



**On Point Northland Ltd  
422 Marsden Point Road, Ruakākā**

**Private Plan Change Application**

**PLANNERS | SURVEYORS | ENGINEERS | ARCHITECTS | ENVIRONMENTAL**

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## Document Record

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## 1.0 PROPERTY / APPLICATION DETAILS

Site Address:	422 Marsden Point Road, Ruakākā
Legal Description:	Lot 1 DP 527727
Site Area:	2.4455 hectares (“ha”)
Operative Plans Applying:	Whangarei District Plan
Zoning:	Heavy Industrial
Overlays:	Northpower Critical Overhead Lines (“CEL”) Landslide Susceptibility Zone

## 2.0 INTRODUCTION AND EXECUTIVE SUMMARY

The Applicant, On Point Northland Limited (“**the Applicant**”) hereby applies to Whangarei District Council (“**WDC**”) for a Private Plan Change (“**PPC**”) Request to rezone the site at 422 Marsden Point Road, Ruakākā (“**The Site**”) to Light Industrial Zone (“**LIZ**”). The Applicant owns the site which is currently unoccupied. The site is currently located within the Heavy Industrial Zone (“**HIZ**”) of the Whangarei District Plan (“**WDP**”).

The PPC will provide for additional light industry development and employment opportunities within the established Industrial area, away from more sensitive residential uses. The purpose of this PPC is to support the development and investment in the site and the surrounding Ruakākā area. The site’s current Heavy Industrial zoning is considered to present a high cost and risk for future development within the site.

Pre-application meetings have been held with Council staff prior to the lodgement of this PPC request. Consultation has also been undertaken with adjoining property owners, and a number of parties which may have interests in this proposal, including local hapu. Feedback from Council and interested parties have informed the approach and provisions of the PPC.

This report details the comprehensive evaluation in accordance with section 32 of the Resource Management Act 1991 (“**RMA**”) that has been undertaken to confirm the appropriateness of the PPC. The proposed rezoning of the site meets the objectives of the Northland Regional Policy Statement, the Northland Proposed Regional Plan (February 2024), the WDP, and the purpose of the RMA in an effective and efficient manner.

## 3.0 THE SITE AND LOCALITY

### 3.1 The Site

The site is located on the eastern side of Marsden Point Road in Ruakākā with a total area of 2.4ha and is shown in **Figure 1** below. The land is relatively flat in topography consisting of predominantly rough grass and weeds.



*Figure 1: Location of site at 422 Marsden Point Road, Ruakākā*

The site is square in shape and generally flat in topography. Access to the site is via an existing shared vehicle crossing off Marsden Point Road. The vehicle crossing was upgraded in 2021 through subdivision consent SD1800042, which approved the subdivision of the site from adjoining property 420 Marsden Point Road to the east. Marsden Point Road is a sealed arterial road with varying speed limits.

The site has been cleared, and extensive earthworks have already taken place to level the site. The site is bare with no activities currently being undertaken within the site as demonstrated by the **Figure 2** below.



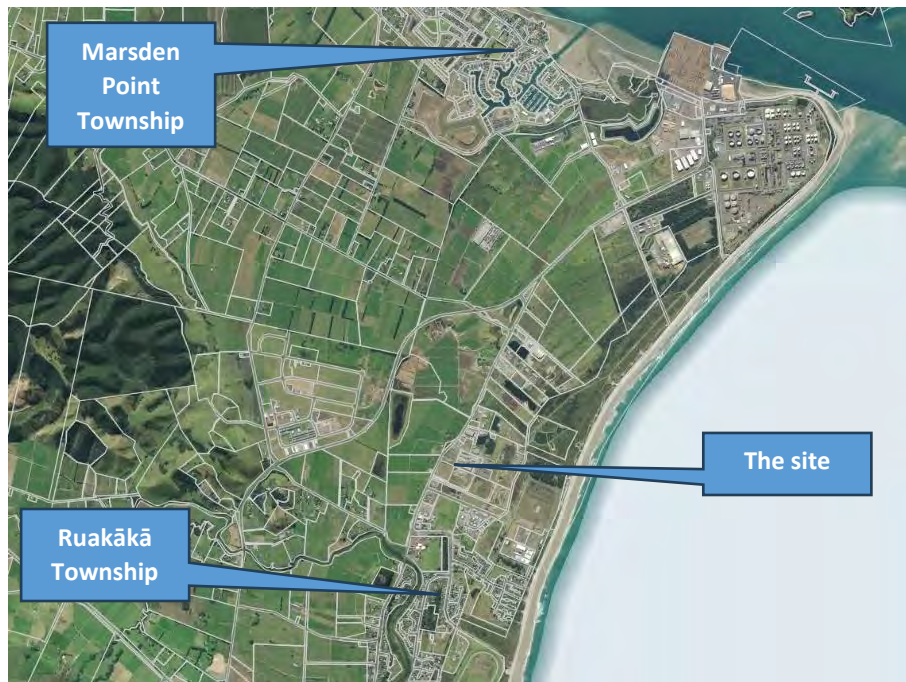
*Figure 2: Photo of the site taken from the vehicle crossing with Marsden Point Road pointing northeast (taken 23/08/2024).*



The site is located within an established Heavy Industrial area to the north of Ruakākā Township. Existing activities within the surrounding industrial area comprise several industrial businesses, including landscape supplies, a timber mill and construction suppliers. There are a range of different uses in the surrounding environment, but the predominant uses and character of the area is industrial in nature.

### 3.2 The Locality

The site is approximately 1km from the Ruakākā urban area to the south and approximately 3km from Marsden Point Township to the north. The wider site location is shown in **Figure 3** below.



*Figure 3: Location of 422 Marsden Point Road within the Whangārei District. Source: GRIP.*

The surrounding area is characterised by small and large scale industrial and commercial activities on the eastern side of Marsden Point Road, and empty farmland on the west side of the road. The farmland to the west of the site across Marsden Point Road has recently been approved as part of a Solar Farm. Marsden Point Road indirectly connects to Port Marsden Highway (State Highway 15) to the south via McCathie Road and to the north via McEwan Road, both being secondary collectors.

### 3.3 History of the site

The site, now identified as 422 Marsden Point Road, was originally part of 420 Marsden Point Road (Lot 1 DP 350513), which had a total area of 6.2945 hectares, as shown in **Figure 4** below. In 2018, the site was subdivided from the adjacent lot to the east under subdivision consent SD1800042, with titles issued in 2022.



*Figure 4: 420 Marsden Point Road (Lot 1 DP 350513) prior to SD1800042*

Historically, the site area containing 422 Marsden Point Road was zoned Business 2, while the area within the lot that is now defined as 420 Marsden Point Road was zoned Business 4 under the previous WDP. **Figure 5** below illustrates the site and its former zoning designations:

- **Business 4 (Purple):** Heavy Industrial areas accommodating activities with a higher threshold for environmental and amenity effects.
- **Business 2 (Yellow):** Light Industrial and general business zones typically located on the outskirts of central urban areas.
- **Business 3 (Pink):** A mix of industrial and business activities.
- **Rural Production Zone (White):** Agricultural and rural land use areas.



