

# Strategy, Planning and Development Committee Agenda

**Date:** Thursday, 17 July, 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.

<b>1. Declarations of Interest / Take Whaipānga</b>	
<b>2. Apologies / Kore Tae Mai</b>	
<b>3. Confirmation of Minutes of Previous Strategy, Planning and Development Committee Meeting / Whakatau Meneti</b>	
3.1 Minutes Strategy, Planning and Development Committee Meeting held on 19 June 2025	7
<b>4. Decision Reports / Whakatau Rīpoata</b>	
4.1 New Public and Private Road Names – RMA Consents – Port Nikau Joint Venture – Ref SL2200019	9
4.2 Private Plan Change Request - 422 Marsden Point Road	41
4.3 Notification of Temporary Activities, Cross Boundary Matters, Contaminated Land and Minor Improvements Plan Changes	125
4.4 Whangārei District Airport Final Statement of Intent 2025 - 2026	383
<b>5. Information Reports / Ngā Pūrongo Kōrero</b>	
5.1 Operational Report - Strategy, Planning and Development - July 2025	405
<b>6. Public Excluded Business / Rāhui Tangata</b>	
<b>7. Closure of Meeting / Te katinga o te Hui</b>	

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**

<b>Chairperson</b>	Councillor Ken Couper
<b>Deputy Chairperson</b>	Councillor Scott McKenzie
<b>Members</b>	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, 19 June, 2025  
**Time:** 9:00 a.m.  
**Location:** Civic Centre, Te Iwitihi, 9 Rust Avenue

**In Attendance**

Cr Ken Couper (Chairperson)  
 Cr Scott McKenzie (Deputy Chairperson)  
 His Worship the Mayor Vince Cocurullo  
 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 Paul Yovich

**Not in Attendance**

Cr Gavin Benney  
 Cr Phoenix Ruka

**Scribe**

V. Kloet (Demcracy Adviser)

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*Cr Ken Couper opened the meeting with Karakia.*

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

No interests were declared.

### 2. **Apologies / Kore Tae Mai**

Cr Gavin Benney and Cr Phoenix Ruka.

**Moved By** His Worship the Mayor

**Seconded By** Cr Simon Reid

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 meeting 15 May 2025**

**Moved By** Cr Deborah Harding

**Seconded By** Cr Carol Peters

That the minutes of the Strategy, Planning and Development Committee meeting held Thursday 15 May 2025, 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. Information Reports / Ngā Pūrongo Kōrero**

**4.1 Operational Report - Strategy, Planning and Development - June 2025**

**Moved By** Cr Carol Peters

**Seconded By** Cr Deborah Harding

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

**Carried**

**5. Public Excluded Business / Rāhui Tangata**

There was no business held in public excluded.

**6. Closure of Meeting / Te katinga o te Hui**

The meeting concluded at 9:14am.

Confirmed this 17<sup>th</sup> day of July 2024

Cr Ken Couper (Chairperson)

## 4.1 New Public and Private Road Names – RMA Consents – Port Nikau Joint Venture – Ref SL2200019

**Meeting:** Strategy, Planning and Development Committee  
**Date of meeting:** 17 July 2025  
**Reporting officer:** Toni Satherley - Post Approval Officer

### 1 Purpose / Te Kaupapa

To name 6 public and 1 private roads in the Whangarei district to assign unique addresses for properties to be readily locatable by emergency service responders and service delivery providers.

### 2 Recommendations / Whakataunga

That the Strategy, Planning and Development Committee:

1. Approve the name of 6 public and 1 private road off Port Road, Whangarei as follows –
  - Road 1 – Millbank Drive
  - Road 2 – Gunnels Avenue
  - Road 3 – Waypoint Drive
  - Road 4/6 – Windward Avenue
  - Road 5 – Astern Avenue
  - Road 7 – Mariners Drive
  - Road 8 – Halyard Lane

### 3 Background / Horopaki

A road naming application (Attachment 1) has been received to satisfy conditions of a subdivision for Port Nikau Joint Venture to name 6 public roads and 1 private road off Port Road, Whangarei. These roads are part of Stage 1 of a 108 lot subdivision over 3 stages. The proposed names are considered in accordance with Council's Road Naming Policy 2024.

The applicant has indicated that the road names used refer to things connected with the sea, especially in relation to seaborne trade, naval matters, or coastal regions.

The applicant supplied the following names for **Road 1**:

- **Millbank Drive**  
Location near a river or waterway - historical connections to waterways and shipping.
- **Maritime Drive**  
Refer to anything connected with the sea, especially in relation to seaborne trade, naval matters, or coastal regions.
- **Starboard Drive**  
Starboard is the right side of a ship when facing forward. The term originates from steorbord, meaning "rudder side," because early ships were steered with a paddle on

the right-hand side (*this option is not recommended as it is a duplicate road and does not fit within the current Road Naming Policy*).

The applicant supplied the following names for **Road 2**:

- **Gunnels Avenue** –  
A variant spelling of gunwale, which refers to the upper edge of a ship or boat's side.
- **Saltwater Avenue** –  
Refers to water that contains salt, especially seawater or brine.
- **Breakwater Avenue** –  
A breakwater is a barrier built out into the sea to protect a coast or harbour from the force of waves.

The applicant supplied the following names for **Road 3**:

- **Waypoint Drive**–  
A waypoint in a port is a designated navigational reference point used to guide vessels safely through specific routes or to designated locations within the port.
- **Helmsman Road** –  
A helmsman is a person who steers a ship or boat. They are responsible for maintaining a steady course and following navigational commands.
- **Gennaker Street** –  
A type of sail used in sailing that combines features of a genoa (a large foresail) and a spinnaker (a balloon-like sail for downwind sailing)

The applicant supplied the following names for **Road 4/6**:

- **Windward Avenue** –  
Windward to the direction from which the wind is blowing. Historically, ships sought to gain the windward position in battle, as it allowed them to manoeuvre more effectively and control engagement with enemy vessels.
- **Fender Avenue** –  
A cushion-like device (often made of rubber or rope) placed between a boat and a dock or another vessel to prevent damage.
- **Bollard Avenue** –  
In maritime terms, a bollard is a short, sturdy post used for mooring ships to a dock, quay, or pier.

The applicant supplied the following names for **Road 5**:

- **Astern Avenue** –  
Astern refers to the direction toward the rear (stern) of a ship.
- **Stern Avenue** –  
In maritime terms, the stern is the rear or aft-most part of a ship or boat. It is opposite the bow, which is the front of the vessel.
- **Mainsail Avenue** –  
A mainsail is the primary and largest sail on a sailing vessel, typically attached to the mainmast.

The applicant supplied the following names for **Road 7**:

- **Mariners Drive** –  
A mariner is a person who navigates or works on a ship, especially in a professional capacity.
- **Seaward Drive** –  
The term seaward refers to something toward the sea or facing the sea.
- **Seaboard Drive** –  
Seaboard refers to a region bordering the sea, often used to describe coastal areas or shorelines.

The applicant supplied the following names for **Road 8**:

- **Halyard Lane** –  
A halyard is a rope or line used to hoist and lower sails, flags, or yards on a sailing vessel.
- **Mast Lane** –  
In marine terms, a mast is a vertical spar on a ship or boat that supports sails, rigging, antennas, and navigation lights.
- **Sail Lane** –  
A piece of fabric (usually canvas or synthetic material) attached to a mast to catch the wind and propel a boat or ship.

## 4 Discussion / Whakawhiti kōrero

Under Council's Road Naming Policy Applicants and developers are:

*“Encouraged to work with mana whenua as to whether they have an interest or historical knowledge of the land or area on which the road is to be constructed and asked if they wish to contribute names at the beginning of the development process. If a public road name is required, then the developer must consult with mana whenua as to whether they have an interest or historical knowledge of the area and wish to contribute to the road naming process”.*

In doing so applicants are to provide each mana whenua group with *“at least 15 working days to identify if the area has cultural significance and provide feedback to the applicant”.*

The Policy states that the *“purpose of the feedback is to provide non-binding advice to the applicant as to how culturally significant an area is to mana whenua”.*

### 4.1 Engagement undertaken in support of the current Road Naming application

In working through these requirements the applicant was provided contact details for Te Iwitahi Manihera, Nga Mahinga Ngati Kahu o Torongare and Te Parawhau.

Te Iwitahi Manihera whanau indicated that they supported the road naming of Stage 1, as proposed, and were open to further consult Port Nikau Joint Venture in future road names, for future stages. These future stages to include some historical Maori Road Names. Correspondence from Te Iwitahi Manihera whanau was marked 'in confidence', covering broader matters than the road naming application in question. As such it has not been included in this Agenda.

Nga Mahinga Ngati Kahu o Torongare were contacted and replied requesting the road naming map which was omitted from the original email. Correspondence with Nga Mahinga Ngati Kahu o Torongare has been included as Attachment 2. No further comments/feedback or suggested road names were received from the consultation request sent out by Port Nikau Joint Ventures, due by 6 June 2025.

Te Parawhau were contacted and responded confirming their appreciation of commitment to engage. However, due to the significant cost burden to tangata whenau, they requested an opportunity to discuss consultation fees. Port Nikau Joint Venture replied thanking them for their support and confirming they will be happy to consider their payment/fee request for the wider development, however the road naming feedback for Stage 1 would need to be supplied by close of business that day, 6 June 2025. Relevant correspondence has been included as Attachment 3. No feedback has been received.

## **4.2 Historic engagement**

In addition to the above engagement undertaken in support of the Road Naming application the applicant has provided the 2008 “Assessment of Effects on Tangata Whenua” (understood to be undertaken at the time of the original private plan change for the site) and early engagement correspondence with Jade Kake. While these documents are not directly related to the current Road Naming application they provide background and context, including the suggestion in the 2008 document that ‘Maori names retained and used for naming streets’.

## **4.3 Financial considerations and options**

As this road name application is a condition of their consent all associated costs are recovered from the applicant. Broadly speaking the options for the Committee are to approve or decline the application. Port Nikau Joint Venture's representative has confirmed via email (Attachment 5) that they are keen to progress their road naming application for Stage 1, as this is a critical step in the s223 sign off of conditions, and any delays would be costly to the development.

They have highlighted that they have engaged in accordance with Councils Policy, and any delays would have a direct impact on the development. Through discussions they are aware of the potential for reputational/relationship risk if hapu consider that engagement has not been sufficient, and have indicated that they will continue to engage with hapu on this and future stages of development. In reviewing the information provided, and discussing the matter with the applicant, staff consider that the application as submitted complies with the Policy.

## **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.

## **6 Attachments / Ngā Tāpiritanga**

Attachment 1 – Road Naming Application  
 Attachment 2 – Correspondence with Nga Mahinga Ngati Kahu o Torongare  
 Attachment 3 – Correspondence with Te Parawhau  
 Attachment 4 – Historic Engagement  
 Attachment 5 – Agent confirmation



## **Application for Road Names**

### **Port Nikau Joint Venture - SL2200019 P171270**

Port Nikau Developments Joint Venture (Port Nikau Joint Venture) is applying for names for roads shown on the attached plan for the subdivision under resource consent SL2200019 P171270.

### **Background**

Port Nikau, in Whangārei, has a rich history rooted in its past role as the city's port. More than a decade ago, plans were set in motion to transform the area into a modern waterfront community, blending residential, commercial, and marine industries. Today, Port Nikau is home to superyacht marinas, marine services, and commercial facilities, continuing its legacy as a key player in New Zealand's maritime industry.

Port Nikau's evolution reflects Whangārei's shift from an industrial port to a multi-use waterfront development, ensuring its maritime heritage—including its Māori connections—remains central to its identity.

Continuing with the vision to transform Port Nikau into a vibrant, mixed-use waterfront development, blending residential, commercial, industrial, and recreational spaces – in 2025 we embarked on Stage 1A residential subdivision. This application is for road names for this Precinct 1 Residential subdivision (SL2200019 P171270)

In line with both the history of the area and the future vision, we are proposing a marine / port-based theme for the roading names in this application including general marine, sailing terms, vessel parts, coastal and port activities.

### **Precinct 1 Road Name Application**

The first stage of Port Nikau's residential development is Precinct 1 and this application is for roading names for all roads in the first stage of this subdivision. This application is for seven road names and one lane name. Please refer to the attached map and colour coding each road and walkway as follows:

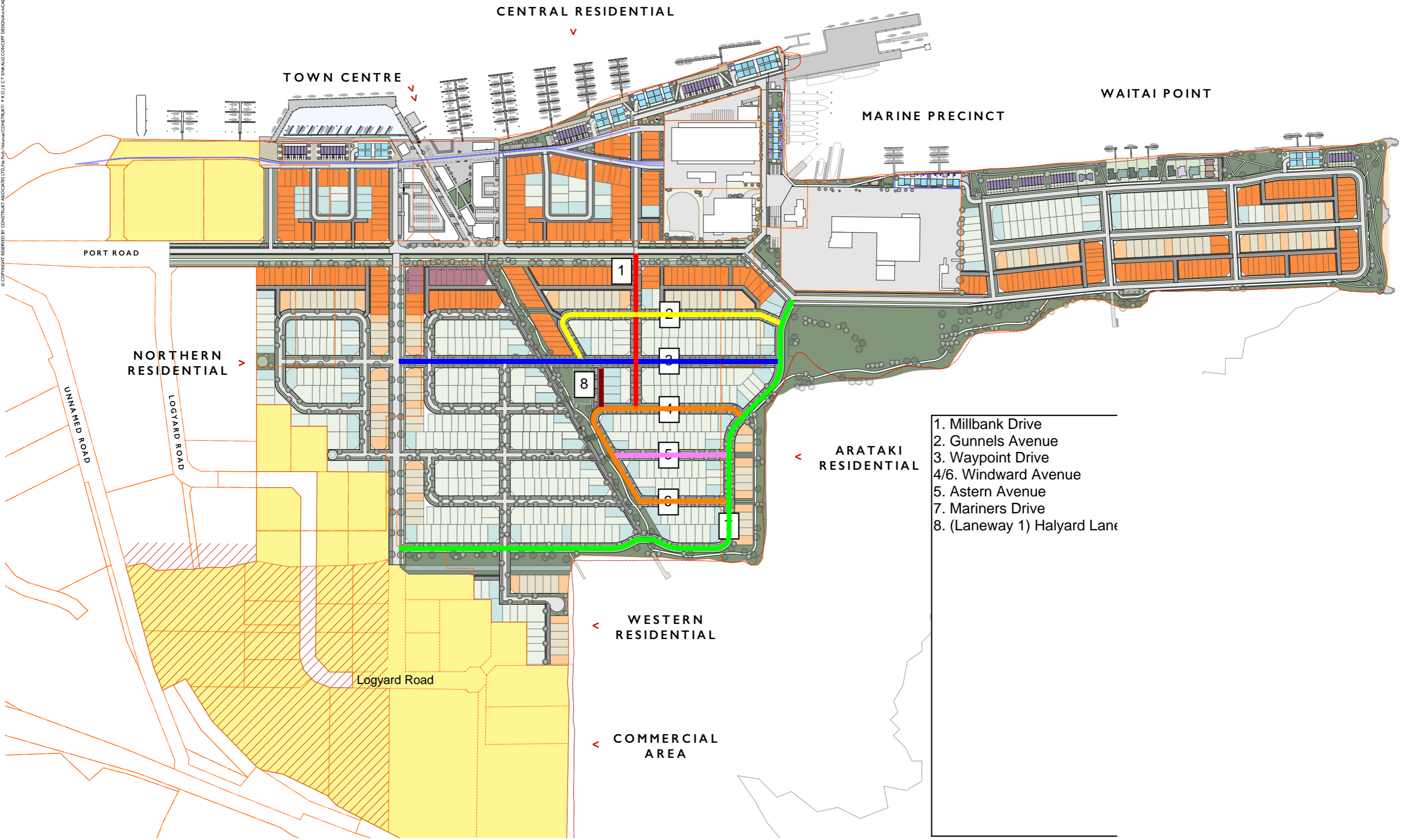
Road number as per consent	Road colour on map	Road Description	Proposed Road Names
1	Red	Entrance road runs from Port Road into subdivision Precinct 1. This road runs from east to west and will be lined with houses on both sides. There are two crossroads with Road 2 (blue) and Road 3 (light green).	<p><b>Road 1</b></p> <p><b>Option 1: Millbank Drive</b> Location near a river or waterway - historical connections to waterways and shipping</p> <p><b>Option 2: Maritime Drive</b> Refer to anything connected with the sea, especially in relation to seaborne trade, naval matters, or coastal regions.</p> <p><b>Option 3: Starboard Drive</b> Starboard is the right side of a ship when facing forward. The term originates from <i>steorbord</i>, meaning "rudder side," because early ships were steered with a paddle on the right-hand side.</p>
2	Yellow	Road connects Road 4 and Road 2	<p><b>Road 2:</b></p> <p><b>Option 1: Gunnels Avenue</b> A variant spelling of gunwale, which refers to the upper edge of a ship or boat's side.</p> <p><b>Option 2: Saltwater Avenue</b> Refers to water that contains salt, especially seawater or brine.</p> <p><b>Option 3: Breakwater Avenue</b> A breakwater is a barrier built out into the sea to protect a coast or harbour from the force of waves</p>

Road number as per consent	Road colour on map	Road Description	Proposed Road Names
3	Blue	Central road in Precinct 1 which runs from North to South across the subdivision.	<p><b>Road 3:</b></p> <p><b>Option 1: Waypoint Drive</b> A waypoint in a port is a designated navigational reference point used to guide vessels safely through specific routes or to designated locations within the port.</p> <p><b>Option 2: Helmsman Road</b> A helmsman is a person who steers a ship or boat. They are responsible for maintaining a steady course and following navigational commands.</p> <p><b>Option 3: Gennaker Street</b> A type of sail used in sailing that combines features of a genoa (a large foresail) and a spinnaker (a balloon-like sail for downwind sailing)</p>
4/6	Orange	Large crescent road at the end of Road 1 which starts and ends at Road 7	<p><b>Road 4/6:</b></p> <p><b>Option 1: Windward Avenue</b> Windward to the direction from which the wind is blowing. Historically, ships sought to gain the windward position in battle, as it allowed them to manoeuvre more effectively and control engagement with enemy vessels</p> <p><b>Option 2: Fender Avenue</b> A cushion-like device (often made of rubber or rope) placed between a boat and a dock or another vessel to prevent damage.</p> <p><b>Option 3: Bollard Avenue</b> In maritime terms, a bollard is a short, sturdy post used for mooring ships to a dock, quay, or pier.</p>

Road number as per consent	Road colour on map	Road Description	Proposed Road Names
5	Pink	A significant road in Precinct 1, this road runs along full two sides of precinct 1 and connects with roads 3, 2, 5, 6 and other roads which will be included in future applications (proposed as roads 7 and 8)	<p><b>Road 5:</b></p> <p><b>Option 1: Astern Avenue</b> Astern refers to the direction toward the rear (stern) of a ship.</p> <p><b>Option 2: Stern Avenue</b> In maritime terms, the stern is the rear or aft-most part of a ship or boat. It is opposite the bow, which is the front of the vessel.</p> <p><b>Option 3: Mainsail Avenue</b> A mainsail is the primary and largest sail on a sailing vessel, typically attached to the mainmast</p>
7	Green	Long road covers two sides of precinct 1 with 8 connecting roads.	<p><b>Road 7:</b></p> <p><b>Option 1: Mariners Drive</b> A mariner is a person who navigates or works on a ship, especially in a professional capacity.</p> <p><b>Option 2: Seaward Drive</b> The term seaward refers to something toward the sea or facing the sea.</p> <p><b>Option 3: Seaboard Drive</b> Seaboard refers to a region bordering the sea, often used to describe coastal areas or shorelines.</p>

Road number as per consent	Road colour on map	Road Description	Proposed Road Names
8 (Laneway 1)	Brown	Small lane connecting Road 3 and Road 4	<p><b>Laneway 1</b></p> <p><b>Option 1: Halyard Lane</b> A halyard is a rope or line used to hoist and lower sails, flags, or yards on a sailing vessel</p> <p><b>Option 2: Mast Lane</b> In marine terms, a mast is a vertical spar on a ship or boat that supports sails, rigging, antennas, and navigation lights.</p> <p><b>Option 3: Sail Lane</b> A piece of fabric (usually canvas or synthetic material) attached to a mast to catch the wind and propel a boat or ship</p>

Port Nikau Development - Road Names



# LOCATION MAP

## Proposed Road Names

### Road 3:

- Waypoint Drive
- Helmsman Road
- Gennaker Street

## Proposed Road Names

### Road 2:

- Gunnels Avenue
- Saltwater Avenue
- Breakwater Avenue

## Proposed Road Names

### Road 8:

- Halyard Lane
- Mast Lane
- Sail Lane

## Proposed Road Names

### Road 4/6

- Windward Avenue
- Fender Avenue
- Bollard Avenue

## Proposed Road Names

### Road 5:

- Astern Avenue
- Stern Avenue
- Mainsail Avenue

## Proposed Road Names

### Road 1:

- Millbank Drive
- Maritime Drive
- Starboard Drive

## Proposed Road Names

### Road 7:

- Mariners Drive
- Seaward Drive
- Seaboard Drive

Deprecated Basemap - Eagle Technology, Land Information New Zealand, Kiwiraill, OpenStreetMap Contributors, Whangarei District Council Land Information New Zealand, Whangarei District Council



## GIS Maps Print

The information displayed is schematic only and serves as a guide. It has been compiled from Whangarei District Council records and is made available in good faith but its accuracy or completeness is not guaranteed.

Parcel Information is sourced from the Land Information New Zealand (LINZ) Data Service. CROWN COPYRIGHT RESERVED. © Copyright Whangarei District Council.

Friday, June 13, 2025

Scale 1:3,500

Projection: NZGD2000 / NZTM 2000

Original Sheet Size 210x297mm



## *Application for Road Naming*

Thank you for making an application to name a road or accessway. It is a privilege to be able to suggest a name a road or accessway within our district. Please familiarize yourself with our Road Naming Policy, which is available on our website.

### *Points to remember when making an application*

- Please print clearly to ensure the form is easy to read.
- We will respond to every application received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- Your application will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

### *Important Considerations*

- Please refer to the **Road Naming Policy** and **Road Naming Index** prior to making your application. These documents will be helpful when proposing road names. Both documents can be found on the Council website at [www.wdc.govt.nz](http://www.wdc.govt.nz)
- Please supply all supporting documentation including any consultation, background information and any other relevant information to aid the approval process.
- Incomplete applications will be given the opportunity to amend and resubmit.

### *How to get this application to us*

Email to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents)

### *Applicant or Agent Details*

Name(s)

Port Nikau Developments JV

Development Address

325 Port Road, Whangarei

Council File Ref

SD/SL/LU

Email

Mobile

## Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

If it is a Public road, you must undertake consultation with the appropriate mana whenua. If you are unsure who to contact, please email [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents) who can assist.

☒ Public ☐ Private

**Proposed road name 1:** Millbank Drive (Red on scheme plan)

Reason

As per attached pdf 'Application for  
Port Nikau PIA Road names Final 10.06.2025'  
and  
'Port Nikau PIA Scheme Plan for Application  
for Road Names Final 10.06.2025'

**Proposed road name 2:** Gunnels Way (Yellow on scheme plan)

Reason

As above

**Proposed road name 3:** Waypoint Drive (Blue on scheme plan)

Reason

As Above

**Please supply a scheme plan map in Black and White with Road or Accessway clearly marked when submitting your application.**

## Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

If it is a Public road, you must undertake consultation with the appropriate mana whenua. If you are unsure who to contact, please email [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents) who can assist.

☒ Public ☐ Private

Proposed road name ~~4~~ 436 - Windward Avenue (Orange on scheme plan)

Reason

As Above

Proposed road name ~~2~~ 5 Astern Avenue (Pink on scheme plan)

Reason

As Above

Proposed road name ~~4~~ 7 Mariners Drive (Green on scheme plan)

Reason

As Above

**Please supply a scheme plan map in Black and White with Road or Accessway clearly marked when submitting your application.**

## Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

If it is a Public road, you must undertake consultation with the appropriate mana whenua. If you are unsure who to contact, please email [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents) who can assist.

☒ Public ☐ Private

Proposed road name 42 8 Halyard lane (Brain or scheme plan)

Reason

As Above

Proposed road name 2:

Reason

Proposed road name 3:

Reason

**Please supply a scheme plan map in Black and White with Road or Accessway clearly marked when submitting your application.**



**Rachel Fowler**

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**From:** Rachel Fowler  
**Sent:** Thursday, 5 June 2025 2:42 pm  
**To:** 'Nga Mahinga Ngati Kahu o Torongare'  
**Subject:** RE: PN road naming consultation

Hi Nicki

Just following up on our consultation for road names for PN precinct 1 – we are due to submit our application to WDC on Monday 9<sup>th</sup> June.

Kind regards

Rachel

**From:** Rachel Fowler  
**Sent:** Friday, 16 May 2025 4:43 pm  
**To:** Nga Mahinga Ngati Kahu o Torongare <ngamahinga.ngatikahu@gmail.com>  
**Subject:** RE: PN road naming consultation

Sure Nicki, please see attached.

Kind regards

Rachel

**From:** Nga Mahinga Ngati Kahu o Torongare <ngamahinga.ngatikahu@gmail.com>  
**Sent:** Friday, 16 May 2025 1:24 pm  
**To:** Rachel Fowler <rachel@portnikau.nz>  
**Subject:** Re: PN road naming consultation

Kia ora Rachel,

The map is not attached could that be sent through please?

Ngā mihi,

Nicki

Admin support

Ngā Mahinga o Ngāti Kahu o Torongare

On Fri, 16 May 2025 at 8:28 AM, Rachel Fowler <rachel@portnikau.nz> wrote:

Hi

By way of introduction, my name is Rachel Fowler, I am the General Manager at Port Nikau, Whangarei.

We are currently in the process of undertaking our stage 1 residential subdivision at Port Nikau and as part of that process we would like to consult with Ngati Kahu o Torongare on the proposed road names for the subdivision. Please see attached our proposed road names for the first stage of our Port Nikau subdivision.

In line with WDC policy, we would appreciate if you could provide feedback to us regarding PN proposed road naming, within 15 working days (by Friday 6<sup>th</sup> June 2025).

Should you have any questions or wish to discuss further, please do not hesitate to contact me.

Kind regards

Rachel

Rachel Fowler (CA)

GENERAL MANAGER / CHIEF FINANCIAL OFFICER

p027 2658 901

325 Port Road, Port Whangārei

[portnikau.nz](http://portnikau.nz)

 **Port Nikau**

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**Rachel Fowler**

---

**From:** Rachel Fowler  
**Sent:** Friday, 6 June 2025 3:02 pm  
**To:** 'Selwyn and Mira Norris'  
**Subject:** RE: PN Road naming Consultation

Kia ora Mira

Thank you for your email and your offer of support.

I appreciate your support and your offer to contribute cultural knowledge and expertise for our development – we will certainly consider this for our wider development, and I will circle back to you.

With regards to road names for precinct 1, today is the last day for consultation before we submit to council, so please let me know by COB today if you would like us to specifically consider any feedback on this.

Kind regards

Rachel

---

**From:** Selwyn and Mira Norris <otaika@xtra.co.nz>  
**Sent:** Friday, 6 June 2025 11:30 am  
**To:** Rachel Fowler <rachel@portnikau.nz>  
**Subject:** PN Road naming Consultation

Kia ora Rachel,

Thank you for reaching out to Te Parawhau regarding the road naming consultation for Port Nikau's stage 1 residential subdivision. We genuinely appreciate your commitment to engaging with tangata whenua as part of your development process and recognise this as a positive step toward meaningful collaboration.

We would very much like to participate in this consultation and contribute our cultural knowledge and expertise to ensure the road names reflect the rich history and significance of this whenua. Our kaumātua and cultural knowledge holders possess deep understanding of traditional place names, historical narratives, and the proper cultural protocols that would make these names authentic and meaningful.

However, we must acknowledge that there is a significant cost borne by tangata whenua in all development processes that is not rightfully recognised. The cultural expertise, time, and knowledge that we bring to consultations like this represents valuable professional contribution that deserves fair compensation, just as you would pay any other specialist consultant involved in your development.

Our participation in this consultation would involve:

- Research into traditional and historical place names relevant to the area
- Consultation with our kaumātua and cultural knowledge holders
- Verification of cultural appropriateness and proper pronunciation
- Provision of background and significance for each recommended name
- Ongoing availability for questions and cultural guidance

We would welcome the opportunity to discuss a consultation fee that reflects the value of this expertise and the time investment required to provide quality cultural input within your timeframe.

We look forward to hearing from you about how we can work together in a way that honours both your development needs and the proper recognition of tangata whenua knowledge.

Ngā mihi,

Mira Norris

Te Parawhau

---

Hi

By way of introduction, my name is Rachel Fowler, I am the General Manager at Port Nikau, Whangarei.

We are currently in the process of undertaking our stage 1 residential subdivision at Port Nikau and as part of that process we would like to consult with Te Parawhau on the proposed road names for the subdivision. Please see attached our proposed road names for the first stage of our Port Nikau subdivision.

In line with WDC policy, we would appreciate if you could provide feedback to us regarding PN proposed road naming, within 15 working days (by Friday 6<sup>th</sup> June 2025).

Should you have any questions or wish to discuss further, please do not hesitate to contact me.

Kind regards

Rachel

**Rachel Fowler (CA)**  
**GENERAL MANAGER / CHIEF FINANCIAL OFFICER**

**p027 2658 901**  
**325 Port Road, Port Whangārei**  
**[portnikau.nz](http://portnikau.nz)**



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## *Application for Road Naming*

Thank you for making an application to name a road or accessway. It is a privilege to be able to suggest a name a road or accessway within our district. Please familiarize yourself with our Road Naming Policy, which is available on our website.

### *Points to remember when making an application*

- Please print clearly to ensure the form is easy to read.
- We will respond to every application received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- Your application will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

### *Important Considerations*

- Please refer to the **Road Naming Policy** and **Road Naming Index** prior to making your application. These documents will be helpful when proposing road names. Both documents can be found on the Council website at [www.wdc.govt.nz](http://www.wdc.govt.nz)
- Please supply all supporting documentation including any consultation, background information and any other relevant information to aid the approval process.
- Incomplete applications will be given the opportunity to amend and resubmit.

### *How to get this application to us*

Email to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents)

### *Applicant or Agent Details*

Name(s)

Port Nikau Developments JV

Development Address

325 Port Road, Whangarei

Council File Ref

SD/SL/LU

Email

Mobile

## Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

If it is a Public road, you must undertake consultation with the appropriate mana whenua. If you are unsure who to contact, please email [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents) who can assist.

☒ Public ☐ Private

**Proposed road name 1:** Millbank Drive (Red on scheme plan)

Reason

As per attached pdf 'Application for  
Port Nikau PIA Road names Final 10.06.2025'  
and  
'Port Nikau PIA Scheme Plan for Application  
for Road Names Final 10.06.2025'

**Proposed road name 2:** Gunnels Way (Yellow on scheme plan)

Reason

As above

**Proposed road name 3:** Waypoint Drive (Blue on scheme plan)

Reason

As Above

**Please supply a scheme plan map in Black and White with Road or Accessway clearly marked when submitting your application.**

## Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

If it is a Public road, you must undertake consultation with the appropriate mana whenua. If you are unsure who to contact, please email [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents) who can assist.

☒ Public ☐ Private

Proposed road name ~~4~~ 436 - Windward Avenue (Orange on scheme plan)

Reason

As Above

Proposed road name ~~2~~ 5 Astern Avenue (Pink on scheme plan)

Reason

As Above

Proposed road name ~~4~~ 7 Mariners Drive (Green on scheme plan)

Reason

As Above

**Please supply a scheme plan map in Black and White with Road or Accessway clearly marked when submitting your application.**

## Proposed Road Name Details

Please indicate whether the road is Public or Private (✓ box)

If it is a Public road, you must undertake consultation with the appropriate mana whenua. If you are unsure who to contact, please email [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) (Attention: RMA Consents) who can assist.

☒ Public ☐ Private

Proposed road name 42 8 Halyard lane (Brain or scheme plan)

Reason

As Above

Proposed road name 2:

Reason

Proposed road name 3:

Reason

**Please supply a scheme plan map in Black and White with Road or Accessway clearly marked when submitting your application.**

## Clare Davies-Colley

---

**From:** Clare Davies-Colley  
**Sent:** Monday, 14 June 2021 3:03 PM  
**To:** 'Jade Kake'  
**Cc:** mark@dcbase.nz  
**Subject:** Port Nikau

Hi Jade,

Thanks for calling in yesterday, appreciate you taking time out of your busy day.

Here's a Onedrive link to the PNDA (Port Nikau Development Area)  
[https://1drv.ms/u/s!AoB\\_Fphj7DkcgSTKTAyootXmnD4v?e=D1OUdi](https://1drv.ms/u/s!AoB_Fphj7DkcgSTKTAyootXmnD4v?e=D1OUdi)

As we discussed, we have a long-time commitment to weave local iwi culture and history into Port Nikau. The early consultation with Te Parawhau indicated a desire of iwi to have historic links to the Port Nikau area discussed in visual displays and to have an input into street naming. This aligns with our own vision of the area being a quality development with genuine Whangarei influences. The market for housing is likely to be predominantly local.

The marine business is important to Port Nikau and is increasingly attracting vessels from around NZ and internationally. We want to reflect a modern and attractive Whangarei in our developments around the marine sector. That includes incorporating Te Reo maori where appropriate and providing way-finder boards to explain the development and history of the area, including pre Harbour Board reclamation.

We would appreciate some suggestions to help with naming. In particular, we are interested in themes reflecting:

- Maritime history
- Vessels/boats and related terminology
- Water, salt water
- Tide, tidal, high tide, low tide etc
- Fishing
- Limestone Island/Matakohe
- Views of the harbour, water
- Land, land reclamation, connection to the hills to the west
- People of interest

Tony seems to recall discussing these two already with Marina, and have been incorporated into our plans. Though this wasn't the process you recommended, we would appreciate these names being given serious consideration, as to change now, while not impossible, is not ideal.

- Waitai Trail – this is our walking/cycling trail around the perimeter
- Arataki – the central diagonal running east-west through the development

### Wayfinder Boards

You mentioned that you have done some work in this space through your business. We would be interested in talking about this further.

*Kind regards,*

*Clare Davies-Colley*  
Director



P: 09 430 2126 M: 027 473 9556  
32 Logyard Rd, Port Whangarei  
PO Box 328, Whangarei 0148  
Email: [clare@bdx.nz](mailto:clare@bdx.nz)  
Website: [www.bdx.nz](http://www.bdx.nz)

**From:** [Toni Satherley](#)  
**To:** [Toni Satherley](#)  
**Subject:** FW: Port Nikau Precinct 1 Road Naming Application  
**Date:** Friday, 4 July 2025 10:43:03 am

---

Hi Toni

As per our discussion, I can confirm we wish to continue with the submission of our Port Nikau Precinct 1A road naming application on the basis that we have complied fully with WDC Road Naming Policy.

With regards to Māori consultation specifically, please note that:

1. We followed WDC Road Naming Policy guidance on Māori consultation by requesting Council to provide guidance as to appropriate mana whenua of an area (3 Hapu email addresses were provided by WDC and we included all 3 Hapu in our consultation communications)
2. We followed WDC Road Naming Policy by providing each mana whenua group 15 working days to identify if the area has cultural significance and provide feedback on the proposed road names.
3. Where WDC policy was not prescriptive on the consultation process, we agreed and undertook a consistent consultation process with all three Hapu to ensure equal and fair treatment across each Hapu.
4. We offered the same consultation process to each Hapu and where there was no response, we followed up on multiple occasions, to try to obtain engagement/feedback.
5. To extend the consultation period/process for one Hapu would result in unequal treatment to the other Hapu who did adhere to WDC requirement of 15 working days for consultation.
6. WDC Road Naming Policy states 'the applicant must provide evidence that they have given mana whenua an opportunity to provide feedback' – we have provided evidence of emails providing opportunity for feedback to all three Hapu.
7. WDC states Mana whenua must be consulted for all proposals involving Māori-spelt names. Please note our proposed road names in our application do not include Māori-spelt names.

Our residential development is significantly impacted by any delay of our road naming application. The reason for this is because we cannot get titles for the subdivision until we have approved road names. As such, there would be a significant commercial impact to Port Nikau should the WDC policy regarding Hapu consultation be changed and further consultation be required, at this stage.

Based on the above, we are sincerely hopeful for a timely completion of our P1 road naming application. Please do not hesitate to reach out if you require any additional information.

Kind regards

*This email may contain information that is privileged or confidential. If you are not the intended recipient please advise the sender and destroy it.*

## 4.2 Private Plan Change Request – 422 Marsden Point Road

**Meeting:** Strategy, Planning and Development Committee  
**Date of meeting:** 17 July 2025  
**Reporting officer:** Natalie Dey (Intermediate Planner – District Plan)  
 Robert Burgoyne (Kaiārahi Pūkenga – District Plan)

### 1 Purpose / Te Kaupapa

To seek a decision to accept and notify a private plan change request by On Point Northland Limited to rezone 422 Marsden Point Road from Heavy Industrial Zone to Light Industrial Zone and introduce a precinct overlay.

### 2 Recommendation/s / Whakataunga

That the Strategy, Planning and Development Committee:

1. Accepts the Request for a private plan change by On Point Northland Limited pursuant to clause 25(2)(b) of Part 2 of Schedule 1 of the Resource Management Act 1991.
2. Approves for notification the private plan change by On Point Northland Limited under Clause 26 of Part 2 of the Schedule 1 of the Resource Management Act 1991.
3. Delegates the Chief Executive to make any non-material minor edits or amendments to the plan change documents including typographical/ formatting changes, or changes to correct any identified errors.
4. Notes that a decision to accept the request for a plan change will commence the process, with the plan change being brought back to the Committee or Council for decision making following notification, submissions and hearings.
5. Notes that if the plan change is accepted the applicant will pay the actual and reasonable cost of processing this private plan change.

### 3 Background / Horopaki

A Request for a Private Plan Change to the Whangārei District Plan has been made by On Point Northland Limited to Whangarei District Council (the Request). The Request proposes:

- Rezoning of 2.4 hectares of land at 422 Marsden Point Road (refer Figure 1) from Heavy Industrial Zone (refer Figure 2) to Light Industrial Zone; and

- Introducing a precinct overlay to this land with site-specific rules that provide for a limited range of commercial activities.



Figure 1- 422 Marsden Point Road Aerial Image

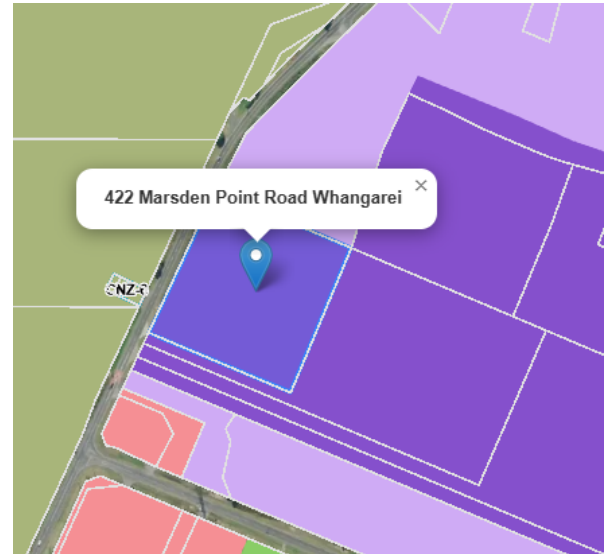


Figure 2 - 422 Marsden Point Road - District Plan Zoning Map – Heavy Industrial Zone shown in Purple and Light Industrial Zone shown in pink

The Request was formally received by Council on 20 December 2024. Since December, Council has worked with the Applicant to have the original Request significantly narrowed and refined in scope, with Council now being required to consider the Request pursuant to clause 25 of Part 2 of Schedule 1 of the Resource Management Act 1991.

Informational updates on the processing of this Request have been provided in the monthly Operational Reports to the Strategy, Planning and Development Committee since the January 2025. An overview of the Request and the timeline of the process to date was presented to Elected Members at a Council Briefing on 25 June 2025. Response to feedback received at the briefing can be found in Attachment 1.

A summary of key dates relating to the processing of the Request are as follows, with further details on this process set out in in section 4 of Attachment 3 – Assessment Report for 422 Marsden Point Road Private Plan Change Request:

- 20 December 2024 – Request formally lodged with Council.
- 7 February 2025 – Council issued first request for further information due to insufficient detail in the original request.
- 17 March 2025 – Applicant responded to request for further information; however, several matters remained unresolved.
- 4 April 2025 – Council issued second request for further information.
- 9 May 2025 – Applicant responded to second request for further information, which still did not fully address the outstanding issues.
- 23 May 2025 – Council issued a notice under Clause 24 of Schedule 1 of the Resource Management Act 1991 (RMA), requesting modifications to the proposed precinct provisions.
- 27 May 202 – Applicant responded to the modification request accepting all modifications.

The full Private Plan Change request, including supporting documentation, is available on the [Whangarei District Council website](#) and is appended to this report as Attachment 2, to be distributed under separate cover.

## 4 Discussion / Whakawhiti kōrero

### 4.1 Plan Change Evaluation

The private plan change request has been assessed against the requirements of the RMA in the 'Assessment Report for 422 Marsden Point Road Private Plan Change Request' appended as Attachment 3 and summarised in Section 4.2 below.

The Assessment Report evaluates the relevant matters under Clauses 23 and 25 of Part 2 of Schedule 1 of the RMA. These clauses require consideration of the following:

- Adequacy of information provided with the request;
- Whether the request should be 'rejected' for any of the reasons specified in the RMA;
- Whether the request should be 'adopted' by the Council as a Council-initiated plan change;
- Whether the request should be 'accepted' and processed as a private plan change;
- Whether the matters contained within the plan change request would be better addressed as a resource consent.

### 4.2 Options and Recommendation for Decision Required

The Committee is required to make one of the following decisions on the Request based on robust and defensible reasoning:

1. Adopt the Request, in whole or in part, as if it were a Council-initiated plan change (including Council meeting all costs), and proceed to notify it;
2. Accept the Request, in whole or in part, and proceed to notify it (recovering costs);
3. Treat the Request as an application for a resource consent; or
4. Reject the Request, in whole or in part, where grounds exist under the RMA.

The assessment report recommends that the Committee 'accept' the request and process it as a private plan change, with the applicant bearing the costs of the plan change process. In relation to the options for this decision:

- It is not recommended to reject the Request, in whole or part, because there are no reasonable grounds to do so under clause 25(4) of Part 2 of Schedule 1 of the Resource Management Act 1991.
- It is not recommended that the Committee 'adopt' the plan change, as the Council would then bear the costs associated with the plan change process from the date of adoption, rather than the Applicant bearing these costs. If the recommendation is accepted, Council must notify the proposed plan change within 4 months of the decision. It is recommended that, in this event, the notification occurs in August/September 2025 on a 'limited' basis.
- It is not recommended to treat the Request as an application for a resource consent as there is not a specific activity being applied for.

It is important to note that a decision to 'accept' the plan change will initiate the formal plan change process. This includes the process of notification, submissions, and hearings. At the completion of these processes, the matter will then be brought back to the Committee for a decision to approve, decline, or approve with modifications the proposed plan change.

#### **4.3 Financial/budget considerations**

Where the Committee makes a decision to 'accept' a request for a plan change, all actual and reasonable processing costs until the time any appeal may be lodged, will be charged to the Applicant (including staff and consultant time and the administrative costs of notifying and hearing the plan change). Any appeal costs will be determined as per the appeal hearing process.

#### **4.4 Policy and planning implications**

The effect of the private plan change, were it to become operative, is that the site would be subject to the provisions of the Light Industrial Zone Chapter and the 422 Marsden Point Road precinct provisions, rather than the Heavy Industrial Zone Chapter.

#### **4.5 Risks**

Failure to accept the private plan change request could result in legal challenge under the RMA as there are no reasonable grounds under clause 25 of Part 2 of Schedule 1 to the RMA to reject the request.

### **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 of the Request if Committee decide to adopt or approve the request.

### **6 Attachments / Ngā Tāpiritanga**

Attachment 1 – Response to feedback from Elected Members at 25 June 2025 Council Briefing

Attachment 2 – Application Package for 422 Marsden Point Road Private Plan Change Request (**attachment available under separate cover**)

Attachment 3 – Assessment Report for 422 Marsden Point Road Private Plan Change Request

## Attachment 1 - Responses to feedback from Elected Members at 25 June 2025 Council Briefing

Topic	Council Staff response
<p>Stormwater – Concerns regarding impervious surface coverage and stormwater impacts from site development.</p>	<p>While neither the existing Heavy Industrial Zone nor the proposed Light Industrial Zone includes specific controls on impervious surfaces or building coverage, the District Plan's Three Waters chapter applies district-wide provisions. These provisions require resource consent for any activity within Business zones—including both Heavy and Light Industrial—that increases impervious surface area by 1,000m<sup>2</sup> or more.</p> <p>Given the site's total area of 2.4 hectares, only a relatively small portion could be developed without triggering the need for consent (refer to image below showing 1000m<sup>2</sup> of the site). Any development beyond this threshold would require assessment against stormwater management criteria to ensure appropriate mitigation of potential effects.</p>  <p>There are also other mechanisms to manage stormwater concerns outside of the district plan, including Council's Environmental Engineering Standards, and Council's Stormwater Management bylaw.</p>
<p>Transport effects</p>	<p>Development within the proposed Light Industrial Zone and precinct overlay would be subject to the same transport provisions as those under the operative Heavy Industrial Zone. No changes</p>

	<p>are proposed to the Transport Chapter, and the Integrated Transport Assessment requirements remain in effect. These provisions require transport assessments for activities that exceed the permitted gross floor area thresholds outlined in the chapter.</p> <p>The gross floor area thresholds are designed to trigger assessments for developments of a scale likely to generate increased traffic or visitor numbers, ensuring potential transport impacts are appropriately evaluated. Council retains discretion to decline consent where transport effects are deemed unacceptable.</p> <p>Additionally, under the proposed precinct provisions, resource consent is required for general retail activities. Matters of discretion include transport impacts, enabling Council to request a transport assessment and, if necessary, decline consent where adverse effects cannot be adequately mitigated.</p> <p>The applicant has provided a Transport Assessment, included in Appendix C of Attachment 2. Council staff engaged an independent transport expert to review the assessment. The expert concluded that the proposed rezoning does not raise concerns, as sufficient provisions are in place through the Transport chapter to manage potential effects, and appropriate controls are proposed to manage transport effects in the precinct general retail activities rule.</p> <p>Additionally, the applicant consulted with New Zealand Transport Agency (refer to Appendix H of Attachment 2), who did not express any concerns regarding the rezoning proposal.</p>
Cost of adopting of the plan change	<p>Costs are only incurred by Council if the request is “<b>adopted</b>”. Staff recommend “<b>accepting</b>” the request, which would result in the applicant bearing the associated costs.</p>
Concern about the private plan change process	<p>Any individual or organisation has the right to lodge a private plan change request under the Resource Management Act. Upon receipt of such a request, Council is obligated to follow the statutory process outlined in the Resource Management Act.</p> <p>This plan change request has been reported to Elected Members through Council’s monthly operational reports, ensuring transparency in the Request for Further information process. A Council briefing was held once sufficient information had been provided by the applicant regarding the proposed changes, allowing Elected Members to be informed early and throughout the process.</p> <p>The decision to accept, adopt, or reject a private plan change rests solely with Council. However, any decision to reject must be based on robust and defensible reasoning, as unjustified rejection may be subject to appeal in the Environment Court.</p>

Structure planning	<p>There was discussion of the potential for ‘spot zoning’ through private plan changes, and the potential for these to be inconsistent with the broader strategic direction of Council. It’s important to note that private plan change requests are assessed individually, in accordance with statutory requirements. However, when taking this request into account it does not necessarily reflect a shift in Council’s broader strategic direction, as indicated through relevant structure planning exercises.</p> <p>The last structure planning exercise for Marsden Point and Ruakākā area was adopted in 2009. It is noted that the structure plan identifies the site as Light Industrial. Structure planning is a comprehensive process that would require a change in Council priorities and resourcing to initiate. If there is a desire to establish a coordinated long-term vision for development in this location, structure planning would be the appropriate tool to guide future zoning decisions and ensure consistency across land use, infrastructure, and community outcomes.</p> <p>However, Council recently prioritized structure planning for Raumanga over structure planning planned for One Tree Point/ Ruakākā. As such a new structure planning exercise is for One Tree Point/Ruakākā is not scheduled to commence until early 2026. In the mean time Council remains obligated to consider private plan change requests on their merits, within the framework of the Resource Management Act.</p>
Reading difficulties with proposed provision in green font	<p>We note that the current green text formatting of the proposed 422 Marsden Point Road Light Industrial Precinct Provisions is difficult to read. This will be amended to be consistent with Whangārei District Plan formatting and styling before notification.</p>



# Assessment Report for 422 Marsden Point Road Private Plan Change Request

## *Report assessing Clauses 23 and 25, Part 2 of the Schedule 1 of the Resource Management Act 1991*

### 1. Purpose

- 1.1 This report assesses whether the private plan change request by On Point Northland Limited (“the Applicant”) should proceed as a proposed plan change. It provides the justification for the recommendation to the Whangarei District Council (“the Council”) Strategy Planning and Development Committee (“the Committee”), in accordance with Clause 25 of Part 2, Schedule 1, of the Resource Management Act 1991 (RMA).
- 1.2 The Committee must decide whether to ‘adopt’, ‘accept’, or ‘reject’ the plan change request, or whether to treat it as a resource consent application. Neither ‘adopt’ nor ‘accept’ implies that the plan change is or will be supported or approved by the Council. The notification, submissions, and hearings process must be undertaken before the matter is submitted to the Committee for a decision on the requested plan change.

### 2. Introduction

2.1 A request for a Private Plan Change (“the Request”) has been made by On Point Northland Limited to the Council, proposing the rezoning of 422 Marsden Point Road (“the site”) and modifications to the planning provisions that apply. The Request proposes:

- Rezoning of 2.4 hectares of land at 422 Marsden Point Road (outlined in Figure 1 below) from Heavy Industrial Zone to Light Industrial Zone; and
- Introducing a precinct overlay to this land with site-specific rules that provide for a limited range of commercial activities.



Figure 1: 422 Marsden Point Road Site Location

2.2 A private plan change request can be made by any person under Clause 21 of Schedule 1, Part 2 of the RMA. The process for private plan changes is prescribed in Schedule 1, Part 2 of the RMA. In summary, the statutory process includes the following steps:

- a) A request is received in writing – it must contain an explanation of the purpose and reasons for the request, a Section 32 evaluation report, and a description of environmental effects.
- b) Under Clause 23 of the RMA, Council may require further information necessary to enable the local authority to better understand the plan change request and its effects on the environment. If information received under this clause is insufficient, then Council may require additional information.
- c) As a result of any further information provided, under Clause 24 Council may, with the agreement of the person who made the request, modify the request.
- d) Under Clause 25, the local authority must decide if it adopts, accepts, or rejects the request in full or in part, or it may decide to deal with it as if it were a resource consent application. The grounds for rejecting a request are specifically limited by Clause 25 of Schedule 1, Part 2. This report addresses this step in the overall process.

- e) If a request is accepted or adopted, the local authority must notify the request within four months of agreeing to accept or adopt the request.
- f) The private plan change request then follows the procedures of Part 1 of Schedule 1 of the RMA regarding notification, submissions, and hearings.
- g) After the hearing, the local authority may approve, decline, or approve with modifications the proposed plan change.
- h) The local authority's decision can be appealed to the Environment Court.

2.3 This report has been prepared pursuant to clause 25 of Schedule 1, Part 2 of the RMA, i.e. the decision as to whether to adopt, accept, or reject the Request in full or in part, or to deal with it as if it were a resource consent application.

### 3. Background

3.1 The Applicant is the owner of the site, which is currently unoccupied. At present, the site remains bare, with no active use or development occurring.

3.2 The Applicant has requested the plan change due to difficulties encountered in progressing development under the site's current Heavy Industrial zoning. The Applicant has advised that: Feedback from prospective occupants has indicated a preference for Light Industrial zoning, which is considered more compatible with the types of activities envisioned for the site—such as trade retail; the existing Heavy Industrial zoning has introduced uncertainty and perceived risk, particularly around the need for resource consent to establish such activities; and these factors have reportedly discouraged potential tenants from pursuing development opportunities on the site.

3.3 Prior to lodging the Request, the Applicant participated in a pre-application meeting with Council officers. As is standard practice, confidentiality was maintained throughout this process. The Applicant also undertook consultation with adjoining landowners and local hapū, including Patuharakeke Iwi Trust Board in accordance with the requirements of the Mana Whakahono ā Rohe agreement between the Council and Patuharakeke Iwi Trust Board.

3.4 Following the formal lodgement of the Request, the application and all supporting information was uploaded to Council's public website. Informational updates on the processing of the Request have been provided in the monthly Operational Reports to the Committee, and the Request was formally reported to Council Elected Members at the 25 June 2025 Council Briefing.

## 4. Sufficiency of Information and Modification of Request

4.1 Pursuant to Clause 23, Schedule 1, Part 2, on receipt of the Request on 20 December 2024 Council officers undertook a review of the Request to assess whether sufficient information was provided to understand the nature of the Request in respect of the effect it will have on the environment, the ways in which any adverse effects will be mitigated, and the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the Request.

4.2 Council officers considered that further information was required and formally requested this on 7 February 2025 (see Attachment 1). As part of this process, Council officers also offered to meet with the Applicant to discuss the information request in more detail and provide clarification where needed.

4.3 The information request sought further technical assessment and planning analysis and evaluation on several matters. Broadly information was sought on the following points:

- An assessment of relevant iwi and hapū management plans.
- The clarity and intent of the proposed provisions.
- The assessment of the efficiency and effectiveness of the proposed approach and consideration of alternatives (in accordance with section 32 of the RMA).
- Assessment of how the proposed rezoning aligns with the objectives and policies of the Operative Whangārei District Plan.
- Consideration of alignment with Northland Regional Policy Statement.
- The consideration of relevant non-statutory strategies and plans.
- Identification of persons affected by the plan change to understand its environmental impact.
- The methodology, inputs, and conclusions of technical evidence including the traffic and economic assessments.

4.4 The Applicant responded on 17 March 2025, addressing some of the matters raised (see Attachment 2). However, several issues remained inadequately addressed. As a result, a second information request was issued on 4 April 2025, focusing on the unresolved matters (see Attachment 3). Council officers again offered to meet with the Applicant to clarify the outstanding matters and assist in progressing the request efficiently. Broadly the outstanding matters where further information was requested were:

- Evidence of consultation with Te Iwi O Ngātiwai or an assessment against the Te Iwi O Ngātiwai Environmental Policy Document (2007).

- The assessment of the efficiency and effectiveness of the proposed approach and consideration of alternatives.
- Assessment of how the proposed rezoning aligns with the objectives and policies of the Operative Whangārei District Plan.
- Clarity and intent of the proposed provisions particularly "High Technology Industrial Activities."
- Additional transport and economic assessment of enabling general retail and food and beverage activities at increase scale.
- Rationale for how the affected parties were identified.

4.5 A response to the second information request was received on 9 May 2025 (see Attachment 4). However, the information remained insufficient to fully assess environmental effects, mitigation measures, benefits and costs, and the overall planning rationale of the request.

4.6 Consequently, on 23 May 2025, Council officers issued a notice under Clause 24 of Schedule 1 to the Resource Management Act 1991 (RMA), outlining potential modifications to the Request to amend the proposed precinct provisions where insufficient information had been provided (see Attachment 5). Council officers again offered to meet with the Applicant to discuss the proposed modifications or potential alternatives.

4.7 The Applicant responded on 27 May 2025, agreeing to and incorporating all modifications proposed by Council officers. Following the modifications, the private plan change Request has been significantly narrowed and refined from its original form.

## 5. The Plan Change Request

5.1 Having been amended through the information request and modification request stages, the Request now seeks to rezone 422 Marsden Point Road from Heavy Industrial Zone to Light Industrial Zone and introduce a precinct overlay titled "422 Marsden Point Road Light Industrial Precinct."

### Rezoning

5.2 The site currently known as 422 Marsden Point Road was originally part of 420 Marsden Point Road and had a split zoning of Business 2 and Business 4 Environments (refer to Figure 2). As part of the Urban and Services Plan Change Package—specifically Plan Change 88H—it was proposed to retain this split zoning and rezone the site to a combination of Light Industrial Zone and Heavy Industrial Zone. Refer Figure 3.

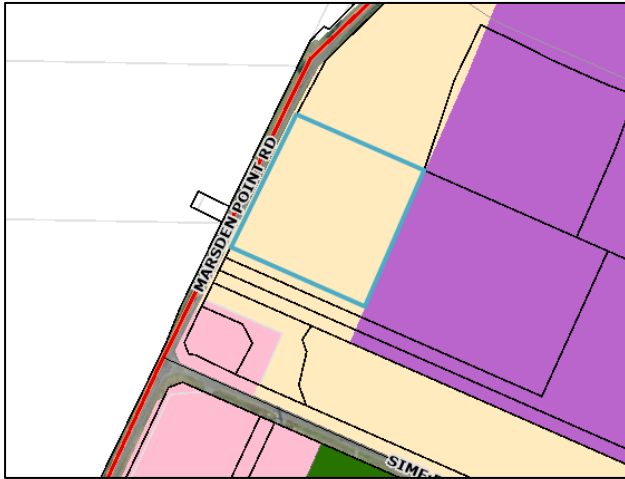


Figure 2 – Operative Whangārei District Plan 2007 Mapping showing Business 2 Environment (yellow) and Business 4 Environment (purple)



Figure 3 – Proposed Zoning in Plan Change 88H showing proposed Light Industrial Zone (pink) and proposed Heavy Industrial Zone (purple)

- 5.3 A submission was received on Plan Change 88H requesting that the front portion of 420 Marsden Point Road (now 422 Marsden Point Road) be rezoned from Light Industrial Zone to Heavy Industrial Zone. The submission was made by the landowner and sought to remove the uncertainty and inefficiencies created by the split-zoning. The Hearings Commissioners supported the submission, recommending that the whole site be zoned Heavy Industrial Zone.
- 5.4 Since that time, the site has been subdivided, and the rationale for applying a consistent Heavy Industrial zoning across the entire site is no longer applicable.
- 5.5 The surrounding area comprises a mix of Light and Heavy Industrial zones, as illustrated in Figure 3. The proposed Light Industrial zoning aligns with the zoning of adjacent properties to both the north and south.



Figure 3 - Operative Zoning Context

5.6 At approximately 2.4 hectares, the site represents a relatively small portion of industrial land. According to the Whangārei Housing and Business Development Capacity Assessment 2024<sup>1</sup>, there is sufficient Heavy Industrial land available to meet future demand. Therefore, the proposed rezoning is not expected to adversely impact the overall supply of Heavy Industrial land.

5.7 In this context, the proposed rezoning from Heavy Industrial to Light Industrial is considered to be consistent with sound resource management practice, reflecting both the current land use intentions and the surrounding zoning environment.

### Precinct Overlay

5.8 In addition to the proposed rezoning, the Request also proposes a precinct overlay with a set of site-specific provisions.

5.9 The National Planning Standards 2019 enable the use of precincts to spatially identify and manage areas where additional place-based provisions are required to modify or refine the policy approach or anticipated outcomes of the underlying zone(s).

5.10 Within the Whangārei District Plan, precincts are used to manage areas with distinctive characteristics or specific development aspirations.

<sup>1</sup> [2024 Whangārei Housing and Business Development Capacity Assessment](#)

5.11 Precinct provisions apply in addition to the rules of the underlying zone. Where both the precinct and the zone regulate the same activity, the precinct rule takes precedence, overriding the corresponding zone rule.

5.12 The proposed precinct rules do not significantly depart from the underlying Light Industrial Zone standards. However, they provide a more enabling framework for the following activities:

- Trade Retail
- Food and Beverage Activities
- Drive-Through Facilities
- General Retail

5.13 The proposed precinct provisions are included in the “Application Package for 422 Marsden Point Road” which is Attachment 2 of the Agenda for the 17 July Strategy Planning and Development meeting. The table below outlines the key differences between the standard Light Industrial Zone provisions and those proposed under the precinct overlay:

*Table 1 - Comparison of Light Industrial Zone Provision and Proposed Precinct Provisions*

<b>Activity</b>	<b>Light Industrial Zone</b>	<b>Proposed Precinct Provision</b>
Trade Retail	Permitted where Gross Floor Area exceeds 450m <sup>2</sup>	Permitted where Gross Floor Area exceeds 250m <sup>2</sup>
Food and Beverage Activities	Permitted where Gross Floor Area is less than 250m <sup>2</sup>	Permitted as per the underlying Light Industrial Zone rules, or where the activity is located within the same building as a trade retail or industrial activity, and the Gross Floor Area is less than 450m <sup>2</sup>
Drive-Through Facilities	Permitted where Gross Floor Area is less than 250m <sup>2</sup>	Permitted where Gross Floor Area is less than 450m <sup>2</sup>
General Retail (as primary use)	Non-Complying Activity	Restricted Discretionary Activity  Matters of discretion: Reverse Sensitivity, Business Zone Impacts, Transport Network Effects, Active Transport Connectivity.

5.14 Given that the precinct allows for a modest increase in commercial activity, supported by appropriate controls to manage potential adverse effects, the proposed use of a precinct is considered consistent with sound resource management practice.

## 6. Options for Responding to the Plan Change Request

6.1 Any person may request a change to a district plan under clause 21 of Part 2 of Schedule 1 of the RMA. Any such request must be assessed and considered in accordance with the requirements of Part 2 of Schedule 1 of the RMA.

6.2 Under clause 25, a Local Authority may either:

- a) Reject the request in whole or in part; or
- b) Process the request as if it were an application for a resource consent; or
- c) Adopt the request, or part of the request, as if it were proposed by the local authority; or
- d) Accept the request, in whole or in part, and proceed to notify the request.

6.3 These statutory matters have been considered in informing the recommended decision on the Request by On Point Northland Limited and are discussed in further detail below.

### Reject Request

6.4 Under Clause 25, Schedule 1, Part 2, the grounds on which a local authority may reject a plan change request are:

- a) That the request or part of the request is frivolous or vexatious; or
- b) Within the last 2 years the substance of the request has been considered and given effect to, or rejected, or has been given effect to by regulations; or
- c) The request is not in accordance with sound resource management practice; or
- d) The request would make the plan inconsistent with Part 5 of the RMA (Standards, policy statements, and plans); or
- e) The plan has been operative for less than 2 years.

6.5 In this case there are no statutory grounds on which to reject the 422 Marsden Point Road Plan Change. The reasons for this are discussed in detail below, and summarised as follows:

- f) The request is not frivolous or vexatious.
- g) The substance of the request has not been considered and given effect to, or rejected, in the past 2 years.
- h) The request relates to valid resource management issues.
- i) The request is consistent with Part 5 of the RMA (Standards, policy statements, and plans).

- j) The parts of the plan that the plan change relates to have been operative for more than 2 years.

Clause 25(4)(a) – Frivolous or Vexatious Requests:

6.6 In terms of clause 25(4)(a), the Request is not considered to be frivolous or vexatious as it addresses a valid resource management issue. As such, there are no grounds for rejecting the Request under clause 25(4)(a).

Clause 25(4)(b) – Substance of the Request:

6.7 The substance of the Request has not been considered and given effect to, or rejected, in the past two years. The zoning of the site was last considered under Plan Change 88H in which was made Operative on 15 September 2022.

6.8 As such there are no grounds for rejecting the Request under clause 25(4)(b).

Clause 25(4)(c) – The extent to which the Request is in Accordance with Sound Resource Management Practice:

6.9 Clause 25(4)(c) provides that a Private Plan Change request may be rejected on the grounds that the request is not in accordance with sound resource management practice. It is noted that “sound resource management practice”, while a frequently used term, is not defined in the RMA. However, it is considered the term relates to the scale of effects and alignment of the plan change request to Part 2 of the RMA (Purpose and Principles).

6.10 Having assessed the Request, it is considered that the Applicant has demonstrated that the proposal will result in an outcome that will be consistent with the objectives of the District Plan. The Applicant has also demonstrated the Request is consistent with the strategic outcomes sought in the Whangārei District Growth Strategy, the draft Whangārei Future Development Strategy, and hapū management plans. The Applicant has also demonstrated that the Request is consistent with the Northland Regional Policy Statement and Northland Regional Plan.

6.11 Furthermore, following the response to the request of further information, all necessary statutory requirements have been met by the Applicant, including an evaluation in accordance with section 32 of the RMA.

6.12 The Request is therefore considered to be in accordance with sound resource management practice.

Clause 25(4)(d) – Consistency with Part 5 of the RMA:

6.13 Part 5 of the RMA sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA.

6.14 The Request will not make the District Plan inconsistent with Part 5 of the RMA.

Clause 25(4)(e) – Operative Plan for less than 2 years:

6.15 Clause 25(4)(e) of Schedule 1, Part 2 may apply where a District Plan has been operative for less than two years.

6.16 The Operative District Plan provisions relevant to this Request were made operative in 2022. The relevant provisions have therefore been operative for more than two years.

Process Request as a Resource Consent

6.17 Clause 25(3) of Schedule 1, Part 2 of the RMA allows a local authority to treat a private plan change request as if it were a resource consent application. However, in this case, it is considered that the outcomes sought by the proposed plan change cannot be achieved through a resource consent under the site's current Heavy Industrial zoning as the Request is not linked to a specific development proposal.

6.18 The Applicant is seeking to rezone the site with bespoke provisions due to a lack of development under the existing zoning framework. As such, the Request is strategic in nature and intended to enable a broader range of future uses, rather than a defined activity.

6.19 Given this context, processing the Request as a resource consent would not provide an appropriate or effective planning pathway. It is therefore recommended that the Committee proceed with the Request as a private plan change, rather than treating it as a resource consent application.

Adopt Request

6.20 Clause 25(2) of Schedule 1, Part 2 of the RMA enables a local authority to adopt a private plan change request, and progress it as though it were its own.

6.21 It is not recommended the Committee adopts the Request for the following reasons:

- a) The Request relates exclusively to the zoning of 422 Marsden Point Road. The scope of the Request is not of wider public benefit as the Request is primarily for the economic benefits of the Applicant.

- b) By adopting the plan change, the Council may give the appearance of explicitly supporting the proposed plan change before a thorough assessment of its merits or understanding of community views.
- c) Council would become liable for the costs associated with processing the proposed plan change.
- d) The Applicant has not requested that the Council adopts the private plan change.

6.22 Given the discrete nature of the Request, both in terms of scope and strategic importance, there is no justification for the Council to explicitly support or fund the proposal by adopting the Request. Accepting the Request is the more appropriate pathway.

### **Accept Request**

6.23 As there is no demonstrated justification to 'adopt' the Request, and there are no grounds to 'reject' the Request or convert it into a resource consent application, it is recommended that the Request be 'accepted' by the Committee under Clause 25(2)(b) of Part 2 of Schedule 1.

6.24 In the event the Committee agrees with the recommendation of this assessment, then the process and timeframes in clause 25(5) and clause 26 of Part 2 of the Schedule 1 to the RMA must be followed.

6.25 The Council would have four months from the date of the Request being accepted under clause 26 of Schedule 1, Part 2 to notify the plan change. It is recommended the plan change is notified on a 'limited' basis in August/September 2025.

## **7. Conclusions and Recommendations**

7.1 This report has evaluated the Request made by On Point Northland Limited, to assist the Committee in determining whether it should adopt, accept, or reject the Request in whole or part, or deal with it as if it were an application for resource consent.

7.2 Having regard to all the matters evaluated in the preceding sections of this report, it is recommended that the Request by On Point Northland Limited is accepted and notified on a limited basis.

## **Attachment 1 – Request for Further Information (7 February 2025)**



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7 February 2025

Dear Emily McDonald,

**Re: Request for Private Plan Change – On Point Northland Ltd, 422 Marsden Point Road, Ruakākā, Whangārei**

We received a Private Plan Change request seeking to rezone 422 Marsden Point Road from Heavy Industrial Zone to Light Industrial Zone on 20 December 2024.

Council officers have now completed a preliminary review of the documents submitted in support of the request. A specialist consultant was instructed to undertake a preliminary review of key technical studies on Council's behalf<sup>1</sup>. The preliminary review has identified certain matters that require clarification and/or further information to inform a robust decision pursuant to Clause 25 of Schedule 1 of the Resource Management Act 1991 (RMA) on whether to accept, adopt, reject the request, or to process the requests as a resource consent application.

Pursuant to Clause 23 of Schedule 1 of the RMA, this letter provides written notice requesting further information. The table in Attachment 1 details each information request that is required in accordance with clause 23 (to understand the nature of the effects and to understand the ways in which adverse effects may be mitigated) and clarifies the reasons for the request.

We also provide some officer feedback in Attachment 2. This feedback is not part of the formal request for further information. You may choose to consider this additional feedback in taking the request forward. We would be happy to discuss these observations alongside the request for information, should that be of assistance.

Yours faithfully,

A handwritten signature in black ink, appearing to read "N Dey", written over a horizontal line.

Natalie Dey, Intermediate Planner, Whangārei District Council

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<sup>1</sup> Don McKenzie Consultants reviewed the Traffic Impact Assessment.

**Attachment 1: Formal Request for Information pursuant to 23(1)**

Ref	C23(1) Further information required
Private Plan Change Application (PPC)	
1	<p>Section 74(2A) of the RMA requires plan changes to take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on the resource management issues of the district. No assessment has been included within the application to confirm that it has taken into account relevant iwi management plans such as Patuharakeke and Ngatiwai Iwi Management Plans. Assessment of relevant iwi management plans should be addressed in the application.</p>
2	<p>The Section 32 analysis should include a summary of options analysis (in accordance with the requirements of s32(1)(b) of the RMA), clearly stating the reasons for deciding on the preferred option and an analysis of the of proposed provisions, including the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the requested provisions. For example, the application lacks sufficient analysis of the following:</p> <ul style="list-style-type: none"> <li>• Reverse sensitivity - The report does not sufficiently address the potential impact of the proposed activities in the precinct on existing or future heavy industrial operations. Although it mentions mitigation measures, the only specific measure is a 3-meter setback. This setback applies to all buildings rather than activity types, and the report assumes that all activity types are adequately managed by this 3-meter setback without providing any rationale. While activities in the light industrial zone are generally compatible with heavy industry, the PREC provision proposes to enable large-scale general retail and food and beverage activities. There is no assessment provided to justify why this is appropriate or the ways in which any adverse effects may be mitigated.</li> <li>• Protecting the viability and vitality of commercial zones – the Light Industrial Zone (LIZ) allows general retail up to 250m<sup>2</sup>, provided it is ancillary to an industrial activity on site. These provisions ensure that General Retail activities remain ancillary to an industrial activity onsite and protect the LIZ for the intended primary use<sup>2</sup>. The proposed PREC24-R2 zoning would permit General Retail with a gross floor area greater than 450m<sup>2</sup> per tenancy, without the requirement to be ancillary to an industrial activity. This scale of general retail is similar to that expected in commercial zones. This represents a significant shift from an industrial focus to a commercial one. More information is required to address potential impacts, including the impact on the viability and vitality of other commercial zones.</li> <li>• Assessing precinct efficiency and effectiveness- The precinct provision represents a significant departure from the anticipated activities in the LIZ. The suitability of a precinct, as opposed to a different zone (e.g., commercial), should be evaluated to determine if it is the most efficient and effective way to achieve the objectives of the PPC.</li> </ul>

<sup>2</sup> Page 34 of Part 5 Industry [S42A - Urban and Services](#)

	<ul style="list-style-type: none"> <li>• Compatibility of activities – LIZ-R19 requires General Retail to be ancillary to the industrial activity on the site. By removing this requirement, a range of additional General Retail activities may be permitted. There is no assessment as to how the activities will operate and be compatible without generating adverse impacts on one another.</li> <li>• Efficiency and effectiveness of transport amendments – The proposed amendments to TRA-R15 and TRA-R16 would remove the requirement for an Integrated Transport Assessment (ITA) as required by TRA-REQ2. However, as outlined in Section C of this RFI, an assessment of similar detail to an ITA is necessary to fully understand the environmental impact of the request. The s32 analysis should evaluate the efficiency and effectiveness of conducting an ITA now, given that a "basic transport assessment" would still be required at the consent stage through a controlled pathway. This should be compared to maintaining the current district wide approach of applying TRA-R15 and TRA-R16 and conducting the ITA at the resource consent stage when development details are known.</li> </ul> <p>Please note that these examples are not exhaustive, and a thorough Section 32 assessment is required to better understand the benefits and costs, the efficiency and effectiveness, and any possible alternatives of all relevant aspects of the request.</p>
3	<p>Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states that applications must include an assessment against any relevant objectives, policies, or rules in a document (i.e. district plan). Assessment of the alignment of the proposed rezoning and precinct provisions with the objectives and policies of the Operative Whangārei District Plan is required.</p>
4	<p>Section 6.6 Northland Regional Policy Statement (NRPS) assessment lacks sufficient assessment against the NRPS provisions including the following:</p> <ul style="list-style-type: none"> <li>- <b>3.6 economic activities – reverse sensitivity and sterilisation</b>  <i>The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either: (a) Reverse sensitivity for existing: (ii) Industrial and commercial activities;</i></li> <li>- <b>5.1.3 Policy – Avoiding the adverse effects of new use(s) and development</b>  <i>Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: (b) Commercial and industrial activities in commercial and industrial zones;</i></li> <li>- <b>6.1.1 Policy – Regional and district plans</b>  <i>Regional and district plans shall:</i> <ul style="list-style-type: none"> <li>(a) <i>Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</i></li> <li>(b) <i>Be as consistent as possible;</i></li> <li>(c) <i>Be as simple as possible;</i></li> <li>(d) <i>Use or support good management practices;</i></li> </ul> </li> </ul>

	<p>(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;</p> <p>(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and</p> <p>(g) Focus on effects and where suitable use performance standards.</p> <p>- <b>6.1.4 Method – Statutory plans and strategies</b>  <i>The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall:</i></p> <p>(a) Demonstrate how Policy 6.1.1 is given effect;</p> <p>An assessment of the relevant objectives and policies of the NRPS is required to understand the effects of the request.</p>
5	<p>Section 74 (2)(b)(i) of the RMA requires plan changes to have regard to management plans and strategies prepared under other Acts. The report does not assess how the proposal aligns with relevant management plans or strategies including the Whangārei Growth Strategy 2021 and the draft Future Development Strategy.</p>
Appendix A: Records of Title	
A1	No further information is required.
Appendix B: Proposed Marsden Light Industrial Precinct Provisions	
B1	<p>PREC24-P1 seeks to enable activities that are managed according to potential effects on internal amenity, reverse sensitivity and transport network. It is unclear what is meant by this policy and how internal amenity and reverse sensitivity effects are managed by the proposed provisions. Please clarify how this policy will mitigate any adverse effects.</p>
B2	<p>The PREC24 includes a new definition of High Technology Industrial Activity or Research and Innovation Activities.</p> <p>Council requires further information that clarifies this definition and the nature and scale of activities that it would provide for. The justification for this activity should be clarified and addressed in the Section 32 Analysis.</p> <p>Also note that the proposed plan change should seek to amend the definitions chapter rather than locating the definition in the PREC24-R12.</p>
B3	<p>In PREC24-R2 “Warehousing” is specifically provided for in the rule however this includes overlapping activities with LIZ-R12 that permits “storage”. Council requires further information that clarifies the meaning of this term and the nature and scale of activities that it would provide for and how these differ from storage activities.</p>
B2	<p>The intent of the table on page 18 of the proposed provision is unclear. Clarification is required whether this table forms part of the rule framework or if its purpose is to compare provisions to aid in assessment of the plan change.</p>
B3	<p>The amendments proposed to the Transport chapter provide a controlled activity pathway where “only a basic traffic effects assessment is</p>

	required". There is no further description as to what constitutes a "basic traffic effects assessment". Explanation of a "basic traffic effects assessment" is required to enable us to understand the nature of the request in respect of the effect it will have on the environment, the ways in which any adverse effects may be mitigated, the benefits and costs and the efficiency and effectiveness.
Appendix C: Transport Assessment	
C1	The proposed changes TRA-R15 and TRA-R16 to provide a controlled pathway circumvent the ITA requirements. To justify this pathway, it is considered that a comprehensive transport assessment should be provided to a similar level of detail as required by the TRA-REQ2. The following items provide some specific detail on areas which are lacking in the assessment required to enable Council to understand the nature of the request in respect of the effect it will have on the environment.
C2	The transport assessment lacks sufficient consideration of the potential for multi-modal generation. Activities such as trade retail, general retail, and food and beverage activities that would be enabled by the request would be expected to generate some walking and cycling. Assessment of the potential for multi-modal generation is required.
C3	<p>The Transport assessment lacks consideration of transport policy and strategy for example under TRA -REQ2 the following is required:</p> <ul style="list-style-type: none"> <li>• An assessment of the proposal's consistency with relevant strategic documents including the Blue/Green Network Strategy for Whangārei City, the Walking and Cycling Strategy and the Whangārei Transport Strategy.</li> <li>• An assessment of the overall suitability of the site to accommodate the proposed activity and its transportation effects in a manner that is consistent with relevant District and Regional transport policies and objectives.</li> </ul>
C4	The transport assessment fails to consider the impact of other developments and their traffic-generating potential in the One Tree Point, Ruakaka, and Port Marsden areas (e.g., PC150 Marsden City, Port growth). Flow's proposed replacement of TRA-R15/16 and REQ1/2 with a fixed 350 vph site generation does not account for future changes in the surrounding transport environment and traffic volumes. The assessment should consider the likely annual growth rate along Marsden Point Road and SH15 over the next 5 to 10 years.
C5	The transport assessment considers the "worst case" time period based on overall trip generation, concluding that Saturday midday is the "worst case." However, background traffic volumes during the PM peak can often be greater, and a smaller volume added to the network can have an equivalent effect. Further justification for the decision to assess only the Saturday peak is required.
C6	The precinct provisions allow for general retail spaces exceeding 450m <sup>2</sup> GFA as a primary activity, along with Food and Beverage activities up to 450m <sup>2</sup> . These activities are discretionary in the LIZ, which allows for consideration of transport impacts. The proposed PREC24 provisions would permit a number of activities of scales not anticipated in the LIZ. For instance, under the proposed PREC24 provisions, a General Retail activities of 999m <sup>2</sup> GFA, combined with a Food and Beverage of 450m <sup>2</sup> GFA and a storage facility of 4999m <sup>2</sup> GFA, would be permitted without

	any transport assessment. The cumulative transport impact of these activities needs to be assessed.
C7	Section 4.4 of the transport assessment provides a qualitative assessment of the impact of generated traffic volumes without a quantitative assessment of predicted delays. On page 11 of the transport assessment, it is noted that there will be greater delays, but these are not quantified. Further quantified analysis (e.g., SIDRA Intersection traffic models or other techniques) should be provided to confirm the assertions made.
C8	The transport assessment does not justify limiting the matters of control to “Effects on Marsden Point Road in the <u>immediate vicinity</u> of the site due to increased traffic turning in and out of the site”. Limiting the assessment to the “immediate vicinity of the site” needs to be justified via a more a modelling/detailed assessment.
C8	From a plan administrative perspective using vehicles per hour (vph) as a metric is difficult to implement. The operative plan uses Gross Floor Area. Assessment of the the efficiency and effectiveness of using vph as a metric is required.
Appendix D: Economic Letter	
D1	As noted in item 2 above, the PREC24 provisions allow for activities at scales not anticipated in the LIZ. These activities could resemble those expected in the Local Centre Zone and Precinct 23. While PREC24-O2 aims to support general retail and food and beverage activities at 422 Marsden Point Road Light Industrial Precinct, and protect the vitality of the adjacent Heavy Industrial Zone and nearby Local Centre Zone, there is no evidence showing how this is achieved. Further economic analysis to an appropriate scale is required to enable us to understand the nature of the request in respect of the effect it will have on the environment and the ways in which any adverse effects may be mitigated.
Appendix E: Service Report	
E1	No further information required; however, WDC wastewater department has provided some comments regarding connecting to WDC services (refer to Attachment 2).
Appendix F: Submission Report	
F1	No further information required.
Appendix G: Local Runanga Consultation	
G1	<p>Communication with Patuharakeke: On 20 November 2024, Dave Milner from Patuharakeke advised that they would respond to the applicant after reviewing the application.</p> <p>Communication with Te Parawhau: Email correspondence with Georgina Olsen from Te Parawhau on 22 November 2024, indicated that they would provide comments on the application.</p> <p>Given the busy December period, it is anticipated that additional time is required for iwi/hapū to provide their response. Council requests an update on the status of their review and response.</p>
Appendix H: NZTA Consultation	

H1	NZTA (Waka Kotahi) were appellants to the appeal on the Transport chapter, the provisions for integrated transport assessments were key components of the appeal. Changes proposed to the transport rule circumvent the ITA. NZTA consultation is considered important to understand the nature of the request in respect of the effect it will have on the environment. Council requests an update on the status of their review and response.
Appendix I: Neighbours Consultation	
I1	<p>The information provided does not state which property owner the letter was sent to other than referring to them as “adjoining neighbour”. No assessment is provided to determine who is considered affected and why. Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states assessment of the activity’s effects on the environment must include the following information:</p> <p><i>(f) identification of the persons affected by the activity.</i></p> <p>Please identify who is considered affected by the plan change to allow us to understand the nature of the request in respect of the effect it will have on the environment.</p>

**Attachment 2: Officer Feedback for Applicant's Consideration**

Topic	Officer Feedback
Application Report - error in Section 6.4.1 National Policy Statement on Urban Development	Section 6.4.1 references Whangarei Housing and Business Development Capacity Assessment – 2014” – assuming it is meant to be 2024.
Application Report – error in Section 8.1	<i>PREC24-O2 - Protected Zones</i> quoted in the report differs from the <i>PREC24-O2 - Protected Zones</i> in Appendix B: Proposed Marsden Light Industrial Precinct Provisions where it is missing “and the nearby Local Centre Zone.”
Application Report – error in Section 9.0 Accepting the Plan Change Request (Clause 25 Evaluation)	Section 9 of the report states that the zoning of the site has not been considered or rejected by the Council or the Environment Court within the last two years. However, changes are also being proposed to the Transport chapter which has not been operative for 2 years. Due to appeals on the Transport chapter, the chapter was not made operative at the same time as the rest of the district plan that was subject to the Urban and Services Plan Changes. Following the resolution of outstanding appeals on the Transport chapter, it became Operative on 8 March 2023 <sup>3</sup> .
Wastewater	<p>The service report was provided to WDC Wastewater Department to review. Although there are no specific concerns regarding the rezoning, as there are adequate other measures in place to manage wastewater <a href="#">EES</a>, <a href="#">TWM-R6 Land Use</a> and PU connection application, they advised that at this point in time they would not support approving a wastewater connection to service further development of this site. Reasons being:</p> <ol style="list-style-type: none"> <li>1. Capacity issues at WWTP – The site is located outside the area of benefit which is being served by the WWTP.</li> <li>2. Whilst there exists a pressure main to the site boundary, a connection cannot be approved until we better understand what the capacity constraints are at the WWTP – expected to have more definitive information by end of quarter 1, 2025.</li> <li>3. Design flows cannot be provided at this time by the applicant – there is a risk associated with this unknown.</li> </ol> <p>The applicants' proposal to provide storage for wastewater flows &gt; 1HUE and then discharge off-peak is not seen as an acceptable solution – the issue in Ruakaka is not with Peak flows but with the total average daily flows reaching the WWTP and requiring treatment and disposal.</p>

<sup>3</sup> [PC109 Transport - Council Seal of Approval](#)

## **Attachment 2 – Response to Further Information (17 March 2025)**

Our Ref: 48354

17 March 2025

Whangarei District Council  
Rust Avenue  
Private Bag 9033, Te Mai  
Whangarei 0143

Attention: Natalie Day

Email: [Natalie.dey@wdc.govt.nz](mailto:Natalie.dey@wdc.govt.nz)

Dear Natalie,

#### RESPONSE TO CLAUSE 23 OF SCHEDULE 1 REQUEST

**Client:** On Point Northland Ltd

**Location:** 422 Marsden Point Road, Ruakaka

**Council Ref:** PREC24

Thank you for your letter dated 7<sup>th</sup> February 2025 requesting further information pursuant to Clause 23 of Schedule 1 of the Resource Management Act 1991 (RMA), in relation to the above application. Our response is set out below, noting Council questions are shown in **bold italic**, while our responses are shown in normal font.

