in the Ministry for the Environment’s Hazardous Activities and Industries List (“HAIL”).

The Ministry for the Environment’s website provides access to the NESCS, HAIL, NESCS Users’ Guide, and documents incorporated by reference in the NESCS such as the Contaminated Land Management Guidelines.

Objectives

CL-O1 Adverse Effects from Contaminated Pieces of Land

Contaminated pieces of land are identified, investigated, and managed so that it is safe for human health and its intended use.

Policies

CL-P1 Identification of Contaminated Pieces of Land

To identify and investigate land that is, or is likely to be, subject to contamination as a result of current or historical land uses and activities at the time of subdivision, change of use, or development.

CL-P2 Human Health

To ensure that land that is, or is likely to be, subject to contamination is safe for human health and suitable for the intended use at the time of subdivision, change of use, and development through the following methods where appropriate:

1. Requiring remediation and/or management of the piece of land.
2. Mitigating the risk posed by the contaminants to human health.
3. Transporting, tracking, and disposing soil and other materials.

Rules

1. The *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* provides the rule framework for assessing and managing contaminants in soil to protect human health. There are no independent or additional rules in the District Plan.

Delete the definition of “Contaminated Site” from the Definitions chapter as follows:

Definitions

Definitions

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

Amend the Abbreviations chapter to add the following abbreviations (in alphabetical order within the existing list):

Abbreviations

Abbreviation	Full Term
<u>HAIL</u>	<u>Hazardous Activities and Industries List</u>
<u>NESCS</u>	<u>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011</u>
<u>SLR</u>	<u>Selected Land-use Register</u>

Summary Table of Identified Issues and Potential Amendments for Minor Improvements Plan Change

Provision	Summary of Issue	Summary of Potential Amendments
Issue #1 – Definitions incorporated by reference	The Definitions chapter uses a number of definitions from the Resource Management Act 1991. The chapter states that such definitions are repeated in the District Plan to assist the readers only, and in case of any inconsistency, the statutory definition prevails. This is potentially not a valid approach as the RMA definitions could change through time, with resulting impact on the interpretation of District Plan provisions.	Reframe the approach to using RMA definitions, so that RMA definitions used in the plan for interpretative purposes cannot alter meaning or interpretation of provisions to which they relate.
Issue #2 – Major Structure Definition	There is uncertainty in applying the definition in cases where a fence or wall is less than 2m in height but due to its extensive length exceeds the 9m ² ground coverage. This has implications when determining compliance with boundary setback requirements for major structures.	Review the relationship between the definitions of Major Structure and Minor Building to provide clarity on the treatment of short retaining walls and fences that have a large ground coverage.
Issue #3 - Information on capacity in the reticulated water network (TWM-REQ1.1(b))	Rule TWM-REQ1.1(b) requires applicants to provide confirmation from Council that sufficient capacity exists in the reticulated water network. If there is no capacity, then such confirmation cannot be provided. The rule is not well drafted and potentially invalid as it stops an applicant from making a consent application to resolve servicing issues.	Amend the rule to require a statement from Council on the capacity instead of confirmation of capacity.
Issue #4 – Coastal Environment Cut and Batter Face Heights	There is a lack of clarity whether the maximum face height threshold for cut, fill, and/or batter faces is intended to be applied cumulatively. The intent of this rule is to manage adverse visual effects of earthworks within the Coastal Environment and the current practice is to measure the cut from the existing ground level to the top of the tallest point of the cut. Amending the rules to include how they are measured will ensure interpretation is clear and reduce confusion around how the rules are applied.	Amend rules CE-R8.1(b), CE-R10.2, CE-HNCR5.1(b), CE-HNC-R8.2, CE-ONC-R6.2(b), and CE-ONC-R8.2 to clarify that cut, fill, and/or batter faces are intended to be measured cumulatively.
Issue #5 – Uplighting	LIGHT-R2.1 requires artificial lighting to be directed downwards. Resource consent is therefore often required to breach this rule for small lighting along footpaths, etc., which is considered inefficient.	Provide a permitted pathway for low intensity uplighting associated with general public amenities, such as footpaths in parks.

Provision	Summary of Issue	Summary of Potential Amendments
Issue # 6 – Outdoor living courts	Feedback from stakeholders has identified that there are potential issues with the outdoor living court rules within the District Plan and that they might be too restrictive. This is potentially causing poor outcomes for developments or additional consenting fees.	Amend GRZ-R15.5 and MRZ-R14.3 to clarify that a living area window orientation requirement to the north means between and including 270 ⁰ and 90 ⁰ Amend GRZ-R6 and MRZ-R6 to provide flexibility in the location of outdoor living courts so they can be more practically accommodated within sites.
Issue # 7 – Settlement Zone Principal Residential Unit allowance	The zone rules limit development density to one residential unit per 500m ² if connected to the Council's wastewater system, and one per 2,000m ² if not. The rule may affect historical sites that do not meet these minimum site size requirements, triggering a requirement for a resource consent. This is inefficient, as it is expected that one principal residential unit would typically be allowed on each site.	Amend SETZ-SZ1-R7 to clarify that one principal residential unit is allowed on each site regardless of site size. Noting, other District Plan rules would continue to apply regarding setbacks, site coverage, outdoor living courts, etc.
Issue # 8 – Hours of Operation in the Commercial Zone	Commercial Zone rule COMZ-R9 Hours of Operation is unclear and confusing. It is appropriate to rephrase the way it is written to better improve the understanding of the rule and its intent.	Amend the rule wording to better capture the intent of the rule and ensure interpretation is effective. Potential rephrasing option for COMZ-R9 include exchanging the word 'and is located' to 'must be located'.
Issue # 9 – Ancillary Activities to residential use	In residential and rural areas, a permitted pathway is provided for home-based commercial activities (e.g., GRZ-R16.1). The rules require the activity to be an ancillary activity to the residential unit on the site. The definition of ancillary activity requires that it "supports" the primary activity. In many cases it is difficult to demonstrate how a home occupation would "support" the residential activity, which creates an onerous rule framework.	Amend the permitted criteria for commercial activities in residential areas to assist more straightforward interpretation of the rules, without altering the overall policy approach.
Issue # 10 – Visitor accommodation	The rule framework for visitor accommodation is difficult to interpret and has caused issues for monitoring and compliance. The current drafting is considered inefficient as it creates unnecessary interpretation loops. For example, the Plan states that visitor accommodation for up to 6 people is treated as a residential activity therefore visitor accommodation rules do not apply. However, this exemption is not clearly stated in the relevant rules.	Amend and streamline the drafting of visitor accommodation rules to clarify the intent of the rules. As part of this, the definition of Living Accommodation is proposed to be deleted and the relevant permitted standards expressed directly in the rules within zone chapters, which will simplify interpretation.

Provision	Summary of Issue	Summary of Potential Amendments
Issue # 11 – Reverse sensitivity effects of accommodation in commercial zones	In the Commercial Zone, visitor accommodation is permitted but a residential unit is non-complying. There is a need to specify a maximum duration of stay for visitors to assist in determining the status of one being a visitor as opposed to a resident. This is needed to ensure clarity and to give effect to policies seeking to manage reserve sensitivity from residential activities establishing near existing non-residential uses.	Amend COMZ-R29 Visitor Accommodation to specify a 90-night length of stay limit per person.
Issue # 12 – Show homes	The District Plan currently does not include provisions for show homes. Without any provisions, by default show homes fall into the definition of a Commercial Activity and therefore require consent in residential zones where they are generally anticipated.	Introduce a new definition for show homes and incorporate rules into relevant residential zone chapters to enable show homes as an activity.
Issue # 13 – Correction of drafting errors	Following formatting transition to ePlan, several errors have been identified. While some errors have been corrected without formality under cl20A Sch1 RMA, a conservative approach dictates that some of the necessary amendments would be more appropriately carried out under a schedule 1 plan change.	Amend Rules LIZ-R28 – LIZ-R35 and LIZ-R37 – LIZ-R39 to delete duplicative notes. Amend rules PREC14-R6.2 and PREC14-R8.2 to delete irrelevant criteria. Amend rule SUB-R2.1(a)(iii) to refer to " <u>Outstanding</u> Natural Landscape".
Issue # 14 – Road hierarchy mapping update	The road hierarchy layer on the ePlan has many errors where roads appear to cross through the middle of sites and onto private property. While correction of the mapping errors could be done under Clause 20A, due to the scale of the fixes required (over 800 instances) it is deemed more appropriate to be addressed under a schedule 1 plan change.	Replace the operative road hierarchy mapping layer with a new layer sourced from more recent and accurate data.
Issue # 15 – References to "Signs" / "Signage"	The plan refers to "sign(s)" in some places and "signage" in others. It is more efficient to use the defined term "sign" instead of "signage".	Replace all instances of "signage" with "signs" and delete redundant references to "signage" in identified provisions.

Summary of Feedback Received on the Temporary Activities Plan Review

Who	Feedback received	Response through draft provisions
Survey responses	There should be stricter rules in residential areas and in sensitive areas (like coastal areas and heritage buildings).	The draft provisions set out more restrictive rules in Residential Zones than other areas such as Open Space and Recreation Zones and Business Zones. Also, the rules in the District-Wide Matters chapters (e.g., Historic Heritage and Coastal Environment) would apply alongside the draft TEMP chapter rules.
Survey responses	The biggest concerns with temporary activities are extra traffic and noise, limited access to public places, and accessibility issues for older adults and people with disabilities.	The draft provisions clarify that the rules in most District-Wide Matters chapters (e.g., Noise and Vibration) apply alongside the TEMP chapter rules. The draft rules limit the frequency and duration of temporary activities to ensure that any adverse effects would be temporary. Council has additional regulatory powers under bylaws for activities in public places and where activities require traffic management plans.
Survey response	Temporary activities can have reverse sensitivity effects when located near intensive primary production activities.	It is acknowledged that there could be temporary activities (e.g. weddings) which have elements that are sensitive or vulnerable to surrounding noxious activities. However, in many instances these activities also produce higher than normal effects (such as noise and traffic). The draft rules set thresholds and standards for temporary activities that limit their frequency and duration. It is considered that any reverse sensitivity effects would be temporary and that there is insufficient evidence to support the inclusion of additional controls on temporary activities to manage reverse sensitivity.
New Zealand Defence Force	The District Plan should appropriately provide for "Temporary Military Training Activities" and the operative provisions should be reviewed and updated.	The draft amendments include provisions for temporary military training activities that are largely consistent with the status quo. There have been initial discussions with New Zealand Defence Force following their feedback. Staff are awaiting further information from New Zealand Defence Force to clarify their amendments sought.
Elected Member feedback from 26 February Briefing	Concerns raised that restricting temporary activities based on reverse sensitivity could be too onerous.	See response above in relation to reverse sensitivity. No rules have been drafted to manage potential reverse sensitivity effects of temporary activities.
	Concerns raised that rules could restrict food trucks.	The draft provisions would result in a more permissive approach than the status quo for food trucks in public places. The proposed approach would rely on Council bylaws to manage temporary activities in public places rather than district plan controls.
	Will review be consistent with national direction such as Reshaping Streets and the National Land Transport Programme?	The draft provisions would not conflict with these initiatives and would allow Council to be more flexible and responsive when implementing national direction as the draft approach would rely on Council bylaws rather than the District Plan for managing temporary activities in public places.
	Concerns raised that controls on private land should not be too restrictive.	The draft provisions are similar to the status quo but provide more clarity and some appropriate exemptions for temporary activities. Based on research and consultation to date there is no indication that the current thresholds are too restrictive.

5.2 Operational Report – Strategy, Planning and Development – April 2025

Meeting: Strategy, Planning and Development Committee

Date of meeting: 17 April 2025

Reporting officer: Dominic Kula (General Manager – Planning and Development)
 Aaron Taikato (General Manager – Strategy and Democracy)

1 Purpose / Te Kaupapa

To update the committee on the operations of the services that the Strategy and Democracy Group, and the Planning and Development Group are responsible for.

2 Recommendation / Whakataunga

That the Strategy, Planning and Development Committee notes the Strategy and Democracy and Planning and Development Operational reports for April 2025.

3 Background / Horopaki

The purpose of the Strategy, Planning and Development Committee is to update Councillors on operational matters relating to the Strategy and Democracy and Planning and Development Groups.