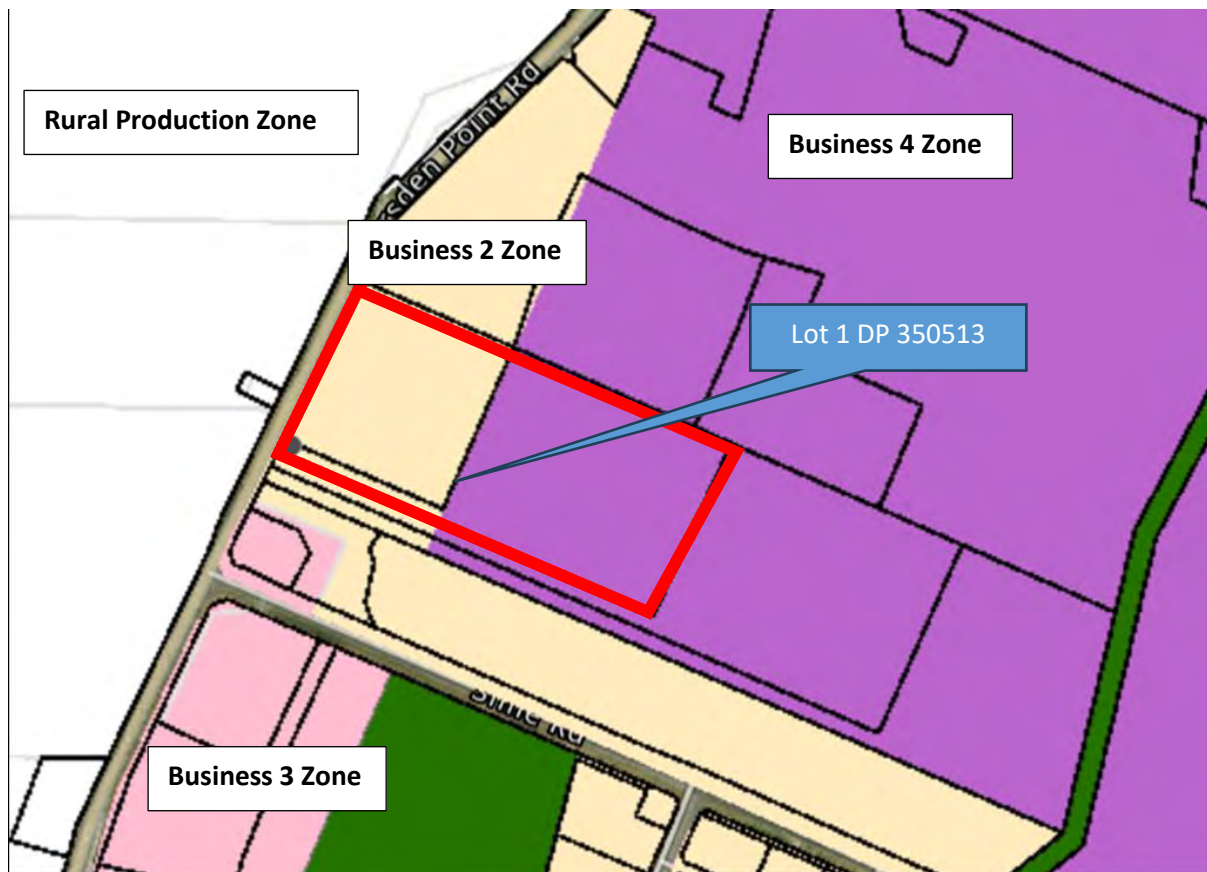


Figure 5: Previous Whangarei District Plan Business 2 and 4 zoning

In 2018, a submission was made by Volume Two Limited to Plan Change 88H to rezone the front portion of Lot 1 DP 350513 (now 422 Marsden Point Road) from Light Industry to Heavy Industry. The previous split zoning on the former lot, resulted in an inefficient and unclear designation for the landowner. This submission is contained in **Appendix F**.

The submission argued that aligning the entire site under the Heavy Industry Zone would improve zoning efficiency and clarity. The hearings commissioners supported this position, recommending that the split zoning be rectified to avoid confusion and ensure more effective land use. The recommendation was subsequently adopted by the Hearing Panel, rezoning the entire site to Heavy Industrial under the new WDP.

### 3.4 Pre-Application Process

In August 2024, the Applicant and Planning Consultants from Cato Bolam Consultants met with WDC to introduce the site, identify the issues, and raise early thinking on a proposed private plan change request to rezone the site.

At this early meeting it was discussed that if a zoning change were to be sought then sufficient evidence would be necessary to clearly assess the change to transport effects through the changes in zoning as well as the economic effects of the proposal. The reasons behind a PPC over a resource consent was also discussed, with the Applicant noting that they have not been able to develop the site appropriately under the current Heavy Industrial Zoning and that a resource consent would not be sufficient.

Following this meeting and feedback from Council, the Applicant decided to proceed with the plan change process and work commenced to engage experts to assist with the preparation of this application. Further discussions with Council occurred as required to seek further feedback on matters such as engagement, WDP changes and format, and general progress updates.

Following this initial meeting, confirmation was provided by Council that a memo from a real estate agent regarding market demand for the site's zoning and the history accompanied by an assessment against WDC 2024 Housing and Business Land Capacity Report would suffice. A memo has been provided by Matt Prentice of Colliers New Zealand and is included as **Appendix D**. Flow Transportation Specialists Limited ("**Flow**") was also engaged to provide a transport assessment which is provided in **Appendix C**. Both the traffic assessment and real estate memo informed this plan change evaluation report.

Following feedback from Council regarding concerns about being able to properly identify the site the applicant applied to WDC for an address for the site and was issued the address 422 Marsden Point Road on the 1<sup>st</sup> of November 2024.

### 3.5 Consultation

Wider consultation, including consultation with local Rūnanga is currently in progress concurrently with this application with Patuharakeke and Te Parawhau. Letters from both local Rūnanga groups have been received and are contained in **Appendix G**. Consultation has been undertaken with New Zealand Transport Agency Waka Kotahi. ("**NZTA**") Feedback from NZTA has confirmed that they do not oppose the proposed PPC (see **Appendix H**).

Consultation has also been undertaken with all directly adjoining neighbours along the eastern side of Marsden Point Road. No feedback has been received against the proposal on the email that was sent contained in **Appendix I**. The following neighbouring properties were consulted with:

- JB & RM Keith Trustees Limited, 458 Marsden Point Road, Ruakaka
- Marsden Point Land Limited Partnership, 420 Marsden Point Road, Ruakaka
- Marsden Point No. 2 Limited Partnership, 18 Lakeside Park Road, Ruakaka
- P & S Waiheke Ltd, 418 Marsden Point Road, Ruakaka

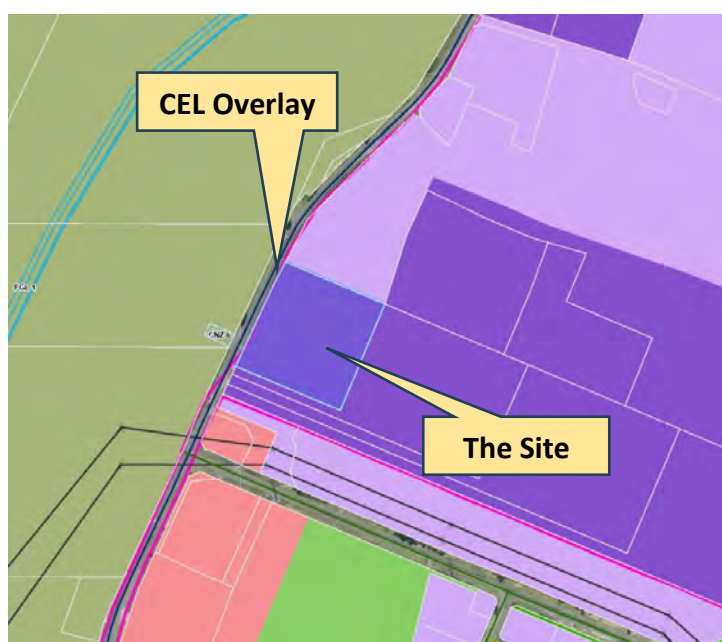
The applicant has had regard to Rūnanga and others in the PPC as much as possible.

### 4.0 PLAN CHANGE REQUEST

The intention of the PPC is to provide precinct rules for the "422 Marsden Point Road Light Industrial Precinct" to append the LIZ chapter and District-Wide provisions to manage the way in which the PPC area is used and developed. Consistent with other brownfield precincts within the WDP, the proposed precinct also includes place-based provisions that create a spatial framework for development. This will support light industrial development within this locality that responds to context, landform and natural characteristics of the PPC area.

## 4.1 Overview of the Proposed Zoning

As mentioned, this PPC seeks to rezone the site from its current Heavy Industrial zoning to Light Industrial zoning. The current zoning pattern is illustrated in **Figure 6** below.



*Figure 6: Site and surrounding areas zoning under the Whangarei District Plan. Source: WDC GIS District Plan Maps*

The intention behind this rezoning is to create a more appealing land use designation for potential future occupants. Feedback from potential future occupants indicates that the site is better suited for light industrial activities. Accordingly, the current Heavy Industrial zoning has been a significant barrier, with the associated time and perceived risks leading prospective future occupants to withdraw from pursuing opportunities on the site.

## 4.2 Proposed Precinct Provisions

The “422 Marsden Point Road Light Industrial Precinct” is proposed to apply to the Plan Change area to enable a specific range of light industrial activities proximate to the urban growth in the wider areas of Marsden Point, Ruakākā, and around State Highway 15.

A package of provisions, including policies, activity standards, development standards, and associated matters of discretion and assessment criteria are proposed to achieve the objectives of the precinct and the wider WDP. The full set of provisions is set out within **Appendix B**.

## 5.0 REASONS FOR THE APPLICATION

### 5.1 Purpose and reasons

Clause 22(1) of the RMA requires that a PPC request explains the purpose of, and reasons for the proposed PPC.

The purpose of the PPC is to enable the provision of bespoke additional light industrial land in Ruakākā. The Applicant is the owner of the PPC area and intends to develop the site in a manner consistent with the proposed zoning framework and precinct provisions, which this PPC request will facilitate.

The PPC is consistent with the objectives of the Council’s planning documents and, in this regard, the reasons for the PPC are justified and consistent with sound resource management practice, including the efficient use and development of physical resources.

## **5.2 Alternatives considered**

Alternative options for the site were explored, including:

- Seeking resource consent to establish light industrial activities under the current Heavy Industrial zoning; or
- Developing the site for traditional heavy industrial uses in accordance with its existing zoning; or
- Rezoning to a commercial or mixed-use zoning.

These alternatives were deemed less appropriate for the site’s characteristics, market conditions, and surrounding land use context.

Establishing light industrial activities under the Heavy Industrial Zone would require individual consents, introducing uncertainty for both the Applicant and the Council. Pursuing heavy industrial development was considered less viable due to changing market demand and the site’s strategic location adjacent to existing light industrial areas.