Private Plan Change Application (PPC)	
<b>1</b>	<b><i>Section 74(2A) of the RMA requires plan changes to take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on the resource management issues of the district. No assessment has been included within the application to confirm that it has taken into account relevant iwi management plans such as Patuharakeke and Ngatiwai Iwi Management Plans. Assessment of relevant iwi management plans should be addressed in the application.</i></b>
	The Private Plan Change ("PPC") section 32 analysis application has been updated to include letters from both Patuharakeke and Ngatiwai (Appendix G), and assessment against the relevant iwi management plans in section 6.6 of the s32 report.
<b>2</b>	<b><i>The Section 32 analysis should include a summary of options analysis (in accordance with the requirements of s32(1)(b) of the RMA), clearly stating the reasons for deciding on the preferred option and an analysis of the of proposed provisions, including the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the requested provisions. For example, the application lacks sufficient analysis of the following:</i></b> <ul style="list-style-type: none"> <li><b><i>Reverse sensitivity - The report does not sufficiently address the potential impact of the proposed activities in the precinct on existing or future heavy industrial operations. Although it mentions mitigation measures, the only specific measure is a 3-meter setback. This setback applies to all buildings rather than activity types, and the report assumes that all activity types are adequately managed by this 3-meter setback without providing any rationale. While activities in the light industrial zone are generally compatible with heavy industry, the PREC provision proposes to enable large-scale general retail and food and beverage activities. There is no assessment provided to justify why this is appropriate or the ways in which any adverse effects may be mitigated.</i></b></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Protecting the viability and vitality of commercial zones – the Light Industrial Zone (LIZ) allows general retail up to 250m<sup>2</sup>, provided it is ancillary to an industrial activity on site. These provisions ensure that General Retail activities remain ancillary to an industrial activity onsite and protect the LIZ for the intended primary use<sup>2</sup>. The proposed PREC24-R2 zoning would permit General Retail with a gross floor area greater than 450m<sup>2</sup> per tenancy, without the requirement to be ancillary to an industrial activity. This scale of general retail is similar to that expected in commercial zones. This represents a significant shift from an industrial focus to a commercial one. More information is required to address potential impacts, including the impact on the viability and vitality of other commercial zones.</i></li> <li>• <i>Assessing precinct efficiency and effectiveness- The precinct provision represents a significant departure from the anticipated activities in the LIZ. The suitability of a precinct, as opposed to a different zone (e.g., commercial), should be evaluated to determine if it is the most efficient and effective way to achieve the objectives of the PPC.</i></li> <li>• <i>Compatibility of activities – LIZ-R19 requires General Retail to be ancillary to the industrial activity on the site. By removing this requirement, a range of additional General Retail activities may be permitted. There is no assessment as to how the activities will operate and be compatible without generating adverse impacts on one another.</i></li> <li>• <i>Efficiency and effectiveness of transport amendments – The proposed amendments to TRA-R15 and TRA-R16 would remove the requirement for an Integrated Transport Assessment (ITA) as required by TRA-REQ2. However, as outlined in Section C of this RFI, an assessment of similar detail to an ITA is necessary to fully understand the environmental impact of the request. The s32 analysis should evaluate the efficiency and effectiveness of conducting an ITA now, given that a "basic transport assessment" would still be required at the consent stage through a controlled pathway. This should be compared to maintaining the current district wide approach of applying TRA-R15 and TRA-R16 and conducting the ITA at the resource consent stage when development details are known.</i></li> </ul> <p><i>Please note that these examples are not exhaustive, and a thorough Section 32 assessment is required to better understand the benefits and costs, the efficiency and effectiveness, and any possible alternatives of all relevant aspects of the request.</i></p>
	<p>Section 5 of the Section 32 analysis has been updated to include a comprehensive options assessment in accordance with Section 32(1)(b) of the RMA. The revised analysis evaluates the efficiency, effectiveness, benefits, costs, and possible alternatives to the proposed provisions, clearly explaining the rationale for the preferred option. Key updates to the Section 32 analysis include:</p> <p><b>Reverse Sensitivity</b></p> <p>The PPC's assessment of reverse sensitivity effects has been updated to provide further assessment of reverse sensitivity effects arising from the proposed activities within the precinct, particularly in relation to existing and future operations in the adjacent Heavy Industrial Zone (HIZ).</p> <p>The updated assessment includes:</p> <ul style="list-style-type: none"> <li>• A discussion of how the 3-metre setback requirement provides a physical buffer between industrial zones and how this is complemented by other controls (e.g., noise, building design, and hours of operation) to mitigate potential effects.</li> <li>• A discussion on the activity status for activities and/or its accompanying permitted activity standards and information requirements.</li> <li>• Further comments on how the site only adjoins LIZ and HIZ land, therefore the setback requirements from Rural Production, Residential, or Open Space and Recreation Zones do not apply.</li> </ul>

- Consideration of the nature and scale of proposed General Retail and Food and Beverage activities, including how these activities will be required to be designed and operated to avoid conflict with heavy industrial uses.

#### **Protecting the Viability and Vitality of Commercial Zones**

The economic analysis has been revised to examine the potential impacts of enabling General Retail activities exceeding 450m<sup>2</sup> without an ancillary industrial activity requirement. This section addresses:

- The differences in function and target market between retail activities in the precinct and those in Local Centre and Commercial zones.
- How the minimum gross floor area (GFA) threshold ensures that retail activities in the precinct serve industrial and trade-focused markets, limiting overlap with the everyday retail found in commercial zones.
- The justification for enabling larger-format retail within the precinct, supported by market demand data and the economic memo prepared by Matt Prentice of Colliers. New Zealand contained in **Appendix D** of the PPC section 32 analysis.
- An assessment of mitigation measures to protect the vitality and viability of nearby commercial centres.
- Since the rezoning applies to only one site, the potential for widespread retail development in the LIZ is minimal, preventing any adverse impact on the viability and vitality of commercial zone functions.

The Part 5 Industry Section 42A report referred to in the above RFI considers that it is important that General Retail and Commercial Service activities remain ancillary to an industrial activity onsite to protect the Light Industrial Zone for the intended primary use as an increase in GFA of General Retail and Commercial Service activities could result in adverse cross boundary effects to more sensitive zones. As the site does not adjoin any more sensitive zones, such as residential or open space zones. As a result, this concern regarding cross-boundary effects is less relevant, and the restrictions on General Retail and Commercial Services becoming too dominant within the LIZ may not be necessary.

Therefore, while the 42A report highlights these concerns for areas adjacent to sensitive zones, the absence of such zones in this specific case means that the proposed provisions for do not need to adhere to the same level of restriction. Instead, the provisions for the new precinct can afford more flexibility in terms of allowing General Retail and Commercial Service activities, which can serve the industrial needs of the area and support the local workforce without negatively impacting more sensitive land uses. This shift in approach is based on the unique characteristics of the site and its context, where the primary concern about cross-boundary impacts does not apply, as the site is not adjacent to sensitive zones that would require such protective measures.

#### **Assessing Precinct Efficiency and Effectiveness**

The PPC section 32 analysis evaluates the efficiency and effectiveness of establishing a precinct overlay (PREC24) within the Light Industrial Zone versus alternatives such as:

- Retaining the sites existing HIZ without changes.
- Applying for a resource consent for a LIZ activity within the HIZ site.
- Rezoning the site to LIZ without the proposed precinct rules.

The preferred precinct approach was selected because it:

- Provides flexibility to accommodate market demand while maintaining an industrial focus.
- Allows for site-specific provisions that address the unique context of the site and its surroundings.
- Offers a more targeted and effective solution than broad zoning changes that could undermine the industrial land supply.

#### **Compatibility of Activities**

	<p>The revised Section 32 analysis includes an evaluation of the differences from the existing LIZ provisions and the PPC's precinct rules. This assessment is provided under the 7.7 compatibility of activities heading in the Section 32 analysis.</p> <p><b>Efficiency and Effectiveness of Transport Amendments</b></p> <p>The Precinct provisions have been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. The traffic assessment contained in <b>Appendix C</b> has also been updated to reflect these changes. As the changes to the WDP's transport chapter have been removed no further assessment is required.</p> <p>The updated PPC section 32 analysis now provides a comprehensive assessment of the proposed provisions, alternatives, benefits, costs, and mitigation measures. It demonstrates that the PPC is the most efficient and effective means of achieving the PPC's objectives while ensuring that potential environmental and land use effects are appropriately managed.</p>
3	<p><b><i>Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states that applications must include an assessment against any relevant objectives, policies, or rules in a document (i.e. district plan). Assessment of the alignment of the proposed rezoning and precinct provisions with the objectives and policies of the Operative Whangārei District Plan is required.</i></b></p>
	<p>The PPC section 32 analysis has been updated to include an assessment against the objectives and policies of the Operative Whangarei District Plan in section 6.1.2 of the s32 analysis.</p>
4	<p><b><i>Section 6.6 Northland Regional Policy Statement (NRPS) assessment lacks sufficient assessment against the NRPS provisions including the following:</i></b></p> <ul style="list-style-type: none"> <li>- <b><i>3.6 economic activities – reverse sensitivity and sterilisation The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either: (a) Reverse sensitivity for existing; (ii) Industrial and commercial activities;</i></b></li> <li>- <b><i>5.1.3 Policy – Avoiding the adverse effects of new use(s) and development Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: (b) Commercial and industrial activities in commercial and industrial zones;</i></b></li> <li>- <b><i>6.1.1 Policy – Regional and district plans</i></b></li> </ul> <p><b><i>Regional and district plans shall:</i></b></p> <ul style="list-style-type: none"> <li><b><i>(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</i></b></li> <li><b><i>(b) Be as consistent as possible; (c) Be as simple as possible;</i></b></li> <li><b><i>(d) Use or support good management practices;</i></b></li> <li><b><i>(e) Minimise compliance costs and enable audited self- management where it is efficient and effective;</i></b></li> <li><b><i>(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and</i></b></li> <li><b><i>(g) Focus on effects and where suitable use performance standards.</i></b></li> </ul> <ul style="list-style-type: none"> <li>- <b><i>6.1.4 Method – Statutory plans and strategies</i></b></li> </ul> <p><b><i>The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall:</i></b></p> <ul style="list-style-type: none"> <li><b><i>(a) Demonstrate how Policy 6.1.1 is given effect;</i></b></li> </ul> <p><b><i>An assessment of the relevant objectives and policies of the NRPS is required to understand the effects of the request.</i></b></p>

	The PPC assessment against the Northland Regional Policy Statement contained in section 6.4 of the s32 analysis has been extended to include these specific provisions.
5	<b><i>Section 74 (2)(b)(i) of the RMA requires plan changes to have regard to management plans and strategies prepared under other Acts. The report does not assess how the proposal aligns with relevant management plans or strategies including the Whangārei Growth Strategy 2021 and the draft Future Development Strategy.</i></b>
	The PPC assessment has been extended to include the Whangārei Growth Strategy 2021 (section 6.2 of the s32 analysis) and the draft Future Development Strategy (section 6.3 of the s32 analysis).
<b>Appendix A: Records of Title</b>	
<b>A1</b>	<b><i>No further information is required.</i></b>
<b>Appendix B: Proposed Marsden Light Industrial Precinct Provisions</b>	
<b>B1</b>	<b><i>PREC24-P1 seeks to enable activities that are managed according to potential effects on internal amenity, reverse sensitivity and transport network. It is unclear what is meant by this policy and how internal amenity and reverse sensitivity effects are managed by the proposed provisions. Please clarify how this policy will mitigate any adverse effects.</i></b>
	<p>PREC24-P1 is intended as an enabling policy that facilitates a range of activities within the precinct while seeking that potential effects on reverse sensitivity and the transport network are appropriately managed. To improve clarity and focus, the following amendments are proposed:</p> <ul style="list-style-type: none"> <li>• Add wording seeking those effects are mitigated; and</li> <li>• The reference to internal amenity has been removed from the proposed policy, reflecting that internal amenity considerations are less relevant to the industrial nature of the precinct.</li> </ul> <p>The hierarchy of provisions support the policy intend by aligning the applicable standards and matters of discretion to ensure the envisaged outcomes.</p>
<b>B2</b>	<b><i>The PREC24 includes a new definition of High Technology Industrial Activity or Research and Innovation Activities. Council requires further information that clarifies this definition and the nature and scale of activities that it would provide for. The justification for this activity should be clarified and addressed in the Section 32 Analysis. Also note that the proposed plan change should seek to amend the definitions chapter rather than locating the definition in the PREC24- R12.</i></b>
	<p>The proposed definition has been refined to focus solely on “High Technology Industrial Activities”, removing reference to “Research and Innovation Activities” for improved clarity and alignment with the intent of the precinct provisions.</p> <p>An assessment of the nature, scale, and justification for enabling High Technology Industrial Activities has been included in section 7.6 of the Section 32 analysis. This assessment addresses how these activities align with the objectives of the LIZ, support regional economic development, and complement existing industrial activities without generating significant reverse sensitivity or transport effects.</p> <p>Additionally, the definition has been relocated from PREC24-R12 to the District Plan’s Definitions chapter to ensure consistency with the structure of the Whangārei District Plan, as requested.</p>
<b>B2</b>	<b><i>The intent of the table on page 18 of the proposed provision is unclear. Clarification is required whether this table forms part of the rule framework or if its purpose is to compare provisions to aid in assessment of the plan change.</i></b>

	The table was prepared by Cato Bolam to assist us in the preparation of the proposed precinct rules and was not meant to be included in the PPC application. The PPC has been updated to remove this.
<b>B3</b>	<b><i>In PREC24-R2 “Warehousing” is specifically provided for in the rule however this includes overlapping activities with LIZ-R12 that permits “storage”. Council requires further information that clarifies the meaning of this term and the nature and scale of activities that it would provide for and how these differ from storage activities.</i></b>
	The PREC24 provisions have been updated to remove “Warehousing” from the General Retail activity rule to avoid overlap with the existing “Storage” provisions under LIZ-R12. This ensures that storage remains a distinct and separately managed activity within the precinct. By retaining storage as a standalone activity for the precinct, these rules now provide clearer differentiation between general storage uses and retail-related activities, thereby improving consistency with the wider LIZ provisions. The “Storage” provision in PREC24-R9 are more site specific appropriate than LIZ-R12 Storage.
<b>B3</b>	<b><i>The amendments proposed to the Transport chapter provide a controlled activity pathway where “only a basic traffic effects assessment is required”. There is no further description as to what constitutes a “basic traffic effects assessment”. Explanation of a “basic traffic effects assessment” is required to enable us to understand the nature of the request in respect of the effect it will have on the environment, the ways in which any adverse effects may be mitigated, the benefits and costs and the efficiency and effectiveness.</i></b>
	The PPC has been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. As such, the standard ITA requirements will apply to the precinct. The traffic assessment contained in <b>Appendix C</b> has also been updated to reflect these changes. As the changes to the WDP’s transport chapter have been removed no further action is required.
<b>Appendix C: Transport Assessment</b>	
<b>C1-C8</b>	The PPC has been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. As such, the standard ITA requirements will apply to the precinct. The traffic assessment contained in <b>Appendix C</b> has also been updated to reflect these changes. As the changes to the WDP’s transport chapter have been removed no further action is required.
<b>Appendix D: Economic Letter</b>	
<b>D1</b>	<b><i>As noted in item 2 above, the PREC24 provisions allow for activities at scales not anticipated in the LIZ. These activities could resemble those expected in the Local Centre Zone and Precinct 23. While PREC24-O2 aims to support general retail and food and beverage activities at 422 Marsden Point Road Light Industrial Precinct, and protect the vitality of the adjacent Heavy Industrial Zone and nearby Local Centre Zone, there is no evidence showing how this is achieved. Further economic analysis to an appropriate scale is required to enable us to understand the nature of the request in respect of the effect it will have on the environment and the ways in which any adverse effects may be mitigated.</i></b>
	<p>The economic analysis contained within section 7.1 of the PPCs S32 analysis has been updated to address the scale of activities enabled by the PREC24 provisions and their potential effects on the adjacent Heavy Industrial Zone and the nearby Local Centre Zone.</p> <p>The revised analysis provides:</p> <ul style="list-style-type: none"> <li>• Evidence of market demand for the proposed activities within the Light Industrial Precinct.</li> <li>• An assessment of how the nature and scale of general retail and food and beverage activities within the precinct differ from those anticipated in the Local Centre Zone.</li> </ul>

	<ul style="list-style-type: none"> <li>• Consideration of how the proposed minimum floor area requirements and activity controls will ensure that retail and hospitality activities primarily serve the local workforce and industrial operations, rather than competing with the community-focused retail functions of the Local Centre Zone.</li> <li>• Mitigation measures that preserve the vitality and viability of nearby centres, while supporting the industrial character and economic function of the Marsden Point and Ruakākā areas.</li> <li>• The PPC applies to only one site, meaning it does not set a broader precedent for retail expansion within the LIZ. The scale of development will remain limited, preventing any significant shift in retail activity away from commercial zones. Since the rezoning applies to only one site, the potential for widespread retail development in the LIZ is minimal, preventing any adverse impact on the viability and vitality of commercial zone functions.</li> </ul> <p>This updated assessment provides a comprehensive understanding of potential effects on the environment and demonstrates that any adverse effects can be appropriately managed and mitigated through the proposed precinct provisions.</p>
<b>Appendix E: Service Report</b>	
<b>E1</b>	<i>No further information required; however, WDC wastewater department has provided some comments regarding connecting to WDC services (refer to Attachment 2).</i>
<b>Appendix F: Submission Report</b>	
<b>F1</b>	<i>No further information required.</i>
<b>Appendix G: Local Runanga Consultation</b>	
<b>G1</b>	<p><i>Communication with Patuharakeke: On 20 November 2024, Dave Milner from Patuharakeke advised that they would respond to the applicant after reviewing the application.</i></p> <p><i>Communication with Te Parawhau: Email correspondence with Georgina Olsen from Te Parawhau on 22 November 2024, indicated that they would provide comments on the application.</i></p> <p><i>Given the busy December period, it is anticipated that additional time is required for iwi/hapū to provide their response. Council requests an update on the status of their review and response.</i></p>
	Appendix G of the PPC s32 analysis has been updated to include letters from both local Runanga groups, Patuharakeke and Te Parawhau, confirming that they do not oppose the PPC.
<b>Appendix H: NZTA Consultation</b>	
<b>H1</b>	<i>NZTA (Waka Kotahi) were appellants to the appeal on the Transport chapter, the provisions for integrated transport assessments were key components of the appeal. Changes proposed to the transport rule circumvent the ITA. NZTA consultation is considered important to understand the nature of the request in respect of the effect it will have on the environment. Council requests an update on the status of their review and response.</i>
	We have now received approval from NZTA (Waka Kotahi), confirming that they do not oppose the PPC. I have updated the PPC section 32 analysis (Appendix H) to include this confirmation.
<b>Appendix I: Neighbours Consultation</b>	
<b>I1</b>	<i>The information provided does not state which property owner the letter was sent to other than referring to them as “adjoining neighbour”. No assessment is provided to determine who is considered affected and why. Clause 23(1)(a) of the RMA refers to the</i>

	<p><i>provisions of Schedule 4 which states assessment of the activity's effects on the environment must include the following information:</i></p> <p><i>(f) identification of the persons affected by the activity.</i></p> <p><i>Please identify who is considered affected by the plan change to allow us to understand the nature of the request in respect of the effect it will have on the environment.</i></p>
	<p>We consulted with all directly adjoining neighbours and have not received any objections to the proposed PPC. The application has been updated to reflect this consultation and to clarify the affected parties.</p>

We trust this information meets your requirements and request that you continue to process this application to its conclusion at your earliest possible opportunity.

If you have any queries or require further information, please contact me by email at [emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz) or telephone (09) 427 0072.

Yours sincerely

**CATO BOLAM CONSULTANTS LTD**

**Emily McDonald**

**Senior Planner**

**CATO BOLAM CONSULTANTS LTD**

**Attachment 1 – Updated Proposed Plan Change Application**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL

### **Attachment 3 - Request for Further Information (4 April 2025)**

**Cato Bolam Consultants Ltd**  
**Whangārei Office**  
**PO Box 1919**  
**Whangārei 0140**  
**127 Bank Street, Whangārei**

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4<sup>th</sup> April 2025

Dear Emily McDonald,

**Re: Request for Private Plan Change – On Point Northland Ltd, 422 Marsden Point Road, Ruakākā, Whangārei**

We received the Private Plan Change request to rezone 422 Marsden Point Road from Heavy Industrial Zone to Light Industrial Zone with a precinct overlay on 20 December 2024. Council officers conducted a preliminary review of the submitted documents and determined that the information provided was insufficient to inform a robust decision pursuant to Clause 25 of Schedule 1 of the Resource Management Act 1991 (RMA) on whether to accept, adopt, reject the request, or process it as a resource consent application.

Pursuant to Clause 23 of Schedule 1 of the RMA, the Council issued a Request for Further Information (RFI) on 7 February 2025. The response to this RFI was received on 17 March 2025.

Council officers, along with a specialist transport consultant have reviewed the RFI response and identified that the information provided in the RFI response is insufficient and does not adequately address the matters requested in the RFI dated 7 February 2025.

The table in Attachment 1 details the original RFI, the response provided by the applicant, and our assessment of whether the information is sufficient. Pursuant to Clause 23, Council requires the items identified as insufficient to be fully addressed to understand the environmental impact, mitigation of adverse effects, benefits and costs, efficiency and effectiveness, possible alternatives, and the nature of any consultation undertaken or required.

As detailed in Attachment 1, Council officers have significant concerns regarding the precinct provisions. In its current form, we cannot support the request due to the lack of sufficient rationale and s32 analysis for enabling large scale general retail and food and beverage activities in a Light Industrial Zone. Unless clear and strong rationale is provided to support the precinct, we will recommend rejecting this request or pursuing a resource consent pathway. Please note that providing additional information to support the precinct provisions does not guarantee our recommendation for acceptance. Given the substantial nature of these issues, we invite you to a meeting to discuss this matter further.

We also provide some officer feedback in Attachment 2. This feedback is not part of the formal request for further information. You may choose to consider this additional feedback in taking the request forward.

Yours faithfully,



Natalie Dey, Intermediate Planner, Whangārei District Council

**Attachment 1: Formal Request for Information pursuant to 23(2)**
**Note:**

- Original RFI is shown in **black** text.
- RFI response is shown in **orange** text.
- Council assessment of information sufficiency is shown in **blue** text.

Ref	C23(2) Further information required
Private Plan Change Application (PPC)	
1 <b>Original Request</b>	Section 74(2A) of the RMA requires plan changes to take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on the resource management issues of the district. No assessment has been included within the application to confirm that it has taken into account relevant Iwi management plans such as Patuharakeke and Ngatiwai Iwi Management Plans. Assessment of relevant iwi management plans should be addressed in the application.
<b>Applicant's Response</b>	The Private Plan Change ("PPC") section 32 analysis application has been updated to include letters from both Patuharakeke and Ngatiwai (Appendix G), and assessment against the relevant iwi management plans in section 6.6 of the s32 report.
<b>Information sufficiency</b>	<p><b>Further information required</b> – The s32 states that the relevant iwi management plans are the:</p> <ul style="list-style-type: none"> <li>• Te Iwi O Ngatiwai Environmental Policy Document (2007)</li> <li>• Patuharakeke Te Iwi Trust Board Environmental Plan (2014)</li> </ul> <p>The s32 states that applicant has engaged with both hapū to understand the cultural values associated with the site; however, in the responses provided there is no response from Te Iwi O Ngatiwai. Therefore there is insufficient evidence to conclude the applicable iwi management plans have been taken into account.</p> <p>Please provide an assessment against the Te Iwi O Ngatiwai Environmental Policy Document (2007) or evidence of consultation with Te Iwi O Ngatiwai.</p>
2 <b>Original Request</b>	<p>The Section 32 analysis should include a summary of options analysis (in accordance with the requirements of s32(1)(b) of the RMA), clearly stating the reasons for deciding on the preferred option and an analysis of the of proposed provisions, including the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the requested provisions. For example, the application lacks sufficient analysis of the following:</p> <ul style="list-style-type: none"> <li>• Reverse sensitivity - The report does not sufficiently address the potential impact of the proposed activities in the precinct on existing or future heavy industrial operations. Although it mentions mitigation measures, the only specific measure is a 3-meter setback. This setback applies to all buildings rather than activity types, and the report assumes that all activity types are adequately managed by this 3-meter setback without providing any rationale. While activities in the light industrial zone are generally compatible with heavy industry, the PREC provision proposes to enable large-scale general retail and food and beverage activities. There is no assessment provided</li> </ul>

	<p>to justify why this is appropriate or the ways in which any adverse effects may be mitigated.</p> <ul style="list-style-type: none"> <li>• Protecting the viability and vitality of commercial zones – the Light Industrial Zone (LIZ) allows general retail up to 250m<sup>2</sup>, provided it is ancillary to an industrial activity on site. These provisions ensure that General Retail activities remain ancillary to an industrial activity onsite and protect the LIZ for the intended primary use<sup>1</sup>. The proposed PREC24-R2 zoning would permit General Retail with a gross floor area greater than 450m<sup>2</sup> per tenancy, without the requirement to be ancillary to an industrial activity. This scale of general retail is similar to that expected in commercial zones. This represents a significant shift from an industrial focus to a commercial one. More information is required to address potential impacts, including the impact on the viability and vitality of other commercial zones.</li> <li>• Assessing precinct efficiency and effectiveness- The precinct provision represents a significant departure from the anticipated activities in the LIZ. The suitability of a precinct, as opposed to a different zone (e.g., commercial), should be evaluated to determine if it is the most efficient and effective way to achieve the objectives of the PPC.</li> <li>• Compatibility of activities – LIZ-R19 requires General Retail to be ancillary to the industrial activity on the site. By removing this requirement, a range of additional General Retail activities may be permitted. There is no assessment as to how the activities will operate and be compatible without generating adverse impacts on one another.</li> <li>• Efficiency and effectiveness of transport amendments – The proposed amendments to TRA-R15 and TRA-R16 would remove the requirement for an Integrated Transport Assessment (ITA) as required by TRA-REQ2. However, as outlined in Section C of this RFI, an assessment of similar detail to an ITA is necessary to fully understand the environmental impact of the request. The s32 analysis should evaluate the efficiency and effectiveness of conducting an ITA now, given that a "basic transport assessment" would still be required at the consent stage through a controlled pathway. This should be compared to maintaining the current district wide approach of applying TRA-R15 and TRA-R16 and conducting the ITA at the resource consent stage when development details are known.</li> </ul> <p>Please note that these examples are not exhaustive, and a thorough Section 32 assessment is required to better understand the benefits and costs, the efficiency and effectiveness, and any possible alternatives of all relevant aspects of the request.</p>
<b>Applicant's Response</b>	<p>Section 5 of the Section 32 analysis has been updated to include a comprehensive options assessment in accordance with Section 32(1)(b) of the RMA. The revised analysis evaluates the efficiency, effectiveness, benefits, costs, and possible alternatives to the proposed provisions, clearly explaining the rationale for the preferred option. Key updates to the Section 32 analysis include:</p> <p><b>Reverse Sensitivity</b></p>

<sup>1</sup> Page 34 of Part 5 Industry [S42A - Urban and Services](#)

The PPC's assessment of reverse sensitivity effects has been updated to provide further assessment of reverse sensitivity effects arising from the proposed activities within the precinct, particularly in relation to existing and future operations in the adjacent Heavy Industrial Zone (HIZ). The updated assessment includes:

- A discussion of how the 3-metre setback requirement provides a physical buffer between industrial zones and how this is complemented by other controls (e.g., noise, building design, and hours of operation) to mitigate potential effects.
- A discussion on the activity status for activities and/or its accompanying permitted activity standards and information requirements.
- Further comments on how the site only adjoins LIZ and HIZ land, therefore the setback requirements from Rural Production, Residential, or Open Space and Recreation Zones do not apply.
- Consideration of the nature and scale of proposed General Retail and Food and Beverage activities, including how these activities will be required to be designed and operated to avoid conflict with heavy industrial uses.

### **Protecting the Viability and Vitality of Commercial Zones**

The economic analysis has been revised to examine the potential impacts of enabling General Retail activities exceeding 450m<sup>2</sup> without an ancillary industrial activity requirement. This section addresses:

- The differences in function and target market between retail activities in the precinct and those in Local Centre and Commercial zones.
- How the minimum gross floor area (GFA) threshold ensures that retail activities in the precinct serve industrial and trade-focused markets, limiting overlap with the everyday retail found in commercial zones.
- The justification for enabling larger-format retail within the precinct, supported by market demand data and the economic memo prepared by Matt Prentice of Colliers. New Zealand contained in Appendix D of the PPC section 32 analysis.
- An assessment of mitigation measures to protect the vitality and viability of nearby commercial centres.
- Since the rezoning applies to only one site, the potential for widespread retail development in the LIZ is minimal, preventing any adverse impact on the viability and vitality of commercial zone functions.

The Part 5 Industry Section 42A report referred to in the above RFI considers that it is important that General Retail and Commercial Service activities remain ancillary to an industrial activity onsite to protect the Light Industrial Zone for the intended primary use as an increase in GFA of General Retail and Commercial Service activities could result in adverse cross boundary effects to more sensitive zones. As the site does not adjoin any more sensitive zones, such as residential or open space zones. As a result, this concern regarding cross boundary effects is less relevant, and the restrictions on General Retail and Commercial Services becoming too dominant within the LIZ may not be necessary.

Therefore, while the 42A report highlights these concerns for areas adjacent to sensitive zones, the absence of such zones in this specific case means that the proposed provisions for do not need to adhere to the same level of restriction. Instead, the provisions for the new precinct can afford more flexibility in terms of allowing General Retail and

	<p>Commercial Service activities, which can serve the industrial needs of the area and support the local workforce without negatively impacting more sensitive land uses. This shift in approach is based on the unique characteristics of the site and its context, where the primary concern about cross boundary impacts does not apply, as the site is not adjacent to sensitive zones that would require such protective measures.</p> <p><b>Assessing Precinct Efficiency and Effectiveness</b></p> <p>The PPC section 32 analysis evaluates the efficiency and effectiveness of establishing a precinct overlay (PREC24) within the Light Industrial Zone versus alternatives such as:</p> <ul style="list-style-type: none"> <li>• Retaining the sites existing HIZ without changes.</li> <li>• Applying for a resource consent for a LIZ activity within the HIZ site.</li> <li>• Rezoning the site to LIZ without the proposed precinct rules. The preferred precinct approach was selected because it:</li> <li>• Provides flexibility to accommodate market demand while maintaining an industrial focus.</li> <li>• Allows for site-specific provisions that address the unique context of the site and its surroundings.</li> <li>• Offers a more targeted and effective solution than broad zoning changes that could undermine the industrial land supply.</li> </ul> <p><b>Compatibility of Activities</b></p> <p>The revised Section 32 analysis includes an evaluation of the differences from the existing LIZ provisions and the PPC's precinct rules. This assessment is provided under the 7.7 compatibility of activities heading in the Section 32 analysis.</p> <p><b>Efficiency and Effectiveness of Transport Amendments</b></p> <p>The Precinct provisions have been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. The traffic assessment contained in Appendix C has also been updated to reflect these changes. As the changes to the WDP's transport chapter have been removed no further assessment is required. The updated PPC section 32 analysis now provides a comprehensive assessment of the proposed provisions, alternatives, benefits, costs, and mitigation measures. It demonstrates that the PPC is the most efficient and effective means of achieving the PPC's objectives while ensuring that potential environmental and land use effects are appropriately managed.</p>
<p><b>Information sufficiency</b></p>	<p><b>Further information required</b></p> <p>There is no s32 analysis in section 5 of the report. While section 7 AEE includes some assessment of effects, it does not explore possible alternatives to the proposed provisions or clearly explain the rationale for the preferred option. Precinct provisions are typically used to apply additional place-based regulations, but the need for such provisions has not been demonstrated, nor has it been shown why alternative zoning would not be more suitable for the intended outcomes.</p> <p>Although the proposal applies to a single site, it could set a precedent for similar proposals in the future. Without a sound rationale for why a precinct is appropriate, it undermines the intent of the existing zonings. The proposed shift in precinct provisions from industrial to commercial effectively results in misleading zoning</p>

	<p>The information provided is insufficient to assess the environmental impact of the PPC, particularly regarding the proposed general retail and food and beverage provisions. The rationale for these provisions is conflicting and lacks support. For instance, the RFI response suggests that the proposed provisions will provide the benefit of targeting trade-oriented and industrial-service retailers, but the proposed changes would enable general retail and an increased scale of food and beverage activities.</p> <p>The s32 report states that the general retail rule will facilitate "industrial-supporting retail." However, under the proposed provisions, general retail activities would no longer be required to be ancillary to industrial use, potentially enabling activities that constrain rather than support the light industrial site's intended function.</p> <p>The assertion that "the scale of development will remain limited, preventing any significant shift in retail activity away from commercial zones" is not supported by the proposed precinct provisions. These provisions could enable a large-scale bulk format retail activity, or multiple smaller general retail shops of 450m<sup>2</sup>, which could compete with and detract from the other commercial zones in the Ruakaka and Marsden Point area.</p> <p>Although the proposed GFA requirements differ from some commercial zonings, this does not ensure that large-scale general retail establishments wouldn't detract from the vitality of other zones where smaller retail is anticipated. No assessment of the costs or possible alternatives of the proposed precinct GFAs has been included within the s32 analysis.</p> <p>The changes to general retail, combined with increased permitted GFA for food and beverage activities, could result in the establishment of solely commercial activities, which is not anticipated in the LIZ.</p> <p>We require further information to understand the environmental effects of removing the requirement for general retail to be ancillary to industrial use and increasing the permitted GFA for general retail and food and beverage activities.</p> <p>We require further information to understand the possible alternatives to the precinct provisions, including alternative precinct provisions and default Light Industrial Zoning with no precinct overlay. For example, the Urban Form and Development chapter of the district plan outlines the zoning criteria. An assessment against these policies, such as UFD-P8 and UFD-P10, is needed to demonstrate the appropriateness of different zoning for the site context and intended use. The current proposed zoning with the precinct overlay does not appear to fully meet the criteria outlined in these policies.</p>
3 <b>Original Request</b>	<p>Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states that applications must include an assessment against any relevant objectives, policies, or rules in a document (i.e. district plan). Assessment of the alignment of the proposed rezoning and precinct provisions with the objectives and policies of the Operative Whangārei District Plan is required.</p>
<b>Applicant's Response</b>	<p>The PPC section 32 analysis has been updated to include an assessment against the objectives and policies of the Operative Whangarei District Plan in section 6.1.2 of the s32 analysis.</p>

<b>Information sufficiency</b>	<p><b>Further information required</b></p> <p>Insufficient assessment against LIZ-O4 Reverse Sensitivity is provided. Reverse sensitivity effects, as defined in the WDP, are not limited to “residential, education, and healthcare facilities” as being incompatible with neighboring uses, as suggested by the RFI response. Instead, they include any activity that may constrain the operation of an existing lawfully established use.</p> <p>The discussion on reverse sensitivity does not acknowledge that general retail is a commercial activity with weaker links to industrial uses compared to trade retail. In the proposed precinct, general retail has been enabled without requirements to be ancillary to an industrial activity, potentially allowing activities inconsistent with the underlying light industrial zone. Additionally, food and beverage activities are permitted at an increased scale.</p> <p>The nature and scale of retail and food and beverage activities that would be enabled by the proposed precinct provisions do not constitute an industrial use and therefore compatibility cannot be assumed. More information is required to a to better understand the impact of enabling general retail and food and beverage activities adjacent to the Heavy Industrial Zone.</p> <p>No assessment is provided against LIZ-O6 Retail Activities which seeks to enable larger scale trade retail within the Light Industrial Zone and limit all other retail activity. Assessment against this objective is required because the PPC precinct provisions seek to enable general retail in a manner that would contradict this objective.</p> <p>No assessment has been provided against LIZ-P3.4 which seeks to to manage non-industrial activities by ensuring that they do not compromise the viability and vitality of the City Centre, Waterfront, Mixed Use, Local Centre, Neighbourhood Centre and Shopping Centre Zones.</p> <p>Assessment of the alignment of the proposed rezoning and precinct provisions with all relevant objectives and policies of the Operative Whangārei District Plan is required.</p>
<b>4 Original Request</b>	<p>Section 6.6 Northland Regional Policy Statement (NRPS) assessment lacks sufficient assessment against the NRPS provisions including the following:</p> <ul style="list-style-type: none"> <li>- <b>3.6 economic activities – reverse sensitivity and sterilisation</b>  <i>The viability of land and activities important for Northland’s economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either: (a) Reverse sensitivity for existing: (ii) Industrial and commercial activities;</i></li> <li>- <b>5.1.3 Policy – Avoiding the adverse effects of new use(s) and development</b>  <i>Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: (b) Commercial and industrial activities in commercial and industrial zones;</i></li> <li>- <b>6.1.1 Policy – Regional and district plans</b>  <i>Regional and district plans shall:</i></li> </ul>

	<p>(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</p> <p>(b) Be as consistent as possible;</p> <p>(c) Be as simple as possible;</p> <p>(d) Use or support good management practices;</p> <p>(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;</p> <p>(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and</p> <p>(g) Focus on effects and where suitable use performance standards.</p> <p>- <b>6.1.4 Method – Statutory plans and strategies</b>  <i>The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall:</i></p> <p>(a) Demonstrate how Policy 6.1.1 is given effect;</p> <p>An assessment of the relevant objectives and policies of the NRPS is required to understand the effects of the request.</p>
<b>Applicant's Response</b>	The PPC assessment against the Northland Regional Policy Statement contained in section 6.4 of the s32 analysis has been extended to include these specific provisions.
<b>Information sufficiency</b>	Sufficient. No further information is required.
<b>5 Original Request</b>	Section 74 (2)(b)(i) of the RMA requires plan changes to have regard to management plans and strategies prepared under other Acts. The report does not assess how the proposal aligns with relevant management plans or strategies including the Whangārei Growth Strategy 2021 and the draft Future Development Strategy.
<b>Applicant's Response</b>	The PPC assessment has been extended to include the Whangārei Growth Strategy 2021 (section 6.2 of the s32 analysis) and the draft Future Development Strategy (section 6.3 of the s32 analysis).
<b>Information sufficiency</b>	The Whangārei Draft Future Development Strategy identifies the site as light/heavy industrial. However, the precinct provisions allow for commercial activities. Although the site would be zoned industrial, the precinct provisions could lead to a different use that has not been assessed for alignment with the Strategy's goals. More information is required to understand how enabling general retail and food and beverage has had regard to the Future Development Strategy.
Appendix A: Records of Title	
A1	No further information is required.
Appendix B: Proposed Marsden Light Industrial Precinct Provisions	
B1	PREC24-P1 seeks to enable activities that are managed according to potential effects on internal amenity, reverse sensitivity and transport network. It is unclear what is meant by this policy and how internal

<b>Original Request</b>	amenity and reverse sensitivity effects are managed by the proposed provisions. Please clarify how this policy will mitigate any adverse effects.
<b>Applicant's Response</b>	<p>PREC24-P1 is intended as an enabling policy that facilitates a range of activities within the precinct while seeking that potential effects on reverse sensitivity and the transport network are appropriately managed. To improve clarity and focus, the following amendments are proposed:</p> <ul style="list-style-type: none"> <li>• Add wording seeking those effects are mitigated; and</li> <li>• The reference to internal amenity has been removed from the proposed policy, reflecting that internal amenity considerations are less relevant to the industrial nature of the precinct.</li> </ul> <p>The hierarchy of provisions support the policy intend by aligning the applicable standards and matters of discretion to ensure the envisaged outcomes.</p>
<b>Information Sufficiency</b>	Sufficient. No further information is required.
<b>B2 Original Request</b>	<p>The PREC24 includes a new definition of High Technology Industrial Activity or Research and Innovation Activities.</p> <p>Council requires further information that clarifies this definition and the nature and scale of activities that it would provide for. The justification for this activity should be clarified and addressed in the Section 32 Analysis.</p> <p>Also note that the proposed plan change should seek to amend the definitions chapter rather than locating the definition in the PREC24-R12.</p>
<b>Applicant's Response</b>	<p>The proposed definition has been refined to focus solely on "High Technology Industrial Activities", removing reference to "Research and Innovation Activities" for improved clarity and alignment with the intent of the precinct provisions.</p> <p>An assessment of the nature, scale, and justification for enabling High Technology Industrial Activities has been included in section 7.6 of the Section 32 analysis. This assessment addresses how these activities align with the objectives of the LIZ, support regional economic development, and complement existing industrial activities without generating significant reverse sensitivity or transport effects.</p> <p>Additionally, the definition has been relocated from PREC24-R12 to the District Plan's Definitions chapter to ensure consistency with the structure of the Whangārei District Plan, as requested.</p>
<b>Information sufficiency</b>	<p><b>Further information required</b></p> <p>The nature of this activity remains unclear. It appears that part of it may be covered under research laboratories within the General Industry definition, while "any associated manufacturing, electronic data storage, and processing" would fall under other activity definitions such as "manufacturing". Providing an example of what constitutes a "high technology industrial activity" would be beneficial. Without this clarification, understanding the effects is challenging.</p> <p>It remains unclear why a new definition is required, and which aspects of the activity fall outside of what is already provided for in the Light Industrial Zone.</p>

	The definition does not appear to have been shifted to the Definition chapter, as it is still shown in PREC24-R12. Additionally, there may be unintended consequences of introducing this new term. For example, clarification is needed on where it sits in the activities definitions groupings and whether a rule is now required for it in all other chapters.
<b>B3 Original Request</b>	In PREC24-R2 “Warehousing” is specifically provided for in the rule however this includes overlapping activities with LIZ-R12 that permits “storage”. Council requires further information that clarifies the meaning of this term and the nature and scale of activities that it would provide for and how these differ from storage activities.
<b>Applicant’s Response</b>	The PREC24 provisions have been updated to remove “Warehousing” from the General Retail activity rule to avoid overlap with the existing “Storage” provisions under LIZ-R12. This ensures that storage remains a distinct and separately managed activity within the precinct. By retaining storage as a standalone activity for the precinct, these rules now provide clearer differentiation between general storage uses and retail-related activities, thereby improving consistency with the wider LIZ provisions. The “Storage” provision in PREC24-R9 are more site specific appropriate than LIZ-R12 Storage.
<b>Information sufficiency</b>	<b>Further information required</b> The implementation of the precinct storage rule seems unnecessary, as the only difference is the exclusion of landscaping provisions, which are irrelevant to this site. Additionally, many other precinct rules are unnecessarily duplicated. An assessment is needed to evaluate the efficiency of duplicating these rules in the Precinct chapter when there is no clear justification or apparent efficiency to be gained.
<b>B2 Original Request</b>	The intent of the table on page 18 of the proposed provision is unclear. Clarification is required whether this table forms part of the rule framework or if its purpose is to compare provisions to aid in assessment of the plan change.
<b>Applicant’s Response</b>	The table was prepared by Cato Bolam to assist us in the preparation of the proposed precinct rules and was not meant to be included in the PPC application. The PPC has been updated to remove this.
<b>Information sufficiency</b>	Sufficient. No further information is required.
<b>B3 Original Request</b>	The amendments proposed to the Transport chapter provide a controlled activity pathway where “only a basic traffic effects assessment is required”. There is no further description as to what constitutes a “basic traffic effects assessment”. Explanation of a “basic traffic effects assessment” is required to enable us to understand the nature of the request in respect of the effect it will have on the environment, the ways in which any adverse effects may be mitigated, the benefits and costs and the efficiency and effectiveness.
<b>Applicant’s Response</b>	The PPC has been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. As such, the standard ITA requirements will apply to the precinct. The traffic assessment contained in Appendix C has also been updated to reflect these changes. As the changes to the WDP’s transport chapter have been removed no further action is required.

<b>Information Sufficiency</b>	Sufficient. No further information is required.
Appendix C: Transport Assessment	
<b>C1 Original Request</b>	The proposed changes TRA-R15 and TRA-R16 to provide a controlled pathway circumvent the ITA requirements. To justify this pathway, it is considered that a comprehensive transport assessment should be provided to a similar level of detail as required by the TRA-REQ2. The following items provide some specific detail on areas which are lacking in the assessment required to enable Council to understand the nature of the request in respect of the effect it will have on the environment.
<b>C2 Original Request</b>	The transport assessment lacks sufficient consideration of the potential for multi-modal generation. Activities such as trade retail, general retail, and food and beverage activities that would be enabled by the request would be expected to generate some walking and cycling. Assessment of the potential for multi-modal generation is required.
<b>C3 Original Request</b>	<p>The Transport assessment lacks consideration of transport policy and strategy for example under TRA -REQ2 the following is required:</p> <ul style="list-style-type: none"> <li>• An assessment of the proposal's consistency with relevant strategic documents including the Blue/Green Network Strategy for Whangārei City, the Walking and Cycling Strategy and the Whangārei Transport Strategy.</li> <li>• An assessment of the overall suitability of the site to accommodate the proposed activity and its transportation effects in a manner that is consistent with relevant District and Regional transport policies and objectives.</li> </ul>
<b>C4 Original Request</b>	The transport assessment fails to consider the impact of other developments and their traffic-generating potential in the One Tree Point, Ruakaka, and Port Marsden areas (e.g., PC150 Marsden City, Port growth). Flow's proposed replacement of TRA-R15/16 and REQ1/2 with a fixed 350 vph site generation does not account for future changes in the surrounding transport environment and traffic volumes. The assessment should consider the likely annual growth rate along Marsden Point Road and SH15 over the next 5 to 10 years.
<b>C5 Original Request</b>	The transport assessment considers the "worst case" time period based on overall trip generation, concluding that Saturday midday is the "worst case." However, background traffic volumes during the PM peak can often be greater, and a smaller volume added to the network can have an equivalent effect. Further justification for the decision to assess only the Saturday peak is required.
<b>C6 Original Request</b>	The precinct provisions allow for general retail spaces exceeding 450m <sup>2</sup> GFA as a primary activity, along with Food and Beverage activities up to 450m <sup>2</sup> . These activities are discretionary in the LIZ, which allows for consideration of transport impacts. The proposed PREC24 provisions would permit a number of activities of scales not anticipated in the LIZ. For instance, under the proposed PREC24 provisions, a General Retail activities of 999m <sup>2</sup> GFA, combined with a Food and Beverage of 450m <sup>2</sup> GFA and a storage facility of 4999m <sup>2</sup> GFA, would be permitted without any transport assessment. The cumulative transport impact of these activities needs to be assessed.

<b>C7 Original Request</b>	Section 4.4 of the transport assessment provides a qualitative assessment of the impact of generated traffic volumes without a quantitative assessment of predicted delays. On page 11 of the transport assessment, it is noted that there will be greater delays, but these are not quantified. Further quantified analysis (e.g., SIDRA Intersection traffic models or other techniques) should be provided to confirm the assertions made.
<b>C8 Original Request</b>	The transport assessment does not justify limiting the matters of control to “Effects on Marsden Point Road in the <u>immediate vicinity</u> of the site due to increased traffic turning in and out of the site”. Limiting the assessment to the “immediate vicinity of the site” needs to be justified via a more a modelling/detailed assessment.
<b>C8 Original Request</b>	From a plan administrative perspective using vehicles per hour (vph) as a metric is difficult to implement. The operative plan uses Gross Floor Area. Assessment of the the efficiency and effectiveness of using vph as a metric is required.
<b>Applicant's Response</b>	The PPC has been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. As such, the standard ITA requirements will apply to the precinct. The traffic assessment contained in Appendix C has also been updated to reflect these changes. As the changes to the WDP's transport chapter have been removed no further action is required.
<b>Information sufficiency</b>	<p><b>Further information required</b></p> <p>The Transport Assessment that is included with the application is primarily focused on the effects of enabling trade retail within the site. There is no assessment of the impacts of enabling increased general retail and food and beverage activities.</p> <p>As previously requested in C6, a further assessment of the transport impact of enabling general retail and food and beverage activities at the proposed scales is necessary. This is due to their potential to generate a higher number of vehicles per hour and increased likelihood of encouraging more alternative modes of transport compared to industrial activities.</p> <p>There is also no assessment of the traffic generation for High Technology Industrial Activities. As this is a new activity, it is not covered by the existing rules (TRA-R15 and R16) in the Transport chapter, which are triggered based on activity type and GFA thresholds. To better understand the potential environmental impact, please provide an assessment of the traffic impact associated with High Technology Industrial Activities and rationale for why these activities are not included in the Transport chapter rules.</p>
<b>Appendix D: Economic Letter</b>	
<b>D1 Original Request</b>	As noted in item 2 above, the PREC24 provisions allow for activities at scales not anticipated in the LIZ. These activities could resemble those expected in the Local Centre Zone and Precinct 23. While PREC24-O2 aims to support general retail and food and beverage activities at 422 Marsden Point Road Light Industrial Precinct, and protect the vitality of the adjacent Heavy Industrial Zone and nearby Local Centre Zone, there is no evidence showing how this is achieved. Further economic analysis to an appropriate scale is required to enable us to understand the nature

	of the request in respect of the effect it will have on the environment and the ways in which any adverse effects may be mitigated.
<b>Applicant's Response</b>	<p>The economic analysis contained within section 7.1 of the PPCs S32 analysis has been updated to address the scale of activities enabled by the PREC24 provisions and their potential effects on the adjacent Heavy Industrial Zone and the nearby Local Centre Zone.</p> <p>The revised analysis provides:</p> <ul style="list-style-type: none"> <li>• Evidence of market demand for the proposed activities within the Light Industrial Precinct.</li> <li>• An assessment of how the nature and scale of general retail and food and beverage activities within the precinct differ from those anticipated in the Local Centre Zone.</li> <li>• Consideration of how the proposed minimum floor area requirements and activity controls will ensure that retail and hospitality activities primarily serve the local workforce and industrial operations, rather than competing with the community focused retail functions of the Local Centre Zone.</li> <li>• Mitigation measures that preserve the vitality and viability of nearby centres, while supporting the industrial character and economic function of the Marsden Point and Ruakākā areas.</li> <li>• The PPC applies to only one site, meaning it does not set a broader precedent for retail expansion within the LIZ. The scale of development will remain limited, preventing any significant shift in retail activity away from commercial zones. Since the rezoning applies to only one site, the potential for widespread retail development in the LIZ is minimal, preventing any adverse impact on the viability and vitality of commercial zone functions.</li> </ul> <p>This updated assessment provides a comprehensive understanding of potential effects on the environment and demonstrates that any adverse effects can be appropriately managed and mitigated through the proposed precinct provisions.</p>
<b>Information sufficiency</b>	<p><b>Further information required</b></p> <p>The introduction of general retail activities with a minimum GFA of 450m<sup>2</sup> and increased scale of food and beverage activities in an industrial zone could divert consumer spending away from nearby Local Centre and Town Centre Zones. This shift could reduce foot traffic and sales in established and future commercial areas, potentially leading to a decline in their economic vitality and viability.</p> <p>The RFI response fails to provide evidence of an undersupply of general retail and food and beverage space in the area. This is especially relevant given that a new Town Centre Zone has been established in Marsden City which is currently vacant. The assessment and economic letter focuses on the demand for trade retail and light industrial uses without demonstrating a clear need for additional general retail and food and beverage capacity.</p> <p>We request additional information regarding the economic impact of enabling general retail and food and beverage activities at an increased scale and further details to demonstrate that there is insufficient capacity in the currently zoned land for retail activities.</p>

Appendix E: Service Report	
E1	No further information required; however, WDC wastewater department has provided some comments regarding connecting to WDC services (refer to Attachment 2).
<b>Information sufficiency</b>	As previously stated no further information required; however, WDC wastewater department has provided some comments regarding current servicing constraints of WDC services. It is noted that the service report does not analyse impact of enabling general retail and food and beverage activities. Therefore, the WDC Wastewater comments pertain only to the rezoning request from heavy to light industrial and do not address the viability of servicing future general retail or food and beverage development (refer to Attachment 2).
Appendix F: Submission Report	
F1	No further information required.
Appendix G: Local Runanga Consultation	
<b>G1 Original Request</b>	<p>Communication with Patuharakeke: On 20 November 2024, Dave Milner from Patuharakeke advised that they would respond to the applicant after reviewing the application.</p> <p>Communication with Te Parawhau: Email correspondence with Georgina Olsen from Te Parawhau on 22 November 2024, indicated that they would provide comments on the application.</p> <p>Given the busy December period, it is anticipated that additional time is required for iwi/hapū to provide their response. Council requests an update on the status of their review and response.</p>
<b>Applicant's Response</b>	Appendix G of the PPC s32 analysis has been updated to include letters from both local Runanga groups, Patuharakeke and Te Parawhau, confirming that they do not oppose the PPC.
<b>Information sufficiency</b>	Sufficient. No further information required.
Appendix H: NZTA Consultation	
<b>H1 Original Request</b>	NZTA (Waka Kotahi) were appellants to the appeal on the Transport chapter, the provisions for integrated transport assessments were key components of the appeal. Changes proposed to the transport rule circumvent the ITA. NZTA consultation is considered important to understand the nature of the request in respect of the effect it will have on the environment. Council requests an update on the status of their review and response.
<b>Applicant's Response</b>	We have now received approval from NZTA (Waka Kotahi), confirming that they do not oppose the PPC. I have updated the PPC section 32 analysis (Appendix H) to include this confirmation.
<b>Information sufficiency</b>	No further information is required at this stage; however, we note that although NZTA has provided feedback indicating they do not have objections at this point, this does not constitute full approval of the transport impacts. NZTA has requested that "any ITA associated with this application assess the impact that this PPC will have on the intersections of SH1 and 15 in the locality". As noted in Section C above, the current

	ITA does not assess the impact I of enabling general retail, food and beverage activities, and new High Technology Industrial Activity. If the ITA is amended to respond to the comments in Section C, we expect this would be provided to NZTA for further comment.
Appendix I: Neighbours Consultation	
<b>I1 Original Request</b>	<p>The information provided does not state which property owner the letter was sent to other than referring to them as “adjoining neighbour”. No assessment is provided to determine who is considered affected and why. Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states assessment of the activity’s effects on the environment must include the following information:</p> <p><i>(f) identification of the persons affected by the activity.</i></p> <p>Please identify who is considered affected by the plan change to allow us to understand the nature of the request in respect of the effect it will have on the environment.</p>
<b>Applicant’s Response</b>	We consulted with all directly adjoining neighbours and have not received any objections to the proposed PPC. The application has been updated to reflect this consultation and to clarify the affected parties.
<b>Information sufficiency</b>	<p><b>Further information required</b></p> <p>As previously requested, an assessment to determine who is considered affected is required. While we note that the eastern adjoining neighbours have been identified, no rationale is provided as to why these are the only affected parties.</p>

**Attachment 2: Officer Feedback for Applicant's Consideration**

Topic	Officer Feedback
Wastewater connection	<p>The service report was provided to WDC Wastewater Department to review. Although there are no specific concerns regarding the rezoning, as there are adequate other measures in place to manage wastewater <a href="#">EES</a>, <a href="#">TWM-R6 Land Use</a> and PU connection application, they advised that at this point in time they would not support approving a wastewater connection to service further development of this site. Reasons being:</p> <ol style="list-style-type: none"> <li>1. Capacity issues at WWTP – The site is located outside the area of benefit which is being served by the WWTP.</li> <li>2. Whilst there exists a pressure main to the site boundary, a connection cannot be approved until we better understand what the capacity constraints are at the WWTP – expected to have more definitive information by end of quarter 1, 2025.</li> <li>3. Design flows cannot be provided at this time by the applicant – there is a risk associated with this unknown.</li> </ol> <p>The applicants' proposal to provide storage for wastewater flows &gt; 1HUE and then discharge off-peak is not seen as an acceptable solution – the issue in Ruakaka is not with Peak flows but with the total average daily flows reaching the WWTP and requiring treatment and disposal.</p> <p>Please note that the WDC Wastewater Department were asked to comment on the service report provided in Appendix E, which only discussed the impact of rezoning the site from Heavy Industrial to Light Industrial and enabling Trade Retail. The impact of enabling General Retail, an increased scale of food and beverage, and a new activity "High Technology Industrial Activity" has not be assessed.</p>

## **Attachment 4 – Response to Further Information (9 May 2025)**

Our Ref: 48354

9 May 2025

Whangarei District Council  
Rust Avenue  
Private Bag 9033, Te Mai  
Whangarei 0143

Attention: Natalie Day

Email: [Natalie.dey@wdc.govt.nz](mailto:Natalie.dey@wdc.govt.nz)

Dear Natalie,

#### RESPONSE TO CLAUSE 23 OF SCHEDULE 1 REQUEST

**Client:** On Point Northland Ltd

**Location:** 422 Marsden Point Road, Ruakaka

**Council Ref:** PREC24

Thank you for your letters dated 7<sup>th</sup> February and 4<sup>th</sup> April 2025 requesting further information pursuant to Clause 23 of Schedule 1 of the Resource Management Act 1991 (RMA), in relation to the above application. Our response is set out below, noting Council questions are shown in **bold italic** and further questions from Council are shown in *blue italic*, while our responses are shown in normal font.

Private Plan Change Application (PPC)	
<b>1</b>	<b><i>Section 74(2A) of the RMA requires plan changes to take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on the resource management issues of the district. No assessment has been included within the application to confirm that it has taken into account relevant Iwi management plans such as Patuharakeke and Ngatiwai Iwi Management Plans. Assessment of relevant iwi management plans should be addressed in the application.</i></b>
	The Private Plan Change ("PPC") Section 32 analysis application ("s32") has been updated to include letters from both Patuharakeke and Ngatiwai (Appendix G), and assessment against the relevant iwi management plans in section 6.6 of the s32 report.
	<p><i>Further information required – The s32 states that the relevant iwi management plans are the:</i></p> <ul style="list-style-type: none"> <li><i>• Te Iwi O Ngatiwai Environmental Policy Document (2007)</i></li> <li><i>• Patuharakeke Te Iwi Trust Board Environmental Plan (2014)</i></li> </ul> <p><i>The s32 states that applicant has engaged with both hapū to understand the cultural values associated with the site; however, in the responses provided there is no response from Te Iwi O Ngatiwai. Therefore there is insufficient evidence to conclude the applicable iwi management plans have been taken into account.</i></p> <p><i>Please provide an assessment against the Te Iwi O Ngatiwai Environmental Policy Document (2007) or evidence of consultation with Te Iwi O Ngatiwai.</i></p>
	Section 6.6 of the s32 analysis has been updated to incorporate an assessment against the <i>Te Iwi o Ngātiwai Environmental Policy Document (2007)</i> and the <i>Patuharakeke Te Iwi Trust Board Environmental Plan (2014)</i> , in accordance with Section 74(2A) of the Resource Management Act 1991. This assessment addresses the relevant resource management issues identified in both iwi management plans and outlines how the PPC responds to these matters.

	<p>In addition, <b>Appendix G</b> of the application has been updated to include written correspondence from both Patuharakeke and Te Parawhau, who are hapū within the Ngātiwai rohe. While Te Parawhau has provided a response, it is acknowledged that direct correspondence from Te Iwi o Ngātiwai has not been received.</p> <p>Notwithstanding this, the updated assessment in Section 6.6 demonstrates that the PPC has had regard to the values and environmental outcomes sought in the <i>Te Iwi o Ngātiwai Environmental Policy Document (2007)</i>. Efforts to engage with Te Iwi o Ngātiwai have been made, and any further correspondence received will be provided to Council.</p>
2	<p><b><i>The Section 32 analysis should include a summary of options analysis (in accordance with the requirements of s32(1)(b) of the RMA), clearly stating the reasons for deciding on the preferred option and an analysis of the of proposed provisions, including the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the requested provisions. For example, the application lacks sufficient analysis of the following:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Reverse sensitivity - The report does not sufficiently address the potential impact of the proposed activities in the precinct on existing or future heavy industrial operations. Although it mentions mitigation measures, the only specific measure is a 3-meter setback. This setback applies to all buildings rather than activity types, and the report assumes that all activity types are adequately managed by this 3-meter setback without providing any rationale. While activities in the light industrial zone are generally compatible with heavy industry, the PREC provision proposes to enable large-scale general retail and food and beverage activities. There is no assessment provided to justify why this is appropriate or the ways in which any adverse effects may be mitigated.</i></b></li> <li>• <b><i>Protecting the viability and vitality of commercial zones – the Light Industrial Zone (LIZ) allows general retail up to 250m<sup>2</sup>, provided it is ancillary to an industrial activity on site. These provisions ensure that General Retail activities remain ancillary to an industrial activity onsite and protect the LIZ for the intended primary use<sup>2</sup>. The proposed PREC24-R2 zoning would permit General Retail with a gross floor area greater than 450m<sup>2</sup> per tenancy, without the requirement to be ancillary to an industrial activity. This scale of general retail is similar to that expected in commercial zones. This represents a significant shift from an industrial focus to a commercial one. More information is required to address potential impacts, including the impact on the viability and vitality of other commercial zones.</i></b></li> <li>• <b><i>Assessing precinct efficiency and effectiveness- The precinct provision represents a significant departure from the anticipated activities in the LIZ. The suitability of a precinct, as opposed to a different zone (e.g., commercial), should be evaluated to determine if it is the most efficient and effective way to achieve the objectives of the PPC.</i></b></li> <li>• <b><i>Compatibility of activities – LIZ-R19 requires General Retail to be ancillary to the industrial activity on the site. By removing this requirement, a range of additional General Retail activities may be permitted. There is no assessment as to how the activities will operate and be compatible without generating adverse impacts on one another.</i></b></li> <li>• <b><i>Efficiency and effectiveness of transport amendments – The proposed amendments to TRA-R15 and TRA-R16 would remove the requirement for an Integrated Transport Assessment (ITA) as required by TRA-REQ2. However, as outlined in Section C of this RFI, an assessment of similar detail to an ITA is necessary to fully understand the environmental impact of the request. The s32 analysis should evaluate the efficiency and effectiveness of conducting an ITA now, given that a "basic transport assessment" would still be required at the consent stage through a controlled pathway. This should be compared to maintaining the current district wide approach of applying TRA-R15 and TRA-R16 and conducting the ITA at the resource consent stage when development details are known.</i></b></li> </ul>

	<p><b><i>Please note that these examples are not exhaustive, and a thorough Section 32 assessment is required to better understand the benefits and costs, the efficiency and effectiveness, and any possible alternatives of all relevant aspects of the request.</i></b></p>
	<p>Section 5 of the s32 analysis has been updated to include a comprehensive options assessment in accordance with Section 32(1)(b) of the RMA. The revised analysis evaluates the efficiency, effectiveness, benefits, costs, and possible alternatives to the proposed provisions, clearly explaining the rationale for the preferred option. Key updates to the s32 analysis include:</p> <p><b>Reverse Sensitivity</b></p> <p>The PPC's assessment of reverse sensitivity effects has been updated to provide further assessment of reverse sensitivity effects arising from the proposed activities within the precinct, particularly in relation to existing and future operations in the adjacent Heavy Industrial Zone (HIZ).</p> <p>The updated assessment includes:</p> <ul style="list-style-type: none"> <li>• A discussion of how the 3-metre setback requirement provides a physical buffer between industrial zones and how this is complemented by other controls (e.g., noise, building design, and hours of operation) to mitigate potential effects.</li> <li>• A discussion on the activity status for activities and/or its accompanying permitted activity standards and information requirements.</li> <li>• Further comments on how the site only adjoins LIZ and HIZ land, therefore the setback requirements from Rural Production, Residential, or Open Space and Recreation Zones do not apply.</li> <li>• Consideration of the nature and scale of proposed General Retail and Food and Beverage activities, including how these activities will be required to be designed and operated to avoid conflict with heavy industrial uses.</li> </ul> <p><b>Protecting the Viability and Vitality of Commercial Zones</b></p> <p>The economic analysis has been revised to examine the potential impacts of enabling General Retail activities exceeding 450m<sup>2</sup> without an ancillary industrial activity requirement. This section addresses:</p> <ul style="list-style-type: none"> <li>• The differences in function and target market between retail activities in the precinct and those in Local Centre and Commercial zones.</li> <li>• How the minimum gross floor area (GFA) threshold ensures that retail activities in the precinct serve industrial and trade-focused markets, limiting overlap with the everyday retail found in commercial zones.</li> <li>• The justification for enabling larger-format retail within the precinct, supported by market demand data and the economic memo prepared by Matt Prentice of Colliers. New Zealand contained in <b>Appendix D</b> of the PPC s32 analysis.</li> <li>• An assessment of mitigation measures to protect the vitality and viability of nearby commercial centres.</li> <li>• Since the rezoning applies to only one site, the potential for widespread retail development in the LIZ is minimal, preventing any adverse impact on the viability and vitality of commercial zone functions.</li> </ul> <p>The Part 5 Industry Section 42A report referred to in the above RFI considers that it is important that General Retail and Commercial Service activities remain ancillary to an industrial activity onsite to protect the Light Industrial Zone for the intended primary use as an increase in GFA of General Retail and Commercial Service activities could result in adverse cross boundary effects to more sensitive zones. As the site does not adjoin any more sensitive zones, such as residential or open space zones. As a result, this concern regarding cross-boundary effects is less relevant, and the restrictions on General Retail and Commercial Services becoming too dominant within the LIZ may not be necessary.</p> <p>Therefore, while the 42A report highlights these concerns for areas adjacent to sensitive zones, the absence of such zones in this specific case means that the proposed provisions for</p>

	<p>do not need to adhere to the same level of restriction. Instead, the provisions for the new precinct can afford more flexibility in terms of allowing General Retail and Commercial Service activities, which can serve the industrial needs of the area and support the local workforce without negatively impacting more sensitive land uses. This shift in approach is based on the unique characteristics of the site and its context, where the primary concern about cross-boundary impacts does not apply, as the site is not adjacent to sensitive zones that would require such protective measures.</p> <p><b>Assessing Precinct Efficiency and Effectiveness</b></p> <p>The PPC s32 analysis evaluates the efficiency and effectiveness of establishing a precinct overlay (PREC24) within the Light Industrial Zone versus alternatives such as:</p> <ul style="list-style-type: none"> <li>• Retaining the sites existing HIZ without changes.</li> <li>• Applying for a resource consent for a LIZ activity within the HIZ site.</li> <li>• Rezoning the site to LIZ without the proposed precinct rules.</li> </ul> <p>The preferred precinct approach was selected because it:</p> <ul style="list-style-type: none"> <li>• Provides flexibility to accommodate market demand while maintaining an industrial focus.</li> <li>• Allows for site-specific provisions that address the unique context of the site and its surroundings.</li> <li>• Offers a more targeted and effective solution than broad zoning changes that could undermine the industrial land supply.</li> </ul> <p><b>Compatibility of Activities</b></p> <p>The revised s32 analysis includes an evaluation of the differences from the existing LIZ provisions and the PPC's precinct rules. This assessment is provided under the 7.7 compatibility of activities heading in the s32 analysis.</p> <p><b>Efficiency and Effectiveness of Transport Amendments</b></p> <p>The Precinct provisions have been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. The traffic assessment contained in <b>Appendix C</b> has also been updated to reflect these changes. As the changes to the WDP's transport chapter have been removed no further assessment is required.</p> <p>The updated PPC s32 analysis now provides a comprehensive assessment of the proposed provisions, alternatives, benefits, costs, and mitigation measures. It demonstrates that the PPC is the most efficient and effective means of achieving the PPC's objectives while ensuring that potential environmental and land use effects are appropriately managed.</p>
	<p><i>Further information required</i></p> <p><i>There is no s32 analysis in section 5 of the report. While section 7 AEE includes some assessment of effects, it does not explore possible alternatives to the proposed provisions or clearly explain the rationale for the preferred option. Precinct provisions are typically used to apply additional place-based regulations, but the need for such provisions has not been demonstrated, nor has it been shown why alternative zoning would not be more suitable for the intended outcomes.</i></p> <p><i>Although the proposal applies to a single site, it could set a precedent for similar proposals in the future. Without a sound rationale for why a precinct is appropriate, it undermines the intent of the existing zonings. The proposed shift in precinct provisions from industrial to commercial effectively results in misleading zoning.</i></p> <p><i>The information provided is insufficient to assess the environmental impact of the PPC, particularly regarding the proposed general retail and food and beverage provisions. The rationale for these provisions is conflicting and lacks support. For instance, the RFI response suggests that the proposed provisions will provide the benefit of targeting trade-oriented and</i></p>

	<p><i>industrial-service retailers, but the proposed changes would enable general retail and an increased scale of food and beverage activities.</i></p> <p><i>The s32 report states that the general retail rule will facilitate "industrial-supporting retail." However, under the proposed provisions, general retail activities would no longer be required to be ancillary to industrial use, potentially enabling activities that constrain rather than support the light industrial site's intended function.</i></p> <p><i>The assertion that "the scale of development will remain limited, preventing any significant shift in retail activity away from commercial zones" is not supported by the proposed precinct provisions. These provisions could enable a large-scale bulk format retail activity, or multiple smaller general retail shops of 450m<sup>2</sup>, which could compete with and detract from the other commercial zones in the Ruakaka and Marsden Point area.</i></p> <p><i>Although the proposed GFA requirements differ from some commercial zonings, this does not ensure that large-scale general retail establishments wouldn't detract from the vitality of other zones where smaller retail is anticipated. No assessment of the costs or possible alternatives of the proposed precinct GFAs has been included within the s32 analysis.</i></p> <p><i>The changes to general retail, combined with increased permitted GFA for food and beverage activities, could result in the establishment of solely commercial activities, which is not anticipated in the LIZ.</i></p> <p><i>We require further information to understand the environmental effects of removing the requirement for general retail to be ancillary to industrial use and increasing the permitted GFA for general retail and food and beverage activities.</i></p> <p><i>We require further information to understand the possible alternatives to the precinct provisions, including alternative precinct provisions and default Light Industrial Zoning with no precinct overlay. For example, the Urban Form and Development chapter of the district plan outlines the zoning criteria. An assessment against these policies, such as UFD-P8 and UFD-P10, is needed to demonstrate the appropriateness of different zoning for the site context and intended use. The current proposed zoning with the precinct overlay does not appear to fully meet the criteria outlined in these policies.</i></p>
	<p>The s32 evaluation has been updated to provide a clearer summary of the options analysis in accordance with s32(1)(b) of the Resource Management Act 1991 (RMA). Specifically:</p> <ul style="list-style-type: none"> <li>• The assessment contained in Section 5 of the PPC has been updated to include the reason for selecting the precinct approach (versus relying on the standard Light Industrial Zone or alternative zonings), based on site-specific context, desired outcomes, and operational compatibility with the surrounding environment.</li> <li>• <b>Costs and benefits</b> of enabling additional activities (general retail, food and beverage) versus maintaining the current zone settings have been analysed, focusing on land use efficiency, economic benefits, and risk of reverse sensitivity.</li> <li>• <b>Alternatives considered</b> include: <ul style="list-style-type: none"> <li>○ Retaining the Light Industrial Zone without a precinct overlay; or</li> <li>○ Developing the site for traditional heavy industrial uses in accordance with its existing zoning; or</li> <li>○ Rezoning to a commercial or mixed-use zoning.</li> </ul> </li> <li>• The preferred option (Light Industrial with precinct overlay) has been demonstrated as the most appropriate method to achieve the purpose of the Act and the objectives of the District Plan.</li> </ul> <p>An assessment against the Urban Form and Development ("UFD") chapter policies, particularly <b>UFD-P8</b> and <b>UFD-P10</b>, has been included Section 6.1.2 of the s32 report to demonstrate that</p>

the site and proposed provisions align with the policy direction for appropriate land use and development within industrial zones.

#### Reverse Sensitivity Effects

Further analysis has been undertaken in section 7.6 of the s32 analysis to address concerns around reverse sensitivity effects arising from the introduction of additional commercial activities. Specifically:

- **No sensitive activities** (such as residential, educational, or healthcare activities) are enabled under the PPC.
- **Setback requirements** from adjoining Heavy Industrial zoned land remain consistent with the existing Light Industrial Zone provisions (3-metre minimum building setback), providing a physical buffer between activities.
- **General Retail Activity Control Introduced** (see proposed Precinct Rule PREC24-R2 contained in Appendix ii of the s32 analysis):
  - General retail activities exceeding **250m<sup>2</sup> GFA per site** are now classified as **Restricted Discretionary Activities**.
  - The rule has been specifically worded to apply on a “**per site**” basis, ensuring that cumulative development across a site is subject to a clear threshold, avoiding piecemeal expansion that could circumvent intended controls. Reverse sensitivity effects are included as an **explicit assessment matter** at the resource consent stage.
  - This control ensures that larger-scale activities are subject to detailed assessment to protect adjoining heavy industrial operations.
- These measures mitigate potential for operational complaints and ensure the continued viability of surrounding industrial activities.

#### Compatibility of Activities and Impact on Industrial Character

The compatibility of activities enabled by the precinct has been further refined and clarified in section 7.8 of the s32 analysis:

- The precinct maintains an industrial focus by limiting the scale and type of commercial activities.
- **Minimum GFA thresholds** for trade retail (250m<sup>2</sup>) and restrictions on general retail activities above 250m<sup>2</sup> ensure that retail activity serves an industrial and workforce support function rather than becoming a general retail centre.
- **Food and beverage activity limits** (maximum 450m<sup>2</sup> per tenancy) are designed to meet local worker needs without undermining existing commercial centres.
- **Precinct policies and rules** reinforce that commercial activities must not compromise the operational capacity or efficiency of adjoining heavy industrial activities.

The precinct design, combined with the controlled activity thresholds, ensures that activities will remain compatible with adjoining industrial land and maintain the intended industrial character of the wider Marsden Point and Ruakākā areas.

#### Environmental Effects Assessment

The updated assessment more fully addresses the potential environmental effects associated with:

- Increased public access to the site (section 7.3).
- Traffic generation and loading activities (section 7.2).
- Noise effects from a more diverse range of activities (section 7.3).