4 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda 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 / Ngā Tāpiritanga

Attachment 1 – Operational Report – Planning and Development – April 2025

Attachment 2 – Operational Report – Strategy and Democracy – April 2025

Operations Report Planning and Development

April 2025

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1. District Plan

1.1 Health and Safety

Nothing to report.

1.2 Current Priorities

1.2.1 Maintenance and Review Work

Maintenance and review work for the District Plan has continued in accordance with the requirements of the Resource Management Act 1991. We continue to actively monitor Central Government announcements on Resource Management reform to ensure alignment of our maintenance and review work with national direction.

- **Plan Change Updates:**

Plan Change	Status	Status Update	Influence of Central Government RM Reforms
PC1 – Natural Hazards	Six appeals were lodged against PC1. Most of the appeals relate to site specific hazard mapping on individual properties.	Council staff have initiated direct discussions with appellants to understand issues and set timeframes for further discussions prior to any formal mediation.	The Central Government announced in late 2024 a proposal for new national direction on natural hazards. There remains a lack of detail at this stage to understand how well aligned PC1 might be with any new national direction.
PC2 – General Amendments	The Decision was notified on 26 February 2025. The appeal period closes on 9 April 2025.	Provided no appeals are received, PC2 will be brought to the Strategy, Planning and Development Committee for final approval on 17 April 2025. If this timeframe is met, the operative date is expected to be 14 May 2025.	The Resource Management reforms do not impact this work, which is focused on efficiency and effectiveness improvements rather than changing policy direction.

- **Matters of Importance to Māori Update:**

This project continues to progress with collaborative input from all parties involved, ensuring that both cultural considerations and regulatory requirements are met as we move forward.

Contract Negotiations

The project is entering the final stages of progressing towards a formal contract with Ngāti Taka, Te Parawhau, and Te Iwitahi Manihera Whānau. Although the partnership status with these potential partners is not yet formalised, they are actively engaging in the project due to good faith negotiations aimed at establishing a mutually agreeable contractual framework. Ngāti Kahu o Torongare is also providing their expertise informally as they are not yet in a position to enter into a contract.

Phase 1

Hapū partners are currently working through an exercise to inform future policy and rule development, as well as to explore mapping options for sites and areas of significance. This process focuses on identifying which types of sites require protection and determining the extent to which these sites may be incompatible with various land-use activities and developments. Additionally, hapū are providing advice on taonga species to inform review of District Plan biodiversity provisions.

Phase 2

Council staff are working on detailed project planning for Phase 2 of the project. Phase 2 will complete the following tasks:

- Development of the Tangata Whenua Introduction chapter, providing an overview of the local context and the role of tangata whenua.
- Completion of the Efficiency and Effectiveness Report, assessing the current Sites and Areas of Significance and Tangata Whenua Policies chapters to evaluate their effectiveness and identify areas for improvement.
- Preparation of an Options Paper on approaches for the protection of Sites and Areas of Significance to Māori, considering diverse strategies to preserve and safeguard these culturally significant areas.
- Establishment of a process for managing and addressing potential divergences between council and hapū partners regarding the protection of sites of significance and other related matters, ensuring a collaborative approach to resolve differing perspectives.
- Development of an Options Paper for a taonga species rule framework, exploring different mechanisms to safeguard taonga species and integrate their protection within the planning framework.
- Drafting of the Tangata Whenua Policies chapter, incorporating findings from the preceding tasks to outline clear, culturally sensitive policies for protecting sites, areas of significance, taonga species, and other relevant matters.

Phase 3

Following this, Phase 3 of the project will focus on the mapping of Sites and Areas of Significance to Māori and the refinement of the rule framework, ensuring that the protection and management of culturally significant areas are integrated into the broader planning framework effectively.

- **Temporary Activities, Cross Boundary Matters and Contaminated Land**

Drafting of a plan change for these topics continued this month. This draft will be brought to Elected Members for feedback at the Council Briefing on 15 April 2025.

Following the 15 April Council briefing, staff will amend the draft provisions based on feedback from Elected Members. The draft provisions will then be circulated to iwi/hapū, stakeholders, and interest groups for a further round of targeted consultation. It is anticipated that approval to formally notify draft plan changes will be sought from the Strategy, Planning and Development Committee in July 2025.

- **Other District Plan Topic Reviews**

An update was provided at the Council Briefing on 12 March following early consultation and engagement on the following topics under review in the Whangarei District Plan:

- Renewable Energy Infrastructure
- Network Utilities

Elected Members will be briefed on the following plan review topics in May:

- Public Access
- Ecosystems and Biodiversity

Central Government is currently advancing reforms aimed at simplifying and reducing the costs associated with consenting, building, and maintaining renewable energy and network utility infrastructure. Government has also signalled changes to national policy on indigenous biodiversity and other infrastructure related matters. These reforms are likely to affect the above plan review topics because the District Plan must give effect to national direction. As such, the process and timeframe towards a decision to notify must remain responsive to the Government reforms. Staff have developed a first draft of plan changes, pausing more substantial work on these topics until further information is provided from Central Government.

1.2.3 Private Plan Changes

- **Rosvall Sawmill Rezoning Request**

Following the Strategy, Planning and Development Committee's decision to accept the private plan change at their November 2024 meeting, limited notification of the plan change was open from 10 February 2025 until 10 March 2025. We received six submissions. The submissions and a summary of the decisions requested is available on the council website. The next submission period is open from 24 March to 7 April 2025. We are currently working to secure a hearings commissioner for mid-2025.

- **422 Marsden Point Road Rezoning Request**

A private plan change request for the rezoning of 422 Marsden Point Road from Heavy Industrial to Light Industrial Zone was lodged on 20 December 2024. A request for further information was made on 7 February 2025. The applicant provided responses to the request for further information on 17 March 2025. Council now has until 7 April 2025 to determine whether any further information is required.

Once all requested information is provided, this Private Plan change will be brought to the Strategy, Planning and Development Committee for a decision to:

- Adopt the request, or part of the request as if it were a proposed policy statement or plan made by the local authority itself; OR
- Accept the request, in whole or in part; OR
- Reject the request where there is scope to do so in accordance with the requirements of the Resource Management Act 1991.

If 'adopted' or 'accepted' notification of the plan change will follow.

1.2.4 ePlan

We continue to receive positive feedback from users of our ePlan platform. However, a software upgrade to the backend functionality of this platform during February has raised some concerns around the product and the use of it for maintenance of the District Plan over the long term.

In an effort to deliver this software within the Central Government imposed deadline, and to project budget, some aspects of the system were deployed in a partially complete state, with administrative workarounds in place to enable the system to function as required. These workarounds are not sustainable in the long term as they require the knowledge of those that were involved in the project, and / or are difficult to explain / teach to new staff through process guidelines.

Over the long term these workarounds have the potential to result in issues with the legal version of the District Plan. As such, staff have begun scoping an enhancement project to address these matters, with a particular focus on system functionality that exposes Council to risk in the long term if the backend of ePlan is not improved.

Alongside this staff are also developing a broader risk management strategy for ePlan to ensure potential risks around the use of the system for District Plan maintenance are mitigated.

The recent upgrade to the system has also highlighted the high resourcing requirement (staff time) to thoroughly test the system at major upgrade points (every 12-18 months). Thorough testing is required to ensure the legal version of the District Plan (and historical record-keeping of changes made to the District Plan) is not compromised by software upgrades. Staff are working to close the knowledge gap between those staff involved in the project and those that were not, to ensure thorough testing can be resourced in the future.

1.2.5 Process Improvement

Work continues to improve some of our processes.

- **Making Plan Review work easier for the community to engage with**

The technical nature of plan review work is recognised as a barrier to the community engaging in plan review processes. As such, work is underway on improvement initiatives aimed at making the plan review process more accessible / understandable to our community. It is hoped that these initiatives will over time result in greater levels of community engagement with plan reviews and improved understanding around the role of the District Plan in shaping our District.

A key focus area is improvements to the District Plan web pages. The start date for commencing these improvements has been postponed until May to enable the Web team to complete other work that has greater priority.

- **Business Process updates**

Staff have continued work updating all our process manuals to ensure business process changes arising from the implementation of ePlan are captured. At the same time, we are checking other aspects of our business processes to ensure they continue to meet the statutory requirements of our processes.

1.3 Performance Measures and Compliance

Develop, implement, and maintain a District Plan in accordance with the Resource Management Act 1991 whilst reflecting the desires of the community and issues of sustainability.

Performance Measure	2023 – 24 target	Compliance
Plan changes are researched, proposed, consulted and reported on as required by Council in accordance with the relevant statutory requirements.	100%	Achieved

1.4 Current Challenges/Issues

The main challenges in the work programme of the District Plan are as outlined below.

1.4.1 Resource Management Reform

There remains a lack of detail around Resource Management Reform and what this may mean for our current work programme. Government announcements (discussed in more detail below) suggest rescoping or reprioritising our plan reviews may be necessary in the future. We are actively monitoring the Resource Management Reform to ensure we are well placed to adjust our work programme or rescope plan reviews where required.

1.4.2 Sites of Significance to Māori and Significant Natural Areas

Data sovereignty issues associated with the proposed Sites of Significance Plan change and the Significant Natural Areas work required under the National Policy Statement for Indigenous Biodiversity 2023 must be well managed, along with the strategy to produce the work in a partnered and co-designed way. These plan reviews require hapū to identify and offer their

knowledge into the process. This requires a level of trust around the sharing of this knowledge, and a clear and shared understanding around how this knowledge will be used.

Managing this matter in the procurement of this work, along with ensuring the engagement strategy provides equal opportunity for all hapū to be involved in this mahi, are fundamental to the success of this work.

1.4.3 ePlan

As set out in Section 1.2.4 above the ePlan presents some challenges around the on-going maintenance of this system. Staff are developing a risk management strategy for ePlan to ensure potential risks around this are mitigated. Part of this strategy includes initiating an enhancements project for this system sooner rather than later.

1.5 Overview of Operational Activities

1.5.1 Risk to the Tiriti Relationship

The Sites of Significance to Māori and Significant Natural Areas challenge noted above has the potential to pose a risk in this space if the work is not well managed.

1.5.2 Delegated Financial Authority Policy

Nothing to report this month.

1.5.3 Budget/ Financial

The maintenance, review and monitoring work outlined in Sections 1.2.1 and 1.2.2 of this report is undertaken by Planning staff, with some non-planning technical expertise associated with this work being funded by the Operational District Plan budget. The Operational District Plan budget also covers the cost of notification, submission and hearing processes (e.g. commissioners and postage costs).

All actual and reasonable costs of processing the private plan changes outlined in section 1.2.3 (to a decision) will be on-charged to the Applicant. The cost of any Council involvement in appeals to these private plan changes (e.g. lawyer time) sit with Council.

1.6 Legislation Changes or Updates

The Resource Management Act 1991 Amendment Bill #2 was introduced to parliament prior to Christmas. In addition, the Fast Track Approvals Act 2024 was brought into law and a Gene Technology Bill was introduced.

On 24 March 2025 Central Government released some information on their proposal for the Resource Management Act 1991 replacement legislation. Government intends to introduce the legislation by the end of 2025 and have it passed into law before the 2026 election. No substantial details have been provided and no further changes to the Resource Management Act 1991 or current secondary legislation were announced.

We will continue to actively monitor the Resource Management Reforms with a view to seek direction and feedback from elected members on reprioritisation of workload as required.

1.7 Future Planning / What's Coming Next?

Noting the potential impact of Resource Management Reform on the District Plan work programme, it is expected that the current priorities set out in Section 1.2.1 will make their way through the plan making process over the next 1-3 years. Additional review work will be brought on stream as resourcing allows and in having regard to national direction and the 10-year review requirements of the Resource Management Act 1991.

2. District Development

2.1 Health and Safety

Nothing to report.

2.2 Current Priorities

- **Te Aho Tāhuhu | Community First**

Staff are reviewing a number of actions or initiatives that have been implemented by various departments over the last 18 months to ascertain what positive differences they may have had on members of the public when engaging with Council on matters related to the building or construction supply chain.

- **Parihaka Transmission Mast**

While a project plan is in place to undertake the stabilisation work required for future transmission mast security, a challenge remains as to how to gain access to the site for the various equipment work needed to undertake that work. Managing the risk of heavy construction vehicles traversing the slip-prone areas along Memorial Drive is crucial. Further geo-technical work is to be undertaken on the access road with the view to establish a viable plan to secure the access required.