The use of a precinct overlay, rather than simply relying on standard LIZ provisions, was considered necessary to better manage the site’s specific development needs and potential effects. The precinct provides for a limited expansion of activities, such as general retail and food and beverage, tailored to support industrial operations and workforce needs. At the same time, the precinct introduces additional controls which are not present in the standard LIZ framework — including Gross Floor Area thresholds, resource consent requirements for general retail activities over 250m<sup>2</sup>.

This ensures that any potential adverse effects, including risks of reverse sensitivity and impacts on the integrity of nearby heavy industrial land, are effectively managed. The precinct approach delivers greater precision and certainty for both the Applicant and the Council, by balancing market flexibility with industrial protection.

Rezoning through this PPC provides greater certainty for future development investment, ensuring that light industrial activities are appropriately located and compatible with the surrounding environment. The proposed precinct provisions also allow limited additional activities to support the industrial workforce and market demand, while maintaining industrial land supply integrity and protecting surrounding heavy industrial operations.

As part of the Section 32 evaluation, the costs and benefits of enabling additional activities—specifically general retail and food and beverage—versus maintaining the current zone settings have been assessed. This includes consideration of land use efficiency (through greater utilisation of underused industrial land), economic benefits (such as employment generation and service provision for local businesses and workers), and potential risks, including reverse sensitivity. These risks are mitigated through activity thresholds, consent requirements, and development controls within the precinct, ensuring that benefits can be realised without compromising the function or viability of neighbouring industrial zones.

Overall, the proposed PPC offers a strategic, sustainable, and site-specific approach that maximises the site's development potential while supporting the broader economic and community needs of the Ruakākā and Marsden Point areas. The precinct approach is considered the best option to foster efficient use and development of this land resource.

## 6.0 STATUTORY ASSESSMENT

### 6.1 Whangarei District Plan

The site is currently located within the HIZ as defined in the WDP. Marsden Point Road, which runs along the site's northwestern boundary, is classified as an Arterial Road under the WDP Roding Hierarchy. Additionally, the site is affected by the Northpower CEL overlay, which is situated along the northwestern boundary adjacent to Marsden Point Road, as shown in **Figure 6** above.

With regard to the zoning of the adjoining land:

- Sites to the northeast and east of the site are zoned Heavy Industrial.
- Sites to the north and south are zoned Light Industrial.
- Further south, land is contained within the Local Centre Zone, and Sport and Active Recreation Zone.
- To the west of the site, across Marsden Point Road, the land is zoned as Rural Production Zone.

#### 6.1.1 Current Consenting Framework

Under the WDP, the site's Heavy Industrial zoning permits retail activities, including Trade Retail, General Retail, and Commercial Services, only as ancillary activities to an industrial operation on the site, with the gross floor area ("GFA") capped at 150m<sup>2</sup>. Consequently, establishing a Trade Retail business as the primary activity on the site under the current zoning would require a Non-Complying Activity Resource Consent.

The proposed rezoning of 422 Marsden Point Road from Heavy Industrial (HIZ) to Light Industrial (LIZ) ensures compatibility with the WDP while addressing the practical constraints and market demand for the site. The assessment demonstrates that the proposal aligns with the objectives and policies of the WDP, including:

- **Consistency with Industrial Objectives and Policies:** The rezoning retains an industrial designation while facilitating light industrial activities that are better suited to market demand and context. The site's location, adjacent to both Heavy Industrial and Light Industrial zones, supports a transition between different industrial activities while maintaining the area's overall industrial character.
- **Reverse Sensitivity Management:** The proposal explicitly avoids enabling sensitive land uses such as residential dwellings, education facilities, and healthcare centres by not providing for these activities in the proposed precinct rules, therefore a resource consent would need to be obtained. Objective LIZ-04, which manages reverse sensitivity effects, remains applicable, ensuring industrial activities can continue without undue constraint.



- **Precinct-Specific Provisions:** The proposed **422 Marsden Point Road Light Industrial Precinct** proposes policies and rules that closely align with the existing Light Industrial Zones policies and rules with some minor adjustments, which are as follows:
  - Enable light industrial activities.
  - Ensure built form and operational controls remain **compatible with adjoining Heavy Industrial activities by aligning with the existing light industrial built form standards**, which include maintaining a **3-metre setback from Heavy Industrial sites**, preserving a buffer between different industrial zones and mitigating potential conflicts.
- **Infrastructure and Servicing Considerations:** Technical assessments confirm that the site can be adequately serviced within existing **wastewater, stormwater, and transport networks**, with no additional burden placed on infrastructure beyond what is already anticipated under the WDP. The existing Heavy Industrial Zoning in itself points to adequate infrastructure capacity.
- **Alignment with Strategic Growth Objectives:** The rezoning aligns with the **Whangārei District Growth Strategy (2021)** and the **Draft Future Development Strategy**, which support industrial growth in the Ruakākā area. The PPC contributes to economic development by unlocking underutilized industrial land while maintaining compatibility with surrounding industrial activities.

The proposed rezoning and precinct provisions are consistent with the objectives, policies, and rules of the Operative Whangārei District Plan. The PPC facilitates a more effective and efficient use of industrial land while maintaining compatibility with surrounding industrial activities. It provides certainty for development, avoids reverse sensitivity conflicts, and supports the broader economic and strategic planning objectives of the district by enabling urban consolidation and intensification while avoiding urban development sprawling into productive rural areas (DGD-03 of the WDP).

The planning assessment in the preceding application provides further details, demonstrating that the PPC meets the statutory requirements of Clause 23(1)(a) of the RMA.

### 6.1.2 WDP Objectives and Policies

The proposed rezoning of 422 Marsden Point Road from HIZ to LIZ has been assessed against the relevant objectives and policies of the WDP. The PPC aligns with the strategic goals of the district, facilitates efficient industrial land use, and ensures compatibility with surrounding activities while supporting economic growth.

The rezoning of 422 Marsden Point Road to LIZ is consistent with the WDP's overarching industrial objectives. Specifically, Objective I-01 (Provision for Industrial Development), which emphasises the need to provide sufficient and suitable industrial land for a range of industrial activities, including those that are light in nature. The proposed rezoning helps meet this demand by unlocking underutilised industrial land for light industrial uses, aligning with Policy I-01.1 (Industrial Land Supply), which supports the efficient and sustainable use of industrial land. Further, the Policy I-02.1 (Compatibility of Industrial Activities) seeks to cluster compatible industrial activities. The rezoning of this site provides an opportunity to locate light industrial activities in a manner that is compatible with both adjacent Heavy Industrial and Light Industrial zones, ensuring a smooth transition and minimising the risk of land use conflicts.

A key consideration for this rezoning is the management of reverse sensitivity effects, particularly due to the site's proximity to Heavy Industrial activities. The WDP's Objective LIZ-04 (Reverse Sensitivity Effects) and Policy LIZ-04.1 (Preventing Reverse Sensitivity) are central to this proposal. Reverse sensitivity, as defined by the WDP, is not limited to residential, education, or healthcare activities but includes any activity that may constrain the lawful operation of an existing industrial use. The PPC recognises that while no sensitive land uses are introduced, the proposed general retail and food and beverage activities could present potential reverse sensitivity risks if not effectively managed. To address this, the precinct introduces restricted discretionary activity status for general retail exceeding 250m<sup>2</sup> GFA, with explicit assessment matters requiring the consideration of reverse sensitivity effects. The retention of a 3-metre setback from the adjoining Heavy Industrial zone further mitigates risk and ensures activities are appropriately separated. By rezoning the site to Light Industrial, sensitive land uses such as residential, education, and healthcare facilities are explicitly avoided, ensuring that future industrial activities will not be constrained by incompatible neighbouring uses.

The proposed rezoning has been assessed against the WDP's Objective I-04 (Infrastructure and Servicing for Industrial Activities) and Policy I-04.1 (Efficient Use of Infrastructure), which highlight the importance of ensuring industrial developments are supported by adequate infrastructure. The Services Report contained in **Appendix E** confirms that the site can be serviced by existing infrastructure, including wastewater, stormwater, and transport networks, without exceeding the anticipated capacity. This aligns with the WDP's objective to promote sustainable industrial development that efficiently uses existing infrastructure, ensuring no additional burden on public services beyond what is already planned for in the district's growth strategy.

The proposed Light Industrial precinct has been designed with environmental sustainability in mind as Light Industrial activities typically have lower environmental impacts compared to Heavy Industrial uses, reflecting the Objective E-01 (Protection of Natural and Physical Resources) and Policy E-01.3 (Adverse Effects of Development) of the WDP, which aim to protect the environment from the adverse effects of industrial activities.

The WDP's Objective UD-01 (Quality Urban Design in Industrial Areas) and Policy UD-01.1 (Design of Industrial Buildings and Sites) emphasise the need for high-quality industrial design that enhances both the visual and functional aspects of industrial zones. The proposed precinct-specific provisions for the Light Industrial zone ensure that any development on the site will meet these standards, with built form and operational controls designed to mitigate the visual and operational impacts of industrial activities. These controls help preserve the industrial character of the area while improving the quality of the built environment.