The WDP's existing environmental performance standards (e.g., noise, traffic, loading, and servicing) will continue to apply to the site, ensuring that any effects are appropriately managed at the operational level. The limited extent of proposed additional activities, combined with the introduction of the RDA threshold for general retail activities and assessment matters, ensures that environmental effects are minor and can be appropriately mitigated where necessary.

	<p><b>Precedent Effects</b></p> <p>The s32 analysis has been updated to include an assessment against the potential to set a precedent (section 7.10). It is concluded that PPC:</p> <ul style="list-style-type: none"> <li>• Is site-specific and responds to the unique locational advantages of the site (proximity to Marsden Point Road, industrial support services demand, etc.).</li> <li>• Retains industrial zoning as the underlying zone, with additional controls to ensure appropriate activity management.</li> <li>• Implements tailored development standards and consent processes to manage compatibility and reverse sensitivity.</li> </ul> <p>Accordingly, the proposal does not undermine the District Plan's zoning intent or create an inappropriate precedent for further widespread commercialisation of industrial land.</p> <p><b>Conclusion</b></p> <p>In summary, the amendments made to the PPC and supporting documents respond comprehensively to the issues raised in Council's request for further information. The PPC remains consistent with the relevant objectives and policies of the District Plan and the RMA, and it appropriately manages potential effects associated with the proposed changes.</p> <p>We respectfully request that Council proceed with notification of the PPC based on the updated information provided.</p>
3	<p><b><i>Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states that applications must include an assessment against any relevant objectives, policies, or rules in a document (i.e. district plan). Assessment of the alignment of the proposed rezoning and precinct provisions with the objectives and policies of the Operative Whangārei District Plan is required.</i></b></p>
	<p>The PPC s32 analysis has been updated to include an assessment against the objectives and policies of the Operative Whangārei District Plan in section 6.1.2 of the s32 analysis.</p>
	<p><i>Further information required</i></p> <p><i>Insufficient assessment against LIZ-O4 Reverse Sensitivity is provided. Reverse sensitivity effects, as defined in the WDP, are not limited to “residential, education, and healthcare facilities” as being incompatible with neighbouring uses, as suggested by the RFI response. Instead, they include any activity that may constrain the operation of an existing lawfully established use.</i></p> <p><i>The discussion on reverse sensitivity does not acknowledge that general retail is a commercial activity with weaker links to industrial uses compared to trade retail. In the proposed precinct, general retail has been enabled without requirements to be ancillary to an industrial activity, potentially allowing activities inconsistent with the underlying light industrial zone. Additionally, food and beverage activities are permitted at an increased scale.</i></p> <p><i>The nature and scale of retail and food and beverage activities that would be enabled by the proposed precinct provisions do not constitute an industrial use and therefore compatibility cannot be assumed. More information is required to a to better understand the impact of enabling general retail and food and beverage activities adjacent to the Heavy Industrial Zone.</i></p> <p><i>No assessment is provided against LIZ-O6 Retail Activities which seeks to enable larger scale trade retail within the Light Industrial Zone and limit all other retail activity. Assessment against this objective is required because the PPC precinct provisions seek to enable general retail in a manner that would contradict this objective.</i></p>

	<p><i>No assessment has been provided against LIZ-P3.4 which seeks to to manage non-industrial activities by ensuring that they do not compromise the viability and vitality of the City Centre, Waterfront, Mixed Use, Local Centre, Neighbourhood Centre and Shopping Centre Zones.</i></p> <p><i>Assessment of the alignment of the proposed rezoning and precinct provisions with all relevant objectives and policies of the Operative Whangārei District Plan is required.</i></p>
	<p>In response to Council's request for further information, the s32 analysis has been updated to include a more detailed and comprehensive assessment of the alignment between the proposed rezoning and precinct provisions and the objectives and policies of the Operative Whangārei District Plan. Section 6.1.2 of the updated s32 analysis now specifically addresses:</p> <ul style="list-style-type: none"> <li>• Objective LIZ-O4 (Reverse Sensitivity), with clarification that reverse sensitivity includes any activity that may constrain the operation of lawfully established uses, not only residential or community activities.</li> <li>• The potential effects of enabling general retail and food and beverage activities, with an explanation of how the precinct provisions manage these effects through scale thresholds and consent requirements.</li> <li>• Objective LIZ-O6 (Retail Activities), with a discussion on the distinction between trade and general retail and how the PPC remains consistent with the intent of enabling industrial-supporting retail.</li> <li>• Policy LIZ-P3.4, confirming that non-industrial activities enabled under the precinct will not undermine the viability or function of established commercial centres.</li> </ul> <p>This revised assessment ensures that the proposal aligns with all relevant provisions of the Operative Whangārei District Plan and satisfies the requirements of Clause 23(1)(a) and Schedule 4 of the RMA.</p>
4	<p><b><i>Section 6.6 Northland Regional Policy Statement (NRPS) assessment lacks sufficient assessment against the NRPS provisions including the following:</i></b></p> <ul style="list-style-type: none"> <li>- <b><i>3.6 economic activities – reverse sensitivity and sterilisation The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either: (a) Reverse sensitivity for existing: (ii) Industrial and commercial activities;</i></b></li> <li>- <b><i>5.1.3 Policy – Avoiding the adverse effects of new use(s) and development Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: (b) Commercial and industrial activities in commercial and industrial zones;</i></b></li> <li>- <b><i>6.1.1 Policy – Regional and district plans</i></b></li> </ul> <p><b><i>Regional and district plans shall:</i></b></p> <ul style="list-style-type: none"> <li><b><i>(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</i></b></li> <li><b><i>(b) Be as consistent as possible; (c) Be as simple as possible;</i></b></li> <li><b><i>(d) Use or support good management practices;</i></b></li> <li><b><i>(e) Minimise compliance costs and enable audited self- management where it is efficient and effective;</i></b></li> <li><b><i>(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and</i></b></li> <li><b><i>(g) Focus on effects and where suitable use performance standards.</i></b></li> <li>- <b><i>6.1.4 Method – Statutory plans and strategies</i></b></li> </ul> <p><b><i>The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall:</i></b></p> <ul style="list-style-type: none"> <li><b><i>(a) Demonstrate how Policy 6.1.1 is given effect;</i></b></li> </ul> <p><b><i>An assessment of the relevant objectives and policies of the NRPS is required to understand the effects of the request.</i></b></p>

	The PPC assessment against the Northland Regional Policy Statement contained in section 6.4 of the s32 analysis has been extended to include these specific provisions.
<b>5</b>	<b><i>Section 74 (2)(b)(i) of the RMA requires plan changes to have regard to management plans and strategies prepared under other Acts. The report does not assess how the proposal aligns with relevant management plans or strategies including the Whangārei Growth Strategy 2021 and the draft Future Development Strategy.</i></b>
	The PPC assessment has been extended to include the Whangārei Growth Strategy 2021 (section 6.2 of the s32 analysis) and the draft Future Development Strategy (section 6.3 of the s32 analysis).
	<i>The Whangārei Draft Future Development Strategy identifies the site as light/heavy industrial. However, the precinct provisions allow for commercial activities. Although the site would be zoned industrial, the precinct provisions could lead to a different use that has not been assessed for alignment with the Strategy's goals. More information is required to understand how enabling general retail and food and beverage has had regard to the Future Development Strategy.</i>
	<p>Sections 6.2 and 6.3 of the s32 analysis have been updated to assess the PPC against the <i>Whangārei District Growth Strategy (2021)</i> and the <i>Draft Future Development Strategy (2024)</i>, in accordance with Section 74(2)(b)(i) of the RMA.</p> <p>The updated assessment acknowledges that the Draft Future Development Strategy identifies the site as suitable for light/heavy industrial activities and recognises that the proposed precinct provisions enable limited general retail and food and beverage as primary activities. These provisions have been carefully considered to ensure they remain consistent with the broader intent of the Strategy.</p> <p>The updated Section 6.3 explains how the inclusion of commercial activities supports the Strategy's overarching goals by enabling economic growth, employment opportunities, and flexible land use in an existing serviced industrial area, without undermining the integrity of the wider industrial zone or the district's commercial centre hierarchy. Controls within the precinct are proposed to manage the scale and effects of these activities.</p> <p>Accordingly, the PPC is considered to have appropriately had regard to both the <i>Whangārei District Growth Strategy (2021)</i> and the <i>Draft Future Development Strategy (2024)</i>.</p>
<b>Appendix A: Records of Title</b>	
<b>A1</b>	<b><i>No further information is required.</i></b>
<b>Appendix B: Proposed Marsden Light Industrial Precinct Provisions</b>	
<b>B1</b>	<b><i>PREC24-P1 seeks to enable activities that are managed according to potential effects on internal amenity, reverse sensitivity and transport network. It is unclear what is meant by this policy and how internal amenity and reverse sensitivity effects are managed by the proposed provisions. Please clarify how this policy will mitigate any adverse effects.</i></b>
	<p>PREC24-P1 is intended as an enabling policy that facilitates a range of activities within the precinct while seeking that potential effects on reverse sensitivity and the transport network are appropriately managed. To improve clarity and focus, the following amendments are proposed:</p> <ul style="list-style-type: none"> <li>• Add wording seeking those effects are mitigated; and</li> <li>• The reference to internal amenity has been removed from the proposed policy, reflecting that internal amenity considerations are less relevant to the industrial nature of the precinct.</li> </ul>

	<p>The hierarchy of provisions support the policy intend by aligning the applicable standards and matters of discretion to ensure the envisaged outcomes.</p>
<b>B2</b>	<p><b><i>The PREC24 includes a new definition of High Technology Industrial Activity or Research and Innovation Activities.</i></b></p> <p><b><i>Council requires further information that clarifies this definition and the nature and scale of activities that it would provide for. The justification for this activity should be clarified and addressed in the Section 32 Analysis.</i></b></p> <p><b><i>Also note that the proposed plan change should seek to amend the definitions chapter rather than locating the definition in the PREC24- R12.</i></b></p>
	<p>The proposed definition has been refined to focus solely on “High Technology Industrial Activities”, removing reference to “Research and Innovation Activities” for improved clarity and alignment with the intent of the precinct provisions.</p> <p>An assessment of the nature, scale, and justification for enabling High Technology Industrial Activities has been included in section 7.6 of the s32 analysis. This assessment addresses how these activities align with the objectives of the LIZ, support regional economic development, and complement existing industrial activities without generating significant reverse sensitivity or transport effects.</p> <p>Additionally, the definition has been relocated from PREC24-R12 to the District Plan’s Definitions chapter to ensure consistency with the structure of the Whangārei District Plan, as requested.</p>
	<p><i>Further information required</i></p> <p><i>The nature of this activity remains unclear. It appears that part of it may be covered under research laboratories within the General Industry definition, while "any associated manufacturing, electronic data storage, and processing" would fall under other activity definitions such as "manufacturing". Providing an example of what constitutes a "high technology industrial activity" would be beneficial. Without this clarification, understanding the effects is challenging.</i></p> <p><i>It remains unclear why a new definition is required, and which aspects of the activity fall outside of what is already provided for in the Light Industrial Zone.</i></p> <p><i>The definition does not appear to have been shifted to the Definition chapter, as it is still shown in PREC24-R12. Additionally, there may be unintended consequences of introducing this new term. For example, clarification is needed on where it sits in the activities definitions groupings and whether a rule is now required for it in all other chapters.</i></p> <p><i>Subsequent further information required</i></p> <p><i>Thank you for your comments. At this stage, we cannot support the proposed definition as we do not see a clear rationale for it. Unless better supporting evidence is provided for the RFI, we would likely request a modification of the request under clause 24 of the RMA.</i></p> <p><i>We still find the definition vague, particularly the terms "advanced technology" and "applied science", which could encompass a wide range of activities. We believe that the activities you describe would already be captured under the current definitions in the district plan (general industry and storage).</i></p> <p><i>While we appreciate that the Marsden Technology Park Precinct has a unique definition, it was the result of a mediation process and should not necessarily serve as a precedent for creating another unique definition in the plan. In addition the Marsden Technology Park Industrial Activity definition is more specific, limited it to communications technology and computer and</i></p>

	<p><i>information technology, whereas "applied science" and "advanced technology" are much broader and open to interpretation.</i></p> <p><i>If the proposed definition is to be retained, the RFI response not only need strong supporting rationale but would need to address potential gaps in the plan caused by introducing a new activity definition, such as how the transport chapter and ITA assessments are triggered and how the activity fits within the activity groupings of the district plan.</i></p> <p><i>If the primary motivation for including this definition is to enhance the marketability of the site, we suggest that this could be better achieved through other mechanisms, such as a precinct name (rather than 422 Marsden Point Road) or through discussion in the issues section of the precinct.</i></p>
	<p>In response to Council's request for further information regarding the inclusion of a new activity type titled "High Technology Industrial Activity" within the PREC24 provisions, the s32 analysis has been updated accordingly. As per our discussions, we did not provide an update within the definitions Chapter but provided the details in the updated s32 analysis.</p> <p>Section 7.7 of the updated s32 analysis now provides an assessment of the nature, scale, and justification for enabling High Technology Industrial Activities. These activities are intended to support the region's economic diversification, attract investment in advanced industries, and complement the broader industrial land use strategy. They typically involve low-emission, low-noise, and clean technology environments, and as such, are compatible with Light Industrial Zone expectations and unlikely to generate reverse sensitivity or infrastructure servicing issues.</p> <p>To further address Council's concern regarding overlap with existing definitions (e.g., "General Industry", "Manufacturing", or "Research Laboratory"), it is considered that a High Technology Industrial Activity may include a facility engaged in the design and testing of precision instruments, the development of robotics components, or the assembly and distribution of sensor technologies—activities that involve innovation-led industrial production, but may not fit neatly within existing categories due to their hybrid nature (e.g., data processing combined with specialist assembly). We have also included an extended version of the Industrial Activities grouping activities to further distinct the proposed activity. Please refer to Section 4.2 of the updated s32 analysis. Similar to the mechanism applied for other definition groupings in the WDP, the "High Technology Industrial Activity" has been added as a subset of General Industry. The precinct provisions have also been elaborated to include specific reference and to support the proposed enabled High Technology Activities.</p> <p>Notably, while some elements of these activities may be encompassed by existing definitions, the introduction of a standalone definition ensures plan users and decision-makers can clearly identify and assess these activities in a manner that aligns with the precinct's forward-looking economic intent. The proposed activity is not intended to broaden the range of permitted uses beyond the Light Industrial Zone's industrial character, but rather to better reflect the evolving nature of advanced industrial sectors.</p> <p>We acknowledge that the Council is not supportive of a similar approach that was taken with the Marsden Technology Park Precinct, where a bespoke definition was adopted to specifically recognise high-technology industries. However, we still consider that it is appropriate to distinguish technology-focused industrial activities where there is a strategic intent to attract such sectors. In our view, the extension of the Industrial Activities grouping alleviate the Council's concerns for any unintended gaps that may be created in the plan as "High Technology Industrial Activity" will be covered by the WDP provisions under the main umbrella of "General Industry".</p>

	This update ensures that the proposed activity is clearly defined, justified, and appropriately located within the planning framework, addressing both the structural and policy concerns raised by Council.
B2	<b><i>The intent of the table on page 18 of the proposed provision is unclear. Clarification is required whether this table forms part of the rule framework or if its purpose is to compare provisions to aid in assessment of the plan change.</i></b>
	The table was prepared by Cato Bolam to assist us in the preparation of the proposed precinct rules and was not meant to be included in the PPC application. The PPC has been updated to remove this.
B3	<b><i>In PREC24-R2 "Warehousing" is specifically provided for in the rule however this includes overlapping activities with LIZ-R12 that permits "storage". Council requires further information that clarifies the meaning of this term and the nature and scale of activities that it would provide for and how these differ from storage activities.</i></b>
	The PREC24 provisions have been updated to remove "Warehousing" from the General Retail activity rule to avoid overlap with the existing "Storage" provisions under LIZ-R12. This ensures that storage remains a distinct and separately managed activity within the precinct. By retaining storage as a standalone activity for the precinct, these rules now provide clearer differentiation between general storage uses and retail-related activities, thereby improving consistency with the wider LIZ provisions. The "Storage" provision in PREC24-R9 are more site specific appropriate than LIZ-R12 Storage.
	<i>Further information required</i> <i>The implementation of the precinct storage rule seems unnecessary, as the only difference is the exclusion of landscaping provisions, which are irrelevant to this site. Additionally, many other precinct rules are unnecessarily duplicated. An assessment is needed to evaluate the efficiency of duplicating these rules in the Precinct chapter when there is no clear justification or apparent efficiency to be gained.</i>
	The proposed precinct rules have been updated to remove duplicated rules.
B3	<b><i>The amendments proposed to the Transport chapter provide a controlled activity pathway where "only a basic traffic effects assessment is required". There is no further description as to what constitutes a "basic traffic effects assessment". Explanation of a "basic traffic effects assessment" is required to enable us to understand the nature of the request in respect of the effect it will have on the environment, the ways in which any adverse effects may be mitigated, the benefits and costs and the efficiency and effectiveness.</i></b>
	The PPC has been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. As such, the standard ITA requirements will apply to the precinct. The traffic assessment contained in <b>Appendix C</b> has also been updated to reflect these changes. As the changes to the WDP's transport chapter have been removed no further action is required.
<b>Appendix C: Transport Assessment</b>	
C1-C8	The PPC has been updated to remove the proposed changes to TRA-R15/16 and REQ1/2. As such, the standard ITA requirements will apply to the precinct. The traffic assessment contained in <b>Appendix C</b> has also been updated to reflect these changes. As the changes to the WDP's transport chapter have been removed no further action is required.
	<i>Further information required</i> <i>The Transport Assessment that is included with the application is primarily focused on the effects of enabling trade retail within the site. There is no assessment of the impacts of enabling increased general retail and food and beverage activities.</i>

	<p><i>As previously requested in C6, a further assessment of the transport impact of enabling general retail and food and beverage activities at the proposed scales is necessary. This is due to their potential to generate a higher number of vehicles per hour and increased likelihood of encouraging more alternative modes of transport compared to industrial activities.</i></p> <p><i>There is also no assessment of the traffic generation for High Technology Industrial Activities. As this is a new activity, it is not covered by the existing rules (TRA-R15 and R16) in the Transport chapter, which are triggered based on activity type and GFA thresholds. To better understand the potential environmental impact, please provide an assessment of the traffic impact associated with High Technology Industrial Activities and rationale for why these activities are not included in the Transport chapter rules.</i></p>
	<p>The PPC has been updated to remove the previously proposed amendments to TRA-R15, TRA-R16 and REQ1/REQ2 in the Transport Chapter of the Whangārei District Plan. As a result, the standard Integrated Transport Assessment (ITA) requirements and traffic generation thresholds under the Operative District Plan rules will now apply to all activities within the precinct. This ensures consistency with the plan-wide framework and enables Council to retain full oversight of potential transport effects through the existing rule structure.</p> <p>The PPC now introduces a Restricted Discretionary Activity (RDA) status for general retail activities exceeding 250m<sup>2</sup> gross floor area (GFA) per site. This rule ensures that more intensive retail activities are subject to site-specific assessment, including transport impacts. To support this, the PPC includes specific assessment matters to guide the exercise of discretion, including Traffic generation and transport effects, including impacts on local road network capacity, access, parking, and loading. These matters ensure that traffic-related effects of larger general retail activities are comprehensively assessed at the consent stage, providing Council with the ability to impose conditions or require mitigation where appropriate.</p> <p>With respect to food and beverage activities, the scale permitted under the precinct remains limited to a maximum of 450m<sup>2</sup> GFA per tenancy. This aligns with a local-serving function and does not introduce destination-type activity that would trigger significant traffic effects beyond those already anticipated for Light Industrial zones. The existing WDP transport rules will continue to apply to these activities, and any larger-scale proposals would require consent and further assessment.</p> <p>Regarding High Technology Industrial Activities, although this is a new definition, the operational characteristics of these activities align with those already anticipated within the Light Industrial Zone. These activities will be captured by plan provisions for General Industry. These uses typically involve advanced manufacturing, assembly, or controlled-environment processing and are expected to generate moderate traffic volumes with limited visitor interface. As such, they are considered to fall within the scope of “General Industry” and “Manufacturing” for the purposes of TRA-R15 and R16 and will be subject to the same GFA-based thresholds and ITA triggers.</p> <p>Should any future High Technology Industrial Activity exceed typical trip generation parameters, the operative rules already provide a mechanism to require additional assessment through existing thresholds.</p> <p>In summary, the removal of the proposed amendments to the Transport Chapter means all activities within the precinct are subject to the existing WDP transport framework. The introduction of RDA status for general retail over 250m<sup>2</sup> GFA, supported by detailed assessment matters including transport impacts, provides a targeted and robust mechanism to assess and manage potential traffic effects. Together, these measures ensure that transport effects associated with general retail, food and beverage, and High Technology Industrial</p>

	Activities are appropriately managed through the consenting process and in accordance with existing District Plan provisions.
<b>Appendix D: Economic Letter</b>	
<b>D1</b>	<b><i>As noted in item 2 above, the PREC24 provisions allow for activities at scales not anticipated in the LIZ. These activities could resemble those expected in the Local Centre Zone and Precinct 23. While PREC24-O2 aims to support general retail and food and beverage activities at 422 Marsden Point Road Light Industrial Precinct, and protect the vitality of the adjacent Heavy Industrial Zone and nearby Local Centre Zone, there is no evidence showing how this is achieved. Further economic analysis to an appropriate scale is required to enable us to understand the nature of the request in respect of the effect it will have on the environment and the ways in which any adverse effects may be mitigated.</i></b>
	<p>The economic analysis contained within section 7.1 of the PPCs s32 analysis has been updated to address the scale of activities enabled by the PREC24 provisions and their potential effects on the adjacent Heavy Industrial Zone and the nearby Local Centre Zone.</p> <p>The revised analysis provides:</p> <ul style="list-style-type: none"> <li>• Evidence of market demand for the proposed activities within the Light Industrial Precinct.</li> <li>• An assessment of how the nature and scale of general retail and food and beverage activities within the precinct differ from those anticipated in the Local Centre Zone.</li> <li>• Consideration of how the proposed minimum floor area requirements and activity controls will ensure that retail and hospitality activities primarily serve the local workforce and industrial operations, rather than competing with the community-focused retail functions of the Local Centre Zone.</li> <li>• Mitigation measures that preserve the vitality and viability of nearby centres, while supporting the industrial character and economic function of the Marsden Point and Ruakākā areas.</li> <li>• The PPC applies to only one site, meaning it does not set a broader precedent for retail expansion within the LIZ. The scale of development will remain limited, preventing any significant shift in retail activity away from commercial zones. Since the rezoning applies to only one site, the potential for widespread retail development in the LIZ is minimal, preventing any adverse impact on the viability and vitality of commercial zone functions.</li> </ul> <p>This updated assessment provides a comprehensive understanding of potential effects on the environment and demonstrates that any adverse effects can be appropriately managed and mitigated through the proposed precinct provisions.</p>
	<p><i>Further information required</i></p> <p><i>The introduction of general retail activities with a minimum GFA of 450mand increased scale of food and beverage activities in an industrial zone could divert consumer spending away from nearby Local Centre and Town Centre Zones. This shift could reduce foot traffic and sales in established and future commercial areas, potentially leading to a decline in their economic vitality and viability.</i></p> <p><i>The RFI response fails to provide evidence of an undersupply of general retail and food and beverage space in the area. This is especially relevant given that a new Town Centre Zone has been established in Marsden City which is currently vacant. The assessment and economic letter focuses on the demand for trade retail and light industrial uses without demonstrating a clear need for additional general retail and food and beverage capacity.</i></p>

	<i>We request additional information regarding the economic impact of enabling general retail and food and beverage activities at an increased scale and further details to demonstrate that there is insufficient capacity in the currently zoned land for retail activities.</i>
	<p>As noted in item 2 above, the PREC24 provisions originally proposed enabling general retail and food and beverage activities at scales not anticipated in the Light Industrial Zone (LIZ), resembling those found in the Local Centre Zone and Precinct 23. While PREC24-O2 seeks to support such activities while protecting the vitality of the adjacent Heavy Industrial Zone and nearby Local Centre Zone, concerns were raised regarding the absence of clear evidence demonstrating how these outcomes would be achieved. Specifically, Council requested a more detailed economic assessment to understand the environmental and commercial impacts and how potential adverse effects might be mitigated.</p> <p>In response to this, following a meeting with Council staff the applicant has revised the approach to general retail activities within the precinct. The updated proposal now provides for:</p> <ul style="list-style-type: none"> <li>• <b>General retail activities as a <i>primary activity</i> up to a maximum GFA of 250m<sup>2</sup></b>, aligning with the existing LIZ provisions in terms of scale, but without requiring the activity to be ancillary to industrial use.</li> <li>• <b>General retail activities over 250m<sup>2</sup> to be considered as <i>restricted discretionary activities</i></b>, rather than non-complying. Importantly, the scope of discretion will be <b>narrowed to specific matters such as economic impact and demonstrated retail demand</b>, allowing a more focused and controlled assessment at the consenting stage.</li> </ul> <p>This revised framework addresses the core concern about large-scale retail impacts by ensuring that any development above the 250m<sup>2</sup> threshold will be assessed for its potential effects on surrounding commercial areas—thereby avoiding unanticipated or unchecked retail creep in the LIZ.</p> <p>In addition:</p> <ul style="list-style-type: none"> <li>• By reducing the permitted scale and introducing a restricted discretionary trigger, <b>outstanding transport and food and beverage concerns are also resolved</b>, as any general retail activity above 250m<sup>2</sup> would undergo further review.</li> </ul> <p>Given this revised position, the need for a full economic assessment is no longer necessary. Under the updated approach, the permitted baseline is consistent with existing district plan expectations, and potential impacts beyond that are appropriately managed through a targeted consenting process.</p> <p>We trust this addresses the concerns raised regarding scale, cumulative impacts, and zone integrity, and provides a clearer and more manageable framework moving forward.</p>
<b>Appendix E: Service Report</b>	
<b>E1</b>	<b><i>No further information required; however, WDC wastewater department has provided some comments regarding connecting to WDC services (refer to Attachment 2).</i></b>
	<i>As previously stated no further information required; however, WDC wastewater department has provided some comments regarding current servicing constraints of WDC services. It is noted that the service report does not analyse impact of enabling general retail and food and beverage activities. Therefore, the WDC Wastewater comments pertain only to the rezoning request from heavy to light industrial and do not address the viability of servicing future general retail or food and beverage development (refer to Attachment 2).</i>
	We acknowledge the comments from the WDC Wastewater Department regarding current servicing constraints and note that these were based on the original service report, which focused on the rezoning from Heavy Industrial to Light Industrial and the anticipated trade/industrial activities.

	<p>To address this, we confirm that:</p> <ul style="list-style-type: none"> <li>• The proposed revision to the precinct provisions now require resource consent as a restricted discretionary for general retail activity with a maximum of 250m<sup>2</sup> GFA per site. This significantly limits the potential wastewater demand from general retail and food and beverage activities within the precinct.</li> <li>• Any future proposal to exceed this threshold will be subject to a consenting process, during which servicing capacity—including wastewater—can be reassessed based on the specific activity proposed.</li> <li>• As such, the scale of activities enabled by the revised provisions is not anticipated to increase wastewater demand beyond what would typically be expected under a standard Light Industrial zoning.</li> </ul> <p>We consider that under the revised provisions, the potential effects on wastewater infrastructure remain within the bounds of what can be reasonably managed at the time of future consenting, particularly given the existing limitations and the site-specific nature of any future development.</p>
<b>Appendix F: Submission Report</b>	
<b>F1</b>	<b><i>No further information required.</i></b>
<b>Appendix G: Local Runanga Consultation</b>	
<b>G1</b>	<p><b><i>Communication with Patuharakeke: On 20 November 2024, Dave Milner from Patuharakeke advised that they would respond to the applicant after reviewing the application.</i></b></p> <p><b><i>Communication with Te Parawhau: Email correspondence with Georgina Olsen from Te Parawhau on 22 November 2024, indicated that they would provide comments on the application.</i></b></p> <p><b><i>Given the busy December period, it is anticipated that additional time is required for iwi/hapū to provide their response. Council requests an update on the status of their review and response.</i></b></p>
	Appendix G of the PPC s32 analysis has been updated to include letters from both local Runanga groups, Patuharakeke and Te Parawhau, confirming that they do not oppose the PPC.
<b>Appendix H: NZTA Consultation</b>	
<b>H1</b>	<b><i>NZTA (Waka Kotahi) were appellants to the appeal on the Transport chapter, the provisions for integrated transport assessments were key components of the appeal. Changes proposed to the transport rule circumvent the ITA. NZTA consultation is considered important to understand the nature of the request in respect of the effect it will have on the environment. Council requests an update on the status of their review and response.</i></b>
	We have now received approval from NZTA (Waka Kotahi), confirming that they do not oppose the PPC. I have updated the PPC s32 analysis (Appendix H) to include this confirmation.
	<i>No further information is required at this stage; however, we note that although NZTA has provided feedback indicating they do not have objections at this point, this does not constitute full approval of the transport impacts. NZTA has requested that “any ITA associated with this application assess the impact that this PPC will have on the intersections of SH1 and 15 in the locality”. As noted in Section C above, the current ITA does not assess the impact of enabling general retail, food and beverage activities, and new High Technology Industrial Activity. If the</i>

	<i>ITA is amended to respond to the comments in Section C, we expect this would be provided to NZTA for further comment.</i>
	<p>Waka Kotahi NZ Transport Agency (“NZTA”) has been kept informed throughout the preparation of the PPC application. The applicant has engaged with NZTA to ensure they are aware of the proposed changes, particularly in relation to the transport provisions.</p> <p>As a result of this engagement, NZTA has confirmed that it does not oppose the PPC. Written confirmation of this position has been included in the updated s32 analysis (Appendix H). This feedback was provided with the understanding that the PPC, as currently proposed, would not adversely affect the safety or efficiency of the state highway network.</p> <p>It is acknowledged that NZTA’s confirmation does not constitute full approval of all transport-related matters. NZTA has advised that any future Integrated Transport Assessment (ITA) should specifically assess the potential impacts of the PPC on the nearby SH1 and SH15 intersections. Should the PPC be limited notified, it is requested that NZTA be included in the notification process to ensure they have a formal opportunity to provide input on the transport implications of the proposal.</p> <p>No further information is considered necessary at this time, but the applicant remains committed to continued engagement with NZTA as the proposal progresses.</p>
<b>Appendix I: Neighbours Consultation</b>	
<b>I1</b>	<p><b><i>The information provided does not state which property owner the letter was sent to other than referring to them as “adjoining neighbour”. No assessment is provided to determine who is considered affected and why. Clause 23(1)(a) of the RMA refers to the provisions of Schedule 4 which states assessment of the activity’s effects on the environment must include the following information:</i></b></p> <p><b><i>(f) identification of the persons affected by the activity.</i></b></p> <p><b><i>Please identify who is considered affected by the plan change to allow us to understand the nature of the request in respect of the effect it will have on the environment.</i></b></p>
	We consulted with all directly adjoining neighbours and have not received any objections to the proposed PPC. The application has been updated to reflect this consultation and to clarify the affected parties.
	<p><i>Further information required</i></p> <p><i>As previously requested, an assessment to determine who is considered affected is required. While we note that the eastern adjoining neighbours have been identified, no rationale is provided as to why these are the only affected parties.</i></p>
	<p>As requested, the application has been updated to clearly identify the parties consulted during the pre-application phase. Consultation was undertaken with the directly adjoining property owners—those who share a boundary with the site—as these were considered the most likely to be affected by the proposed Private Plan Change (PPC). No objections were received from these neighbours.</p> <p>Properties further to the south, including those zoned Commercial, were not consulted directly at this stage for the following reasons:</p> <ul style="list-style-type: none"> <li>• These sites do not directly adjoin the subject site and are physically separated by other properties or road corridors, which help buffer potential effects.</li> <li>• The Commercial-zoned properties are already within an area anticipated for a mix of business and service activities and are generally compatible in character with the outcomes enabled by the PPC (e.g. general retail, food and beverage, and high-technology industrial activities).</li> </ul>

	<ul style="list-style-type: none"> <li>• At the time of engagement, the PPC was still being refined and direct consultation was focused on parties with the highest likelihood of experiencing any immediate or noticeable change, based on proximity and land use.</li> </ul> <p>It is also noted that the notification process—particularly if limited notification is pursued—is expected to include a wider set of properties, including those further south and beyond the immediately adjoining neighbours. This statutory process will provide a more formal opportunity for any potentially affected parties to review the proposal and submit feedback.</p> <p>We remain open to further engagement with any parties identified through the notification process and are committed to working constructively with both Council and stakeholders as the application progresses.</p>
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We trust this information meets your requirements and request that you continue to process this application to its conclusion at your earliest possible opportunity.

If you have any queries or require further information, please contact me by email at [emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz) or telephone (09) 427 0072.

Yours sincerely

**CATO BOLAM CONSULTANTS LTD**

**Emily McDonald**

**Senior Planner**

**CATO BOLAM CONSULTANTS LTD**

**Attachment 1 – Updated Proposed Plan Change Application**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL

## **Attachment 5 – Modification of Request (23 May 2025)**

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23<sup>rd</sup> May 2025

Dear Emily McDonald,

**Re: Request for Private Plan Change – On Point Northland Ltd, 422 Marsden Point Road, Ruakākā, Whangārei**

We write in relation to the above-referenced Private Plan Change Request received by Council on 20 December 2024 (the 'Request'). The Request seeks rezoning of 422 Marsden Point Road from Heavy Industrial Zone to Light Industrial Zone and a precinct overlay.

A preliminary review of documents submitted with the Request determined that the information provided was insufficient to inform a robust decision pursuant to Clause 25 of Schedule 1 of the Resource Management Act 1991 (RMA) on whether to accept, adopt, reject the request, or process it as a resource consent application. In accordance with Clause 23 of Schedule 1 of the RMA, a Request for Further Information (RFI) was issued on 7 February 2025. The response to this RFI, received by Council on 17 March 2025, was reviewed and assessed as not adequately addressing the matters set out in the RFI.

A second RFI was issued on 4 April 2025, with a response received on 9 May 2025. The information provided in the second RFI response remains insufficient to fully understand the environmental impact, mitigation of adverse effects, benefits and costs, efficiency and effectiveness, and possible alternatives. Therefore, we cannot support the Request in its current form and propose, pursuant to Clause 24 of Schedule 1 of the RMA, modifications to the Request, as outlined in Attachment 1.

We invite discussion with the Applicant regarding the proposed modification and are open to potential refinements to the proposed approach to reach a mutually acceptable position. In the absence of reaching a mutually agreed outcome, we will proceed with a recommendation to Council's Elected Members to reject the Request in whole or in part.

We also provide some additional feedback in Attachment 2. This feedback does not form part of the modification to the Request. You may choose to consider this additional feedback in taking the Request forward.

Yours faithfully,



Natalie Dey, Intermediate Planner, Whangārei District Council

**Attachment 1: Proposed Modification of Request pursuant to clause 24 RMA**
**Note:**

Ref	C24 Modification of request
Light Industrial Chapter – Precinct 24	
1. Definitions	<p>Delete “High Technology Industrial Activity” definition</p> <p><b>Reason</b></p> <p>The definition lacks sufficient justification to demonstrate it is necessary and is overly broad and vague. In particular, the phrase “application of advanced technology applied science” could encompass a wide and undefined range of activities. For example, the application of applied science could include activities as varied as operating solar panels, cultivating genetically modified crops, or using MRI machines – activities that are not inherently industrial and may conflict with existing definitions in the District Plan.</p> <p>The definition does not clearly limit the scope of activities, and its open-ended nature raises concerns about potential adverse effects and unintended consequences. Without clear parameters, it is not possible to ensure that such activities would be compatible with surrounding land uses.</p> <p>Furthermore, the elements of the definition that may be appropriate within the Light Industrial Zone—such as buildings for research and development, communications technology, computer and information technology, scientific laboratories, and associated manufacturing, data storage, and processing—are already adequately covered by existing definitions in the District Plan. For example, research laboratories are included under “general industry” and electronic data servers fall within the definition of “storage.”</p>
2. Issues Section	<p>Remove description of the surrounding land uses.</p> <p><b>Reasons</b></p> <p>This information does not meaningfully contribute to understanding the purpose or function of the precinct. Additionally, surrounding land uses are subject to change over time, which could render the description outdated or misleading. Instead, we recommend focusing on the surrounding zoning, which provides a more stable and relevant planning context for assessing the precinct’s role and compatibility.</p>
	<p>Refocus the Issues discussion to justify the need for the precinct.</p> <p><b>Reason</b></p> <p>The current discussion places too much emphasis on the underlying Light Industrial Zone and the types of activities it enables. Instead, the issues section should clearly articulate why the precinct is necessary—what planning outcomes it seeks to achieve, and how it differs from the underlying zone. This should include a discussion that frames the precinct provisions in relation to trade retail, general retail, drive-through facilities and food and beverage activities, explaining why these uses are appropriate and how they will be managed to ensure compatibility with the surrounding environment.</p>

	<p>Remove the discussion on High Technology Industrial Activity.</p> <p><b>Reason</b></p> <p>As the definition for this activity is requested to be deleted (for the reasons outlined above), any reference to it is no longer relevant and should be removed to maintain consistency and clarity.</p>
3. PREC24-O1 Recognised Activities	<p>The objective should refer to “appropriate scale” trade retail, general retail, drive-through-facilities and food and beverage activities.</p> <p><b>Reason</b></p> <p>As currently worded, the objective is too open-ended and lacks clarity. Including a reference to “appropriate scale” is important to reflect the intent of the associated rules, which include specific parameters and assessment criteria for these activities. These uses are not permitted outright and are subject to controls to ensure they are compatible with the precinct’s surrounding environment. The objective should align with this framework to provide clearer and useful policy direction.</p>
4. PREC24-O2 - High Technology Industrial Activities	<p>Delete PREC24-O2 High Technology Industrial Activities.</p> <p><b>Reason</b></p> <p>The High Technology Industrial definition is not appropriate for reasons set out in 1 above, therefore an objective related to the activity is not needed.</p>
5. PREC24-O2 - Protected Zones	<p>The objective should refer to “adjoining Heavy <u>and Light</u> Industrial Zones”.</p> <p><b>Reason</b></p> <p>The site adjoins both Heavy and Light Industrial Zones. Given that the scale and nature of activities enabled by the precinct are not anticipated within either of these zones, it is important to address potential reverse sensitivity effects on both.</p>
6. PREC24-O2 - Protected Zones	<p>The objective should refer to “Business Zone in the Ruakaka and Marsden Point area” rather than nearby Local Centre Zone.</p> <p><b>Reason</b></p> <p>LIZ-O3 aims to protect a broader range of zones by referencing “Business Zones,” a defined term in the Whangārei District Plan that includes all commercial and industrial zones. Limiting the objective to only the Local Centre Zone is inconsistent with this approach and fails to account for potential impacts on the wider business environment. Additionally, the term “nearby” is subjective. Amending the objective to refer to “Business Zones in the Ruakaka and Marsden Point area” is a clearer objective as Ruakaka and Marsden Point are established areas.</p>
7. PREC24-P1 Enabled Activities	<p>Amend PREC24-P1 to provide greater clarity on the types and scale of activities considered appropriate within the precinct and ensure consistency with the matters of discretion outlined in PREC24-R2.</p> <p><b>Reason:</b></p> <p>This amendment is necessary to improve consistency between the policy and the associated rule framework, such as PREC24-R2. By specifying key considerations for determining the appropriateness of activities, the policy will better support the assessment of potential</p>

	effects. The current wording lacks sufficient detail to effectively guide applicants and decision-makers, limiting its usefulness in managing the full range of impacts that may result from development within the precinct.
8. PREC24-P2 Strategic Land Use	<p>Delete PREC24-P2 Strategic Land Use.</p> <p><b>Reason</b></p> <p>The rezoning of the site will enable it to be used for light industrial activities. This policy therefore duplicates the intent already captured in the overarching LIZ objectives and policies. As currently worded, PREC24-P2 does not provide any precinct-specific direction or add value beyond what is already established in the LIZ zone framework.</p>
9. PREC24-P3 High Technology Activities	<p>Delete PREC24-P3 High Technology Activities.</p> <p><b>Reason</b></p> <p>The High Technology Industrial definition is not appropriate for reasons set out in 1 above, therefore a policy related to the activity is not needed.</p>
10. PREC24-R1 Trade Retail	<p>Amend activity status of when compliance not achieved with PREC24-R1 Trade Retail to align with default status of LIZ-R17 which is Discretionary.</p> <p><b>Reason</b></p> <p>There is no Section 32 evaluation justifying the use of a Restricted Discretionary status or explaining why a single matter of discretion is sufficient to manage potential effects.</p>
	<p>Delete rule note.</p> <p><b>Reason</b></p> <p>The note is unnecessary, as this is already addressed in HPW-R1.3. Including it here is inconsistent with the structure of other precincts and the overall district plan framework.</p>
11. PREC24-R2 General Retail	<p>Amend matter of discretion 1.</p> <p><b>Reason</b></p> <p>Matter of Discretion 1 should be broadened beyond a focus solely on “mitigation measures”. Some general retail activities may not be capable of being effectively mitigated, and in such cases, Council should retain discretion to assess the overall appropriateness of the activity. This ensures a more robust assessment framework that can respond to a wider range of potential effects and land use compatibility issues.</p>
	<p>Amend matter of discretion 2.</p> <p><b>Reason</b></p> <p>The current wording of matter of discretion 2 is unclear in its reference to “nearby commercial centres” as this is not a zone and “nearby” is subjective. Amending the matter of discretion to refer to “Business Zones in the Ruakaka and Marsden Point area” is a clearer assessment matter as Business Zone is a defined term in the WDP and Ruakaka and Marsden Point are established areas.</p>

	<p>Insert activity status when compliance not achieved with PREC24- R2 General Retail to align with default status of LIZ-R19 which is Non - Complying.</p> <p><b>Reason</b></p> <p>No Section 32 justification has been provided for adopting a different default activity status. The default status of LIZ-R19 is seen as appropriate in this instance where potential effects are uncertain and cannot be adequately managed through limited matters of discretion.</p>
12. PREC24-R3 Food and Beverage	<p>Amend rule heading to be read PREC24-R3 Food and Beverage <u>Activity</u></p> <p><b>Reason</b></p> <p>Food and Beverage is not a defined term in the WDP. The correct defined term is Food and Beverage Activity.</p>
	<p>Amend the provision to require food and beverage activities to be located within a trade retail or industrial activity.</p> <p><b>Reason:</b></p> <p>It is understood from conversations with the applicant that the proposed increase in gross floor area GFA for food and beverage activities is to support the operation of a café within a larger scale trade retail or industrial activity. The requested modification ensures that this intent is achieved while maintaining the ancillary nature of such activities, avoiding an unintended broadening of the rule that could enable larger-scale, standalone food and beverage operations.</p>
	<p>Amend activity status when compliance not achieved with PREC24-R3 Food and Beverage to align with the default status of LIZ-R21 which is Non-Complying.</p> <p><b>Reason</b></p> <p>No Section 32 justification has been provided for adopting a different default activity status. The Non-Complying default status of LIZ-R21 is seen as appropriate in this instance where potential effects are uncertain and cannot be adequately managed through limited matters of discretion.</p>
13. PREC24-R4 Drive-Through-Facilities	<p>Amend activity status when compliance not achieved with PREC24-R4 Drive-Through-Facilities to align with the default status of LIZ-R22 which is Non-Complying.</p> <p><b>Reason</b></p> <p>No Section 32 justification has been provided for adopting a different default activity status. The Non-Complying default status of LIZ-R22 is seen as appropriate in this instance where potential effects are uncertain and cannot be adequately managed through limited matters of discretion.</p>
14. PREC24-R5 High Technology Industrial Activities	<p>Delete PREC24-R5 High Technology Industrial Activities.</p> <p><b>Reason</b></p> <p>The definition of <i>High Technology Industrial Activity</i> is not considered appropriate for the reasons outlined in point 1. Furthermore, the permitted activity standards proposed under this rule are unsuitable,</p>

	<p>as they are not clearly measurable and rely on subjective interpretation. Permitted activity rules must not<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>a. reserve discretion to the Council to determine compliance; or</li> <li>b. be ambiguous (capable of more than one interpretation) or contain subjective criteria.</li> </ul> <p>As currently drafted, the rule does not meet these requirements and is therefore considered <i>ultra vires</i>—beyond the legal powers of the plan.</p>
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## Attachment 2: Officer Feedback for Applicant's Consideration

Ref	Council Officers Comments
Light Industrial Chapter – Precinct 24	
1. PREC24-R1 – Trade Retail GFA	<p>The supporting plan change documentation does not provide a clear rationale for the proposed reduction in the minimum GFA nor does it specify the types of trade retail activities the change is intended to facilitate. There is also potential conflict with LIZ-O6 which is specific about enabling “larger scale trade”. Reducing the minimum GFA without clear justification could undermine this objective.</p> <p>It is also recommended that the wording of PREC24-R1 – 1.b be reviewed for consistency with Rule LIZ-R17. LIZ-R17 refers to in “activity” rather than “tenancy”. Amending this will ensure alignment and avoid interpretive issues.</p> <p><b>Recommendation</b></p> <p>We recommend that the plan change documentation include a clear justification for the proposed GFA amendment. Alternatively, consideration should be given to reverting to the provisions of LIZ-R17, which already adequately provide for large-scale trade retail activities.</p>
2. PREC24-R4 – Drive-through facilities GFA	<p>No clear justification has been provided for the proposed increase in GFA for drive-through facilities from 250m<sup>2</sup> to 450m<sup>2</sup>. It is important to note that the definition of drive-through facilities only applies to the portion of the building where goods are sold directly to customers in their vehicles. Given this limited scope, the proposed increase in GFA may be unnecessary.</p> <p><b>Recommendation</b></p> <p>We recommend that the plan change documentation include a clear justification for the proposed increase in GFA. If such justification cannot be provided, consideration should be given to retaining the existing 250m<sup>2</sup> threshold, which appears more proportionate to the defined function of drive-through facilities.</p>

<sup>1</sup> A R and M C McLeod Holdings Ltd v Countdown Properties Ltd HC Wellington CP949/89, 19 September 1990 at pages 21-23; University of Auckland v Auckland Council [2017] NZHC 1150 at [14], Man O'War Farm Ltd v Auckland Council [2017] NZHC 1349 at [14]; Twisted World Ltd v Wellington City Council EnvC Wellington W024/2002, 8 July 2002 at [62]-[64].

## 4.3 Notification of Temporary Activities, Cross Boundary Matters, Contaminated Land and Minor Improvements Plan Changes

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

### 1 Purpose / Te Kaupapa

To seek a resolution to enable the following draft plan changes to be publicly notified for submissions:

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

### 2 Recommendations / Whakataunga

That the Strategy, Planning and Development Committee:

1. Resolve to notify proposed Temporary Activities, Cross Boundary Matters, Contaminated Land, and Minor Improvements Plan Changes in accordance with the requirements of Clause 5 of the First Schedule to the Resource Management Act 1991.
2. In accordance with section 86B(1)(c) of the Resource Management Act 1991, resolve to delay the legal effect of any rules in the proposed Temporary Activities, Cross Boundary Matters, Contaminated Land, and Minor Improvements Plan Changes until the proposed plan changes become operative in accordance with clause 20 of Schedule 1 of the Resource Management Act 1991.
3. Authorises the Chief Executive to make any minor edits or amendments to the plan change documents including typographical/formatting changes, or changes to correct any identified errors, or to reflect decisions made by Elected Members at this meeting.

### 3 Background / Horopaki

Under section 79 of the Resource Management Act 1991 (RMA) councils are required to review district plan provisions every 10 years. Following a review of provisions, Council must notify a plan change whether it considers that the provisions require alteration or considers that no alteration is required. To meet this requirement a review of the provisions in the Whangārei District Plan for Temporary Activities, Cross Boundary Matters, and Contaminated Land commenced in August 2024.

The topics were first brought to a Council briefing on 23 October 2024 to discuss the scope of each topic for review and the proposed approach to early consultation. Following this briefing, early consultation was undertaken from November 2024 through January 2025.

Consultation and analysis work in preparation for these plan reviews uncovered some unrelated minor errors and inconsistencies within various parts of the District Plan. To address these issues in a timely manner and leverage process efficiencies, work commenced on reviewing these minor issues alongside the review of the Temporary Activities, Cross Boundary Matters, and Contaminated Land topics.

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.

Draft amendments for the Temporary Activities, Cross Boundary Matters, and Contaminated Land topics and a summary of the minor issues to be addressed were presented to the Strategy, Planning and Development Committee on 17 April 2025 for feedback (see Attachments 1 – 4 of that Report). Responses to the feedback received from that meeting are included in section 4.1 of this report. In that meeting the Committee expressed support in proceeding to the next stages of the plan change process.

Draft plan changes have since been finalised including feedback and direction from Elected Members, with a decision of Elected Members to notify the draft plan changes now required to enable commencement of the formal plan change process. The proposed plan change provisions for the Temporary Activities, Cross Boundary Matters, and Contaminated Land topics are materially unchanged from those presented to the Committee in April 2025 with the key additional information now being presented being the accompanying Section 32 analysis for each plan change. This analysis is a statutory requirement to demonstrate that the provisions are the 'most appropriate way to achieve the objectives of the District Plan'. While they are by necessity substantive documents, they do not change the intent or provisions of the proposed plan changes, as worked through with councillors previously.

However, for the proposed Minor Improvements plan change, Elected Members have previously had a summary of the issues identified and proposed changes (Attachment 4, as distributed in April 2025). As advised previously these changes are proposed to address various technical and interpretive issues that have been identified within the District Plan, without necessitating a full substantive review (inclusive of the time and cost that entails). Broadly speaking the proposed changes seek to:

- Clarify existing provisions, aligning them to existing interpretation/application;
- Reduce the risk of challenge that existing ambiguities may create;
- Reduce unnecessary or onerous consenting requirements; and/or
- Reduce the potential for compliance action being required where parties may have a differing view/interpretation

It is recommended that all plan changes be notified together (in the form set out in Attachments 1 – 7) to meet our legal requirements under section 79 of the RMA and address identified issues within the Whangārei District Plan. Notifying all plan changes together will reduce the administrative cost of the notification and hearing processes. Based on the nature of the plan change topics and the consultation undertaken to date, it is anticipated that these plan changes will not be contentious amongst the general public or stakeholders which will also help to keep costs low through the Schedule 1 process.

## 4 Discussion / Whakawhiti kōrero

### 4.1 Overview of plan review topics

The draft plan changes have been structured into three separate topics. An overview of each is discussed below.

#### 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, 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.
  - 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.

#### Cross Boundary Matters and Contaminated Land

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 issues that arise at property boundaries within the District (i.e. neighbouring property boundaries).

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.

Amendments to the operative Cross Boundary Matters and Contaminated Land chapters (and associated consequential amendments) have been drafted as shown in Attachments 2 and 3, respectively. No significant changes to the status quo are proposed. 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.

### Minor Improvements

The draft changes include amendments to various provisions in the Whangārei District Plan, including:

- Amendments to improve the clarity of provisions and ensure they are interpreted consistently where the current wording is ambiguous or contradictory.
- Addressing gaps within rules to remove the need for unnecessary and onerous resource consent requirements, without making changes to the overall policy direction, objectives, or policies.
- Correction of errors, grammar, and formatting.

As outlined above these changes are broadly aligned to existing interpretations of the plan and providing clarity in line with existing practices is likely to reduce the risk of challenge (i.e. where there is ambiguity in the provisions and a different interpretation of the intent by other parties). In some cases, the changes will reduce requirement for consent, and may reduce the need for compliance.

As indicated above the proposed changes were summarised for Elected Members in April 2025, with that summary being included again as Attachment 4. Key changes proposed since that time are:

- Removing former “Issue #14 – Road hierarchy mapping update” from the proposed amendments. Council’s Roading Department provided information during the pre-notification engagement that the updated road hierarchy mapping is not yet ready for inclusion in the plan change. It is understood that this work is on-going and may be included through submissions on the plan change if it is completed in time.
- Removing former “Issue #15 – References to Signs / Signage” from the proposed amendments. Upon further review of this topic, it has been identified that there is no issue with the current provisions and therefore no amendments are required.
- Adding new “Issue #4 Sealing requirements for accessways” to the proposed amendments. Feedback was received that rule TRA-R8.2 in the Transport chapter results in onerous requirements to seal accessways for some larger sites. The proposed amendments seek to address this issue while retaining the overall policy intent of the District Plan.

The amendments proposed are minor in nature and do not seek to make substantial changes to the overall policy direction, objectives, or rules of the District Plan. Refer to

Attachments 4 and 7 for full details of the amendments, including the reasoning and options considered in proposing the changes.

It is important to note that if Elected Members do wish to make more substantive changes to provisions/topics within the Minor Improvements package then a more substantive review of those matters would be required. As indicated above this would necessitate a full review process, which is not possible within the scope and timeframes of this plan change package.

#### **4.2 Consideration of Elected Member feedback received in April 2025**

At the Strategy, Planning and Development Committee on 17 April 2025 it was requested that the District Plan rules relating to signs be reviewed to provide more lenient rules for permanent advertising and sponsorship signs for commercial activities.

As part of the Temporary Activities review it is proposed to amend the rules relating to “temporary signs”. Amendments to permanent signs are not within the scope of these plan reviews and would need to be considered as part of a more fulsome review of the Operative Signs chapter of the District Plan.

#### **4.3 Iwi and hapū engagement**

Iwi authorities and hapū were invited to provide feedback during the early consultation period. Following the early consultation, draft versions of the plan review amendments were circulated to iwi and hapū contacts and iwi authorities. Draft versions were also provided to Patuharakeke for feedback in accordance with the Mana Whakahono ā Rohe between Patuharakeke Iwi Trust Board and Council.

The only feedback received from iwi and hapū was from Patuharakeke Te Iwi Trust Board in relation to the Temporary Activities, Cross Boundary Matters, and Contaminated Land topics. Further details on the feedback received and commentary on how this has been responded to is included in Attachments 5 and 6.

The draft consultation material was also presented to iwi and hapū working groups Te Kārearea Standing Committee and Te Huinga.

The relevant iwi and hapū management plans have been identified and considered to the extent that their content has a bearing on the plan changes as drafted.

Further details on iwi and hapū engagement can be found in Attachments 5 - 7.

#### **4.4 Implications of Central Government’s resource management reform programme**

The Resource Management Reform programme of Central Government (RM Reforms) has been considered in preparing these reviews, including the recently announced National Direction packages. It is considered that the RM Reforms do not impact this work, which is focused on discrete topics and efficiency and effectiveness improvements rather than changing policy direction.

#### **4.5 Delayed legal effect**

Typically rules in a proposed plan change have legal effect once a decision has been made on submissions (i.e. prior to appeals). Section 86B(1)(c) of the RMA allows local authorities to delay the legal effect of proposed rules until they become operative (i.e. after appeals are resolved).

In August 2024 Council notified Plan Change 2 – General Amendments, which proposed amendments to various provisions throughout the District Plan (similar to the draft Minor Improvements Plan Change). Plan Change 2 received very few submissions and as a result most of the proposed amendments were treated as operative following the close of the submission period because section 86B(1)(c) was not used to delay legal effect. This created significant complexity for plan users for several months as the proposed Plan Change 2 rules sat outside the ePlan until the whole plan change was made operative and incorporated into the ePlan.

Having learned from Plan Change 2 and the issues that arose from that process, it is considered that in this instance delaying the legal effect of the proposed rules will allow for more efficient processing of resource consents for applicants and Council alike as it will remove the need to assess resource consent applications against two sets of rules.

There are no rules proposed that seek to protect significant resources or manage imminent issues. Therefore, there is no risk with delaying legal effect in this instance.

#### **4.6 Plan change process**

Should a decision be made to notify the Temporary Activities, Cross Boundary Matters, Contaminated Land, and Minor Improvements plan changes, notification will be undertaken in accordance with Clause 5 of Schedule 1 to the RMA, including:

- Opening the proposed plan changes for submissions for 20 working days.
- Sending a letter to all ratepayers to advise them of the plan changes, what they mean for them and how they can have their say.
- Circulating all notification documents to iwi and hapū as part of the public notification process.
- Publishing a notice about the plan changes in the Northern Advocate.
- Publishing a web page on the Council website with information about the plan changes (including the attachments herewith) and an associated page for making submissions.

Following the close of submissions, a further submissions process will commence followed by a hearing.

The next decision point of Council will follow the hearing. This decision point will enable consideration of the recommendations of the hearing panel (which may include changes to the plan change content), with a decision required to accept or reject those recommendations.

#### **4.7 Options and risks**

Three options exist in relation to the decision sought:

1. Resolve to notify the plan changes in the form set out in Attachments 1 – 7.
2. Resolve not to notify the plan changes and either retain the relevant District Plan provisions as they are or direct staff to amend the plan changes to bring back to the Committee.
3. Resolve to notify one or two of the Temporary Activities, Cross Boundary Matters, Contaminated Land, or Minor Improvements plan changes (but not all of them) in the form set out in Attachments 1 – 7.

A decision not to notify these plan changes would result in the retention of outdated and inefficient provisions for temporary activities with associated reputational risk and costs to

Council and the public associated with inefficiencies and differences in opinion in the interpretation and application of the District Plan provisions. Additionally, the time and costs associated with undertaking consultation and preparing the plan changes will be squandered.

The proposed amendments have been assessed in accordance with section 32 of the RMA and are considered to be the most appropriate way to achieve the objectives of the District Plan as set out in Attachments 5 – 7.

Notifying one or two of the plan changes (but not all of them together) will allow the issues pertaining to those topics to be addressed through the plan change process. However, notifying them together reduces the administrative costs of the notification and hearing processes and will allow all topics to be addressed more quickly.

It is recommended that the plan changes be notified in the form set out in Attachments 1 – 7 to meet out legal requirements under section 79 of the RMA and to address the identified issues within the Whangārei District Plan. Based on the nature of the plan change topics and the consultation undertaken to date, it is anticipated that these plan changes will not be contentious amongst the general public or stakeholders which will help keep costs low through the Schedule 1 process.

As noted in section 4.5 above, delaying the legal effect of the rules proposed in these plan changes carries no risk and will allow for more efficient processing of resource consents while the plan change is progressing through the Schedule 1 process.

#### **4.8 Financial/budget considerations**

Work associated with the plan change process is primarily resourced by Council staff time. The administrative costs of the plan change process (including the costs of sending letters to all ratepayers and commissioner time in hearing the plan changes) are budgeted for as part of the District Plan operational budget.

### **5 Significance and engagement / Te Hira me te Arawhiti**

The decisions or matters in this Agenda item do not trigger the criteria outlined in Council's Significance and Engagement Policy. Early public consultation was undertaken throughout the drafting of the plan changes. Should a decision be made to notify the plan changes, this process will provide the public with an opportunity to have their say in accordance with the requirements of the RMA.

### **6 Attachments / Ngā Tāpiritanga**

Attachment 1 – Proposed Temporary Activities Plan Review Amendments to District Plan  
Text

Attachment 2 – Proposed Cross Boundary Matters Plan Review Amendments to District Plan  
Text

Attachment 3 – Proposed Contaminated Land Plan Review Amendments to District Plan  
Text

Attachment 4 – Proposed Minor Improvements Plan Review Amendments to District Plan  
Text

Attachment 5 – Proposed Temporary Activities Section 32 Report

Attachment 6 – Proposed Cross Boundary Matters and Contaminated Land Section 32  
Report

Attachment 7 – Proposed Minor Improvements Section 32 Report



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 positive effects, 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 adverse effects and all relevant objectives and policies are appropriately assessed where temporary activities occur over a longer duration or have longer lasting adverse effects that are more akin to a permanent activity.

#### **TEMP-P5 Temporary Military Training Activities**

To enable temporary military training activities where they avoid, remedy, or mitigate significant adverse effects on the site and the surrounding area.

### **Rules**

#### **TEMP-R1 Application of Temporary Activities Chapter Rules**

1. Rules TEMP-R2 – TEMP-R4 apply in all Zones and Development Areas.
2. 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. The Coastal Hazard Area rules in the Coastal Environment chapter; and
  - e. All rules in the Light chapter.
3. All other district plan rules apply to temporary activities in addition to TEMP-R2 – TEMP-R4.
4. 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**

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**

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**

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. Cultural and heritage values; and
  - e. 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** (additions shown as blue underline and deletions shown as ~~blue strikethrough~~):

## Definitions

### Definitions

Term	Definition
<u>L<sub>Cpeak</sub></u>	has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Acoustics- Measurement of Environmental Sound when measured with a C frequency-weighting.
Major Structure	means any: <ol style="list-style-type: none"> <li>vehicle used as residential activity; <del>excluding temporary activities.</del></li> </ol>
Temporary Activity	<del>means:</del> <del>1. any commercial activity undertaken in a temporary or moveable structure within a road; or</del> <del>2. 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</del> <del>3. any temporary military training activity not exceeding 60 days duration.</del> <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> <u>Includes:</u> <ol style="list-style-type: none"> <li><u>A commercial activity undertaken in a temporary or moveable structure within a road; and</u></li> <li><u>Temporary military training activities; and</u></li> <li><u>Events such as festivals, concerts, markets, fairs, and carnivals; and</u></li> <li><u>Parades and ceremonies; and</u></li> <li><u>Council organised public firework displays; and</u></li> <li><u>Short-term filming activities; and</u></li> <li><u>Public meetings and other community events; and</u></li> <li><u>Sporting and recreation events.</u></li> </ol> <u>Excludes:</u> <ol style="list-style-type: none"> <li><u>Permanent activities associated with the temporary activity such as earthworks, vegetation clearance, and transport infrastructure; and</u></li> <li><u>Industrial activities; and</u></li> <li><u>Residential activities; and</u></li> <li><u>Construction and demolition; and</u></li> <li><u>Informal day-to-day activities with de minimis effects.</u></li> </ol>

Amend the Noise and Vibration chapter as follows and consequentially amend the numbering of tables NAV 9 – NAV 14 and all cross references as a result of deleting Tables NAV 7A, NAV 7B, and NAV 8 (additions shown as blue underline and deletions shown as ~~blue strikethrough~~):

## 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.

...

#### NAV-R13 Temporary Military Training Activities

Temporary military training activities are permitted activities provided that they comply with the following rules:

1. For temporary military training activities involving weapons firing and/or the use of explosives:
  - a. Weapon firing and/or the use of explosives on any site shall not exceed a total of 31 days in any 365-day period; and
  - b. Notice is provided to the Council at least 5 working days prior to the commencement of the activity; and
  - c. The activity complies with the following minimum separation distances:

- i. Between 07:00 to 19:00 hours: 500m from the notional boundary of a building containing a noise sensitive activity in the Rural Production Zone and 500m from the site boundary of a building containing a noise sensitive activity in any other zone.
    - ii. Between 19:00 to 07:00 hours: 1,251m from the façade of a building containing a noise sensitive activity in any zone; and
  - d. Where the minimum separation distances specified in NAV-R13.1(c) cannot be met, the activity complies with the following peak sound pressure level:
    - i. 07:00 to 19:00 hours: 95  $L_{Cpeak}$  when measured at the notional boundary of a building containing a noise sensitive activity in the Rural Production Zone or at the site boundary of a building containing a noise sensitive activity in any other zone.
    - ii. 19:00 to 07:00 hours: 85  $L_{Cpeak}$  when measured 1m from the façade of a building containing a noise sensitive activity in any zone.
2. For temporary military training activities not involving weapons firing and/or the use of explosives, the activity complies with the following noise limits when measured at the notional boundary of any building containing a noise sensitive activity:
- a. Between 07:00 to 19:00 hours: 55 dB  $L_{Aeq}(15 \text{ min})$
  - b. Between 19:00 to 07:00 hours: 45 dB  $L_{Aeq}(15 \text{ min})$  and 75 dB  $L_{AFmax}$
- ~~1. Weapons firing and/or the use of explosives:~~
- ~~a. on any site shall not exceed a total of 31 days in any 365 day period.~~
  - ~~b. shall comply with Table NAV 7A.~~
  - ~~c. Where minimum separation distances for sources set out in Table NAV 7A cannot be met rules to be complied with are those set out in Table NAV 7B and the following rule:~~
    - ~~i. A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:~~
      - ~~a) A description of the site and activity including times, dates, and nature and location of the proposed training activities.~~
      - ~~b) Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.~~
      - ~~c) A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.~~
      - ~~d) A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.~~
      - ~~e) A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.~~
- ~~2. Mobile noise sources, excluding sources listed in Table NAV 7A:~~
- ~~a. Activities shall comply with the "typical duration" noise limits set out in Tables 2 and 3 of NZS6803:1999 'Acoustics—Construction Noise' (with reference to 'construction noise' taken to refer to other, mobile noise sources) provided that no building housing a noise sensitive activity is exposed to noise above 35 dB  $L_{AFmax}$  from a Temporary Military Activity mobile source for more than a total of 31 days in any 365 day period.~~
  - ~~b. Activities that do not comply with the duration limit in NAV-R13.2(a) shall comply with the noise limits in NAV-R13.3 Fixed (stationary) noise sources.~~

3. Fixed (stationary) noise sources, excluding sources identified in Table NAV 7A shall meet the noise level set out in Table NAV 8.
4. Helicopter landing areas shall comply with noise limits set out in NZS6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas'.
- 5.3. Any activity that does not comply with rules NAV-R13.1 – NAV-R13.4.2 shall be a Restricted Discretionary Activity. Discretion is restricted to those matters listed in NAV-R19.1(a)-(m).

*Table NAV 7A. Rule NAV-R13(1)(b)*

Activity (sources)	Time (Monday to Sunday)	Separation distance required between the Boundary of the activity and the notional boundary to any building housing a noise sensitive activity
Live firing of weapons and single or multiple explosive events	07:00 to 19:00 hours	At least 1,500m
Live firing of weapons and single or multiple explosive events	19:00 to 07:00 hours	At least 4,500m
Firing of blank ammunition	07:00 to 19:00 hours	At least 750m
Firing of blank ammunition	19:00 to 07:00 hours	At least 2,250m

*Note:*

1. Mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

*Table NAV 7B. Rule NAV-R13(1)(b)*

Time (Monday to Sunday)	Noise level at the notional boundary to an individual building housing a noise sensitive activity
07:00 to 19:00 hours	<ul style="list-style-type: none"> <li>• For the use of explosives: 120 dB <math>L_{peak}</math></li> <li>• For the use of small arms and pyrotechnics: 90 dB <math>L_{peak}</math> with one period in any 365 day period of up to five days consecutive use up to 120 dB <math>L_{peak}</math></li> </ul>
19:00 to 07:00 hours	<ul style="list-style-type: none"> <li>• For the use of explosives: 90 dB <math>L_{peak}</math></li> </ul>

Time (Monday to Sunday)	Noise level at the notional boundary to an individual building housing a noise sensitive activity
	<ul style="list-style-type: none"> <li>For the use of small arms and pyrotechnics: 60 dB <math>L_{peak}</math> with one period in any 365 day period of up to five days consecutive use up to 90 dB <math>L_{peak}</math></li> </ul>

Note:

1. "Small arms" include, but are not limited to, revolvers, self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns.
2. "Explosives" include but are not limited to explosive charges, cannons, grenades, mortars and rockets.

Table NAV 8. Fixed (Stationary) noise sources

Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity*
07:00 to 19:00 hours	55 dB $L_{Aeq}$ (15 min)
19:00 to 22:00 hours	50 dB $L_{Aeq}$ (15 min)
22:00 to 07:00 hours the next day	45 dB $L_{Aeq}$ (15 min) 75 dB $L_{AFmax}$

Note:

1. Fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

Amend the Signs chapter as follows and consequentially amend the numbering of Sign rules SIGN-R5 – R21 and all cross references as a result of introducing new rule SIGN-R5 (additions shown as blue underline and deletions shown as ~~blue strikethrough~~):

## 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 is regulated by 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 may also be subject to standard construction requirements for public safety purposes as specified in the Council Bylaws. 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).*
2. *Signage content (such as offensive messages), whether temporary or permanent, located on vehicles within the legal road boundary, on road verges, road reserves, or on private land where they are visible from an adjoining or adjacent property(s) and roads are regulated by Council Bylaws, the New Zealand Transport Agency (in relation to state highways) and may also be subject to the provisions of SIGN.*

## **SIGN-R5 Any Temporary Sign**

Activity Status: Permitted

Where:

1. The sign is in a public place; or
2. The sign is not in a public place and it:
  - a. Complies with the permitted standards of SIGN-R6; and
  - b. If illuminated, satisfies the Illuminated Signage Brightness Limits in SIGN-R20.2(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 may also be 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 and the New Zealand Transport Agency (in relation to state highways).*

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-R56 Any Sign Visible from Beyond the Site on which it is Located**

**All Zones and Port Nikau Development Area**

Activity Status: Permitted

Where in all Zones and Port Nikau Development Area:

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-R~~67~~ – SIGN-R1~~67~~ – Amend Rule Exemptions**

##### *Rule Exemption:*

1. Official signs, road signs, [temporary signs](#), and community signs are only required to comply with SIGN-R2 -R~~56~~.

#### **SIGN-R~~1920~~ 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 – R~~45~~ and SIGN-R1~~98~~ above.

#### **SIGN-R2~~10~~ 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 – R~~45~~ and SIGN-R1~~98~~ above.

Amend the Transport chapter as follows (additions shown as blue underline and deletions shown as ~~blue strikethrough~~):

## **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.*

**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 the effects of a particular activity in one district 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).

Whangarei 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 methods such as:

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.



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

## **Contaminated Land (CL)**

### **Issues**

Contaminated soil can have adverse effects on human health if it is not appropriately managed. Under the RMA, 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* (“NESCS”).

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

### **Policies**

#### **CL-P1 Identification of Contaminated Pieces of Land**

To identify and, where necessary, investigate pieces of land that are, or are 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 pieces of land that are, or are likely to be, subject to contamination are 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

### CL-R1 District Plan 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 (deletions shown as ~~blue strikethrough~~):

## Definitions

Definitions	
Term	Definition
Contaminated Site	<del>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.</del>

Amend the Abbreviations chapter to add the following abbreviations in alphabetical order within the existing list (additions shown as blue underline):

## 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>



## ***Proposed Plan Change 4C Amendments to Whangārei District Plan Text***

This attachment contains track change provisions of the proposed Plan Change PC4C – Minor Improvements. This attachment does not comprise the whole Whangārei District Plan Text. The provisions are a snapshot at the time of drafting, other changes may have been made to the provisions in the ePlan as a result of other processes, e.g. Clause 20A amendments.

Additions are shown as **blue underline in bold with yellow highlighting** and deletions shown as **~~blue strikethrough in bold with yellow highlighting~~**

Amend the Definitions chapter as follows:

## Definitions

### Introduction

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

### General Rules of Interpretation

[...]

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

[...]

Term	Definition
Allotment*	<p><i>This definition has the same meaning as in section 218 of the Resource Management Act 1991.</i></p> <p>1. in this Act, the term allotment means:</p>

	<ul style="list-style-type: none"> <li>a. any parcel of land under the Land Transfer Act 1952 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not: <ul style="list-style-type: none"> <li>i. the subdivision shown on the survey plan has been allowed or subdivision approval has been granted, under another Act; or</li> <li>ii. a subdivision consent for the subdivision shown on the survey plan has been granted under the Resource Management Act 1991; or</li> </ul> </li> <li>b. any parcel of land or building, or part of a building, that is shown or identified separately: <ul style="list-style-type: none"> <li>i. on a survey plan; or</li> <li>ii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or</li> </ul> </li> <li>c. any unit on a unit plan; or</li> <li>d. any parcel of land not subject to the Land Transfer Act 2017.</li> </ul> <p>2. for the purposes of subsection (1), an allotment that is:</p> <ul style="list-style-type: none"> <li>a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 records of title could be issued under that Act; or</li> <li>b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.</li> </ul> <p>3. for the purposes of subsection (1), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.</p>
Discharge*	includes emit, deposit, and allow to escape.
Infrastructure*	<p>means:</p> <ul style="list-style-type: none"> <li>a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</li> </ul>

	<ul style="list-style-type: none"> <li>b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</li> <li>c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:</li> <li>d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person— <ul style="list-style-type: none"> <li>i. uses them in connection with the generation of electricity for the person's use; and</li> <li>ii. does not use them to generate any electricity for supply to any other person:</li> </ul> </li> <li>e. a water supply distribution system, including a system for irrigation:</li> <li>f. a drainage or sewerage system:</li> <li>g. structures for transport on land by cycleways, rail, roads, walkways, or any other means:</li> <li>h. facilities for the loading or unloading of cargo or passengers transported on land by any means:</li> <li>i. <b>an airport as defined in section 2 of the Airport Authorities Act 1966 an aerodrome as defined in section 5 of the Civil Aviation Act 2023:</b></li> <li>j. a navigation installation as defined in <b>section 2 of the Civil Aviation Act 1990 section 5 of the Civil Aviation Act 2023:</b></li> <li>k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</li> <li>l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</li> </ul>
<b>Living Accommodation</b>	<b>Includes visitor accommodation for up to six people:</b>
Major Structure	<p>means <b>a structure that does not meet the definition of a minor structure, and is</b> any:</p> <ul style="list-style-type: none"> <li>a. vehicle used as residential activity, excluding temporary activities.</li> <li>b. network system exceeding 1.5m in height above ground level or 3m<sup>2</sup> ground coverage;</li> </ul>

	<p>c. fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height shall be measured from the lowest ground level of either to the highest point of either;</p> <p>d. tank or pool exceeding 35,000 litres;</p> <p>e. structure, <b>other than that referred to in sub-parts (c) and (d)</b>, greater than 2.2m in height above ground level or greater than 9m<sup>2</sup> ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.</p>
Minor building	<p>Means <b>a structure that is any</b>:</p> <p>a. <b>a</b> network system which is 1.5m or less in height above ground level and which has 3m<sup>2</sup> or less ground coverage;</p> <p>b. <b>any</b> tank or pool not exceeding 35,000 litres;</p> <p>c. <b>any</b> tent or marquee erected on a temporary basis;</p> <p>d. <b>any</b> structure 300mm or less in height above ground level;</p> <p>e. <b>any</b> structure, <b>other than that referred to in sub-parts (a) – (d) and (f)</b>, which is 2.2 m or less in height above ground level and which has 9m<sup>2</sup> or less ground coverage.</p> <p>f. <b>fence or wall, or combination of either, 2m or less in height above ground level.</b></p>
<u>Show home</u>	<p><b>means a residential building placed on temporary or permanent foundations that is not currently used as a residential activity but is for the primary purpose of displaying or advertising of that home or type of house. May include an ancillary office within the building, outdoor living areas, and gardens.</b></p>

Amend the Three Waters Management chapter as follows:

## Three Waters Management (TWM)

[...]

### Information Requirement Rules

[...]

#### TWM-REQ1 Connection to Public Reticulated Three Waters Networks

##### All Zones and Port Nikau Development Area

1. Any consent application where connection to public reticulated three waters network(s) is proposed shall include an assessment detailing (where relevant):
  - a. Provision made for connections to public reticulated three waters networks.
  - b. **Confirmation Information** from Council **that as to whether** sufficient capacity exists within public reticulated three waters networks to service the proposed development.
  - c. Any upgrades and/or extensions to existing public reticulated three waters infrastructure that are proposed or necessary.
  - d. Consideration of the elevation of each proposed lot to establish a service envelope where that lot is able to be serviced without the need for on-site pumping. Reference shall be made to any part of the lot that is outside the service envelope.
  - e. Land and infrastructure to be vested in the Council.

[...]

Amend the Transport chapter as follows:

## Transport (TRA)

[...]

### Rules

[...]

#### **TRA-R8 Crossings, Accessways and Parking Areas (Sealing and Formation Standards)**

Activity Status: Permitted

Where in All Zones and Port Nikau Development Area:

1. Vehicle crossings accessing a sealed road are sealed to a standard not less than that of the adjoining road surface.
2. On-site accessways and parking areas (including loading and manoeuvring areas) are formed, drained and sealed with a permanent all-weather surface in the following instances:
  - a. Urban Zone sites, **excluding Low Density Residential Zone and Large Lot Residential Zone sites with an area greater than 2,000m<sup>2</sup>.**
  - b. Future Urban Zone sites with an area less than 2,000m<sup>2</sup>.
  - c. Settlement Zone sites, **excluding Sub-Zone 1 – Settlement Zone Residential sites with an area greater than 2,000m<sup>2</sup>.**
  - d. Strategic Rural Industries Zone sites.
  - e. Any accessway serving more than 5 principal residential units.
  - f. Where the gradient exceeds 16%.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Location, size and design of vehicle crossings, manoeuvring and accessways.
2. Location, size and design of parking and loading spaces.
3. The safety and efficiency of the transport network for vehicles, pedestrians and cyclists.
4. Dust nuisance.
5. Adverse effects on amenity.
6. Stormwater management.

[...]

Amend the Subdivision chapter as follows:

## Natural Features and Landscapes

[...]

### Rules

[...]

#### Land use and Development

*Table NFL 1A. Land use and Development Activity Table for Outstanding Natural Features outside the Coastal Environment*

Activity	Large landform A1	Large landforms A	Volcanic cones B	Smaller, more fragile landforms D	Exposure of geological material E	Caves F
New buildings and structures incl. network utilities up to 5.5m in height above ground level	PER	PER	RDIS	NC	NC	DIS
New buildings and structures incl. network utilities 5.5m up to 8m in height above ground level; <ul style="list-style-type: none"> <li>Non-habitable</li> </ul>	PER	RDIS	DIS	NC	NC	DIS
New buildings and structures 5.5m up to 8m in height above ground level: <ul style="list-style-type: none"> <li>Residential dwellings</li> </ul>	RDIS	RDIS	DIS	NC	NC	DIS
New buildings and structures incl. network utilities greater than 8m in height above ground level	RDIS	RDIS	DIS	NC	NC	DIS
Artificial crop protection structures complying with RPROZ-1314 and using green or black cloth on external vertical faces.	PER	-	-	-	-	-
Minor upgrading of network utilities and buildings and structures associated with public parks, reserves and community infrastructure.	PER	PER	PER	RDIS	RDIS	RDIS

Activity	Large landform A1	Large landforms A	Volcanic cones B	Smaller, more fragile landforms D	Exposure of geological material E	Caves F
Buildings or major structures associated with temporary military training activity	PER	PER	PER	RDIS	RDIS	RDIS
Fencing for ONF protection	PER	PER	PER	PER	PER	PER
Other fencing	PER	PER	PER	DIS	DIS	PER
Stock grazing	PER	PER	PER	PER	PER	PER
Plantation forestry harvesting and replanting	PER	PER	PER	PR	PR	PER
New plantation forestry planting	RDIS	PER	DIS	PR	PR	RDIS

Amend the Subdivision chapter as follows:

## Subdivision (SUB)

[...]

### Rules

[...]

#### **SUB-R2 Any Subdivision**

1. Activity Status: Controlled

Where:

- a. In All Zones:
  - i. The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Māori or area of historic heritage is entirely within one of the sites produced by the subdivision.
  - ii. The land contains existing buildings or major structures and the boundaries of the proposed sites result in compliance with the relevant zone permitted activity building and major structure setback, building coverage, impervious areas, outdoor living court, and height in relation to boundary rules.
  - iii. An underground electrical supply system is provided where the subdivision is within an Outstanding **Natural** Landscape Area or Outstanding Natural Character Area.
  - iv. The most efficient route for electrical supply to any site is across other sites or other land owned by the subdivider, easements are provided to secure the route.