- **48 South Road**

Consultants have been engaged to assess the impact of incorporating development opportunities identified in previous workshops. The aim is to present their findings to Elected Members as soon as possible to ensure continued progress on this matter. There is still strong interest from multiple parties to be involved in this matter.

- **Hihiaua Peninsula Consultation**

As per Council resolution the Trust has signed the final sales documents for the old A'Fare building and the lease of the underlying land, which is not subject to planning restrictions of the adjacent reserves land that resulted in public consultation. At the time of writing, staff were waiting on the completion of the sale and lease documents for Stage 1 before all documents are signed by Council and the transactions finalised.

The Local Government requirements to establish a long-term lease have been met, including public consultation and hearing submitters' views. We have also received feedback from Te Parawhau in support of the lease, although there are differing views in hapū. Staff are continuing to address the remaining hapū issues related to the lease.

A variation to the funding agreement has been prepared and agreed upon by all parties. This variation will provide more certainty over the milestones that trigger payments and ensure better coordination between the Trust and Council during the disbursement of the final tranches of Council's funding in relation to the development of Stage Two.

- **Okara Marina**

Council's \$5m term loan facility is now fully drawn. Monthly interest payments have commenced, and the Trust remains in compliance with the terms of the loan agreement. Council has requested and received annual and year to date financial information from the Trust to gain comfort around the Trust's ability to meet its interest payment obligations. These financials are currently with Council's Finance Department for review.

Having completed Stage One of the marina development, the Trust now advise they have achieved sufficient berth licence sales to be able to commence work on Stage Two. Stage Two comprises further sea floor dredging, the construction of M Pier (44 berths), raising the reclamation level and installation of temporary shore facilities. Stage Two is to be financed

through a combination of Trust cash reserves, trading surpluses and berth licence purchaser deposits.

2.3 *Current Challenges/Issues*

No immediate challenges for staff at present other than some ongoing property legacy matters that have a continuing impact on staff capacity.

2.4 *Overview of Operational Activities through to February 2025*

2.4.1 *Economic Development*

- **Business**

The Whangarei economy continues to face mixed conditions, with ongoing challenges in construction and manufacturing but strong performance in the primary sector providing some support. Business counts in the district have risen by 1.8% over the past year, outpacing the national average of 0.5%, indicating resilience and growth in certain sectors. Retail spending remains subdued, reflecting cautious consumer sentiment, while housing market activity has picked up, driven by increased sales and stabilising interest rates.

This month, the district hosted the Indian Consul General, with visits to key sites including Channel Infrastructure, Marsden Maritime Holdings Limited, Northport, and NIWA's Ruakākā Kingfish Farm. We also facilitated a meeting with Northland Inc at Ngāwhā Innovation and Enterprise Park and Top Energy's Ngāwhā Geothermal Power Station. The visit generated strong interest, with follow-up online meetings scheduled with businesses and investors from India to explore potential partnerships.

- **Northland Inc. Update** (as provided by Northland Inc.)

Business Enterprise and Innovation

- In the year to date our Business Growth Team has engaged one on one with 246 Northland businesses through the regional business partnership (RBP), with 49% of them being Whangarei based.
- Business confidence is steady, however businesses unsure whether to feel positive or not. They continue getting on with things, keeping their head above water and, where possible, taking action to improve their position.
- New registrations with the RBP for the region are consistent and the team is busy holding discovery meetings with a range of businesses to see what support is required to facilitate growth.
- Our Net Promoter Score currently sits at 65 with a small sample size (the KPI in our SOI is that this be >50 for the year). The NPS provides a measure of how satisfied our clients are with the business assistance and other services provided by this team.
- MBIE have confirmed that the existing RBP contract will be extended to the end of December 2025. A tender process will get underway later in the year for the next three years from January 2025.
- The Pick business ideas competition has returned for 2025, allowing budding entrepreneurs or businesses with a new product idea to develop, refine, and validate their idea with access to expert insights and real-world feedback over the 10-week programme. Finalists will take the stage to pitch to a panel of Northland business leaders, and the winner will take home a tailored support package to help them take their business to the next level. Whangarei District Council are supporting the Northland Inc-lead programme. Entries are open now.

Te Tai Tokerau Impact Fund

- The Te Tai Tokerau impact fund opened on 3 March for grants between \$5,000 - \$20,000. The first round of funding closes on 17 April, and with high levels of applications already received, applicants are being encouraged to wait until the second round opens on Monday 12 May before applying.

Destination Management

- The Regional Tourism Boost contestable fund has announced successful applicants, including the 'Top of the North' initiative of which Northland will feature. The initiative was successful in securing \$600,000 of funding for a campaign into the Australian market in the April to July period, to attract more international visitors to regional destinations this Autumn and Winter. Northland will also feature in the nationwide application lead by Tātaki Auckland Unlimited to attract North Americans to New Zealand.
- The RTO has secured funding through Northland Regional Council to give Whangarei and regional operators access to Carbon Trail - a carbon measurement tool. This tool will allow 50 tourism operators to capture their carbon footprint, understand areas in their business where they can make efficiencies, and benchmark themselves against others in the industry.
- The Autumn/Winter campaign activity continues with Meta and Google Ads driving traffic to a dedicated landing page on the NorthlandNZ.com website and Northland showing up across print and digital media, to stay top of mind for visitors planning their Autumn travel. Social media content has been developed in partnership with Rody NZ and Notes2Home (featuring Mt Manaia, Langs Beach, Mangawhai and Uretiti), and Northland is the cover story in this month's issue of Motorhomes, Caravans and Destinations, with a special feature on All Things Hundertwasser. Additionally Stuff.co.nz articles from Emma Stanford who visited in January also feature Waipū cove, caves and coastal walk.

Investment & Infrastructure

- Northland Inc's Tuputupu team have put the first group of Market Opportunity studies out to tender – Bananas & Pineapples, Moringa, Sunflower & Soy. This has generated significant interest and discussion in the market which is really positive. The first round of tenders close in the first week of April. The team and a primary sector steering group has shortlisted the first five from a long list of 70 initial ideas identified through a series of workshops.
- The Tuputupu team has spent a couple of days in Taranaki as part of an EDA primary sector partnership funded by AGMARDT. Taranaki has developed a similar program called Branching Out and has been supporting trial crops and value add manufacturing across their region. Branching Out was a project developed post the Oil and Gas reforms and largely funded through resulting Just Transitions programme. It was interesting to learn about the depth of capability within the manufacturing and processing sector in Taranaki and how this is pivoting to support the primary sector along with a strong connection with Massey University.
- The investment team has still been largely focused on drafting the regional deal application and supporting JREDC to oversee this process. We have participated in the Indian Consol General visit and initial conversations around LNG at Marsden Point.

• Whangarei District Airport

Operations

The airport is continuing to operate and comply with CAA requirements. After meeting with the Downers team they have advised that it is too hot to lay the overlay for rejuvenation of the sealed runway suggesting that this be put off until late March, early April 2025.

Tree trimming for OLS is still in progress and should be finished by the end of March.

The airport is now working with an external contractor to review Air New Zealand pricing.

Projects:

- Rejuvenation of Sealed Runway - Downers looking at late March, early April.
- Rescue Fire Building - Council has gone to MOT for additional funding.
- Sealing of Alpha Taxi Way - Awaiting signoff from Council.
- Avis/Lock n Fly Yards - Council to send draft lease agreement to Avis/Budget Group for their review.
- Harbour Lights - McKays putting together a componentry system, trial light should be in by the end of March.

Scheduled flights

Air New Zealand is still having engineering issues that are regularly affecting its flights nationwide. As noted previously Air New Zealand are changing their schedule and have now cut down to one flight at 2pm for 4 days a week for the foreseeable future, until they can get their staffing and engineering issues sorted. This will have a significant impact on the airport's income in the short term, however with the pricing review, this could be brought back into line in the long term.

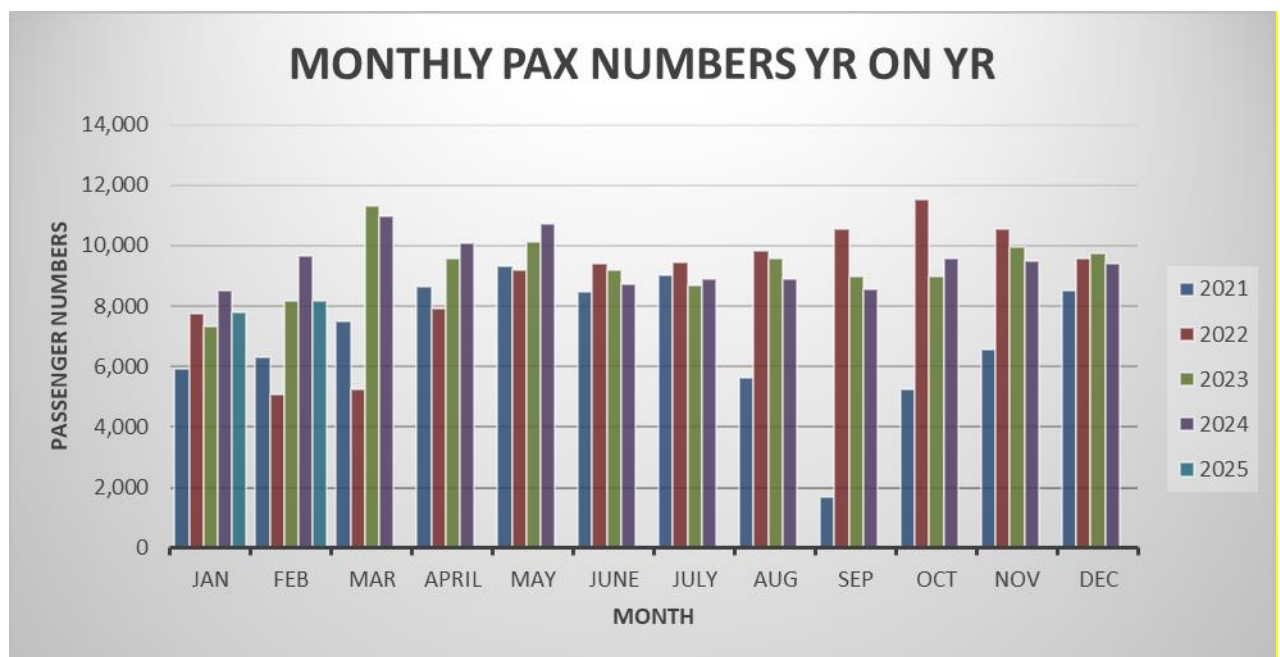
A total of 12 flights were cancelled during February 2025.

Noise

The airport had one noise complaint during the month of February regarding a helicopter doing 'touch and goes' at 0545am. After reviewing CCTV and flight radar it was advised to the complainant that there was no helicopter or aircraft around the airport at that time.

Passenger Numbers

Passenger numbers for February 2025 were 8,183, which is down 15% from February 2024 (9,637).



Parking

Parking revenue for February 2025 was \$12,277, which is down from \$13,706 in February 2024.

District Development Update

- **Accommodation Data:** In January 2025, Whangarei recorded 104,200 guest nights, reflecting a 2% year-on-year decrease. Domestic guest nights accounted for 92,300 of the total, while international guest nights contributed 51,100. This shows a 10% increase in international tourists' nights. Overall, Northland experienced a 4% decrease in total guest nights, with the Far North seeing a 5% decrease year-on-year and Kaipara a 6% year-on-year decrease. Infometrics reports that in total, 370,238 tourists arrived in New Zealand in January 2025, amounting to 93% of January 2019 (pre-pandemic levels), up from 82% in January 2024.
- **Kiwi Art Trail:** The Kiwi Art Trail wrapped up in February, having spent six weeks in the District. Feedback was overwhelmingly positive, with more than 300 entries received for the colouring competition, and almost 1500 maps distributed. The organisers have also confirmed that, while there was some damage to the kiwi by the public, there was less damaged received than in Tauranga, Napier and Auckland.
- **Cruise Ships:** The 2025 Cruise season is nearing completion, with two ship arrivals in February and the final one on 24 March. The season has been a success from a WDC perspective, with guests leaving happy and eager to return. However, there remain challenges with the shuttle system, and having the ships invest in enough transport for their guests.
- **Come on Up Campaign:** District Development has been running Come on Up! Social media campaigns for events such as the Fritter Festival and Blues Rugby game, helping to promote Whangarei to Auckland (and beyond). A large-scale campaign is booked for April to showcase Whangarei to domestic tourists via airports in Auckland and Christchurch.
- **TRENZ Conference:** Preparations are underway for District Development and the isite to represent and promote Whangarei at the TRENZ conference in May. We are working closely with Hundertwasser Art Centre, Dive Tutukaka and Kiwi North to ensure our messaging is consistent.
- **Roady Campaign:** Content creators Roady have commenced their campaign this month, promoting Whangarei to their audience of over 500,000 followers. Videos mentioning Whangarei as a destination, or including a walk, accommodation or activity have had an estimated 1,000,000+ views on Instagram.