The proposed rezoning aligns with the Objective ED-01 (Economic Growth and Development) and Policy ED-01.2 (Support for Regional Economic Development) in the WDP, which prioritise industrial development that contributes to the economic growth of the region. By rezoning 422 Marsden Point Road to Light Industrial, the proposal unlocks land for new industrial activities, which are essential to the region's economic diversification. The site's current vacant status under the Heavy Industrial Zone, does not contribute to economic growth. This rezoning not only supports the district's economic development objectives but also complements broader regional strategies for industrial growth in the Ruakākā area.

The PPC has also been assessed against Objective LIZ-06 (Retail Activities), which seeks to enable larger-scale trade retail while limiting all other forms of retail activity within the Light Industrial Zone. While the precinct enables a broader range of retail activities, strict GFA thresholds, and consent requirements for general retail above 250m<sup>2</sup> per site ensure that general retail is carefully managed.

The focus remains on supporting industrial activity rather than creating a retail centre, thereby maintaining consistency with LIZ-O6.

Further, the PPC responds to Policy LIZ-P3.4, which seeks to manage non-industrial activities to ensure that they do not compromise the viability and vitality of the City Centre, Waterfront, Mixed Use, Local Centre, Neighbourhood Centre, and Shopping Centre Zones. The scale of general retail and food and beverage activities permitted under the precinct remains limited to levels that are appropriate for supporting industrial activities and workforce needs. Any larger-scale retail development requires a resource consent, allowing full assessment of potential impacts on established commercial centres. Therefore, the PPC aligns with LIZ-P3.4 by ensuring non-industrial activities will not detract from the strategic retail hierarchy of the District Plan.

The proposed rezoning has also been assessed against the Urban Form and Development (“UFD”) chapter of the WDP. In particular, the proposal aligns with UFD-P8 (Industrial Development), which seeks to enable industrial growth in appropriate locations with access to infrastructure, while protecting surrounding activities from reverse sensitivity effects. The precinct provisions ensure compatibility with neighbouring industrial uses and maintain the site's industrial purpose. UFD-P8 requires that industrial land be located where: (1) the site has access to freight routes and infrastructure; (2) servicing is efficient; (3) activities avoid reverse sensitivity effects; and (4) land use conflict is minimised. The site meets all of these: it is accessed directly from Marsden Point Road with links to SH1 and Port Marsden Highway; the Services Report confirms servicing is available and efficient; sensitive land uses are excluded; and setbacks and activity controls manage interface with adjacent Heavy Industrial land. Further, the PPC is consistent with UFD-P10 (Managing Commercial Activities) by carefully managing the scale and type of commercial activities enabled, ensuring that industrial land supply is not fragmented, and the primacy of nearby commercial centres is maintained. The precinct approach ensures that any commercial activities are appropriately scaled and controlled, supporting the strategic urban form outcomes sought by the District Plan. UFD-P10 requires that non-industrial activities in industrial zones: (1) support the zone’s purpose; (2) do not undermine centre viability; and (3) are of appropriate scale and form. The PPC aligns with this through strict GFA thresholds (250m<sup>2</sup> general retail, 450m<sup>2</sup> food and beverage), RDA status for larger retail, and rules ensuring retail remains ancillary and complementary. These measures ensure consistency with the District Plan’s policy intent.]

The proposed rezoning of 422 Marsden Point Road from Heavy Industrial to Light Industrial is consistent with the objectives and policies of the Whangārei District Plan. It facilitates the efficient use of industrial land, supports economic growth, and ensures compatibility with surrounding industrial activities while minimizing potential reverse sensitivity issues. The proposal aligns with the broader strategic goals of the district, promoting sustainable, high-value industrial development that meets both current and future market demand.

In summary, the PPC is in accordance with the relevant objectives and policies of the Whangārei District Plan. It will contribute to the economic development of the region while maintaining the area’s overall industrial character and ensuring compatibility with existing industrial uses.

## **6.2 Whangareī District Growth Strategy (2021)**

The Whangareī District Growth Strategy (2021) outlines the strategic drivers that will inform the future growth of the district over the next 30 years. The strategy focuses on managing growth in a sustainable manner while ensuring that infrastructure, services, and resources are adequately planned for and

allocated. It also emphasises the importance of creating a strong economic foundation, enhancing housing options, and fostering a diverse range of business opportunities.

The PPC aligns with the objectives set out in the Whangarei District Growth Strategy (2021) by supporting economic growth and diversifying industrial capacity in the district. Rezoning the site from Heavy Industrial to Light Industrial will enable development that aligns with market demand and the region's growth projections, offering more suitable land use for the evolving needs of the community.

While the site will retain an industrial zoning, the precinct provisions will enable general retail and food and beverage activities as permitted primary uses, alongside traditional industrial operations. Although this broadens the range of activities on the site, it remains aligned with the Growth Strategy's focus on supporting business growth and employment diversity, particularly in key strategic areas like Ruakākā.

The inclusion of commercial activities is intended to support the functioning of the wider industrial area, provide amenities for the local workforce, and attract additional investment and employment. These land use outcomes contribute positively to the district's economic development goals without undermining the role of existing commercial centres, as the scale and function of activities will be managed through appropriate precinct controls.

The strategy also highlights the importance of ensuring that growth is supported by appropriate infrastructure, including wastewater treatment and disposal systems. The PPC complements this aspect by enabling the continued development of an existing industrial-zoned site, which is expected to and already has adequate infrastructure capacity and thus will contribute to meeting future demand for business growth.

For these reasons, the PPC is considered to align with the Whangarei District Growth Strategy (2021), as it supports the district's long-term growth objectives and enhances the economic and industrial landscape of the region.

### **6.3 Whangarei Draft Future Development Strategy**

The preparation of a future development strategy is a requirement of the National Policy Statement on Urban Development. Consultation on Whangarei District Council's Draft Future Development Strategy ("**The Strategy**") closed in September 2024 and the Strategy is due to be adopted by Council on the 24<sup>th</sup> of April. This draft strategy seeks to provide a roadmap for planning, managing and recognising the opportunities that are likely to be presented by the future growth of Whangarei.

For Ruakaka, the strategy includes upgrades to wastewater disposal and treatment systems to support further housing and business growth, it is noted that there is adequate capacity for existing zoned land. It is considered that the PPC aligns with the strategy as the PPC will enable the successful development of an existing industrial zoned site, which will ultimately support the continued growth and development of Whangarei, particularly in terms of economic and industrial expansion.

The PPC seeks to rezone the site from Heavy Industrial to Light Industrial, with an associated precinct that enables general retail and food and beverage activities as primary uses. While the underlying zoning remains industrial, these additional provisions would broaden the scope of activities permitted on the site beyond those typically expected within a Light Industrial zone.

It is proposed to enable further commercial activities such as retail and food and beverage on this site through the proposed precinct rules. The inclusion of these uses is considered to be consistent with the broader objectives of the Strategy for the following reasons:

- The Strategy seeks to enable economic development and provide flexibility to respond to evolving market demands. The PPC supports this by allowing for a more dynamic mix of business activity in an area that is already zoned and serviced for development.
- The site's location within an established industrial area, with good access to transport infrastructure, makes it a suitable candidate for accommodating a mix of industrial and commercial land uses without undermining the strategic function of the wider area.
- The inclusion of retail and food and beverage activities can serve both the local workforce and visitors, contributing to a more vibrant, accessible, and self-sustaining business precinct.
- The PPC provisions will include controls to manage the scale and effects of commercial activity, ensuring compatibility with the surrounding industrial environment and avoiding adverse impacts on the hierarchy of commercial centres.

Accordingly, while the Strategy identifies the site primarily for industrial use, the PPC is considered to be generally aligned with its overarching goals by supporting economic diversification, efficient land use, and the continued growth of Ruakākā as a key employment and business hub within the district. For these reasons, the PPC is considered to align with the Whangarei Draft Future Development Strategy, supporting the region's growth objectives and enhancing its industrial capacity.

#### **6.4 Northland Regional Policy Statement**

The Northland Regional Policy Statement ("NRPS") provides a strategic framework for managing the region's natural and physical resources, including air, land, water, and the coastal marine area.

Fresh and coastal water management is a critical issue addressed in the NRPS, applicable to activities across the region. The proposed rezoning of 422 Marsden Point Road from Heavy Industrial to Light Industrial will not introduce new activities that would harm freshwater or coastal water quality. Future development will adhere to relevant resource consent requirements to mitigate any potential effects on water resources.

The NRPS highlights the need to effectively and sustainably manage natural and physical resources to enhance Northland's economic potential and social wellbeing. Land is identified as a critical economic asset, with pressures from competing land uses. The proposed rezoning supports the efficient use of land by enabling development more suited to the site's location and market demand. The proposed Light Industrial zoning aligns with the RPS's acknowledgment of productive activities, including industrial and commercial uses, as essential contributors to the region's economy. This rezoning will allow for better utilisation of the site while reducing barriers to development, thereby supporting economic growth and employment opportunities within Marsden Point and the wider region.

The proposed rezoning ensures the viability of industrial activities in Marsden Point, protecting them from the adverse impacts of incompatible land uses such as residential development (3.6 economic activities). By rezoning the site from Heavy Industrial to Light Industrial, the proposal mitigates potential reverse sensitivity effects, ensuring that industrial and commercial activities can continue without being undermined by future development in the vicinity. The proposed rezoning aims to promote industrial development that aligns with Northland's economic goals while managing potential reverse sensitivity issues effectively. The PPC is consistent with Policy 5.1.3 by avoiding adverse effects on existing businesses (within adjoining sites and nearby commercial and industrial



zones), ensuring the rezoned site will not conflict with surrounding industrial activities, and implementing appropriate safeguards to protect established businesses.