[...]

#### **SUB-R15 Boundary Relocation Subdivision in the Rural Production Zone**

Activity Status: Restricted Discretionary

Where:

1. All sites:
  - a. Are able to accommodate a minimum 100m<sup>2</sup> building area on which a residential unit can be built so that there is compliance as a permitted activity with all zone, overlay, and district-wide rules.
  - b. Have a minimum net site area of at least 2,000m<sup>2</sup>.

2. The subdivision does not:
  - a. Alter the ability of existing permitted activities to continue to be permitted under all zone, overlay, and district-wide rules.
  - b. Alter the extent or degree to which any consented or otherwise lawfully established activity does not comply as a permitted activity with all zone, overlay, and district-wide rules.
  - c. Reduce the area of highly productive land within a site.
  - d. Result in additional capacity for residential units permitted on the proposed sites beyond the overall number of residential units permitted on the parent sites prior to the boundary relocation subdivision.
  - e. Result in the ability to create additional sites as a controlled activity beyond the overall number of sites that could have been created as a controlled activity **in accordance with SUB-R16.1** prior to the boundary relocation subdivision.

[...]

### **SUB-R19 Subdivision of Consented Residential Units**

Activity Status: Restricted Discretionary

Where in the GRZ and MRZ:

1. The subdivision enables the creation of sites for residential units that have an approved land use consent under GRZ-R15.1, GRZ-R~~2223~~, MRZ-R14.1 or MRZ-R~~2122~~.

Matters of discretion:

1. Matters listed in the Relationship Between Spatial Layers Chapter, HPW-R9.
2. The extent to which the design and layout of the proposed sites result in new or increased non-compliance with the underlying zone or district-wide rules.
3. The extent to which there is appropriate provisions made for infrastructure.
4. The extent to which there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision.

*Compliance Standard:*

1. *Any subdivision proposed under SUB-R19 is exempt from compliance with SUB-R5 and R6 but shall be assessed against all other relevant subdivision rules.*

Activity Status when compliance not achieved: Discretionary

[...]

Amend the Coastal Environment chapter as follows:

## Coastal Environment (CE)

[...]

### General Rules

[...]

#### **CE-R8 Within the Coastal Environment but outside of Sand Dunes or the Heavy Industrial Zone or the Strategic Rural Industries zone**

Activity Status: Permitted

Where:

1. The earthworks:
    - a. do not exceed the maximum volume of 500m<sup>3</sup> material disturbed or removed within each 10-year period from 21 February 2019; and
    - b. Do not exceed the maximum **cumulative** face height of any **single or terraced cut(s), fill(s), and/or batter faces of 2m. Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either;**
- OR
- c. Are associated with:
    - i. The repair and maintenance of fences, utility connections, accessways, parking areas, effluent disposal systems, swimming pools, or farm and plantation forestry tracks.
    - ii. Garden amenities, gardening or the planting of any vegetation.
    - iii. The provision and maintenance of walking or cycling tracks.
    - iv. The burial of marine mammals.
    - v. Any lawfully established mineral extraction activity.

Activity Status when compliance not achieved: Discretionary

[...]

### CE-R10 Farm Quarrying

Activity Status: Permitted

Where:

1. The activity does not disturb or move more than 500m<sup>3</sup> of material in any 12 month period; or
2. The **activity does not have any maximum cumulative face height of any single or terraced cut(s), fill(s), and/or batter faces which that does not exceed 2m. Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either;** or
3. The activity does not involve blasting; or
4. The activity does not involve excavations and processing which are undertaken within 200m of a road boundary; or an existing residential unit.

Activity Status when compliance not achieved: Discretionary

[...]

## High Natural Character Area Rules

[...]

### CE-HNC-R6 Earthworks

#### In High Natural Character Areas outside of Sand Dunes

Activity Status: Permitted

Where:

1. The earthworks:
  - a. Do not exceed the maximum volume of 250m<sup>3</sup> material disturbed or removed within each 10-year period from 21 February 2019; and
  - b. Do not exceed the maximum **cumulative** face height of any **single or terraced cut(s), fill(s), and/or batter faces of 2m. Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either;**

OR

c. Are associated with:

- i. The repair and maintenance of fences, utility connections, accessways, parking areas, effluent disposal systems, swimming pools, or farm and plantation forestry tracks.
- ii. Garden amenities, gardening or the planting of any vegetation.
- iii. The provision and maintenance of walking or cycling tracks.
- iv. The burial of marine mammals.
- v. Any lawfully established mineral extraction activity.

Activity Status when compliance not achieved: Discretionary

[...]

### **CE-HNC-R8 Farm Quarries**

Activity Status: Permitted

Where:

1. The activity does not disturb or move more than 250m<sup>3</sup> of material; or
2. The activity does not have any maximum cumulative face height of any single or terraced cut(s), fill(s), and/or batter faces which that does not exceed 2m. Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either; or
3. The activity does not have any cut, fill, and/or batter faces which exceed 2m; or
4. The activity does not involve blasting; or
5. The activity does not involve excavations and processing which are undertaken within 200m of a road boundary; or an existing residential unit.

Activity Status when compliance not achieved: Discretionary

[...]

### **Outstanding Natural Character Area Rules**

[...]

**CE-ONC-R6 Earthworks****1. Activity Status: Permitted**

Where:

- a. The earthworks are directly associated with:
  - i. The repair and maintenance of fences, utility connections, accessways, parking areas, effluent disposal systems, swimming pools, or farm and plantation forestry tracks.
  - ii. Garden amenities, gardening or the planting of any vegetation.
  - iii. The provision and maintenance of walking or cycling tracks.
  - iv. Earthworks within sand dunes associated with a dune restoration project, weed or pest management program, or the provision and maintenance of public accessways.
  - v. The burial of marine mammals (within sand dunes or otherwise).
  - vi. The maintenance, minor upgrading or replacement of existing lawfully established pipeline infrastructure, provided that the dunes are returned to the same form to that which existed prior to the earthworks being undertaken.

**2. Activity Status: Discretionary**

Where:

- a. The earthworks are to provide for a building platform or accessway and:
  - i. Do not exceed the maximum volume of 150m<sup>3</sup> material disturbed or removed within each 10-year period from 21 February 2019, and
  - ii. Do not exceed the maximum **cumulative** face height of any **single or terraced** cut(s), fill(s), and/or batter faces of 2m. **Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either.**

**3. Activity Status when compliance not achieved with CE-ONC-R6.1 or CE-ONC-R6.2: Non-Complying**

*Note:*

1. *Earthworks are a non-complying activity where they are not to provide for a building platform or accessway in accordance with CE-ONC-R6.2 and are not directly associated with the activities listed in CE-ONC-R6.1.*

[...]

### **CE-ONC-R8 Farm Quarries**

Activity Status: Permitted

Where:

1. The activity does not disturb or move more than 150m<sup>3</sup> of material.
2. The **activity does not have any maximum cumulative face height of any single or terraced cut(s), fill(s), and/or batter faces which that does not exceed 2m. Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either.**
3. The activity does not involve blasting.
4. The activity does not involve excavation and processing which are undertaken within 200m of a road boundary or existing residential unit.

Activity Status when compliance not achieved: Non-complying

[...]

Amend the Light chapter as follows:

## Light

[...]

### Rules

[...]

#### **LIGHT-R2 Any Artificial Lighting**

Activity Status: Permitted

Where:

**1.** The artificial lighting is:

**a.** shielded or a suitable luminaire optic deployed, so that light emitted by the luminaire is projected below a horizontal plane running through the lowest point on the fixture as represented in Figure LIGHT 1 in LIGHT Appendix 1; **or**

**b. lighting associated with general public amenities located on public land, or in any road, provided its brightness does not exceed 500 lumens and has a colour temperature of 3000K or less.**

[...]

Amend the Large Lot Residential Zone chapter as follows and consequentially amend the numbering of LLRZ rules LLRZ-R15 – R41 and all cross references as a result of introducing new rule LLRZ-R15:

## Large Lot Residential Zone (LLRZ)

[...]

### Rules

[...]

#### LLRZ-R13 Commercial Services

Activity Status: Permitted

Where:

##### 1. The activity:

~~a. Is an ancillary activity to a residential unit on-site.~~

~~b. Does not exceed the use of 45m<sup>2</sup> gross floor area or 15% of the total gross floor area of all buildings on the site, whichever is the lesser.~~

~~c. Generates less than 20 traffic movements per site, per day.~~

~~d. Does not operate or open for visitors, clients, deliveries or servicing outside of the hours of 06:00 – 22:00.~~

~~e. Does not have car parking located between the activity and the road.~~

~~f. Does not involve, in addition to the principal operator, more than two other persons engaged in providing the activity.~~

1. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and

2. The activity does not operate or open for visitors, clients, deliveries or servicing outside of the hours of 06:00 – 22:00; and

3. The activity generates less than 20 traffic movements per site, per day; and

4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

5. The activity does not exceed the use of 45m<sup>2</sup> gross floor area or 15% of the total gross floor area of all buildings on the site, whichever is the lesser.

Activity Status when compliance not achieved: Discretionary

**LLRZ-R14 Artisan Industrial Activities**

Activity Status: Permitted

Where:

**1. The activity:****a. Is an ancillary activity to a residential unit on-site.****b. Does not exceed the use of 45m<sup>2</sup> gross floor area or 15% of the total gross floor area of all buildings on the site, whichever is the lesser.****c. Generates less than 20 traffic movements per site, per day.****d. Does not operate or open for visitors, clients, deliveries or servicing outside of the hours of 06:00 – 22:00.****e. Does not have car parking located between the activity and the road.****f. Does not involve, in addition to the principal operator, more than two other persons engaged in providing the activity.****1. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and****2. The activity does not operate or open for visitors, clients, deliveries or servicing outside of the hours of 06:00 – 22:00; and****3. The activity generates less than 20 traffic movements per site, per day; and****4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and****5. The activity does not exceed the use of 45m<sup>2</sup> gross floor area or 15% of the total gross floor area of all buildings on the site, whichever is the lesser.**

Activity Status when compliance not achieved: Discretionary

**LLRZ-R15 Show Homes****Activity Status: Permitted****Where:****1. The activity generates less than 25 traffic movements per site, per day.****2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.****3. The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.****Activity Status where compliance not achieved: Discretionary**

**LLRZ-R~~15~~16 Farming**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R~~16~~17 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R~~17~~18 Recreational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R~~18~~19 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R~~19~~20 Supported Residential Care**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R~~20~~21 Retirement Village**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R~~21~~22 Visitor Accommodation**Activity Status: **Permitted**

Where:

1. The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any one time.

**Activity status where compliance not achieved:** Discretionary

**LLRZ-R<sup>2223</sup> Care Centre**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2324</sup> Plantation Forestry**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2425</sup> Intensive Livestock Farming**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2526</sup> Farm Quarrying**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2627</sup> General Industry**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2728</sup> Manufacturing**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2829</sup> Storage**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>2930</sup> Repair and Maintenance Services**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3031</sup> Marine Industry**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3132</sup> Retail Activity**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3233</sup> Service Stations**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3334</sup> Funeral Home**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3435</sup> Food and Beverage Activity**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3536</sup> Entertainment Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3637</sup> Emergency Services**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3738</sup> Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3839</sup> General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>3940</sup> General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>4041</sup> Waste Management Facility**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**LLRZ-R<sup>4142</sup> Landfill**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

[...]

Amend the Low Density Residential Zone chapter as follows and consequentially amend the numbering of LRZ rules LRZ-R23 – R36 and all cross references as a result of introducing new rule LLRZ-R15:

## Low Density Residential Zone (LRZ)

[...]

### Rules

[...]

#### LRZ-R17 Retail Activity

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

~~Activity Status when compliance with up to two of the rules LRZ-R17.4 – 8 is not achieved: Discretionary~~

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules LRZ-R17.1 – 3 is~~ not achieved: Non-Complying

#### LRZ-R18 Commercial Services

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

**Activity Status when compliance with up to two of the rules LRZ-R18.4 – 8 is not achieved: Discretionary**

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules LRZ-R18.1 – 3 is~~ not achieved: Non-Complying

## **LRZ-R19 Food and Beverage Activity**

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

**Activity Status when compliance with up to two of the rules LRZ-R19.4–8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules LRZ-R19.1–3 is** not achieved: Non-Complying

### **LRZ-R20 Care Centre**

Activity Status: Permitted

Where:

**1. The activity is an ancillary activity to a residential unit on the site.**

**2. 1.** The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**

**3. 2.** The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; **and**

**4. 3.** The activity generates less than 20 traffic movements per site, per day; **and**

**5. There is no car parking between the residential unit and the road.**

**6. 4.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

**7. 5.** The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules LRZ-R20.4–8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules LRZ-R20.1–3 is** not achieved: Non-Complying

### **LRZ-R21 - Visitor Accommodation**

Activity Status: Permitted

Where:

**1. The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**OR**

**1. The activity is an ancillary activity to a residential unit on the site.**

2. The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers **(except visitors checking into accommodation)** or the loading or unloading of vehicles; **and**
4. The activity generates less than 20 traffic movements per site, per day; **and**
- ~~5. There is no car parking between the residential unit and the road.~~
- ~~6-5.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**
- ~~7-6.~~ The **activity visitor accommodation is provided inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site; **and**
- ~~8-7.~~ Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.

**Activity Status when compliance with up to two of the rules LRZ-R21.4 – 8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules LRZ-R21.1 – 3 is** not achieved: Non-Complying

## **LRZ-R22 Artisan Industrial Activity**

### **Activity Status: Permitted**

#### **Where:**

- ~~1. The activity is an ancillary activity to a residential unit on the site.~~
- ~~2-1.~~ The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**
- ~~3-2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; **and**
- ~~4-3.~~ The activity generates less than 20 traffic movements per site, per day; **and**
- ~~5. There is no car parking between the residential unit and the road.~~
- ~~6-4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**
- ~~7-5.~~ The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**Activity Status when compliance with up to two of the rules LRZ-R21A.4 – 7 is not achieved: Discretionary**

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules LRZ-R21A.1 – 3 is~~ not achieved: Non-Complying

### **LRZ-R23 Show Homes**

**Activity Status: Permitted**

**Where:**

1. **The activity generates less than 25 traffic movements per site, per day.**
2. **The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.**
3. **The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.**

**Activity Status where compliance not achieved: Non-Complying**

### **LRZ-R~~23~~24 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

### **LRZ-R~~24~~25 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

### **LRZ-R~~25~~26 Entertainment Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

### **LRZ-R~~26~~27 Service Stations**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

### **LRZ-R~~27~~28 Funeral Home**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

#### **LRZ-R~~2829~~2829 Recreational Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

#### **LRZ-R~~2930~~2930 Emergency Services**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

#### **LRZ-R~~3031~~3031 Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

#### **LRZ-R~~3132~~3132 General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

#### **LRZ-R~~3233~~3233 General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

#### **LRZ-R~~3334~~3334 Plantation Forestry**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**LRZ-R<sup>3435</sup>Intensive Livestock Farming**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**LRZ-R<sup>3536</sup>Farm Quarrying**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**LRZ-R<sup>3637</sup>Industrial Activities (Excluding Artisan Industrial Activities)**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

Amend the General Residential Zone chapter as follows and consequentially amend the numbering of GRZ rules GRZ-R22 – R36 and all cross references as a result of introducing new rule GRZ-R22:

## General Residential Zone (GRZ)

[...]

### Rules

[...]

#### **GRZ-R6 Outdoor Living Court**

Activity Status: Permitted

Where:

1. Every principal residential unit:
  - a. With one or more habitable rooms at ground floor level provides an outdoor living court of which at least 20m<sup>2</sup> has a minimum depth of 4m.
  - b. With all habitable rooms above ground floor provides an outdoor living court of which at least 8m<sup>2</sup> has a minimum depth of 2m.
2. Every minor residential unit:
  - a. With one or more habitable rooms at ground floor level provides an outdoor living court of which at least 10m<sup>2</sup> has a minimum depth of 2.4m.
  - b. With all habitable rooms above ground floor provides an outdoor living court of which at least 6m<sup>2</sup> has a minimum depth of 1.8m.

**3. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under GRZ-R6.1 – 2.**

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Appropriate privacy and amenity of the occupants on-site.
2. Sufficient sunlight access to outdoor living spaces within the site.
3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

[...]

**GRZ-R15 Residential Unit**

Activity Status: Permitted

Where:

1. The maximum density is 2 residential units per site, except where a multi unit development is proposed under GRZ-R2223.
2. Every residential unit provides a net floor area of at least:
  - a. 35m<sup>2</sup> for residential units with only one habitable room.
  - b. 45m<sup>2</sup> for residential units with more than one habitable room.
3. Every residential unit is separated by at least 3m from any other detached residential unit (excluding any ancillary minor residential unit).
4. Every residential unit is separated by at least 6m from any other detached residential unit where there is an outdoor living court between the residential units (excluding any ancillary minor residential unit).
5. Every residential unit provides a living area with a window that faces to the north (between, and including, 270° and 90° as shown in Figure 5 below).
6. There is a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit (excluding any ancillary minor residential unit) where there is a direct line of sight between the windows.

Activity Status when compliance not achieved: Discretionary

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

**GRZ-R16 Retail Activity**

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules GRZ-R16.4–8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules GRZ-R16.1–3 is** not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

### **GRZ-R17 Commercial Services**

Activity Status: Permitted

Where:

**1. The activity is an ancillary activity to a residential unit on the site.**

~~2. 1.~~ The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; **and**

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; **and**

**5. There is no car parking between the residential unit and the road.**

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

~~7. 5.~~ The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules GRZ-R17.4–8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules GRZ-R17.1–3 is** not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

### GRZ-R18 Food and Beverage Activity

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

~~Activity Status when compliance with up to two of the rules GRZ-R18.4 – 8 is not achieved: Discretionary~~

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules GRZ-R18.1 – 3 is~~ not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

### GRZ-R19 Care Centre

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6.4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

~~7.5.~~ The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules GRZ-R19.4 – 8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules GRZ-R19.1 – 3 is** not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

## **GRZ-R20 - Visitor Accommodation**

Activity Status: Permitted

Where:

**1. The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**OR**

**1. The activity is an ancillary activity to a residential unit on the site.**

2. The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**

3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers **(except visitors checking into accommodation)** or the loading or unloading of vehicles; **and**

4. The activity generates less than 20 traffic movements per site, per day; **and**

**5. There is no car parking between the residential unit and the road.**

~~6.5.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

~~7.6.~~ The **activity visitor accommodation is provided inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site; **and**

~~8.7.~~ Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.

**Activity Status when compliance with up to two of the rules GRZ-R20.4 – 8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules GRZ-R20.1 – 3 is** not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

### **GRZ-R21 Artisan Industrial Activity**

Activity Status: Permitted

Where:

**1. The activity is an ancillary activity to a residential unit on the site.**

**2. 1.** The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**

**3. 2.** The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; **and**

**4. 3.** The activity generates less than 20 traffic movements per site, per day; **and**

**5. There is no car parking between the residential unit and the road.**

**6. 4.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

**7. 5.** The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**Activity Status when compliance with up to two of the rules LRZ-R17.4 – 7 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules LRZ-R17.1 – 3 is** not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

### **GRZ-R22 Show Homes**

**Activity Status: Permitted**

**Where:**

**1. The activity generates less than 25 traffic movements per site, per day.**

**2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.**

3. The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.

Activity Status where compliance not achieved: Non-Complying

Note:

1. Any application shall comply with information requirement rule GRZ-REQ1.

### **GRZ-R2223 Multi Unit Development**

Activity Status: Restricted Discretionary

Where:

1. The activity complies with Rules GRZ-R3 – R8 and R15.

Matters of discretion:

1. Appropriate privacy and amenity of the occupants on-site and that of adjoining sites.
2. Sufficient sunlight access to outdoor living space and habitable rooms within the site.
3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
4. Building bulk, scale and symmetry.
5. The suitability of the particular area for increased residential density, with respect to:
  - a. The availability and accessibility of open space, public amenities and commercial activities in proximity.
  - b. Capacity and availability of infrastructure, including the affected transport network.
  - c. Road access and effects on transport, including availability of public and active transport options.
6. The extent to which the activity is consistent with the purpose, character and amenity values anticipated within the General Residential Zone.
7. The ability to accommodate incidental activities anticipated within the General Residential Zone such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.

Notes:

1. *Any application shall comply with information requirement rule GRZ-REQ1.*
2. *GRZ-R15.1 does not apply where a multi unit development is proposed under GRZ-R2223.*

Activity Status when compliance not achieved: Discretionary

Note:

1. *Any application shall comply with information requirement rule GRZ-REQ1*

**GRZ-R2324 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R2425 Emergency Services**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R2526 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R2627 Entertainment Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R2728 Service Stations**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R2829 Funeral Home**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R2930 Recreational Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R3031 Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R<sup>3132</sup> General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R<sup>3233</sup> General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R<sup>3334</sup> Plantation Forestry**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R<sup>3435</sup> Intensive Livestock Farming**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R<sup>3536</sup> Farm Quarrying**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**GRZ-R<sup>3637</sup> Industrial Activities (Excluding Artisan Industrial Activities)**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

## Information Requirement Rules

### GRZ-REQ1 Urban Design and Density

1. All applications for resource consent pursuant to GRZ-R15.1 and GRZ-R16 – 2223 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
  - a. An analysis of the site in relation to its context, including:
    - i. The key characteristics of the local area, including the character and scale of surrounding development including any cultural relationships or historic heritage features and clearly recording any matters which particularly contribute to the character of the area, or that detract from the area.
    - ii. The landform and topography of the site and surrounding environment.
    - iii. The ecology and habitat of the site and surrounding environment.
    - iv. Access to public and active transport infrastructure.
  - b. An assessment of how the proposal contributes to the planned suburban environment of the area and is consistent with best practice urban design, including:
    - i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements.
    - ii. The relationship of the proposed development to public places and how the proposal responds to any issues or characteristics identified in the site analysis.
    - iii. Any proposed measures to avoid or mitigate adverse effects on adjacent public places and residential sites.
    - iv. Any proposed measures to incorporate Māori design elements.
    - v. Any proposed measures to facilitate active and public transport.
  - c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
  - d. Any consultation undertaken with mana whenua and a summary of the results of that consultation.

*Note:*

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

[...]

## **PREC1-R5 Residential Unit**

Activity Status: Permitted

Where:

1. Residential units comply with GRZ-R15 except up to a maximum of 10 residential units is permitted.

Activity Status when compliance not achieved: Discretionary

Note:

1. *GRZ-R~~2223~~ Multi Unit Development does not apply within the Northland Christian Camp Precinct.*

[...]

## **PREC9-REQ2 Connection to Public Reticulated Wastewater Network**

1. Any application under rule PREC9-R3 must include an assessment detailing:
  - a. Provision made for connections to public reticulated wastewater network.
  - b. **Confirmation Information** from Council **that as to whether** sufficient capacity exists within the public reticulated wastewater network to service the proposed development.
  - c. Any upgrades and/or extensions to existing public reticulated wastewater infrastructure that are proposed or necessary.
  - d. Where insufficient capacity exists within the reticulated wastewater network:
    - i. Upgrades proposed by the developer that are necessary to increase network capacity to accommodate the development; or
    - ii. The proposed timing and staging of development to ensure that it is coordinated with any planned Long Term Plan upgrades identified by Council which will provide adequate capacity.
  - e. Land and infrastructure to be vested in the Council.

[...]

## **PREC16-REQ2 Connection to Public Reticulated Wastewater Network**

1. Any application under rule PREC16-R4 must include an assessment detailing:
  - a. Provision made for connections to public reticulated wastewater network.
  - b. **Confirmation Information** from Council **that as to whether** sufficient capacity exists within the public reticulated wastewater network to service the proposed development.
  - c. Any upgrades and/or extensions to existing public reticulated wastewater infrastructure that are proposed or necessary.

- d. Where insufficient capacity exists within the reticulated wastewater network:
  - i. Upgrades proposed by the developer that are necessary to increase network capacity to accommodate the development; or
  - ii. The proposed timing and staging of development to ensure that it is coordinated with any planned Long Term Plan upgrades identified by Council which will provide adequate capacity.
- e. Land and infrastructure to be vested in the Council.

Amend the Medium Density Residential Zone chapter as follows and consequentially amend the numbering of MRZ rules MRZ-R21 – R33 and all cross references as a result of introducing new rule MRZ-R21:

## Medium Density Residential Zone (MRZ)

[...]

### Rules

[...]

#### **MRZ-R6 Outdoor Living Court**

Activity Status: Permitted

Where:

1. Every residential unit:
  - a. With one or more habitable rooms at ground floor level provides an outdoor living court of which at least 20m<sup>2</sup> has a minimum depth of 4m.
  - b. With all habitable rooms above ground floor with 1 bedroom provides an outdoor living court of which at least 4m<sup>2</sup> has a minimum depth of 1.5m.
  - c. With all habitable rooms above ground floor, with 2 or more bedrooms provides an outdoor living court of which at least 8m<sup>2</sup> has a minimum depth of 1.8m.

~~2. The outdoor living court is able to receive direct sunlight for at least 5 hours on the winter solstice over at least 50% of the minimum space required under MRZ-R6.1.~~

[...]

#### **MRZ-R14 Residential Unit**

Activity Status: Permitted

Where:

1. The maximum density is 2 residential units per site, except where a multi unit development is proposed under MRZ-R~~21~~**22**.
2. Every residential unit provides a net floor area of at least:
  - a. 35m<sup>2</sup> for residential units with only one habitable room.
  - b. 45m<sup>2</sup> for residential units with more than one habitable room.

3. Every residential unit provides a living area with a window that faces to the north (between, **and including** 270 degrees and 90 degrees as shown in Figure MRZ 5).
4. There is a separation distance of at least 6m from any window in a habitable room to a window of a habitable room in a separate residential unit (excluding any ancillary minor residential unit) where there is a direct line of sight between the windows.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site.
2. Where MRZ-R14.4 is infringed, the privacy of separate residential units.

Notification: Any restricted discretionary activity under MRZ-R14.2 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

### MRZ-R15 Retail Activity

Activity Status: Permitted

Where:

**1. The activity is an ancillary activity to a residential unit on the site.**

**2. 1.** The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**

**3. 2.** The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; **and**

**4. 3.** The activity generates less than 20 traffic movements per site, per day; **and**

**5. There is no car parking between the residential unit and the road.**

**6. 4.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

**7. 5.** The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules MRZ-R15.4-8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules MRZ-R15.1-3 is** not achieved: Non-Complying

**MRZ-R16 Commercial Services**

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

~~Activity Status when compliance with up to two of the rules MRZ-R16.4-8 is not achieved: Discretionary~~

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules MRZ-R16.1-3 is~~ not achieved: Non-Complying

**MRZ-R17 Food and Beverage Activity**

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

**7. 5.** The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules MRZ-R17.4-8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules MRZ-R17.1-3 is** not achieved: Non-Complying

### **MRZ-R18 Care Centre**

Activity Status: Permitted

Where:

**1. The activity is an ancillary activity to a residential unit on the site.**

**2. 1.** The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**

**3. 2.** The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; **and**

**4. 3.** The activity generates less than 20 traffic movements per site, per day; **and**

**5. There is no car parking between the residential unit and the road.**

**6. 4.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; **and**

**7. 5.** The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**8. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.**

**Activity Status when compliance with up to two of the rules MRZ-R15-R18.4-8 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules MRZ-R18.1-3 is** not achieved: Non-Complying

### **MRZ-R19 - Visitor Accommodation**

Activity Status: Permitted

Where:

**1. The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**OR**

**1. The activity is an ancillary activity to a residential unit on the site.**

**2. The principal operator of the activity is a permanent resident lives on the site for at least 183 days out of every 365-day period; and**

**3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers (except visitors checking into accommodation) or the loading or unloading of vehicles; and**

**4. The activity generates less than 20 traffic movements per site, per day; and**

**5. There is no car parking between the residential unit and the road.**

**6. 5.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

**7. 6.** The activity visitor accommodation is provided inside a building and does not exceed the use of 15% of the total gross floor area of all buildings on the site; and

**8. 7.** Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.

**Activity Status when compliance with up to two of the rules GRZ-R19.4–8 is not achieved: Discretionary**

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules GRZ-R19.1–3 is not achieved: Non-Complying

## **MRZ-R20 Artisan Industrial Activity**

**Activity Status: Permitted**

**Where:**

**1. The activity is an ancillary activity to a residential unit on the site.**

**2. 1.** The principal operator of the activity is a permanent resident lives on the site for at least 183 days out of every 365-day period; and

**3. 2.** The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and

**4. 3.** The activity generates less than 20 traffic movements per site, per day; and

**5. There is no car parking between the residential unit and the road.**

**6. 4.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

**7.5.** The activity **is carried out inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**Activity Status when compliance with up to two of the rules MRZ-R20.4 – 7 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules MRZ-R20.1 – 3 is** not achieved: Non-Complying

### **MRZ-R21 Show Homes**

**Activity Status: Permitted**

**Where:**

- 1. The activity generates less than 25 traffic movements per site, per day.**
- 2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.**
- 3. The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.**

**Activity Status where compliance not achieved: Non-Complying**

### **MRZ-R2122 Multi Unit Development**

Activity Status: Restricted Discretionary

Where:

1. The activity complies with Rules MRZ-R3 – R8 and R14.

Matters of discretion:

1. Appropriate privacy and amenity of the occupants on-site and that of adjoining sites.
2. Sufficient sunlight access to outdoor living space and habitable rooms within the site.
3. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
4. Building bulk, scale and symmetry.
5. Capacity and availability of infrastructure, including the affected transport network.

Notification: Any restricted discretionary activity under MRZ-R**2122** where compliance is achieved with MRZ-R**2122**.1 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

Notes:

1. Any application shall comply with information requirement rule MRZ-REQ1.
2. MRZ-R14.1 does not apply where a multi unit development is proposed under MRZ-R~~21~~22.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The matters of discretion listed in MRZ-R~~21~~22.
2. The matters of discretion listed in Rules MRZ-R3 – R8 and R14 where those rules are infringed.
3. The extent to which the activity is consistent with the purpose, character and amenity values anticipated within the Medium Density Residential Zone.
4. The ability to accommodate incidental activities anticipated within the Medium Residential Zone such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.
5. The availability and accessibility of open space, public amenities and commercial activities in proximity to service the proposed development.
6. Road access and effects on the affected transport network, including availability of public and active transport options for the proposed development.

Note:

1. Any application shall comply with information requirement rule MRZ-REQ1

#### **MRZ-R~~22~~23 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **MRZ-R~~23~~24 Emergency Services**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **MRZ-R~~24~~25 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **MRZ-R~~25~~26 Entertainment Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~26~~27 Service Stations**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~27~~28 Funeral Home**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~28~~29 Recreational Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~29~~30 Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~30~~31 General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~31~~32 General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~32~~33 Rural Production Activity**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

**MRZ-R~~33~~34 Industrial Activities (Excluding Artisan Industrial Activities)**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

## Information Requirement Rules

### MRZ-REQ1 Urban Design and Density

1. All applications for resource consent pursuant to MRZ-R2122 shall include an urban design assessment prepared by a suitably qualified and experienced professional which details:
  - a. An analysis of the site in relation to its context, including:
    - i. The key characteristics of the local area including the character and scale of surrounding development including any cultural relationships or historic heritage features and clearly recording any matters which particularly contribute to the character of the area, or that detract from the area.
    - ii. The landform and topography of the site and surrounding environment.
    - iii. The ecology and habitat of the site and surrounding environment.
    - iv. Access to public and active transport infrastructure.
  - b. An assessment of how the proposal contributes to the planned medium density environment of the area, complements the established neighbourhood and is consistent with best practice urban design, including:
    - i. Effects on the character of the area and neighbourhood, residential amenity and pedestrian and vehicular movements.
    - ii. The relationship of the proposed development to public places and how the proposal responds to any issues or characteristics identified in the site analysis.
    - iii. Any proposed measures to avoid or mitigate adverse effects on adjacent public places and residential sites.
    - iv. Any proposed measures to incorporate Māori design elements.
    - v. Any proposed measures to facilitate active and public transport.
  - c. Any consultation undertaken as part of any pre-application meetings with Council and any mitigation measures that were recommended by Council.
  - d. Any consultation undertaken with mana whenua and a summary of the results of that consultation.

Note:

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

Amend the Rural Production Zone chapter as follows and consequentially amend the numbering of RPROZ rules RPROZ-R12 – R29 and all cross references as a result of introducing new rule RPROZ-R12:

## Rural Production Zone (RPROZ)

[...]

### Rules

[...]

#### **RPROZ-R3 Building and Major Structure Height**

Activity Status: Permitted

Where:

1. The maximum building height and major structure height is 10m above ground level.

*Compliance Standards:*

1. *Mineral Extraction Activities within the Mining Area of a Quarrying Resource Area are exempt and will be assessed by applying the Quarrying Resource Area Chapter provisions.*
2. *Frost protection fans are exempt from RPROZ-R3 and shall comply with RPROZ-R~~12~~<sup>13</sup>.*
3. *Crop protection structures and artificial crop protection structures are exempt from RPROZ-R3 and shall comply with RPROZ-R~~13~~<sup>14</sup>.*

Activity Status when compliance not achieved: Discretionary

#### **RPROZ-R4 Building and Major Structure Setbacks**

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least:
  - a. 8m from all site boundaries.
  - b. 27m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

*Compliance Standards:*

1. *Mineral Extraction Activities within the Mining Area of a Quarrying Resource Area are exempt and will be assessed by applying the Quarrying Resource Area Chapter provisions.*
2. *Frost protection fans are exempt from RPROZ-R4 and shall comply with RPROZ-R<sup>4213</sup>.*
3. *Crop protection structures and artificial crop protection structures are exempt from RPROZ-R4 and shall comply with RPROZ-R<sup>1314</sup>.*

Activity Status when compliance not achieved: Discretionary

### **RPROZ-R10 Commercial Activities**

Activity Status: Permitted

Where:

~~1. The activity generates less than 20 traffic movements per site, per day.~~

~~2. There is no car parking between the residential unit and the road.~~

~~3. In addition to the principal operator, the activity has no more than two other persons engaged~~

~~in providing the activity.~~

~~4. The activity does not exceed the use of 15% of the total gross floor area of all buildings onsite.~~

~~5. The activity is an ancillary activity to the residential use of the site.~~

~~6. The principal operator of the activity is a permanent resident on the site.~~

~~7. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.~~

1. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and

2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and

3. The activity generates less than 20 traffic movements per site, per day; and

4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

5. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.

Activity Status when compliance not achieved: Discretionary

**RPROZ-R11 Artisan Industrial Activity**

Activity Status: Permitted

Where:

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~Activity Status when compliance with up to two of the rules RPROZ-R11.4 – 7 is not achieved: Discretionary~~

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules RPROZ-R11.1 – 3 is~~ not achieved: Non-Complying

**RPROZ-R12 Visitor Accommodation**

Activity Status: Permitted

Where:

1. The activity is undertaken in an existing lawfully established residential unit provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.

OR

2. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and

3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers (except visitors checking into accommodation) or the loading or unloading of vehicles; and

4. The activity generates less than 20 traffic movements per site, per day; and

5. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

**6. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.**

**Activity Status when compliance not achieved: Discretionary**

#### **RPROZ-R1213 Frost Protection Fans**

Activity Status: Permitted

Where:

1. The maximum height of the frost protection fan is 20m above ground level.
2. The frost protection fan is set back at least 8m from all site boundaries.

Activity Status when compliance not achieved: Discretionary

#### **RPROZ-R1314 Crop Support Structures or Artificial Crop Protection Structures**

Activity Status: Permitted

Where:

1. The maximum structure height is 10m above ground level.
2. The structure is set back at least:
  - a. 1m from all site boundaries.
  - b. 27m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Discretionary

#### **RPROZ-R1415 Farm Quarrying**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The activity does not extract over 5,000m<sup>3</sup> in any 12 month period on the site.
3. The activity does not undertake blasting.
4. The activity does not establish within 500m of an existing sensitive activity on an adjacent site.

Activity Status when compliance not achieved: Discretionary

#### **RPROZ-R1516 Activities Ancillary to Farming or Forestry**

Activity Status: Permitted

Where:

1. The activity does not operate within 250m of an existing sensitive activity on a separate site.
2. The activity operates within any combination of buildings and major structures, and those buildings and major structures do not exceed a cumulative gross floor area of 2,000m<sup>2</sup> per site.
3. The activity does not operate from an outdoor area larger than 500m<sup>2</sup>.

Activity Status when compliance not achieved: Discretionary

**RPROZ-R1617 Intensive Livestock Farming**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The activity operates within any combination of buildings and major structures, and those buildings and major structures do not exceed a cumulative gross floor area of 2,000m<sup>2</sup> per site.
3. The activity is set back 250m from the boundary of a separate site containing a sensitive activity.

Activity Status when compliance not achieved with RPROZ-R1617.1 and 2: Discretionary

Activity Status when compliance not achieved with RPROZ-R1617.3: Non-Complying

**RPROZ-R1718 Emergency Services**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R1819 Farming**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R1920 Plantation Forestry**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2021 Buildings and Major Structures (excluding minor buildings) associated with Emergency Service**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2122 Industrial Activities (Excluding Artisan Industrial Activities)**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2223 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2324 Recreational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2425 General Community**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2526 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2627 Care Centre**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2728 Retirement Village**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2829 Supported Residential Care**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RPROZ-R2930 Hospitals**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

Amend the Rural Lifestyle Zone chapter as follows and consequentially amend the numbering of RLZ rules RLZ-R14 – R29 and all cross references as a result of introducing new rule RLZ-R14:

## Rural Lifestyle Zone (RLZ)

[...]

### Rules

[...]

#### **RLZ-R3 Building and Major Structure Height**

Activity Status: Permitted

Where:

1. The maximum building height and major structure height is 8m above ground level.

*Compliance Standard:*

1. *Crop support structures and artificial crop protection structures are exempt from RLZ-R3 and shall comply with RLZ-R~~14~~<sup>15</sup>.*

Activity Status when compliance not achieved: Discretionary

#### **RLZ-R4 Building and Major Structure Setbacks**

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least:
  - a. 10m from road boundaries.
  - b. 3m from all other site boundaries.
  - c. 27m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

*Compliance Standard:*

1. *Crop support structures and artificial crop protection structures are exempt from RLZ-R4 and shall comply with RLZ-R~~14~~<sup>15</sup>.*

Activity Status when compliance not achieved: Discretionary

[...]

**RLZ-R12 Commercial Activities**

Activity Status: Permitted

Where:

- ~~1. The activity generates less than 20 traffic movements per site, per day.~~
- ~~2. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.~~
- ~~3. The activity does not exceed the use of 15% of the total gross floor area of all buildings onsite.~~
- ~~6.4. The activity is an ancillary activity to the residential use of the site.~~
- ~~7.5. The principal operator of the activity is a permanent resident on the site.~~
- ~~8.6. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.~~
1. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and
2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and
3. The activity generates less than 20 traffic movements per site, per day; and
4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and
5. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.

Activity Status when compliance not achieved: Discretionary

**RLZ-R13 Artisan Industrial Activity**

Activity Status: Permitted

Where:

- ~~1. The activity is an ancillary activity to a residential unit on the site.~~
- ~~2.1.~~ The principal operator of the activity is a permanent resident lives on the site for at least 183 days out of every 365-day period; and
- ~~3.2.~~ The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and
- ~~4.3.~~ The activity generates less than 20 traffic movements per site, per day; and
- ~~5. There is no car parking between the residential unit and the road.~~

**6-4.** In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

**7-5.** The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**Activity Status when compliance with up to two of the rules RLZ-R13.4–7 is not achieved: Discretionary**

Activity Status when compliance with more than two of the rules is not achieved or when compliance with any of rules RLZ-R13.1–3 is not achieved: Non-Complying

#### **RLZ-R14 Visitor Accommodation**

**Activity Status: Permitted**

**Where:**

**1. The activity is undertaken in an existing lawfully established residential unit provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**OR**

**2. The principal operator of the activity is lives on the site for at least 183 days out of every 365-day period; and**

**3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers (except visitors checking into accommodation) or the loading or unloading of vehicles; and**

**4. The activity generates less than 20 traffic movements per site, per day; and**

**5. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and**

**6. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.**

**Activity Status when compliance not achieved: Non-Complying**

#### **RLZ-R1415 Crop Support Structures or Artificial Crop Protection Structures**

Activity Status: Permitted

Where:

1. The maximum structure height does not exceed 10m above ground level; and
2. The structure is set back at least:
  - a. 1m from site boundary.

- b. 27m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 2m (excluding bridges, culverts and fences).

Activity Status when compliance not achieved: Discretionary

#### **RLZ-R~~15~~16 Farming**

Activity Status: Permitted

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~16~~17 Plantation Forestry**

Activity Status: Permitted

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~17~~18 Care Centre**

Activity Status: Discretionary

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~18~~19 Emergency Services**

Activity Status: Discretionary

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~19~~20 Retirement Village**

Activity Status: Discretionary

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~20~~21 Supported Residential Care**

Activity Status: Discretionary

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~21~~22 Farm Quarrying**

Activity Status: Discretionary

Where:

- 1. The activity is a primary activity or ancillary activity.

#### **RLZ-R~~22~~23 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2324 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2425 Recreational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2526 General Community**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2627 Industrial Activity (Excluding Artisan Industrial Activities)**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2728 Hospitals**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2829 Intensive Livestock Farming**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**RLZ-R2930 Mineral Extraction Activities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

Amend the Settlement Zone chapter as follows and consequentially amend the numbering of rules SETZ-SZ1-R11 – R21 and all cross references as a result of introducing new rules SETZ-SZ1-R11 and SETZ-SZ1-R12:

## Settlement Zone (SETZ)

[...]

### Rules

[...]

#### **SETZ-SZ1-R7 Principal Residential Unit**

Activity Status: Permitted

Where:

1. The maximum density is 1 principal residential unit per 500m<sup>2</sup> net site area where the principal residential unit will be connected to Council's reticulated wastewater system, **provided that 1 principal residential unit is permitted on a site of any size.**
2. The maximum density is 1 principal residential unit per 2,000m<sup>2</sup> net site area where the principal residential unit will not be connected to Council's reticulated wastewater system, **provided that 1 principal residential unit is permitted on a site of any size.**
3. The principal residential unit is set back at least 4.5m from a railway line designation boundary.

Activity Status when compliance not achieved: Discretionary

[...]

#### **SETZ-SZ1-R9 Commercial Activities**

Activity Status: Permitted

Where:

- 1. The activity generates less than 20 traffic movements per site, per day.**
- 2. There is no car parking between the residential unit and the road.**
- 3. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.**
- 4. The activity does not exceed the use of 15% of the total gross floor area of all buildings onsite.**
- 7.5. The activity is an ancillary activity to the residential use of the site.**
- 8.6. The principal operator of the activity is a permanent resident on the site.**

~~9.7. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.~~

- ~~1. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and~~
- ~~2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and~~
- ~~3. The activity generates less than 20 traffic movements per site, per day; and~~
- ~~4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and~~
- ~~5. The activity is carried out inside a building and does not exceed the use of 15% of the total gross floor area of all buildings on the site.~~

~~Activity Status when compliance not achieved with SETZ-SZ1-R9.1 – 4: Discretionary.~~

~~Activity Status when compliance with three or more of rules SETZ-SZ1-R9.1 – 4 is not achieved: Non-Complying~~

Activity Status when compliance not achieved ~~with SETZ-SZ1-R9.5 – 7~~: Non-Complying

### **SETZ-SZ1-R10 Artisan Industrial Activity**

Activity Status: Permitted

Where:

- ~~1. The activity is an ancillary activity to a residential unit on the site.~~
- ~~2. 1. The principal operator of the activity is a permanent resident lives on the site for at least 183 days out of every 365-day period; and~~
- ~~3. 2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.; and~~
- ~~4. 3. The activity generates less than 20 traffic movements per site, per day.; and~~
- ~~5. There is no car parking between the residential unit and the road.~~
- ~~6. 4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.; and~~
- ~~7. 5. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.~~

~~Activity Status when compliance with up to two of the rules SETZ-SZ1-R10.4 – 7 is not achieved: Discretionary~~

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules SETZ-SZ1-R10.1 – 3 is~~ not achieved: Non-Complying

**SETZ-SZ1-R11 Visitor Accommodation****Activity Status: Permitted****Where:**

1. The activity is undertaken in an existing lawfully established residential unit provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.

**OR**

2. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers (except visitors checking into accommodation) or the loading or unloading of vehicles; and
4. The activity generates less than 20 traffic movements per site, per day; and
5. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and
6. The visitor accommodation is provided inside a building and does not exceed the use of 15% of the total gross floor area of all buildings on the site.

**Activity Status when compliance not achieved: Non-Complying****SETZ-SZ1-R12 Show Homes****Activity Status: Permitted****Where:**

1. The activity generates less than 25 traffic movements per site, per day.
2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
3. The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.

**Activity Status where compliance not achieved: Non-Complying****SETZ-SZ1-R113 Place of Assembly****Activity Status: Permitted****Where:**

1. The activity is a primary activity or ancillary activity.
2. The activity occupies less than 35% of the net site area.

3. The activity operates between the hours of 08:00 – 22:00.

Activity Status when compliance not achieved: Discretionary

#### **SETZ-SZ1-R~~12~~14 Recreational Facilities**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The activity occupies less than 35% of the net site area.
3. The activity operates between the hours of 08:00 – 22:00.

Activity Status when compliance not achieved: Discretionary

#### **SETZ-SZ1-R~~13~~15 General Community**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The activity occupies less than 35% of the net site area.
3. The activity operates between the hours of 08:00 – 22:00.

Activity Status when compliance not achieved: Discretionary

#### **SETZ-SZ1-R~~14~~16 Educational Facilities**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The activity occupies less than 35% of the net site area.
3. The activity operates between the hours of 08:00 – 22:00.

Activity Status when compliance not achieved: Discretionary

#### **SETZ-SZ1-R~~15~~17 Supported Residential Care**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

#### **SETZ-SZ1-R~~16~~18 Farming**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

#### **SETZ-SZ1-R~~17~~19 Plantation Forestry**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

**SETZ-SZ1-R<sup>1820</sup> Care Centre**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**SETZ-SZ1-R<sup>1921</sup> Retirement Village**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**SETZ-SZ1-R<sup>2022</sup> Emergency Services**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**SETZ-SZ1-R<sup>2123</sup> Industrial Activities (Excluding Artisan Industrial Activities)**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

[...]

**SETZ-SZ2-R5 Commercial Activities**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The activity does not operate outside the hours of 06:00 and 22:00 if the activity is located within 50m of an existing residential unit on a separate site.
3. The activity does not exceed 300m<sup>2</sup> gross floor area.
4. The activity does not provide for 3 or more individual commercial activities or rural centre service activities on a site.

**OR**

**5. The commercial activity is visitor accommodation provided in an existing lawfully established residential unit provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

Activity Status when compliance not achieved: Discretionary.

Amend the Neighbourhood Centre Zone chapter as follows:

## Neighbourhood Centre Zone (NCZ)

[...]

### Rules

[...]

#### **NCZ-R17 Visitor Accommodation**

Activity Status: Permitted

Where:

1. No more than 12 tariff-paid visitors are staying on-site at any one time.
2. No more than 2 accommodation units per 500m<sup>2</sup> are constructed or operated on-site.
3. Each accommodation unit provides an outdoor living court of at least 4m<sup>2</sup> and at least 1.5m depth.
4. The activity is a primary or ancillary activity.
5. **The maximum duration of stay for any visitor is 90 consecutive nights.**

Activity Status when compliance not achieved: Discretionary.

[...]

Amend the Local Centre Zone chapter as follows:

## Local Centre Zone (LCZ)

[...]

### Rules

[...]

#### LCZ-R27 Visitor Accommodation

Activity Status: **Permitted**

#### **Where:**

1. The activity is undertaken in an existing lawfully established residential unit provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.

**Activity status where compliance not achieved:** Restricted Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

Matters of discretion:

1. The location, scale and intensity of the proposed buildings, structures, signs and lighting.
2. The number of accommodation units.
3. The provision of an active frontage and pedestrian walkability.
4. The location, design, layout of car parking spaces, accessways and manoeuvring.
5. Urban design, amenity and character of the Local Centre Zone.
6. The availability and accessibility of open space and communal amenities.
7. Capacity and availability of infrastructure.
8. Road access and effects on transport, including availability of public and/or active transport options.

[...]

Amend the Commercial Zone chapter as follows:

## Commercial Zone (COMZ)

[...]

### Rules

[...]

#### COMZ-R9 **Hours of Operation** **Any Activity that is located within 50m of a Residential Zone or Waterfront Zone boundary**

Activity Status: Permitted

Where:

1. **Any The** activity **which does not** operates or **is** open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 22:00 **and is at least 50m from any Residential Zone or Waterfront Zone boundary**, except that cleaning and administrative activities may take place outside of these hours.

Activity Status when compliance not achieved: Discretionary

[...]

#### COMZ-R29 **Visitor Accommodation**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.
2. **The maximum duration of stay for any visitor is 90 consecutive days.**

[...]

Amend the Mixed Use Zone chapter as follows:

## Mixed Use Zone (MUZ)

[...]

### Rules

[...]

#### **MUZ-R16 Visitor Accommodation**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Residential Zone or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.
3. The maximum duration of stay for any visitor is 90 consecutive nights.

Activity Status when compliance not achieved: Discretionary

[...]

Amend the Town Centre Zone chapter as follows:

## Town Centre Zone (TCZ)

[...]

### Rules

[...]

#### TCZ-R20 Visitor Accommodation

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

**2. The maximum duration of stay for any visitor is 90 consecutive days.**

[...]

Amend the City Centre Zone chapter as follows:

## City Centre Zone (CCZ)

[...]

### Rules

[...]

#### **CCZ-R18 Visitor Accommodation**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. The maximum duration of stay for any visitor is 90 consecutive nights

[...]

Amend the Light Industrial Zone chapter as follows:

## Light Industrial Zone (LIZ)

[...]

### Rules

[...]

#### LIZ-R28 Plantation Forestry

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

#### LIZ-R29 Intensive Livestock Farming

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

#### LIZ-R30 Farm Quarrying

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

#### LIZ-R31 Residential Activities

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

**LIZ-R32 Entertainment Facilities**

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

**LIZ-R33 Visitor Accommodation**

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

**LIZ-R34 Place of Assembly**

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

**LIZ-R35 Care Centre**

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

[...]

**LIZ-R37 Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

**LIZ-R38 General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

#### **LIZ-R39 General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

[...]

### **Marsden Technology Park Precinct (PREC14)**

[...]

#### **PREC14-R6 Recreational Facility**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**2. The activity does not involve care for the elderly.**

**3. 2.** Food and beverage activities do not exceed 200m<sup>2</sup> gross floor area per tenancy.

Activity Status when compliance not achieved: Non-Complying

[...]

#### **PREC14-R8 Food and Beverage Activity**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**2. The activity does not involve care for the elderly.**

**3. 2.** Food and beverage activities do not exceed 200m<sup>2</sup> gross floor area per tenancy.

Activity Status when compliance not achieved: Non-Complying

[...]

#### **PREC14-REQ1 Connection to Public Reticulated Wastewater Network**

1. Any application under rule PREC14-R4.2 must include an assessment detailing:
  - a. Provision made for connections to the public reticulated wastewater network.

- b. **Confirmation Information** from Council **that as to whether** sufficient capacity exists within the public reticulated wastewater network to service the proposed development.
- c. Any upgrades and/or extensions to existing public reticulated wastewater infrastructure that are proposed or necessary.
- d. Where insufficient capacity exists within the reticulated wastewater network:
  - i. Upgrades proposed by the developer that are necessary to increase network capacity to accommodate the development; or
  - ii. The proposed timing and staging of development to ensure that it is coordinated with any planned Long Term Plan upgrades identified by Council which will provide adequate capacity.
- e. Land and infrastructure to be vested in the Council.

[...]

Amend the Heavy Industrial Zone chapter as follows:

## Heavy Industrial Zone (HIZ)

[...]

### Rules

[...]

#### HIZ-R22 Plantation Forestry

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

~~Note: 1. Training facilities for an industrial activity are defined as general industry.~~

#### HIZ-R23 Intensive Livestock Farming

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

~~Note: 1. Training facilities for an industrial activity are defined as general industry.~~

#### HIZ-R24 Farm Quarrying

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

~~Note: 1. Training facilities for an industrial activity are defined as general industry.~~

#### HIZ-R25 Residential Activities

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

~~Note: 1. Training facilities for an industrial activity are defined as general industry.~~

#### HIZ-R26 Drive-Through-Facilities

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

### **HIZ-R27 Grocery Store**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

### **HIZ-R28 Entertainment Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

### **HIZ-R29 Visitor Accommodation**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

### **HIZ-R30 Funeral Home**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

### **HIZ-R31 Place of Assembly**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

### **HIZ-R32 Recreational Facilities**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

**HIZ-R33 Care Centre**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

*Note: 1. Training facilities for an industrial activity are defined as general industry.*

[...]

**HIZ-R35 Hospital**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

*Note: 1. Training facilities for an industrial activity are defined as general industry.*

**HIZ-R36 General Commercial**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

*Note: 1. Training facilities for an industrial activity are defined as general industry.*

**HIZ-R37 General Community**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

*Note: 1. Training facilities for an industrial activity are defined as general industry.*

Amend the Future Urban Zone chapter as follows and consequentially amend the numbering of FUZ rules FUZ-R13 – R26 and all cross references as a result of introducing new rule FUZ-R13 and FUZ-R14:

## Future Urban Zone (FUZ)

[...]

### Rules

[...]

#### FUZ-R11 Commercial Activities

Activity Status: Permitted

Where:

Where:

~~1. The activity generates less than 20 traffic movements per site, per day.~~

~~2. There is no car parking between the residential unit and the road.~~

~~3. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity.~~

~~4. The activity does not exceed the use of 15% of the total gross floor area of all buildings onsite.~~

~~7.5. The activity is an ancillary activity to the residential use of the site.~~

~~8.6. The principal operator of the activity is a permanent resident on the site.~~

~~9.7. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.~~

**1. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and**

**2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and**

**3. The activity generates less than 20 traffic movements per site, per day; and**

**4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and**

**5. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site**

**Activity Status when compliance not achieved with FUZ-R11.1–5: Discretionary.**

**Activity Status when compliance with three or more of rules FUZ-R11.1–5 is not achieved: Non-Complying**

Activity Status when compliance not achieved **with FUZ-R11.6–8: Non-Complying**

## **FUZ-R12 Artisan Industrial Activity**

Activity Status: Permitted

Where:

**1. The activity is an ancillary activity to a residential unit on the site.**

**2-1. The principal operator of the activity is a permanent resident lives on the site for at least 183 days out of every 365-day period; and**

**3-2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; and**

**4-3. The activity generates less than 20 traffic movements per site, per day; and**

**5. There is no car parking between the residential unit and the road.**

**6-4. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and**

**7-5. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.**

**Activity Status when compliance with up to two of the rules FUZ-R12.4–7 is not achieved: Discretionary**

Activity Status when compliance **with more than two of the rules is not achieved or when compliance with any of rules FUZ-R12.1–3 is** not achieved: Non-Complying

## **FUZ-R13 Visitor Accommodation**

**Activity Status: Permitted**

**Where:**

**1. The activity is undertaken in an existing lawfully established residential unit, provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**OR**

**2. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and**

3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers (except visitors checking into accommodation) or the loading or unloading of vehicles; and
4. The activity generates less than 20 traffic movements per site, per day; and
5. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and
6. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site.

Activity Status when compliance not achieved: Non-Complying

#### **FUZ-R14 Show Homes**

Activity Status: Permitted

Where:

1. The activity generates less than 25 traffic movements per site, per day.
2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.
3. The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.

Activity Status where compliance not achieved: Non-Complying

#### **FUZ-R1315 Farming**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R1416 Plantation Forestry**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R1517 Supported Residential Care**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R1618 Retirement Village**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R1719 Care Centre**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R1820 Emergency Services**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R1921 Farm Quarrying**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R2022 Place of Assembly**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R2123 Educational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R2224 Recreational Facilities**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **FUZ-R2325 General Community**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

**FUZ-R<sup>2426</sup> Hospitals**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**FUZ-R<sup>2527</sup> Intensive Livestock Farming**

Activity Status: Non-Complying

Where:

1. The activity is a primary activity or ancillary activity.

**FUZ-R<sup>2628</sup> Industrial Activities (Excluding Artisan Industrial Activities)**

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

[...]

Amend the Port Nikau Development Area chapter as follows:

## Port Nikau Development Area (PNDA)

[...]

### Rules

[...]

#### **PNDA-R20 Retail Activity**

Activity Status: Permitted

Where in Residential Areas 'A' and 'B':

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 16:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. No more than 6 tariff-paid visitors are staying on-site at any one time.~~

~~9. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

Activity Status when compliance not achieved: Discretionary

#### **PNDA-R21 Commercial Services**

Activity Status: Permitted

Where in Residential Areas 'A' and 'B':

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 16:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4.3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6.4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7.5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. No more than 6 tariff-paid visitors are staying on-site at any one time.~~

~~9.Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

Activity Status when compliance not achieved: Discretionary

### **PNDA-R22 Food and Beverage Activity**

Activity Status: Permitted

Where in Residential Areas 'A' and 'B':

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2.1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3.2.~~ The activity does not include, before 08:00 or after 16:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4.3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6.4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7.5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. No more than 6 tariff-paid visitors are staying on-site at any one time.~~

~~9.Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

Activity Status when compliance not achieved: Discretionary

### **PNDA-R23 Care Centre**

Activity Status: Permitted

Where in Residential Areas 'A' and 'B':

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2.1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 16:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. No more than 6 tariff-paid visitors are staying on-site at any one time.~~

~~9. Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.~~

Activity Status when compliance not achieved: Discretionary

### **PNDA-R24 Visitor Accommodation**

Activity Status: Permitted

Where in Residential Areas 'A' and 'B':

~~1. The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.~~

**OR**

~~1. The activity is an ancillary activity to a residential unit on the site.~~

~~2. 1.~~ The principal operator of the activity ~~is a permanent resident lives~~ on the site ~~for at least 183 days out of every 365-day period; and~~

~~3. 2.~~ The activity does not include, before 08:00 or after 16:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles; ~~and~~

~~4. 3.~~ The activity generates less than 20 traffic movements per site, per day; ~~and~~

~~5. There is no car parking between the residential unit and the road.~~

~~6. 4.~~ In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; ~~and~~

~~7. 5.~~ The activity ~~is carried out inside a building and~~ does not exceed the use of 15% of the total gross floor area of all buildings on the site.

~~8. No more than 6 tariff-paid visitors are staying on-site at any one time.~~

~~9. 6.~~ Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.

Activity Status when compliance not achieved: Discretionary

Amend the Precincts chapter as follows:

## Precincts (PREC)

[...]

### Rules

[...]

#### **PREC23-R20 Visitor Accommodation**

In Sub-Precinct E – Commercial (South) this rule overrides COMZ-R29.

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.
2. The site accommodating the activity does not adjoin State Highway 15.
3. **The maximum duration of stay for any visitor is 90 consecutive days.**

Activity Status when compliance not achieved: Non-complying Activity

[...]

#### **PREC23-REQ1 Connection to Reticulated Wastewater Networks**

Wastewater

1. Any consent application where connection to public reticulated wastewater network(s) is proposed shall include an assessment detailing (where relevant):
  - a. Those matters listed in information requirement rule TWM-REQ1.
  - b. **Confirmation Information** from Council **that as to whether** sufficient capacity exists within public reticulated wastewater system particularly noting the potential wastewater treatment and disposal constraints in the Marsden / Ruakaka catchment.

[...]



***Plan Change 4A:  
Temporary Activities***

***Section 32 Evaluation Report***

**19 June 2025**

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## 1 Introduction and Purpose

### 1.1 Purpose of Report

1. This report is in relation to proposed Plan Change 4A: Temporary Activities (**PC4A**) to the Whangārei District Plan (**WDP**). Following review of the operative WDP provisions relating to temporary activities PC4A seeks to introduce a new Temporary Activities chapter. This report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**).
2. Under s32 of the RMA, councils are required to examine whether the proposed changes to the provisions are the most appropriate way to achieve the objectives of the district plan which in turn must be appropriate to achieve the purpose (Part 2) of the RMA. This evaluation must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the proposed changes to the WDP.
3. Evaluations under s32 represent an on-going process in RMA plan development. A further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of PC4A.

### 1.2 Overview of Plan Change 4A

4. Temporary activities are short-term activities and events that occur on public or private land. They can include but are not limited to cultural, community, musical, recreational, and sporting events. Temporary buildings and structures such as stages and tents may be necessary to support these activities.
5. 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, visual, and lighting effects. Temporary activities may also restrict public access to public places for a period of time. However, the adverse effects arising from temporary activities are typically short-term in nature.
6. Given the above, it is important to enable temporary activities while managing adverse effects.
7. The operative WDP includes a definition for “temporary activities” but does not include specific rules or standards for temporary activities, apart from minor exemptions within the Noise and Vibration (**NAV**) and Transport (**TRA**) chapters. This has led to confusion and uncertainty as to what rules apply to temporary activities.

8. The operative framework for temporary activities has been reviewed and PC4A now seeks to introduce a new Temporary Activities chapter (**TEMP**) to provide a clear policy and rule framework for managing temporary activities.
9. The WDP includes a definition for “temporary military training activities”, which is consistent with the National Planning Standards 2019 (**Planning Standards**). Similar to temporary activities, there are limited specific provisions for temporary military training activities in the WDP apart from some exemptions in various chapters.<sup>1</sup> The operative framework for temporary military training activities has been reviewed and PC4A now seeks to provide a clear policy and rule framework for temporary military training activities within the TEMP chapter.
10. The scope of PC4A is limited to the proposed amendments to the WDP to include a new TEMP chapter and associated amendments related to temporary activities. Consequential amendments to provisions in the SIGNS and NAV chapter are also proposed to ensure consistent numbering and formatting of rules and tables. Refer to **Attachment 6**.
11. PC4A will be publicly notified. Refer to **Attachment 5** for a summary of the notification process. PC4A will be notified alongside Plan Changes 4B and 4C. The plan changes are not related but will be notified concurrently for administrative efficiencies.
12. In accordance with section 86B(1)(c) of the RMA, the rules in PC4A will not have legal effect until the proposed plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA.

## 2 Statutory and Policy Context

13. The WDP sits within a layered policy framework under the RMA. The relevant policy documents that were taken into consideration when preparing PC4A are discussed below.

### 2.1 Resource Management Act 1991

14. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires any changes to district plans, whether private or council initiated, to meet the purpose and principles of the RMA.
15. The statutory context for the preparation and evaluation of plan changes under the RMA that are relevant to PC4A is summarised as follows:
  - **Section 32** – Sets out the way an evaluation of a plan change must be carried out.

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<sup>1</sup> The Coastal Environment, Natural Features and Landscapes, Noise and Vibration and Settlement Zone chapters.

- **Section 35** – Sets out Council’s obligations to gather information, monitor, and keep records.
  - **Section 74** – Sets out matters that the plan change must “accord with” and “have regard to”.
  - **Section 75** – Sets out higher order plans that the plan changes must “give effect to”.
  - **Schedule 1** – Sets out direction for the preparation, change, and review of policy statements and plans.
16. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management means:
- managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*
- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
17. In achieving this purpose, all persons exercising functions and powers under the RMA also need to:
- Recognise and provide for the matters of national importance identified in section 6.
  - Have particular regard to the range of other matters referred to in section 7.
  - Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in section 8.
18. There are no section 6 matters directly relevant to temporary activities.
19. Sections 7(b), 7(c), and 7(f) of the RMA are relevant to temporary activities. The proposed objective and policies seek to balance the efficient use of natural resources and the positive effects that temporary activities provide while assuring that adverse effects of these activities are compatible with anticipated amenity values and the quality of the environment.
20. Section 8 of the RMA requires the district council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities and hapū contact lists, have been consulted as part of the review of temporary activities. This feedback has informed the s32 evaluation, and the obligation to make informed decisions based on that consultation is noted.

## 2.2 National Environmental Standards

21. Section 75(3) of the RMA requires district plans to give effect to National Environmental Standards (**NESs**). Section 44 of the RMA requires local authorities to recognise NESs by ensuring plan rules do not duplicate provisions in an NES. There are 10 NESs currently in force:
  - NES for Air Quality 2004
  - NES for Sources of Human Drinking Water 2007
  - NES for Electricity Transmission Activities 2009
  - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
  - NES for Telecommunication Facilities 2016
  - NES for Freshwater 2020
  - NES for Marine Aquaculture 2020
  - NES for Storing Tyres Outdoors 2021
  - NES for Greenhouse Gas Emissions from Industrial Process Heat 2023
  - NES for Commercial Forestry 2023
22. No NESs are considered directly relevant to PC4A.
23. On 29 May 2025 the Ministry for the Environment opened consultation on updating RMA national direction which included proposals to update national direction for infrastructure, development and the primary sector, and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system. This included proposals on new NESs.
24. The proposals are in draft form and do not have any legal weighting. However, it is noted that the proposals do include consideration of certain temporary structures, such as temporary telecommunications facilities, and temporary culverts. If there were new NES gazetted which managed these sorts of temporary structures, then it is presumed that those standards would override any district plan provisions.

## 2.3 National Policy Statements

25. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently eight NPSs in force:
  - NPS on Electricity Transmission 2008
  - New Zealand Coastal Policy Statement 2010

- NPS for Renewable Electricity Generation 2011
- NPS on Urban Development 2020
- NPS for Freshwater Management 2020
- NPS for Highly Productive Land 2022
- NPS for Indigenous Biodiversity 2023
- NPS for Greenhouse Gas Emissions from Industrial Process 2023

26. No NPSs are considered directly relevant to PC4A.
27. On 29 May 2025 the Ministry for the Environment opened consultation on updating RMA national direction which included proposals to update national direction for infrastructure, development and the primary sector, and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system. This included proposals on new NPSs.
28. The proposals are in draft form and do not have any legal weighting. It is considered that the NPS proposals are not directly relevant to PC4A.

#### **2.4 National Planning Standards**

29. Section 75(3) of the RMA requires district plans to give effect to the Planning Standards.
30. Mandatory direction 14(1) requires that where terms defined in the Planning Standards *Definitions List* are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. Of relevance to PC4A, the Planning Standards prescribe a definition for “temporary military training activities”. The WDP currently uses the same definition and PC4A proposes to retain that definition.
31. The Planning Standards require that if provisions to manage temporary activities, buildings and events are addressed, they must be located in the TEMP chapter within the General District-Wide Matters section of the District Plan. PC4A proposes to introduce a TEMP chapter in accordance with the Planning Standards.

#### **2.5 National Guidance Documents**

32. There is no national guidance that is considered directly relevant to PC4A.

#### **2.6 Northland Regional Policy Statement**

33. Table 1 below provides a summary of the Regional Policy Statement for Northland 2016 (NRPS) policies and methods that are directly relevant to PC4A.

**Table 1: Evaluation of the relevant policies and methods of the NRPS**

NRPS Policy	NRPS Method	Relevance
5.1.1 Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which: (a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2; (b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature; (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure; (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity; ... (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions; (h) Is or will be serviced by necessary infrastructure.	5.1.5 Give effect to Policy 5.1 when developing objectives, policies and methods for plan changes.	PC4A proposes to introduce a TEMP chapter to provide for temporary activities to help build a sustainable environment, a sense of place, identity and a range of lifestyle, and employment choices while managing the adverse effects of temporary activities.
6.1.1 District plans shall: (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks; (b) Be as consistent as possible; (c) Be as simple as possible;	6.1.4 The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall: (a) Demonstrate how Policy 6.1.1 is given effect; (b) Consider: removing unnecessary regulation; opportunities for streamlined, efficient processes; increasing flexibility, certainty, confidence and consistency; and taking a risk-based approach;	This s32 report analyses the appropriateness and efficiency and effectiveness of the proposed provisions relating to temporary activities.
8.1.1 The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.	8.1.5 The regional and district councils shall: (a) Engage with iwi authorities at the earliest possible stage of any review and / or change to plans developed under the Resource Management Act 1991(RMA) to agree	Consultation with iwi and hapū has been undertaken during the preparation of PC4A as set out in section 3.5 below. No significant feedback was received during the consultation. PC4A relates specifically
8.1.2 The regional and district councils shall when developing plans and		

processing resource consents under the Resource Management Act 1991 (RMA): (a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga; (b) Have particular regard to kaitiakitanga; and (c) Take into account the principles of the Treaty of Waitangi including partnership.	appropriate mechanisms for tangata whenua participation and consultation; and (b) Include an analysis of the effects of any resource consent application on tangata whenua and their taonga, including details of any proposed measures to avoid, remedy, or mitigate effects and consultation undertaken, in all regional and district council reports on resource consent applications.	to temporary activities and sets rules and standards for temporary activities noting that provisions in District-Wide chapters, such as the Sites and Areas of Significance to Māori chapter would still apply.
8.1.3 The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.		
8.1.4 Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.		

## 2.7 Regional Plans

34. The Proposed Regional Plan for Northland 2024 (**RPN**) combines the operative Regional Plans applying to the coastal marine area, land and water, and air into one combined plan.
35. The RPN includes provisions for some temporary activities (e.g., temporary damming, temporary coastal structures, and temporary diversions of water). However, these rules relate to activities that are within the jurisdiction of regional councils under section 30 of the RMA.
36. Having reviewed the RPN it is considered that the amendments proposed through PC4A are consistent with the RPN.

## 2.8 Operative Whangārei District Plan

37. The key relevant objectives and policies from the Operative District Growth and Development (**DGD**) and Urban Form and Development (**UFD**) chapters are:

### **DGD-O1 Range of Zones**

*Provide for differing character and amenity values in a range of zones with differing expectations.*

### **DGD-O2 Rural Areas**

*Protect the range of amenity values and characteristics in the Rural Area.*

### **DGD-O5 Incompatible Activities and Reverse Sensitivity**

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

**UFD-01 Residential and Business Demand**

*Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.*

**UFD-03 Range of Zones**

*Provide a range of zones in the Urban Area enabling appropriate use and development.*

38. These objectives and policies do not specifically refer to temporary activities but provide a framework that acknowledges the range of zones within the District and seeks to provide for a range of outcomes and activities within those zones. It is considered that the amendments proposed through PC4A are consistent with the higher order WDP policies.

## **2.9 Iwi and Hapū Management Plans**

39. Under section 74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being:
- Te Iwi O Ngatiwai Environmental Policy Document (2007)
  - Ngati Hine Iwi Environmental Management Plan (2008)
  - Patuharakeke Te Iwi Trust Board Environmental Plan (2014)
  - Ngati Hau Hapū Environmental Management Plan (2016)
  - Te Uriroi Hapū Environmental Management Plan and Whatatiri Environmental Plan (2016).
40. Council is also aware of the following documents that have not been lodged with Council:
- Ngāti Wai Iwi Environmental Management Plan (2015)
  - Ngāti Hine Iwi Environmental Management Plan (2022)
41. There do not appear to be any provisions within these management plans directly related to temporary activities. However, there is a focus on increasing awareness of cultural values and customary activities and other taonga. Temporary activities can provide opportunities to increase community awareness of cultural practices and values.
42. PC4A has taken into account these management plans to the extent that their content has a bearing on temporary activities.

## **2.10 Other Legislation, Guidance and Policy Documents**

### Local Government Act 2004

43. Section 10 of the Local Government Act 2004 (**LGA**) states the purpose of local government which includes to promote the social, economic, environmental, and cultural well-being of

communities. This feeds into the purpose of the WDP and emphasises that the plan needs to balance social and cultural outcomes with economic outcomes. This in turn highlights the importance of providing for temporary activities.

44. Section 145 of the LGA sets out the general bylaw-making powers for territorial authorities. This includes bylaws protecting the public from nuisance, as well as public health and safety. Section 46 of the LGA sets out specific bylaw-making powers for territorial authorities. This includes trading in public places and the management of reserves and other land under the control of the territorial authority. Council's bylaws work alongside the WDP to ensure that the temporary activities are undertaken in manner which will not have adverse outcomes on surrounding environment and activities.

#### Whangarei District Council Bylaws

45. Table 2 below sets out the current Council bylaws that are relevant to the consideration of PC4A:

**Table 2: Evaluation of the relevant Council bylaws**

Council Bylaw	Relevance to PC4A
Alcohol Control Bylaw 2018	This bylaw's purpose is to reduce alcohol-related harm through prohibition and control of alcohol in public places. This relates to temporary activities and events which will offer alcoholic beverages.
Camping in Public Places Bylaw 2021	This bylaw regulates and manages camping on land controlled and managed by Whangarei District Council. It is therefore not necessary for the WDP to specifically manage temporary camping activities.
Control of Advertising Signs Bylaw 2014	The purpose of this bylaw is to ensure that advertising signs are erected, maintained, and displayed in a way that does not present a hazard or danger to public safety. Supplementary to this bylaw, Council has also created a how to guide about temporary political signage for the 2025 Local Election. This bylaw is relevant as it applies to temporary signs alongside District Plan rules.
Public Places Bylaw 2014	<p>This bylaw is about the public places in the District that Council owns or manages. It is in place to:</p> <ul style="list-style-type: none"> <li>• protect the public from nuisance; and</li> <li>• support public health and safety; and</li> <li>• minimise the potential for offensive behaviour.</li> </ul> <p>This is relevant to the TEMP chapter as it manages temporary events in public places.</p>

46. PC4A has taken these bylaws into consideration and seeks to address any gaps which the bylaws do not manage to ensure that district plan provisions are not duplicating other Council functions and regulations.
47. Council is initiating a review of several bylaws. It is understood that the review will occur subsequent to the notification of PC4A and will seek to align with the outcomes of PC4A.

### Whangarei District Council Strategies and Policies

48. Table 3 below sets out the key current Council strategies and policies that are relevant to the consideration of PC4A:

**Table 3: Evaluation of the relevant Council strategies and policies**

Council Policy	Relevance to PC4A
Active Recreation and Sport Strategy 2020	This strategy looks at the things Council and the community can do for fitness, fun or social connection. The aim of this strategy is to increase participation, improve the quality of the experience, and improve the economic, social, and environmental sustainability of the facility network. PC4A aims to acknowledge the benefits that temporary activities can provide for the social and cultural well-being of the District.
Arts, Culture and Heritage Strategy 2019 – 2029	This strategy aims to help to build capacity for the local arts and culture sector, and touring artistic, and cultural groups. It aims to help celebrate unique and authentic experiences, support Māori arts and culture, and encourage innovation and entrepreneurship, all while building sustainable growth for the District. PC4A aims to support temporary activities and the cultural benefits they can provide.
Events on Council Owned Land Policy 2023	This policy provides the community with clear direction on how to apply to hold an event or one-off market on Council owned land. PC4A proposes to apply a more permissive rule framework on Council owned land to ensure that the WDP is not duplicating the functions of this policy.
Events Strategy 2019 – 2024	This strategy provides a five-year framework for how we can best support Whangārei's growing events sector. PC4A seeks to support the types of activities that are anticipated within this strategy.
Future Development Strategy 2025	The Whangārei Future Development Strategy provides a roadmap for planning, managing and optimising the opportunities presented by future growth over the next 30 years. The Strategy is not directly focused on temporary activities but does seek to provide for people's sense of belonging is fostered by showcasing cultures, language, arts, and other forms of expression in public spaces and at events.
Open Space Strategy 2001	This strategy is about planning for the open spaces in the city and District and considering how to best look after them in the future. PC4A seeks to enable appropriate use of open spaces within the District while ensuring that other mechanisms such as the Public Places Bylaw 2014 and the Events on Council Owned Land Policy 2023 can manage the use of public places.
Weekend and Night Time Economy Strategy 2014	This strategy is intended to stimulate thinking on opportunities for activities in the inner city that could invigorate the weekend and nighttime economy. PC4A seeks to enable appropriate temporary activities within the inner city in public and private places.

49. PC4A has taken these policies and strategies into consideration and seeks to align with the outcomes sought for the District.

### 3 Resource Management Issues Analysis

#### 3.1 Overview

Council has reviewed the operative WDP and recent resource consents, reviewed other district plans around New Zealand, consulted with various internal and external stakeholders, and reviewed community feedback to assist with this review. This work has been used to identify the current resource management issues and assess potential options as part of PC4A. This section outlines the findings of this analysis.

#### 3.2 Analysis of Operative Whangarei District Plan

50. The Operative WDP recognises temporary activities, however there is limited direction in the policies and rules.
51. The Operative WDP defines temporary activities as:
 

*Means:*

  1. *any commercial activity undertaken in a temporary or moveable structure within a road; or*
  2. *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*
  3. *any temporary military training activity not exceeding 60 days duration.*
52. There are no objectives or policies referring to temporary activities in the Operative WDP. Similarly, there are no rules specifying what activity status applies to temporary activities or how they should be assessed apart from:
  - Compliance standards in TRA – Appendix 5 exempting temporary activities from TRA-R15 and TRA-R16; and
  - Note 4 in NAV-R2 stating a specified noise limit for temporary activities in the Waterfront Zone.
53. The operative approach creates uncertainty and inconsistency when interpreting and applying the WDP provisions related to temporary activities. For example, it is unclear if underlying zone rules (such as activity rules and building bulk and location) and/or District-Wide matters rules (such as noise and lighting) apply to activities which meet the definition of temporary activities.
54. It is understood that the commonly implemented current practice is that where an activity meets the “temporary activities” definition then it is exempt from the underlying zone rules but

may still need to comply with the rules in the District-Wide Matters chapters. However, this is not clearly stated in the WDP and is therefore not always applied consistently.

55. Additionally, the use of definitions rather than provisions to set the duration of temporary activities is inconsistent with the best practice approach to definitions under the Planning Standards.

56. The Operative WDP defines “temporary military training activities” as:

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

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

57. There are some rules which exempt temporary military training activities from the standard rules in the District-Wide Matters and Area-Specific Matters parts of the WDP.<sup>2</sup> However, there are no overarching rules or policies setting out the framework for temporary military training activities. There were not any identified resource consent applications for temporary military training activities under the Operative WDP provisions to help understand how the operative rules are being interpreted and applied.

### **3.3 Analysis of other district plans approach to temporary activities**

58. Current practice in other district plans throughout New Zealand has been considered as part of this s32. Table 4 below provides an overview of the review undertaken of various district plans.

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<sup>2</sup> The Coastal Environment, Natural Features and Landscapes, Noise and Vibration and Settlement Zone chapters.