Location	Nights	Jan-24	Dec-24	Jan-25
Northland	Total	368,400	241,300	354,100
	% YOY	8%	1%	-4%
	Domestic	320,800	194,700	303,000
	% YOY	10%	-3%	-6%
	Int.	47,600	46,700	51,100
	% YOY	-8%	17%	7%
Whangārei	Total	106,000	67,200	104,200
	% YOY	10%	2%	-2%
	Domestic	95,200	56,000	92,300
	% YOY	14%	-1%	-3%
	Int.	10,800	11,200	11,900
	% YOY	-16%	24%	10%
Far North	Total	199,400	136,300	188,900
	% YOY	5%	-1%	-5%
	Domestic	166,800	104,300	153,200
	% YOY	7%	-6%	-8%
	Int.	32,600	32,000	35,600
	% YOY	-6%	19%	9%
Kaipara	Total	63,000	37,800	61,100
	% YOY	185%	-40%	-6%
	Domestic	58,800	34,300	57,500
	% YOY	14%	7%	-2%
	Int.	4,100	3,500	3,600
	% YOY	-11%	-15%	-12%

2.4.2 Risk to the Tiriti Relationship

There is ongoing engagement and discussions with hapū as to their role in Council commercial property. Parihaka Transmission Mast's future location requires ongoing engagement with hapū as do other proposals of both Council and third parties (i.e. Hihiaua).

2.4.3 Delegated Financial Authority Policy

Nothing to report.

2.5 Legislation Changes or Updates

Nothing to report.

2.6 Future Planning/What's Coming Next?

- **Inward Investment Pathway**

At present both domestic and international inward investment opportunities present themselves through multiple channels and are, to some extent, treated in an adhoc manner depending on the capabilities and capacity of the receiver. There is an argument to develop a more coherent approach across the District and Region. This approach aims to improve, streamline and focus on investments critical to the north. By better matching investor interest with investment opportunities and conducting thorough due diligence, we can ensure that when various parties approach us, we bring the right people to the table. Staff will be working with Northland Inc and other agencies to investigate how such a process can be implemented.

- **Impact on Business**

Recent engagement with various business and central city groups has highlighted there is often a shortfall in information available on the impacts, positive or otherwise, of some sectors of our community and what weight is given to them during the decision-making process. While information regarding engineering, cultural and environment is generally considered as fundamental to good decision-making, as an organisation we often overlook the impact on the commercial sector of various projects either during the project or upon their completion. Staff are to explore how these potential impacts can be considered and given weight when undertaking work within the central business district.

3 RMA Consents

3.1 Health and Safety

The team has been dealing with a high number of abusive complainants lately. Managing the competing expectations of complainants and alleged rule infringers within the framework of the District Plan and Resource Management Act is challenging. Unfortunately, frustrations are often directed at staff, which can take its toll on their well-being.

3.2 Current Priorities

The team is continuing to manage the processing of resource consent applications, post approval applications and the monitoring of approved consents to meet the performance measure targets in the Long-Term Plan and Annual Plan, as detailed below.

3.3 Performance Measures and Compliance – Year to Date

Council will process resource consent and associated applications within statutory timeframes.

Performance Measure	2024 – 25 target	Compliance
Percentage of non-notified resource consent applications processed within statutory timeframes.	≥95%	96%
Percentage of Section 223 and Section 224 applications [processed] for subdivision consents under the RMA within statutory timeframes.	≥95%	100%

Council will ensure compliance with land-use consents by monitoring consents issued.

Performance Measure	2024 – 25 target	Compliance
Percentage of land-use consent conditions monitored.		
<i>Note: timeframes will be dependent on priorities based on potential environmental risk associated with non-compliance.</i>	100%	100%

3.4 Current Challenges/Issues

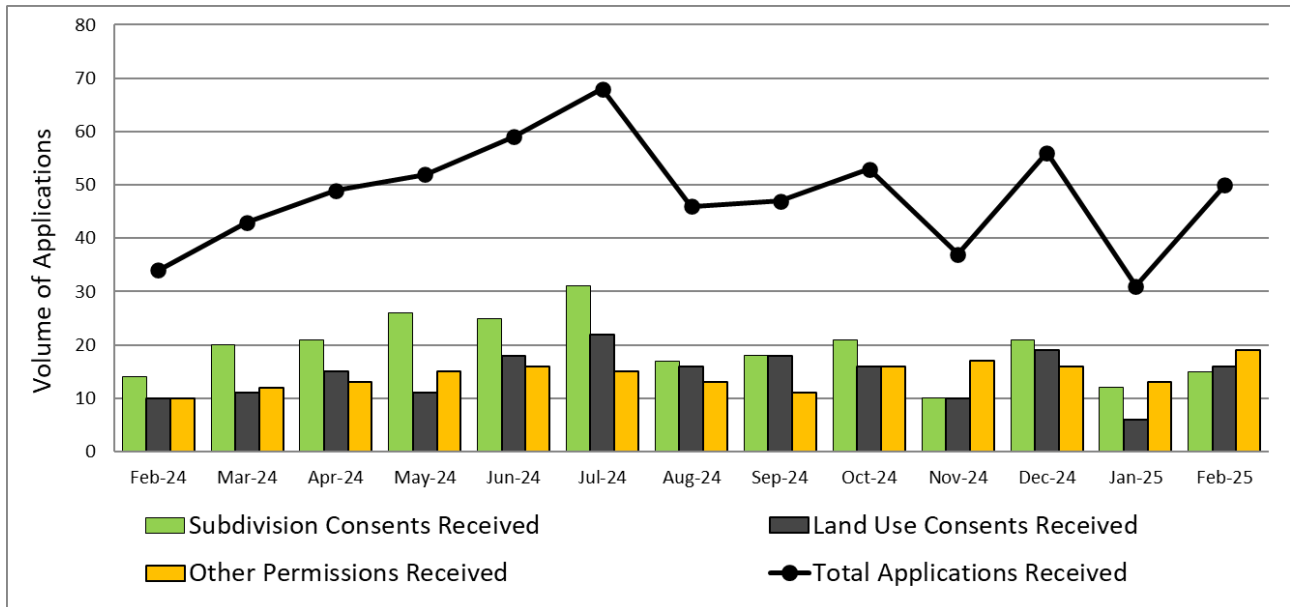
We continue to work closely with the Development Engineering Team to track consent timeframes and manage capacity challenges. This has contributed to an improvement in the number of non-notified consents issued on time.

Wastewater capacity (most commonly subdivisions) where connection to the wastewater network is required, we seek input from the infrastructure team. If there is no capacity to connect to wastewater we may have to decline the application.

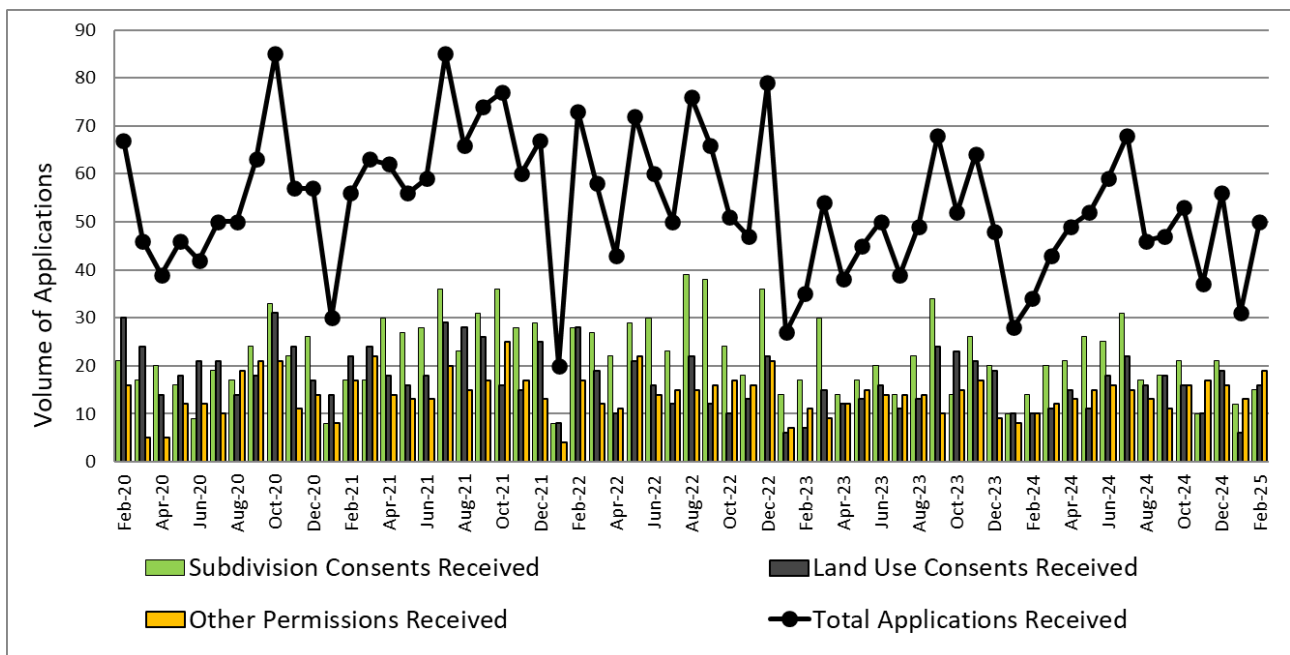
3.5 Overview of Operational Activities

The number of resource consent & post-approval applications dropped off in January, but have increased in February as surveyors, agents and solicitors come back from leave.

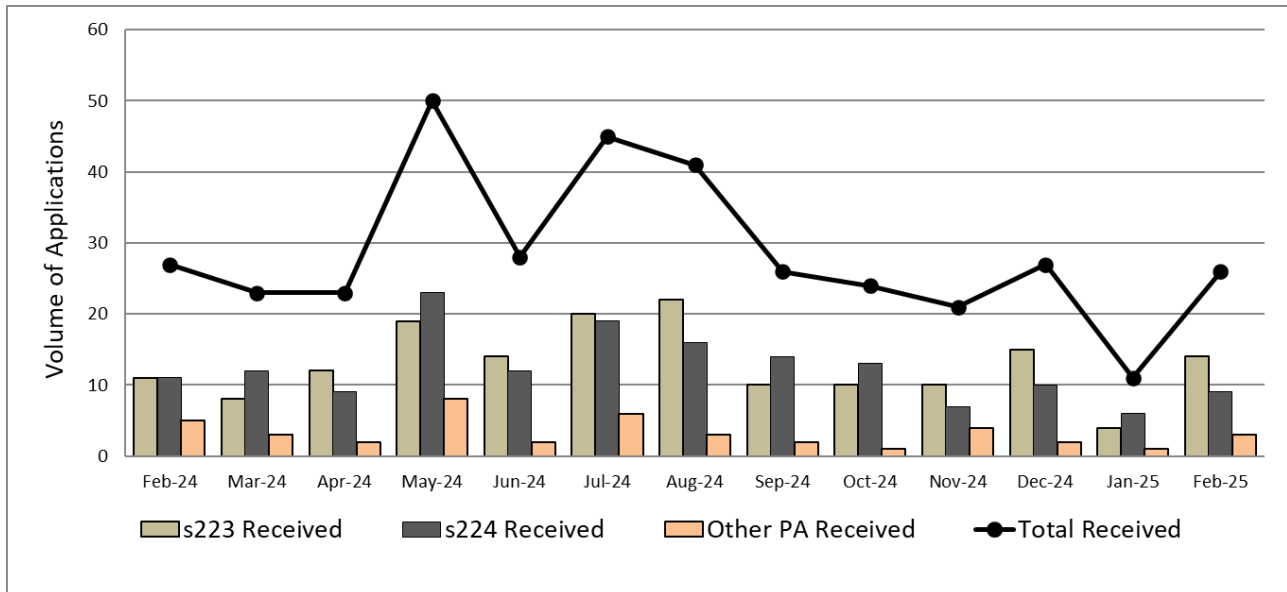
Total number of applications received over last 12 months