The rezoning proposal is consistent with Policy 6.1.1 in that it represents an effective and efficient means of achieving resource management objectives. The rezoning will promote the most appropriate use of land, aligned with market demand and the strategic vision for industrial growth in Marsden Point.

Policy 6.1.4 requires that the PPC is consistent with regional and district plans. The proposed rezoning of 422 Marsden Point Road aligns with the NRPS's broader objectives for sustainable land use and economic development. The plan change supports the effective use of land while ensuring that environmental and cultural concerns are adequately addressed with both local Runanga confirming that they do not oppose the proposed PPC.

The applicant has made efforts to engage with mana whenua (see **Appendix G**) as part of the PPC process. While responses have been limited, the proposal does not seek to fundamentally alter the existing environment or the nature of activities on the site. Instead, it aims to align future use with community needs while respecting the cultural and environmental context of the area.

The site is not subject to any identified natural hazards, Sites of Significance to Māori, historic heritage, or outstanding natural features or landscapes under the NRPS.

The proposed rezoning is consistent with the relevant objectives and policies of the NRPS, particularly those supporting sustainable land use, economic development, and environmental protection. It balances the need for industrial land with the protection of Northland's natural and cultural resources. It is therefore considered that the proposal aligns with the strategic direction of the NRPS and contributes to the sustainable development of the Marsden Point area.

## **6.5 Proposed Northland Regional Plan**

The Proposed Northland Regional Plan ("PNRP") is a combined regional air, land, water, and coastal plan, which will replace the three existing operative regional plans. This plan contains objectives, policies, and rules relating to these matters. The PNRP must give effect to the national planning documents and the RPS. The PNRP was notified in 2017. All appeals have been resolved, and the plan is now waiting to be declared operative.

The proposed changes to the WDP will give effect to the policy direction of the PNRP. The site is subject to a number of regional plan resource mapping overlays, of which largely relate to the impacts of land use activities on water and air quality. Given the site is proposed (and is currently zoned) to accommodate urban development, these overlays will have little to no impact on the Plan Change. The provisions of the PNRP will be addressed at the time of development if and when required.

## **6.6 Iwi Management Plans**

Under s74(2A) of the Resource Management Act (RMA), the Council must take into account any relevant planning document recognized by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues in the district. Two iwi management plans are applicable to the site:

- **Te Iwi O Ngātiwai Environmental Policy Document (2007)**
- **Patuharakeke Te Iwi Trust Board Environmental Plan (2014)**

These plans outline the identity, whakapapa, and rohe of iwi, emphasizing their role as mana whenua and mana moana. They address key resource management concerns, including the protection of indigenous flora and fauna, soil and mineral management, air and water quality, and the impacts of industrial and development activities.

The *Te Iwi o Ngātiwai Environmental Policy Document* places a strong emphasis on the protection of wāhi tapu, coastal and marine ecosystems, and the restoration and sustainable management of native biodiversity. It highlights the need for early engagement with iwi in the resource management process, the use of mātauranga Māori in environmental assessments, and the active protection of natural and cultural taonga. The proposal is consistent with these objectives in the following ways:

- Early and meaningful engagement has occurred with both Patuharakeke and Te Parawhau. Feedback from these hapū indicates no opposition to the proposed private plan change (see **Appendix G**).
- The proposed PPC does not involve significant natural areas and incorporates measures to protect and enhance native vegetation, consistent with Ngātiwai's goals of biodiversity protection.
- The applicant has demonstrated an awareness of cultural values by seeking hapū input ensuring consideration of cultural landscapes in the PPC process.

The *Patuharakeke Environmental Plan* similarly focuses on protecting and enhancing environmental and cultural values, with key objectives around freshwater management, protection of taonga species, land-use management, and ensuring developments do not adversely affect spiritual, cultural, or historic values. The proposal aligns with these objectives by:

- Avoiding adverse effects on water bodies and relying on the operative WDP provisions on erosion and sediment controls to protect water quality;
- Ensuring that no known sites of cultural significance are disturbed;
- Maintaining ongoing dialogue with hapū representatives to ensure cultural values are respected.

The applicant has engaged with Patuharakeke and Te Parawhau hapū to understand the cultural values associated with the site. Both groups have reviewed the proposed PPC and have confirmed they do not oppose it (see **Appendix G**).

Accordingly, it can be concluded that the proposal is consistent with the applicable iwi management plans.

## **6.7 Resource Management Act 1991**

This report has been prepared in accordance with the requirements of Clause 22 of Schedule 1 of the RMA, which states:

### 22 Form or request

- (1) A request made under clause 21 shall be made to the appropriate local authority and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.*
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

Section 32 of the RMA sets out the requirements for an evaluation report as follows:

*32 Requirements for preparing and publishing evaluation reports*

- (1) An evaluation report required under this Act must-*
  - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by-*
    - (i) identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) summarising the reasons for deciding on the provisions; and*
  - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*
- (2) An assessment under subsection (1)(b)(ii) must-*
  - (a) identify and assess the benefits and costs of the environmental, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-*
    - (i) economic growth that are anticipated to be provided or reduced; and*
    - (ii) employment that are anticipated to be provided or reduced; and*
  - (b) if practicable, quantifying the benefits and costs referred to in paragraph (a); and*
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

The following sections address the matters set out in Schedule 1 and Section 32 of the RMA.

## 6.8 National Policy Documents

Section 74(1)(ea) and (f) of the RMA states that a territorial authority must prepare and change its WDP in accordance with a national policy statement, a national planning standard and any regulations. The following national direction documents are considered relevant.

### 6.8.1 National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (“**NPS UD**”) recognises the national significance of well-functioning urban environments and provides policy direction to decision-makers when making planning decisions. WDC is a Tier 2 territorial authority. The directives in the NPS UD for Tier 2 territorial authorities note that while not required, territorial authorities can consider the relevant policy directions when making a decision on this plan change. The subject site and the surrounding environment are within an existing urban environment. The PPC will enable continued urban industrial development within an area which is already industrial in character. This will not result in any change in the character or detract from the areas current amenity values.

Objective 4 seeks that New Zealand’s urban environments evolve in response to the diverse and changing needs of people, communities, and future generations. Section 7(c) of the RMA requires particular regard to the maintenance and enhancement of amenity values. Policy 6 of the NPS UD clarifies Section 7(c) by focusing on the amenity values of the wider community and future generations, acknowledging that significant change within an area is not inherently adverse.

Local authority decisions are required to ensure development is integrated with infrastructure planning and funding as well as being responsive, particularly in relation to proposals that would add significantly to development capacity and add to well-functioning urban environments even if the development capacity is unanticipated by RMA planning documents or is out of sequence with planned land release (Objective 5 and Policy 6).

WDC has provided a comprehensive assessment of the sufficiency of housing and business land to meet anticipated needs over the next 30 years in the “Whangarei Housing and Business Development Capacity Assessment – 2014”. This assessment concluded that there is adequate Heavy Industrial zoned land to satisfy demand for industrial land over the short, medium, and long term within the region. Therefore, it is considered that the sites proposed change from Heavy Industrial zoning to Light Industrial zoning will not have any adverse effects on the overall supply of industrial land, nor will it negatively impact the existing industrial character of the area. Instead, it will enhance the diversity of land use options available, fostering economic growth and supporting the evolving needs of the community. This aligns with the objectives of the NPS UD and contributes positively to the long-term planning and development goals of the Whangarei District.

In conclusion, the proposal to rezone the site from Heavy Industrial to Light Industrial aligns with the directives of the NPS UD. The extensive assessment conducted by WDC confirms that there is sufficient industrial land to meet future demand, ensuring that the rezoning will not adversely affect the supply or character of the area. Instead, it will promote a more diverse and competitive land market, contributing to the creation of well-functioning urban environments. Overall, the PPC represents a proactive step towards fostering sustainable growth and meeting the aspirations of current and future generations in the Whangarei District.

### **6.8.2** *National Policy Statement - Freshwater Management*

The National Policy Statement for Freshwater Management (“**NPS FM**”) seeks to ensure that natural and physical resources are managed in a way that firstly prioritises the health and wellbeing of water bodies, secondly, the health needs of people, and thirdly the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.

### **6.8.3** *National Policy Statement for Highly Productive Land*

The National Policy Statement for Highly Productive Land (**NPS HPL**) does not apply to existing urban areas and land that Councils have identified as future urban zones in district plans.

As the PPC area is already zoned Heavy Industrial, the provisions of the NPS-HPL do not apply.

### **6.8.4** *National Policy Statement for Indigenous Biodiversity*

The National Policy Statement for Indigenous Biodiversity (“**NPS IB**”) which sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the RMA.