**Table 4: Analysis of district plans approach to temporary activities**

Plan	Description of approach
Auckland Unitary Plan	<ul style="list-style-type: none"> <li>• The Auckland Unitary Plan provides a separate chapter for temporary activities, prior to the National Planning Standards.</li> <li>• Definition of temporary activities is extensive, and notes exclusions such as markets.</li> <li>• The number of consecutive days differs between public/private land and whether the activity is inside and outside of City Centre and Metropolitan Centres. Approach for temporary activities within City Centre and Metropolitan Centres allows a greater duration of temporary activities.</li> <li>• Provides separate rules which are a subcategory of temporary activities, such as 'Noise events in public space'.</li> <li>• Some rules are very specific to the activity and location.</li> </ul>
Christchurch District Plan	<ul style="list-style-type: none"> <li>• The Christchurch District Plan provides a separate chapter for temporary activities, prior to the National Planning Standards.</li> <li>• Majority of activities have a location trigger within its associated rule.</li> <li>• Approach is more prescriptive, providing specific rules for certain activities, such as:               <ul style="list-style-type: none"> <li>○ Specific rules for temporary buildings ancillary to building, construction, land subdivision or demolition projects.</li> <li>○ Duration of markets dependent on which zone it is situated in.</li> <li>○ Removes standards for not-for-profit community temporary activities within certain zones.</li> <li>○ Any activities outside of the noted list of permitted activities, is restricted discretionary.</li> </ul> </li> <li>• Does not incorporate the prescribed temporary military training activities definition.</li> <li>• The approach towards mitigating effects on sites and areas of significance appears to be limited.</li> <li>• Large scale events and events with explosions/firing of ammunition on sites of significance is a discretionary activity.</li> </ul>
Dunedin City District Plan	<ul style="list-style-type: none"> <li>• Dunedin takes a more open approach to temporary activities and applies a scale on some events (i.e. large-scale filming, small-scale temporary events). This is accommodated by location-based standards for duration, noise and hours of operation.</li> <li>• Helicopter movements and mobile trading are included within the standards.</li> <li>• Noise, light, and sign standards are located within the chapter.</li> <li>• Military exercises are not location bound, but have noise standards, however ammunition and explosives are exempt. Noise management plans must be provided to council 48 hours prior to the firing of weapons.</li> <li>• The approach of the adoption of the capacity triggers for temporary events depends on activities being ticketed.</li> </ul>
Porirua City Proposed District Plan	<ul style="list-style-type: none"> <li>• Porirua includes fairs, festivals, commercial filming or video production activities, public firework displays, ancillary structures for construction projects, and temporary farmers or crafts markets.</li> <li>• Most rules apply to all zones, whilst the standards are split between zones.</li> <li>• Rules are activity specific, and effects based such as temporary activities which exceeds zone noise standard.</li> <li>• Standards concern duration (consecutive days and cumulative period) and hours of operation, with more restrictions within residential areas, and</li> </ul>

	<p>greater flexibility in city centre zone, open space and recreational zones.</p> <ul style="list-style-type: none"> <li>• The matters of discretion for the standards consider effects of the activity including its long-term effects, location and duration. There is no requirement of management plans within the matters of discretion.</li> </ul>
New Plymouth District Plan	<ul style="list-style-type: none"> <li>• New Plymouth includes events such as gala, a festival, a market or an outdoor music event, or short-term filming activities. The definition does exclude temporary military training activities.</li> <li>• Rules are split between zones, with residential zones having more restrictions for temporary activities.</li> <li>• Compliance with standards concerning noise emissions, light spills, traffic generation, and duration. Matters of discretion are attached to these rules requiring management plans for traffic, noise, waste, health and safety and lighting, as well as considering the extent of this activity in terms of non-compliance and scale.</li> <li>• Temporary emergency management training activities are provided for within the chapter and are permitted if they comply with the General District-Wide Matters rules.</li> <li>• A singular standard is provided, which places a maximum capacity of 5,000 persons attending due to its effects on traffic generation.</li> </ul>
Far North Proposed District Plan	<ul style="list-style-type: none"> <li>• The Far North definition includes carnivals, concerts, fairs, festivals and events, markets and exhibitions, public meetings, parades, special events, sporting events, filming activities, temporary military training activities, temporary motorsport activities, and emergency response training.</li> <li>• Different rules apply depending on the underlying zoning.</li> <li>• Rules are activity specific, and effects based such as temporary activities which exceeds zone noise standard.</li> <li>• Standards concern duration (consecutive days and cumulative period) and hours of operation.</li> <li>• Places a maximum capacity of 500 persons attending.</li> <li>• Where consent is required the activity status is typically discretionary.</li> <li>• Incorporates the Planning Standards definition of temporary military training activity and provides permitted standards for those activities in all zones.</li> </ul>
Kaipara Proposed District Plan	<ul style="list-style-type: none"> <li>• The Kaipara definition includes fairs, festivals and special events, commercial filming or video production activities, public firework displays, site offices, scaffolding, fencing, offices or storage sheds ancillary to construction projects, and temporary farmers or crafts markets.</li> <li>• The rules generally apply to all zones with some zone-specific rules for the Natural Open Space Zone and in the General Residential Zone.</li> <li>• Rules are effects based but activity specific rules are included for temporary motorsport events.</li> <li>• Standards concern duration (consecutive days and cumulative period), hours of operation, and long-term impacts on the site.</li> <li>• Where consent is required the activity status is typically restricted discretionary with the matters limited to effects on character and amenity, the scale, nature, and duration of the activity, noise effects, and transport effects.</li> <li>• Incorporates the Planning Standards definition of temporary military training activity and provides permitted standards for those activities in all zones with the requirement to prepare a noise management plan in the General Residential Zone.</li> </ul>

59. These plans were selected because:

- They have been subject to relatively recent plan changes that have addressed similar issues relating to this topic; and
- Some of the associated Councils are of a similar scale to Whangarei District Council and are likely confronting similar issues relating to this topic.
- Some of the associated Councils are within Districts that are near or adjoining the Whangārei District.

60. A summary of the key findings follows:

- The different approaches for each council depict the range of approaches to temporary activities across the country. In particular, the following approaches have been noted:
  - Variation between what activities and events are considered as being a temporary activity.
  - Variation in the approach of treating temporary activities or events as a singular activity within the rules, or splitting out activities and events as separate types of temporary activities and providing separate rules.
- A common standard which has been included within temporary activities chapters is the hours of operation of the temporary activity, which are normally based on noise standards.
- There is an inconsistent approach towards temporary military training activities.
- There are typically more restrictive provisions within residential areas, while more flexibility is granted in city centre and open space areas.
- There are some examples of councils adopting rules which are based on whether the activity is located on private or public owned land.

### **3.4 Summary of Issues Raised in Pre-Notification Engagement and Consultation**

61. Council undertook early engagement on the review of temporary activities from 25 November 2024 to 31 January 2025. Letters/emails were sent to iwi/hapū contacts, iwi authorities, statutory bodies, and other stakeholders inviting them to view the consultation documents and provide feedback. The consultation documents were also made publicly available on Council's "Have Your Say" website, and a survey was included for people to provide feedback.
62. Following the initial engagement Council undertook further targeted engagement from 17 April through 21 May 2025. At this time draft plan change provisions were provided to iwi/hapū contacts, iwi authorities, statutory bodies, and other key stakeholders for feedback.

63. See **Attachment 1** for further details on the pre-notification consultation process, and **Attachment 2** for a list of pre-notification consultation meetings.
64. The District Plan Department has reviewed the feedback received during the pre-notification consultation and taken that into consideration when drafting the proposed plan change. See **Attachment 3** for a summary of the feedback received and how (where appropriate) this has been responded to through the drafting of PC4A.

### **3.5 Summary of Advice from Engagement/Consultation with Iwi Authorities**

65. Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities.
66. Iwi authorities were invited to provide feedback during the early feedback period. Following the early feedback period, a draft version of PC4A was circulated to iwi and hapū contacts and iwi authorities. A draft version of PC4A was also provided to Patuharakeke for feedback in accordance with the Mana Whakahono ā Rohe between Patuharakeke Iwi Trust Board and Council. See **Attachment 4** for a summary of the feedback received from iwi and hapū prior to notification and commentary on how this has been responded to through PC4A.
67. The draft consultation material was also presented to iwi and hapū working groups Te Kārearea Standing Committee and Te Huinga. No material feedback was provided from these groups.
68. When preparing PC4A, iwi and hapū management plans were taken into account as discussed in section 2.9 of this report.

### **3.6 Summary of key resource management issues**

69. Based on the research, analysis, and consultation outlined above the following issues have been identified:
  - The Operative WDP lacks clear rules and policy direction for temporary activities and temporary military training activities.
  - When interpreted literally the Operative WDP provisions have several issues, including:
    - The rules are too restrictive because all relevant rules technically apply unless stated otherwise.
    - The rules apply a blanket approach to all zones and areas which does not acknowledge the varied anticipated outcomes in areas such as residential areas, open space and recreation sites, and city centre areas.

- The rules duplicate other Council functions such as bylaws and the Events on Council Owned Land Policy 2023.
- There are no rules or exemptions for temporary buildings and structures.
- The operative definition of temporary activities does not comply with best practice as it sets the duration within the definition.
- The Operative WDP is not consistent with the Planning Standards as provisions relating to temporary activities are not located in a TEMP chapter.

## 4 Section 32 Evaluation

70. This section of the report evaluates the objective of the proposal to determine whether it is the most appropriate means to achieve the purpose of the RMA, as well as the associated policies, rules, and standards relative to the objective. It also assesses the level of detail required for the purposes of this evaluation, including the nature and extent to which the benefits and costs of the proposal have been quantified.

### 4.1 Evaluation of Scale and Significance

71. Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. The scale and significance of anticipated effects associated with this proposal are evaluated in Table 5 below.

**Table 5: Assessment of the scale and significance of PC4A**

Criteria	Comment	Assessment
<b>Raises any principles of the Treaty of Waitangi</b>	Tangata whenua, through iwi authorities and hapū contact lists, have been consulted as part of the review of temporary activities. No significant concerns or issues were identified through the consultation.	Low
<b>Degree of change from the Operative Plan</b>	The operative WDP has very limited rules and policies related to temporary activities. PC4A seeks to introduce a new framework for managing temporary activities. The proposal seeks to address identified issues with the status quo and improve the efficiency and effectiveness of the WDP provisions.	Moderate
<b>Effects on matters of national importance</b>	There are no section 6 matters directly relevant to temporary activities. It is noted that s6(d) provides for “the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers”. While temporary activities can restrict public access to public places for a period of time, this is typically for a short duration.	Low

<b>Scale of effects – geographically (local, district wide, regional, national)</b>	The proposed TEMP chapter applies to the entire District. However, many people will not be directly/frequently affected by the rules as they only relate to temporary activities.	Moderate
<b>Scale of effects on those with a specific interest</b>	<ul style="list-style-type: none"> <li>• Iwi and hapū – Potential effects where temporary activities are located adjacent to or on statutory acknowledgement areas, sites and areas of significance to Māori, or other culturally significant areas.</li> <li>• Events industry and associated services – Provisions will change the rules that apply to temporary activities, impacting what activities may require resource consent.</li> <li>• Residents adjacent to event locations – Temporary activities can impact nearby residents by generating effects such as noise, lighting, and traffic.</li> <li>• New Zealand Defence Force (NZDF) – PC4A includes provisions for temporary military training activities undertaken by the NZDF.</li> </ul>	Moderate
<b>Alignment with higher order policy direction</b>	There is limited relevant direction in higher order documents. The proposed amendments align with the Planning Standards.	Low
<b>Degree of risk and uncertainty</b>	There is some uncertainty and risk associated with PC4A related to whether the introduction of new provisions will effectively manage adverse effects produced by temporary activities. This risk has been managed by undertaking research, analysis, and internal and external consultation to develop the proposed rule framework. This s32 report assesses the appropriateness of the proposed provisions. The schedule 1 process provides an opportunity for submissions on the plan change.	Low

72. The overall scale and significance of PC4A has been assessed as moderate. Based on this assessment, a moderate level evaluation of the proposed provisions has been identified as appropriate for the purposes of this report.

#### 4.2 Benchmarking and Monitoring

73. The RMA does not require anticipated environmental outcomes or indicators for monitoring to be developed and included as part of a schedule 1 plan change. Nevertheless, it can be beneficial to have regard to how the efficiency and effectiveness of proposed provisions will be monitored in the future. The following indicators can be used to monitor the efficiency and effectiveness of the PC4A provisions in the future:
- The number and nature of resource consents sought for temporary activities.
  - The number and nature of complaints received by Council related to temporary activities.
  - The number and nature of queries received related to the provisions for temporary activities.

- Changes in the character, intensity, scale, and duration of temporary activities that occur with Whangārei.
- Results from annual resident surveys related to satisfaction with events and temporary activities.

### 4.3 Overview of Proposal

74. The proposed provisions relevant to this topic are set out in detail in **Attachment 6** and should be referenced to in conjunction with this evaluation report.
75. In summary, the proposed provisions include:
- A new definition for temporary activities.
  - A new TEMP chapter that includes:
    - An Issues section setting out the key resource management issues related to temporary activities and the role of the WDP in managing them.
    - Objectives and policies setting out the desired outcomes for temporary activities and temporary military training activities.
    - A rule framework that manages land use and building activities related to temporary activities and temporary military training activities.
  - Amendments to the Noise and Vibration, Signs, and Transport chapters related to temporary activities, including new noise standards for temporary military training activities.
76. The following sections assess these proposed provisions in greater detail.

### 4.4 Evaluation of Objectives

77. Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.
78. An examination of the proposed objective along with reasonable alternatives is included below, with the relative extent of its appropriateness based on an assessment against the following criteria:
- Relevance (i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?)
  - Usefulness (i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives, and does it clearly state the anticipated outcome?)

- Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tangata whenua and community outcomes?)
- Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

79. While not specifically required under s32, it is appropriate to also consider alternative options, to ensure that the proposed objective is the most appropriate to achieve the purpose of the RMA. For the purposes of this evaluation, Council has considered the following practicable options:

- Option 1: The proposed PC4A objective
- Option 2: Alternative objectives
- Option 3: The status quo

80. Table 6 below provides an assessment of these options.

**Table 6: Evaluation of Proposed PC4A Objective**

<b>Option 1: The proposed objective:</b>  <b>TEMP-O1      Temporary Activities</b> <i>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.</i>	
<b>General intent:</b> This objective highlights the multiple benefits which temporary activities have and how this contributes to the identity of Whangārei while stating that actions are going to be enacted to manage significant adverse effects.	
<b>Relevance:</b> Recognises the contribution of temporary activities to the District's social, cultural, and economic well-being. Recognises that temporary activities are a set of activities which need to be specifically managed alongside other activities and development. The singling out of temporary activities in this option (and through the Planning Standards), emphasises the need to manage these activities. Directly notes that significant adverse effects are to be managed. Overall, this seeks to achieve the purpose the RMA as set out in section 5 of the RMA.	
<b>Usefulness:</b> Acknowledges the purpose and benefits of temporary activities. Outlines the intention to manage the significant adverse effects produced by temporary activities. Actions of how this will be achieved is not included, rather this is addressed within the policies and rules.	
<b>Reasonableness:</b> Does not create costs on the community. Clarifies the role of temporary activities, which to an extent reduces uncertainty around what constitutes a temporary activity. Does not state which effects are considered adverse effects to provide an appropriately level of flexibility. However, it does focus on significant adverse effects noting that non-significant effects from temporary activities will be temporary in duration and do not need the same level of scrutiny and assessment.	
<b>Achievability:</b> Outlines the policy framework for managing land use activities in accordance with the functions of local authorities under section 31 of the RMA. Broad approach provides a mechanism to capture a range of adverse effects.	

**Option 2: Alternative Objectives**
**TEMP-O1 Temporary Activities**

*Provide for temporary activities within Whangārei.*

**TEMP-O2 Adverse Effects**

*Adverse effects of temporary activities are managed.*

**General intent:** These objectives highlight the desired outcome to provide for temporary activities while stating that adverse effects must be managed.

**Relevance:** Seeks to provide for temporary activities but does not recognise the contribution of temporary activities to the District's social, cultural, and economic well-being. Recognises that temporary activities are a set of activities which need to be managed alongside other activities and development. The singling out of temporary activities in this option (and through the Planning Standards), emphasises the need of specifically managing these activities. Directly notes that adverse effects are to be managed.

**Usefulness:** Provides a directive to provide for temporary activities while managing effects but does not acknowledge the purpose and benefits are of temporary activities. Does not provide any direction on how to balance the two competing objectives.

**Reasonableness:** Does not create costs on the community. Does not identify which effects will be considered adverse effects to provide an appropriately level of flexibility. Directs that all adverse effects are to be managed, not just significant adverse effects.

**Achievability:** Outlines the policy framework for managing land use activities in accordance with the functions of local authorities under section 31 of the RMA. Broad approach provides a mechanism to capture a range of adverse effects.

**Option 3: The status quo (i.e. no specific objective(s) referring to temporary activities)**

**General intent:** The status quo approach would rely on other generic objectives within zone chapters.

**Relevance:** Does not highlight the link between temporary activities and their positive impacts. Other operative objectives provide direction on managing adverse effects which are created by activities more generically. They do not specifically mention temporary activities.

**Usefulness:** Approach is too broad, and does not specifically acknowledge the benefits of temporary activities. There is ambiguity around the hierarchy of enabling temporary activities compared to managing their effects. Does not acknowledge that temporary activities occur throughout the District.

**Reasonableness:** Does not create costs on the community. Has greater risks in relation to how temporary activities are managed, as it does not clarify their role or how they will be provided for and managed in the district plan.

**Achievability:** No specific objectives stated in relation to temporary activities so unclear what would need to be achieved.

81. It is considered that Option 1 (the proposed objective) is the most appropriate way to achieve the purpose of the RMA. The proposed objective outlines the purpose of providing for temporary activities in the District Plan whilst stating that the effects of temporary activities

must be appropriately managed. The objective includes an appropriate level of detail and relies on definitions, policies, and rules to address more specific matters related to temporary activities.

#### **4.5 Evaluation of Provisions**

82. Section 32(1)(b) of the RMA requires an evaluation report to examine whether proposed provisions are the most appropriate way to achieve the objectives by:
  - identifying other reasonably practicable options for achieving the objectives; and
  - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - summarising the reasons for deciding on the provisions.
83. When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:
  - identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
    - economic growth that are anticipated to be provided or reduced; and
    - employment that are anticipated to be provided or reduced; and
  - if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
84. For the purposes of this evaluation, Council has considered three following practicable options:
  - Option 1 (the proposed PC4A provisions) – This approach includes:
    - A new definition of “temporary activities” which details what constitutes a temporary activity (without limiting temporary activities to activities of a specific duration) and states specific activities that are included and excluded.
    - Five new policies that acknowledge the positive effects and requirements of temporary activities, provide direction on managing significant adverse effects and long-term effects, and provide direction in relation to temporary military training activities.
    - A rule framework that permits temporary activities in public places and prescribes durations and standards in non-public places and clarifies that temporary activities

are managed by the rules in the TEMP chapter and are exempt from all underlying zone rules in the Area-Specific Matters chapters and specified rules in various District-Wide Matters chapters.

- A rule that prescribes standards for temporary military training activities.
- Option 2 (alternative rules) – Similar to Option 1 but more exhaustive rules that prescribe standards for specific temporary activities (e.g. festivals, fireworks, motorcross events, filming, etc.) and do not distinguish between public places and non-public places.
- Option 3 (the status quo) – The status quo approach is outlined in section 3.2 of this report.

85. Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objective and addressing the identified issues.
- **efficiency** measures whether the provisions will be likely to achieve the objective at the least cost or highest net benefit to society.

86. Table 7 below provides an assessment of these options.

**Table 7: Assessment of PC4A Provisions**

Option 1 (the proposed PC4A provisions)	
Benefits	Costs
<p><b><u>Environmental</u></b></p> <p>Negative impacts on the environment are managed by controlling the intensity and duration of temporary activities.</p> <p>TEMP-P2 directly manages significant adverse effects of temporary activities on the surrounding environment. This is linked to TEMP-R1 – R3 and the standards which managed duration and hours of operation. These provisions provide clear direction on how and where standards should be applied.</p> <p>Relevant rules in Part 2: District Wide Matters Chapters apply to protect those matters.</p> <p><b><u>Economic</u></b></p> <p>The proposed provisions seek to boost the local economy by attracting visitors and encouraging temporary activities.</p>	<p><b><u>Environmental</u></b></p> <p>Option 1 relies on other Council functions and bylaws to manage the duration and timing of temporary activities in public places. However, specified rules in the District-Wide Matters chapters would still apply.</p> <p><b><u>Economic</u></b></p> <p>There will be some costs for organisers to comply with regulations and mitigation measures and resources needed for monitoring and enforcing compliance. However, these will be less than the status quo as the new rules are more permissive.</p> <p><b><u>Social</u></b></p> <p>Enabling more temporary activities may result in more instances of restricted access to public spaces and facilities and potential for noise, traffic, and other disruptions to residents.</p> <p><b><u>Cultural</u></b></p> <p>None identified.</p>

<p>The proposed provisions help give certainty for business owners who may be affected by adjacent temporary activities.</p> <p>The proposed provisions avoid duplicating other Council functions and bylaws.</p> <p><b><u>Social</u></b></p> <p>The proposed provisions seek to enhance community engagement and cohesion through events and activities.</p> <p>Controls seek to protect residents from excessive noise, traffic, and other disturbances.</p> <p>Provides for temporary military training activities, contributing to national defence.</p> <p>Outlines the process of how temporary activities are managed, which increases the clarity for people who may be affected by temporary activities and events. This helps set expectations on residential amenity.</p> <p><b><u>Cultural</u></b></p> <p>The proposed provisions seek to promote cultural expression and diversity by supporting events such as festivals, parades, and ceremonies.</p>	
<p><b>Effectiveness:</b> The proposed provisions are considered to be effective in achieving the proposed objective TEMP-O1. Providing a policy framework and bespoke rules helps balance the benefits of temporary activities with the need to manage significant adverse effects. The clear rules and conditions help streamline the consenting process and reduce uncertainty.</p>	
<p><b>Efficiency:</b> Provides clear guidance on the applicability of rules, reducing confusion for applicants and decision makers. The clearer provisions for temporary activities aim to provide more consistent outcomes, which will feed into an efficient approach for managing temporary activities. Option 1 is more efficient than Options 2 and 3 as it avoids duplication with other Council functions and bylaws.</p>	
<p><b>Risk of acting/not acting:</b> There is risk with Option 1 that the other Council functions and bylaws will not sufficiently manage temporary activities in public places. However, engagement has been undertaken with the Council Venues and Events and Infrastructure Departments to ensure that sufficient controls are in place to appropriately manage adverse effects from temporary activities in public places. Additionally, specified rules in Part 2: District Wide Matters Chapters would still apply.</p>	
<p><b>Overall evaluation of Option 1:</b> This option rectifies the lack of guidance that the Operative WDP provides on the purpose of temporary activities and the rule framework for managing them. The proposed provisions provide parameters on what constitutes a temporary activity, and provide specific rules and standards which managed their associated effects.</p>	
<p><b>Option 2 (alternative rules)</b></p>	
<p><b>Benefits</b></p>	<p><b>Costs</b></p>
<p><b><u>Environmental</u></b></p> <p>Similar to Option 1. May provide more environmental protection through District Plan regulation alongside other Council functions and bylaws.</p>	<p><b><u>Environmental</u></b></p> <p>Similar to Option 1, but would not rely on other Council functions.</p> <p><b><u>Economic</u></b></p>

<p><b><u>Economic, Social, and Cultural</u></b></p> <p>Similar to Option 1.</p>	<p>Similar to Option 1, but with increased resource consenting costs which could duplicate approvals required under Council bylaws.</p> <p>Defining the rules around the undertaking of specific temporary activities such as fireworks and motocross events increases the probability of those activities requiring resource consents.</p> <p><b><u>Social</u></b></p> <p>Similar to Option 1.</p> <p>Defining additional activities such as fireworks and motocross events, and including rules for those activities, could increase the complexity for plan users.</p> <p><b><u>Cultural</u></b></p> <p>None identified.</p>
<p><b>Effectiveness:</b> Similar to Option 1.</p>	
<p><b>Efficiency:</b> Similar to Option 1; however, the rules would manage the duration and timing of temporary activities in public places which could be duplicative of other Council functions and bylaws. Similarly, including new definitions and rules for specific types of temporary activities could result in confusion and uncertainty when determining what definition certain activities meet.</p>	
<p><b>Risk of acting/not acting:</b> Stricter regulations may deter some events, potentially reducing economic benefits. Including new definitions for specific types of temporary activities could result in unintended consequences and may not appropriately capture all relevant temporary activities.</p>	
<p><b>Overall evaluation of Option 2:</b> Option 2 is similar to Option 1 but would provide more direction and rule requirements within the District Plan rather than relying on other Council functions and bylaws. This has benefits but also costs and potential inefficiencies as set out above. A significant issue with Option 2 is that it would be difficult to establish appropriate rules to manage the duration and timing of temporary activities in public places. In some public places there can be temporary activities for more than 200 days of the year. Establishing a blanket set of rules that applies in public places based on the underlying zoning is not considered appropriate. It is considered more appropriate to rely on other Council functions and bylaws to primarily manage temporary activities in public places, noting that under both Option 1 and 2, the relevant rules in the District-Wide Matters Chapters would still apply.</p>	
<p><b>Option 3 (the status quo)</b></p>	
<p><b>Benefits</b></p>	<p><b>Costs</b></p>
<p><b><u>Environmental, Economic, Social, and Cultural</u></b></p> <p>None identified.</p>	<p><b><u>Environmental</u></b></p> <p>The current provisions of the Operative WDP do not clearly set out how effects of temporary activities will be mitigated and what rules apply. If the Operative WDP rules are interpreted liberally then temporary activities may be exempt from all other WDP rules where the activity meets the “temporary activities” definition. This could result in significant adverse environmental effects as none of the matters in the relevant rules in the District-Wide Matters Chapters would be managed.</p> <p><b><u>Economic</u></b></p>

	<p>The current provisions of the Operative WDP do not clearly set out how effects of temporary activities will be mitigated and what rules apply. If the Operative WDP rules are interpreted strictly then all WDP rules may apply even where the activity meets the “temporary activities” definition. This could result in significant costs for event organisers by requiring resource consents for most temporary activities.</p> <p><b><u>Social</u></b></p> <p>Lack of direction on how potential adverse effects of temporary activities are managed creates uncertainty negative impacts on expected levels of amenity for residents and business owners.</p> <p>May discourage temporary activities from establishing due to the uncertainty of the rules.</p> <p><b><u>Cultural</u></b></p> <p>None identified.</p>
<p><b>Effectiveness:</b> The approach of the Operative WDP does not provide specific objectives, policies, or rules to manage temporary activities. The status quo therefore would not be effective in achieving TEMP-O1.</p>	
<p><b>Efficiency:</b> The Operative WDP provisions lack clarity and could be interpreted in multiple different ways. This leads to uncertainty for event organisers, business owners, visitors, residents, and decision makers and is not considered to be an efficient method of achieving TEMP-O1.</p>	
<p><b>Risk of acting/not acting:</b> Retaining the status quo would result in significant risk as to how temporary activities are managed and how the WDP rules are interpreted and enforced. On one hand the operative rules (or lack thereof) may be interpreted too liberally which could result in significant adverse environmental, social, and cultural effects. On the other hand, the operative rules could be interpreted too strictly which could severely limit the ability for temporary activities to establish and operate within the District.</p>	
<p><b>Overall evaluation of Option 3:</b> Option 3 lacks direction on how temporary activities are managed and what methods would be used to achieve TEMP-O1. The status quo has caused significant confusion and uncertainty in the past and is not considered to be an appropriate option.</p>	

87. Option 1 is considered the most appropriate way to achieve the proposed objective.
88. In addition to the proposed TEMP chapter and temporary activities definition, PC4A also proposes amendments to the NAV, SIGN, and TRA chapters.
89. PC4A proposes the following amendments to the NAV chapter (additions shown in [blue underline](#) and deletions shown in ~~blue strikethrough~~):

## **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.

90. The proposed amendments to NAV-R2 seek to exempt temporary activities in public places in the Waterfront Zone, the Open Space Zone, the Sport and Active Recreation Zone, and within roads from having to comply with the underlying zone noise rules set out in the NAV chapter.
91. PC4A proposes to amend the SIGN chapter to insert a new rule SIGN-R5 managing temporary signs and undertake consequential amendments to other provisions within the chapter to refer to temporary signs and the new rule. The Operative WDP already includes a definition of temporary sign.<sup>3</sup> The proposed rule SIGN-R5 seeks to clarify what rules apply to temporary signs. The proposed rule permits temporary signs in public places and provides a

<sup>3</sup> "means any sign, whether portable or fixed which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include signs associated with; real-estate, election(s), construction or redevelopment."

set of permitted standards for temporary signs that are not in public places. The proposed rule SIGN-R5 is shown below (additions shown in blue underline):

### **SIGN-R5 Any Temporary Sign**

Activity Status: Permitted

Where:

1. The sign is in a public place; or
2. The sign is not in a public place and it:
  - a. Complies with the permitted standards of SIGN-R6; and
  - b. If illuminated, satisfies the Illuminated Signage Brightness Limits in SIGN-R20.2(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 may also be 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 and the New Zealand Transport Agency (in relation to state highways).

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).

92. The proposed amendments to the NAV and SIGN chapters are considered appropriate for the following reasons:

- The proposed amendments align with the proposed rule framework for temporary activities more broadly in the proposed TEMP chapter in that they rely on other legislation to manage temporary activities in public places.
- The Waterfront Zone, the Open Space Zone, the Sport and Active Recreation Zone are intended to provide for short term events and temporary activities. Exempting

temporary activities from the noise rules in these areas provides for a clear and consistent rule framework and better enables temporary activities within these locations.

- Council can still manage the effects of noise and signs in public places through Council bylaws and as the landowner, noting that section 16 of the RMA will continue to apply.
- The proposed amendments provide greater clarity on how temporary signs and noise are managed and what rules apply.
- The proposed amendments reduce the consenting costs associated with temporary signs in both public and non-public places and the consenting costs associated with noise from temporary activities in the specified public places.

93. PC4A proposes to delete the reference to temporary activities within the compliance standards in TRA Appendix 5 in the TRA chapter. The specific reference to temporary activities is no longer necessary as proposed rule TEMP-R1.1(b) exempts temporary activities from all TRA chapter rules.
94. PC4A also proposes amendments to NAV-R13 which prescribes the noise standards for temporary military training activities in the NAV chapter. The NZDF provided feedback during the consultation on PC4A requesting new noise standards based on professional acoustic advice. The new noise standards are used widely throughout other district plans in New Zealand<sup>4</sup>, and it is considered appropriate to amend NAV-R13 in the WDP to improve consistency with other district plans and provide a more efficient and effective set of noise standards for temporary military training activities.

## 5 Conclusions

95. This evaluation has been undertaken in accordance with s32 of the RMA to identify the need, benefits, and costs arising from PC4A and the appropriateness of the proposed amendments having regard to their effectiveness and efficiency relative to other means of achieving the purpose of the RMA.
96. Pursuant to s32 of the RMA, the proposed amendments and provisions have been detailed and compared against viable alternatives and are considered to represent the

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<sup>4</sup> Examples include the Proposed Waikato District Plan 2023, the Invercargill District Plan 2019, the Opotiki District Plan 2021, the Selwyn District Plan 2020, the Proposed Far North District Plan 2023, and the Proposed Kaipara District Plan 2025.

most efficient and effective means of achieving the relevant objectives and of addressing the identified resource management issues with the operative provisions.

## **6 Attachments**

Attachment 1: Pre-Notification Consultation Process

Attachment 2: Pre-Notification Consultation Meetings

Attachment 3: Pre-Notification Feedback and Council Response

Attachment 4: Pre-Notification Feedback from iwi and hapū

Attachment 5: PC4A Notification Process

Attachment 6: Proposed Plan Change 4A Amendments to Whangārei District Plan Text

## Attachment 1: Pre-Notification Consultation Process

1. Prior to notification of Plan Change 4A, the following consultation was undertaken:
  - a) The plan reviews were discussed with internal Council Departments including Resource Consents, Venues and Events, Building Control, Māori Outcomes, PIMs and LIMs, Strategic Planning, and Infrastructure Planning.
  - b) New Zealand Defence Force, Iwi/hapū<sup>5</sup>, and local authorities were contacted to advise them that work was being initiated on reviewing temporary activities, inform them of the upcoming consultation set out in (c) below, and invite them to provide any initial comments.
  - c) Online consultation material was prepared for public consultation on a “Have Your Say” webpage. The consultation was open from 25 November 2024 – 31 January 2025. The consultation material included information about the plan review, a discussion document on temporary activities, and survey questions. The material was publicly available online and was advertised on Council’s website, Facebook, and the Advocate. Emails were sent directly to the following groups to advise them that consultation was open, provide links on where to find the material, encourage feedback to be provided, and offer further meetings or discussions on the review work:
    - The groups set out in (b) above.
    - The Minister for the Environment.
    - All contacts on the Following Council mailing lists as at November 2024:
      - Statutory Bodies, Iwi Authorities, Requiring Authorities and Internal Staff Contact List
      - RMA Newsletter Planner Contact List
      - Residents & Ratepayers & Interest Groups - April 2024
  - d) Bespoke consultation material was prepared for the purpose of consultation with iwi and hapū that included further information of relevance to Māori such as matters raised in any relevant planning document recognised by an iwi authority and lodged with Council. This was sent to iwi and hapū at the same time as step (c) above along with an invitation for further discussions and/or hui.

<sup>5</sup> Iwi and hapu contacts will be based on Council’s internal “Nga hapū o Whangarei contact details 2024” mailing list which was confirmed by the Māori Outcomes Department.

- e) A reminder notice of the consultation and Have Your Say website was sent to Community Interest Groups and Local Planning and Building Industry mailing lists provided by Council's Communications Department on 20 January 2025.
  - f) On 17 April 2025 a draft version of the PC4A amendments was circulated to the groups set out in (a), (b), and (c) above and persons who provided feedback in the first round of consultation for a further round of targeted engagement. The groups were encouraged to provide feedback on the drafting by 21 May 2025, and an offer was made for further meetings or discussions on the draft provisions.
2. The approach to consultation was developed alongside Council's Communications Department. The approach to consultation with iwi/hapū was reviewed and supported by Council's Māori Outcomes Department.
  3. The temporary activities review was discussed with Elected Members at the following meetings:
    - Council Briefing – 24 October 2024
    - Council Briefing – 26 February 2025
    - Strategy, Planning and Development Committee – 17 April 2025
    - Strategy, Planning and Development Committee – 17 July 2025
  4. The temporary activities review was discussed with Te Huinga on 27 March 2025 and with Te Kārearea Strategic Partnership Standing Committee on 5 November 2024 and 6 May 2025.

## Attachment 2: Pre-Notification Consultation Meetings

1. Prior to notification of Plan Change 4A, the following meetings and discussions were held:

Date	Persons / Group(s)
02/09/2024	Northland Regional Council, Far North District Council, and Kaipara District Council
06/09/2024	Whangarei District Council Strategic Planning Department
06/09/2024	Whangarei District Council Infrastructure Planning Department
09/09/2024	Whangarei District Council Venues and Events Department
10/09/2024	New Zealand Defence Force
12/09/2024	Whangarei District Council Infrastructure Planning Department
13/09/2024	Whangarei District Council Resource Consents Department
16/09/2024	Whangarei District Council Māori Outcomes Department
19/09/2024	Whangarei District Council Communications Department
03/10/2024	Whangarei District Council Infrastructure Planning and Venues and Events Departments
23/10/2024	Whangarei District Council Briefing
05/11/2024	Te Kārearea Strategic Partnership Standing Committee
07/02/2025	Whangarei District Council Infrastructure Planning Department
26/02/2024	Whangarei District Council Briefing
27/02/2025	Patuharakeke Te Iwi Trust Board
11/03/2025	Whangarei District Council Infrastructure Planning
14/03/2025	New Zealand Defence Force
27/03/2025	Te Huinga
31/03/2025	Whangarei District Council Māori Outcomes Department
17/04/2025	Whangarei District Council Strategy, Planning and Development Committee
06/05/2025	Te Kārearea Strategic Partnership Standing Committee
17/07/2025	Whangarei District Council Strategy, Planning and Development Committee

## Attachment 3: Pre-Notification Feedback and Council Response

- The table below sets out the key feedback that was received on PC4A prior to notification and the response to that feedback through the notified PC4A.

Who	Feedback	Response
Survey responses	There should be stricter rules in residential areas and in sensitive areas (like coastal areas and heritage buildings).	The proposed PC4A rules set out more restrictive rules in Residential Zones than other areas such as Open Space and Recreation Zones and Business Zones. PC4A proposes to apply the rules in the District-Wide Matters chapters (e.g., Historic Heritage and Coastal Environment) alongside the 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.	PC4A proposes to apply the rules in the District-Wide Matters chapters (e.g., Noise and Vibration) alongside the TEMP chapter rules. The proposed PC4A rules limit the frequency and duration of temporary activities to ensure that any adverse effects would be temporary in nature. Council has additional regulatory powers under bylaws for activities in public places or 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 temporary activities also produce higher than normal effects as well such as noise and traffic. Additionally, the proposed PC4A 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 in nature and that there is insufficient evidence to support the inclusion of additional controls on temporary activities.
New Zealand Defence Force (NZDF)	The District Plan should appropriately provide for temporary Military training activities. Recommend various amendments to the operative provisions including the noise standards for temporary Military training activities and	PC4A proposes to include new provisions for temporary military training activities in the TEMP chapter and proposes to amend the noise standards for temporary military training activities in the NAV chapter. The proposed amendments generally align with the changes sought by NZDF noting that some alterations are proposed to better align with the WDP chapter and rule structure and

	<p>the activity status where compliance is not achieved.</p>	<p>to give effect to the National Planning Standards. NZDF sought that were the proposed rules relating to temporary military training activities were not complied with that consent would be required as a controlled activity. PC4A proposed that the activity status where compliance is not achieved is restricted discretionary. It is considered that a restricted discretionary activity status better achieves the operative NAV objectives and proposed objective TEMP-O1 and ensures that significant adverse effects from temporary military training activities can be appropriately managed.</p>
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## ***Attachment 4: Pre-Notification Feedback from iwi and hapū***

1. A hui was held with Patuharakeke Te Iwi Trust Board on 27 February 2025 to discuss the temporary activities review among other District Plan work programme topics. The comments and feedback made during the hui were:
  - The provisions should ensure that there are no unintended consequences for activities on marae.
  - Patuharakeke Te Iwi Trust Board would like to review the draft provisions prior to notification to ensure there are no unintended consequences.
2. With regard to activities on marae it is noted that marae are specifically included in the operative definition of “places of assembly”. It is considered that activities that would typically be undertaken on marae (e.g. hui, tangi, celebrations, educational workshops, prayer services, kapa haka practice, etc.) would fall within that definition and would therefore be managed by the rules relating to places of assembly. If there were atypical activities undertaken (e.g. a community market open to the general public), then these would be managed by the rules for temporary activities. This is consistent with the approach of the Operative District Plan.
3. The draft provisions were provided to Patuharakeke Te Iwi Trust Board for feedback from 25 March 2025 – 23 May 2025. Feedback was received that the matters of discretion for temporary military training activities should include “effects on cultural and heritage values”. This has been included in the notified version of the provisions.

## ***Attachment 5: PC4A Notification Process***

1. Plan Change 4A will be publicly notified concurrently with Plan Changes 4B and 4C.
2. These plan changes will be publicly notified because they relate to district-wide provisions that may affect members of the general public.
3. Notification will include sending letters or emails to:
  - Every ratepayer in the District; and
  - The Ministry for the Environment; and
  - Relevant Ministers of the Crown; and
  - Requiring Authorities; and
  - Far North District Council, Kaipara District Council, and Northland Regional Council; and
  - Iwi authorities; and
  - Whangarei District Council's hapū mailing list; and
  - Whangarei District Council's RMA Newsletter Planner Contact mailing list; and
  - Whangarei District Council's Residents & Ratepayers & Interest Groups mailing list; and
  - Persons who provided feedback during consultation
4. Notification will also include a formal notice being published in the Northern Advocate and full details of the plan change being made available on the WDC website.

***Attachment 6: Proposed Plan Change 4A Amendments to  
Whangārei District Plan Text***

***Plan Change 4B:  
Cross Boundary Matters and  
Contaminated Land***

***Section 32 Evaluation Report***

19 June 2025

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## 1 Introduction and Purpose

### 1.1 Purpose of Report

1. This report is in relation to proposed Plan Change 4B: Cross Boundary Matters and Contaminated Land (**PC4B**) to the Whangārei District Plan (**WDP**). Following a review of the operative WDP provisions for Cross Boundary Matters (**CBM**) and Contaminated Land (**CL**), PC4B proposes new CB and CL chapters and consequential amendments as required by section 79 of the Resource Management Act 1991 (**RMA**).
2. This report has been prepared in accordance with the requirements of Schedule 1 of the RMA and incorporates an evaluation under section 32 (**s32**) of the RMA. Under s32 of the RMA councils are required to examine whether the proposed changes to the provisions are the most appropriate way to achieve the objectives of the district plan which in turn must be appropriate to achieve the purpose (Part 2) of the RMA.
3. Evaluations under s32 represent an on-going process in RMA plan development. A further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of PC4B.

### 1.2 Overview of Plan Change 4B

4. The WDP first became operative in 2007. Soon after, the Resource Management (Simplifying & Streamlining) Amendment Act 2009 was passed into law, removing the requirement to review district plans in full every ten years. Councils were instead given the power to review their plans in any manner provided that each provision of the plan is reviewed at least once every ten years.
5. Whangarei District Council (**Council**) publicly notified its intention to undertake a 'rolling' review of the WDP by way of Plan Change 106 in December 2009. Since that time the WDP has been reviewed under a 'rolling', rather than 'full' review regime. Most chapters from the 2007 WDP have now been reviewed under the rolling review regime.
6. A review of the CBM and CL chapters of the WDP has been undertaken in accordance with the requirements of s79(1) of the RMA with proposed amendments to these chapters now proposed as PC4B (refer to **Attachment 6**). The scope of PC4B is limited to these chapters, and consequential amendments resulting from the proposed changes.
7. PC4B will be publicly notified. Refer to **Attachment 5** for a summary of the notification process. PC4B will be notified alongside Plan Changes 4A and 4C. The plan changes are not related but will be notified concurrently for administrative efficiencies.

8. In accordance with section 86B(1)(c) of the RMA, any rules in PC4B will not have legal effect until the proposed plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA.

## 2 Statutory and Policy Context

9. The WDP sits within a layered policy framework under the RMA. The relevant policy documents that were taken into consideration when preparing PC4B are discussed below.

### 2.1 Resource Management Act 1991

10. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires any changes to district plans, whether private or Council initiated, to meet the purpose and principles of the RMA.
11. The statutory context for the preparation and evaluation of plan changes under the RMA that are relevant to PC4B is summarised as follows:
  - **Section 32** – Sets out the way an evaluation of a plan change must be carried out.
  - **Section 35** – Sets out Council's obligations to gather information, monitor, and keep records.
  - **Section 74** – Sets out matters that the plan change must “accord with” and “have regard to”.
  - **Section 75** – Sets out higher order plans that the plan changes must “give effect to”.
  - **Schedule 1** – Sets out direction for the preparation, change, and review of policy statements and plans.
12. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management means:

*managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

13. In achieving this purpose, all persons exercising functions and powers under the RMA also need to:
  - Recognise and provide for the matters of national importance identified in section 6
  - Have particular regard to the range of other matters referred to in section 7
  - Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in section 8.
14. There are no section 6 matters directly relevant to the CBM of CL chapters.
15. The section 7 matters that are relevant to PC4B are set out in Table 1 below:

**Table 1: Relevant matters of section 7 of the RMA**

RMA Section	Relevance to PC4B
<i>7(b) – the efficient use and development of natural and physical resources.</i>	Remediation and site management of contaminated land supports the efficient use and development of land.
<i>7(f) – maintenance and enhancement of the quality of the environment</i>	Contaminated land has the potential to adversely affect the quality of the environment if not properly managed.

16. Section 8 of the RMA requires the district council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities and hapū contact lists, have been consulted as part of the review of the CBM and CL chapters. This feedback has informed the s32 evaluation, and the obligation to make informed decisions based on that consultation is noted.
17. Section 31(b)(iia) of the RMA outlines that a territorial authority is responsible for “*the control of any actual or potential effects of the use, development or protection of land, including for the purpose of the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.*” This is directly relevant to the review of the CL chapter.

## 2.2 National Environmental Standards

18. Section 75(3) of the RMA requires district plans to give effect to National Environmental Standards (**NESs**). Section 44 of the RMA requires local authorities to recognise NESs by ensuring plan rules do not duplicate provisions in an NES. There are 10 NESs currently in force:
  - NES for Air Quality 2004
  - NES for Sources of Human Drinking Water 2007
  - NES for Electricity Transmission Activities 2009
  - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
  - NES for Telecommunication Facilities 2016

- NES for Freshwater 2020
  - NES for Marine Aquaculture 2020
  - NES for Storing Tyres Outdoors 2021
  - NES for Greenhouse Gas Emissions from Industrial Process Heat 2023
  - NES for Commercial Forestry 2023
19. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (**NESCS**) provides a nationally consistent set of planning controls that must be enforced by district councils under section 44A(8) of the RMA. The purpose of the NESCS is to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated, or the contaminants are contained to make the land safe for human use.
  20. The NESCS regulates land that presently or historically has been used for a hazardous activity or industry listed on the Hazardous Activities and Industries List (**HAIL**). The NESCS contains regulations for assessing and managing the actual or potential adverse effects of contaminants in soil on human health in relation to subdivision, land use change, soil disturbance, soil sampling, and removing/replacing fuel storage systems. Under section 44A of the RMA, a District Plan must not contain rules that duplicate or conflict with a provision in an NES.
  21. No other NESs are considered directly relevant to PC4B.
  22. On 29 May 2025 the Ministry for the Environment opened consultation on updating RMA national direction which included proposals to update national direction for infrastructure, development and the primary sector, and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system. This included proposals on new NESs.
  23. The proposals are in draft form and do not have any legal weighting. It is considered that the NES proposals are not directly relevant to PC4B. It is noted that the proposals related to freshwater do include provisions managing contaminants and discharges to freshwater; however, these appear to be related to regional council functions rather than territorial authority functions.

### **2.3 National Policy Statements**

24. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently eight NPSs in force:

- NPS on Electricity Transmission 2008
  - New Zealand Coastal Policy Statement 2010
  - NPS for Renewable Electricity Generation 2011
  - NPS on Urban Development 2020
  - NPS for Freshwater Management 2020
  - NPS for Highly Productive Land 2022
  - NPS for Indigenous Biodiversity 2023
  - NPS for Greenhouse Gas Emissions from Industrial Process 2023
25. No NPSs are considered directly relevant to PC4B. The NPS on Urban Development 2020 is somewhat relevant to contaminated land as it requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity. The remediation and/or site management of contaminated land can help to increase land and development opportunities for residential and commercial activities.
26. On 29 May 2025 the Ministry for the Environment opened consultation on updating RMA national direction which included proposals to update national direction for infrastructure, development and the primary sector, and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system. This included proposals on new NPSs.
27. The proposals are in draft form and do not have any legal weighting. It is considered that the NPS proposals are not directly relevant to PC4B. It is noted that the proposals related to freshwater do include provisions managing contaminants and discharges to freshwater; however, these appear to be related to regional council functions rather than territorial authority functions.

## 2.4 National Planning Standards

28. Section 75(3) of the RMA requires district plans to give effect to the National Planning Standards 2019 (**Planning Standards**).
29. Where relevant, provisions, terms, and definitions must be aligned to the Planning Standards. The structure standards (Chapter 6 – Introduction and General Provisions Standard, and Chapter 7 – District-wide Matters Standard) for district plans specify the following:
- If the following matters are addressed, they must be located in the Cross boundary matters chapter:*
- a. processes and other provisions for dealing with issues that cross jurisdictional boundaries
  - b. processes and other provisions for dealing with issues between local authorities.

*If provisions to manage contaminated land are addressed, they must be located in the Contaminated land chapter.*

30. PC4B proposes to retain the CBM and CL chapters and locate the relevant provisions within those chapters in accordance with the Planning Standards.
31. Mandatory direction 14(1) requires that where terms defined in the Planning Standards *Definitions List* are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. Of relevance to PC4B, the Planning Standards prescribe a definition for “contaminated land”.

## 2.5 National Guidance Documents

32. There is no national guidance that is considered to be directly relevant to the review of the CBM chapter.
33. Table 2 sets out the national guidance documents that are considered relevant to the review of the CL chapter.

**Table 2: Relevant national guidance documents**

National Guidance Document	Relevance to PC4B
<i>Contaminated land management guidelines No.1: Reporting on contaminated sites in New Zealand (Revised 2021), MfE, 2011</i>	This document seeks to ensure consistency in reporting on contaminated site investigations. It includes checklists for reporting requirements for contaminated sites and for the removal of petroleum underground storage tanks. This guideline describes the various types of reports that are commonly required, and their specific requirements, purposes, and uses.
<i>Contaminated land management guidelines No.5: Site investigation and analysis of soils (Revised 2021), MfE, 2011</i>	This document seeks to promote a nationally consistent approach to the investigation and assessment of contaminated sites. The guideline describes good practice on how to design and carry out an investigation of land where contaminants are present or are suspected to be present, sampling and analysis of soils, and interpretation of data obtained. Detailed site investigations conducted for NESCS purposes and submitted to territorial authorities must be undertaken in accordance with this guideline.
<i>Users' guide: National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, MfE, 2012</i>	This document provides guidance on why the NESCS was introduced, an overview of the regulations, case studies and examples of good practice. It also provides guidance on the relationship of the NESCS with the RMA and Building Act 2004, and the functions of regional and territorial authorities.

## 2.6 Northland Regional Policy Statement

34. The policies and methods contained in the Regional Policy Statement for Northland 2016 (**NRPS**) contain guidance for territorial authorities for plan making. Table 3 below provides a summary of the NRPS policies and methods that are directly relevant to PC4B.

**Table 3: Evaluation of the relevant policies and methods of the NRPS**

NRPS Policy	NRPS Method	Relevance
<p>6.1.1 District plans shall:</p> <p>(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</p> <p>(b) Be as consistent as possible;</p> <p>(c) Be as simple as possible;</p> <p>(d) Use or support good management practices;</p> <p>(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;</p> <p>(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and</p> <p>(g) Focus on effects and where suitable use performance standards.</p>	<p>6.1.4 The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall:</p> <p>(a) Demonstrate how Policy 6.1.1 is given effect;</p> <p>(b) Consider: removing unnecessary regulation; opportunities for streamlined, efficient processes; increasing flexibility, certainty, confidence and consistency; and taking a risk-based approach;</p>	<p>PC4B proposes amendments to existing WDP provisions to ensure the provisions are working efficiently and effectively.</p>
<p>8.1.1 The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.</p>	<p>8.1.5 The regional and district councils shall:</p> <p>(a) Engage with iwi authorities at the earliest possible stage of any review and / or change to plans developed under the Resource Management Act 1991(RMA) to agree appropriate mechanisms for tangata whenua participation and consultation; and</p> <p>(b) Include an analysis of the effects of any resource consent application on tangata whenua and their taonga, including details of any proposed measures to avoid, remedy, or mitigate effects and consultation undertaken, in all regional and district council reports on resource consent applications.</p>	<p>Consultation with iwi and hapū has been undertaken during the preparation of PC4B as set out in section 3.3 below. No significant feedback was received during the consultation. PC4B does not propose to delete or amend any operative rules (apart from CL-R1 which acts as more of a guidance note than a rule), and does not propose to insert any new rules to the WDP.</p>
<p>8.1.2 The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <p>(a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;</p> <p>(b) Have particular regard to kaitiakitanga; and</p> <p>(c) Take into account the principles of the Treaty of Waitangi including partnership.</p>		
<p>8.1.3 The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.</p>		
<p>8.1.4 Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.</p>		

## 2.7 Regional Plans

35. The Proposed Regional Plan for Northland 2024 (**RPN**) combines the operative Regional Plans applying to the coastal marine area, land and water, and air into one combined plan.
36. There do not appear to be any RPN provisions directly related to the review of the CBM chapter. There are RPN provisions managing the use and investigation of contaminated land. Having reviewed the RPN it is considered that the amendments proposed through PC4B are consistent with the RPN.

## 2.8 Operative Whangārei District Plan

37. There are no objectives and policies in the Operative District Growth and Development (**DGD**) and Urban Form and Development (**UFD**) chapters that are considered to be directly relevant to the review of the CBM and CL chapters.

## 2.9 Iwi and Hapū Management Plans

38. Under section 74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being:
  - Te Iwi O Ngatiwai Environmental Policy Document (2007)
  - Ngati Hine Iwi Environmental Management Plan (2008)
  - Patuharakeke Te Iwi Trust Board Environmental Plan (2014)
  - Ngati Hau Hapū Environmental Management Plan (2016)
  - Te Uriroroi Hapū Environmental Management Plan and Whatatiri Environmental Plan (2016).
39. Council is also aware of the following documents that have not been lodged with Council:
  - Ngāti Wai Iwi Environmental Management Plan (2015)
  - Ngāti Hine Iwi Environmental Management Plan (2022)
40. Within these management plans there are many outcomes sought in relation to the discharge of contaminants more broadly, particular to air and water. The WDP provisions relating to contaminated land are about managing subdivision, use, and development on contaminated land or potentially contaminated land rather than managing the use and discharge of new contaminants. There are some outcomes sought in these management plans specifically related to the use of contaminated land, including outcomes seeking to ensure that:

- Council will identify contaminated sites and place an obligation on users to mitigate any contaminated sites. If the user is unknown, Council will assume responsibility for the remedial and rehabilitation of the contaminated area.
  - contaminated sites are contained or restored to their original state
  - previously contaminated sites are monitored, and work is done with all relevant parties to ensure recontamination does not occur
  - iwi and hapū will be informed of development on contaminated sites
  - iwi and hapū, Councils, and communities will work to develop strategies and processes to clean contaminated areas and prevent further contamination.
41. There do not appear to be any provisions directly related to the CBM chapter of the WDP. However, the rohe of iwi and hapū often extend across multiple districts and there are outcomes broadly seeking to achieve integrated and coordinated management of resources.
42. PC4B has taken into account these management plans to the extent that their content has a bearing on the amendments proposed. It is noted that the NESCS provides the national environmental standard for activities on contaminated land. This includes rules for managing contaminated land. In addition, Northland Regional Council has other responsibilities under the RMA to identify and monitor contaminated land through the Selected Land-use Register (SLR).

## ***2.10 Other Legislation, Guidance and Policy Documents***

### Whangārei District Council's Future Development Strategy

43. The Whangārei Future Development Strategy provides a roadmap for planning, managing and optimising the opportunities presented by future growth over the next 30 years. The Strategy is not directly focused on CBM or CL matters, but does seek to achieve coordinated and integrated outcomes across the Northland Region. The proposed CBM chapter can assist this by ensuring that adverse effects on adjoining district are considered where appropriate when making planning decisions.

### Selected Land-Use Register

44. The SLR is a database administered by NRC. The SLR identifies sites that have, or may have, been used for activities and industries included in the HAIL, published by the Ministry for the Environment. The SLR categorises sites as:
- Verified history of hazardous activity or industry
  - Unverified history of hazardous activity or industry

- Contamination confirmed
- Contamination acceptable, managed/remediated
- No identified contamination
- Entered on register in error

45. The register contains information on contaminated and potentially contaminated sites, and acts as a proxy for identifying sites that currently have hazardous substances stored or used on site, or where this has occurred historically.

### 3 Approach to Evaluation

#### 3.1 Evaluation of Scale and Significance

46. Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of provisions so that it is focused on key changes from the status quo. The scale and significance of the environmental, economic, social, and cultural effects of the provisions in PC4B are evaluated in Table 4 below.

**Table 4: Assessment of the scale and significance of PC4B**

Criteria	Comment	Assessment
<b>Raises any principles of the Treaty of Waitangi</b>	Tangata whenua, through iwi authorities and hapū contact lists, have been consulted as part of the review of the CBM and CL chapters. No significant concerns or issues were identified through the consultation.	Low
<b>Degree of change from the Operative Plan</b>	The proposed amendments are generally related to improving the efficiency, effectiveness, and clarity of existing provisions. The proposed amendments do not seek to significantly alter the intent of the existing provisions.	Low
<b>Effects on matters of national importance</b>	The proposed amendments do not directly relate to matters of national importance.	Low
<b>Scale of effects – geographically (local, district wide, regional, national)</b>	The proposed amendments apply to district-wide provisions. However, no rules are proposed through PC4B.	Low
<b>Scale of people affected – current and future generations (how many will be affected)</b>	The amendments apply to a range of provisions that apply district wide. However, the amendments are generally related to improving the efficiency, effectiveness, and clarity of existing provisions and do not represent a significant change from the operative policy direction.	Low

<b>Scale of effects on those with a specific interest</b>	The proposed amendments are general in nature and are not intended to apply to parties with specific interests. Specific interests can be identified and addressed through the submissions process.	Low
<b>Alignment with higher order policy direction</b>	The proposed amendments align with direction in higher order documents including the NESCS, NRPS, and the Planning Standards which support improving the clarity and simplicity of district plan provisions.	Low
<b>Degree of risk and uncertainty</b>	There is limited risk associated with the review of the CBM and CL chapters. These chapters are primarily informational and rely on other legislation to prescribe rules and process.	Low

47. In addition to the table above, it is important to note that PC4B does not propose to delete or amend any operative rules apart from CL-R1 which acts as more of a guidance note than a rule, and does not propose to insert any new rules to the WDP.
48. The overall scale and significance of PC4B has been assessed as low. Based on this assessment, this s32 Report contains a lower relative level of detail and analysis for the proposed provisions.

### **3.2 Summary of Issues Raised in Pre-Notification Engagement and Consultation**

49. Council undertook early engagement on the review of the CBM and CL chapters from 25 November 2024 to 31 January 2025. Letters/emails were sent to iwi/hapū contacts, iwi authorities, statutory bodies, and other stakeholders inviting them to view the consultation documents and provide feedback. The consultation documents were also made publicly available on Council's "Have Your Say" website, and a survey was included for people to provide feedback.
50. Council undertook further targeted engagement from 17 April through 21 May 2025. A set of draft amendments to the CBM and CL chapters were provided to iwi/hapū contacts, iwi authorities, statutory bodies, and other key stakeholders for feedback.
51. See **Attachment 1** for further details on the pre-notification consultation process, and **Attachment 2** for a list of pre-notification consultation meetings.
52. The District Plan Department has reviewed the feedback received during the pre-notification consultation and taken that into consideration when drafting the proposed plan change. See **Attachment 3** for a summary of the feedback received and how (where appropriated) this has been responded to through the drafting of PC4B.

### 3.3 *Summary of Advice from Engagement/Consultation with Iwi and Hapū*

53. Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities.
54. Iwi authorities were invited to provide feedback during the early feedback period. Following the early feedback period, draft versions of the PC4B amendments were circulated to iwi and hapū contacts and iwi authorities. A draft version of PC4B was also provided to Patuharakeke for feedback in accordance with the Mana Whakahono ā Rohe between Patuharakeke Iwi Trust Board and Council. See **Attachment 4** for a summary of the feedback received from iwi and hapū prior to notification and commentary on how this has been responded to through PC4B.
55. The draft consultation material was also presented to iwi and hapū working groups Te Kārearea Standing Committee and Te Huinga. No material feedback was provided from these groups.
56. When preparing PC4B, iwi and hapū management plans were taken into account as discussed in section 2.9 of this report.

## 4 *Evaluation of Amendments to Cross Boundary Matters Chapter*

### 4.1 *Overview of Operative Chapter*

57. The operative CBM chapter provides context that the Whangārei District is within Northland and has common boundaries with the Kaipara District and the Far North District. The chapter sets out that there are issues that cross these boundaries, and that Council should seek to achieve integrated resource management across the Region.
58. The chapter is primarily informational but does include an objective and three policies.

### 4.2 *Proposed PC4B Amendments*

59. PC4B proposes to:
  - Amend the Issues section of the CBM chapter to streamline the content while broadly retaining the operative messaging; and
  - Amend the Objective and Policies to streamline the content and primarily focus it on matters to consider as part of the resource consenting process; and
  - Delete the Methods section within the CBM chapter.

### 4.3 *Evaluation of CBM Objectives*

60. PC4B proposes to replace the operative objective CBM-O1 with the following new objective:

**CBM-O1 Cross Boundary Matters**

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

61. This new objective is relatively similar to the operative version and retains the existing policy intent. The amendments seek to improve the clarity and directness of the objective.
62. The intent of the proposed objective is to align with the functions of territorial authorities under section 31(1)(b) – (f) and to achieve the purpose of the RMA, particularly section 5(2). It is considered that the operative objective is functioning well. The proposed PC4B amendments seek to improve its efficiency.

#### **4.4 Evaluation of CBM Provisions**

63. PC4B proposes to delete the existing CBM chapter policies and replace them with the following new policy:

**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.*

64. The operative CBM policies focus on a range of things that include non-statutory matters and approaches to consultation. While these can be useful to articulate, they are not considered necessary within a District Plan context. Rather it is considered more appropriate for the CBM chapter policies to focus primarily on matters to consider as part of the resource consenting process. Non-statutory matters and process can be established outside of the District Plan and can be more flexible and responsive when they are not prescribed in the WDP.
65. The proposed policy provides guidance to applicants and decision makers that decisions on resource consents must have regard to effects within other districts, providing a detailed, directive framework for resource consent applications where the adverse effects of the activity proposed cross jurisdictional boundaries.
66. Council considered an alternative option of providing a detailed, directive framework for resource consent applications that cross jurisdictional boundaries. This approach would clearly identify who would be assessing the application (e.g., district, region, or a combination), the information requirements, and whether any special process was needed. However, it is considered that this would result in added bureaucracy and unnecessary rigidity of information requirements for applicants.

67. Another alternative option would be to delete the CBM chapter altogether, including the Issues section. It is considered that the proposed CBM Issues section is appropriate to retain for the following reasons:

- Including an Issues section provides a summary of the topic of cross boundary matters and describes approaches to deal with them. This serves as a reference for Plan users.
- The Planning Standards anticipates there being a chapter within district plans specifically related to CBM.
- The proposed Issues section and CBM chapter structure is consistent with the CBM chapter in the proposed Far North District Plan and the proposed Kaipara District Plan, which assists in achieving consistency and integration between the districts.

## **5 Evaluation of Amendments to Contaminated Land Chapter**

### **5.1 Overview of Operative Chapter**

68. The operative CL chapter includes objectives and policies to manage the use and redevelopment of contaminated sites, aiming to protect human health and the environment. The chapter does not contain any material rules and instead relies on national regulations in the NESCS.

### **5.2 Proposed PC4B Amendments**

69. PC4B proposes to:
- Retain the CL chapter while undertaking some amendments to refine the Issues section, the objectives and policies, and CL-R1;
  - Delete CL Appendix 1 from the CL chapter;
  - Delete the definition of “contaminated sites” from the Definitions chapter; and
  - Add three new abbreviations to the Abbreviations chapter.

### **5.3 Evaluation of CL Objectives**

70. It is considered that the operative objectives are functioning well; however, there are three key issues with the provisions, as discussed below.

71. The first issue is the chapter’s length. Contaminated land chapters in new-generation district plans typically have shorter chapter overviews and contain one objective and two to three policies. The Operative CL chapter in the WDP contains a relatively lengthy Issues section, two objectives, four policies, and an appendix that is not referenced anywhere within the provisions. A key intent of PC4B is to simplify and streamline the provisions.

72. The second issue is that the operative provisions, and particularly CL-O1, seek the protection of the “environment”, in addition to human health. While humans are part of the “environment”, the RMA and WDP definition of environment is much broader and encompasses other matters such as ecosystems, natural and physical resources, and amenity values. These matters are beyond the scope of the NESCS, which is to protect human health, and could conflict with regional council functions or other legislation. For example, the assessment of discharges from contaminated land, such as stormwater or dewatering discharges during construction works is a regional council function.
73. The third issue is that operative CL-P2 requires the avoidance of any subdivision, use or development of contaminated land unless remediation or mitigation is undertaken. While remediation is one method of managing contaminated land, it is not a mandatory requirement of the NESCS nor is it necessary in all cases.
74. Having regard to the above analysis, PC4B proposes amendments to the CL chapter objectives and policies to streamline the provisions and address the above issues. PC4B proposes to replace the operative objectives CL-O1 and CL-O2 with the following new objective:

***CL-O1    Adverse Effects from Contaminated Pieces of Land***

*Contaminated pieces of land are identified, investigated, and managed so that they are safe for human health and their intended use.*

75. The proposed objective seeks the identification, investigation, and management of contaminated land so that it is safe for human health and its “intended use”. The term “intended use” is important and arises from the NESCS. It exists in the context of site management being commensurate to, and that contaminant levels are safe based on, the risk profile or sensitivity of the land’s intended use. This will vary, for example, for residential activities compared to industrial activities.
76. An alternative considered was to delete all objectives and policies from the CL chapter and to just provide an overview of the issue. This was not considered appropriate as it is beneficial to have objectives and policies to guide decision making where consent is required under the NESCS.

## **5.4 Evaluation of CL Provisions**

77. PC4B proposes to delete the existing CL chapter policies and replace them with the following new policies:

**CL-P1 Identification of Contaminated Land**

*To identify and, where necessary, investigate pieces of land that are, or are 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 pieces of land that are, or are likely to be, subject to contamination are 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.*

78. It is considered that proposed policy CL-P1 provides clearer direction than the operative policy CL-P1 to improve its efficiency and effectiveness and is better aligned with the NESCS terminology.
79. Proposed policy CL-P2 requires that sites are made safe for human health and its intended use to achieve CL-O1. Some examples of management methods are provided to give guidance and direction to decision makers and applicants.
80. It is considered that the operative policy CL-P4 relating to the dissemination of information is not necessary within a district plan context as this restates Council's legal requirements under the Local Government Official Information and Meetings Act 1987.
81. It is considered that the proposed policies directly link to and achieve the proposed objective. Alternative wording has been considered as part of the plan drafting process; however, the proposed wording is considered to be efficient and effective.
82. No rules have been considered as the NESCS provides a nationally consistent set of planning controls that must be enforced by a District Council under section 44A(8) of the RMA.
83. The proposed consequential amendments to delete CL-R1, CL Appendix 1, and the definition of "contaminated site" seek to streamline the plan provisions and delete obsolete provisions while not altering the policy direction of the plan.

## **6 Conclusions**

84. This evaluation has been undertaken in accordance with s32 of the RMA to identify the need, benefits, and costs arising from PC4B and the appropriateness of the proposed amendments having regard to their effectiveness and efficiency relative to other means of achieving the purpose of the RMA.
85. Pursuant to s32 of the RMA, 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.

## **7 Attachments**

Attachment 1: Pre-Notification Consultation Process

Attachment 2: Pre-Notification Consultation Meetings

Attachment 3: Pre-Notification Feedback and Council Response

Attachment 4: Pre-Notification Feedback from iwi and hapū

Attachment 5: PC4B Notification Process

Attachment 6: Proposed Plan Change 4B Amendments to Whangārei District Plan Text

## **Attachment 1: Pre-Notification Consultation Process**

1. Prior to notification of Plan Change 4B, the following consultation was undertaken:
  - a) The plan reviews were discussed with internal Council Departments including Resource Consents, Venues and Events, Building Control, Māori Outcomes, PIMs and LIMs, Strategic Planning, and Infrastructure Planning.
  - b) Iwi/hapū<sup>1</sup> and local authorities were contacted to advise them that work was being initiated on reviewing the CBM and CL chapters, inform them of the upcoming consultation set out in (c) below, and invite them to provide any initial comments.
  - c) Online consultation material was prepared for public consultation on a “Have Your Say” webpage. The consultation was open from 25 November 2024 – 31 January 2025. The consultation material included information about the plan review, and survey questions. The material was publicly available online and was advertised on Council’s website, Facebook, and the Northern Advocate. Emails were sent directly to the following groups to advise them that consultation was open, provide links on where to find the consultation material, encourage feedback to be provided, and offer further meetings or discussions on the review work:
    - The groups set out in (b) above.
    - The Minister for the Environment.
    - All contacts on the following Council mailing lists as at November 2024:
      - Statutory Bodies, Iwi Authorities, Requiring Authorities and Internal Staff Contact List
      - RMA Newsletter Planner Contact List
      - Residents & Ratepayers & Interest Groups - April 2024
  - d) Bespoke consultation material was prepared for the purpose of consultation with iwi and hapū that included further information of relevance to Māori such as matters raised in any relevant planning document recognised by an iwi authority and lodged with Council. This was sent to iwi and hapū at the same time as step (c) above along with an invitation for further discussions and/or hui.
  - e) A reminder notice of the consultation and Have Your Say website was sent to Community Interest Groups and Local Planning and Building Industry mailing lists provided by Council’s Communications Department on 20 January 2025.

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<sup>1</sup> Iwi and hapu contacts will be based on Council’s internal “Nga hapū o Whangarei contact details 2024” mailing list which was confirmed by the Māori Outcomes Department.

- f) On 17 April 2025 a draft version of the PC4B amendments was circulated to the groups set out in (a), (b), and (c) above and persons who provided feedback in the first round of consultation for a further round of targeted engagement. The groups were encouraged to provide feedback on the drafting by 21 May 2025, and an offer was made for further meetings or discussions on the draft provisions.
2. The approach to consultation was developed alongside Council's Communications Department. The approach to consultation with iwi/hapū was reviewed and supported by Council's Māori Outcomes Department.
3. The CBM and CL chapters review was discussed with Elected Members at the following meetings:
- Council Briefing – 24 October 2024
  - Council Briefing – 26 February 2025
  - Strategy, Planning and Development Committee – 17 April 2025
  - Strategy, Planning and Development Committee – 17 July 2025
4. The CBM and CL chapters review was discussed with Te Huinga on 27 March 2025 and with Te Kārearea Strategic Partnership Standing Committee on 5 November 2024 and 6 May 2025.

## Attachment 2: Pre-Notification Consultation Meetings

1. Prior to notification of Plan Change 4B the following meetings and discussions were held:

Date	Persons / Group
02/09/2024	Northland Regional Council, and Far North and Kaipara District Councils
06/09/2024	Whangarei District Council Infrastructure Planning Department
13/09/2024	Whangarei District Council Resource Consents Department
16/09/2024	Whangarei District Council Māori Outcomes Department
19/09/2024	Whangarei District Council Communications Department
23/10/2024	Whangarei District Council Briefing
05/11/2024	Te Kārearea Strategic Partnership Standing Committee
26/02/2024	Whangarei District Council Briefing
27/02/2025	Patuharakeke Te Iwi Trust Board
27/03/2025	Te Huinga
31/03/2025	Whangarei District Council Māori Outcomes Department
17/04/2025	Whangarei District Council Strategy, Planning and Development Committee
06/05/2025	Te Kārearea Strategic Partnership Standing Committee
17/07/2025	Whangarei District Council Strategy, Planning and Development Committee

## Attachment 3: Pre-Notification Feedback and Council Response

- The table below sets out the key feedback that was received on PC4B prior to notification and the response to that feedback through the notified PC4B.

Who	Feedback	Response
Survey response	There should be some regulation of unkempt sections within the residential areas that allow for the unchecked spread of weeds and noxious plants.	The NESCS sets out the rules that apply to contaminated pieces of land when undertaking an activity (e.g. earthworks, change of use, or subdivision). The Northland Regional Plan includes rules for managing discharges and the use of contaminants.
Survey response	Concerns raised about the number of old motor vehicles on land creating a high risk for oil pollution.	
Survey response	Contaminated land needs to be contained as soon as possible and any new activity that might contaminate should be managed.	
KiwiRail	The Council may wish to consider whether it would be appropriate to explicitly provide for temporary earthworks associated with the testing for contamination.	The NESCS NES does not say that a district plan rule can be more stringent than the NES and so all regulations in the NES prevail over any district rule that applies to assessing and managing contaminants in soil to protect human health (RMA s.43B(1)). A district plan rule cannot be more lenient than any NES (RMA s.43B(3)). If the district rule is more lenient, the NES prevails.
BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited	Expressed general support for the Operative CL chapter, but noted several issues and provided recommended drafting for a new CL chapter.	The feedback and recommended drafting have largely been incorporated into the proposed CL chapter where appropriate with some minor alterations to improve the efficiency of the provisions and the consistency with the overall structure and format of the WDP.

## ***Attachment 4: Pre-Notification Feedback from iwi and hapū***

1. No written feedback was received from iwi or hapū prior to notification.
2. A hui was held with Patuharakeke Te Iwi Trust Board on 27 February 2025 to discuss the review of the CBM and CL chapters among other District Plan work programme topics. The comments and feedback made during the hui were:
  - Patuharakeke Te Iwi Trust Board would like to review the draft provisions prior to notification to ensure there are no unintended consequences.
  - The contaminated land provisions should manage effects on the environment as well as human health.
3. The draft provisions were provided to Patuharakeke Te Iwi Trust Board for feedback from 25 March 2025 – 23 May 2025. No further feedback was received.
4. With regard to the contaminated land provisions, while the Operative CL chapter manages effects on the environment as well as human health, it is understood that this is beyond the scope of the NESCS. This NESCS does not say that a district rule can be more stringent than the NES and so all regulations in the NESCS prevail over any district rule that applies to assessing and managing contaminants in soil to protect human health.<sup>2</sup> Environmental effects are beyond the scope of the NESCS and are better managed by regional council rules such as rules managing discharges to water or contaminants from earthworks.

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<sup>2</sup> Refer to RMA section 43B(1).

## ***Attachment 5: PC4B Notification Process***

1. Plan Change 4B will be publicly notified concurrently with Plan Changes 4A and 4C.
2. These plan changes will be publicly notified because they relate to district-wide provisions that may affect members of the general public.
3. Notification will include sending letters or emails to:
  - Every ratepayer in the District; and
  - The Ministry for the Environment; and
  - Relevant Ministers of the Crown; and
  - Requiring Authorities; and
  - Far North District Council, Kaipara District Council, and Northland Regional Council; and
  - Iwi authorities; and
  - Whangarei District Council's hapū mailing list; and
  - Whangarei District Council's RMA Newsletter Planner Contact mailing list; and
  - Whangarei District Council's Residents & Ratepayers & Interest Groups mailing list; and
  - Persons who provided feedback during consultation
4. Notification will also include a formal notice being published in the Northern Advocate and full details of the plan change being made available on the WDC website.

***Attachment 6: Proposed Plan Change 4B Amendments to  
Whangārei District Plan Text***

***Plan Change 4C:  
Minor Improvements to the  
Whangārei District Plan***

***Section 32 Evaluation Report***

**2 July 2025**

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## 1 Introduction and Purpose

### 1.1 Purpose of Report

1. This report is in relation to proposed **Plan Change 4C: Minor Improvements (PC4C)** to the Whangārei District Plan (**WDP**). PC4C is proposed to address various technical issues that have been identified in the WDP. This report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**).
2. Under s32 of the RMA councils are required to examine whether the proposed changes to the provisions are the most appropriate way to achieve the objectives of the WDP which in turn must be appropriate to achieve the purpose (Part 2) of the RMA. This evaluation must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the proposed changes to the WDP.
3. Evaluations under s32 represent an on-going process in RMA plan development. A further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of PC4C.

### 1.2 Overview of Plan Change 4C

4. From 25 November 2024 to 31 January 2025 pre-notification consultation was carried out on several WDP review topics as part of the 10-year rolling review cycle. Analysis of feedback received through this consultation identified some minor errors and inconsistencies within various parts of the WDP. To address these issues in a timely manner and leverage process efficiencies, PC4C is proposed alongside Plan Change 4A – Temporary Activities and Plan Change 4B – Cross Boundary Matters and Contaminated Land.
5. PC4C Minor Improvements seeks to introduce minor changes to selected rules within the WDP 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, and to improve efficiency and effectiveness of the relevant provisions. The scope of PC4C is limited to a narrow suite of amendments, without making changes to objectives, policies, zoning, or maps.
6. The proposed amendments relate to:
  - Ensuring consistency of interpretation where provisions are ambiguous or contradictory;
  - Addressing gaps in WDP regulation, without making changes to the overall policy direction, objectives, or policies of the WDP; and
  - Correction of errors, grammar, and formatting included for administrative efficiency.

7. The scope of PC4C is limited to:
  - a. The issues identified, and the provisions that are proposed to be amended or inserted by PC4C, as detailed in Section 4 of this s32 Report for PC4C and in Attachments 1 and 4; and
  - b. The issues that were identified in pre-notification feedback as detailed in section 2.10 of this s32 Report for PC4C.
8. For the avoidance of doubt, changes to zoning are outside the scope of PC4C.
9. This s32 Report may refer to the following zones and chapters of the WDP which are listed below with their relevant acronyms for reference.
 

<ul style="list-style-type: none"> <li>• City Centre Zone (<b>CCZ</b>)</li> <li>• Coastal Environment (<b>CE</b>)</li> <li>• Commercial Zone (<b>COMZ</b>)</li> <li>• Future Urban Zone (<b>FUZ</b>)</li> <li>• General Residential Zone (<b>GRZ</b>)</li> <li>• Heavy Industrial Zone (<b>HIZ</b>)</li> <li>• Local Centre Zone (<b>LCZ</b>)</li> <li>• Light Industrial Zone (<b>LIZ</b>)</li> <li>• Large Lot Residential Zone (<b>LLRZ</b>)</li> <li>• Low Density Residential Zone (<b>LRZ</b>)</li> <li>• Medium Density Residential Zone (<b>MRZ</b>)</li> <li>• Mixed Use Zone (<b>MUZ</b>)</li> <li>• Neighbourhood Centre Zone (<b>NCZ</b>)</li> <li>• Natural Features and Landscapes (<b>NFL</b>)</li> <li>• Natural Open Space Zone (<b>NOSZ</b>)</li> </ul>	<ul style="list-style-type: none"> <li>• Open Space Zone (<b>OSZ</b>)</li> <li>• Port Nikau Development Area (<b>PNDA</b>)</li> <li>• Precincts (<b>PREC</b>)</li> <li>• Rural Lifestyle Zone (<b>RLZ</b>)</li> <li>• Rural Production Zone (<b>RPROZ</b>)</li> <li>• Sport and Active Recreation Zone (<b>SARZ</b>)</li> <li>• Shopping Centre Zone (<b>SCZ</b>)</li> <li>• Settlement Zone (<b>SETZ</b>)</li> <li>• Signs (<b>SIGN</b>)</li> <li>• Subdivision (<b>SUB</b>)</li> <li>• Three Waters Management (<b>TWM</b>)</li> <li>• Town Centre Zone (<b>TCZ</b>)</li> <li>• Transport (<b>TRA</b>)</li> <li>• Waterfront Zone (<b>WZ</b>)</li> </ul>
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10. PC4C will be publicly notified. Refer to Attachment 3 for a summary of the notification process.
11. In accordance with section 86B(1)(c) of the RMA, any rules proposed by PC4C will not have legal effect until the proposed plan change becomes operative in accordance with clause 20 of Schedule 1 to the RMA.

## 2 Statutory and Policy Context

12. The WDP sits within a layered policy framework under the RMA. The relevant policy documents that were taken into consideration when preparing PC4C are discussed below.