All applications received over the last 5 years



Number of post-approval applications received over the last 12 months

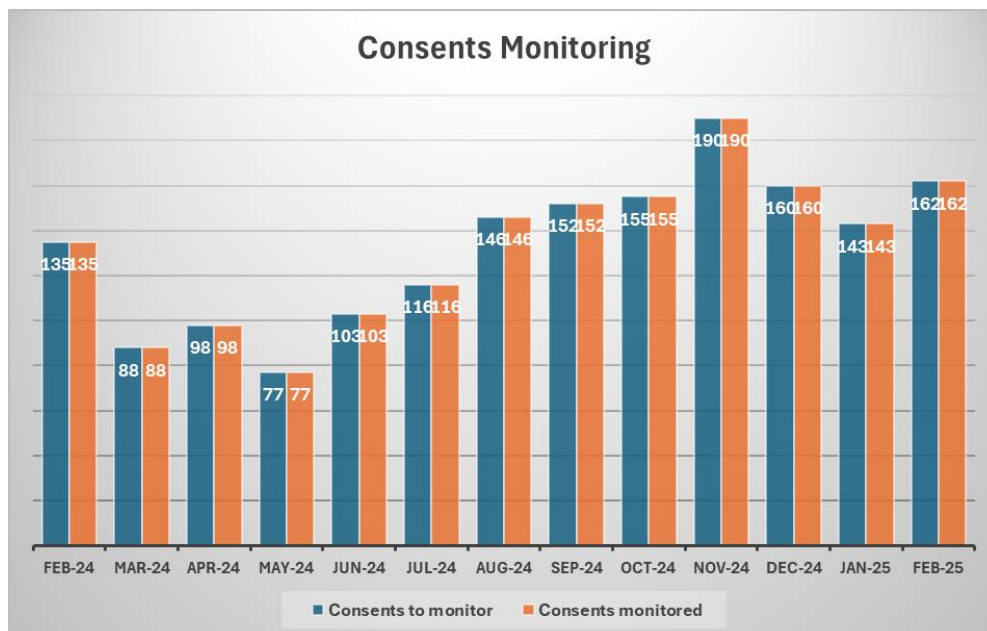


Applications of note received over the last month include:

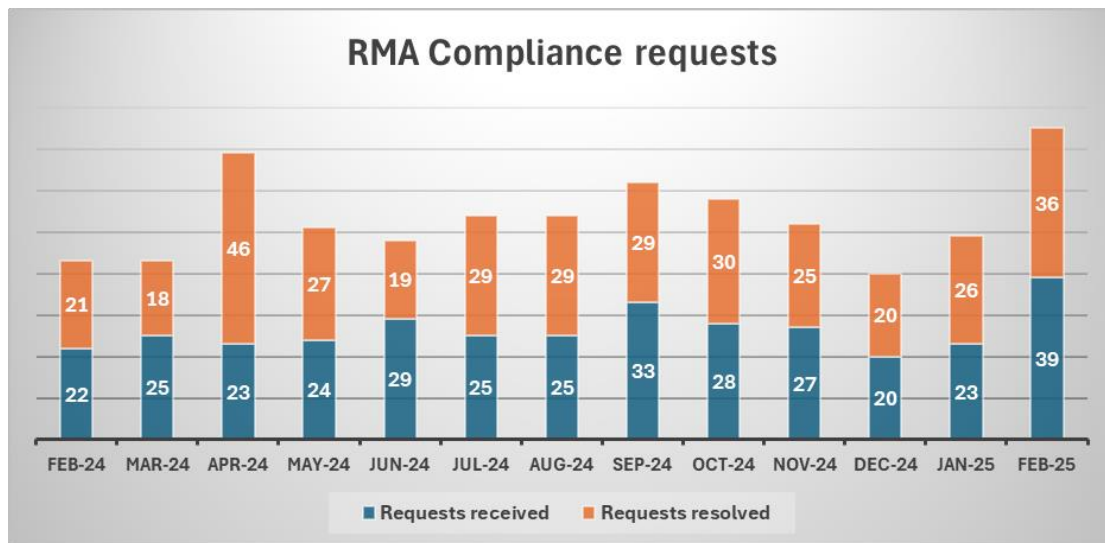
An application has been lodged for a 17 Lot subdivision in Glenbervie and an application for a 5MW solar farm over 5 hectares (same site as WOLF at 63 Port Marsden Highway).

Compliance

In February 2025, consent monitoring activities had an increase of 20% compared to January 2024, due to the addition of new consents in the monitoring list.



Compliance requests saw a significant increase of 77%, with closed requests rising by 71%, indicating a growing number of compliance matters being addressed. The majority of requests fell under the Residential Units & Structures category, making up 31% of total requests, followed by Noise/Light/Vibration and Commercial/Industrial Activity, each accounting for 15%.



3.5.1 Risk to the Tiriti Relationship

The RMA Consents team is working on building stronger treaty partnerships with local iwi and hapū. It is noted that the resource consent process can cause friction with iwi/hapū.

3.5.2 Delegated Financial Authority Policy

The RMA Consents team is currently in the process of establishing a procurement panel for planning consultants to ensure that use of consultants meets best practice guidelines.

3.6 Legislation Changes or Updates

Nothing to report.

4. Building Department

4.1 Health and Safety

On-going risks include vehicle safety, staff working alone, staff visiting potentially dangerous buildings/members of the public (compliance) and staff inspecting construction sites.

4.2 Current Priorities

As outlined previously, trailing of remote inspections has begun and is being expanded to include a wider range of inspection and associated risk types. To date the trial is proving successful although lack of cellular coverage has been an issue with some inspections.

4.3 Performance Measures and Compliance

Council will responsively and accurately manage the building consents and compliance process.

Performance Measure	2023 – 24 target	Compliance
Percentage of building consents applications processed within statutory timeframes.	96%	92%
Percentage of inspections completed within two days.	≥95%	95%

96% of the consents issued in February were within the 20 working day requirement, a slight drop from the achievements over the last 2 months.

4.4 Current Challenges/Issues

Nothing to report.

4.5 Overview of Operational Activities for February 2025

In February, 72 applications were received, which is slightly less than the corresponding month last year and well down on 2022 and 2023 numbers. It seems unlikely that numbers will significantly increase in the short term.

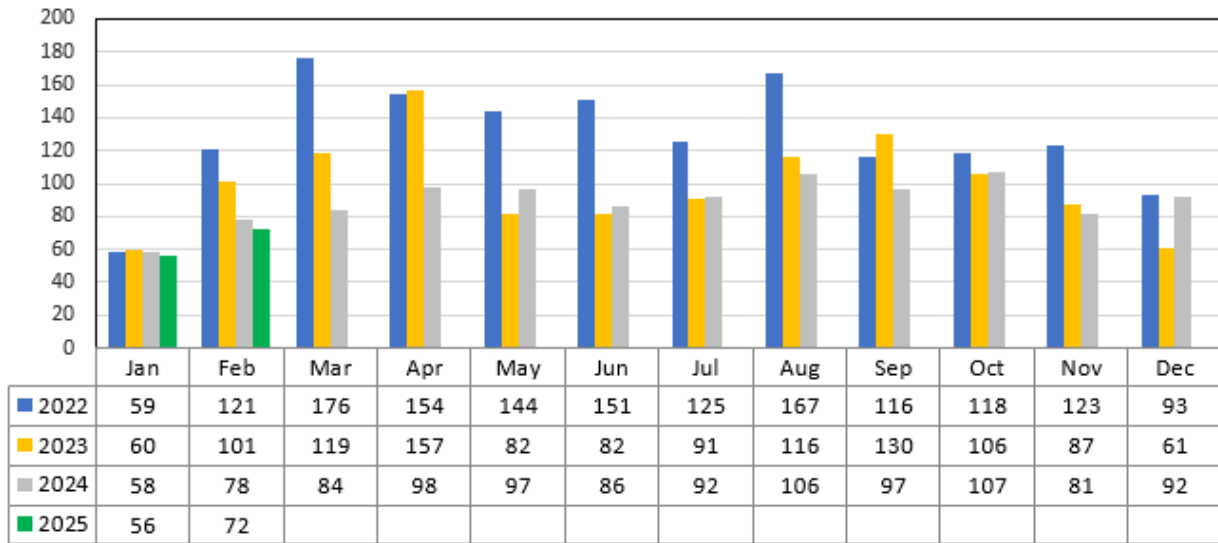
70 consents were granted, with an average processing time of 12 working days per consent and a total customer time of 26 days.

457 inspections were conducted in February, this number is slightly less than last year and reflects the drop-in construction activity.

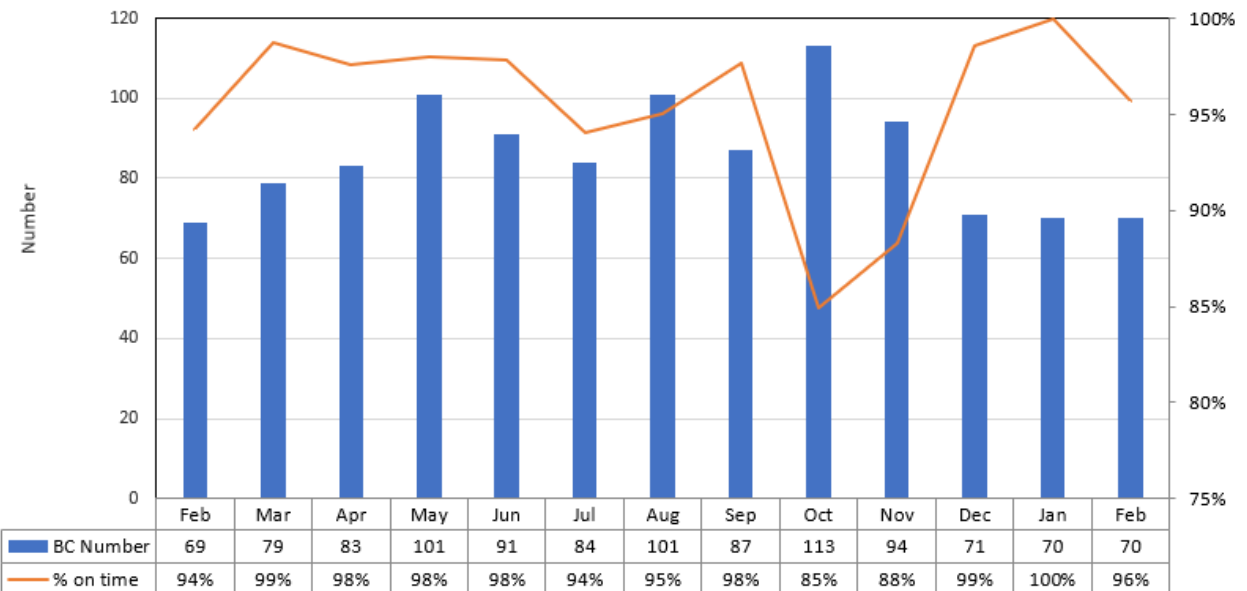
Following a recent restructure, the Property Assessment Team are now part of the Building Department.

192 LIM applications were received (compared with 169 in Feb 2024) issued in an average of 6 days. 6 PIMs were issued, at an average of 8 days. 12 PCS (Potentially Contaminated Site) report requests were received, with an average of 18 working days.