Under the NPS IB, territorial authorities are required to undertake a District-Wide assessment to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The subject site has been historically zoned for industrial use and features limited flora. It is not considered to support indigenous fauna, fungi, or their habitats. The proposed PPC does not involve undertaking any activities, changing the land use, or subdividing the site. Consequently, the proposed rezoning of the site from Heavy Industrial to Light Industrial would not result in any loss of indigenous biodiversity. The provisions of the NPS IB will be addressed at the time of development if and when required.

### **6.8.5** *The New Zealand Coastal Policy Statement*

The New Zealand Coastal Policy Statement (“**NZCPS**”) is relevant to the proposed rezoning of 422 Marsden Point Road from Heavy Industrial to Light Industrial, given the site’s proximity to the coastal environment. An assessment against the relevant NZCPS objectives and policies is provided below:

- **Policy 11:** Avoiding adverse effects on indigenous biodiversity. The heavily modified site does not support significant indigenous species, and future development under Light Industrial zoning may improve ecological outcomes through better stormwater management.
- **Policy 13 & Policy 15:** Reducing the intensity of industrial activities, thus minimizing effects on the natural character and protecting coastal landscapes. The proposed development controls will ensure compatibility with the coastal environment.
- **Policy 14:** Providing opportunities for future restoration and enhancement, such as landscaping, improved runoff management, and potential replanting.

Overall, the proposed rezoning of the site from Heavy Industrial to Light Industrial aligns with the objectives of the NZCPS. By enabling less intensive land use and providing opportunities for improved environmental management, the proposal supports the sustainable use and protection of the coastal environment’s natural and ecological features.



## 6.9 National Environment Standards

National Environmental Standards (“**NES**”) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Section 44A of the RMA requires local authorities to recognise NES and Section 44A requires local authorities give effect to the NES in their plans. The following National Environmental Standards are considered relevant to the PPC:

- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“**NES CS**”); and
- National Environmental Standards for Freshwater 2002 (“**NES FM**”).

### 6.9.1 *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011*

The NES-CS establishes standards for activities on land where soil contamination may pose a risk to human health. These standards operate independently of the WDP and require any future redevelopment or development within the site to be assessed against the NES CS to ensure risks to human health are appropriately managed and mitigated. The proposed PPC does not involve undertaking any activities, changing the land use, or subdividing the site. The provisions of the NES CS will be addressed at the time of development if and when required.

### 6.9.2 *National Environmental Standard for Freshwater 2020*

The NES FM sets standards and consenting requirements for activities affecting freshwater resources, including natural inland wetlands. The subject site is not known to be in proximity to, or to contain, any outstanding water bodies or wetlands. Furthermore, the proposed PPC does not involve any new activities or changes in land use. The provisions of the NES FM will be addressed at the time of development within the site.

## 7.0 Assessment of Environmental Effects

Section 76 of the RMA states that in making a rule, the territorial authority must have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect. This section details the actual and potential effects that the Plan Change provisions may have on the environment.

### 7.1 Economic Effects

The 2024 Housing and Business Land Capacity Assessment and Whangārei Business Land Development Capacity Assessment<sup>1</sup> indicates that there is currently sufficient industrial-zoned land within the region to meet anticipated demand across the short, medium, and long term as highlighted by **Table 2** below.

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

*Table 1: Maximum permitted and enabled development capacity suitable for each subsector economy*

Broad sector	Sub-sector	Development Capacity Requirement (ha)			Maximum Permitted and Enabled Development Capacity (ha)
		2024 - 2027	2024 - 2034	2024 - 2054	
Industry	Food Industry	0.4	0.6	2.2	524.3
	Light Industry	3.2	5.0	16.9	524.3
	Noxious Industry	0.2	0.3	0.8	509.8
	Heavy Industry	14.8	23.4	78.7	509.8
	Industrial Services	-	7.0	19.7	529.6
	Warehousing	0.9	2.3	0.6	524.3

This surplus provides flexibility in land use and reinforces the strategic nature of this proposal, which aligns with sustainable growth objectives for the local economy.

The proposed PPC adds value to the region's industrial land portfolio by introducing a Light Industrial zoning, which is more suitable for a range of Light Industrial/Commercial activities within this locality. By tailoring precinct-specific rules, the proposal ensures the efficient and effective use of land while maintaining compatibility with surrounding uses.

The PPC introduces provisions allowing for General Retail and Food and Beverage activities within the 422 Marsden Point Road Light Industrial Precinct to support the sub-regional workforce and surrounding industrial activities. Under the existing LIZ provisions of the WDP, General Retail is permitted with a gross floor area (GFA) limit of 250m<sup>2</sup> per site. The PPC modifies this by enabling General Retail activities with a minimum GFA of 450m<sup>2</sup>, ensuring that retail development within the precinct is intended for large-format, industrial-supporting retail rather than convenience and retail provided for within the commercial and business zones. It is considered that this will not impact the vitality and viability of other commercial and business zones as the underlying industrial zoning will ensure that activities best suited for the industrial zoning and context of the area will be established within the site.

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.

This approach targets trade-oriented and industrial-service retailers (e.g., building supply stores, equipment retailers) that primarily cater to businesses and industrial operations rather than the general public. The minimum floor area requirement ensures that retail activity complements the industrial function of the precinct and supports the operational needs of local businesses without competing with nearby centres designed for everyday retail and community services as large format retail is not provided for in these zones.

The proposed rezoning has the potential to unlock significant economic benefits, including:

- **Satisfying Short- to Medium-Term Demand** - The rezoning enhances the availability of land for light industrial activities, which are in demand due to the growth of Ruakākā's industrial and residential sectors.

- **Economies of Scale and Agglomeration Effects** - Concentrating complementary industrial activities fosters collaboration, reduces transaction costs, and creates synergies that enhance productivity and innovation.
- **Industrial Employment Opportunities** - The precinct will likely attract light industrial businesses that support employment growth locally, reducing the need for residents to commute outside the area for work and improving overall workforce retention.
- **Improved Certainty for Industrial Activity** - By rezoning the site to Light Industrial, the proposal provides clarity and certainty for investors, developers, and businesses about the types of activities supported in the area.
- **Cost-Effective Infrastructure Provision** - Aligning industrial land use with existing infrastructure reduces the marginal cost of infrastructure upgrades or extensions, ensuring efficient use of public and private resources.
- **Mitigation of Land Price Increases** - Increasing the supply of well-located, appropriately zoned land can help stabilize industrial land prices, enabling a more competitive market for new and expanding businesses.
- **Flexibility for New Entrants** - The rezoning broadens the industrial land portfolio, accommodating diverse business types and sizes, and supports adaptive reuse of land.

While the PPC will result in the loss of Heavy Industrial zoned land, this is mitigated by a surplus of Heavy Industrial-zoned land in the surrounding area, as noted in Matthew Prentice from Colliers New Zealand Limited's letter (**Appendix D**). The letter highlights multiple offers for light industrial development on the site that did not proceed due to its current zoning. This reinforces the demand for light industrial land and the economic viability of the proposed rezoning. The letter also notes that there is a surplus of Heavy Industrial zoned land within the surrounding area.

The PPC enhances the utility and marketability of the site while contributing to local and regional economic growth. The benefits, including employment generation, improved land-use efficiency, and cost-effective infrastructure alignment, outweigh any potential economic costs.

From an economic perspective, the PPC supports the sustainable management of industrial land resources and aligns with Whangārei District's strategic growth objectives. The proposal positions Ruakākā's existing industrial industry as a competitive industrial hub, benefiting businesses, employees, and the wider community. The PPC enhances the functionality of the precinct without detracting from the role of nearby centres focused on community-oriented retail. Overall, the economic effects of the proposed PPC are considered to be acceptable.

## 7.2 Traffic

The Transportation Assessment prepared by Flow contained in **Appendix C** has analysed the likely generation of traffic resulting from the future development of light industrial activities within the site (enabled by the Plan Change) and the effects this may have on the surrounding road network.

Under the existing HIZ the site is anticipated to generate approximately 61 vehicle trips per hour during the weekday PM peak and approximately 95 vehicle trips per hour during the Saturday inter-peak period. This existing baseline has been compared to a baseline from the PPC where a light

industrial activity such as a trade retail activity has been established within the site. Compared to the current zoning, the proposed PPC results in an additional 138 vehicle trips during the weekday PM peak and an additional 353 vehicle trips during the Saturday inter-peak period.

Transportation Assessment has also looked at the trip distribution and the performance of the main intersections within the vicinity of the site, taking into account the anticipated trip movements associated with light industrial development enabled by the PPC. Overall, this assessment concluded that additional vehicle trips generated by the PPC will not adversely impact the safety of the surrounding intersection and overall, the PPC will not have any adverse transport effects on the surrounding road network.

In addition, the Transportation Assessment concludes that:

- The Site is located near the Ruakākā Town Centre and has good accessibility to/from the State Highway network. The Site is well served by the surrounding catchment areas including One Tree Point, Ruakākā and Waipu;
- For the proposed PPC, the worst-case development scenario from a traffic generation perspective has been assessed, which is a Mitre 10 (Trade Retail) development.
- Compared to the current zoning, the proposed PPC results in an additional 138 vehicle trips during the weekday evening peak and an additional 353 vehicle trips during the Saturday inter-peak period; and
- Whilst the potential traffic generated by a development enabled by the proposed PPC will be more than the traffic generated by a development enabled under the current zoning, the distribution of this additional traffic across the wider road network will result in only small increases in the overall traffic volumes through nearby intersections. These increases are unlikely to significantly impact the capacity and operation of these intersections given that the potential traffic impact is likely to be on a Saturday, noting that typically the Saturday inter-peak period accommodates lower traffic volumes compared to a weekday.