## 2.1 Resource Management Act 1991

13. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires any changes to district plans, whether private or Council initiated, to meet the purpose and principles of the RMA.
14. The statutory context for the preparation and evaluation of plan changes under the RMA that are relevant to PC4C is summarised as follows:
  - **Section 32** – The way an evaluation of a plan change must be carried out is set out in this section.
  - **Section 35** – Council’s obligations to gather information, monitor, and keep records is set out in this section.
  - **Section 74** – Matters that the plan change must “accord with” and “have regard to” are set out in this section.
  - **Section 75** – Higher order plans that the plan changes must “give effect to” are set out in this section.
  - **Schedule 1** – Direction for the preparation, change, and review of policy statements and plans is set out in this section.
15. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management means:
 

*managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*

  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
16. In achieving this purpose, all persons exercising functions and powers under the RMA also need to:
  - Recognise and provide for the matters of national importance identified in section 6
  - Have particular regard to the range of other matters referred to in section 7
  - Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in section 8.
17. The following of national importance under section 6 RMA is relevant to PC4C:

(a) the preservation of the natural character of the coastal environment – in relation to issue #5 Coastal Environment Cut and Batter Face Heights.

18. There are no section 7 matters directly relevant to PC4C.
19. Section 8 of the RMA requires the district council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities and hapū contact lists, have been consulted as part of PC4C. This feedback has informed the s32 evaluation, and the obligation to make informed decisions based on that consultation is noted.
20. Under section 35(2)(b) of the RMA, every local authority shall monitor the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan and take appropriate action (having regard to the methods available to it under the RMA) where this is shown to be necessary. PC4C sets out issues identified within the WDP that relate directly to the efficiency and effectiveness of the provisions within it.
21. The mechanisms as set out in Schedule 1 of the RMA require Council to undertake adequate plan preparation, consultation, hearings, and necessary revisions to the proposed plan as required. By using Schedule 1, Council can implement s35(2)(b) and ensure the efficiency and effectiveness of the WDP.

## 2.2 National Environmental Standards

22. Section 75(3) of the RMA requires district plans to give effect to National Environmental Standards (**NES**). Section 44 of the RMA requires local authorities to recognise NESs by ensuring plan rules do not duplicate provisions in an NES. There are ten NESs currently in force at the time of writing:
  - NES for Air Quality 2004
  - NES for Sources of Human Drinking Water 2007
  - NES for Telecommunication Facilities 2016
  - NES for Electricity Transmission Activities 2009
  - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
  - NES for Commercial Forestry 2023
  - NES for Freshwater 2020
  - NES for Greenhouse Gas Emissions 2023
  - NES for Marine Aquaculture 2020
  - NES for Storing Tyres Outdoors 2021

23. No NESs are considered directly relevant to PC4C.
24. On 29 May 2025 the Ministry for the Environment opened consultation on updating RMA national direction which included proposals to update national direction for infrastructure, development and the primary sector, and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system. This included proposals on new NESs.
25. The proposals are in draft form and do not have any legal weighting. It is noted that the proposals do include consideration of a more permissive framework for granny flats (second residential units). There is limited information on what elements of district plan controls on residential character and amenity may be impacted by the proposal. If there were new NES gazetted which related to the topics included in this plan change, such as outdoor living courts, then it is likely that those standards would override any district plan provisions.

### 2.3 National Policy Statements

26. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently eight NPSs in force:
  - NPS for Indigenous Biodiversity 2023
  - NPS for Highly Productive Land 2022
  - NPS on Urban Development 2020
  - NPS for Freshwater Management 2020
  - NPS for Renewable Electricity Generation 2011
  - New Zealand Coastal Policy Statement 2010
  - NPS on Electricity Transmission 2008
  - NPS for Greenhouse Gas Emissions from Industrial Process 2023
27. The NPS on Urban Development (**NPS-UD**) requires Council to provide at least sufficient development capacity to meet expected demand for housing land over the short term, medium term, and long term. This is not directly relevant to PC4C, but it is noted that PC4C proposes amendments that may assist in providing additional development capacity to help give effect to the NPS-UD.
28. The NPS on Highly Productive Land (**NPS-HPL**) requires highly productive land to be protected for use in land-based primary production, both now and for future generations. While not directly relevant to PC4C, it is noted that some of the proposed amendments may

lead to perceived increased development rights in some cases where WDP provisions might have been previously interpreted and applied in an overly restrictive manner. In particular this relates to the amendments proposed under issue #8 in relation to residential unit density provisions in the Settlement Zone. It is considered that the amendments still give effect to the NPS-HPL and do not diminish any of the current WDP provisions applicable to highly productive land.

29. No other NPS is considered directly relevant to the consideration of PC4C.
30. On 29 May 2025 the Ministry for the Environment opened consultation on updating RMA national direction which included proposals to update national direction for infrastructure, development and the primary sector, and on options to amend freshwater national direction, and test how housing proposals could fit into the new resource management system. This included proposals on new NPSs.
31. The proposals are in draft form and do not have any legal weighting. It is considered that the NPS proposals are not directly relevant to PC4C.

## 2.4 National Planning Standards

32. Section 75(3) of the RMA requires district plans to give effect to the National Planning Standards 2019 (**Planning Standards**).
33. The purpose of the Planning Standards is to improve consistency in plan and policy statement structure, format, and content. The Planning Standards were introduced as part of the 2017 RMA amendments. Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as NPSs and help people to comply with the procedural principles of the RMA.
34. It is considered that the amendments proposed through PC4C give effect to the Planning Standards.

## 2.5 Northland Regional Policy Statement and Regional Plans

35. The policies and methods contained in the NRPS contain guidance for territorial authorities for plan making. Table 1 below provides a summary of the NRPS policies that are directly relevant to PC4C.

**Table 1: Evaluation of the relevant policies and methods of the NRPS**

NRPS Policy	NRPS Method	Relevance
5.1.1 <i>Subdivision, use and development should be located, designed and built in a planned</i>	5.1.5 Give effect to Policy 5.1 when developing objectives, policies and methods for plan changes.	PC4C proposes amendments related to a number of activities (e.g. visitor accommodation, show homes and hours of operation in the commercial

<p>and co-ordinated manner which: ...</p> <p>(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ...</p> <p>(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;...</p> <p>(h) Is or will be serviced by necessary infrastructure</p>		<p>zone) seek to reduce the potential of incompatible activities leading to reverse sensitivity.</p> <p>PC4C proposed amendments to coastal environment cut and batter faces seek to resolve the issue of cumulative effects on the coastal environment from terraced cuts and walls.</p> <p>PC4C proposed amendments to information requirements on reticulated water networks and to Settlement Zone density allowance are aligned with the RPS requirement to ensure infrastructure servicing for new development.</p>
<p>6.1.1 District plans shall:</p> <p>(a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</p> <p>(b) Be as consistent as possible;</p> <p>(c) Be as simple as possible;</p>	<p>6.1.4 The regional and district councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall:</p> <p>(a) Demonstrate how Policy 6.1.1 is given effect;</p> <p>(b) Consider: removing unnecessary regulation; opportunities for streamlined, efficient processes; increasing flexibility, certainty, confidence and consistency; and taking a risk-based approach;</p>	<p>PC4C proposes amendments to existing WDP provisions to improve their clarity and consistency and to ensure the rules are working efficiently and effectively.</p>
<p>8.1.1 The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.</p> <p>8.1.2 The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <p>(a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;</p> <p>(b) Have particular regard to kaitiakitanga; and</p> <p>(c) Take into account the principles of the Treaty of Waitangi including</p>		

<p>partnership.8.1.1 The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.</p>		
<p>8.1.3 The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.8.1.2 The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <p>(a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;</p> <p>(b) Have particular regard to kaitiakitanga; and</p> <p>(c) Take into account the principles of the Treaty of Waitangi including partnership.8.1.1 The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.</p>		
<p>8.1.4 Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.8.1.3 The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act</p>	<p>8.1.5 The regional and district councils shall:</p> <p>(a) Engage with iwi authorities at the earliest possible stage of any review and / or change to plans developed under the Resource Management Act 1991(RMA) to agree appropriate mechanisms for tangata whenua participation and consultation; and</p> <p>(b) Include an analysis of the effects of any resource consent application on tangata whenua and their</p>	<p>Consultation with iwi and hapū has been undertaken during the preparation of PC4C as set out in section 2 below. No feedback was received during the consultation.</p> <p>PC4C proposes to address minor errors and inconsistencies within various parts of the WDP without making changes to the overall policy direction, objectives, or policies of the WDP.</p>

<p>1991.8.1.2 The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <p>(a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;</p> <p>(b) Have particular regard to kaitiakitanga; and</p> <p>(c) Take into account the principles of the Treaty of Waitangi including partnership.</p>	<p>taonga, including details of any proposed measures to avoid, remedy, or mitigate effects and consultation undertaken, in all regional and district council reports on resource consent applications.</p>	
<p>8.1.4 Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.</p> <p>8.1.3 The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.</p>		
<p>8.1.4 Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.</p>		

36. The new Regional Plan for Northland (**RPN**) combines the operative Regional Plans applying to the coastal marine area, land and water, and air into one combined plan. Having reviewed the RPN it is considered that the amendments proposed through PC4C are consistent with the RPN.

## 2.6 Iwi and Hapū Management Plans

37. Under section 74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being:
- Te Iwi O Ngatiwai Environmental Policy Document (2007),

- Patuharakeke Te Iwi Trust Board Environmental Plan (2014),
- Ngati Hine Iwi Environmental Management Plan (2008),
- Ngati Hau Hapū Environmental Management Plan (2016)
- Te Uriroi Hapū Environmental Management Plan and Whatatiri Environmental Plan (2016).

38. Council is also aware of the following documents that have not been lodged with Council:

- Ngāti Wai Iwi Environmental Management Plan (2015)
- Ngāti Hine Iwi Environmental Management Plan (2022)

39. Each plan is comprehensive and covers a range of matters. PC4C has taken into account these management plans to the extent that their content has a bearing on the matters included in the plan change. There do not appear to be any provisions within these management plans directly related to PC4C.

## 2.7 Other Legislation, Guidance and Policy Documents

### Whangārei District Council's Future Development Strategy

40. The Whangārei Future Development Strategy provides a roadmap for planning, managing and optimising the opportunities presented by future growth over the next 30 years. It is considered that the Strategy is not directly relevant to PC4C.

### Whangarei District Council Bylaws

41. Table 2 below sets out the current Council bylaws that are relevant to the consideration of PC4C:

**Table 2: Evaluation of the relevant Council bylaws**

Council Bylaw	Relevance to PC4C
Public Places Bylaw 2014	<p>This bylaw is about the public places in the District that Council owns or manages. It is in place to:</p> <ul style="list-style-type: none"> <li>• protect the public from nuisance; and</li> <li>• support public health and safety; and</li> <li>• minimise the potential for offensive behaviour.</li> </ul> <p>This is relevant to Issue #11 Visitor accommodation, whereby the Bylaw prohibits the establishment of unauthorised living accommodation on Council land, including tents, caravans or other structures on road verges regardless of zoning. In this way, the Bylaw provisions assist with managing effects of ah-hoc visitor accommodation. The Bylaw does not contain any provisions related to lighting of public spaces, therefore does not impact the proposed amendments under Issue #6 Uplighting.</p>

Wastewater Bylaw 2014	<p>This bylaw covers wastewater drainage from domestic premises into Council's public wastewater network. It sets out the requirements and responsibilities of property owners for connection to, and maintenance of, the drainage system in order to protect it from misuse and damage.</p> <p>This is relevant to Issue #3 Reticulated network capacity and #8 SETZ principal residential unit allowance, the bylaw in that the bylaw sets out conditions on new wastewater discharge connections, including there being adequate capacity is available in the sewer network to service the premises. The bylaw also sets out protections for reticulated water network capacity by limiting the discharge of unacceptable wastes, such as Trade Waste.</p>
Parking and Traffic Bylaw 2017	<p>This bylaw sets the requirements for parking on land owned or controlled by Whangarei District Council. This is relevant to Issue #11 Visitor accommodation and #13 Show Homes where additional vehicles belonging to visitors may be parked on the side of a road. The Bylaw provides a clear set of parking rules and an enforcement regime.</p> <p>The proposed PC4C controls on vehicle movements do not duplicate any of the Bylaw provisions, as WDP regulates a different aspect of road use.</p>

42. PC4C has taken these bylaws into consideration to ensure that district plan provisions are not duplicating other Council functions and regulations.

## 2.8 Evaluation of Scale and Significance

43. Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of provisions so that it is focused on key changes from the status quo. The scale and significance of the environmental, economic, social, and cultural effects of the provisions in PC4C are evaluated in Table 3 below.

**Table 3: Assessment of the scale and significance of PC4C**

Criteria	Comment	Assessment
<b>Raises any principles of the Treaty of Waitangi</b>	The proposed amendments have limited significance in relation to principles of the Treaty of Waitangi. The proposed amendments are related to improving the efficiency, effectiveness, and clarity of existing provisions. Tangata whenua, through iwi authorities and hapū contact lists, have been consulted as part of the preparation of PC4C. No feedback was received.	Low
<b>Degree of change from the Operative Plan</b>	The proposed amendments are generally related to improving the efficiency, effectiveness, and clarity of existing provisions. The proposed amendments do not seek to significantly alter the intent of the existing provisions and in some cases seek to better align the provisions with the intent that was set out in the s32 reports for the provisions originally.	Low

<b>Effects on matters of national importance</b>	The proposed amendments do not directly relate to matters of national importance.	Low
<b>Scale of effects – geographically (local, district wide, regional, national)</b>	The proposed amendments apply to various provisions throughout the WDP that are relevant throughout the District.	Moderate
<b>Scale of people affected – current and future generations (how many will be affected)</b>	The amendments apply to a range of provisions that could potentially affect many people within the District. However, the amendments are related to improving the efficiency, effectiveness, and clarity of existing provisions and do not represent a significant change from the operative WDP provisions.	Low
<b>Scale of effects on those with a specific interest</b>	The proposed amendments are general in nature and are not intended to apply to parties with specific interests. Specific interests can be identified and addressed through the submissions and plan change process.	Low
<b>Degree of policy risk- does it involve effects that have been considered implicitly or explicitly by higher order documents or are addressed by other standards?</b>	The proposed amendments align with direction in higher order documents including the NRPS and the Planning Standards which support improving the clarity and simplicity of Plan provisions.	Low

44. The overall scale and significance of PC4C has been assessed as low. Based on this assessment, this s32 Evaluation Report contains a lower relative level of detail and analysis for the proposed provisions.

## 2.9 Benchmarking and Monitoring

45. The RMA does not require anticipated environmental outcomes or indicators for monitoring to be developed and included as part of a schedule 1 plan change. Nevertheless, it can be beneficial to have regard to how the efficiency and effectiveness of proposed provisions will be monitored in the future.
46. The amendments proposed through PC4C are general in nature and where possible, create minimal changes to how the plan is interpreted. The amendments generally consist of correction of errors or anomalies, adjustments to improve clarity and interpretation, and minor amendments to outdated text and maps.
47. As PC4C is not proposing to alter the outcomes anticipated by the WDP, it is considered that the key anticipated environmental outcome is improved efficiency and clarity of district plan provisions. In the future this can be monitored by the number and nature of queries that are raised around interpretation of plan provisions.

## **2.10 Summary of Issues Raised in Pre-Notification Engagement and Consultation**

48. Council undertook early engagement on potential issues to address through a Minor Improvements plan change from 17 April 2025 to 21 May 2025. At this time a summary of the issues proposed for a Minor Improvements plan change were provided to iwi/hapū contacts, iwi authorities, statutory bodies, and other key stakeholders for feedback. See Attachment 2 for further details on the pre-notification consultation process.
49. Feedback was received during the pre-notification engagement relating to:
  - Road mapping hierarchy data sources
  - Sealing requirements for accessways
50. The feedback is summarised below for each of the matter raised.

### **Road mapping hierarchy data sources**

51. The WDP District-Wide Matters mapping layers include a “Road Hierarchy” layer that is based on the New Zealand Transport Association’s One Network Road Classification (**ONRC**). It has been identified that road hierarchy layer has many errors where roads appear to cross through the middle of sites and onto private property. For district plan purposes, road locations and hierarchies trigger rules such as minimum driveway distances from intersections and setbacks from road boundary. Breaching these distances triggers a requirement for a resource consent.
52. The Roding Department provided information during the pre-notification engagement that an updated Transport Asset Database is in its final stages of completion as part of nationwide implementation of a new Asset Management Data Standard (**AMDS**) by the New Zealand Transport Agency. The Transport Asset Database is currently maintained by the Roding Department and includes road hierarchy data that corresponds to the One Road Network Categories used in the WDP.
53. In response to this feedback the District Plan department sought a technical quality assessment of the newly available road mapping data. The quality assessment demonstrated that a large number of known discrepancies in the operative WDP road hierarchy layer have been corrected in the updated Transport Asset Database (previous estimates found over 800 mapping errors in the operative map layer). However, it is noted that there are some omissions in the new data, for example in relation to some of the recent subdivisions. Quality assessment picked up 72 confirmed errors or discrepancies in the Transport Asset Database, with the likelihood there may be more errors remaining undetected. The most common errors appear to be road overshoots, undershoots, missing roads, misalignment and mis-connection of roads to State Highways.

54. While the need to update the road hierarchy mapping is recognised, and the improvements in the Transport Asset Database road mapping data are acknowledged, it is understood that updates to the Transport Asset Database have not been finalised. The final roading data is yet to be approved by the AMDS group at NZTA as part of nationwide implementation and there is still a possibility that further changes to the data may arise from this. For this reason, it is recommended that amendments to the operative WDP road hierarchy layer be deferred until such time when a confirmed roading dataset becomes available and sufficient time is given to carry out quality checks for WDP purposes.

#### **Sealing requirements for accessways**

55. Feedback was received that rule TRA-R8.2 in the TRA chapter results in onerous requirements for larger sites that are relatively common within the certain zones. The feedback is acknowledged, and the matter has been included in PC4C as Issue #4.

### ***2.11 Summary of Advice from Engagement/Consultation with Iwi Authorities***

56. Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities.
57. Iwi groups were invited to provide feedback during the early engagement on potential issues to address through a Minor Improvements plan change from 17 April 2025 to 21 May 2025. At this time a summary of the issues proposed for a Minor Improvements plan change were provided to iwi/hapū contacts and iwi authorities, as detailed in Attachment 2.
58. No feedback was provided from these groups in relation to PC4C.
59. When preparing PC4C, iwi and hapū management plans were taken into account as discussed in section 2 of this report.

## ***3 Evaluation of Objectives***

60. Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. PC4C does not propose any new objectives or policies.
61. Discussions on relevant objectives from the WDP are provided as necessary for each issue under section 4 below.

## 4 Evaluation of Provisions

62. Section 32(1)(b) of the RMA requires an evaluation report to examine whether proposed provisions are the most appropriate way to achieve the objectives by:
- identifying other reasonably practicable options for achieving the objectives; and
  - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - summarising the reasons for deciding on the provisions.
63. When assessing the efficiency and effectiveness of the provisions in achieving the objectives, Section 32(2) of the RMA requires that the assessment:
- identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
  - economic growth that are anticipated to be provided or reduced; and
  - employment that are anticipated to be provided or reduced; and
  - if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
64. This section discusses the identified issues to be addressed through PC4C and follows the following structure for each issue:
- Overview of current provision(s) and existing resource management issue.
  - Summary of proposed amendments to address the issue.
  - Assessment of reasonably practicable options and associated provisions (policies, rules, and standards) for achieving the objectives in accordance with these requirements.
65. Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:
- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues.
  - **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

### 4.1 Issue #1 – RMA definitions incorporated in the WDP

#### Status quo and problem statement

66. The Definitions chapter includes several definitions from the RMA. The introduction to the chapter establishes, on the one hand, that “*words defined in the Resource Management Act 1991 have the same meaning in this Plan, unless the context otherwise requires*”, but then goes on to set out that “*in case of any inconsistency, the statutory definition prevails*”. As well as being contradictory, this approach is potentially also not valid as the RMA definitions could change which could have significant impacts on interpretation and intent of WDP provisions.
67. The WDP also includes definitions that are made up of combined RMA wording and wording under other legislation. An example of this is the definition of “hazardous substance” in the WDP which include verbatim RMA wording followed by wording from the Hazardous Substances and New Organisms Act 1996. Likewise, the WDP definition of “road” is composed of an RMA reference to the Local Government Act 1974 and the Government Roadway Powers Act 1989 followed by definition text derived from those Acts.
68. A review exercise in the preparation of this issue identified the need for consequential amendments to a number of RMA definitions:
- a. **Allotment** – subclause 1(a) of the WDP definition in refers to Land Transfer Act 1952, however the correct reference provided in s218(2)(a) RMA is to Land Transfer Act 2017. Section 218(2)(a) was amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30). The Planning Standards prescribed definition of “allotment” also refers to the Land Transfer Act 2017.
  - b. **Discharge** – the preposition “to” is missing in WDP between the words “allow” and “escape”.
  - c. **Infrastructure** – the WDP definition refers to outdated Acts that have been replaced by new legislation:
    - subclause (i) refers to “an airport as defined in section 2 of the Airport Authorities Act 1966”, however the RMA definition has been amended and refers in the equivalent clause (i) to “an aerodrome as defined in section 5 of the Civil Aviation Act 2023”;
    - subclause (j) refers to “a navigation installation as defined in section 2 of the Civil Aviation Act 1990”, while the RMA refers to “a navigation installation as defined in section 5 of the Civil Aviation Act 2023”.

#### Proposed PC4C amendments

69. It is proposed to amend the Introduction section to the Definitions chapter in WDP as follows:

### **Introduction**

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

70. It is proposed to update the definitions for “allotment”, “discharge” and “infrastructure” as described above and shown in Attachment 1.

### Assessment of options

71. The status quo is not proposed as a reasonably practicable option due to validity risk described above, therefore no further analysis is required for the status quo as an option.
72. It is considered that the proposed amendments are an appropriate solution to the issues identified above. Under this approach, those RMA definitions that are currently duplicated in WDP, would remain in the WDP. Any remaining RMA terms that are not specifically defined in WDP, would have the meaning given to them by the respective RMA definition at a specified point in time. The advantage of this approach is that if the RMA definition changes then the meaning of the same term in the WDP would not be affected. In case of significant changes to the RMA affecting key definitions, a review of WDP would be required. This is because material changes to WDP can only be made via as Schedule 1 RMA process, unless a specific piece of legislation or a higher order planning instrument provides a different review regime (such as in the case of Planning Standards).
73. The amendments proposed to the definitions of “allotment”, “discharge”, “infrastructure”, and “noise rating level” are minor in nature and achieve consistency with the RMA and Planning Standards.

## **4.2 Issue #2 – Definitions of Major Structure and Minor Building**

### Status quo and problem statement

74. The overarching definitions of “structure” and “building” are set by higher order documents:
- The RMA and Planning Standards define structure as “*any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft*”.
  - The Planning Standards define building as “*a temporary or permanent moveable or immovable physical construction that is: partially or fully roofed, and is fixed or located*”.

*on or in land, but excludes any motorised vehicle or other mode of transport that could be moved under its own power.”*

75. There has been a degree of uncertainty as to the appropriate application of the definitions of Major Structure and Minor Building. Specifically, known interpretation challenges relate to:
- Unintended misclassification of minor buildings as being a part of a building or a major structure when assessing development proposals, leading in some cases to resource consents being triggered for structures that should otherwise be exempt from the height, setback, height in relation to boundary, and coverage rules.
  - Difficulties in assessing fences and walls as either major structures or minor buildings due to an overlap in the definitions.

76. The paragraphs below discuss the identified issues in more detail.

#### Minor buildings

77. According to the operative WDP, structures are classified as either a Major Structure or a Minor Building. Minor buildings generally have a permitted activity status.
78. Interpretation anomalies have arisen since the Urban and Services Plan Change became operative in 2022, conflating the term “minor building” with “building” and “major structure”. This can lead to structures, such as low disability ramps, being assessed as “major structures” and triggering setback requirements.
79. To assist with implementation of the definitions, an internal practice note has been established that when applying the definitions of minor buildings and major structures, the definition of minor building needs to be assessed first to identify those parts of a given structure that can be excluded from consideration. The remaining parts of the structure (i.e. those that are not a “minor building”) can then be assessed against the definitions of “building” or “major structure” as defined in the District Plan. Despite this, implementation has remained inconsistent, necessitating a plan change to resolve the issue.

#### Fences and walls

80. When assessing fences and walls, there is an overlap between the definitions of Minor Building and Major Structure. Structures (e.g. a fence or a wall) that are between 2m and 2.2m high and less than 9m<sup>2</sup> ground coverage meet both the definitions of Minor Building and Major Structure due to the overlap in their drafting. This leads to inconsistent interpretation and exposes the rules to a risk of challenge.

81. Low fences and walls that are between 300mm high to 2m high and more than 9m<sup>2</sup> ground coverage (understood to be a sum of all areas covered by support posts in a case of a standard wooden fence) may become deemed major structures due to their ground coverage. As fences and walls are usually proposed on site boundaries, this creates unintended resource consenting requirements.
82. Interpretation uncertainty has also arisen within the Major Structure definition itself. When a fence or wall is between 2m and 2.2m high but due to its extensive length exceeds the 9m<sup>2</sup> ground coverage it is unclear whether sub-part C of the definition or sub-part E of the definition should apply.

### Proposed PC4C amendments

83. The proposed amendments seek to clarify the relationship between major structure and minor building by amending the definitions as follows:

#### **Major Structure**

means **a structure that does not meet the definition of a minor structure, and is** any:

- a. vehicle used as residential activity, excluding temporary activities.
- b. network system exceeding 1.5m in height above ground level or 3m<sup>2</sup> ground coverage;
- c. fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height shall be measured from the lowest ground level of either to the highest point of either;
- d. tank or pool exceeding 35,000 litres;
- e. structure, **other than that referred to in sub-parts (c) and (d),** greater than 2.2m in height above ground level or greater than 9m<sup>2</sup> ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

#### **Minor building**

Means **a structure that is any:**

- a. **a** network system which is 1.5m or less in height above ground level and which has 3m<sup>2</sup> or less ground coverage;
- b. **any** tank or pool not exceeding 35,000 litres;
- c. **any** tent or marquee erected on a temporary basis;
- d. **any** structure 300mm or less in height above ground level;
- e. **any** structure, **other than that referred to in sub-parts (a) – (d) and (f),** which is 2.2 m or less in height above ground level and which has 9m<sup>2</sup> or less ground coverage.
- f. **fence or wall, or combination of either, 2m or less in height above ground level.**

### Assessment of options

84. The following options were identified for addressing the issue:
- Option 1: Make no changes to the WDP and rely on permitted boundary pathways and the internal practice note to resolve any implementation discrepancies (status quo)
  - Option 2: Delete the definitions of major structure and minor building and rely on the RMA and Planning Standards definitions of “structure” and “building”.
  - Option 3: Amend the definitions of major structure and minor building as set out above.
85. The status quo has been demonstrated to be ineffective, causing inconsistent application of rules. Due to this, Option 1 is not acceptable as it exposes Council to a risk of challenge and causes confusion for applicants.
86. Option 2 would be aligned with the approaches adopted by other district plans around the country, including the recently proposed Kaipara District Plan. However, this would require a fundamental re-writing of the entire structure of the WDP through a comprehensive plan change. This Option would be less cost-effective compared to targeted amendments to the definitions.
87. Option 3 is considered to provide the most balanced approach and would be within the current policy direction of WDP, based on the reasons set out below.

### History and intent of the definitions

88. The WDP provisions under the notified Urban and Services Plan Change were written around the RMA definition of “structure” and the WDP definition of “building”. The Planning Standards<sup>1</sup> were gazetted following the notification of the Urban and Services Plan Change. The Planning Standards included mandatory directions with respect to definitions and specified that if a term defined in the Planning Standards is used in a district plan, then the Planning Standards definition must be specified. This included the definition of Building.
89. The Planning Standards definition of Building constituted a significant change from the earlier WDP definition. The earlier definition in the WDP<sup>1</sup> provided a list of exclusions for certain structures with minor effects, providing a permitted pathway for fences, small garden sheds, water tanks and low patios and ramps. Due to changes to the definition of Building, consequential amendments were made to the Urban and Services Plan Change to preserve a

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<sup>1</sup> Under Plan Change 45. Chapter 4 – Meaning of Word – Building. Council Decision 9 April 2008

permitted pathway for such structures and preserve the integrity of WDP by creating new definitions of 'Major Structure' and 'Minor Building'.

#### Effects of fences and walls

90. In relation to fences and walls, the proposed amendments remove the area of overlap between definitions. This would create a slightly more permissive regime for fences and walls compared to the status quo by removing the link to the 9m<sup>2</sup> ground coverage threshold (contact area of fence posts and palings with the ground). However pragmatic calculations show that a fence would typically have to be over 500m long before it would exceed 9m<sup>2</sup> ground coverage, while the perimeter of most urban residential sites would be far less than that. Based on this the 9m<sup>2</sup> ground coverage limit is considered redundant and not effects based.
91. For any retaining walls of substantial length, provisions of the Earthworks Chapter would apply, in addition to any NRP rules. It is noted that Plan Change 1 – Natural Hazards (which is currently subject to appeals) introduces earthworks controls in areas of land instability with permitted pathways for cut/fill faces limited to only 0.5m in height from ground level within areas of moderate or high susceptibility to land instability hazards. Therefore, any residual risk of the amendments proposed here in relation to walls is considered to be minimal.

#### Conclusion

92. Overall, Option 3 is considered the most reasonably practicable and cost-effective option to address the issues with the definitions and would contribute to improved compliance, reduced number of interpretation queries and faster application processing. As demonstrated above, formalising the current interpretation practice would be aligned with the history of the development of the term "minor building" and "major structure" and the intent of these definitions as per the plan change documents referred to above. The proposed amendments are consistent with the scope of a Minor Improvements plan change as they do not constitute a change from the current policy approach.

### **4.3 Issue #3 – Reticulated water network capacity**

#### Status quo and problem statement

93. The WDP includes rules requiring that any new development must provide for a connection to public reticulated three waters network(s) if it is located within the reticulated areas<sup>2</sup>.
94. The operative information requirement rules TWM-REQ1, PREC9-REQ2, PREC14-REQ1, PREC16-REQ2, PREC23-REQ1 stipulate that the applicant must provide "confirmation" from

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<sup>2</sup> TWM-R2, TWM-R3, and TWM-R4.

Council that sufficient capacity exists in the reticulated water network. However, if there is no capacity then the information requirement cannot be met, and a resource consent application cannot be accepted by Council due to a technicality that s88 RMA requirements are not met in relation to completeness of an application. While information requirement rules are a valid test under the RMA, in this particular case the requirement to provide a “confirmation” stops an application from being accepted and therefore creates a quasi-prohibited activity status, which is not the intent of operative policies and rules.

95. The aforementioned information requirement rules are not well drafted and as a result are potentially invalid as they prevent an applicant from making a consent application to resolve servicing issues. These rules use terminology that differs from other similar rules in WDP. For example, PREC12-REQ2 relates to identical matters, however, uses the wording “*information from Council as to whether the existing reticulated water supply network can service the proposed development*” rather than “confirmation” that capacity exist.

#### Proposed Amendments

96. It is proposed to amend TWM-REQ1 as shown below and make corresponding amendments to PREC9-REQ2, PREC14-REQ1, PREC16-REQ2, and PREC23-REQ1 as shown in Attachment 1:

#### ***TWM-REQ1 Connection to Public Reticulated Three Waters Networks***

##### ***All Zones and Port Nikau Development Area***

1. Any consent application where connection to public reticulated three waters network(s) is proposed shall include an assessment detailing (where relevant):
  - a. Provision made for connections to public reticulated three waters networks.
  - b. **Confirmation Information** from Council **that as to whether** sufficient capacity exists within public reticulated three waters networks to service the proposed development.
  - c. Any upgrades and/or extensions to existing public reticulated three waters infrastructure that are proposed or necessary.
  - d. Consideration of the elevation of each proposed lot to establish a service envelope where that lot is able to be serviced without the need for on-site pumping. Reference shall be made to any part of the lot that is outside the service envelope.
  - e. Land and infrastructure to be vested in the Council.

#### Assessment of options

97. The status quo is not an acceptable option because it is not considered a reasonable use of Council’s power to reject an application for an issue where Council is also the holder of the

way to resolve the issue. The applicant has no power over how to resolve the matter, because capacity issues lie in Council-owned infrastructure.

98. The proposed amendments are considered the most efficient way to address the issue, without causing extensive changes to the WDP. There is confidence that the rules are structured that once Council accepts the applications, the processing planners would have the power to decline them if necessary for reasons of reticulated network capacity or impose conditions to overcome it by other means.
99. The proposed amendments are aligned with the existing wording in rule PREC12-REQ2. There is no evidence of any issues with that wording, and amending the identified rules will improve consistency in the WDP.

#### **4.4 Issue #4 – Sealing requirements for accessways**

##### Status quo and problem statement

100. Rule TRA-R8.2 in the TRA chapter requires that on-site accessways and parking areas are formed, drained and sealed with a permanent all-weather surface in the following instances:
  - Urban Zone sites.
  - Future Urban Zone sites with an area less than 2,000m<sup>2</sup>.
  - Settlement Zone sites.
  - Strategic Rural Industries Zone sites.
  - Any accessway serving more than 5 principal residential units.
  - Where the gradient exceeds 16%.
101. It has been identified that this rule results in onerous requirements for larger sites which are relatively common within the SETZ, the LLRZ, and the LRZ. In many cases sites larger than 2,000m<sup>2</sup> within these zones are often adjoining metal roads or accessways and can have long private accessways. Requiring sealing the private accessways can incur significant additional costs and provides minimal benefit.

##### Proposed Amendments

102. It is proposed to amend Rule TRA-R8.2 as shown below and as shown in Attachment 1:

<p><b>TRA-R8 Crossings, Accessways and Parking Areas (Sealing and Formation Standards)</b></p>
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<p><i>Activity Status: Permitted</i></p>
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<p><i>Where in All Zones and Port Nikau Development Area:</i></p>
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- |  |
|--|
| <ol style="list-style-type: none"> <li>1. <i>Vehicle crossings accessing a sealed road are sealed to a standard not less than that of the adjoining road surface.</i></li> </ol> |
|--|

2. On-site accessways and parking areas (including loading and manoeuvring areas) are formed, drained and sealed with a permanent all-weather surface in the following instances:
- a. Urban Zone sites, **excluding Low Density Residential Zone and Large Lot Residential Zone sites with an area greater than 2,000m<sup>2</sup>.**
  - b. Future Urban Zone sites with an area less than 2,000m<sup>2</sup>.
  - c. Settlement Zone sites, **excluding Sub-Zone 1 – Settlement Zone Residential sites with an area greater than 2,000m<sup>2</sup>.**
  - d. Strategic Rural Industries Zone sites.
  - e. Any accessway serving more than 5 principal residential units.
  - f. Where the gradient exceeds 16%.

#### Assessment of options

103. As discussed in paragraph 101 above, the status quo has resulted in onerous requirements in some instances where it does not provide a clear benefit. The status quo therefore is not considered to be an efficient or effective option.
104. The proposed amendments retain the overall policy intent and better align the rule with the classifications of “urban” and “rural” set out in the notes of Appendix 2D of the TRA chapter. The amendments still ensure that sites which are urban in character or are likely to be in closer proximity to other sites provide sealed accessways to achieve TRA-O5 and TRA-P6.
105. For the purpose of this evaluation, Council has considered deleting TRA-R8.2 entirely and not specifying any sealing requirements for private accessways. This would provide more flexibility for some sites and could reduce development costs. However, this would not achieve TRA-O5 and TRA-P6 and could result in adverse effects in relation to amenity and dust nuisances in these zones. Deleting the rule entirely would also be inconsistent with section 3.2.2.7 of the Whangarei District Council Engineering Standards 2022.
106. It is considered that the proposed amendments are the most appropriate option to address the identified issue while retaining the overall policy intent of the WDP.

## **4.5 Issue #5 – Coastal Environment Cut and Batter Face Heights**

### Status quo and problem statement

107. The CE Chapter provides permitted activity pathways for earthworks and farm quarries where the maximum face height of any “cut, fill and/or batter face” does not exceed 2m.<sup>3</sup> See rule CE-R10.2 below as an example:

<sup>3</sup> Rules CE-R8.1(b), CE-R10.2, CE-HNC-R6.1(b), CE-HNC-R8.2, CE-ONC-R6.2(a)(ii), and CE-ONC-R8.2.

**CE-R10 Farm Quarrying**

Activity Status: Permitted

Where:

1. The activity does not disturb or move more than 500m<sup>3</sup> of material in any 12 month period; or
2. The activity does not have any cut, fill, and/or batter faces which exceeds 2m; or
3. The activity does not involve blasting; or
4. The activity does not involve excavations and processing which are undertaken within 200m of a road boundary; or an existing residential unit.

Activity Status when compliance not achieved: Discretionary

108. It has been identified that the existing rules lack clarity regarding whether the maximum face height threshold for cut, fill, and/or batter faces is intended to be applied cumulatively where there are multiple adjoining areas of cut, fill, and/or batter. Council's Resource Consent Department has reported instances where there is debate over whether the 2m threshold should be applied cumulatively or to each individual cut face.
109. It is understood that the intent of limits on cut, fill and batter heights is to manage adverse visual effects of earthworks within the CE. Based on advice from Council's Resource Consent's Department, it is understood that the current practice is to measure the cut/fill/batter cumulatively from the existing ground level to the top of the tallest point where there are multiple adjoining areas of cut/fill/batter. This interpretation of the rule seeks to avoid perverse outcomes whereby a series of terraced cuts with heights of 1.9m could be made in close proximity.
110. The objectives and policies of the CE chapter aim to manage the adverse effects of developments on coastal amenity and natural character. CE-P1 seeks to protect the natural character, features, and landscapes within the coastal environment. CE-P2 aims to design developments to avoid, remedy, or mitigate adverse effects on these natural elements. CE-P16 ensures that the adverse effects of earthwork scarps on coastal landscapes are avoided, maintaining their characteristics and qualities.
111. Improvements to rule drafting are necessary to meet the objectives and policies of the CE chapter and to provide more certainty for applicants and for Council's processing planners.

[Proposed Amendments](#)

112. PC4C proposes to amend rules CE-R8.1(b), CE-R10.2, CE-HNC-R6.1(b), CE-HNC-R8.2, CE-ONC-R6.2(a)(ii), and CE-ONC-R8.2 to clarify that cut, fill, and/or batter faces are intended to be measured cumulatively. The full proposed track changes are shown in Attachment 1.

Below shows an example of the amendments proposed for CE-R8.1(b) (additions shown in underline and deletions in ~~strikethrough~~):

<p><b>CE-R8 Within the Coastal Environment but outside of Sand Dunes or the Heavy Industrial Zone or the Strategic Rural Industries zone</b></p> <p><i>Activity Status: Permitted</i></p> <p><i>Where:</i></p> <p>1. The <del>earthworks</del>:</p> <p>a. do not exceed the maximum volume of 500m<sup>3</sup> material disturbed or removed within each 10-year period from 21 February 2019; and</p> <p>b. Do not exceed a maximum <u>cumulative</u> face height of any <u>single or terraced</u> cut<del>(s)</del>, fill<del>(s)</del>, and/or batter faces of 2m. <u>Where there are terraced cut and/or batter faces, and there is less than a 5m separation distance between any separate cut, fill or batter face, or combination of either, the height shall be measured from the lowest ground level of either to the highest point of either;</u></p> <p><u>OR</u></p> <p>c. Are associated with:</p> <p>i. The repair and maintenance of fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, or farm and plantation forestry tracks.</p> <p>ii. Garden amenities, gardening or the planting of any vegetation.</p> <p>iii. The provision and maintenance of walking or cycling tracks.</p> <p>iv. The burial of marine mammals.</p> <p>v. Any lawfully established mineral extraction activity.</p> <p><i>Activity Status when compliance not achieved: Discretionary</i></p>
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#### Assessment of options

113. For the purpose of this evaluation, the options that Council has considered are:

- Option 1: Status quo (i.e., whether cut, fill and/or batter face heights are measured cumulatively is not specifically stated within the rules).
- Option 2 (more permissive than status quo): Do not require terraced cuts to be measured cumulatively and specify that the face heights of each individual cut, fill and/or batter face must not exceed 2m.
- Option 3 (clarify current interpretation of status quo within the rules): Require that terraced cut, fill and/or batter faces be measured cumulatively.

Option 1: The status quo	
Benefits	Costs
<p><b><u>Environmental, Economic, Social and Cultural</u></b></p> <p>None identified.</p>	<p><b><u>Environmental</u></b></p> <p>May lead to adverse effects on coastal amenity or on Outstanding Natural Landscapes and Outstanding Natural Features.</p> <p><b><u>Economic</u></b></p> <p>May lead to unnecessary costs and time to applicants in the process of engaging specialists such as engineers or planners.</p> <p><b><u>Social</u></b></p> <p>None identified</p> <p><b><u>Cultural</u></b></p> <p>None identified.</p>
<p><b>Effectiveness:</b> It is considered that Option 1 is ineffective as it fails to give effect to the objectives and policies of the CE chapter, where coastal amenity is to be protected.</p>	
<p><b>Efficiency:</b> Option 1 is inefficient as the current wording for the rule does not clearly express the policy intent and has led to differences in interpretation.</p>	
<p><b>Risk of acting/not acting:</b> The risk to Council of not acting relates to the regulatory gap in triggering appropriate assessment of larger walls and/or cuts on coastal sites.</p>	
<p><b>Overall evaluation of Option 1:</b> It is considered that Option 1 is ineffective as it lacks clarity and leads to debate and confusion.</p>	

Option 2: Amend the rule wording to clarify that each cut, fill and/or batter face is to be measured individually	
Benefits	Costs
<p><b><u>Environmental, Social and Cultural</u></b></p> <p>None identified.</p> <p><b><u>Economic</u></b></p> <p>Reduced consenting and engineering costs as this rule wording would be more permissive.</p>	<p><b><u>Economic</u></b></p> <p>None identified.</p> <p><b><u>Environmental</u></b></p> <p>Cumulative effects are not able to be addressed. Visual and amenity values of the CE are unable to be managed. Resulting in developments where the objectives and policies of the CE will be</p>

	<p>compromised. Adverse effects on coastal amenity or on Outstanding Natural Landscapes and Outstanding Natural Features.</p> <p><b><u>Social</u></b></p> <p>Well-being of people undermined where environmental effects are not appropriately managed/addressed.</p> <p><b><u>Cultural</u></b></p> <p>Compromised relationship with local iwi/hapū where environmental and cultural effects are not managed/addressed. Not adequately implementing CE-O11.</p>
<p><b>Effectiveness:</b> Option 2 would not be effective at implementing the objectives and policies of the CE chapter. The policies set a strong directive to avoid, remedy or mitigate adverse effects on the natural character, natural features and natural landscapes. Amending the rule to be more permissive could not be effective at managing cumulative and visual effects.</p>	
<p><b>Efficiency:</b> Option 2 is considered inefficient as the rule would allow for activities that do not align with the objectives and policies of the CE chapter. It does not offer efficiencies and would necessitate changes to objectives and policies toward a more permissive approach to visual effects in CE. Changes to policy direction are outside the scope of PC4C, and any such consideration for future policy changes would be more appropriately reserved until any future reviews of the CE chapter.</p>	
<p><b>Risk of acting/not acting:</b> The risk of acting lies in the increased potential of irreversible changes to the coastal landscapes without appropriate oversight, particularly in <b>ONL/ONF</b> areas.</p>	
<p><b>Overall evaluation of Option 2:</b> Option 2 is not considered an appropriate method of achieving CE-P1, CE-P2, and CE-P16 or promoting sustainable management under the RMA.</p>	

### Option 3: Amend the rule wording to clarify that cut, fill and/or batter faces are intended to be measured cumulatively

Benefits	Costs
<p><b><u>Environmental</u></b></p> <p>More effective at achieving policies CE-P1, CE-P2, and CE-P16, specifically with managing adverse visual effects of earthworks on the characteristics of the coastal environment. Ensuring that not only individual cuts but also terraced cuts are captured by the rule would better allow to manage cumulative effects.</p> <p><b><u>Economic</u></b></p>	<p><b><u>Economic</u></b></p> <p>Potential for additional consenting costs to be borne by landowners/developers where multiple cuts/fills are sought.</p> <p><b><u>Environmental</u></b></p> <p>None identified.</p> <p><b><u>Social and Cultural</u></b></p> <p>None identified.</p>

<p>Improves rule clarity for plan users and decision makers.</p> <p><b><u>Social</u></b></p> <p>Better provides for future generations' ability to benefit from the natural character, open space, public access and amenity values of the coastal environment.</p> <p><b><u>Cultural</u></b></p> <p>None identified.</p>	
<p><b>Effectiveness:</b> It is considered that Option 3 would be more effective at preserving CE values by ensuring earthworks assessment is triggered at the intended scale as per the objectives and policies. Terraced cuts can significantly alter the visual landscape, creating stepped profiles that may impact the natural and visual amenity of the CE.</p> <p>Specifying a larger separation distance between adjacent cuts would afford clarity in identifying which cuts/works should be assessed together.</p>	
<p><b>Efficiency:</b> Option 3 improves the efficiency of the status quo by improving the clarity of the provisions to provide more certainty for applicants and decision makers. The proposed 5m separation distance between terraced cuts is considered a balanced option between enabling a limited level of earthworks and protecting CE values as per the objectives and policies of the zone.</p>	
<p><b>Risk of acting/not acting:</b> No risk is identified in relation to amending the drafting. There is risk of creating overly onerous provisions that may hinder practical development in the CE. This risk is moderated by existing exemptions for gardening and maintenance.</p> <p>The risk of not acting relates to cumulative effects in CE and in particular on ONL/ONF. Where terraced cuts are placed too close together, e.g. 1-2 meters, the separations become indiscernible from large distances and the overall works can have significant negative effects on CE values. Not introducing a separation distance between terraced cuts increases the risk of irreversible changes to CE.</p>	
<p><b>Overall evaluation of Option 3: Option 3 is considered the most appropriate way to achieve Objectives CE-O1, CE-O2, CE-O4, and Policies CE-P1, CE-P2, and CE-P16.</b></p>	

114. Option 3 is considered the most appropriate way to achieve the relevant objectives.

#### 4.6 Issue #6 – Uplighting

115. As part of the Urban and Services Plan Changes a new definition of “general public amenities” and a suite of new rules in each zone to provide for any ‘general public amenity activity’ as a permitted activity have been introduced into WDP and became operative in 2022. Footpaths, bicycle stands, fountains, landscaping and seating are examples of general public amenities established by the Council. Uplighting is frequently proposed in the design of these facilities as a means to provide for pedestrian and cyclist safety while enhancing the aesthetic appeal of public places, however onerous consenting requirements have been a barrier to installing uplighting.

116. LIGHT-R2 Requires all artificial lighting to be projected below a horizontal plane, as demonstrated in LIGHT Appendix Illustration of District Wide Lighting Standard. Directional controls on lighting were introduced by Plan Change 82B (**PC82B**) with the stated purpose “to ensure light emissions do not project above a horizontal plane and that certain levels of amenity are maintained within each environment.”<sup>4</sup> This means that any uplighting requires resource consent even if it associated with general public amenities and intended for improvement of public space.

#### Proposed PC4C amendments

117. It is proposed to establish a permitted pathway for uplighting general public amenities in specified areas with controls to avoid adverse effects for pedestrians and other users of the spaces. LIGHT-R2 is proposed to be amended as follows:

#### ***LIGHT-R2 Any Artificial Lighting***

*Activity Status: Permitted*

*Where:*

**1.** *The artificial lighting is:*

**a.** *shielded or a suitable luminaire optic deployed, so that light emitted by the luminaire is projected below a horizontal plane running through the lowest point on the fixture as represented in Figure LIGHT 1 in LIGHT Appendix 1; or*

**b.** *lighting associated with general public amenities located on public land, or in any road, provided its brightness does not exceed 500 lumens and has a colour temperature of 3000K or less.*

[...]

#### Assessment of options

118. The following options were considered:

- Option 1: Rely on a restricted discretionary pathway for uplighting (status quo)
- Option 2: Provide a permitted pathway for feature lighting associated with general public amenities in suitable zones
- Option 3: Permit uplighting in all zones subject to meeting intensity, glare and blue light emissions thresholds.

119. The above options were considered in the context of efficiency of the WDP. Where projects for general public amenities trigger consent requirements due to uplighting it is seen as an

<sup>4</sup> Plan Change 82B – section 32 report.

inefficient use of ratepayer resources, as project design process already covers design considerations. Therefore Option 1 is not recommended.

120. Option 3 is considered too broad, may carry unintended consequences in residential areas, and may be difficult to monitor and enforce. In residential areas, additional technical thresholds may be required to avoid adverse effects. It would amount to a significant change to the current policy approach in WDP and is considered to be beyond the scope of a technical plan change. Furthermore, there is no clear evidence to suggest that changes to lightning rules in residential areas would be required or beneficial.
121. The consideration of effects of uplighting of general public amenities under the operative Restricted Discretionary status is limited to effects on amenity, character, and traffic and pedestrian safety. Where this type of uplighting is for public amenity purposes, a permitted pathway would be more effective, providing mitigation criteria upfront (e.g. location and thresholds on light intensity).
122. Option 2 puts forward a balanced proposal to enable uplighting for general public amenities, subject to the proposed conditions to limit the effects of light spill, while enhancing pedestrian and cyclist safety and comfort. Striking such a balance would allow the rule to be aligned with the overall policy intent of the WDP and give effect to LIGHT-O1 and LIGHT-O2.
123. The AS/NZS 1158.1.1<sup>5</sup> and AS/NZS 1158.3.1<sup>6</sup> determine lighting requirements and design based on the road classification and pedestrian use sub-categories (pathways, public activity areas, connecting elements and for outdoor carparks). AS/NZS 1158 3.1 in clause 3.7.2 sets limits on a maximum upward waste light ratio (UWLR) for public spaces<sup>7</sup>. Rule LIGHT-R2.5 requires compliance with LIGHT-REQ1 which in turn mandates that:

*“3. Road lighting and lighting for parks, reserves, publicly accessible/used areas and pedestrian areas shall be calculated in accordance with the methods described in the AS/NZS 1158 series of standards as listed in REF.1 Referenced Documents at REF.1.2 b. or alternative method of compliance certified in a statement by a suitably qualified and experienced professional (e.g. Chartered Professional Engineer or Independently Qualified Person).”*

<sup>5</sup> AS/NZS 1158.1.1:2022 Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Performance and design requirements

<sup>6</sup> AS/NZS 1158 3.1:2020 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting - Performance and design requirements. Clause 3.7.2 Upward waste light ratio (UWLR) sets a maximum UWLR for I public spaces at 5% for Non-SSL light sources and 3% for SSL sources.

<sup>7</sup> AS/NZS 1158 3.1:2020 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting - Performance and design requirements. Clause 3.7.2 Upward waste light ratio (UWLR) sets a maximum UWLR for I public spaces at 5% for Non-SSL light sources and 3% for SSL sources.

124. In other words, the proposed amendments to LIGHT-R2.1 to permit luminaires on lighting associated with general public amenities to be projected above a horizontal plane would not invalidate the requirement in LIGHT-R2.5 to comply with the AS/NZS Standards. The technical controls and limits on UWLR prescribed by the AS/NZS Standards would still apply to public amenity uplighting, providing mitigation of effects of glare, obtrusive light, illuminance and light spill<sup>8</sup>.
125. Furthermore, LIGHT-R2.3, which is proposed to remain unchanged, requires compliance in the OSZ and SARZ with AS/NZS4282: 2019<sup>9</sup>, which manages blue light emissions that contribute to sky glow.
126. It is considered that specifying a limitation to 500 lumens and a colour temperature of 3000K or less would add clarity to the rule, and would assist to align future proposals of any such uplighting towards compliance with the aforementioned AS/NZS Standards.
127. Based on the above, Option 2 is considered to be the most appropriate option to provide a balanced solution and is the recommended option.

#### **4.7 Issue #7 – Outdoor living courts**

##### Status quo and problem statement

128. Outdoor living court requirements within the GRZ and MRZ are intended to enhance residential amenity, ensure adequate sunlight access, support health and well-being, and contribute to urban design. Feedback received from industry practitioners has indicated that in some instances permitted standards may be too onerous. Council staff held a meeting with stakeholders who initially provided feedback on Plan Change 2 about this issues. The practitioners provided examples of unanticipated consequences, where developments are designed to intentionally meet the permitted pathway, but the results can be poor urban design outcomes that are not best suited to the specific sites.
129. In particular, it has been suggested that the combination of rules GRZ-R6 and GRZ-R15 and MRZ-R6 and MRZ-R15 may be overly restrictive, rendering the permitted pathway in these rules impractical. There is concern that this impracticality can be exacerbated by the need to comply with a range of other requirements, such as daylight angles, the distance of driveways from intersections, and the location of water meters.

<sup>8</sup> AS/NZS 1158 3.1:2020 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting - Performance and design requirements. Clause 2.3.1 Principal Objectives.

<sup>9</sup> AS/NZS4282: 2019 Control of obtrusive effects of outdoor lighting. This standard applies in relation to potentially adverse effects of outdoor lighting on nearby residential uses, users of adjacent roads (vehicle drivers, cyclists and pedestrians), transport signalling systems (e.g. air, marine, rail), and on astronomical observations.

130. A pragmatic assessment of all WDP onsite residential amenity rules collectively indicated there may be room for streamlining the WDP permitted rule criteria within the parameters of the existing objectives and policies.

#### Proposed PC4C amendments

131. To address the concerns discussed above it is proposed to streamline the requirements in relation to outdoor living courts in the GRZ and MRZ. The following amendments are proposed as shown in Attachment 1:

- a. Amend GRZ-R15.5 and MRZ-R14.3 to clarify that the orientation required is between and including 270<sup>0</sup> and 90<sup>0</sup>.
- b. Delete GRZ-R6.3 and MRZ-R6.2 and rely on GRZ-R15.5 and MRZ-R14.3 to achieve sunlight access

#### Assessment of options

132. For the purpose of the evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., keep the current outdoor living court rule wording).
- Option 2: Amend the requirements to Outdoor Living Courts to make them more permissive than the status quo as set out above.
- Option 3: Amend the requirements to Outdoor Living Courts to make them more permissive than Option 2.
- Option 4: Delete the outdoor living court rule requirements from the WDP.

133. The intent of MRZ-P2.2 and GRZ-P2.2 is achieved through existing design and layout controls. Built form standards and controls such as height in relation to boundary and site coverage assist the management of sunlight access by controlling building bulk and shading effects. The operative provisions of the WDP already require living areas to be oriented to the north or northeast where practicable within residential zones. This orientation maximises sunlight gain to the living space.

134. Stakeholders have suggested that the overlapping rules might be too onerous and have resulted in poor urban design where in some cases residential units are designed to meet the permitted standards in ways that are not best suited to the site. In particular, achieving all of the permitted requirements has been challenging as the minimum site sizes under the Urban and Services Plan Change for GRZ and MRZ were reduced following the appeals phase to 400m<sup>2</sup> and 350m<sup>2</sup> respectively.

135. Maintaining the current prescriptive provisions of outdoor living court location may result in unnecessary complexity within the WDP. Removing the requirement for outdoor living courts to receive direct sunlight would simplify the regulatory framework without materially changing the environmental outcome sought by MRZ-P2.2 and GRZ-P2.2 as it is already encapsulated by other rules within the zones. Therefore, it is considered that Option 2 is more appropriate than Option 1.
136. With regard to Option 3, the current outdoor living court rule requires a minimum depth of 4m directly from a ranch slider or principal living area. Feedback from stakeholders has sought more flexibility around sizes and locations of outdoor living courts. For example, it has been suggested that while compliance with the 4m depth requirement is technically achievable, it could potentially lead to poor design outcomes. A more permissive option to the rule was considered to allow greater flexibility in the shape and layout of the outdoor living court. This option would defer from the intent of the rule, where the existing rule requiring a 4m depth directly from a principal living area to ensure that the space is immediately accessible, private, and usable for outdoor living. It is considered that Option 3 would undermine the usability of outdoor living courts anticipated by the provisions. Proposing to provide a more permissive standard for outdoor living courts would not fully align with the intent and outcomes sought by the relevant residential objectives and policies.
137. It is noted that rules PREC12-R3.3 and PNDA-R13.4 also contain provisions relating to outdoor living courts. However, similar amendments have not been made to those provisions because it would not achieve the specific policies applicable in these zones. PREC12 is part of the LRZ chapter. Given the larger anticipated minimum site sizes in LRZ and PREC12, it is considered feasible to accommodate outdoor living courts. Specifically, policy LRZ-P1.3 seeks to achieve a low density and spacious character by enabling residential units on sites of a size consistent with the low-density character of the Zone. Likewise, no amendments are proposed to PNDA-R13.4 because such changes would not be consistent with policy PNDA-P1 and the bespoke urban design principles in the PNDA plans.
138. Deleting the outdoor living court rule requirement entirely under Option 4 would be contrary to objectives and policies of the GRZ and MRZ where amenity and urban design are to be managed. Proposing to delete outdoor living court rules would allow for impractical and disconnected outdoor spaces and poor urban design outcomes.
139. Option 2 is considered the most appropriate way to achieve the relevant residential objectives and policies.

#### 4.8 Issue #8 – Settlement Zone Principal Residential Unit Allowance

140. SETZ-SZ1-R7.1 and R7.2 restrict development density in the SETZ to one principal residential unit per 500m<sup>2</sup> net site area where the principal residential unit will be connected to Council's reticulated wastewater system, and to one principal residential unit per 2,000m<sup>2</sup> net site area where the principal residential unit will not be connected to Council's reticulated wastewater system. Feedback has previously been received from practitioners about the appropriateness of the rule in situations where a site is less than 500m<sup>2</sup> or 2,000m<sup>2</sup>, respectively. It is argued that for existing sites effects would have been considered at the time of subdivision therefore future development should not automatically require a resource consent.
141. It is unclear what effects the WDP rule is intended to manage in the context of the SETZ objectives and policies. Objective SETZ-O4 favours the consolidation of residential activities in rural settlements and policy SETZ-P6 refers to the location of services and utilities only in context of character and amenity. Furthermore, policy SETZ-P2 seeks to enable greater intensity of development where reticulated services are available. Therefore, allowing one residential unit per site regardless of size, would be aligned with policy intent.

#### Proposed PC4C amendments

142. It is proposed to clarify that one residential unit is allowed on a site of any size by amending SETZ-SZ1-R7 as follows:

##### **SETZ-SZ1-R7 Principal Residential Unit**

Activity Status: Permitted

Where:

1. The maximum density is 1 principal residential unit per 500m<sup>2</sup> net site area where the principal residential unit will be connected to Council's reticulated wastewater system, **provided that 1 principal residential unit is permitted on a site of any size.**
2. The maximum density is 1 principal residential unit per 2,000m<sup>2</sup> net site area where the principal residential unit will not be connected to Council's reticulated wastewater system, **provided that 1 principal residential unit is permitted on a site of any size.**
3. The principal residential unit is set back at least 4.5m from a railway line designation boundary.

Activity Status when compliance not achieved: Discretionary

#### Assessment of options

143. For the purpose of this evaluation, the options that Council has considered are:

- Option 1 – status quo (default to a discretionary activity status where a site is less than 500m<sup>2</sup> or 2,000m<sup>2</sup>, respectively)
- Option 2 – specify that one principal residential unit is allowed per site regardless of site size.

144. The status quo is considered inefficient as it creates duplication of processes at subdivision and land use stage. For sites where reticulated services are available a wastewater connection is already required under the Building Code (clause G13.3.3) and is assessed as part of a building consent. Where on-site wastewater management is proposed, the Proposed Northland Regional Plan 2024 manages wastewater discharges under rules C.6.1.1. and C.6.1.3.
145. The amendments proposed under Option 2 are considered appropriate to ensure the ability for reasonable use of residential zoned land, given that the amendments would have limited application only to historical subdivision sites. Rule SUB-R13 sets minimum size requirements for any new sites in SETZ. Therefore, it is expected that going forward there would be limited instances of creation of new sites that do not meet minimum size requirements in SETZ without consideration of wastewater provisions.
146. It is noted that permitted development on sites less than 500m<sup>2</sup> net site area could lead to cumulative effects (such as traffic). In this context, the risk of the proposed amendments affecting the permitted baseline for a minor residential unit has been considered. It is concluded that establishment of the principal residential unit on an existing site with less than 500m<sup>2</sup> net site area would not affect the permitted baseline, because rule SETZ-SZ1-R8.2 requires a minimum of 750m<sup>2</sup> net site area to meet the permitted rule for a minor residential unit. Furthermore, rule RPROZ-R7 utilises the same approach whereby one residential unit is permitted on a site of any size and there have been no identified issues or unintended consequences related to permitted baseline arising from that rule.
147. Option 2 is recommended as the most appropriate way to achieve policies SETZ-P2 and SETZ-P6.

#### **4.9 Issue #9 – Hours of Operation in the Commercial Zone**

##### Status quo and problem statement

148. The COMZ provides for a variety of business activities, including small-scale industry, commercial services, offices, and trade suppliers. Several COMZ objectives and policies aim to support certain commercial activities while managing cross-boundary effects on the MUZ, Residential Zones, WZ, and Open Space and Recreation Zones. Rule COMZ-R9 seeks to

manage effects on adjoining sites while enabling commercial activities by managing the hours of operation in proximity to Residential Zones and the WZ.

149. It has been identified that the COMZ-R9 has confusing and unclear wording. The structure of the rule reads as though to be permitted, activities must operate outside the hours of 06:00 and 22:00 and be located 50m from any Residential Zone or WZ. However, the intent of COMZ-R9 is that if an activity operates outside the hours of 06:00 and 22:00, it must be located at least 50 meters from those zones.
150. The wording and structure of the rule are ineffective and require amendment. It is necessary to rephrase the wording to better clarify its intent and reduce any unintended difficulties in interpreting and applying the rule. This will better align the rule with the objectives and policies of the COMZ.

#### Proposed PC4C amendments

151. It is proposed to amend the COMZ-R9 rule to clarify the rule wording as shown below:

**COMZ-R9** ~~Hours of Operation~~ Any Activity that is located within 50m of a Residential Zone or Waterfront Zone boundary

Activity Status: Permitted

Where:

1. ~~Any The~~ activity ~~which does not~~ operates or ~~is~~ open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 22:00 ~~and is at least 50m from any Residential Zone or Waterfront Zone boundary~~, except that cleaning and administrative activities may take place outside of these hours.

Activity Status when compliance not achieved: Discretionary

#### Assessment of options

152. The status quo is not an appropriate option as it fails to provide a permitted activity option for businesses located further than 50m from a Residential Zone or WZ boundary. This is considered an anomaly, as such interpretation is not aligned with objectives COMZ-O1, COMZ-O3 and COMZ-O6
153. The proposed amendments clarify the intent of the rule and allow for more clear and consistent interpretation.

#### 4.10 Issue #10 – Ancillary Activities to residential use

##### Status quo and problem statement

154. The operative WDP policy approach<sup>10</sup> aims to maintain the residential character and amenity of various zones by restricting non-residential activities to those that are compatible with residential activities in design, scale, and nature. On this basis, compatible non-residential activities are generally provided for if they support the primary residential or rural functions and do not detract from business zones. In urban areas, the policies<sup>11</sup> emphasise managing adverse effects such as noise, traffic, and visual impact. In contrast, in rural areas the policy settings<sup>12</sup> focus on enabling a wider range of activities that are connected to rural production and support community needs.
155. To meet the permitted pathways under the operative WDP, qualifying activities must meet the criteria of being an “ancillary activity” to the primary residential activity. However, interpretation difficulties arise in relation to whether some types of commercial and community activities that are of a “home occupation” scale (e.g. GRZ-R17, MRZ-R16) can meet the definitions of “ancillary activity” and the associated definition of “subsidiary” in the WDP as set out below:

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

**Subsidiary** means incidental and serving to assist or supplement and occurring within the same site and being held in common ownership with the primary activity.

156. The meaning of “support”, “incidental” and “supplement” in the above definitions are taken as per the Concise Oxford Dictionary 9<sup>th</sup> edition:

**Support:**

1. enable to last out, give strength to, encourage;
2. give help or countenance to, back up;
3. assist by one’s presence;
4. take a part that is secondary to.

**Incidental:**

1. having a minor role in relation to a more important thing;
2. not essential.

**Supplement:**

1. (noun) a thing or part added to remedy deficiencies;
2. (verb) provide a supplement for;
3. (adj) supplementary means serving as a supplement; additional.

<sup>10</sup> WDP Objectives LLRZ-O5 Non-Residential Activities, LRZ-O3 Non-Residential Activities, GRZ-O4 Non-Residential Activities, MRZ-O4 Non-Residential Activities, RPROZ-O2 Land Use Activities, RLZ-O4 Non-Rural Activities, FUZ-O5 Non-Residential Activities, SETZ-O3 Community Facilities, SETZ-O4 Residential Activities, SETZ-O5 Mix of Residential and Commercial, SETZ-O6 Business Activities, PNDA-O4 Range of Activities.

<sup>11</sup> WDP Policies LRZ-P2 Non-Residential Activities, GRZ-P7 Non-Residential Activities, MRZ-P8 Non-Residential Activities, PNDA-P8 Mixed Use.

<sup>12</sup> WDP Policies LLRZ-P9 Non-Residential Activities, RPROZ-P2 Land Use Activities, RLZ-P3 Compatible Uses, FUZ-P4 Commercial and Industrial Activities, SETZ-SZ1-P1 Character and Amenity.

157. While demonstrating an incidental/minor and supplementary/additional scale of an ancillary activity has been relatively straightforward, meeting the definition requirement that an ancillary activity “supports” the residential activity has been challenging in practice. Neither the Planning Standards nor the WDP afford a clear indication of what sort of activities would demonstrate the necessary support function linkages between a primary activity of “residential unit”/“living accommodation” and any “ancillary activity” in a way that meets the definitions. For comparison, where the primary activity is commercial, educational or industrial, the Ministry for the Environment (**MfE**) Recommendations Report on submissions on National Planning Standards – 2I Definitions Standard<sup>13</sup> provide a number of examples of ancillary activities’ support function. In the examples below, the activities are either fundamentally part of the primary activity or are necessary to keep the primary activity operating effectively, for example:

- Community facilities may be supported by ancillary activities such as educational activities and administrative offices.
- Industrial activities may be supported by ancillary activities such as retail shops selling goods produced on site.
- Educational facilities may be supported by ancillary activities such as shops, banks, student travel, cafeterias, and administrative offices.
- Visitor accommodation may be supported by ancillary activities such as food and beverage services, gyms, spas, shuttle services, gift shops, on-site laundry facilities, and secure parking facilities.

158. The approach set out in the MfE report for the other activity classes is not easily able to be applied to residential activities. It does not appear that any commercial activity would be fundamentally part of living accommodation and/or necessary to keep the living accommodation functioning effectively in a manner similar to the MfE examples. Therefore, determination of whether a purported ancillary activity to a residential unit has a supportive function relies on an evaluative assessment. This is at odds with the best practice approach to drafting permitted criteria, which should be measurable and not rely on interpretation.

159. Currently, applying the operative WDP permitted pathway for ancillary activities to a residential unit involves consideration of the following parts of the definition:

- a. Whether the scale of an ancillary activity is incidental/minor and supplementary/additional to the residential unit (as per definition of “subsidiary”). This is generally determined by

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<sup>13</sup> Ministry for the Environment. 2019. 2I Definitions Standard – Recommendations on Submissions Report for the first set of National Planning Standards. Wellington: Ministry for the Environment.

compliance with the following permitted thresholds within the rules: traffic movements limit, carparking location, number of staff engaged in an activity, and GFA limit.

- b. Whether the ancillary activity is occurring within the same site and being held in common ownership with the primary activity (as per definition of “Subsidiary”).
- c. Whether the nature of the activity serves a support function for the use of the residential unit for living accommodation (as per definition of “Ancillary Activity”). This is currently determined pragmatically in each individual case based on the scale and nature of an activity.

#### Proposed PC4C amendments

160. To address the issues described above, the following amendments are proposed to the commercial activity and community activity rules listed in Table 1 and as shown in Attachment 1:

- a. Delete references to “ancillary activity”, and rely on the remaining thresholds for permitted criteria.
- b. To maintain the link to the definition of “subsidiary”, by incorporating the relevant characteristics of this definition into the rule.
- c. Preserve the status quo requirement that the commercial activity must be subsidiary to the primary activity, by amending the permitted criteria within the rule to specify:
  - i. what constitutes being a “permanent resident” on site; and
  - ii. that in urban zones the activity must be carried out inside a building.
- d. Delete the carparking criteria from the permitted pathway as parking location is already managed in the WDP under TRA-R3.
- c. Delete the requirements for outdoor living courts from commercial activity and community activity rules in LRZ, GRZ, MRZ and PNDA where visitor accommodation doesn’t form the activity to which the rule relates. Application of outdoor living court requirements to most of the commercial activity rules was not the intent of the Urban and Services Plan change. Instead, this was caused by formatting anomalies and technical limitations during reformatting of the WDP to the ePlan. Deleting the redundant requirements to outdoor living courts from the permitted activity criteria (except for visitor accommodation rules) has no material effect on the impacted rules. It is noted that outdoor living courts for Visitor Accommodation are retained and other changes to Visitor Accommodation rules are addressed under Issue #11 of this report.

- e. Remove the Discretionary activity pathway and default to a Non-Complying activity status when permitted criteria are not met in the following rules: LRZ-R17, LRZ-R18, LRZ-R19, LRZ-R20, LRZ-R21, LRZ-R22, GRZ-R16, GRZ-R17, GRZ-R18, GRZ-R19, GRZ-R20, GRZ-R21, MRZ-R15, MRZ-R16, MRZ-R17, MRZ-R18, MRZ-R19, MRZ-R20, SETZ-SZ1-R9, SETZ-SZ1-R10, RLZ-R12, RLZ-R13, FUZ-R11 and FUZ-R12.

This amendment is based on the following rationale:

- i. Under the operative version of the rules, if “ancillary activity” is not met, the activity status defaults to Non-Complying in most zones. However, a Discretionary activity pathway exists where up to two of the other permitted criteria are not met: traffic movements, carparking location, number of staff, GFA limit.
- ii. With the reduction in the number of discretionary activity criteria, those retained are deemed essential to maintain the ancillary nature of an activity: for example, traffic movements, number of staff, and GFA limit. In this context, offering a Discretionary activity pathway when the criteria are not met would be contrary to the objectives and policies of the applicable zones.
- iii. For the avoidance of doubt, the Discretionary activity status is to be retained in rules LLRZ-R13, LLRZ-R14, RPROZ-R10, RPROZ-R11, PNDA-R20, PNDA-R21, PNDA-R22 and PNDA-R23 because these rules only have a discretionary consent pathway.

*Table 1: Ancillary activity rules to be amended*

Zone	Affected rules
<b>Large Lot Residential Zone</b>	<ul style="list-style-type: none"> <li>• LLRZ-R13 Commercial Service</li> <li>• LLRZ-R14 Artisan Industrial Activities</li> </ul>
<b>Low Density Residential Zone</b>	<ul style="list-style-type: none"> <li>• LRZ-R17 Retail Activity</li> <li>• LRZ-R18 Commercial Services</li> <li>• LRZ-R19 Food and Beverage Activity</li> <li>• LRZ-R20 Care Centre</li> <li>• LRZ-R21 Visitor Accommodation</li> <li>• LRZ-R22 Artisan Industrial Activity</li> </ul>
<b>General Residential Zone</b>	<ul style="list-style-type: none"> <li>• GRZ-R16 Retail Activity</li> <li>• GRZ-R17 Commercial Services</li> <li>• GRZ-R18 Food and Beverage Activity</li> <li>• GRZ-R19 Care Centre</li> <li>• GRZ-R20 Visitor Accommodation</li> <li>• GRZ-R21 Artisan Industrial Activity</li> </ul>

<b>Medium Density Residential Zone</b>	<ul style="list-style-type: none"> <li>• MRZ-R15 Retail Activity</li> <li>• MRZ-R16 Commercial Services</li> <li>• MRZ-R17 Food and Beverage Activity</li> <li>• MRZ-R18 Care Centre</li> <li>• MRZ-R19 Visitor Accommodation</li> <li>• MRZ-R20 Artisan Industrial Activity</li> </ul>
<b>Rural Production Zone</b>	<ul style="list-style-type: none"> <li>• RPROZ-R10 Commercial Activities</li> <li>• RPROZ-R11 Artisan Industrial Activity</li> </ul>
<b>Rural Lifestyle Zone</b>	<ul style="list-style-type: none"> <li>• RLZ-R12 Commercial Activities</li> <li>• RLZ-R13 Artisan Industrial Activity</li> </ul>
<b>Settlement Zone</b>	<ul style="list-style-type: none"> <li>• SETZ-SZ1-R9 Commercial Activities</li> <li>• SETZ-SZ1-R10 Artisan Industrial Activity</li> </ul>
<b>Future Urban Zone</b>	<ul style="list-style-type: none"> <li>• FUZ-R11 Commercial Activities</li> <li>• FUZ-R12 Artisan Industrial Activity</li> </ul>
<b>Port Nikau Development Area</b>	<ul style="list-style-type: none"> <li>• PNDA-R20 Retail Activity</li> <li>• PNDA-R21 Commercial Services</li> <li>• PNDA-R22 Food and Beverage Activity</li> <li>• PNDA-R23 Care Centre</li> </ul>

161. It is noted that other changes to Visitor Accommodation rules have been proposed under Issue #11 of this report.

#### [Assessment of options](#)

162. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., evaluative assessment of ancillary activities to a residential use).
- Option 2: The proposed provisions (amendments to provide objective permitted pathway criteria).

163. Assessments of each option are provided below:

<b>Option 1: The status quo</b>	
<b>Benefits</b>	<b>Costs</b>
<p><b><u>Economic</u></b></p> <p>May afford greater flexibility in what types of home businesses can be established as of right.</p> <p><b><u>Environmental, Social and Cultural</u></b></p> <p>None identified.</p>	<p><b><u>Economic</u></b></p> <p>May not appropriately consider impacts on the viability of business zones.</p> <p>Increased consenting costs due to uncertainty within the rules and associated definitions.</p> <p>If the most literal and strict interpretation was applied to the operative rules than almost all home occupations would require resource consent as</p>

	<p>they would not meet the “ancillary activity” definition.</p> <p><b><u>Environmental</u></b></p> <p>May not appropriately consider effects on residential amenity.</p> <p><b><u>Social</u></b></p> <p>Lack of certainty for persons who are working from home.</p> <p><b><u>Cultural</u></b></p> <p>None identified.</p>
<p><b>Effectiveness:</b> It is considered that Option 1 is ineffective because of a lack of a clear description or criteria as to what sort of home business activities can meet the definition of an “ancillary activity” in the context of a residential unit.</p>	
<p><b>Efficiency:</b> It is considered that Option 1 is inefficient because it leads to different interpretations. Where non-compliance is reported to Council, significant involvement of multiple teams has been required to apply the rules. This is not an efficient use of Council’s resources, and likewise causes confusion for residents.</p>	
<p><b>Risk of acting/not acting:</b> Under Option 1 there is a risk of inconsistent interpretation, with associated fairness and reputational implications.</p>	
<p><b>Overall evaluation of Option 1:</b> Option 1 is not considered appropriate as it is inefficient and ineffective and potentially ultra vires the requirements for permitted standards.</p>	

Option 2: Provide objective permitted pathway criteria	
Benefits	Costs
<p><b><u>Economic</u></b></p> <p>Allows for economic activity on residential sites, without compromising the viability of business zones.</p> <p><b><u>Environmental</u></b></p> <p>Acceptable level of effects on residential amenity is clearly set out.</p> <p><b><u>Social and Cultural</u></b></p> <p>Responsive to social changes such as greater demand for working from home and growth in online businesses, while upholding other resident’s right to quiet enjoyment of property.</p>	<p><b><u>Economic</u></b></p> <p>Where home business operations involve significant outdoor operations, larger-scale storage or parking of machinery the owner/operators would need to apply for consent or lease appropriate commercial or industrial sites for these activities, which would impact their operating costs.</p> <p><b><u>Environmental, Social, Cultural</u></b></p> <p>None identified.</p>

**Effectiveness:** It is considered that Option 2 is effective and meets best practice requirements to drafting measurable permitted activity standards. This option provides for a more consistent and objective interpretation and implementation of the WDP.

**Efficiency:** It is considered that Option 2 is efficient because it simplifies the relevant rules, reduces the number of interpretation queries, and allows readers of the plan a straightforward way to determine compliance requirements.

**Risk of acting/not acting:** There is no identified risk with Option 2.

**Overall evaluation of Option 1:** Option 2 is considered the most appropriate method of achieving the relevant objectives.

This option seeks to remove the subjective evaluation of an ancillary activity from the permitted rule and rely on the remaining quantitative thresholds to assess the nature of an activity. A broad subjective evaluation of an ancillary activity is impractical within the permitted activity rule context. It does not contribute to achieving the objectives and policies of the relevant zones beyond what is already covered by the existing quantitative criteria for traffic movements limit, number of staff engaged in an activity, and GFA limit. These existing scale-related thresholds appropriately serve to identify activities that are secondary in nature to a residential use. It is considered a direct reference to “ancillary activity” in the permitted rule is unnecessary, and its deletion would not constitute a material change to the current interpretation of the operative policy settings.

164. Option 2 is the most appropriate option.

#### 4.11 Issue #11 – Visitor accommodation

##### Status quo and problem statement

165. The operative WDP policy approach<sup>14</sup> aims to maintain the residential character and amenity of various zones by restricting non-residential activities to those that are compatible with residential activities in design, scale, and nature. Visitor accommodation for more than 6 people, as a subset of commercial activities, is allowed if it is complementary to the primary residential or rural use. In urban areas, the policies<sup>15</sup> emphasise managing adverse effects such as noise, traffic, and visual impact. Tourist based activities are envisaged in the rural areas only if they have a connection with rural resources and rural communities<sup>16</sup>.

166. The operative WDP provides three tiers of regulation for activities associated with accommodating paid visitors:

<sup>14</sup> WDP Objectives LLRZ-O5 Non-Residential Activities, LRZ-O3 Non-Residential Activities, GRZ-O4 Non-Residential Activities, MRZ-O4 Non-Residential Activities, RPROZ-O2 Land Use Activities, RLZ-O4 Non-Rural Activities, FUZ-O5 Non-Residential Activities, SETZ-O3 Community Facilities, SETZ-O4 Residential Activities, SETZ-O5 Mix of Residential and Commercial, SETZ-O6 Business Activities, PNDA-O4 Range of Activities.

<sup>15</sup> WDP Policies LRZ-P2 Non-Residential Activities, GRZ-P7 Non-Residential Activities, MRZ-P8 Non-Residential Activities, PNDA-P8 Mixed Use.

<sup>16</sup> WDP Policies LLRZ-P9 Non-Residential Activities, RPROZ-P2 Land Use Activities, RLZ-P3 Compatible Uses, FUZ-P4 Commercial and Industrial Activities, SETZ-SZ1-P1 Character and Amenity.

- Visitor accommodation for up to 6 people is treated as a residential activity (through the living accommodation definition) and is therefore allowed as of right in zones where residential activities are permitted.
- Small scale visitor accommodation for more than 6 people can be carried out in Residential Zones as a permitted activity where it is secondary to the main residential use and meets certain criteria.
- Large scale visitor accommodation (i.e. more than 6 visitors) is generally provided for as a permitted activity in most Business Zones.