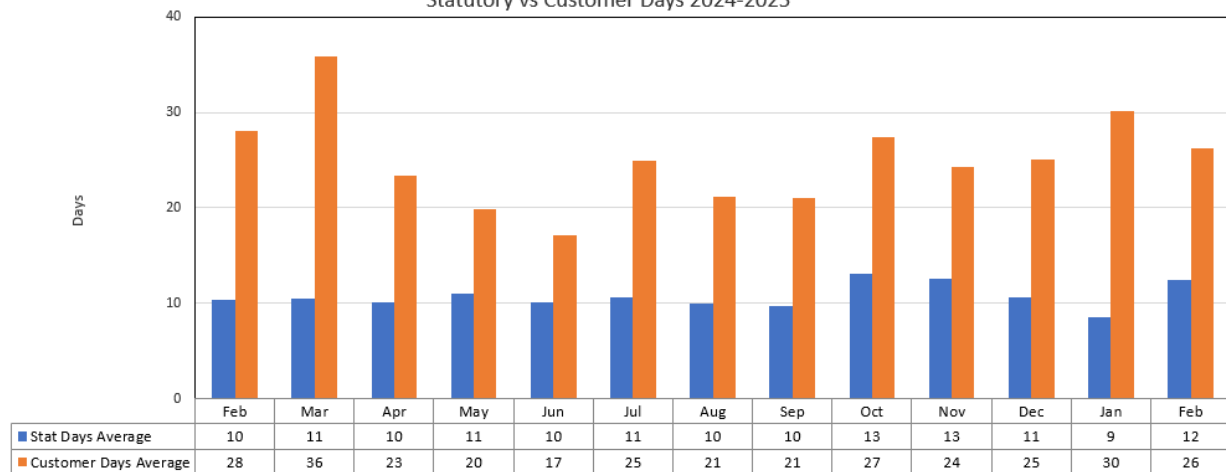
Current 4 year view of Applications Received



Number of Consents Issued and 20 day time frame performance 2024 - 2025



Statutory vs Customer Days 2024-2025



4.5.1 Risk to the Tiriti Relationship

The activities of the building department are not considered to be a risk to the Tiriti relationship.

4.5.2 Delegated Financial Authority Policy

No new contracts were let during February.

4.6 Legislation Changes or Updates

The government continues to progress its goal of reforming the Building regulatory system. A recent webinar held by MBIE highlighted ongoing efforts to exempt granny flats from Building Consent requirements. Despite concerns from the banking and insurance industries, these changes may be implemented by mid-year. Whilst submissions to the proposed changes to the inspection processes have closed no results of that consultation have yet been released. MBIE staff are actively working on details of the likely requirement to undertake inspections remotely. Work is also continuing on the reform to BCAs which seem likely to result in amalgamations.

4.7 Future Planning / What's Coming Next?

Currently, we are in a waiting period as there are no open consultations. However, submissions for the BCA reform proposal will be sought later this year.

5. Health & Bylaws

5.1 Health and Safety

Nothing to report and no additions to the organisational risk register this month.

However, in general, our Regulatory Services contractor Armourguard and their teams continue to face potential risks to their health and safety related to vehicle safety, staff working alone, and when interacting with potentially aggressive members of the public through their compliance roles.

5.2 Current Priorities

Both the Environmental Health team and Regulatory Enforcement Services contractor Armourguard, are continuing to focus on their core functions and aiming to achieve their individual performance measures, as highlighted below.

5.3 Performance Measures and Compliance

Council will ensure responses to complaints relating to parking, excessive noise, dogs, stock, and bylaws are carried out within contracted timeframes.

Performance Measure	2024 – 25 target	Compliance
Percentage of complaints responded to within contracted timeframes.	≥85%	February 2025 = 94% Year to date average = 97%

Council will protect and promote public health by monitoring those premises, which under the Health Act 1956 require annual registration and inspection.

Performance Measure	2024 – 25 target	Compliance
Percentage of Health Act registered premises inspected annually.	100%	This is an annual measure, only measured at the end of the financial year

Council will promote food safety by registering and verifying those food businesses which the Food Act 2014 specifies that local authorities can register and verify.

Performance Measure	2024 – 25 target	Compliance
Percentage of food businesses verified within timeframes as specified by the Food Act 2014.	100%	This is an annual measure, only measured at the end of the financial year

Council will aim to reduce alcohol-related harm by annually inspecting alcohol licensed premises to ensure compliance with the Sale and Supply of Alcohol Act 2012 and licensing conditions in general.

Performance Measure	2024 – 25 target	Compliance
Percentage of alcohol licensed premises inspected annually.	100%	This is an annual measure, only measured at the end of the financial year

5.4 Current Challenges / Issues

There are currently no challenges or issues.

5.5 Overview of Operational Activities for February 2025

Business as usual, nothing specific to report.

5.5.1 Risk to the Tiriti Relationship

The activities of the Health & Bylaws department are not considered to be a risk to the Tiriti relationship.

5.5.2 Delegated Financial Authority Policy

Nothing to report.

5.6 Legislation Changes or Updates

No changes or updates to report.

5.7 Future Planning / What's Coming Next?

Below follows a monthly update on the construction of Council's new animal shelter (dog pound).

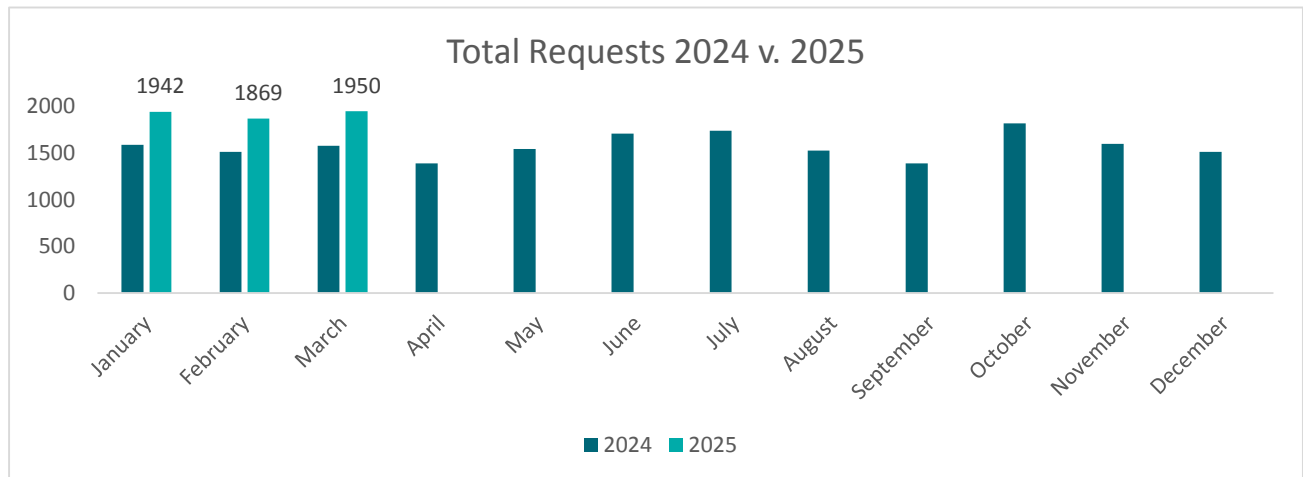
Project	Current Stage	Estimated Construction Start Date	Estimated Completion Date	RAG Status
New Animal shelter construction	Construction	Sep-22	Oct-24	

Minor snag list items are being worked through, and construction is practically complete.

Building fit is complete and the Armourguard Animal Management team moved in on 11 November 2024 and have been settling in well. The construction contract remains within the approved contract value, and the project is expected to be delivered under the total project budget. Bank drainage installation is still required, and paperwork is being worked through for the Certificate of Compliance.

6. Group Requests

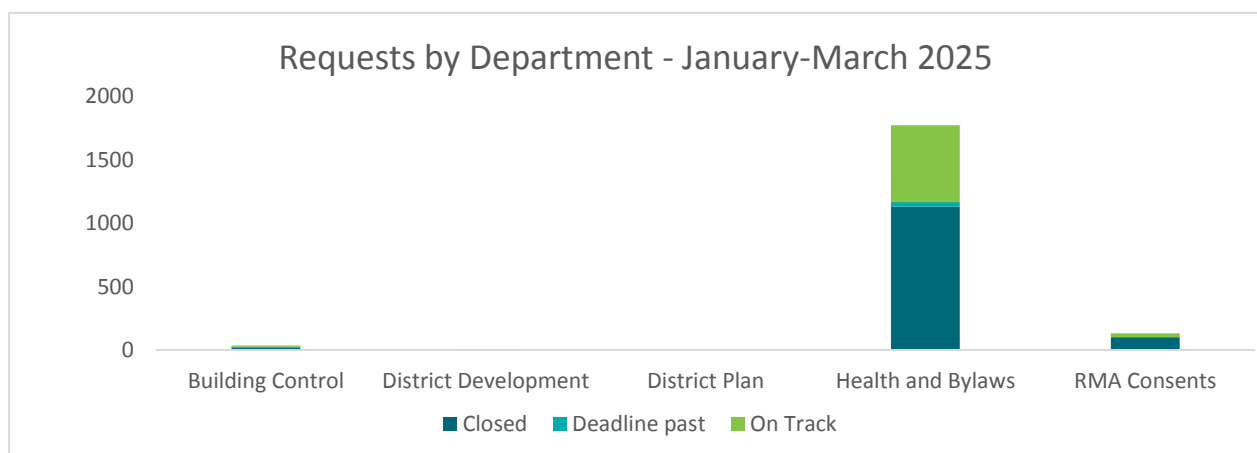
CRM Request Performance Dashboard – as at 1 April 2025



Total requests by month for the department have remained high, on average 23% higher than the same period in 2024. Overall requests for March 2025 were slightly higher than the previous peak in January 2025 (1,950 vs. 1,942).



The Planning and Development team continues to make excellent progress on clearing outstanding requests. Since 5th February Open Requests have decreased by 60% from 1,463 to 692, while Requests Past Deadline have dropped from 149 on 5th February to just 38 at the end of March 2025.



As in January-February the vast majority (91%) of requests continue to sit with Health and Bylaws. In the period from January-March 7% of requests are attributed to RMA Consents, a decrease from 10% in January-February. Building Consents account for 2% of the total requests, while District Development and District Plan each handled less than 1%.

Operations Report Strategy and Democracy

April 2025

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1. Democracy and Assurance

1.1 Health and Safety

One staff member experienced desk-based health and safety discomfort which is being addressed.

No physical Health and Safety issues due to the nature of the work but continuing to monitor wellbeing of staff as resources are stretched. The Department is under pressure due to ongoing recruitment challenges, which is causing additional pressure on the staff keeping the democracy, and legal teams functioning.

1.2 Current Priorities

- Support for gaps until new recruits are in place and fully trained.
- Considering and planning for additional Council meetings
- Safety and security of staff when supporting Council meetings.
- Adhering to Legislative requirements. This includes meeting the LGOIMA requirements for Council meetings (agenda preparation and public notices) as well as responding to Official Information requests.
- Dealing with ad-hoc requests for advice to the Legal team in a timely manner.
- Planning for Local Elections 2025.

1.3 Performance measures and compliance

Our Democratic functions are transparent and meet the legislative requirements.

Performance Measure	2024 – 25 Target	Compliance Year to Date
11.1.1 Responses to requests for information made under the Local Government Official Information Act 1987 and the Privacy Act 2020 are provided within relevant statutory timeframes.	≥95%	94.83%

Performance Measure	2024 – 25 Target	Compliance Year to Date
11.1.2 Percentage of Council, committee and hearing agendas that meet relevant legislative timeframes.	100%	100%

Performance Measure	2024 – 25 Target	Compliance Year to Date
11.1.3 Percentage of Council recommendations that are not altered by amendment in chambers for reasons of ambiguity.	≥95%	100%

1.4 Current challenges/issues

Resource Challenges:

- Continuing to process Local Government Official Information and Meetings Act requests within legislative timeframes is a challenge due to the increased number of requests and complexity of those received, alongside high workloads across the organisation with competing priorities. This is requiring more staff time and leading to some overdue

responses alongside the de-prioritisation of other workstreams to manage requests. We are receiving request that have high public interest, and subjects that have had media attention.

- Recruitment for the vacant position in the Democracy team has been successful, so the team will welcome the new staff member at the end of April. It will take some time for them to get familiar with Council.

Resourcing and ad hoc demands on staff time are the challenges for this department. The whole department works with the operational staff, the strategic leadership team, and the elected member group, this organisational wide stakeholder group creates a unique dynamic for the team to work with. The team are a strong group but lean in number, they work with the resources available. This means that there is continuous prioritisation to ensure that important and urgent tasks are delivered first.