The PPC also enables general retail and food and beverage activities at a limited scale. General retail activities over 250m<sup>2</sup> GFA per site are provided for as a Restricted Discretionary Activity, subject to assessment matters that include transport effects and potential trip generation. This ensures any larger-scale retail proposal is evaluated on a case-by-case basis. Smaller food and beverage tenancies (permitted up to 450m<sup>2</sup> GFA) are expected to generate localised demand from nearby industrial and residential catchments and are not anticipated to generate trip levels that exceed thresholds set out in TRA-R15 or R16.

The standard Integrated Transport Assessment (ITA) triggers and thresholds contained in the WDP apply to all activities within the precinct, ensuring any significant trip-generating development remains subject to full transport assessment where required.

Therefore, it is considered that trip-generating activities—such as general retail, food and beverage, and fast food—are captured under the existing WDP rule framework, with sufficient safeguards in place to assess and manage potential transport effects

The applicant has engaged NZTA to comment on the PPC (see **Appendix H**). Feedback from NZTA has confirmed that they do not oppose the proposed PPC.

In summary, the Transportation Assessment concludes that the additional development enabled by the PPC can be appropriately accommodated by the surrounding road network.

### 7.3 Amenity

The site is located within an established industrial area and is surrounded by Light and Heavy Industrial zoned land. The character of the surrounding environment is predominantly industrial in appearance and function, with limited public or residential interface. Any future development will be subject to existing Light Industrial Zone built form standards (including height, yards, landscaping, and site layout), as well as precinct-specific provisions that reinforce industrial character and functional design outcomes. These controls ensure that buildings and activities maintain consistency with the wider industrial context and do not detract from the visual amenity of the area.

The inclusion of food and beverage and small-scale general retail activities may increase the level of public visitation to the site compared to a purely industrial use. However, these activities are intended to serve the local workforce and nearby catchment, not to create a retail destination. The scale of activities is controlled through gross floor area thresholds—retail over 250m<sup>2</sup> GFA per site requires resource consent, and food and beverage activities are capped at 450m<sup>2</sup> per tenancy and must be located in the same building as a trade retail activity or industrial activity. This limits the potential for high volumes of foot traffic or changes in the overall use and function of the area. Future developments that exceed permitted thresholds will be assessed against public interface and amenity impacts as part of the resource consent process.

All activities will remain subject to the existing WDP environmental performance standards for the Light Industrial Zone, including controls on noise, lighting, glare, and hours of operation. These rules ensure that industrial and commercial activities operate within acceptable amenity limits, even where there may be a modest increase in public exposure due to the introduction of supporting commercial activities. Given that the site is not located adjacent to residential or open space zones, the likelihood of generating off-site amenity complaints is low.

The introduction of public-facing uses such as general retail and food and beverage increases the importance of good site layout and pedestrian access design. While the nature of these activities remains modest, any resource consent for general retail over 250m<sup>2</sup> will require assessment of site access, internal circulation, and public safety through the restricted discretionary activity framework. This includes consideration of pedestrian pathways, parking, and separation from service/loading areas, consistent with good industrial design practice.

The proposed PPC introduces a limited public-facing function within a defined and managed framework that maintains compatibility with the industrial nature of the site and surrounding area. Any public or amenity effects will be minor and can be effectively managed through existing District Plan rules and the precinct's design-based provisions. The proposal is not expected to result in adverse impacts on public amenity or site functionality and is consistent with the amenity expectations of an industrial environment.



## 7.4 Tangāta Whenua Effects

To the best of our knowledge, the site at 422 Marsden Point Road is not located on or in close proximity to any Site of Significance to Māori or an area of historical heritage.

The site is located in an area of overlapping iwi and hapū interests. Based on information provided by WDC's Māori Outcomes Team and input from hapū representatives, the following groups have identified interests in the area:

- Te Parawhau; and
- Patuharakeke.

The applicant has engaged both hapū to understand the cultural values associated with the site. Both hapū groups have reviewed the proposed PPC and confirmed that they do not oppose the proposed PPC (see **Appendix G**).

The rezoning seeks to change the site's zoning from Heavy Industrial to Light Industrial to enable more appropriate and sustainable land use. This proposal does not involve any extension of the site into adjacent lands or waterways, nor does it include any new discharges to air, land, or water. In fact, Te Parawhau Hapū have confirmed that they consider the PPC to rezone the site from Heavy Industrial to Light Industrial will actually "reduce future activities establishing on the whenua that could cause environmental harm and conflict with our uara ahurea (cultural values)".

As with any land disturbance in New Zealand, if works on the site result in the accidental discovery of archaeological matter or an archaeological site, all activities must cease immediately. The appropriate protocols under Heritage New Zealand Pouhere Taonga's accidental discovery guidelines must then be followed. It is considered that this will be a requirement at the time that any future activity is established within the site.

In conclusion, the proposed rezoning is not anticipated to result in any adverse effects on mana whenua, cultural or heritage values associated with the site or the surrounding environment.

## 7.5 Infrastructure and Servicing Effects

WDC Planner, Natalie Day, provided feedback based on discussions with the Council's Waste and Drainage Department. WDC have no specific concerns regarding the proposed rezoning of 422 Marsden Point Road from Heavy Industrial to Light Industrial, provided that future development complies with the Environmental Engineering Standards ("EES"). This aligns with findings from the engineering memorandum contained in **Appendix E** prepared by Simon Reiher as part of the proposed plan change.

The wastewater requirements outlined in the EES are activity-based rather than zone-specific. Categories such as light, medium, or heavy usage are determined by the activity's flow rate rather than zoning, meaning these standards apply irrespective of the zone. The WDC Waste and Drainage Department confirmed that light industrial uses typically generate less wastewater compared to heavy industrial uses, potentially reducing infrastructure demand.

The engineering memo notes that the site is within a "Pressure Sewer" area, serviced by a 65mm pressure main, which can accommodate medium water usage of 0.7 litres per second per hectare.

While the Ruakākā wastewater treatment plant is nearing capacity, the site has allowance for one Household Equivalent discharge (500 litres per day). Larger developments requiring increased discharge may need on-site storage chambers and timed pump discharge, subject to WDC approval.

While the rezoning itself is not a concern, the Waste and Drainage Department emphasised that future developments—such as large-scale trade retail—may need to address stormwater management, impervious area thresholds, and related requirements as outlined in the EES. These measures ensure that infrastructure demands, including wastewater management, are appropriately addressed, irrespective of zoning. The site drains to an open drain on the western boundary, which has no capacity issues, discharging to the Ruakākā River catchment. On-site attenuation is feasible using the existing storage pond on the northern boundary, ensuring compliance with EES requirements.

Regarding water supply, the engineering memo confirms sufficient capacity, with a 125mm water main along the southern boundary and a separate 350mm line abutting the site. Firefighting requirements, depending on the specific development, can also be met without capacity concerns.

In summary, rezoning the site from Heavy to Light Industrial does not raise servicing concerns, provided future developments adhere to the relevant Environmental Engineering Standards at the time of application.

## **7.6 Reverse Sensitivity Effects on Industrial Land Uses**

Reverse sensitivity<sup>2</sup> effects can occur when more sensitive activities, such as *childcare and education facilities, residential activity and hospitals*<sup>3</sup>, are introduced near less sensitive land activities that generate off-site effects, such as noise, vibration, or emissions. In this case, the PPC does not seek to introduce or enable any new or additional sensitive land uses within the surrounding industrial environment. Instead, the proposal rezones the site from Heavy Industrial to Light Industrial, maintaining compatibility with the established industrial character of the Marsden Point and Ruakākā areas.

The rezoning proposal explicitly avoids enabling sensitive land uses such as residential dwellings, education facilities, or healthcare centres. This ensures that the site remains aligned with the surrounding industrial environment. The PPC supports the reverse sensitivity standards applicable to LIZ. Additionally, the proposed precinct provisions specifically introduce tailored controls to ensure the continued compatibility of activities with surrounding heavy industrial operations. Objective LIZ-04, which addresses reverse sensitivity effects, remains applicable.

Under the current WDP provisions, light industrial buildings are required to be set back at least 3 metres from adjoining Heavy Industrial sites, and this setback requirement will be retained under the PPC. No additional relaxation of setback distances is proposed. This physical separation provides a buffer between industrial zones and reduces the likelihood of conflict between differing industrial operations.

The PPC introduces a restricted discretionary activity rule for general retail activities exceeding 250m<sup>2</sup> gross floor area per site. As part of the assessment matters, consideration of reverse sensitivity effects has been included as a specific assessment matter. This mechanism ensures that any larger-scale

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<sup>2</sup> WDP definition: *means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity.*

<sup>3</sup> WDP Sensitive Activities definition

commercial activities are subject to Council scrutiny and that any potential reverse sensitivity risks are appropriately managed through the resource consenting process.