167. The following WDP definitions are of relevance:

**Visitor accommodation** is included in the Commercial Activities grouping. Means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

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

**Living Accommodation** includes visitor accommodation for up to six people.

168. The above definitions are interpreted together to mean that visitor accommodation for up to six people would cover bed and breakfasts, homestays, and similar activities where visitors are accommodated within an existing residential unit. Since this policy setting is expressed in the Definitions chapter of the WDP rather in the visitor accommodation rules in each zone, it has caused confusion for users of the Plan. This drafting is considered inefficient as it creates unnecessary interpretation loops. Additionally, the current content of the definition of living accommodation is considered ineffective as it does not define what living accommodation is.

#### Proposed PC4C amendments

169. It is proposed to delete the definition of living accommodation and bring in the provisions for visitor accommodation for up to six people directly into the relevant rules. It is intended that these amendments will not alter the policy approach, but will improve drafting to improve user experience and interpretation of the WDP.
170. To more effectively achieve the relevant objectives and policies, the following amendments are proposed as shown in the examples below and the full track changes in Attachment 1:
- Amend MRZ-R19, GRZ-R20, LRZ-R21, PNDA-R24 to insert an additional permitted criteria for visitor accommodation hosting no more than six visitors at any given time, as per the approach described in paragraph 171 below.

- b. Insert a permitted pathway for visitor accommodation for six people or less into LLRZ-R22, LCZ-R27, and SETZ-SZ2-R5 to maintain the operative WDP status quo following the deletion of the definition of Living Accommodation.
- c. Insert into the WDP new visitor accommodation rules RPROZ-R12, RLZ-R14, SETZ-SZ1-R11, FUZ-R13 to sit separately from the more generic commercial activities rules to achieve consistency in the drafting of visitor accommodation rules across the WDP. The default activity status for the new rules is proposed to match the activity status in the parent commercial activities/commercial services rules in the same zone.

#### **LLRZ-R21 Visitor Accommodation**

Activity Status: **Permitted**

Where:

1. **The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**Activity status where compliance not achieved:** Discretionary

Where:

1. The activity is a primary activity or ancillary activity.

#### **MRZ-R19 - Visitor Accommodation**

Activity Status: Permitted

Where:

1. **The activity is undertaken in an existing lawfully established residential unit, provided that the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.**

**OR**

1. **The activity is an ancillary activity to a residential unit on the site.**
2. The principal operator of the activity **is a permanent resident lives** on the site **for at least 183 days out of every 365-day period; and**
3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers **(except visitors checking into accommodation)** or the loading or unloading of vehicles; **and**
4. The activity generates less than 20 traffic movements per site, per day; **and**
5. **There is no car parking between the residential unit and the road.**
- 6-5. **In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and**
- 7-6. The **activity visitor accommodation is provided inside a building and** does not exceed the use of 15% of the total gross floor area of all buildings on the site; **and**

~~8-7.~~ Each visitor accommodation unit provides an outdoor living court of at least 6m<sup>2</sup> and at least 1.8m depth.

~~Activity Status when compliance with up to two of the rules MRZ-R19.4-8 is not achieved: Discretionary~~

Activity Status when compliance ~~with more than two of the rules is not achieved or when compliance with any of rules MRZ-R19.1-3 is~~ not achieved: Non-Complying

#### RPROZ-R12 Visitor Accommodation

Activity Status: Permitted

Where:

1. The activity is undertaken in an existing lawfully established residential unit, provided the maximum visitor occupancy, in addition to any permanent residents on the site, is no more than six tariff-paid visitors at any given time.

OR

2. The principal operator of the activity lives on the site for at least 183 days out of every 365-day period; and

3. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers (except visitors checking into accommodation) or the loading or unloading of vehicles; and

4. The activity generates less than 20 traffic movements per site, per day; and

5. In addition to the principal operator, the activity has no more than two other persons engaged in providing the activity; and

6. The activity does not exceed the use of 15% of the total gross floor area of all buildings on the site; and

Activity Status when compliance not achieved: Discretionary

171. The proposal would move visitor accommodation for six people or less from sitting under the residential activities grouping to a more logical place under commercial activities grouping. The proposed drafting carries across the same controls to visitor accommodation for six people or less as were applied to it by default when classed under residential activities. This is done through requiring that the activity is carried out in an existing legally established residential unit, which ensures residential density controls continue to be applied to any construction of a minor dwelling. An additional requirement that the activity must be provided in a building is intended to ensure that any additional structures built on site to accommodate visitors would continue to be assessed against the zone site coverage, impervious area rules, and setbacks rules, as they would have been when assessed as living accommodation under the operative WDP.

172. It is noted that other changes have been proposed to the operative Visitor Accommodation rules under Issue #10 of this report.

### Assessment of options

173. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: The status quo (i.e., the operative provisions in the WDP that classify visitor accommodation for up to six people as residential activity and rely on qualitative assessment of “ancillary activity” for compliance with the permitted pathway for visitor accommodation for more than 6 people).
- Option 2: Develop bespoke rules for different types of visitor accommodation, including bed and breakfasts and homestays in residential zones.
- Option 3: The proposed provisions (i.e., the proposed amendments outlined above to improve clarity and drafting without changing the overall policy approach).

174. Assessments of each option are provided below:

Option 1: The status quo	
Benefits	Costs
<p><b><u>Economic</u></b></p> <p>Ability to establish a visitor accommodation for six people or less as of right in residential areas without incurring additional compliance costs.</p> <p><b><u>Environmental, Social and Cultural</u></b></p> <p>None identified</p>	<p><b><u>Economic and Social</u></b></p> <p>Uncertainty for businesses and residents regarding the ability to establish bed and breakfasts, holiday homes, homestays and the permitted scale of these activities.</p> <p><b><u>Environmental and Cultural</u></b></p> <p>None identified</p>
<p><b>Effectiveness:</b> It is considered that Option 1 is ineffective because of interpretation loops created by the interaction of the definitions of “Living Accommodation” and “Visitor Accommodation”.</p>	
<p><b>Efficiency:</b> The need to keep referring to the definition of “Living Accommodation” when assessing visitor accommodation creates inefficiency for the public and applicants who may not be familiar with the nuance of WDP structure.</p>	
<p><b>Risk of acting/not acting:</b> The status quo involves the risk that Council’s current position on bed and breakfasts and similar residential-based accommodation is not clearly communicated to plan users and is subject to different interpretations and challenge.</p>	
<p><b>Overall evaluation of Option 1:</b> It is considered that Option 1 causes unnecessary confusion and therefore is not the most appropriate method.</p>	

**Option 2: Develop bespoke rules for different types of visitor accommodation**

Benefits	Costs
<p><b><u>Economic</u></b>            Ability to tailor visitor accommodation regulation to the desired tourism goals for Whangārei District.</p> <p><b><u>Environmental</u></b>            Ability to take into account infrastructure impacts of visitor accommodation, such as adequate provision of three waters services, waste management and pressure on rural roads.</p> <p><b><u>Social and Cultural</u></b>            Opportunity to consider impacts of holiday accommodation on housing affordability.</p>	<p><b><u>Economic</u></b>            Higher costs and longer timeframes for a plan change where the proposed changes are deemed significant.</p> <p><b><u>Environmental, Social, Cultural</u></b>            Would depend on the balance of permissive and restrictive elements of a proposed regulatory regime.</p>
<p><b>Effectiveness:</b> Option 2 would provide an opportunity to replace the old regulatory settings with a new solution across the WDP.</p>	
<p><b>Efficiency:</b> It is considered that Option 2 is less efficient because it would require material amendments to objectives and policies across each zone, which is outside the scope of PC4C.</p>	
<p><b>Risk of acting/not acting:</b> There is risk with Option 2 that a more fulsome review of the WDP zones and rules may need to be repeated if Central Government replaces the RMA with a new legislation.</p>	
<p><b>Overall evaluation of Option 2:</b> Option 2 is not suitable, as the identified drafting and interpretation issues can be addressed in a more efficient manner without changing the policy intent of the WDP through Option 3. An option of a full review of the relevant objectives and policies would still be available during a future cycle of zoning reviews.</p>	

**Option 3: Improve clarity and drafting without changing the overall policy approach**

Benefits	Costs
<p><b><u>Economic</u></b>            Greater certainty for communities and visitor accommodation providers.            Preserves the ability to carry out visitor accommodation for six people or less as of right in a residential unit.</p> <p><b><u>Environmental, Social and Cultural</u></b>            None identified.</p>	<p><b><u>Economic</u></b>            May detract business from Business Zones, however this would be no different from the operative regulatory setting.</p> <p><b><u>Environmental, Social, Cultural</u></b>            None identified.</p>

**Effectiveness:** Option 3 is considered more effective because it brings all of visitor accommodation provisions directly into one rule and ensures that all parts of the rule work well together.

**Efficiency:** It is considered that Option 2 is efficient because it would remove interpretation loops, remove a redundant definition, and clearly state the rules for each affected zone while maintaining the general policy intent and interpretation of the operative WDP.

**Risk of acting/not acting:** There are no identified risks associated with Option 3.

**Overall evaluation of Option 1:** Option 3 is considered the most appropriate option to give effect to the relevant objectives and policies.

175. Option 3 is considered the most appropriate option.

#### **4.12 Issue #12 – Reverse sensitivity effects of accommodation in Business Zones**

##### Status quo/problem statement

176. In certain zones, visitor accommodation has a more enabling activity status than residential activities. For example, in the COMZ, visitor accommodation is a discretionary activity, but a residential unit is non-complying. Other affected zones are the TCZ and Precinct 23 – Marsden City (PREC23), NCZ, MUZ and CCZ. Difficulties have arisen in distinguishing between visitors and residents in some circumstances. While visitor accommodation is a defined term in the Planning Standards and in the WDP, there are no criteria clearly establishing when a visitor accommodation activity becomes a residential activity.

177. Where visitors live in a motel or hotel for an extended period of time, such as in the case of transitional and emergency housing, duration of stay becomes a relevant factor in determining the status of one being a visitor as opposed to a resident. The implications of this are that in some Business Zones a resource consent may be required to manage reverse sensitivity from residential activities establishing near existing non-residential uses.

178. The WDP definition of visitor accommodation, as shown below, is silent on duration of stay and the term ‘visitor’ is not further defined:

##### ***Visitor accommodation***

*This definition is included in the Commercial Activities grouping.*

*means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.*

179. ‘Visitor’ is defined in the Oxford Dictionary 9th edition as ‘one who visits a person or place’, and ‘visit’ is defined as “reside temporarily”.

180. Clearer direction is needed in the WDP to distinguish visitors from residents to manage reverse sensitivity effects in relevant zones if residential activities were to establish near

existing commercial activities. This is necessary to achieve policies COM-P4, PREC23-P8, PREC23-P11, and TCZ-P3.3.

#### Proposed PC4C amendments

181. It is proposed to introduce a duration of stay limit for tariff-paying visitors of 90 consecutive nights to provide a firm threshold beyond which an activity should be assessed as a residential activity.

182. It is proposed to amend rule COMZ-R29 Visitor Accommodation as follows:

#### **COMZ-R29 Visitor Accommodation**

Activity Status: Discretionary

Where:

1. The activity is a primary activity or ancillary activity.
2. The maximum duration of stay for any visitor is 90 consecutive nights.

183. For consistency with COMZ-R29, amendments to the same effect are proposed to NCZ-R17, MUZ-R16, TCZ-R20, CCZ-R18 and PREC23-R20 as shown in Attachment 1.

#### Assessment of options

184. Currently in the COMZ and PREC-23 Sub-Precinct E, if visitor accommodation is converted into a residential unit, the commercial operator and/or property owner is required to apply for resource consent. Similarly in TCZ, CCZ, MUZ, and NCZ conversion of premises into residential units on ground floor would trigger resource consent requirements. If no resource consent is submitted or the activity has not ceased, then enforcement action may be taken. Without a specified duration of stay, Council's RMA Compliance Team are not able to easily determine the extent of the degree of non-compliance. It is considered the status quo is not a reasonable option to implement the objectives and policies of the affected zones.

185. The option of including a definition of "visitor" in the WDP is not recommended, as the term is used in other contexts throughout the WDP such as the patronage of parks and reserves by visitors, or provision of visitor parking at commercial facilities. Introduction of a definition could have unintended consequences on these and other contexts.

186. Introducing a duration of stay criteria is considered the most appropriate way to address reverse sensitivity concerns in the identified zones. The proposed 90 night threshold is considered a pragmatic way to distinguish visitors from residents and is based on existing

caselaw on visitor accommodation<sup>17</sup>, and is aligned with timeframes referenced in regulations on transitional and emergency housing<sup>18</sup>. It is considered that 90 nights is a sufficient duration for typical visitors and would provide a clear cut-off when consent requirements would apply to an accommodation that is being used as a residential unit.

187. The proposed amendments are the most appropriate way to implement policies COMZ-P4, TCZ-P3.3, CCZ-P3, CCZ-P5, MUZ-P2.1, MUZ-P5, NCZ-P2.5, NCZ-P3 and PREC23-P11 without materially impacting the overall policy approach of the WDP.

#### **4.13 Issue #13 – Show homes**

##### Status quo/problem statement

188. The Residential Zones' policies establish a framework for enabling non-residential activities only where they are compatible with the residential context and do not detract from the amenity, character, or function of the zone. "Show homes" are not defined in the WDP and currently default to a Commercial Activity classification. In some cases, specifically in Residential Zones, this results in show homes becoming a non-complying activity under the commercial activity rules.

189. It is considered that show homes align with what is anticipated in the Residential Zones and are supported through the objectives and policies of the Residential Zones. Their form, function, and appearance are consistent with residential development expectations, and they do not introduce adverse effects that would undermine residential amenity or character. Therefore, provided certain criteria can be met, show homes would not necessarily always be contrary to residential zones objectives and policies, and a permitted activity pathway could provide efficiencies for Council and applicants.

##### Proposed PC4C amendments

190. It is proposed to introduce a new definition of a Show Home into the Definitions Chapter as shown below, to be placed under the Commercial Services grouping, and a new permitted rule for show homes in the LLRZ, LRZ, GRZ, MRZ, SETZ and FUZ.

191. The proposed definition is as follows:

<sup>17</sup> Queenstown Branch of Motel Association of New Zealand and Wanaka Commercial Accommodation Operators v Queenstown Lakes District Council [2003] ELHNZ 127

<sup>18</sup> <https://www.hud.govt.nz/our-work/transitional-housing>

Term	Definition
<u>Show home</u>	<u>means a residential building placed on temporary or permanent foundations that is not currently used as a residential activity but is for the primary purpose of displaying or advertising of that home or type of house. May include an ancillary office within the building, outdoor living areas, and gardens.</u>

192. The proposed new permitted rules LLRZ-R15 and LRZ-R23, GRZ-R22, MRZ-R21, SETZ-SZ1-R12, FUZ-R14 are provided in Attachment 1 and as per the following example (noting that in LLRZ the default activity status is proposed to be Discretionary for consistency with other commercial activity rules in this zone):

<u><b>GRZ-R22 Show Homes</b></u>
<u><b>Activity Status: Permitted</b></u>
<u><b>Where:</b></u>
<ol style="list-style-type: none"> <li><u><b>1. The activity generates less than 25 traffic movements per site, per day.</b></u></li> <li><u><b>2. The activity does not include, before 08:00 or after 18:00 on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles.</b></u></li> <li><u><b>3. The use of the residential building and land as a show home ceases within 36 months from the time of first use as a show home.</b></u></li> </ol>
<u><b>Activity Status where compliance not achieved: Non-Complying</b></u>

### Assessment of options

193. Show homes are typically temporary or transitional uses that replicate residential form and function. They are generally consistent with the built form anticipated in residential zones and do not introduce commercial characteristics that would conflict with the policies of GRZ-P7, MRZ-P7, LLRZ-P9, or LRZ-P2. Provided they are designed in accordance with the relevant development standards (e.g., setbacks, height, site coverage), show homes are unlikely to generate adverse effects on residential amenity.

194. GRZ-P4, MRZ-P5, LLRZ-P1 and LRZ-P1 aim to manage adverse effects of non-residential activities on residential amenity and character by ensuring developments are sympathetic to the locality's amenity and character, considering building bulk, scale, symmetry, and site sizes for developments. Show homes that align with development controls and scale and form of buildings in the relevant zone would typically not impact residential amenity and character.

195. For the purpose of this evaluation, Council has considered the following practicable options:

- Option 1: Status quo (i.e. continue without a definition for a Show Home)

- Option 2: Include a new definition of a show home and introduce permitted standards for Show Homes in Residential Zones.

196. The status quo has led to the unintended consequence of Show Homes being treated as non-complying activities, despite their alignment with the anticipated character and function of Residential Zones. The current approach is not considered the most appropriate method to achieve the objectives and policies of the Residential Zones.
197. The proposed introduction of a definition for "Show Homes" and associated permitted activity standards is considered both efficient and effective option. in achieving the relevant objectives and policies of the WDP, particularly GRZ-P7, MRZ-P7, LLRZ-P9, and LRZ-P2. These policies collectively seek to enable non-residential activities that are compatible with the character and amenity of their respective zones, while managing potential adverse effects.
198. The proposed rule introduces specific permitted activity standards for the temporary use of residential buildings as show homes. These standards are intended to manage potential adverse effects on residential amenity by providing a clear and measurable framework. They address key concerns such as traffic generation, noise, and hours of operation, while ensuring that the permitted baseline is not inadvertently expanded. Where these standards are not met, the activity defaults to discretionary status, allowing more intensive or prolonged show home uses to be appropriately assessed through the resource consent process.
199. Option 2 is the considered the most effective in implementing the relevant zone policies, as it enables development and associated activities in a manner that maintains residential character and amenity.

#### **4.14 Issue #14 – Correction of drafting errors**

##### Status quo and problem statement

200. The following analysis relates to several instances where removal of duplications, or correction of terminology and/or rectifying of omissions is required in the WDP. The proposed amendments are sought to streamline and simplify the provisions, but are considered to have no material effect to the application of rules.

##### LIZ and HIZ Training facilities for an industrial activity

201. Rules LIZ-R28 – LIZ-R39 set a non-complying activity status for a range of residential, community, and rural production activities. Rule LIZ-R36 Educational Facilities contains an interpretation note which provides guidance that the correct activity grouping of training facilities for an industrial activity should be as a general industry sub-activity under the Industrial Activity grouping. The same note is duplicated under rules LIZ-R28 – LIZ-R35 and

LIZ-R37 – LIZ-R39. This appears to be an error as the note is unnecessary for the interpretation of these rules. An identical issue is also found in HIZ chapter within rules HIZ-R22 – HIZ-R33 and HIZ-R35 – HIZ-R37

#### PREC14 Redundant permitted criteria

202. Rule PREC14-R7.2 Care Centre provides a discretionary activity status where the activity does not involve care for the elderly. The same rule is duplicated in rules PREC14-R6.2 Recreational Facility and PREC14-R8.2 Food and Beverage Activity. However, the WDP definitions of Recreational Facilities and Food and Beverage Activities do not encompass provision of care for the elderly, therefore a reference to care for the elderly in the permitted criteria is redundant. Therefore, it is considered that references to care for the elderly in rules PREC14-R6.2 and PREC14-R8.2 are unnecessary and can be removed without material impact on the application of the respective rules.

#### SUB-R2 Omission in terminology

203. SUB-R2.1(a)(iii) relates to placing electrical supply systems underground in certain natural areas. The rule refers to "Outstanding Landscape" areas, however this is not a defined term in WDP. Instead, the correct term is "Outstanding Natural Landscapes" which are areas identified on statutory maps within WDP under Objective NFL-O1 of the NFL chapter.

#### Clarification of Rule SUB-R15.2(e)

204. Rule SUB-R15.2(e) manages boundary relocation subdivisions in the RPROZ and states that the subdivision must not "*result in the ability to create additional sites as a controlled activity beyond the overall number of sites that could have been created as a controlled activity prior to the boundary relocation subdivision*".
205. The intent of rule SUB-R15.2(e) is that it is referring to the controlled activity status in SUB-R16.1. The rule is referring to the "number of sites that could have been created as a controlled activity" which is dictated by SUB-R16.1. However, this is not immediately clear and could cause confusion for applicants and decision makers.

#### Proposed PC4C amendments

206. PC4C seeks to amend rules LIZ-R28 – LIZ-R35 and LIZ-R37 – LIZ-R39 and rules HIZ-R22 – HIZ-R33 and HIZ-R35 – HIZ-R37 as shown in the example below (deletion shown in ~~striketrough~~) and as per Attachment 1:

**LIZ-R28 Plantation Forestry**

Activity Status: Non-complying

Where:

1. The activity is a primary activity or ancillary activity.

**Note: 1. Training facilities for an industrial activity are defined as general industry.**

207. PC4C seeks to amend rules PREC14-R6.2 and PREC14-R8.2 as shown below and as per Attachment 1:

**PREC14-R6 Recreational Facility; REC14-R8 Food and Beverage Activity**

Activity status: Discretionary

Where:

1. The activity is primary activity or ancillary activity.

~~2. The activity does not involve care for the elderly.~~

**3. 2.** Food and beverage activities do not exceed 200m<sup>2</sup> gross floor area per tenancy.

Activity status when compliance not achieved: Non-complying

208. PC4C seeks to amend rule SUB-R2.1(a)(iii)

**SUB-R2 Any Subdivision**

1. Activity Status: Controlled

Where:

a. In All Zones:

- i. The land contains a Site of Significance to Māori, or an area of historic heritage and the proposed boundaries are located to ensure that the whole Site of Significance to Māori or area of historic heritage is entirely within one of the sites produced by the subdivision.
- ii. The land contains existing buildings or major structures and the boundaries of the proposed sites result in compliance with the relevant zone permitted areas, outdoor living court, and height in relation to boundary rules.
- iii. An underground electrical supply system is provided where the subdivision is within an Outstanding **Natural** Landscape Area or Outstanding Natural Character Area.
- iv. The most efficient route for electrical supply to any site is across other sites or other land owned by the subdivider, easements are provided to secure the route.

b. [...]

209. PC4C seeks to amend rule SUB-R15.2(e) as follows:

***SUB-R15 Boundary Relocation Subdivision in the Rural Production Zone***

*Where:*

*...2. The subdivision does not:*

*...e. Result in the ability to create additional sites as a controlled activity beyond the overall number of sites that could have been created as a controlled activity **in accordance with SUB-R16.1** prior to the boundary relocation subdivision.*

### Assessment of options

210. An alternative to the proposed amendments that was considered for the purposes of this evaluation is to amend the rules under Clause 20(A) of the RMA. Amendments under Clause 20(A) can be made where there are identified minor errors, such as discrepancies between the operative rule and any related plan change documents. In the case of the matters outlined above, the amendments cannot be clearly identified as errors, therefore amendment under Clause 20(A) is not available.
211. It is considered that amending the identified errors as part of this plan change is an appropriate pathway and would provide more certainty for the interpretation of the rules. The amendments are minor in nature and do not alter the intent or interpretation of the rules; however, amending the provisions through the plan change process provides more transparency and enables persons to submit on the amendments.

## **5 Conclusions**

212. This evaluation has been undertaken in accordance with s32 of the RMA to identify the need, benefits and costs arising from PC4C and the appropriateness of the proposed amendments having regard to their effectiveness and efficiency relative to other means of achieving the purpose of the RMA.
213. Pursuant to s32 of the RMA, 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.

## **6 Attachments**

- Attachment 1: Proposed Plan Change 4C Amendments to Whangārei District Plan Text
- Attachment 2: Pre-Notification Consultation Process
- Attachment 3: PC4C Notification Process
- Attachment 4: Reference table of impacted District Plan provisions

## ***Attachment 1: Proposed Plan Change 4C Amendments to Whangārei District Plan Text***

[Included as separate attachment due to file size]

## ***Attachment 2: Pre-Notification Consultation Process***

1. Prior to notification of Plan Change 4C, the following consultation was undertaken:
  - a) The plan reviews were discussed with internal Council Departments including Resource Consents, Roading, Building Control, PIMs and LIMs, and Infrastructure Planning.
  - b) On 17 April 2025 a summary table of issues proposed to be addressed by PC4C was circulated concurrently with draft versions of PC4A and PC4B for targeted consultation with iwi/hapū, stakeholders, and interest groups:
    - The groups set out in (a) above.
    - The Minister for the Environment.
    - All contacts on the Following Council mailing lists as at November 2024: Statutory Bodies, Iwi Authorities, Requiring Authorities and Internal Staff Contact List, the RMA Newsletter Planner Contact List, and the Residents & Ratepayers & Interest Groups - April 2024.
2. The Minor Improvements plan review was discussed with Elected Members at the following meetings:
  - Strategy, Planning and Development Committee – 17 April 2025
  - Strategy, Planning and Development Committee – 17 July 2025
3. The Minor Improvements plan review was discussed with Te Huinga on 27 March 2025 and with Te Kārearea Strategic Partnership Standing Committee on 6 May 2025.

### **Attachment 3: PC4C Notification Process**

1. Plan Change 4C will be publicly notified concurrently with Plan Changes 4A and 4B.
2. These plan changes will be publicly notified because they relate to district-wide provisions that may affect members of the general public.
3. Notification will include sending letters or emails to:
  - Every ratepayer in the District; and
  - The Ministry for the Environment; and
  - Relevant Ministers of the Crown; and
  - Requiring Authorities; and
  - Far North District Council, Kaipara District Council, and Northland Regional Council; and
  - Iwi authorities; and
  - Whangarei District Council's hapū mailing list; and
  - Whangarei District Council's RMA Newsletter Planner Contact mailing list; and
  - Whangarei District Council's Residents & Ratepayers & Interest Groups mailing list; and
  - Persons who provided feedback during consultation
4. Notification will also include a formal notice being published in the Northern Advocate and full details of the plan change being made available on the WDC website.

### *Attachment 4: Reference table of impacted District Plan provisions*

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
1	Interpretation	Definitions	Introduction	Introduction	Amend wording	#1
1	Interpretation	Definitions	General Rules of Interpretation	Figure 4: Commercial Activities Definition Grouping	Insert “Show homes” into grouping table under “Commercial Services”	#13
1	Interpretation	Definitions	Definitions	Allotment	Amend definition	#1
1	Interpretation	Definitions	Definitions	Discharge	Amend definition	#1
1	Interpretation	Definitions	Definitions	Infrastructure	Amend definition	#1
1	Interpretation	Definitions	Definitions	Living Accommodation	Delete definition	#11
1	Interpretation	Definitions	Definitions	Major Structure	Amend definition	#2
1	Interpretation	Definitions	Definitions	Minor Building	Amend definition	#2
1	Interpretation	Definitions	Definitions	Show home	Insert new definition	#13
2	Energy, Infrastructure and Transport	Three Waters Management	Information Requirement Rules	TWM-REQ1	Amend rule	#3
2	Transport Chapter	Transport	Rules	TRA-R8	Amend rule	#4
2	Subdivision Chapter	Natural Features and Landscapes	Rules	Table NFL 1A	Amend cross-referencing	Consequential amendments
2	Subdivision	Subdivision	Rules	SUB-R2	Amend rule	#14
2	Subdivision	Subdivision	Rules	SUB-R15	Amend rule	#14
2	Subdivision	Subdivision	Rules	SUB-R19	Amend cross-referencing	Consequential amendments

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
2	General District Wide Matters	Coastal Environment	Rules	CE-R8	Amend rule	#5
2	General District Wide Matters	Coastal Environment	Rules	CE-R10	Amend rule	#5
2	General District Wide Matters	Coastal Environment	Rules	CE-HNC-R6	Amend rule	#5
2	General District Wide Matters	Coastal Environment	Rules	CE-HNC-R8	Amend rule	#5
2	General District Wide Matters	Coastal Environment	Rules	CE-ONC-R6	Amend rule	#5
2	General District Wide Matters	Coastal Environment	Rules	CE-ONC-R8	Amend rule	#5
2	General District Wide Matters	Light	Rules	LIGHT-R2	Amend rule	#6
3	Residential Zones	LLRZ	Rules	LLRZ-R13	Amend rule	#10
3	Residential Zones	LLRZ	Rules	LLRZ-R14	Amend rule	#10
3	Residential Zones	LLRZ	Rules	LLRZ-R15	Insert new rules	#13
3	Residential Zones	LLRZ	Rules	LLRZ-R16	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R17	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R18	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R19	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R20	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R21	Amend numbering	Consequential amendments

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Residential Zones	LLRZ	Rules	LLRZ-R22	Amend rule and amend numbering	#11 and Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R23	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R24	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R25	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R26	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R27	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R28	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R29	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R30	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R31	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R32	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R33	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R34	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R35	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R36	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R37	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R38	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R39	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R40	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R41	Amend numbering	Consequential amendments
3	Residential Zones	LLRZ	Rules	LLRZ-R42	Amend numbering	Consequential amendments

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Residential Zones	LRZ	Rules	LRZ-R17	Amend rule	#10
3	Residential Zones	LRZ	Rules	LRZ-R18	Amend rule	#10
3	Residential Zones	LRZ	Rules	LRZ-R19	Amend rule	#10
3	Residential Zones	LRZ	Rules	LRZ-R20	Amend rule	#10
3	Residential Zones	LRZ	Rules	LRZ-R21	Amend rule	#10 and #11
3	Residential Zones	LRZ	Rules	LRZ-R22	Amend rule	#10
3	Residential Zones	LRZ	Rules	LRZ-R23	Insert new rules	#13
3	Residential Zones	LRZ	Rules	LRZ-R24	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R25	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R26	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R27	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R28	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R29	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R30	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R31	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R32	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R33	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R34	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R35	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R36	Amend numbering	Consequential amendments
3	Residential Zones	LRZ	Rules	LRZ-R37	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R6	Amend rule	#7

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Residential Zones	GRZ	Rules	GRZ-R15	Amend rule and amend cross-referencing	#7 and Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R16	Amend rule	#10
3	Residential Zones	GRZ	Rules	GRZ-R17	Amend rule	#10
3	Residential Zones	GRZ	Rules	GRZ-R18	Amend rule	#10
3	Residential Zones	GRZ	Rules	GRZ-R19	Amend rule	#10
3	Residential Zones	GRZ	Rules	GRZ-R20	Amend rule	#10 and #11
3	Residential Zones	GRZ	Rules	GRZ-R21	Amend rule	#10
3	Residential Zones	GRZ	Rules	GRZ-R22	Insert new rule	#13
3	Residential Zones	GRZ	Rules	GRZ-R23	Amend numbering and cross-references	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R24	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R25	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R26	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R27	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R28	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R29	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R30	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R31	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R32	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R33	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R34	Amend numbering	Consequential amendments

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Residential Zones	GRZ	Rules	GRZ-R35	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R36	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Rules	GRZ-R37	Amend numbering	Consequential amendments
3	Residential Zones	GRZ	Information Requirement Rules	GRZ-REQ1	Amend cross-referencing	Consequential amendments
3	Residential Zones	GRZ	Northland Christian Camp Precinct (PREC1)	PREC1-R5	Amend cross-referencing	Consequential amendments
3	Residential Zones	GRZ	Ruakaka Environmental Benefit Precinct (PREC9)	PREC9-REQ2	Amend rule	#3
3	Residential Zones	GRZ	Marsden Urban Expansion Precinct (PREC16)	PREC16-REQ2	Amend rule	#3
3	Residential Zones	MRZ	Rules	MRZ-R6	Amend rule	#7
3	Residential Zones	MRZ	Rules	MRZ-R14	Amend rule and amend cross-referencing	#7 and consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R15	Amend rule	#10
3	Residential Zones	MRZ	Rules	MRZ-R16	Amend rule	#10
3	Residential Zones	MRZ	Rules	MRZ-R17	Amend rule	#10
3	Residential Zones	MRZ	Rules	MRZ-R17	Amend rule	#10
3	Residential Zones	MRZ	Rules	MRZ-R18	Amend rule	#10

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Residential Zones	MRZ	Rules	MRZ-R19	Amend rule	#10 and #11
3	Residential Zones	MRZ	Rules	MRZ-R20	Amend rule	#10
3	Residential Zones	MRZ	Rules	MRZ-R21	Insert new rule	#13
3	Residential Zones	MRZ	Rules	MRZ-R22	Amend numbering and cross-references	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R23	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R24	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R25	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R26	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R27	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R28	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R29	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R30	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R31	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R32	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R33	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Rules	MRZ-R34	Amend numbering	Consequential amendments
3	Residential Zones	MRZ	Information Requirement Rules	MRZ-REQ1	Amend cross-referencing	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R3	Amend cross-referencing	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R4	Amend cross-referencing	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R10	Amend wording	#10

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Rural Zones	RPROZ	Rules	RPROZ-R11	Amend wording	#10
3	Rural Zones	RPROZ	Rules	RPROZ-R12	Insert new rule	#11
3	Rural Zones	RPROZ	Rules	RPROZ-R13	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R14	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R15	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R16	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R17	Amend numbering and amend cross-references	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R18	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R19	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R20	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R21	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R22	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R23	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R24	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R25	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R26	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R27	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R28	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R29	Amend numbering	Consequential amendments
3	Rural Zones	RPROZ	Rules	RPROZ-R30	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R3	Amend cross-referencing	Consequential amendments

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Rural Zones	RLZ	Rules	RLZ-R4	Amend cross-referencing	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R12	Amend rule	#10
3	Rural Zones	RLZ	Rules	RLZ-R13	Amend rule	#10
3	Rural Zones	RLZ	Rules	RLZ-R14	Insert new rule	#11
3	Rural Zones	RLZ	Rules	RLZ-R15	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R16	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R17	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R18	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R19	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R20	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R21	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R22	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R23	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R24	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R25	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R26	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R27	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R28	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R29	Amend numbering	Consequential amendments
3	Rural Zones	RLZ	Rules	RLZ-R30	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R7	Amend rule	#8
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R9	Amend rule	#10

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R10	Amend rule	#10
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R11	Insert new rule	#11
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R12	Insert new rule	#13
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R13	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R14	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R15	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R16	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R17	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R18	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R19	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R20	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ1-R21	Amend numbering	Consequential amendments
3	Rural Zones	SETZ	Rules	SETZ-SZ2-R5	Amend rule	#11
3	Commercial Zones	NCZ	Rules	NCZ-R17	Amend rule	#12
3	Commercial Zones	LCZ	Rules	LCZ-R27	Amend rule	#11
3	Commercial Zones	COMZ	Rules	COMZ-R9	Amend rule	#9
3	Commercial Zones	COMZ	Rules	COMZ-R29	Amend rule	#12
3	Commercial Zones	MUZ	Rules	MUZ-R16	Amend rule	#12

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Commercial Zones	TCZ	Rules	TCZ-R20	Amend rule	#12
3	Commercial Zones	CCZ	Rules	CCZ-R18	Amend rule	#12
3	Industrial Zones	LIZ	Rules	LIZ-R28	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R29	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R30	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R31	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R32	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R33	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R34	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R35	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R37	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-38	Delete note	#14
3	Industrial Zones	LIZ	Rules	LIZ-R39	Delete note	#14
3	Precincts	PREC14	Rules	PREC14-R6	Amend rule	#14
3	Precincts	PREC14	Rules	PREC14-R8	Amend rule	#14
3	Precincts	PREC14	Information Requirement	PREC14-REQ1	Amend rule	#3
3	Industrial Zones	HIZ	Rules	HIZ-R22	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R23	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R24	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R25	Delete note	#14

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Industrial Zones	HIZ	Rules	HIZ-R26	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R27	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R28	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R29	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R30	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R31	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R32	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R33	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R35	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R36	Delete note	#14
3	Industrial Zones	HIZ	Rules	HIZ-R37	Delete note	#14
3	Special Purpose Zones	FUZ	Rules	FUZ-R11	Amend rule	#10
3	Special Purpose Zones	FUZ	Rules	FUZ-R12	Amend rule	#10
3	Special Purpose Zones	FUZ	Rules	FUZ-R13	Insert new rule	#11
3	Special Purpose Zones	FUZ	Rules	FUZ-R14	Insert new rule	#13
3	Special Purpose Zones	FUZ	Rules	FUZ-R15	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R16	Amend numbering	Consequential amendments

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Special Purpose Zones	FUZ	Rules	FUZ-R17	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R18	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R19	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R20	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R21	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R22	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R23	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R24	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R25	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R26	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R27	Amend numbering	Consequential amendments
3	Special Purpose Zones	FUZ	Rules	FUZ-R28	Amend numbering	Consequential amendments
3	Development Areas	PNDA	Rules	PNDA-R20	Amend rule	#10

Part	Subpart	Chapter	Section	Provision(s)	Summary of proposed change	Issue(s) to which the change relates
3	Development Areas	PNDA	Rules	PNDA-R21	Amend rule	#10
3	Development Areas	PNDA	Rules	PNDA-R22	Amend rule	#10
3	Development Areas	PNDA	Rules	PNDA-R23	Amend rule	#10
3	Development Areas	PNDA	Rules	PNDA-R24	Amend rule	#10 and #11
3	Precincts	PREC	Rules	PREC23-R20	Amend rule	#12
3	Precincts	PREC	Information Requirement	PREC23-REQ1	Amend rule	#3

## 4.4 Whangārei District Airport Final Statement of Intent 2025 - 2026

**Meeting:** Strategy, Planning and Development Committee  
**Date of meeting:** 17 July 2025  
**Reporting officer:** John Burt – Manager Property Department

### 1 Purpose / Te Kaupapa

To approve the Whangarei District Airport Final Statement of Intent, 2025/26 in accordance with Section 64 of the Local Government Act 2002.

### 2 Recommendations / Whakataunga

That the Strategy, Planning and Development Committee

1. Under delegation approves the Final Statement of Intent 2025/2026 for the Whangarei District Airport.
2. Notes and provides feedback on the 2025/26 Final Statement of Intent.

### 3 Background / Horopaki

The Final Statement of Intent (SOI) has been reviewed for appropriateness in relation to the delivery of services, management and governance of the Whangārei District Airport (WDA) and obligations to meet Section 64, Schedule 8, clause 6 and 9 (contents of the statement of intent) under the amended Local Government Act 2002.

Attached is the Final Statement of Intent 2025/2026 for the Whangārei District Airport. The next three years focus on ensuring compliance with Civil Aviation Authority (CAA) requirements, planned infrastructure investment, and maintaining operational resilience. Key capital projects and financial contributions have been updated from the Draft SOI based on funding availability, project readiness and timing.

### 4 Discussion / Whakawhiti kōrero

The attached Final Statement of Intent 2025/26 outlines the strategic direction for WDA over the next three years, ensuring compliance with Civil Aviation Authority (CAA) requirements, ongoing maintenance of critical infrastructure, and positioning WDA for future growth and increased passenger volumes.

Surpluses before depreciation are expected in the 2026, 2027 and 2028 years. However, following depreciation the SOI is still projecting a loss before tax, as is outlined in the summary of changes below.

#### 4.1 Changes from Draft SOI to Final SOI

Key differences between draft and final documents are outlined in the table below:

<b>Component of SOI</b>	<b>Draft vs Final SOI</b>
Changes to Prospective Statement of Comprehensive Income:	<p>Net Loss after depreciation but before tax:</p> <ul style="list-style-type: none"> <li>– Year 1: Decrease \$32.5k</li> <li>– Year 2: Decrease \$39.7k</li> <li>– Year 3: Decrease \$37.4k</li> </ul> <p>Primarily due to updated rent projections, reduced depreciation, lower RFS and administration costs.</p>
Changes to Prospective Statement of Financial Position:	Changes were made to opening equity and the impact thereof and changes to capex program and capital contributions
Changes to Capex Plan:	<ul style="list-style-type: none"> <li>– Year 1: Increase of \$1.11M due to the Power and Capacity Upgrade and confirmed RFS contribution. Stage 1 of the Café Revamp was deferred to Year 2.</li> <li>– Year 2: Net decrease of \$500k. This reflects the deferral of the Carpark Extension and Café Revamp Stage 2 into Year 3.</li> <li>– Year 3: Decrease of \$1.45M due to the removal of the Terminal Expansion from the three-year forecast and the Café Revamp Stage 3 now expected to occur outside the SOI period (Year 4). Terminal Expansion removed from the three-year forecast; Taking into account the uncertainty of decisions and timing around possible relocation of the airport and the adequacy of revenue streams Management will develop a business case to assess its feasibility and based on the outcome of that it may be reconsidered in next year's Statement of Intent.</li> </ul>

**Key highlights from the SOI include:**

- Continued focus on revenue growth through landing fees, car parking, and commercial lease income.
- Completion of the Airport Rescue Fire Service (RFS) Operational Building by the end of 2025 (MoT funded).
- Apron extension project to increase terminal capacity and support regional transport resilience.
- Procurement of a second RFS fire truck scheduled for 2026/27 (MoT funded).
- Power Capacity Upgrade brought forward to 2025/26 to address infrastructure resilience needs.
- Carpark Extension deferred from Year 2 to Year 3 to better align with overall project staging.
- Café Revamp Stage 2 deferred from Year 2 to Year 3, with Stage 3 now sitting outside the current three-year forecast.

**Capital Projects**

A summary of capital projects for the next three years is included in appendix 3 of the document. These have been reprioritised to maintain airport infrastructure, continuing compliance and growing capacity at the Airport as part of regional transport resilience.

Of the original \$1.84 million in funding committed by the Ministry of Transport (MoT) for the RFS Operational Hangar & Base, a revised total of \$2.3 million was confirmed following a variation to the Joint Venture agreement. Of this, \$1,056,348 remains available and has been carried forward to the 2025/26 year to complete the project. The RFS facility remains fully funded by MoT.

The Apron Extension remains a priority due to the increasing number of medium-sized aircraft movements. The existing apron, built in the 1970s, is no longer sufficient for current demand, including Air New Zealand, King Air, charter flights, and civil defence aircraft. While the project is currently on hold due to a lack of funding, as the Ministry of Transport did not classify it as essential, its importance for improving aircraft separation and reducing the risk of delays or damage remains unchanged.

Power capacity at the airport has reached its operational limit. The backup generators, which currently only support runway lighting, are insufficient for terminal operations and fuel stations, limiting emergency response capabilities. While the Draft SOI had scheduled the upgrade for 2026/27, the Final SOI brings this work forward to 2025/26, reflecting the urgency of improving power resilience and operational reliability. The upgrade includes a new generator, transformer installation, and overall capacity improvements.

Further capital investments include the replacement of the airport's aging runway edge lighting system in 2027/28. Installed over 30 years ago, the current system has deteriorated due to exposure to severe weather conditions. The upgrade will include modern LED lighting and infrastructure improvements.

A long-term Airport Master Plan will be developed to ensure sustainable growth and service expansion, incorporating potential future projects and feasibility studies/business cases.

Attracting additional commercial carriers remains a key opportunity for revenue growth, but this is constrained by the airport's limited landside infrastructure. Without the ability to invest in critical upgrades—such as terminal improvements—it becomes difficult to support growth in passenger volumes and airline operations. The terminal remains a practical example of this challenge, as proposed improvements have been deferred beyond the current SOI period.

## 4.2 Financial/budget considerations

The Joint Venture (JV) partners — Whangārei District Council (WDC) and the Ministry of Transport (MoT), are contributing a total of **\$3.4M (\$1.7M each)** over the three-year period from 2026 to 2028 to support the airport's capital programme.

For the three-year period from 2026 to 2028, WDC has allocated, including carry forwards, \$2.024M as per the 2024-2034 Long Term Plan (LTP). Any adjustments required will be managed through the final 2025-26 budget process. The timing of certain projects remains dependent on MoT's funding confirmation.

Funding for future projects will continue under the Joint Venture Agreement between Council and the Ministry of Transport.

All Capital Expenditure items associated with the RFS are to be funded 100% by the Ministry of Transport – as provided for in the Joint Venture Deed.

Staff are working with the Ministry of Transport on the required business cases for each project. All projects are still subject to Council and Ministry approval on a case-by-case basis.

## 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.

## 6 Attachments / Ngā Tāpiritanga

Attachment 1 – WDA Final Statement of Intent FY2025-26



# Whangārei District Airport Statement of Intent

For the year 1 July 2025  
to 30 June 2026

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## 1 Introduction

The Whangārei District Airport (WDA) continues its recovery following the global pandemic. Passenger numbers have declined, largely due to our reliance on a single national carrier currently facing operational challenges, including an aging fleet, engineering limitations, and staffing shortages. These issues have resulted in reduced services nationwide, affecting WDA's revenue. To ensure long-term resilience and continued support for the local economy, WDA and Council will explore opportunities to diversify service providers and enhance regional connectivity.

The annual staged increase in Landing Fees with Air New Zealand continues. New negotiations are currently underway for a renewed fee increase for the 2026-2027 financial year which sits outside of the current 3-year arrangement.

A new base to house the Airport Rescue Fire Service (RFS) is scheduled to be completed by the end of 2025. The service which was a requirement of the Civil Aviation Authority (CAA) was established in 2022. Funds secured from the Ministry of Transport (MoT), as required by the Joint Venture, remain available to complete the project.

Changes in the interpretation of Civil Aviation Authority (CAA) rules, identified in the March 2023 re-certification raised the requirement for a second RFS truck as redundancy cover for the main appliance. To meet this requirement, a used appliance from the Dunedin airport was purchased and is now in service. Looking ahead, a new second RFS truck is planned for Year 2 in the Capex Plan to further strengthen operational resilience. The focus over the next three years remains on ensuring compliance with legislative requirements while maintaining a financially sustainable operation from existing revenues and cash reserves.

### **Key areas of focus include:**

- Continued Civil Aviation Authority (CAA) Certification. This involves maintaining the Safety Management System and continued oversight of all the operations.
- Completion of Airport Rescue Fire Fighting Service (RFS) Operational Building
- Purchase of the second RFS appliance, with the used truck now in service and a new appliance planned for Year 2 in the Capex Plan.
- Apron extension to increase capacity at Terminal for existing stakeholders and support regional transport resilience
- Programmed maintenance of Airside Infrastructure – Runway, Taxiways and Lighting
- Airport resilience with upgrading power capacity and emergency power generation
- Explore additional revenue streams and revisit plans to expand car-parking facilities, with consideration for timing and demand. While initial plans were delayed following feedback

from the Ministry of Transport, this opportunity will be re-evaluated around 2028 in response to shifting travel patterns and service levels.

- Coordinated approach to support domestic tourism and district development.
- Development of a long-term development plan for the airport.

## **2 Purpose of the Statement of Intent**

This statement of intent is prepared in accordance with section 64 of the Local Government Act 2002. It outlines the activities and intentions of the Whangārei District Airport (WDA) for the next three financial years, and the objectives to which those activities will contribute. It provides a basis for accountability to Council and the public for the performance of the organisation.

## **3 Purpose of the Organisation**

The overarching purpose of the Airport is to operate a fully serviceable Domestic Airport for the use of residents and visitors to the area. The Airport is situated at Onerahi in Whangārei. The day-to-day operational activities of the Airport are managed under the oversight of Whangārei District Council (Council) by way of a management contract with a contractor (currently Northland Aviation Limited).

## **4 Nature and Scope of Activities**

### **4.1 Activities Provided**

The nature of the activities that the Airport provides includes the following:

- To provide Airport services to and from the Whangārei area
- To operate the Airport in a cost effective and efficient manner
- To seek opportunities to widen the Airport's revenue base
- To adhere to the terms of the Aerodrome Operating Certificate issued by the CAA
- To meet CAA certification requirements
- To achieve the objectives outlined in this statement of intent

### **4.2 Whangārei District Council Vision**

The Airport will operate in support of Council's vision and community outcomes. Council's vision is to be an 'inclusive, resilient and sustainable District'. This is achieved through the following community outcomes.

- Efficient and resilient core services
- Positive about the future
- Caring for the environment
- Proud to be local

The Airport supports these outcomes by providing an airport facility that acts as a gateway to the Whangārei District and to Northland.

### 4.3 Additional Legislation

The Airport has obligations under the Civil Aviation Act 2023 and will ensure that it complies with all requirements under this Act when operating and maintaining the Airport.

## 5 Approach to Governance

### 5.1 Joint Venture Agreement

The Airport is owned and operated under a joint venture partnership between Council and the Crown (represented by the Ministry of Transport). The land that the Airport is situated on is 100% owned by the Crown, runways, plant and equity are 50% owned by the Crown and 50% owned by Council.

### 5.2 Airport Authority

The Council operates the Airport as the designated Airport Authority, appointed under the Whangārei Airport Establishment Order 1963 and in accordance with the Airport Authorities Act 1966. In this capacity, the Council also fulfils the role of a board of directors, as outlined in the Local Government Act 2002. The Airport Authority convenes on an as-needed basis. Day-to-day airport operations are managed by Northland Aviation Limited, under a management contract with the Council.

## 6 Objectives

### 1. To achieve the objectives of Whangārei District Council and the Ministry of Transport.

This includes achieving both the commercial and non-commercial objectives that are outlined in this statement of intent.

### 2. To operate a fully serviceable District Airport.

The Airport will operate as a fully serviceable District Airport for the use of visitors, residents and ratepayers.

### 3. To provide a good work environment.

The Airport will be fair to its contractors and users and maintain a good working environment.

### 4. To exhibit a sense of social and environmental responsibility.

The Airport operates with regard to appropriate environmental practices, legislation, and in recognition of the designation requirements of the District Plan.

### 5. Airport operation will meet the needs of aviation operators and their customers.

The short and long-term objectives of Airport operation will meet the needs of scheduled and non-scheduled aviation operators and their customers.

### 6. Health and safety standards are promoted and maintained.

This includes recognising the New Zealand Civil Aviation Authority health safety requirements and other requirements.

## 7 Performance Targets and Measures

Objective	Performance Measure		
	2025/26	2026/27	2027/28
1. To achieve the objectives of WDC and the MoT.	To operate within agreed financial budgets. Actual spend ≤ budget.	Actual spend ≤ budget.	Actual spend ≤ budget.
2. To operate a fully serviceable District Airport.	To encourage new business development and existing business expansion by engaging alternative aviation and airport service providers and enabling businesses to grow through lease management and land use consent process.	Enable business to grow through lease management and land use consent process.	Enable business to grow through lease management and land use consent process.
3. To provide a good working environment.	Measure user satisfaction by achieving higher than satisfactory ratings on surveys of either the public users or the aviation operators. >75%	>75%	>75%
4. To exhibit a sense of social and environmental responsibility	Respond promptly to any concerns raised by the neighbouring community and be active in noise management processes. - Encourage sustainability opportunities.	Record all complaints within council complaint records and monitor compliance with the noise contours.	Record all complaints within council complaint records and monitor compliance with the noise contours.
5. Airport operations will meet the needs of aviation operators and their customers.	Maintain Airport Certification by continuing to meet certification standards required by the Civil Aviation Authority  Meet required legislative timeframes under the LGA and CAA.	Fulfil requirements of the CAA as determined by the Airport Part 139 expositions. This will be checked as part of the internal Audit.	Fulfil requirements of the CAA as determined by the Airport Part 139 expositions. This will be checked as part of the internal Audit.
6. Health and safety standards are promoted and maintained.	Comply with and maintain the Safety Management System. - Annual in-house audit with an independent auditor. - Annual training schedule is up to date. - Airport Safety meetings quarterly (3 monthly) Three user meetings per year.	Comply with and maintain the Safety Management System.	Comply with and maintain the Safety Management System.

## 7.1 Further Explanation

Any abbreviations and technical terms used in the table are defined below:

- CAA refers to the Civil Aviation Act 1990
- LGA refers to the Local Government Act 2002
- MoT refers to the Ministry of Transport
- SMS refers to the Airport's Safety Management System
- RFS refers to the Airport's Rescue Fire Fighting Service
- WDC refers to Whangārei District Council

## 8 Information to be Provided Throughout the Financial Year

### 8.1 Half-yearly Report

The Airport will provide the Council and the Ministry of Transport with a half-yearly report on its operations. The half-yearly report will be provided within 2 months of the first half of the financial year ending (28 February 2026). The report will include:

- Commentary for the relevant six-month period, including both the financial and non-financial results.
- A comparison of performance against the objectives and performance targets set out in the statement of intent.
- Un-audited financial statements including a statement of financial performance, statement of financial position, cashflow statement, and notes to the financial statements.
- Financial forecast for the balance of the year.

The format of the half-yearly report will be similar to this statement of intent.

### 8.2 Annual Report

The Airport will provide Council and the Ministry of Transport with an annual report on that Airport's operations for that year. The annual report will be provided within 3 months of the financial year ending (by 30 September 2026). The annual report will include all the information necessary to enable an informed assessment of operations, including:

- A comparison of the performance targets and measures outlined in this statement of intent, and the actual performance of the Airport for the financial year.
- Any material variances from the expected performance of the Airport, and explanations for those variances.
- The amount of any compensation sought or obtained from Council or the Ministry of Transport.
- Audited financial statements for the financial year including a statement of balance sheet, statement of income, statement of movements in equity, statement of cash flows, and notes on the financial statements to be presented in a standard format.

- An independent auditor's report on the financial statements and the performance targets and other measures by which the Airport's performance against its objectives may be judged.

The format of the annual report will be similar to this statement of intent.

### **8.3 No Surprises Approach**

To ensure there is timely notification of any major issues, the Airport commits to a no surprises approach beyond the formal reporting requirements.

This means that Airport Management (Northland Aviation Limited) will proactively inform Council and the Ministry of Transport, when the Airport's operations could; create a major issue for the Airport or Council, trigger public interest, have political implications, or gain significant media attention. Management will report to Council staff via email.

Management will seek Council and the Ministry of Transport approval prior to any extraordinary expenditure.

## **9 Distribution of Accumulated Profits and Capital Reserves**

There is no distribution of accumulated profits or capital reserves to the joint venture partners during the year.

## **10 Estimate of Commercial Value of the Shareholders' Investment**

The commercial value of the partners' investment is set out in the statement of accounting policies included in this statement. It is noted that the land is a restricted asset and revaluation on a commercial basis would be misleading. The audited financial statements for the year ended 30 June 2024 record the total equity in the partnership of \$5,400,414 (2023 \$5,081,907).

## **11 Compensation Sought or Obtained**

The Airport is not seeking any financial contributions from Whangārei District Council (WDC) or the Ministry of Transport (MoT) for operational expenses during the financial year.

All financial contributions from the Joint Venture (JV) partners relate to planned capital investments and are detailed in Section 12: Capital Contributions.

## **12 Notes to Accompany Budgeted Financial Information in Appendix 2**

### **Income from Landing Fees:**

Landing fee revenues are based on passenger numbers continuing to grow in line with the post COVID-19 levels we have returned to. Approximately 5% of Airport landing fee revenue is derived from recreational and commercial operators other than Air New Zealand.

### **Income from Operational Recoveries:**

Operational Recoveries are mostly comprised of RFS Operational Costs recovered from Air New Zealand. RFS Recovery is calculated on a per passenger basis with provision for adjustment in the event the cost of providing RFS services is not fully covered by the per passenger fee. Agreement is in place to review RFS Recovery Rates if necessitated by increased operational cost for the second RFS truck.

### **Capital Contributions:**

#### **Ministry of Transport (MoT)**

In the Prospective Statements of Movements in Equity, the Capital Contribution – MoT Year 1 - \$1,056,348 represents the remaining portion of the \$2.3M funding allocated by the Ministry of Transport (MoT) for the Rescue Fire Service (RFS) Operational Hangar and Base. Year 2 - Procurement of a second RFS truck – \$1.8M MoT-funded (to ensure compliance with updated CAA requirements).

#### **Joint Venture Contributions**

The Joint Venture (JV) partners—Whangārei District Council (WDC) and the Ministry of Transport (MoT)—are contributing a total of \$3.4M over the three-year period from 2026 to 2028 to support the airport's capital programme.

WDC's contribution: \$1.7M

MoT's contribution: \$1.7M

#### **Council-Funded Non-Aviation Investments**

Council has a provision in its capital estimates for the expenditure of funds on non-aviation-related items as a community contribution to amenities at the Airport, as well as occasional capital sum investments in Council-owned assets at the Airport.

#### **2025/26 Capital Programme (Year 1)**

- Completion of the RFS Operational Hangar & Base (\$1,881,158 MoT-funded).
- Apron Extension (\$1.545M, supports increased terminal capacity and resilience for the airport and region).
- Reform and reseal hangar access road (\$156k, supporting commercial tenancies).
- Power and Capacity upgrade (\$100k)
- Switch Room upgrade (\$120k)
- Standby generator installation (\$200k, ensuring power resilience).
- New Hangar Development (\$100k, supporting future business expansion).
- Noise Monitoring equipment (\$100k)

- Security Camera upgrade for better security for public carpark (\$30k)

### **2026/27 Capital Programme (Year 2)**

- Power capacity upgrade (EV's Charging Station) – (\$100k to meet demand)
- Café Revamp Stage 1 (\$150k, enhancing commercial lease opportunities).
- Fencing – Front of Airport & Gates – (\$100k security enhancements)
- Entry driveway footpath & access drainage – (\$150k pedestrian safety improvements)
- Acquisition of a second RFS truck. Provides future resilience to RFS operations. – \$1.8M (fully funded by MoT)

### **2027/28 Capital Programme (Year 3)**

- Runway edge lighting upgrade (\$1.3M) – Replaces the aging system to maintain CAA compliance and ensure safe nighttime operations.
- Car park extension – (\$450k to accommodate passenger growth)
- Terminal traffic interface improvements (\$200k – Enhances pedestrian safety by removing traffic from the terminal entrance).
- Café Revamp Stage 2 – (\$200k back-of-house improvements)

### **Terminal Expansion (\$2M) – Strategic Project (Removed from Year 3 Capex Forecast)**

Although this project is no longer included in the Year 3 (2027/28) capital programme, it remains a strategically important initiative to support projected passenger growth and enhance regional connectivity. Final funding is dependent on JV partner approval.

Elected members have previously expressed reservations due to current financial performance, uncertainty around airline commitment and current service disruptions. However, the Airport's resilience is limited by its dependence on a sole airline provider. Expanding terminal capacity would create flexibility for additional carriers and support the region's long-term transport needs. This project will be revisited in future budget cycles, potentially as part of the 2029 budget or a staged development plan, subject to updated demand projections and funding pathways.

It is noted that some capital projects are contingent upon MoT confirming their contribution and without which some projects may not proceed.

## Appendix 1: Accounting Policies

### 1.1 Reporting entity

The Whangarei District Airport is a Council controlled organisation as defined under section 6 of the Local Government Act 2002. The Airport is administered by the Whangarei District Council in a joint venture operation with the Ministry of Transport and is domiciled in New Zealand.

## 2 Material accounting policies

### 2.1 Basis of preparation

**All transactions in the financial statements are reported using the accrual basis of accounting.**

All transactions in the financial statements are reported using the accrual basis of accounting.

The financial statements are prepared on the assumption that the Airport will continue to operate in the foreseeable future.

The Board has elected to apply PBE SFR-A (PS) Public Benefit Entity Simple Format Reporting Accrual (Public Sector) on the basis that the Airport does not have public accountability and has total annual expenses of less than \$5 million.

#### Goods and services tax

The Airport is registered for GST. All amounts in the financial statements are recorded exclusive of GST, except for debtors and creditors, which are stated inclusive of GST.

#### Functional and presentation currency

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest dollar (\$) . The functional currency of the Entity is New Zealand dollars.

The financial statements are presented in New Zealand dollars.

### 2.2 Revenue and expenses

Revenue comprises the fair value of the consideration received or receivable for the sale of goods and services, excluding Goods and Services Tax, rebates and discounts. Revenue is recognised as follows:

#### (i) Grants

Council, government, and non-government grants are recognised as revenue when the funding is received unless there is an obligation to return the funds if conditions of the grant are not met ("use or return condition"). If there is such an obligation, the grant is initially recorded as a liability and recognised as revenue when conditions of the grant are satisfied.

#### (ii) Interest income

Interest revenue is recorded as it is earned during the year.

#### (iii) Sale of services

Revenue from the sale of services is recognised when the services are provided to the customer.

#### (iv) Administration, overheads and other costs.

These are expensed when the related service has been received.

### 2.3 Income tax

Tax expense is calculated using the taxes payable method. As a result, no allowance is made for deferred tax. Tax expense includes the current tax liability and adjustments to prior year tax liabilities.

### 2.4 Bank accounts and cash

Bank accounts and cash comprise petty cash, cheque or savings accounts, and deposits held at call with banks.

Bank overdrafts are shown as current liabilities in the statement of financial position.

### 2.5 Debtors

Debtors are initially recorded at the amount owed. When it is likely the amount owed (or some portion) will not be collected, a provision for impairment is recognised and the loss is recorded as a doubtful debt expense.

## 2 Material accounting policies (continued)

### 2.6 Property, plant and equipment

Property, plant, and equipment is recorded at cost, less accumulated depreciation and impairment losses.

#### (i) Asset sales

For an asset to be sold, the asset is impaired if the market price for an equivalent asset falls below its carrying amount.

#### (ii) Use of assets

For an asset to be used by the Airport, the asset is impaired if the value to the Airport in using the asset falls below the carrying amount of the asset.

#### Depreciation

Depreciation is provided on a straight-line basis at rates that will write off the cost of the assets over their useful lives. The useful lives of major classes of assets have been estimated as follows:

Class of PP&E	Estimated useful life
Land	Indefinite
Airside	0-140 years
Buildings	4-50 years
Landside	0-140 years
Sundries	3.3-67 years
Services	0-40 years
Motor Vehicles	7-14 years

### 2.7 Investments

Investments comprise investments in terms deposits with banks.

Deposits with banks are initially recorded at the amount paid. If it appears that the carrying amount of the investment will not be recovered, it is written down to the expected recoverable amount.

### 2.8 Creditors and accrued expenses

Creditors and accrued expenses are measured at the amount owed.

### 2.9 Lease expense

Lease payments are recognised as an expense on a straight-line basis over the lease term.

### 2.10 Tier 2 PBE Accounting Standards applied

The Airport has not applied any Tier 2 Accounting Standards in preparing its financial statements.

### 2.11 Changes in Accounting Policies

There are no changes in accounting policies.

## Appendix 2: Budgeted Financial Information

**PROSPECTIVE STATEMENT OF COMPREHENSIVE INCOME**

	BUDGET	BUDGET	BUDGET
	30 June 2026	30 June 2027	30 June 2028
<b>Income</b>			
Landing fees	1,014,895	1,014,895	1,014,895
Sundry income advertising	16,075	16,075	16,075
Operational Recoveries	547,196	564,706	582,777
Rent received	227,642	234,927	242,444
Interest received	10,000	10,000	10,000
Carpark Income	179,108	179,108	179,108
<b>Total Income</b>	<b>1,994,917</b>	<b>2,019,712</b>	<b>2,045,300</b>
<b>Less Expenses</b>			
<b>Airfield Expenses</b>			
Drainage	5,000	5,160	5,325
Fencing	15,480	15,975	16,487
Grounds R&M	24,691	25,481	26,296
Runway R&M	51,600	53,251	54,955
Lighting R&M	17,386	17,943	18,517
Other R&M	14,428	14,890	15,366
	<b>128,585</b>	<b>132,700</b>	<b>136,946</b>
<b>Terminal Expenses</b>			
Insurance	57,626	59,470	61,373
Cleaning	37,567	38,769	40,010
Advertising	6,728	6,943	7,166
Rates	33,662	34,739	35,851
Electricity	36,155	37,311	38,505
Weather station	4,458	4,601	4,748
Security	11,544	11,913	12,294
Water	2,162	2,231	2,302
R&M	37,090	68,671	70,868
Other Expenses - Terminal	251	259	267
	<b>227,243</b>	<b>264,908</b>	<b>273,385</b>
<b>Rescue Fire Services</b>			
Certification - RFS	-	-	10,000
Insurance - RFS	13,227	13,651	14,088
Maintenance - RFS	5,262	5,430	5,604
Management Fee - RFS	372,339	381,648	391,189
Other Expenses - RFS	59,818	61,732	63,707
	<b>450,646</b>	<b>462,460</b>	<b>484,588</b>

<b>Administration Expenses</b>				
Management Fee		563,294	577,377	591,811
Telephone		1,221	1,260	1,300
Audit fees		46,570	48,060	49,598
Accounting Fees		10,000	10,000	10,000
Legal Fees		2,000	2,064	2,130
Bank Fees		8,263	8,528	8,801
Certification		3,560	3,674	3,792
Conferences		22,161	22,870	23,602
Other Expenses		39,522	40,787	42,092
Other Professional fees		111,420	31,785	32,802
		<b>808,011</b>	<b>746,404</b>	<b>765,928</b>
<b>Total Expenses before depreciation</b>		<b>1,614,485</b>	<b>1,606,472</b>	<b>1,660,846</b>
<b>Net Surplus (Loss) before depreciation</b>		<b>380,432</b>	<b>413,239</b>	<b>384,454</b>
Depreciation		432,321	606,371	765,338
<b>Net Surplus (Loss) before tax</b>		<b>(51,889)</b>	<b>(193,132)</b>	<b>(380,884)</b>
Tax Expense		-	-	-
<b>Net Surplus / (Deficit)</b>		<b>(51,889)</b>	<b>(193,132)</b>	<b>(380,884)</b>

	<b>BUDGET</b>	<b>BUDGET</b>	<b>BUDGET</b>
	<b>30 June 2026</b>	<b>30 June 2027</b>	<b>30 June 2028</b>
<b>Capital Expenditure</b>			
RFS Build (continued)	1,881,158		
Apron Extension	1,545,000		
Reform and re-seal hanger access road	156,000		
Power & Capacity upgrade	100,000		
Switch room upgrade	120,000		
Standby Generator for all of airport (Installed)	200,000		
Hanger Development	100,000		
Noise monitoring Equipment	100,000		
Security cameras	30,000		
Power & Capacity Upgrade (EVs)		100,000	
Café Revamp - Stage 1		150,000	
Fencing - Front of Airport & Gates		100,000	
Entry Driveway Footpath Access & Drainage		150,000	
RFS 2nd Truck		1,800,000	
Runway Edge Lighting			1,300,000
Carpark Extension			450,000
Traffic to Terminal Interface			200,000
Café Revamp - Stage 2			200,000
<b>Total capital expenditure</b>	<b>4,232,158</b>	<b>2,300,000</b>	<b>2,150,000</b>

<b>PROSPECTIVE STATEMENT OF MOVEMENTS IN EQUITY</b>				
		<b>30 June 2026</b>	<b>30 June 2027</b>	<b>30 June 2028</b>
<b>Opening Equity as at 1 July</b>		6,718,337	9,272,795	10,979,664
Capital Contribution - JV Partners		1,550,000	100,000	1,750,000
Capital Contribution - MOT		1,056,348	1,800,000	-
Plus Profit (Loss) for the year		(51,889)	(193,132)	(380,884)
Total increase/(decrease) in equity		2,554,459	1,706,868	1,369,116
<b>Closing Equity as at 30 June</b>		<b>9,272,795</b>	<b>10,979,664</b>	<b>12,348,779</b>

<b>PROSPECTIVE STATEMENT OF FINANCIAL POSITION</b>				
		<b>30 June 2026</b>	<b>30 June 2027</b>	<b>30 June 2028</b>
Equity		9,272,795	10,979,664	12,348,779
<b>Total Equity</b>		<b>9,272,795</b>	<b>10,979,664</b>	<b>12,348,779</b>
<b>Current Assets</b>				
Cash and Cash equivalents		48,087	61,326	45,780
Trade and other receivables		183,269	183,269	183,269
		231,356	244,595	229,049
<b>Current Liabilities</b>				
Trade and other payables and accruals		385,000	385,000	385,000
<b>Working Capital</b>		<b>(153,644)</b>	<b>(140,405)</b>	<b>(155,951)</b>
<b>Non Current Assets</b>				
Property plant and equipment		9,426,440	11,120,069	12,504,731
<b>Total Net Assets</b>		<b>9,272,796</b>	<b>10,979,664</b>	<b>12,348,780</b>

## Appendix 3: Capital Investment Plan

### Whangārei District Airport: Capital Investment Plan

Schedule	Task	Comments	Cost Est	Priority
<b>2025/26</b>				
RFS Operational Hangar & Base	RFS Operations	Project funding carried forward from 2022/23 year. 100% MoT	1,881,158** Remainder of the build (based on \$2.3M plus \$150K Better off Funding for LandSar	HP
Apron Extension	Increased airport operations	To provide needed improvement to infrastructure around terminal. More aircraft parking is needed, to increase Air NZ and corporate aircraft capacity	1,545,000**	HP
Reform and reseal hanger access road	Airport Commercial operations	Services existing commercial tenancies and access obligations.	156,000***	HP
Power Capacity & Upgrade	Airport Commercial Operations	Ensuring power capacity is capable of maintaining electricity to existing and new stakeholders at the airport	100,000	HP
Switch Room Upgrade	Airport Commercial Operations	Ensuring that electrical certification is up to standard after upgrade	120,000	HP
Standby Generator for all of airport (Installed)	Increase airport operation	To provide reliable power to critical systems, ensuring that the airport remains operational as a lifeline utility during civil defence emergencies, as mandated by the Civil Defence Emergency Management Act 2002.	200,000	HP
Hangar Development	Airport Commercial	New infrastructure to accommodate commercial development of private hanger space, access and fencing etc	100,000***	Dev
Noise Monitoring Equipment	Airport Noise Control	To ensure compliance with noise contours. Will also assist with reviewing noise complaints from residents.	100,000	MP
Security Cameras	Airport Security	Continually upgrade security to ensure public safety whilst they are at the airport or leaving their vehicles in the public carpark.	30,000	MP
		<b>TOTAL 2025/26</b>	<b>\$ 4,232,158</b>	

<b>2026/27</b>				
Power Capacity & Upgrade (EVs)	Increase airport operation and services	Meet growing demand for EV users	100,000	Dev
Café Revamp Stage 1	Airport Commercial	Replace existing countertops, Chattels and layout to maximise space and front of shop improvements – attract new long-term tenancy	150,000	Dev
Fencing – Front of Airport and gates	Improved airport operation	Improved security anticipated with carpark expansion	100,000	LP
Entry Driveway Footpath & Access Drainage	Improved safety	Construction of footpath for pedestrians and cyclists to terminus – dedicated raised crossing to tame vehicle and pedestrian interface	150,000	MP
RFS 2 <sup>nd</sup> Truck	RFS Operations	Provide future resilience to RFS - existing second-hand appliance-stop back in preparation of MoT future funding through JV.	1,800,00	MP
		<b>TOTAL 2026/27</b>	<b>\$2,300,000</b>	

<b>2027/28</b>				
Runway Edge Lighting	Airport operations	To upgrade 30-year-old electronics and lighting equipment.	1,300,000	HP
Carpark extension	Development and manage increased parking requirements	25% more passenger capacity will translate to increased carpark revenue	450,000	HP
Traffic to Terminal Interface	Improve Safety	To provide a safer pedestrian area directly in front of the terminal by eliminating traffic in this area.	200,000	MP
Café Revamp Stage 2	Airport Commercial	Upgrade Back of House including extraction and grease traps.	200,000	Dev
		<b>TOTAL 2027/28</b>	<b>\$2,150,000</b>	

HP - High priority   MP - Medium priority  
 LP - Low priority   Dev - Development Opportunity

\*\* carried forward from 2023/24

\*\*\* carried forward from 2024/25



## 5.1 Operational Report – Strategy, Planning and Development – July 2025

**Meeting:** Strategy, Planning and Development Committee

**Date of meeting:** 17 July 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 July 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 – July 2025

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



# **Operations Report Planning and Development**

## **July 2025**

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## 1. District Plan

### 1.1 Health and Safety

Nothing to report.

### 1.2 Current Priorities

#### 1.2.1 Plan Changes

Table 1 below sets out the status of current plan changes and the influence (if any) of Central Government Reforms on this work.

*Table 1: Current Plan Change Status*

Plan Change	Status	Status Update	Influence of Resource Management Reforms
PC1 – Natural Hazards	Subject to Appeals	Council staff are undertaking direct discussions with appellants in relation to six appeals. Council filed its first report on mediation progress with the Environment Court on 30 May 2025. Council must file its next report on mediation progress with the Environment Court by 1 August 2025.	On 29 May 2025 Central Government released consultation material on updating RMA national direction. This included a proposal for a new National Policy Statement on Natural Hazards (NPS-NH). The proposed NPS-NH directs local authorities to take a risk-based approach to new development. The decision version of PC1 is well aligned with the proposed NPS-NH.
PC3 - Rosvall Sawmill Rezoning	Hearing scheduled	The submissions period for this plan change has now closed. A hearing date has been scheduled for 28 July 2025.	The latest Resource Management reform announcements do not impact this plan change.

#### 1.2.2 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 are actively monitoring the Central Government Resource Management reform programme to ensure alignment of our maintenance and review work with national direction.

- **Matters of Importance to Māori:**

##### *Contract Negotiations*

Formal Project Agreement documents were signed with Te Parawhau on 5 June 2025. Project Agreement Amendments have been signed with Patuharakeke and Te Tāwera o Ngāti Pūkenga ki Pakikaikutu, to include the deliverables for Phase 2 of the project. Formal contract discussions with Te Iwitahi Manihera Whānau continue, and the door remains open for discussion with other hapū who have an interest in partnering in the Project.

##### *Phase 2*

An initial Phase 2 launch hui was held at Te Iwitahi on 9 June 2025 with Council staff and formal hapū partners in attendance. Council staff presented on the project progress so far and introduced the Phase 2 deliverables, as follows:

- A draft Tangata Whenua Context chapter
- The drafting of provisions and consideration of options for mapping
- A site identification worksheet
- The protocol for handling and managing hapū data
- Hapū perspectives on engaging with potentially affected parties.

During the hui, Council staff and hapū partners also workshoped different mapping approaches for sites and areas of significance to Māori and discussed views on dispute resolution.

It is intended that the Phase 2 deliverables will be complete by early to mid-September 2025, after which the Phase 3 (mapping) will begin.

#### *Onoke*

Following the recent Environment Court decision (reference Decision [2024] NZEnvC 351) relating to the subdivision of Onoke (Section 1 SO 65970) the District Plan team looking at the potential significance of this site, including in relation to trees. Through that process they are liaising with Nga Mahinga Ngati Kahu o Torongare (in their capacity as hapū that hold knowledge of the cultural values of trees and Sites and Areas of Significance to Māori in this part of the district) and with Onoke Heights Limited (as landowner).

- **Temporary Activities, Cross Boundary Matters, Contaminated Land and Minor Improvements:**

Documentation required to inform proposed plan changes for Temporary Activities, Cross Boundary Matters and Contaminated Land, and Minor Improvements has been completed. A separate report will be taken to the July Strategy, Planning and Development Committee meeting to seek a decision of Council to notify the Plan Changes.

- **Renewable Energy Infrastructure, Network Utilities, Public Access, and Ecosystems and Biodiversity Topic Reviews:**

Drafting of plan changes for these topic reviews was paused earlier this year pending further information from the Central Government on the Resource Management Reforms (RM Reforms). Further detailed announcements on the National Direction package of the RM Reforms were made by the Government on 29 May 2025. The announcements of relevance to these plan reviews are summarised in Table 2 below.

The announced new and amended national direction instruments provide only a general preview of potential proposed provisions rather than full drafts. Due to the limited level of technical detail revealed in the proposals, it is recommended that further work on these plan review topics remain paused until the National Direction lands with more certainty. The announcements suggest that the new and amended National Direction relating to these plan review topics will be gazetted by the end of 2025.

*Table 2: Summary of National Direction Package Announcements*

<b>National Direction Instrument</b>	<b>Proposal</b>
NPS Infrastructure (NPS-I)	New NPS to enable infrastructure by recognising benefits, operational and functional needs, and strategic plans.
NPS Renewable Electricity Generation (NPS-REG)	Replaces NPS-REG 2011 to give greater weight to renewable energy generation benefits and locational needs and support emissions targets.

NPS Electricity Networks (NPS-EN)	Replaces NPS on Electricity Transmission 2008 and: <ul style="list-style-type: none"> <li>▪ Expands scope of the NPS to include distribution lines.</li> <li>▪ Sets a lenient regime for network upgrading, including intensification of existing infrastructure.</li> <li>▪ Brings all ancillary electricity network activities under one regime (e.g. tree trimming).</li> </ul>
NES Electricity Network Activities (NES-ENA)	Replaces NES for Electricity Transmission Activities 2009 and: <ul style="list-style-type: none"> <li>▪ Expands scope of the NPS to enable more activities by default (e.g. stormwater, EV chargers, river works).</li> <li>▪ Introduces a buffer corridor and setbacks for subdivision and land use.</li> </ul>
NES Telecommunication Facilities (NES-TF)	Updates NES-TF 2016, expanding the permitted activities (pole heights, temporary installations, heritage connections) to meet coverage demand.
NPS Indigenous Biodiversity (NPS-IB)	Amendments to NPS - IB to make the provisions within this instrument more enabling and more consistent for quarrying and mining activities and essential ancillary activities.

#### 1.2.4 Private Plan Change Requests

- **422 Marsden Point Road Rezoning Request:**

A private plan change request was lodged on 20 December 2024 seeking to rezone the site at 422 Marsden Point Road from Heavy Industrial Zone to Light Industrial Zone and introduce a precinct overlay with various site-specific rules.

Council presented the private plan change request at the Council Briefing on 25 June 2025 to provide more details on the background of the request and the precinct provisions proposed. This provided the opportunity for discussion and questions.

A recommendations report will be presented separately at the July Strategy, Planning and Development Committee, for a decision to:

- Adopt the request (in whole or in part) as if it were a Council-initiated plan change;
- Accept the request (in whole or in part) for public notification; or
- Reject the request, where grounds exist under the Resource Management Act 1991.

If the request is adopted or accepted, the plan change will proceed to public notification.

#### 1.2.4 Monitoring

Work identifying key areas of focus for monitoring which will commence in the second half of 2025 has been completed. Staff have identified several District Plan topics that require a detailed monitoring review to ensure the plan's efficiency and effectiveness in managing land use and resources. These topics include:

- **Zone Boundary Review:** Conducting a limited review of parcel and zone boundaries, land use trends, and utilisation of land.

- **Medium Density Zone – Impact Assessment:** Evaluating development trends in the Medium Density Zone to identify implementation and uptake of enhanced zoning.
- **Business Land Development Sufficiency Update:** Reviewing business land development capacity through ground-truthing development potential and suitability of assumed capacity for anticipated future business needs.
- **Net Environmental Benefit:** Reviewing the implementation of the net environmental benefit approach to ensure it is delivering good outcomes. This includes legal protection and ongoing management of significant ecological and heritage values.
- **Quarry Buffer Zones:** Assessing the alignment of mapped Buffer Areas with resource consent requirements for quarry operations. This review will identify whether the Buffer Areas are fulfilling their intended function.

The monitoring reviews will inform the District Plan review programme, aiming to enhance the overall performance and alignment of the District Plan with strategic goals.

### 1.2.5 ePlan

- **Enhancements Project**

The Statement of Work for the ePlan Enhancements Project has been signed off by staff with a project commencement meeting being held on 3 July 2025. The project is expected to be completed by the end of September 2025. The work on enhancements will address current workarounds in the system that have the potential to result in issues with the legal version of the District Plan over the long term.

### 1.2.5 Process Improvement

Work continues to improve some of our processes.

- **Website Improvements**

Over the course of May the web team have been running some user recordings on the District Plan webpages to see how people are using the pages. We are awaiting feedback on these recordings to determine if there are any specific problem areas that could be addressed through webpage improvements.