1.5 Overview of Operational Activities for March

The Democracy Team supported the following meetings and processed the following licensing applications, during the month of March:

Meeting	Number
Council	3
Extraordinary Council	1
Committee	6
Council Briefing	3
Council Workshop	2
District Licensing Committee activities	
License applications	57

Local Government Elections 2025 (LGE2025)

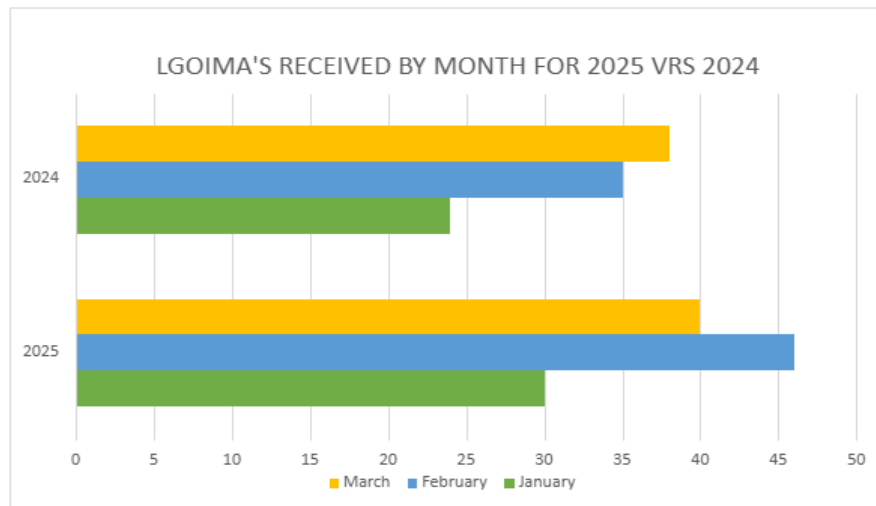
Planning for the Elections in October is well underway; we are currently in the 'Enrol' phase of the LGE 2025.

Council's Electoral Staff are working closely alongside the Electoral Commission during the 'Enrol' phase of the LGE2025, this is to strengthen the narrative to all residents and rate payers that the first part of the election process is to ensure that people are enrolled to vote. In March, Electoral staff and the Electoral Commission joined forces at two events – Taste Whangarei on 20 March and Whanau at the Falls on 29 March.

Official Information Act Requests (OIA)

Council has received 40 requests in March giving us a total of 116 for the year. OIA's are currently sitting at 19 more requests for 2025 than the same time last year.

Due to the high number of complex requests and the volumes that have been received, staff have missed the legislative deadline for a number of requests across the first quarter of the year. The KPI is currently below target and sitting at 94.84% for the Financial Year. Staff are monitoring this closely and have a plan in place, aiming to reach compliance by the end of the financial year.



Council controlled organisations

Council controlled organisations (CCOs) delivered their Draft Statements of Intent to Council on 1 March 2025. The relevant operational staff within departments that work with these CCOs then ensure the reports are put to the appropriate Committee meeting.

The organisational structure change proposed a new role of Principal Adviser – CCOs. This role remains vacant.

Risk management

The Risk and Audit Committee was held on 5 March 2025.

The Risk Management Adviser facilitated a risk management workshop with the Northland Regional Landfill Limited Partnership on 28 March 2025.

Council has engaged BDO to undertake an internal audit of the procurement process, which began in March.

1.5.1 Risk to the Tiriti Relationship

It is recognised that supporting the democratic process brings with it obligations under Te Tiriti and The Treaty which the department try to support through provision of democratic services. Interpretation and implementation of these principles in relation to the legislation, continues however, to test the status quo.

1.6 Legislation changes or updates

Staff will continue to advise Council on current legislation and are monitoring legislative changes that are coming through parliament for implementation. Staff regularly review what legislation is open for consultation and support the relevant department to provide submissions on items of relevance to the district.

1.7 Future Planning / What's coming next?

The Democracy and Assurance department has a reoccurring, rolling programme of work relating to the Council meetings and legislative deadlines. The other areas of the team work on a request basis so workloads fluctuate.

The Democracy team is already very engaged in preparations for the LGE25, as well as looking at the induction arrangements for the Council for the next triennium.

The Risk Management Framework is undergoing a significant update. It currently requires review by the Strategic Leadership Team, and following this a workshop can be held with Elected Members.

Outstanding actions for the Privacy Internal Audit Report will be actioned when compatible with other workstreams and priorities.

2. Strategy

2.1 Health and Safety

The existing team workload is high and will remain high for the remainder of this financial year continuing into the 2025-26 financial year as demonstrated by the draft work programme included in section 2.4.

2.2 Performance measures and compliance

Our policies and strategies remain up to date and relevant to the community.

Performance Measure	2024 – 34 target	Compliance
Percentage of statutory policies, bylaws, plans and strategies that are reviewed with the relevant statutory timeframes (LTP 2024-34, 11.2.1)	100%	Review of organisation-wide compliance has been completed: 97% of 29 statutory documents compliant.

2.3 Current challenges/issues /risks

Resourcing

The department work programme is ambitious. Resourcing challenges outlined in previous Operational reports remain true.

2.4 Draft Strategic Planning Department work programme

Workstream, Programme & Projects	Dept Lead	Statutory
Bylaws & statutory policies	12 projects	
<i>Solid Waste Management Bylaw</i>	external contract	y
Parking and Traffic Bylaw (Kamo Rd T2 lane)	WM	y
Alcohol Control Bylaw	WM	y
Public Places Bylaw	WM	y
Control of Advertising Signs Bylaw	WM	y
Class 4 Gambling Policy	WM	y
Board Venue Policy	WM	y
Food Businesses Grading Bylaw	WM	y
Control of Vehicles on Beaches Bylaw	WM	y
Stormwater Management Bylaw	WM	y
Wastewater Bylaw	WM	y
Camping in Public Places Bylaw	WM	y
Spatial Planning	7 projects	
Future Development Strategy	HS	y
FDS Implementation Plan	HS	y
Regional Deals (unplanned)	DM	n
Housing and Business Model (improvements and review, incl. Alignment with LTP)	HS	y
FDS Review (& inform/align with LTP 27/37)	HS	y
Knowledge Precinct Plan	LE	n
Northern Growth Area Structure Plan (unplanned)	DM	n
Placemaking Programme	3 projects	
Raumanga Placemaking Plan	CGP	n
Monitoring & Reviews of existing placemaking plans	CGP	n
Ruakākā Placemaking Plan	CGP	n
Climate Adaptation	9 projects	
Climate Adaptation Programme		
Whangaruru/Oakura - Community Adaptation Project -Pilot	RN	n
Whangarei Urban Flood Strategy	RN	n
Tangata Whenua-led Climate Planning Fund (BoF)		
BoF - Project 1	RN	n
BoF - Project 2	RN	n
BoF - Project 3	RN	n
BoF - Project 4	RN	n
BoF - Project 5	RN	n
BoF - Project 6	RN	n
BoF - Project 7	RN	n

Te Tai Tokerau Adaptation Strategy Implementation	RN	n
Te Ao Māori Decision Making Framework	BA	n
Quarterly Briefing to Council	RN	

Corporate Planning	8 projects	
Annual Plan 2025-26	GF	y
CPM 2024-25 (incl. Residents' Survey)	GF	y
Annual Report 2024-25	GF	y
Annual Plan 2026-27	GF	y
CPM 2025-26 (incl. Residents' Survey)	GF	y
Annual Report 2025-26	GF	y
Long Term Plan 2027-37	GF	y
Projects Book LTP 2024-34	NE	n

Housing Strategy Programme		
Pensioner Housing	HS	n
Papakainga regulatory applications (BoF)	BA	n
Housing Strategy Review & Implementation	HS	n

Other	13 projects	
Regional Accessibility Strategy Implementation	All	n
Welcoming Communities Strategic Action Plan	HS	n
Regional Infrastructure Plan (unplanned)		n
Infrastructure Modelling		
Coastal Management Strategy Review		
Reserve Management Plan Review		
RLTP & RPTP Review		
Upper North Island Strategic Alliance (UNISA)	BA	
Site-specific urban design assessments	LE / DM	
Strategic Oversight on Resource Consents & Development Proposals	LE / DM	

2.5 Overview of Operational Activities for March 2025 & Next steps

Project	What we did in March	Next steps
Corporate Planning		
<i>2025-26 Annual Plan (AP26)</i>	<p>Briefing held 13 March with final direction received for draft consultation document (CD).</p> <p>Preparation for and adoption of the draft CD, the proposed engagement plan, supporting documents and Fees and Charges (F&C).</p> <p>Consultation schedule altered slightly to 2 April-2 May to allow Local Waters Done Well to have their consultation ready to run alongside the AP26.</p> <p>Online submissions set up and background data support for all submissions established.</p>	<p>Consultation to run from 2 April to 2 May with submissions accepted for the same period.</p> <p>Three public drop-in engagement sessions:</p> <ul style="list-style-type: none"> • Ruakaka, 8 April. • Te Iwitahi, 9 April. • Hikurangi, 14 April. <p>Residents & rate payers engagement, Te Iwitahi, 9 April.</p> <p>Commence production of submissions volumes.</p>
<i>2024-25 Annual Report (AR25)</i>	On hold until May 2025.	On hold until May 2025.
<i>2024-25 Resident's Survey</i>	Awaiting second wave of sampling, scheduled for June 2025.	
<i>2024-25 Corporate Performance Management System (CPM)</i>	Circulation of progress packs completed for July, August, September and October 2024.	Circulation of progress packs for November and December 2024 results.
Spatial Planning		
<i>City Centre Programme: Knowledge Precinct Plan</i>	<p>Staff engaged with the PSB Chair and Deputy, the full PSB, Te Kārearea, and the joint Positively Aging Advisory Group and Disability Advisory Group session.</p> <p>Staff are focussed on getting content ready for public engagement, currently planned for May. This includes taking a paper to Strategy, Planning & Development Committee in April.</p> <p>Engagement will focus on the broad concepts already identified, as well as discussions with the public, landowners and businesses in the area, about issues they have, or any other aspirations they may be seeking within the boundary of the site.</p> <p>Staff also continue to support the programme approach providing alignment between the Council's various different pieces of work that are happening in this area.</p>	<p>Present at SPD to support engagement discussions. Also finalising all content required for engagement, including surveys and the booking/advertising of where staff will be to talk to the public.</p> <p>PSB actions not listed.</p>
<i>Placemaking Programme</i>	Guided by the feedback received from Elected Members and Te Kārearea members, staff met	Staff have confirmed meetings with local education

	<p>with the local medical centre, one of the local childcare centres and the local hapū groups.</p> <p>Staff also reached out to the WDC transport, parks and infrastructure to begin the work on proposals for key areas.</p>	<p>providers, Northtec students' representatives and the local community garden group.</p> <p>A meeting with the owners of whenua Māori in Raumanga and Otaika has been scheduled for the first week of April. Staff are coordinating a joint workshop with representatives of the local hapū.</p>
<i>Future Development Strategy (FDS)</i>	<p>WDC and NRC are now in the process of making final amendments to the FDS and its supporting documents. This is guided by the feedback received through submissions and the direction from the FDS Working Group. For reference, the links to the documentation on Councils webpage are included below:</p> <ul style="list-style-type: none"> • Summary of submissions report • Issues and Options reports – account of decisions made by the FDS Working Group. <p>A briefing was held on the 25th March where staff updated Elected Members on the final changes to the Draft Whangārei Future Development Strategy after public consultation.</p>	<p>Final decision of Council is set for the 29th April.</p> <p>Final decision from Northland Regional Council is set for the 22nd April.</p>
<i>Northern Growth Area – Springs Flat</i>	<p>Currently this project is not a significant priority in the Strategic Planning's team programme. Work is underway to align this project with our internal Investment Management Framework processes.</p>	No change
Statutory Policies & Bylaws		
<i>Alcohol Control Bylaw</i>	<p>Sent communications to coastal residents and ratepayers' groups and Police seeking further information on alcohol-related behaviours in coastal areas</p> <p>Prepared Briefing agenda report for 15 April 2025</p>	<p>Collate feedback from R&Rs and Police and prepare report for Council briefing in April 2025 (including discussion on bylaw-making processes and enforcement issues in coastal areas)</p>
<i>Parking and Traffic Bylaw</i>	<p>Worked with Transport to formalise the Kamo Road priority lane at an upcoming Council meeting</p>	<p>Draft key resolutions once final technical drawings are confirmed</p>
<i>Public Places Bylaw</i>	<p>Council Briefing on 25 March 2025 to introduce bylaw, discuss findings and present options</p>	<p>Council decision on 29 April 2025 to confirm that a bylaw remains the most appropriate tool</p>
<i>Control of Advertising Signs Bylaw</i>	<p>Council Briefing on 25 March 2025 to introduce bylaw, discuss findings and present options</p>	<p>Council decision on 29 April 2025 to confirm that a bylaw</p>