- **Business Process updates**

Staff have continued work updating 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	2024 – 25 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

The Resource Management reforms have the potential to require a rescoping or reprioritising our plan reviews. 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 Matters of Importance to Hapū plan reviews

Data sovereignty issues associated with the Matters of Importance to Hapū plan reviews 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.

Data Sovereignty matters are being managed through:

- the signing of data sovereignty agreement with hapū as part of contract negotiations; and
- the development of a data management protocol as part of the Project to ensure the protection of hapū data shared into this Project over the long term and in accordance with the terms of the data sovereignty agreement.

A risk register is actively reviewed by staff each month to ensure risks associated with the Matters of Importance to Hapū plan reviews are appropriately managed.

### 1.4.3 ePlan

The ePlan presents some challenges around the on-going maintenance of this system. Staff have developed, and are in the process of implementing, a risk management strategy for ePlan to ensure potential risks around this are mitigated. Progress toward minimising risks associated with ePlan is reviewed by Staff each month.

## 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 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 (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.

ICT Staff have verbally agreed a commitment to funding work associated with the ePlan Enhancements Project from the ICT project budget.

## 1.6 Legislation Changes or Updates

Recent RM reform announcements are discussed below:

- **National Direction Package**

As part of Phase 2 of the RM Reforms the Central Government opened consultation on a comprehensive series of updates to RMA National Direction on 29 May 2025 (with

submissions open until 27 July 2025). The updates are divided into three packages, each addressing different aspects of resource management as follows:

1. **Package 1 – Infrastructure and Development** – Proposes four new National Direction instruments (for infrastructure, granny flats (minor residential units), papakāinga, and natural hazards) and amendments to four existing National Direction instruments (for renewable electricity generation, electricity transmission, distribution and associated activities, telecommunication facilities).
2. **Package 2 – Primary Sector** – Proposes amendments to eight existing National Direction instruments (for marine aquaculture, commercial forestry, highly productive land, stock exclusion regulations and the New Zealand Coastal Policy Statement).
3. **Package 3 – Freshwater** – Identifies issues with some of the current National Direction instruments for freshwater and seeks feedback on potential options to address the issues. It is anticipated that Government will undertake a second round of consultation on Package 3 once more detailed proposals are drafted.

This was followed by the “Going for Housing Growth – Providing for Urban Development in the new Resource Management System” consultation. Whilst this was billed as **Package 4**, it is distinct in that the proposals do not relate to Phase 2 of the RM reforms. Submissions on this discussion document close 17 August 2025.

The full details of these announcements are the subject of Council briefings on 10 July 2025 and 23 July 2025. A presentation to Te Karearea is also planned on 7 August 2025 and Te Huinga on 21 July 2025.

### **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 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**

Based on recent cross-organisation sector engagement meeting with members of the building and engineering community and the feedback received from a number of private sector participants, staff have identified some issues within the existing in-house processes that need to be scrutinised to ensure they are fit for purpose and are sufficiently customer focussed. At the same time these engagements have identified ongoing issues with private sector capability in some areas of Council engagement and consultation. Work will continue to see how this can best be addressed.

- **Parihaka Transmission Mast**

This project remains stalled. While there are no immediate stability concerns with the structure nor the immediately underlying ground, the access to the site and the ground stability in the near environs remain problematic. The main access road remains inaccessible to all forms of light and heavy vehicles and further geotechnical investigation is being undertaken to identify whether there is a viable solution or whether an exit strategy many need to be considered.

- **48 South Road**

Roading engineers have furnished an Integrated Transport Assessment that supports the proposed road connection, subject to several safety measures. These include:

- Localised speed reduction measures
- Right turn bay and centre line realignment on South Road turn into Argyle Street
- Formalised raised pedestrian crossing linkage across Argyle Street to link with the Caledonian Park walkway
- Safety improvements within the vicinity of Waipu Primary School (a more formalised pickup and drop-off facility - subject to a formal survey to determine arrival modes during peak hours to ensure appropriate design parameters)

Initial indications from consultant planners, Reyburn & Bryant, are that the proposed road connection should be able to be managed through a variation to the existing consent rather than a new consent. Reyburn & Bryant are preparing an estimate of construction costs associated with upgrading the currently consented pedestrian and cycle connection between Argyle Street and South Road to a full road connection.

- **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. Initial meetings with other Councils around New Zealand have been undertaken to understand what actions they take in this space. From here, we will look to review internal processes and engage with local stakeholders.

- **Hihiaua Peninsula Consultation**

A variation to the funding agreement has been completed 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.

Final hapū engagement is underway prior to concluding lease terms with the Trust. At this stage, only technical matters remain – specifically boundary adjustments related to the lease areas and areas that will be subject to licences to occupy. The aim is to ensure, where possible, continued unrestricted public access to open spaces.

- **Okara Marina**

Having completed Stage One of the marina development and secured sufficient further berth licence sales, the Trust have commenced 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. Further dredging is underway and off-site fabrication of the concrete pontoons has commenced.

## 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 April 2025*

### 2.4.1 *Economic Development*

- **Business**

Business conditions across the Whangarei District remain challenging, with feedback from local businesses continuing to highlight subdued trading and cautious consumer spending. While some sectors are showing resilience, the broader environment remains tough.

There has been an increase in international investor enquiries this month, particularly in hotel development and green energy opportunities. While still at an early stage, these enquiries reflect areas of ongoing interest that could support future economic activity.

The outcome of the Regional Deals process became available at the time of writing. While Northland was not in the first tranche of Regions selected the light touch proposal submitted earlier in the year has already provided a useful platform to highlight opportunities for growth in the district.

Council will host Pitch Night in July as part of The Pick, an incubator programme for business ideas and start-ups run by Northland Inc in partnership with NorthChamber. The event marks the culmination of this year's intake and provides a platform for emerging local entrepreneurs.

Council staff continue to monitor local conditions and support business development activities in partnership with Northland Inc and other agencies.

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

#### **Business Enterprise and Innovation**

- In the year to date, the Northland Inc Business Growth Team has engaged one on one with 324 Northland businesses through the regional business partnership (RBP), with 51% of them being Whangarei based.
- RBP registrations and engagement levels remain steady. Co-funding their portion of management capability development training has been a challenge for many

businesses, with many opting for lower cost training services through the RBP, or freely available resources at this point, with a view to invest in more substantial training at a later date.

- The Northland Inc BIG Team Net Promoter Score currently sits at 83 (against a KPI stated in the Northland Inc SOI of at least 50 for the year). The NPS provides a measure of how satisfied regional clients are with the business assistance and other services provided by this team. This score has steadily increased throughout the year.
- There has been a slight increase in Callaghan Innovation customer enquiries with new rounds of R&D funding re-opening July 1st. Co-funding their portion of high R&D project costs remains a challenge for many.
- The Pick business ideas competition is continuing through its 8-week cycle. The final pitch night will be held on 4<sup>th</sup> July at Te Iwitahi. As previously reported, 45% of participants are from the Whangarei district.

### **Destination Management**

- International trade marketing is well underway, with Trade Marketing Manager Sarah heading to the upcoming Tourism New Zealand Kiwi Link India event to conduct meetings and frontline training in Mumbai, Goa and New Delhi. In early September the new 'Kiwi North' North Island RTO collective, with over 65 sellers will be heading to Sydney and Melbourne to meet with media and travel trade for the first combined sales trip. And finally, in October Sarah will head to the UK for sales calls with other RTOs ahead of the Tourism New Zealand Kiwi Link UK event in London.
- The 2024 Touristy Tour campaign won "Best Single Station Promotion" at the recent NZ Radio and Podcast Awards. The Northland Inc-sponsored campaign was run by MoreFM in partnership with operator sponsors, encouraging Northlanders to support local businesses and get out and see their own region while SH1 Brynderwyns were undergoing repairs. The MoreFM Breakfast Show with John, Flash, and Toast travelled over 1,200kms to 40 local towns, broadcasting live whenever and wherever they could and reaching an audience of over 98,000 locals! The campaign was supported by Mayors, District Councils, Business Associations, tourism operators and local communities all over the region, and quickly showed results with some operators reporting receiving bookings as their business was live on air.
- This month Tourism New Zealand launched their new global campaign, encouraging visitors to "find their 100%" - showcasing the people, places and culture that make New Zealand unique and persuading visitors to book a trip here at any time of year. The RTO have been actively working with TNZ to support the launch of this campaign, from supporting filming of campaign content and broadcast opportunities, coordinating media famils, supplying imagery for campaign assets, and more.
- Mentioned in last month's report, Savour Northland – our region's premier celebration of food, beverage, produce and culture will be held 1st - 31st October. Once again supported by a comprehensive nationwide marketing campaign, Savour Northland will focus on districts within Northland, a core programme of events, themed series and the return of the hugely popular Savour Northland Challenge. Registrations for businesses to take part in the festival are now open.
- It has been a very busy few months for media famils in the region, with interest in Northland from journalists and publications high. Northland Inc arrange travel itineraries and help host famils across the region, generating positive exposure. Some recent features including Whangārei include Waipu Farmers Market in the NZ Herald, Hundertwasser Art Centre with Wairau Māori Art Gallery in Motorhomes, Caravans & Destinations, Whangarei top spots to eat and play featured in Urban List and social media content featuring Dive! Tutukaka, Hundertwasser Art Centre and Whangarei Falls. Earlier this month we hosted 11 travel trade delegates from Australia and New Zealand to showcase our region on the second Mega Famil organised by the RTO. The group visited Whangarei along with other districts during their stay. These famils

have proven very positive and help agents create new tours, itineraries, and product offerings for their clients.

### **Investment & Infrastructure**

- The Northland Inc team attended the Transpower Consumer Advisory Panel in June – topics included workforce, communications and future demand forecasting – weather forecasts indicate hydro storage looking strong for next two years, coupled with return of coal pile at Huntly means there is certainty for investors that we won't have the price spikes of recent years.
- Northland Infrastructure Plan has been tendered on GETS – closed on 23<sup>rd</sup> June.
- Vaughan Cooper attended the EDNZ Leadership Hui in Wellington as Chair of EDNZ, Paul Linton attended as CEO – topics included Minister Watts, Minister Willis, Science Reform, the new Investment NZ entity, NZ Story and deep dives into Priority One and Venture Taranaki operating models
- Further Planning of Massey University visit 8<sup>th</sup> and 9<sup>th</sup> July – including presentation from the Knowledge Hub.
- Northland Inc was pleased with Agriculture Minister Todd McClay's Resilient Pastures announcement at Fieldays as we have been strongly supporting this important initiative. Government is investing \$8.3M into the \$17M project. Northland Inc have been involved in consultation and programme design around pasture optimisation for several years prior to the Resilient Pastures announcement, when discussions began between the Northland Inc team and Kaipara farmer Alistar McCahon. In 2020, Northland Inc secured funding to undertake a literature review in support of the development of new research into the optimal pasture types and management systems to support Northland agriculture.
- The second round of the Transpower Resilience Fund has been allocated by the Panel. After extremely high interest in the first round, 43 applications were received in the second round from businesses and organisations across Northland. In total, \$230,000 in funding was allocated in the second round of funding, resulting in a total of \$430,000 in funding being distributed to support businesses, organisations and projects across Northland. The fund is now closed.

### • **Whangarei District Airport**

#### **Operations**

The airport is continuing to operate and comply with CAA requirements.

Line marking has now been completed on the aerodrome with Downers putting glass beaded paint down on the 24 threshold piano keys. Air New Zealand has been notified and have asked if they could get feedback from their pilots as to the effectiveness of this.

As Downers were unable to provide a date and time for completing a friction test on the newly rejuvenated sealed runway the airport arranged for Fulton Hogan to complete this on the 26 June 2025. Air New Zealand have asked for a copy of this, as their pilots have advised that they have seen an increase in stopping distances. In saying that, these have been reported when there have been heavy rain events at the aerodrome. Airport management are monitoring this and are in communication with Air New Zealand to ensure that there are no other issues since the rejuvenation has occurred.

The sealing of Alpha taxiway is well underway with clearing out the soil down to the base layer and now laying matting and chip. Sealing should be completed late June.

The rescue fire building is also well underway with the pad being scratched out, footings being concreted in, as has the perimeter foundation base with the floor being poured on the 19 June 2025.

### Scheduled flights

Air New Zealand is still having engineering and staffing issues that are affecting its flights regularly nationwide. Although disruption at Whangarei was less than the previously reported this month.

### Cancellations

A total of 6 flights were cancelled during May 2025. None of these were for engineering reasons.

### Noise

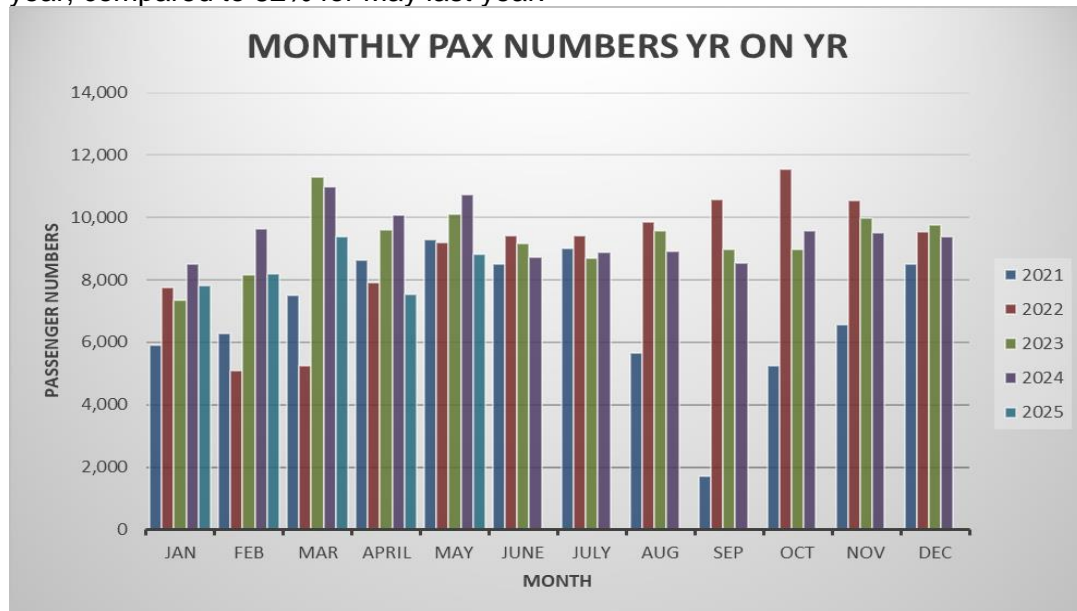
There were no noise complaints for the month of May.

### Parking

Corresponding with a reduced number of passengers, parking revenue for May 2025 was down 25% to \$16,191, compared with \$21,711 in May 2024.

### Passenger Numbers

Passenger numbers for May 2025 were down this year to 8,814, a 18% drop from 10,737 in May 2024. With only 6 cancellations during May, it is unlikely that these cancellations fully accounted for this decrease. Flight occupancy rates dropped down to 76% for May this year, compared to 82% for May last year.



- District Development Update**

#### Accommodation Data

In April, Whangarei recorded 42,900 guest nights, comprising 34,500 domestic nights and 7,500 international nights. This reflects a 14% year-on-year increase, influenced by the Brynderwyns closure in March and April 2024.

Data from Infometrics showed that tourism arrivals increased by 0.6% per annum in the three months to April 2025. There was a 19% rise in arrivals in April compared to the previous year, attributed to the earlier timing of Easter in 2024. Comparing combined March and April arrivals to 2024, there was a 2.4% higher arrival rate in 2025. April 2025 saw 267,271 tourism arrivals, representing 87% of April 2019 (pre-pandemic levels), up from 82% in March 2025.

Australia contributed 132,660 arrivals in April, reaching 101% of pre-pandemic levels for the first time since the pandemic.

Location	Nights	Apr-24	Mar-25	Apr-25
Northland	Total	130,000	172,800	148,700
	% YOY	-20%	-13%	14%
	Domestic	102,900	116,300	116,300
	% YOY	-23%	-23%	13%
	Int.	27,100	56,500	32,400
	% YOY	-10%	20%	20%
Whangārei	Total	36,700	49,000	42,000
	% YOY	-22%	-11%	14%
	Domestic	29,900	35,600	34,500
	% YOY	-24%	-17%	15%
	Int.	6,800	13,700	7,500
	% YOY	-14%	14%	10%
Far North	Total	78,700	102,400	86,800
	% YOY	-17%	-12%	10%
	Domestic	61,500	63,600	63,900
	% YOY	-18%	-25%	4%
	Int.	17,100	38,700	22,900
	% YOY	-15%	26%	34%
Kaipara	Total	14,600	21,400	19,900
	% YOY	143%	-28%	27%
	Domestic	11,500	17,300	17,900
	% YOY	-39%	-25%	56%
	Int.	3,100	4,100	2,000
	% YOY	48%	0%	-35%

### Website

WhangareiNZ.com experienced growth, with 7,984 page views in April (a 21% increase year-on-year) and 4,029 visits (a 37% increase year-on-year).

### Conferences

Venues and Events (V&E) and District Development (DD) attended Meetings 2025 in Auckland to explore opportunities for Whangarei as there is no Northland presence at the expo currently. V&E and DD will both attend TECNZ to support Northland Inc as hosts and represent Whangarei. District Development will not attend the Cruise Conference in 2025 but will consider attending biennially.

### Come on Up Campaign

An extension of the Auckland and Christchurch 'Come on Up!' campaign is running in regional airports nationwide, promoting Whangarei as a destination and advertising the Māori All Blacks game on 5 July 2025.

### TRENZ Conference

All TRENZ meetings have received follow-up information, yielding positive responses from buyers. After discussions with Tourism New Zealand, Whangarei has been added as a point of interest on the Bay of Islands itinerary and map, where it was previously unlisted.

### Māori All Blacks vs Scotland

District Development continues to support V&E with activations and seeks opportunities to showcase Whangarei to both teams and visitors.

- Bespoke website content includes 'Visit Whangarei for the big game!' and 'Discover your Scottish roots in Waipū'.
- District Development funded a five-page special in Rugby News magazine, showcasing NRU and NECT2021's efforts to promote rugby in Northland, alongside a promotional piece about activities in Whangarei.

- The 'Come on Up!' social media campaign had excellent results, generating 1,450 clicks to the ticketing website for a \$500 spend, and the same campaign is currently displayed on screens in regional airports across New Zealand.
- The teams will receive special "Love it Here!" welcome baskets (one per team), including limited edition T-shirts, 'Honorary Local' lanyards, local information, and a range of offers from local operators such as free coffee, green fees, and special discounts at restaurants.

#### 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 ad hoc 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. Following on from this, staff have worked with Northland Inc. and the Joint Regional Economic Development Committee with the outcome being that the Committee within their response to Northland Inc.'s draft SOI have offered the opportunity to Northland Inc. to submit a proposal for additional resources to undertake this role, to the Joint Committee for funding these activities for the short-term through the Investment Growth Reserve.

- **Potential Risks and Benefits of Sister City Agreements**

In addition, and following recent discussion at the Risk and Audit Committee, there are specific considerations and resourcing requirements regarding the process for establishing Sister City Agreements. In particular, the signing of the Sister City Agreement with Ra'īātea was instigated by a local hapū member, and while the intent was positive, the process was ad hoc.

This has presented some lessons and learnings which are briefly considered here. Should the Committee require a more comprehensive overview, or wish to resource this function within Council (rather than leveraging off the Inward Investment Pathway being established through Northland Inc), a report will be brought back to the appropriate Committee.

#### **Background**

Although the Mayor signed the agreement in good faith, it was not formally adopted by Council and there could have been greater communication with Elected Members. This situation has highlighted the need for a clearer understanding of the risks and benefits associated with such agreements, and the importance of having consistent internal processes in place.

Whangarei District Council currently has two active Sister City Agreements; Haikou, China (established June 2014) and Ra'iātea, French Polynesia (established December 2024). There are also historical agreements no longer actively engaged. These partnerships vary in form and level of activity, but each carries potential cultural and economic value, alongside practical and reputational risks that require considered management.

The agreement entered into with Ra'iātea was reviewed internally by Council's legal counsel and externally by Northland Inc to ensure that no onerous or unintended obligations are included. This approach allowed Council to explore opportunities without committing to legal obligations. However, it is acknowledged that entering into such agreements can sometimes lead to invitations or implied expectations of ongoing involvement or reciprocal action, which may not have been explicitly agreed.

## **Benefits**

### **Cultural Exchange**

Sister City Agreements can foster cross-cultural understanding, support educational and civic exchanges, and encourage community connection. They provide opportunities for residents and elected members to engage internationally in a structured, respectful manner.

### **Economic Opportunities**

These agreements can act as an entry point for future economic cooperation. Delegations may introduce commercial entities to local opportunities, particularly in sectors like green energy and tourism. Council prioritises engagement with official delegations, particularly those linked to Embassies, High Commissions, or local government bodies, to ensure the most value from these relationships.

### **International Profile**

Sister City relationships raise Whangarei's international profile, especially when aligned with trade or investment initiatives facilitated through entities like Northland Inc, NZTE and others.

## **Risks**

### **Resource Commitment and Coordination**

International engagements can be time-consuming and require coordination across staff, elected members, and external agencies. Without a structured approach, Council may find it difficult to consistently assess, plan, or follow up on these relationships. Currently there is no dedicated resourcing or business owner within Council for considering these arrangements, if a structured approach is sought this will be critical to success.

### **Foreign Interference and Reputational Risk**

Guidance from the New Zealand Security Intelligence Service (NZSIS) and the Protective Security Requirements (PSR) warns that poorly vetted engagements with international delegations may pose risks, including reputational harm or misalignment with national interests

### **Unintended Expectations**

While Sister City Agreements are non-binding, international partners may interpret them as signalling deeper commitments than intended. This underscores the need for clear communication and consistent internal processes when entering into or maintaining these agreements.

### Sensitive Expenditure

In working through proposals it is important to work through any sensitive expenditure considerations, allowing for full consideration of Council policies.

### Mitigation

Work is underway within Northland Inc to establish a 0.5 FTE role to coordinate inward delegations with a focus on economic development across the region. This role would improve consistency, strengthen due diligence, and reduce the burden on individual councils. It also aligns with broader regional efforts, including those linked to the Regional Deal process and Foreign Direct Investment opportunities.

To support good governance and transparency, it is suggested any future Sister City Agreements must be brought to full Council for approval prior to any formal commitment being made. This ensures appropriate communication with Elected Members, enables thorough legal and strategic review, and supports alignment with Council's priorities. Going forward, Council will adopt a consistent, best-practice approach to managing Sister City relationships, including improved coordination with Northland Inc, strengthened internal processes, and clearer delegation protocols. However, should Council wish to resource this function internally then dedicated resourcing and a business owner would need to be worked through.

### 3 RMA Consents

#### 3.1 Health and Safety

No updates.

#### 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%	94%
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.

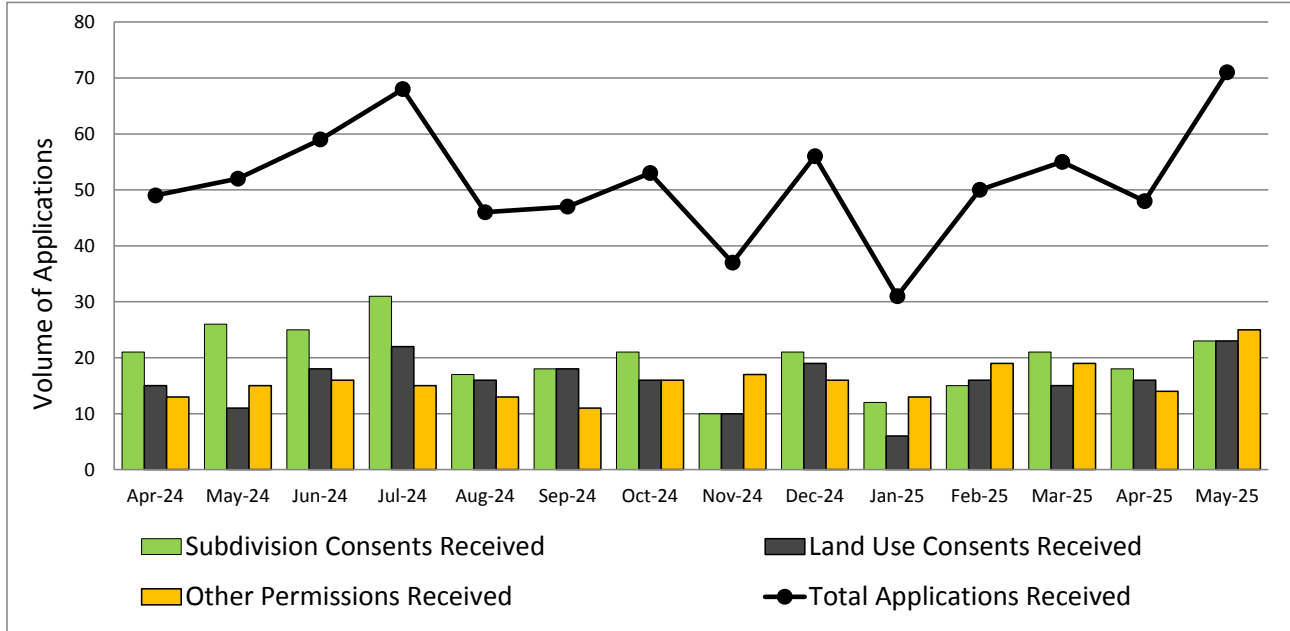
We have team leader capacity challenges due to a vacancy that is yet to be filled. We have arranged an external contractor to provide additional senior support to the team and our principal planner has also temporarily moved back into a team leader role until such a time as the vacancy is filled.

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.

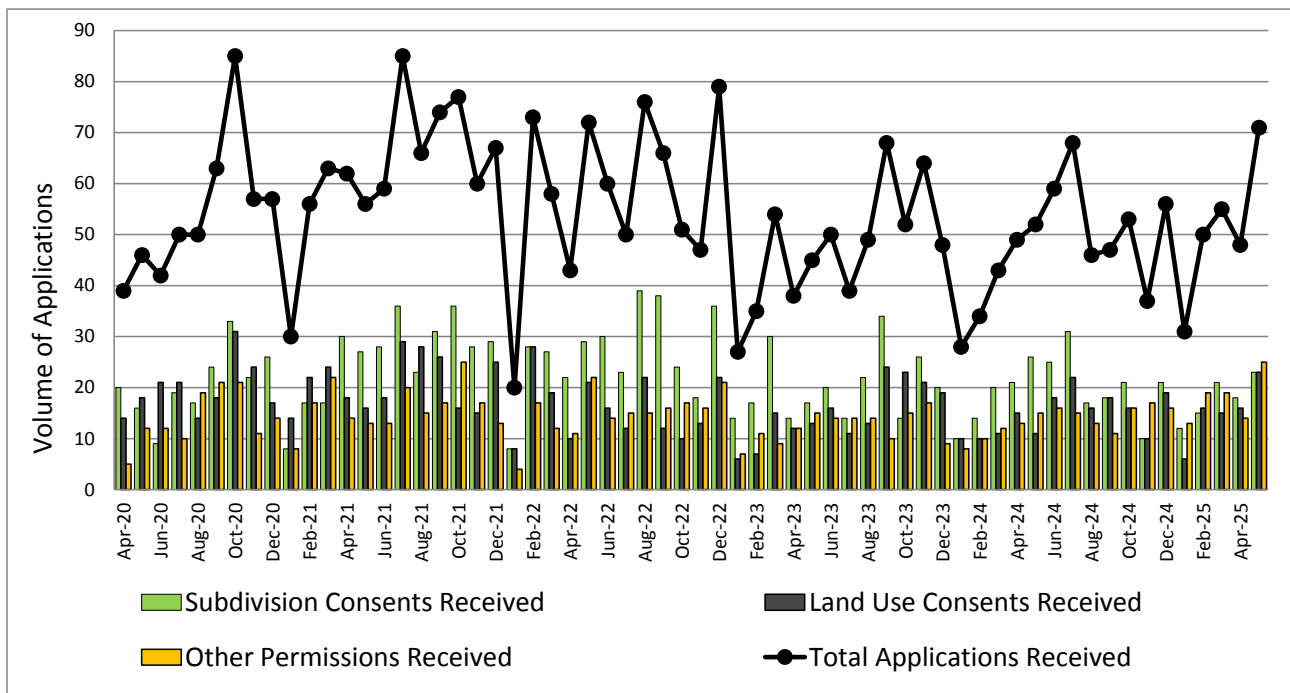
### 3.5 Overview of Operational Activities for May 2025

The number of resource consent applications picked up over May with one of the busiest months for applications received in the last 12 months. Post-approval applications also increased a little over May.

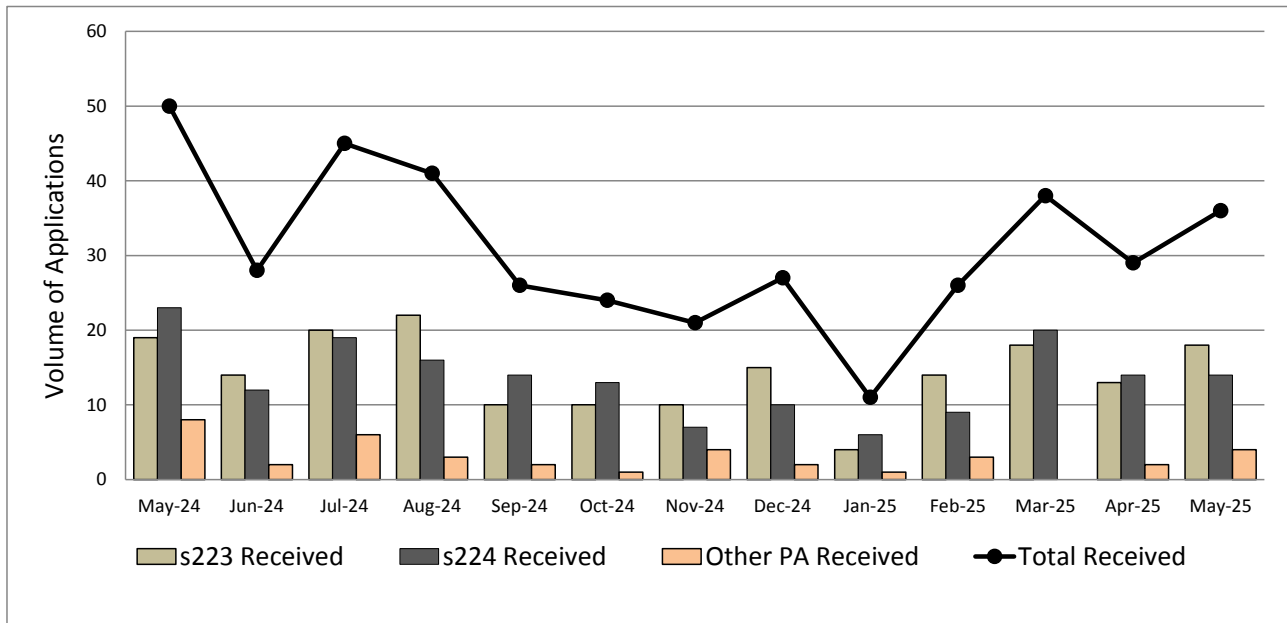
**Total number of applications received over last 12 months**



**All applications received over the last 5 years**



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

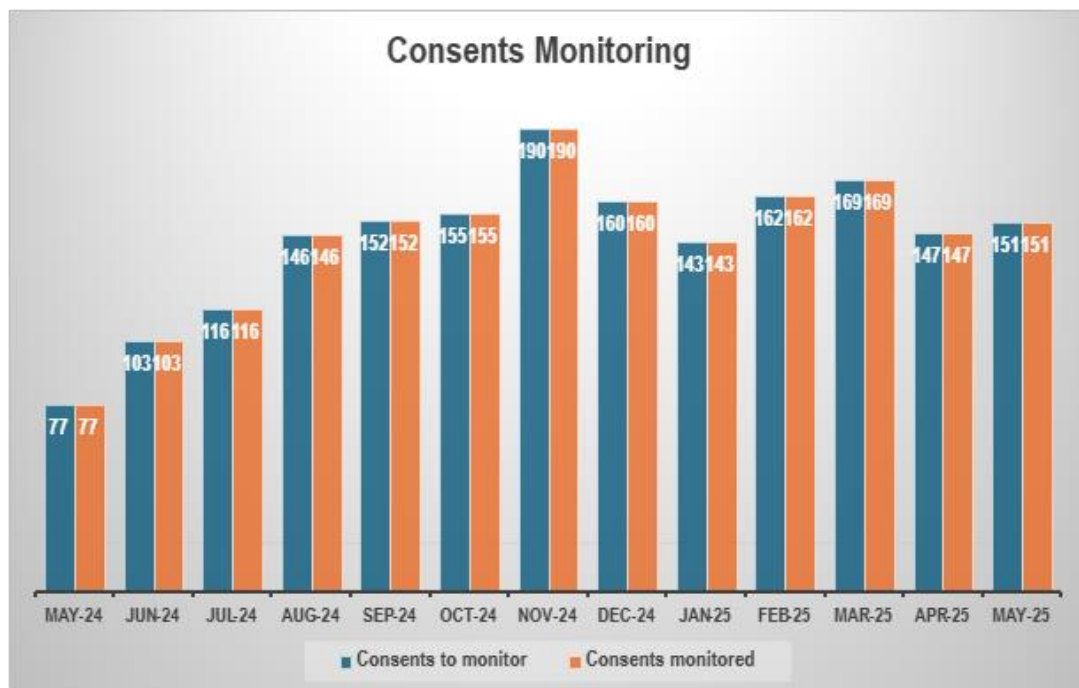


### Applications of note received over the last month include:

No applications of note.

### Compliance

In May 2025, monitoring of resource consents increased by 96% compared to May 2024. This significant rise was primarily driven by the addition of new consents to the monitoring list.



On 8 May 2025, compliance representatives from NRC, WDC, KDC, and FNDC met at the Whangarei Civic Centre to strengthen inter-council collaboration and discuss key compliance matters across the Northland region. Topics included rising noise and general compliance complaints, staffing challenges, legal enforcement updates, LGOIMA processes, abandoned

vehicles, and privacy concerns during investigations. The meeting highlighted opportunities for improved coordination and knowledge sharing among councils.

### 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

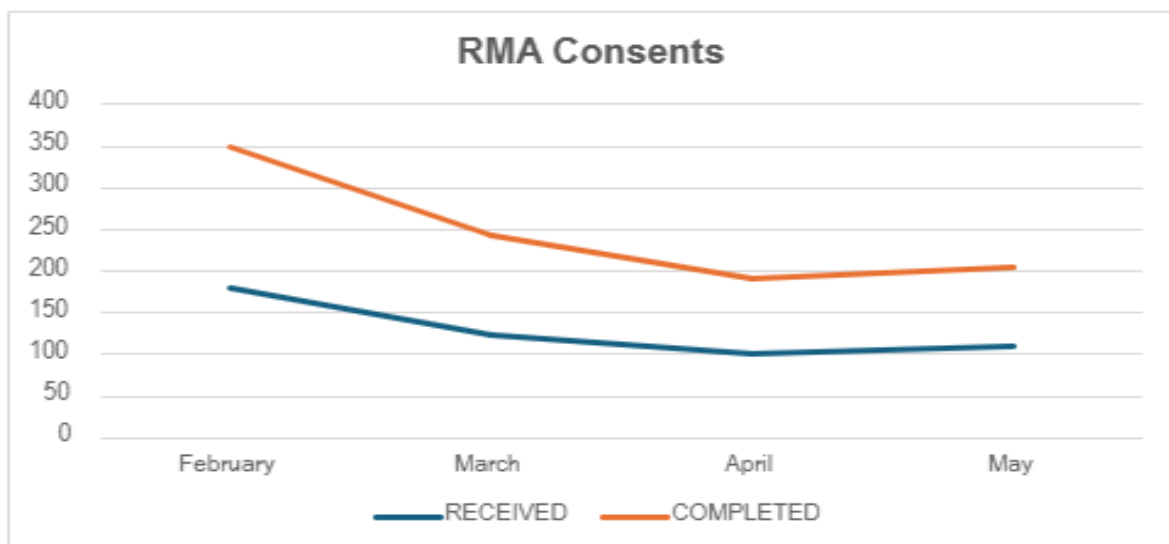
The RMA Consents team is currently progressing the procurement process for updating councils RMA Commissioners panel. As reported previously, and discussed with the Committees attention in the June Committee meeting, recommendations for appointment will be brought to the July Council meeting.

## 3.6 Legislation Changes or Updates

Nothing to report.

## 3.7 Request System Update for RMA Consents

In May 2025, RMA Consents received 113 requests. Staff closed off 97 requests.



Requests May 2025	
Requests logged	113
Requests closed	97
Category Breakdown	
Subdivision/land use resource consent enquiry or request for information	63
RMA Consents non-compliance issues	12
Contact us - general enquiries	8
District Plan and Resource Management Act issues	4
Building consent and other enquiries	3

**Current Status of requests as of 24 June 2025**

Open Requests

79

Requests Past Deadline

47

Acceptance Overdue

4

## 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, the use of remote inspections (for some inspection types) has begun and is being offered to customers when calling to book. The government is introducing performance standards on inspection timeframes, with 80% of inspections being required to be undertaken within 3 days of a request being made. This performance standard replaces the previous proposal that all inspections should be done remotely. Remote inspections will need to form part of the inspection plan if the performance goal is to be met. MBIE are to commence monitoring of the performance of BCAs in relation to this from the July quarter.

### 4.3 Performance Measures and Compliance

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

Performance Measure	2024 – 25 target	Compliance
Percentage of building consents applications processed within statutory timeframes.	96%	93%
Percentage of inspections completed within two days.	≥95%	94%

97% of the consents issued in May were within the 20 working day requirement, an identical number to April and a continuation of the generally positive results for 2025.

### 4.4 Current Challenges/Issues

Nothing to report.

### 4.5 Overview of Operational Activities for May 2025

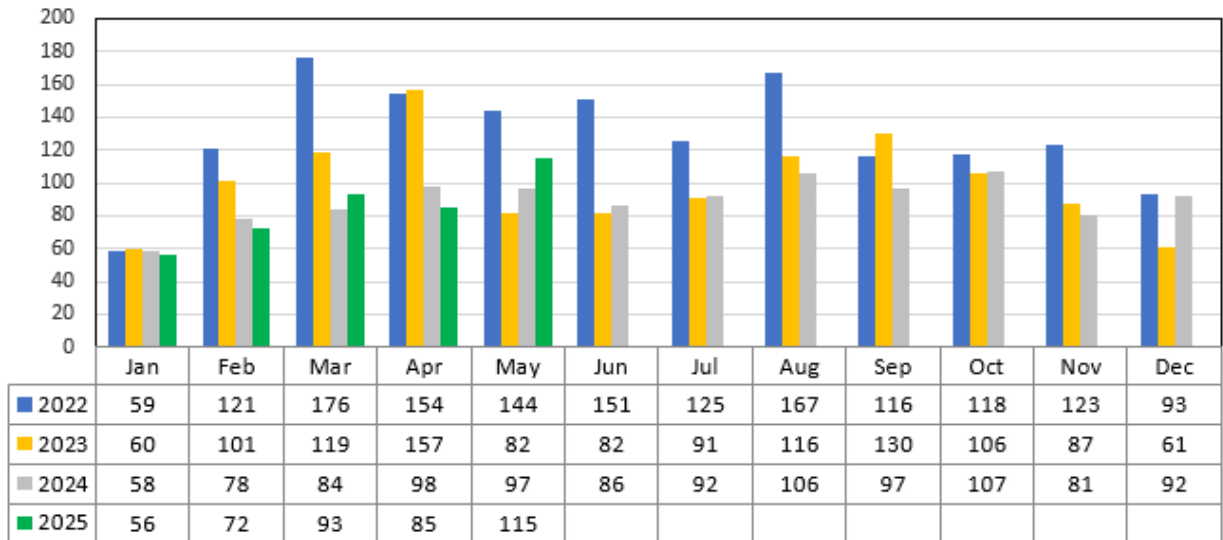
In May 115 applications were received, which is a significant increase from the other months this year and the highest monthly number since September of 2023. The numbers are swelled somewhat by the seasonal increase in heating appliance (fireplace) applications but the increasing numbers are encouraging.

112 consents were granted, with an average processing time of 11 working days per consent and a total customer time of 20 days (near identical days to last month). This is an encouraging increase from the 64 consents issued last month particularly when combined with an improvement in time frames to issue.

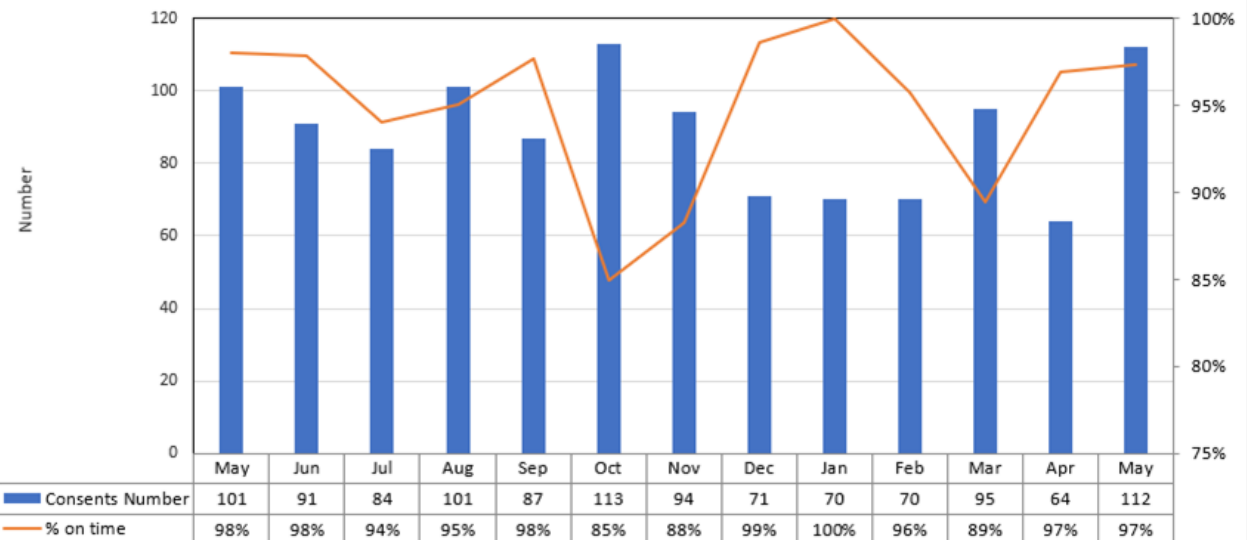
552 inspections were conducted in May, this number is a significant increase from the 375 undertaken in April.

155 LIM applications were received (compared with 170 last month) with 174 issued in an average of 6 days. 7 PIMs were issued, at an average of 7 days to process. 6 PCS (Potentially Contaminated Site) report requests were received and 6 were issued, with an average of 21 working days to process.

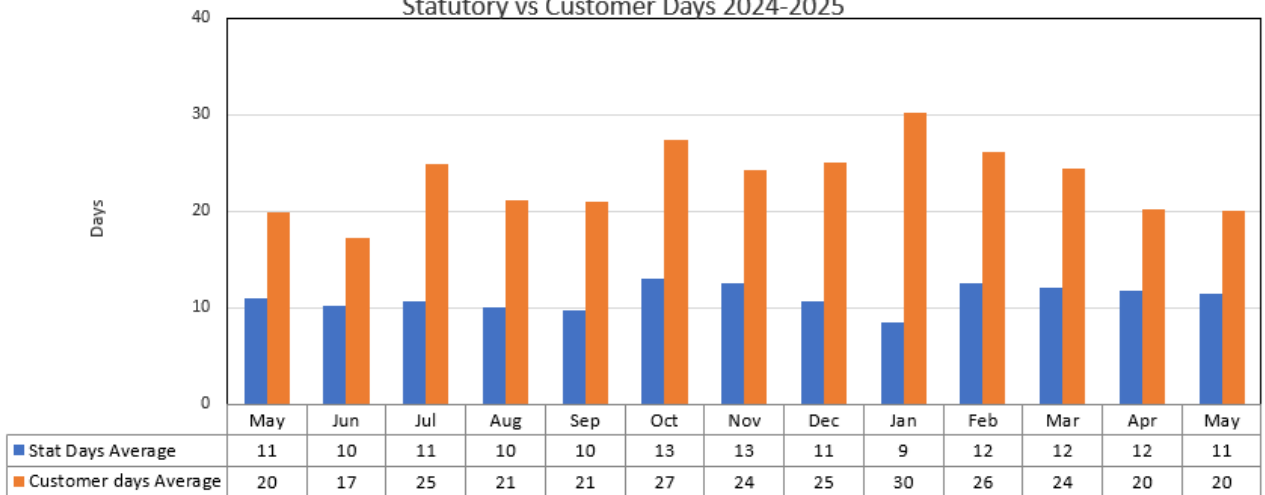
Current 4 year view of Applications Received



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 May.

#### **4.6 Legislation Changes or Updates**

The government continues to progress its goal of reforming the Building regulatory system. The Building (Overseas Products, Standards and Certification Schemes) Amendment Act 2025 has now been passed which is designed to reduce barriers for the use of acceptable building products from overseas.

As outlined earlier legislation will be introduced to require 80% of inspection to be undertaken within 3 days of a requested date.

The Building and Construction Minister has announced that the government will amend the Building Act to require building consents for housing that include solar panels to be processed within 10 working days, rather than the 20-day standard.

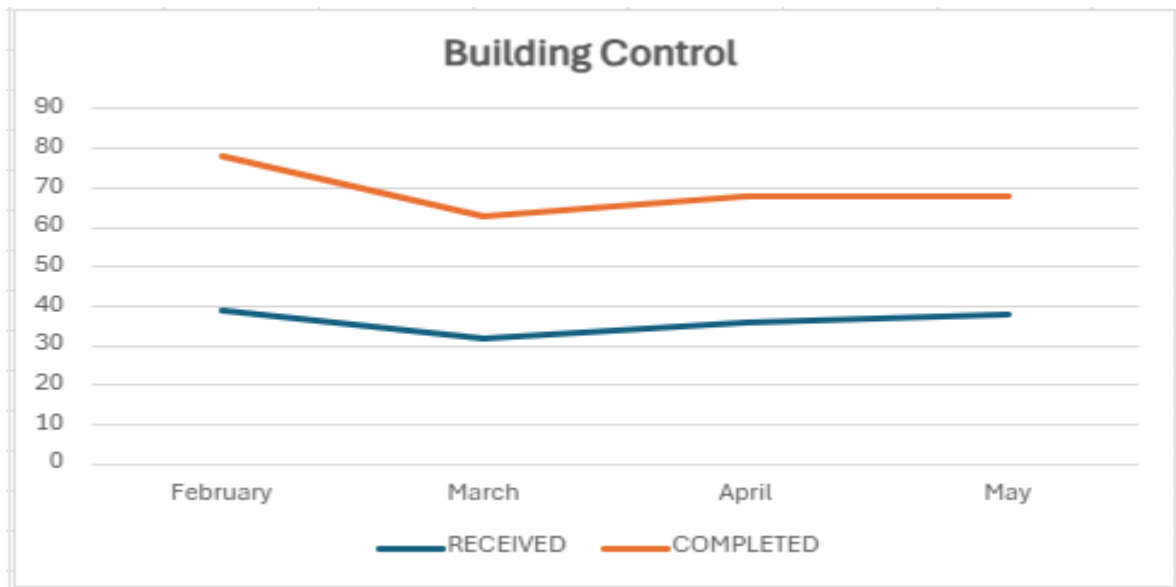
It is noted that NZ's first private BCA (Building Consent Approvals Ltd) has been approved.

#### **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.

#### 4.8 Request system update for Building Control

In May 2025, Building Control received 38 requests. Staff closed off 30 requests.



##### Requests May 2025

Requests logged	38
Requests closed	30

##### Category Breakdown

Building or development issues	9
Dangerous or unsanitary health issues	5
Pool fencing	4
Unauthorised stormwater discharge	3
Building consent enquiries	3
Contact us - general enquiries	3

#### Current Status of requests as of 24 June 2025

Open Requests	Requests Past Deadline	Acceptance Overdue
43	9	7

## 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%	May = 90% Year to date average = 90.5%

**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

Managing workload within the Environmental Health teams since the resignation and departure of one of the team members.

## 5.5 Overview of Operational Activities for May 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 to legislation yet, however Regulation Minister, David Seymour has stated that the 'end of July 2025' will see the scrapping of the Health (Hairdressers) Regulations 1980 – see related link here - [Hairdressing and barbering regulations given the cut | Beehive.govt.nz](https://www.beehive.govt.nz/news/hairdressing-and-barbering-regulations-given-the-cut)

These Regulations thus far required all hairdressers and barbers to be annually registered with the local authority in which they operate and for those premises to be inspected annually by warranted Environmental Health Officers. In order to facilitate that and to recover its cost, Council annually adopts fees recovering some of the cost of providing these inspection and registration services to this industry. The need to register, inspect and therefore adopt fees for this category of business will officially fall away as soon as the Regulations have been scrapped.

As of the end of May Council had 64 hairdresser / barber premises registered across the district, which going forward will no longer be required to be registered or inspected. Through the public consultation processes followed by the Ministry, the industry seems to be well informed of these impending changes, and the Environmental Health team has already fronted questions from local operators regarding the need for further inspections, associated cost and future refunds, where applicable. In light thereof the Environmental Health team have stopped inspecting hairdresser premises, registering and invoicing them, so as to avoid both unnecessary, unrecoverable cost and costly refunds.

Through Council's 2024/25 Fees & Charges hairdressers are currently charged \$226 per year for the team to provide annual registration and inspection services to this industry. The anticipated loss of income due to the removal of Council's ability to register and inspect hairdressers, based upon the current 64 premises will be \$14,464. However, this will be offset by increased revenue in other areas.

One of the team's Corporate Performance Measure (CPM) requires the team to registered and annually inspect all (100%) "Health" registered premises, including hairdressers. With hairdresser premises no longer needing to be registered or inspected in the new financial year, the total number of "Health" registered premises needing to be inspected under this CPM will need to be amended to reflect these changes.

## 5.7 Future Planning / What's Coming Next?

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

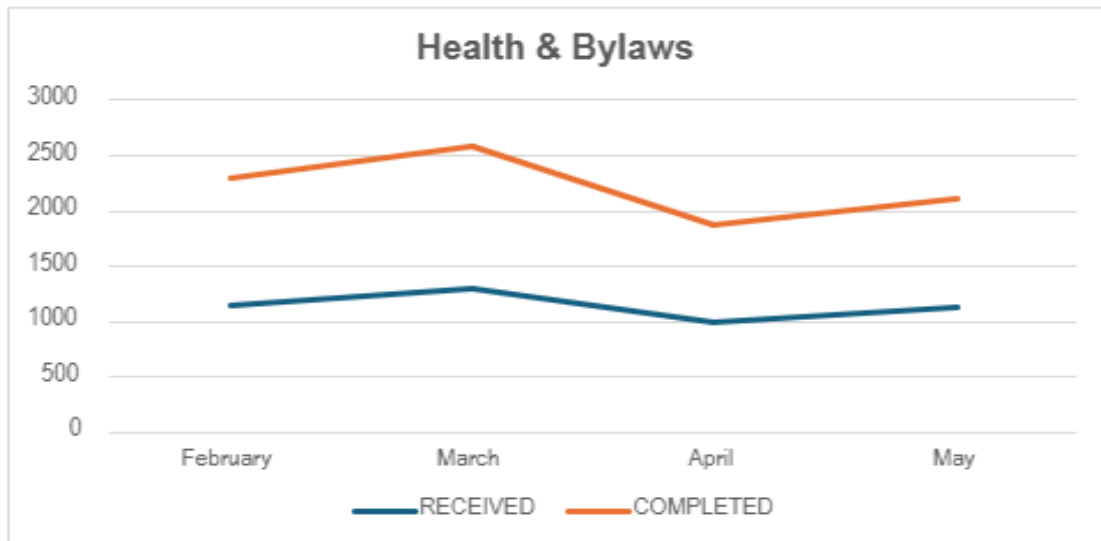
Project	Current Stage	Estimated Construction Start Date	Estimated Completion Date	RAG Status
New Animal shelter construction	Construction	Sep-22	Oct-24	

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.

## 5.8 Request System Update

In May 2025, Health & Bylaws received 1121 requests. Staff and contractors closed off 997 requests.



Requests May 2025	
Requests logged	1121
Requests closed	997
Category Breakdown	
Other dog issues	338
Infringements disputes and enquiries	310
Residential noise	140
Parking issues	85
New dog registration payments and enquiries	70
Abandoned vehicles	48

### 5.8.1 Customer feedback

**AC2528719** – 5-star rating – Thank you for the very prompt response, I appreciate your help.

**NC2511697** – 5-star rating – The woman who rang me back was very good. Explained the current situation clearly and offered ongoing help if needed.

**Current Status of request as of 24 June 2025**

Open Requests

932

Requests Past Deadline

2

Acceptance Overdue

8

# Operations Report Strategy and Democracy

**July 2025**

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## 1. Democracy and Assurance

### 1.1 Health and Safety

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

### 1.2 Current Priorities

- Safety and security of staff when supporting Council meetings. Including additional extraordinary and emergency Council meetings.
- Planning for Local Elections 2025.
- 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 and investigating any reported privacy breaches under the Privacy Act 2020.
- Dealing with ad-hoc requests for advice to the Legal team in a timely manner.

### 1.3 Performance measures and compliance

**Aim: 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%	95.87%

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%	95%

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%

We are behind on the performance measure in relation to the publication of Agenda's, this is due to the short turn around between meetings of items for discussion to decision. We will not achieve this performance measure for 2024-25.

### 1.4 Current challenges/issues

Resource Challenges:

- Continuing to process Local Government Official Information and Meetings Act requests within legislative timeframes has been 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 for the year alongside the de-prioritisation of other workstreams to manage requests.

- Resourcing and ad hoc demands on staff time are a challenge 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 needs to be continuous pragmatic prioritisation to ensure that important and urgent tasks are delivered first.

### **1.5 Overview of Operational Activities for May**

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

<b>Meeting</b>	<b>Number</b>
Council	4
Committee	7
Council Briefing	3
Council Workshop	2
<b>District Licensing Committee activities</b>	
License applications	24
DLC hearing	1

### **Local Government Elections 2025 (LGE2025)**

Council's Electoral Staff continue to work alongside the Electoral Commission during the 'Enrol' phase of the LGE2025, 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.

The 'Stand' phase is in progress and will continue until close of nominations on 1 August. Despite bad weather, there were 49 in person attendees at the Candidates Information Evening on 4 June 2025 who were very engaged in the discussion. The livestream of the event was also very well attended. Staff are preparing for the start of the nominations period and the opening of the Elections Hub in Te Iwitihi on 4 July.

Elected Member and Staff protocols have been distributed ahead of the pre-election period, legislatively prescribed as commencing on 11 July.

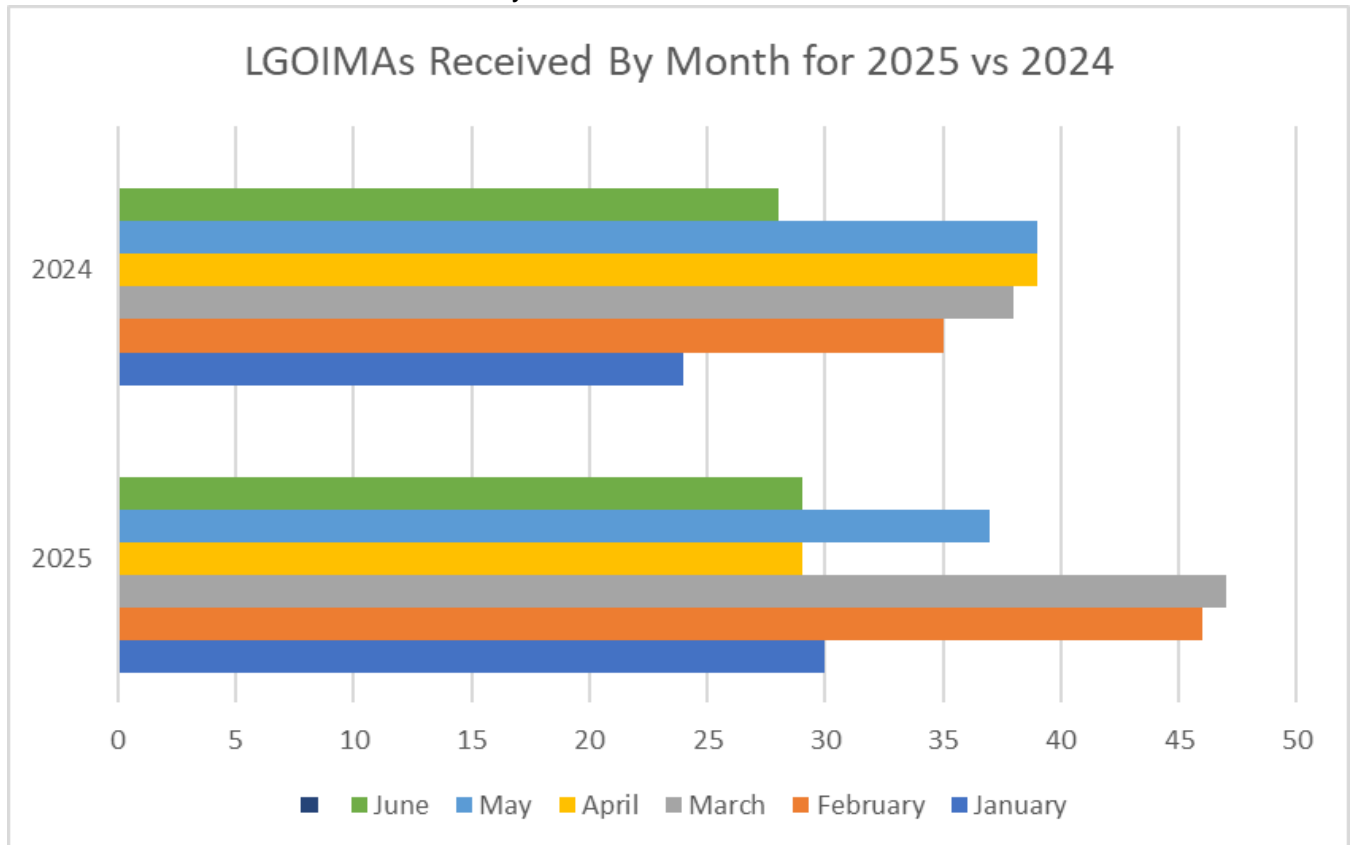
Planning for the 'Vote' phases has commenced. Council's Electoral Staff are finalising the locations of the ballot boxes to be placed around the district.

### **Official Information Act Requests (LGOIMAs)**

Statistics for official information requests have been recorded from 1 June 2025 to 26 June 2025.

The Assurance team has received a total of 218 requests in 2025, which is 15 more than the same time last year.

For the month of June, a total of 29 requests have been received, with the expectation that a few more will be received in the last few days of the month.



In the month of June, the Assurance team was progressing 2 overdue requests, which were received in May. These requests did not make it to the Assurance team until the 20-day working deadline had already passed due to one request going to an unmonitored email inbox, and the other was due to delay within the operational department in identifying and referring the request to the team.

## Insurance

The Professional Indemnity and Public Liability insurance policies renew on 30 June 2025, and the outlook has improved compared to recent years.

Council has been able to obtain a quote for Professional Indemnity insurance of \$1,176,595, which is a 0% increase for this cover compared to 2024, but with an improved (lower) excess. The excess for claims under the Building Act 2004 has been lowered from \$250,000 to \$100,000.

The quote for Public Liability is \$73,895 which is also a 0% increase compared to 2024.

Environmental impairment liability is also part of the 30 June placement, but a 7-day extension has been applied because Marsh is still awaiting terms from the insurer. The cost of this cover in 2024 was \$12,642.85 and is likely to increase. However, an alternative quote is being sought which could offer a decrease in premium.

## Internal Audit

BDO are in the early stages of undertaking an internal audit on Council's procurement processes and will be on site to conduct interviews and investigations from 7 to 10 July 2025.

Staff anticipate that the audit will be reported to the September Risk and Audit Committee meeting upon completion.

### **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 managing the LGE2025. The nominations for Council opened on 4<sup>th</sup> July and will close on 1<sup>st</sup> August. The team are also looking at the induction arrangements for the Council for the next triennium.

The agenda preparation review system (E-scribe) is due to be upgraded this year. Staff are waiting for information about additional functionality that the team and other departments can utilise. Timeframe for changes is second half of the year with updates in place for the start of the next triennium of Council.

## 2. Strategy

### 2.1 Health and Safety

The existing team workload is high for the 2025-26 financial year as demonstrated by the draft work programme included in section 2.4. The department is managing more frequent illness in the winter months. Enabling some flexibility in working location support staff to balance illness recovery and prevention with progressing work deliverables.

### 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: 92% of 37 statutory documents compliant.

Note: the scope of this performance measure has increased this financial year to include statutory plans (Long Term Plan, four reserve management plans, District Plan) and the Future Development Strategy. Two further statutory policies – the Liability Management Policy and Investment Policy, packaged together under the Treasury Risk Management Policy – have also been added following an in-depth review of Council's portfolio of statutory documents. In the financial year to 30 June 2024, Council reported on 29 statutory documents.

### 2.3 Current challenges/issues /risks

#### Resourcing

The department work programme is ambitious. The department has deprioritised some aspects of work due to resourcing constraints such as submissions to central government on legislation and supporting deliverables lead by other agencies. The work programme in section 2.4 has been planned reflecting available resourcing.

## 2.4 Strategic Planning Department work programme

Workstream, Programme & Projects	Dept Lead	Statutory
<b>Bylaws &amp; statutory policies</b>	<b>10 projects</b>	
<i>Solid Waste Management Bylaw</i>	external contract	y
Alcohol Control Bylaw	WM	y
Public Places Bylaw	WM	y
Control of Advertising Signs Bylaw	WM	y
<i>Food Businesses Grading Bylaw</i>	external contract	y
Control of Vehicles on Beaches Bylaw	WM	y
Stormwater Management Bylaw	WM	y
Wastewater Bylaw	WM	y
<b>Spatial Planning</b>	<b>6 projects</b>	
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
<b>Placemaking Programme</b>	<b>3 projects</b>	
Raumanga Placemaking Plan	CGP	n
Monitoring & Reviews of existing placemaking plans	CGP	n
Ruakākā Placemaking Plan	CGP	n
<b>Climate Adaptation</b>	<b>9 projects</b>	
<b>Climate Adaptation Programme</b>		
Whangaruru/Oakura - Community Adaptation Project -Pilot	RN	n
Whangarei Urban Flood Strategy	RN	n
<b>Tangata Whenua-led Climate Planning Fund (BoF)</b>		
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

<b>Housing Strategy Programme</b>		
Pensioner Housing	HS	n
Papakainga regulatory applications (BoF)	BA	n
Housing Strategy Review & Implementation	HS	n
<b>Other</b>	<b>13 projects</b>	
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 June 2025 & Next steps

Project	What we did in June	Next steps
<b>Spatial Planning</b>		
<i>City Centre Programme: Knowledge Precinct Plan</i>	<p>Staff continue to analyse the responses from the survey and plan next steps of the project – including Elected Member engagements.</p> <p>Staff have also been working with the Programme Manager and team to assess the full list of options that should be looked at for various parts of the precinct.</p>	<p>Prepare a full summary of engagement including results for presentation to Council in July.</p> <p>Progress the findings from the engagement through the existing work, refining the strategic direction, and the potential actions that could be included in the Precinct Plan.</p> <p>PSB actions not listed.</p>
<i>Placemaking Programme</i>	<p>The workshop with local community groups (29 May) was well attended despite the adverse weather. The participants expressed agreement with the draft strategic framework and were willing to provide solutions to local issues. The use of maps and prompts aid to the discussion.</p> <p>Aspects like empowering community members to lead the conversation, the use of maps/graphics and participating in community activation activities to reach to the community, will be taken into consideration when planning the next stages of community engagement.</p> <p>The draft engagement agreement for Māori engagement have been distributed to the local hapū/whānau groups for review.</p>	<p>Staff is working on the design and planning of the first stage of Māori Engagement and the 2<sup>nd</sup> Round of community engagement.</p>
<i>Future Development Strategy (FDS)</i>	<p>The final FDS has been published on Kete and media releases have been confirmed.</p> <p>Staff are preparing for the internal socialisation of the FDS in conjunction with the planning and development of the FDS Implementation Plan.</p> <p>Staff provided strategic input and commentary re. the FDS within the RMA Reform memos, led by the District Plan team.</p> <p>Staff are working with several requests for data and information, many related to population projections, in light of the FDS adoption.</p>	<p>Under Clause 3.18 of the NPS-UD, WDC and NRC must prepare and implement an Implementation Plan for the Strategy.</p> <p>No current decisions on how the Implementation Plan will be prepared have been made – this will be worked through with council staff and Elected Members as part of a process review.</p>
<b>Statutory Policies &amp; Bylaws</b>		
<i>Food Businesses Grading Bylaw (consultant-led)</i>	<p>Initial research and analysis to inform review of bylaw</p>	<p>Preparation of report for August Council Briefing on review of bylaw</p>

Project	What we did in June	Next steps
<i>Public Places Bylaw</i>	Early engagement with key external stakeholders to inform draft new bylaws	Continued engagement with key external stakeholders to inform draft new bylaws
<i>Control of Advertising Signs Bylaw</i>	Early engagement with key external stakeholders to inform draft new bylaws	Continued engagement with key external stakeholders to inform draft new bylaws
<i>Control of Vehicles on Beaches Bylaw</i>	Initial research and analysis to inform review of bylaw	Research, analysis and early stakeholder engagement to inform review of bylaw
<i>Alcohol Control Bylaw</i>	Drafted decision report to confirm extent of current alcohol bans and rectify a minor omission from the bylaw relating to exemptions	Seeking a Council decision to confirm extent of current alcohol bans on 24 July 2025
<i>Parking and Traffic Bylaw</i>	Delivered key resolutions for decision report to give legal effect to the Kamo T2 transit lane on 19 June 2025	Complete. No further updates needed.
<i>Camping in Public Places Bylaw</i>	Non-substantive amendments to bylaw to conform with changes to the Freedom Camping Act 2011 came into force on 7 June 2025	
<i>Class 4 Gambling Policy</i>	Council decision to complete review and continue policy without amendment on 26 June 2025	
<i>Board Venue Policy</i>	Council decision to complete review and continue policy without amendment on 26 June 2025	
Climate Change		
WDC lead		
<i>Climate Adaptation Programme – Whangaruru/ Ōākura catchment</i>	<p>With support from Ngātiwai, staff coordinated a site visit on 17 June with key members of the Tūparehuia community. The visit included a site inspection led by CoastCare staff.</p> <p>This engagement was a follow-up to a request made some months ago by community members. While staff acknowledge there are broader challenges, opportunities, and conversations to be had in the area, this specific initiative focuses on exploring nature-based solutions, specifically the use of spinifex and pīngao for coastal erosion within Tūparehuia. Discussion also included considering other erosion protection options at additional sites along Bland Bay.</p>	Based on the site inspection, CoastCare will provide staff with a set of recommendation options for consideration.

Project	What we did in June	Next steps
<i>Tangata whenua-led adaptation - Better Off Funding</i>	Staff have notified the successful applicants and are currently in the process of drafting the funding agreements. In addition, staff are engaging with subject matter experts to organise a workshop aimed at upskilling applicants. The workshop will showcase case studies of community-led climate risk assessments and climate adaptation planning from across Aotearoa New Zealand.	Once the funding agreements are finalised, staff will proceed to drafting data sovereignty agreements with the applicants.
<b>Regional Collaboration</b>		
<i>Climate Adaptation Te Tai Tokerau (CATT)</i>	<p>WDC's Strategy and Democracy Group and NRC's Community Resilience Group have signed a Memorandum of Understanding (MoU) to guide collaborative efforts on Community Adaptation Planning.</p> <p>This partnership is grounded in our shared vision: <i>that the people and environment of Te Tai Tokerau thrive and are resilient in a changing climate</i>. The MoU formalises a joint commitment to:</p> <ul style="list-style-type: none"> <li>• Support the Joint Climate Change Adaptation Committee (JCCAC) and its terms of reference</li> <li>• Implement the Te Tai Tokerau Climate Adaptation Strategy and delivering on its Priority Actions</li> <li>• Align with the Climate Adaptation Te Tai Tokerau (CATT) Working Group Terms of Reference</li> </ul> <p>These foundations will help strengthen alignment across councils in staff resourcing, processes, and delivery of WDC's Community Adaptation Programme, delivery of Tangata Whenua-led Climate Planning Fund and the regional climate work programme.</p>	<ul style="list-style-type: none"> <li>• Begin operationalising the commitments outlined in the MoU through joint planning, coordination, and resource sharing</li> <li>• Continue delivery of community adaptation planning across priority locations</li> <li>• Strengthen alignment with regional mitigation workstreams through the CATT group</li> </ul>
<i>The Joint Climate Change Adaptation Committee (JCCAC)</i>	Staff have been working on the agenda items for the upcoming JCCAC meeting, ensuring alignment with current work programmes and strategic priorities.	The next JCCAC meeting is scheduled to take place on 24 July at the Northland Regional Council Chambers. Staff will finalise supporting documents and attend the meeting to provide updates and input as required.
<b>Upper North Island Strategic Alliance (UNISA)</b>		

Project	What we did in June	Next steps
<i>Officer Working Group</i>	<ul style="list-style-type: none"> <li>Attendance in working group to ensure Whangarei and Northland perspectives are included in strategic planning and advocacy for the upper North Island. Current priorities include development of an Infrastructure Development Plan (IDP) for UNISA;</li> <li>understanding government direction and impacts on local government (Future of Local Government, Development Levies)</li> <li>Updating value proposition and the UNI 'story' (due end of 2025).</li> </ul>	Further information on the development levies to replace development contributions is expected from the Department of Internal Affairs at the UNISA Mayors & Chairs meeting on 9 July.

#### 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. Corporate Planning

#### 3.1 Health and Safety

No health and safety issues identified.

#### 3.2 Current Priorities

Over June the department has focused on four main tasks:

- Coordination and preparation of briefings and reports for Council in the lead up to adoption of the Annual Plan 2025-26.
- Coordination and support across the organisation of performance measures data capture for Annual Report 2024-25.
- Early engagement with external auditors and internal managers on the assurance process for performance measures for Annual Report 2024-25.
- Development of a draft Council Submissions Policy ahead of Annual Plan 2026-27.

The Department also provided feedback internally on the draft DIA Council profile sent for review and met with the Chief Executive of the Northland Events Centre Trust to provide feedback on proposed performance measures.

#### 3.3 Performance measures and compliance

Corporate Planning Department has oversight of the organisation's monthly and annual reporting on performance measures and compliance. The Long Term Plan has already been adopted, and the Annual Plan 2025-2026 is soon to be adopted.

#### 3.4 Current challenges/issues

No challenges beyond the usual tight turnarounds for reports for Council meetings related to the Annual Plan.

#### 3.5 Corporate Planning Department work programme

Corporate Planning	Lead	Statutory	Status
Annual Plan 2025-26	GF	y	In progress
CPM 2024-25 (incl. Residents' Survey)	GF	y	In progress
Annual Report 2024-25	GF	y	In progress
CPM 2025-26 (incl. Residents' Survey)	GF	y	In progress
Long Term Plan 2027-37	BB	y	Planned
Annual Plan 2026-27	GF	y	Planned
Annual Report 2025-26	GF	y	Planned
Submissions Policy	BB	n	In Progress

#### 3.6 Overview of Operational Activities for June 2025 and Next Steps

Project	What we did in June	Next steps
<b>Corporate Planning</b>		
<i>2025-26 Annual Plan (AP26)</i>	Prepared reports and additional advice for deliberations meetings held on 5, 10 and 18 June resulting in final direction to staff for preparation of the 2025-26 Annual Plan.  2025-26 Fees & Charges adopted on 26 June.	Adoption of the 2025-26 Annual Plan, associated documents including the Rates Resolution on 3 July.  Undertake a "lessons learnt" reflection to feed into development of Action Plan

Project	What we did in June	Next steps
	Reviewed the Annual Plans of a range of other councils as part of planning for next year's AP.	for 2026-27 Annual Plan and 2027-37 LTP to be presented to Council in September 2025.
<i>2024-25 Corporate Performance Management System (CPM)</i>	Progress packs circulated and completed up to and including May results. Training completed for various staff. Work done with various staff and management to better align with audit expectations for the reporting of performance measures.	Circulation of final progress pack for June 2025 results. Continue work to better align with audit.
<i>2024-25 Resident's Survey</i>	Second wave of sampling completed, and results analysis commenced by researchers with the final year report expected in the week commencing 30 June.	Distribution of survey to SLT, departmental heads and staff with performance measures calculated from survey results. Also post to Kete. Information Agenda report to Council early August.
<i>2024-25 Annual Report (AR25)</i>	Commentary templates distributed to Activity managers in anticipation of EoY. Stage one performance measures added (i.e.) template with previous two year's results. Staffing changes worked through with appropriate RO and SOA identified.	Compile final EoY performance measures for inclusion in templates. Circulate to AMs and GMs with commentary for final work-up and approval.
<i>SSP measures internal assurance for audit</i>	Met with external auditors to understand the approach they take to audit of SSP measures and how they determine 'materiality' and test for completeness of data. Met with Managers and GMs to explain the audit process and steps to be taken ahead of audit to ensure all procedures are documented and any known issues are identified with choices presented on how we might proceed.	Managers to send through System Notes for Corp Planning Review ahead of submitting to external auditors.
<i>2026-27 Annual Plan and 2027-37 Long Term Plan (LTP27)</i>	On hold as work on 2025-26 Annual Plan took precedence.	Present draft Project Plan to GM with aim to commence project in August.
<i>Submissions Policy</i>	Developed draft 'Submissions Policy' and 'Management of AI Generated Submissions' for internal feedback.	Incorporate internal feedback and take policies to OLT and SLT for review. Once approved by SLT submit for review by Council.

### **3.6.1 Risk to the Tiriti Relationship**

No current risks to the Tiriti Relationship. Engagement with Te Kārearea, Te Huinga and local hapū representatives will be an important part of future engagement plans for the Annual Plan and Long Term Plan.

### **3.7 Legislation changes or updates**

Government decisions on our Water Services Delivery Plan to be made in October 2025 with an implementation period from November 2025 to July 2027 will impact on the scope and content of future Annual Plans, Annual Report and the 2027-37 Long Term Plan.

### **3.8 Future Planning / What's coming next?**

Business as Usual - planning for next Annual Plan and Long Term Plan and collection of data and information for the 2024/25 Annual Report.

Process improvements - we also hope to have the opportunity to document the business processes behind the Annual Reporting and Annual Plan processes using new process mapping tool (Flowingly) and working with owners of performance measures across the business to similarly document the description of each measure and the data sources for each measure so that audit can be reassured as to the accuracy and robustness of the reported metrics in the Annual Report.

## 4. Māori Outcomes

### 4.1 Health and Safety

No work environment related issues raised.

### 4.2 Current Priorities

A key focus of internal efforts has been the development of the Māori Engagement System to guide operational teams in their engagement with mana whenua, hapū and iwi. The initial stages of this system were launched during Puanga Matariki, informed by internal needs assessments and ongoing staff input. The system is intended to serve as a centralised resource to promote best-practice engagement, cultural safety, and alignment with Council's statutory obligations under the LGA and RMA.

In parallel, testing of the Fees and Koha Policy and accompanying operational framework has revealed a much broader and more complex range of engagement scenarios across Council than originally scoped. As a result, the guidance will need to be expanded to ensure it is relevant and applicable across the organisation's diverse departments and functions.

Cultural capability across Council continues to be supported through a wide range of activities—formal and informal, operational and strategic. However, learnings from the testing of the Fees and Koha tools have reinforced a critical insight: while Māori Outcomes maintains a presence across many workstreams, the scale and complexity of the organisation means new work, events, and decisions regularly expose blind spots.

For an organisation-wide Cultural Capability Framework, it cannot continue to be delivered off the side of a desk. It requires deliberate investment to ensure it reflects the evolving realities of Council operations and supports a more culturally competent and responsive organisation.

### 4.3 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%	Engagement continues to be facilitated across individual hapū of Whangārei. Wider meetings of the collective of Whangārei Hapū will be scheduled for the new financial year.
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%	Engagement continues with Te Huinga. Agenda specific meetings will be scheduled for the new financial year.
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%	The auditors have now consolidated both the Stage One and Stage Two reports into a single report. Report will be progressed to both Te Kārearea and Council.

## 4.4 Current challenges/issues

In the absence of established frameworks and policies, Māori Outcomes provides support to departments to navigate engagement with mana whenua, hapū and iwi. This often requires case-by-case guidance to ensure engagement is culturally appropriate.

### Engagement Pre-2022

Māori Outcomes is supporting the remediation of engagement gaps that occurred prior to 2022, when several projects progressed without full or timely input from affected mana whenua and hapū. Efforts have focused on strengthening internal capability, improving engagement planning, and restoring relationships. With LTP funding in place, and external expertise now onboard, Council is better positioned to embed more consistent, principled, and proactive engagement practices into its operations.

#### 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.

## 4.5 Overview of Operational Activities for May

### Cultural Capability support for:

- Māori Services/Engagement System
- Waiata sessions | Fortnightly in Manaia Theatre
- Māori All Blacks game | Pōwhiri
- Monthly internal whakatau
- Matariki – Pre | Post District event

### Māori Engagement support for:

#### *Hapū/Iwi Engagement*

- Papakāinga Fund
- District wide water projects
- Stormwater Hui
- Te Huinga | Engagement Advisor attends

#### *Hapū Engagement*

- Resource Management Consents
- Ngunguru Retirement village Stormwater project Engagement

### Internal Meetings

- Inter council Māori Teams hui
- Welcoming communities
- Engagement system session with staff
- Papakāinga Fund | Internal Panel
- 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
- Review Draft 'mahere ā rohe o ngā hapū'
- Tangata Whenua Policy draft
- Ngunguru Seawall
- Climate Change steering committee
- Request for Proposal (RFP) Tangata Whenua Led Climate Adaptation Fund
- Pre Application meetings- Resource Consents

### Council; Te Kārearea | Standing Committee

- Support for May & June meetings
- Working Group - Review of Terms of Reference 2023-2025

#### 4.5.1 Delegated Financial Authority Policy

Nothing to note.

## 4.6 Legislation changes or updates

The coalition government has progressed a suite of legislative changes that roll back key initiatives introduced by the previous government, many of which directly affect local government and Māori-Crown relationships. These include the introduction of the Treaty Principles Bill, the repeal of the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act, and proposed amendments to the Resource Management Act through the Fast-Track Approvals Bill. While the previous government prioritised strengthening the nation's Tiriti o Waitangi commitments, the current government has signalled a shift in direction, with a focus on redefining how it interprets

and implements its responsibilities under Te Tiriti o Waitangi. These developments have implications for Māori engagement, representation, and participation in local governance processes.

#### ***4.7 Future Planning / What's coming next?***

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

**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.*