		remains the most appropriate tool
<i>Class 4 Gambling Policy</i>	Researched and prepared Briefing agenda report to discuss options on 15 April 2025	Briefing to discuss options on 15 April 2025
<i>Board Venue Policy</i>	Researched and prepared Briefing agenda report to discuss options on 15 April 2025	Briefing to discuss options on 15 April 2025
<i>Camping in Public Places Bylaw</i>	N/A	Council decision to align bylaw with amendments to Freedom Camping Act 2011 and shift the designated camping site at Ruakākā Riverside Reserve
Climate Change		
WDC lead		
<i>Climate Adaptation Programme – Whangaruru/ Ōākura catchment</i>	Our consultants, Adapterra, have completed the initial draft of the scoping report. Over the next two weeks, WDC and Ngātiwai will collaboratively review the recommendations and assess their relevance to our pilot site.	Conduct a thorough review of the first draft of the scoping report, evaluate its alignment with the catchment adaptation planning process, and discuss key findings with relevant stakeholders.
<i>Tangata whenua-led adaptation - Better Off Funding</i>	The deadline for full proposal submissions was extended by one week, closing on Friday, 14 March, instead of the original 7 March 2025. We are now in the process of compiling and organising the submitted documents.	The Review Committee will meet on 31 March to evaluate the submissions and begin the assessment process.
Regional Collaboration		
<i>Climate Adaptation Te Tai Tokerau (CATT)</i>	The Climate Action Tai Tokerau Conference 2025 took place on 21–22 March, focusing on the intersection of climate and economy, with a particular emphasis on kai/food and energy. Staff played a key role in supporting both the planning and delivery of the event.	Continue collaboration with Climate Action Tai Tokerau, NRC, FNDC, and other stakeholders. In the coming weeks, we will meet to review key ideas from the "Next Steps" workshop, establish working groups on Energy, Kai/Health, Networking & Connecting, and Ecosystems & Biodiversity, and identify potential participants for these groups.
<i>The Joint Climate Change Adaptation Committee (JCCAC)</i>	The Committee met on 20 March at the Northland Regional Council chambers. During the meeting, a) Kaipara District Council (KDC) submitted a Notice of Motion to the Chief Executive Officer of the Northland Regional Council, seeking agreement	The JCCAC Secretariat will draft a letter to the Minister for the Environment requesting: <ul style="list-style-type: none">A review of the most recent climate science, including the latest IPCC reports

	<p>for the Joint Climate Change Adaptation Committee (JCCAC) to formally request a government review of the latest climate science from the IPCC and other relevant sources. The goal is to ensure that New Zealand's climate adaptation strategies align with the most up-to-date and robust scientific evidence.</p> <p>b) Ngā Kaikōrero Directors, Mark and Melanie Baker Jones, facilitated a workshop exploring various governance and leadership models. The session highlighted the importance of clearly defining objectives and mapping the broader climate change ecosystem to support effective decision-making.</p>	<p>and other relevant research.</p> <ul style="list-style-type: none"> • An evaluation of whether New Zealand's current climate adaptation strategies are aligned with the most appropriate Representative Concentration Pathways (RCPs) or Shared Socioeconomic Pathways (SSPs). • Consideration of necessary updates to official guidance and policies to reflect the most current scientific understanding. <p>Workshop next steps:</p> <p>In the coming months, follow-up group interviews will be conducted to gather further insights. The findings will be compiled into a recommendation report, which will be presented at the July committee meeting.</p>
Upper North Island Strategic Alliance		
<i>Officer Working Group</i>	Attendance in working group to ensure Whangarei and Northland perspectives are included in strategic planning and advocacy for the upper North Island. Current priority is to contribute to the development of an Infrastructure Development Plan for UNISA	Next meeting in April

2.4.1 Risk to the Tiriti Relationship

The Department work programme presents risks to Council's relationship with its Te Tiriti partners, primarily due to project timeframes and resourcing impacting the ability to have meaningful engagement. Project teams, facilitated by Māori Outcomes, have communicated the benefits of working together while also communicating the constraints and risks transparently to hapū.

3. Māori Outcomes

3.1 Health and Safety

No work environment related issues raised, continue to monitor workload.

3.2 Current Priorities

The advancement of both internal and external frameworks to enhance Māori engagement and cultural capability across the organisation. This work aligns with Council's commitment to building meaningful relationships with mana whenua, hapū and iwi while strengthening internal understanding and responsiveness to Māori.

A key focus of current efforts is the establishment of an internal **Engagement Hub**, designed to provide clear guidance and resources for operational teams engaging with mana whenua, hapū and iwi. The Hub will function as a central point for best-practice engagement, ensuring consistency, cultural safety, and alignment with Council's obligations under the LGA and RMA. The development of this resource is informed by internal needs assessments and ongoing input from staff involved in engagement processes.

Recognising the long-standing challenge of standardising compensation for time and expertise in engagement, the development of a **Fees and Koha Policy** is nearly ready to be finalised. The absence of standardisation has resulted in inconsistent practices across Council operations, including fielding unplanned compensation with contrasting fees values provided by hapū. This policy will establish clear guidance on appropriate compensation mechanisms, ensuring fairness, transparency, and recognition of the value Māori bring to Council processes. It will cover various forms of engagement, including advisory roles, consultation processes, and participation in cultural protocols.

3.3 Performance measures and compliance

To maintain and improve opportunities for Māori to contribute to local government decision-making processes.

Performance Measure	2024 – 25 target	Compliance
Engage the collective hapū of Whangārei each quarter throughout the reporting period to discuss matters of importance to tangata whenua and Council. (LTP 2024-34 11.3.1)	100%	Configuration, scheduling and budget for quarterlies completed; first quarterly meetings to be completed by close of June.
Engage with Te Huinga each quarter in the reporting period to discuss matters of importance to Te Huinga and Council. (LTP 2024-34 11.3.2)	100%	Configuration and scheduling completed; Māori Outcomes first quarterly meetings to be completed by close of June.
Design and distribute an annual survey to Māori to support monitoring outcomes for Māori in contributing to local government decision-making processes. (LTP 2024-34 11.3.3)	75%	Scope and intent of survey yet to be finalised.
Produce a Tiriti audit, review and implement all recommendations by 30 June 2027. (LTP 2024-34 11.3.4)	75%	Stage One of Two Stage Treaty of Waitangi audit ("Treaty Health Check") for Governance, Operations and Hapū has been completed. Report pending.

3.4 Current challenges/issues

Without a formal Māori engagement and cultural capability framework, or a policy on how to treat compensation for engagement, time and expertise for Māori services, including understanding on the utilisation of koha, Māori Outcomes have faced significant challenges in supporting Council across all aspects of Māori engagement and cultural capability while simultaneously progressing the development of key frameworks to guide this work. This has resulted in reactive rather than proactive engagement approaches, creating inefficiencies and inconsistencies across departments. The absence of standardised processes has also placed additional strain on Māori Outcomes to provide ongoing clarification and direction.

Engagement Pre-2022

Another challenge Māori Outcomes are providing support for concerns the **remediation of engagement gaps** from before 2022, where significant projects and works proceeded without all the affected mana whenua and/or hapū. The absence of structured engagement processes during this period led to missed opportunities for input from several mana whenua and hapū bodies, often only realised when hapū are invited to the opening upon the project's completion.

Since 2022, Māori Outcomes has supported Council to rebuild trust, establish consistent engagement practices, and ensure mana whenua, hapū, and iwi are appropriately included in decision-making. Again, with **Long-Term Plan** funding now secured, external contractor support will be utilised to accelerate progress on the **Māori Engagement Framework** and the **Cultural Capability Framework**, ensuring past failures are not repeated. These efforts aim to embed best-practice engagement across Council, preventing future oversights and strengthening relationships with mana whenua, hapū and iwi.

3.4.1 Risk to the Tiriti Relationship

Māori engagement is shaped by cultural, historical, relational, and societal complexities, requiring local intelligence and expertise to ensure effective and meaningful relationships. For Council, Māori engagement aligns with both general and Treaty-based statutory obligations, including the responsibility to consider the views, diversity, and interests of all communities, while maintaining and enhancing opportunities for Māori to contribute to local government decision-making processes.

Māori engagement is fostered across three tiers for which Whangārei district-based hapū are represented.

Te Kārearea - Te Huinga - Ngā Hapū o Whangārei

- Te Kārearea Strategic Partnership Standing Committee is a Council committee where half of the fourteen-member composition consists of hapū-appointed representatives.
- Te Huinga is a hapū forum established to provide an interface with Whangārei District Council who also facilitate hapū member appointments to Te Kārearea.

While Te Huinga and Te Kārearea serve as the primary collective representation bodies for Whangārei hapū, not all hapū actively participate in Te Huinga or the appointment process for Te Kārearea:

- To uphold hapū agency and ensure broader engagement coverage, many hapū hold direct relationships with Council and an informal forum also exists to enable all Whangārei hapū to engage on priority Council matters, programmes, and activities.

Challenges in Ensuring Comprehensive Engagement with Māori

Although these three tiers provide a structured approach to Māori engagement, several challenges remain:

- Capacity and capability constraints within hapū, particularly in non-resourced working spaces.
- Diverse urban and rural priorities, leading to varying levels of engagement and influence.
- The need to balance formal representation structures with informal mechanisms to support prior and informed engagement across all hapū.

These complexities underscore the ongoing need for flexible and adaptive engagement approaches to ensure Whangārei hapū can meaningfully participate in decision-making processes.

3.5 Overview of Operational Activities for March

Cultural Capability support for:

- Māori Services/Engagement Hub
- Waiata sessions | Fortnightly in Manaia room
- Interview Panel Whangārei Arts Trust | Hapu Trustee
- Māori All Blacks game | Pōwhiri
- Te Kārearea | Pōwhiri at Terenga Paraoa
- Whakatau

Māori Engagement support for:

Hapū/Iwi Engagement

- Reserve Management Plans
- Papakāinga Fund
- District wide water projects | An overall engagement approach on all projects pertaining to water
- Lower Waiorohia Loop
- Stormwater hapū hui
- Whangārei Marinetime Festival
- Te Kotahitanga o Ngā Hapu Ngāpuhi
- Te Āhuareka o Ngāti Hine

Hapū Engagement

- Resource Management Consents
- Raumanga Placemaking Plan | Whenua Māori landowners
- Springs Flat Roundabout Project
- Te Huinga

Internal Meetings

- Papakāinga Fund | Internal Panel
- Thrive Consultants | RMP
- District Planning Team | Papakāinga, Matters of Importance to Hapū
- Water projects | Hapū engagement approach
- Ruakākā Wastewater Treatment Plant
- Kōwhiringa 2025 | Elections
- Marketing Planning | Māori All Blacks cultural integration
- Mapping of Marae and areas of interest for Future Development Strategy
- Tangata Whenua Policy draft
- Ngunguru Seawall
- Climate Change steering committee

Council; Te Kārearea | Standing Committee

- Te Kārearea Strategic Partnership Standing Committee
- Working Group - Review of Terms of Reference 2023-2025

3.5.1 Delegated Financial Authority Policy

Nothing to note.

3.6 Legislation changes or updates

The new government has been quick to work on a suite of legislative changes largely rolling back significant initiatives implemented by the previous government affecting local government. While the previous government were committed to strengthening the nation's Tiriti o Waitangi responsibilities, the new coalition government have signalled a different approach to how it sees the nation's responsibilities under the Tiriti o Waitangi.

3.7 Future Planning / What's coming next?

Ongoing development and improvement of tools, frameworks, and materials that enhance organisational cultural understanding, capability, and improved delivery.

As part of this, the **Kia Mātau, Kia Mōhio** Māori Cultural Capability Framework is being developed to strengthen the organisation's understanding of Te Ao Māori, tikanga, and Te Tiriti o Waitangi. This framework will provide structured pathways for both individual and organisational cultural capability growth.

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 information. {Section 7(2)(c)}
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. {Section 48(1)(b)}.
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. {Section 7(2)(c)(i)}.
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

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

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.