Light industrial uses typically generate fewer off-site effects, reducing the potential for conflict with adjoining heavy industrial properties while preserving their operational capacities. Furthermore, the limited scale of retail and food and beverage activities permitted under the precinct is calibrated to avoid creating destination commercial centres, thus maintaining the industrial character of the area.

This proposal enhances land-use compatibility by avoiding sensitive activities, maintaining setbacks, and incorporating precinct-specific provisions that address potential reverse sensitivity effects. The PPC ensures that the rezoning supports the continued operation of surrounding industrial activities, including those critical to the regional economy. With these measures in place, the rezoning will contribute positively to the industrial character and economic growth of the Marsden Point and Ruakākā area while minimising potential conflicts with neighbouring heavy industrial activities.

## **7.7 Compatibility of Activities**

The proposed precinct rules introduce several key differences from the existing LIZ provisions to better suit the site's context and market demand. These variations are designed to accommodate a broader range of industrial-supporting activities while ensuring compatibility with surrounding Industrial land uses by continuing to provide only for non-sensitive activities that do not conflict with established industrial operations. Key Differences in the Proposed Precinct Rules from the WDP include:

- General Retail activities
  - General retail activities are no longer required to be ancillary to an on-site industrial activity.
  - To manage potential effects, any general retail activity exceeding 250m<sup>2</sup> gross floor area per site will require resource consent as a Restricted Discretionary Activity (RDA).
  - As part of the RDA assessment, reverse sensitivity effects on adjoining heavy industrial activities are a specific assessment matter.
- This approach enables limited independent retail activities that can support industrial operations and workforce needs, while ensuring that larger-scale retail development is subject to Council oversight. Adjustment to Gross Floor Area (“GFA”) Requirements:
  - Trade Retail: The minimum GFA has been reduced from 450m<sup>2</sup> to 250m<sup>2</sup> to facilitate smaller trade-oriented tenancies. In contrast, the Commercial Zone has no minimum GFA requirements, and the Local Centre Zone does not permit Trade Retail as a permitted activity.
  - Food and Beverage & Drive-Through Facilities: Maximum permitted GFA has been increased from 250m<sup>2</sup> to 450m<sup>2</sup> per tenancy, supporting local workforce amenities without undermining commercial centres as the Commercial Zone has no GFA restrictions for these activities.

The changes aim to balance development flexibility with land-use compatibility. Precinct-specific standards including building setbacks mitigate potential conflicts between light industrial, retail and heavy industrial activities.

The WDP's existing controls on noise, loading areas, and traffic generation ensure that the proposed precincts activities will not disrupt adjacent industrial operations. The addition of RDA controls for general retail over 250m<sup>2</sup> ensures that larger-scale commercial activities are individually assessed for compatibility with the industrial environment and for potential reverse sensitivity effects.

By maintaining minimum GFA thresholds, retail activities are directed towards serving trade and industrial customers rather than general consumer markets, aligning with the precinct's industrial purpose. Additionally, the proposed precinct framework ensures that General Retail activities are compatible with one another and surrounding industrial uses by maintaining appropriate development controls that regulate operational impacts, ensure that new activities remain compatible with each other and with surrounding heavy industrial uses.

It is also noted that Food and Beverage activities must be located in the same building as a Trade Retail or Industrial Activity. This ensures these amenities are functionally integrated with industrial uses, thereby maintaining compatibility with the precinct's intended character and preventing standalone commercial developments that could compromise the industrial purpose of the area.

The proposed precinct provisions promote a flexible yet controlled development framework that accommodates market demand for trade retail, food and beverage services, and general retail while ensuring compatibility with existing industrial zones adjoining the site. The tailored approach maintains the industrial character of the area, supports local workforce needs, avoids undermining nearby commercial centres, and protects the operational integrity of adjacent heavy industrial activities.

## **7.8 Positive Effects**

The PPC offers a range of positive effects that contribute to the sustainable growth and well-being of the Ruakākā community and the wider Whangārei District. These include:

- Clear Direction for Future Land Use by providing a transparent framework for land use in the area, offering clarity to surrounding landowners, businesses, and the wider District. It aligns the site's zoning with its intended use, ensuring that future development is appropriate, sustainable, and compatible with surrounding industrial activities.
- Certainty for Landowners and Investors by offers certainty to the applicant and prospective developers, ensuring that the site can be developed for light industrial purposes that meet market demand. This clarity supports investor confidence, which is crucial for the growth of Ruakākā's industrial economy.
- Support for Local Employment and Skills Development by enabling light industrial development, the PPC is likely to generate increased employment opportunities within the Ruakākā area.
- The PPC supports the social and economic well-being of the community by fostering investment and promoting sustainable growth.
- The PPC aligns with the Whangārei District's strategic objectives for managing growth by facilitating the development of well-located industrial land.

- By enabling light industrial activities within the site, the PPC is likely to have lower environmental impacts compared to heavy industrial uses, reducing potential nuisances such as noise, dust, and emissions.
- The rezoning optimises the use of existing infrastructure, reducing the need for significant upgrades and promoting cost-effective development. It also mitigates the underutilisation of the land under its current HIZ, which has been a barrier to development due to mismatched market demand.

The PPC delivers a range of positive effects that benefit the local economy, community, and environment. It aligns with broader growth strategies for the District, supports sustainable industrial development, and enhances opportunities for local employment and investment. The PPC ensures the site can be developed effectively and responsibly, contributing to the long-term prosperity of the Ruakākā industrial sector and the wider Whangārei District.

## 7.9 Precedent

A key consideration for any PPC is whether granting the request could establish an undesirable precedent, either within the local area or the wider district. A precedent could arise where a decision signals that similar requests should also be approved, potentially undermining the strategic intent of the District Plan or resulting in cumulative adverse effects. In this case, the proposed rezoning and precinct provisions for 422 Marsden Point Road are unlikely to create a precedent that would lead to inappropriate or unanticipated development outcomes.

The PPC relates to a specific and unique site, with characteristics that distinguish it from other industrial land within the district. The site is strategically located adjacent to Marsden Point Road and within the established growth node at Ruakākā and Marsden Point, with direct access to key infrastructure services. It is surrounded by existing industrial activities and does not adjoin residential, rural production, or open space zones/activities, reducing the potential for land use conflicts. The proposal responds to a demonstrated market demand for light industrial activities and industrial-supporting services, while the site's characteristics make it less suited to traditional heavy industrial uses. These unique attributes limit the applicability of the Plan Change outcome to other sites and ensure that the rezoning can be assessed as a site-specific response rather than setting a broader planning precedent.

The proposed PPC supports the efficient and sustainable use of industrial land, promotes compatibility between industrial activities, manages reverse sensitivity effects, and aligns with the strategic direction for growth at Marsden Point and Ruakākā. It also carefully manages the scale and role of commercial activities, ensuring that industrial land is not fragmented and that established commercial centres are protected. Given this alignment with the WDP framework, the proposal does not undermine strategic planning outcomes. Any future requests for similar rezonings would need to demonstrate a similar level of site-specific justification and planning policy consistency.

The use of a tailored precinct overlay further reduces the potential for precedent effects. The precinct provides additional controls that limit the scale and nature of commercial activities through gross floor area thresholds and introduces a requirement for resource consent for larger retail activities, with specific consideration of reverse sensitivity effects. The precinct provisions ensure that the rezoning does not provide an uncontrolled or open-ended opportunity for commercialisation of industrial land.

They help to manage site development carefully in accordance with the District Plan's urban form and industrial growth strategies.

The proposed precinct for 422 Marsden Point Road will not create an undesirable precedent. The proposal is based on the unique characteristics of the site, strong alignment with the District Plan's strategic direction, and careful management of potential effects through precinct provisions. Approval of this Plan Change would not undermine the integrity of the District Plan framework or open the way for inappropriate or unmanaged rezonings elsewhere in the district.

### **7.10 Assessment of Effects Conclusion**

In summary, the actual and potential effects of the proposed rezoning of the site from Heavy Industrial to Light Industrial can be adequately avoided or mitigated.

## **8.0 Section 32 Analysis**

The assessment addresses the Section 32 RMA requirements for preparing and publishing an evaluation report that assesses the PPC. The report must:

- a. Examine the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA;*
- b. Examine whether the provisions are the most appropriate way to achieve the objectives, by:*
  - (i) Identifying other reasonably practicable options for achieving the objectives;*
  - (ii) Assessing the efficiency or effectiveness of the provisions in achieving the objectives; and*
  - (iii) Summarising the reasons for deciding on the provisions.*
- c. Contain a level of details corresponding to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal;*
- d. An assessment under (b)(ii) above must identify and assess the costs and benefits of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions from implementing the provisions including opportunities for economic growth and employment. The assessment should also include a quantification of costs/benefits (if appropriate) and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

In assessing the efficiency and effectiveness of the provisions, the evaluation must also:

- Identify and assess the benefits and costs of effects, including opportunities for economic growth and employment;*
- If practicable, quantify these benefits and costs; and*
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*



Section 32(6) clarifies that where no actual objectives are stated in the proposal, the objective is the purpose of the proposal.

High Court<sup>4</sup> has interpreted ‘most appropriate’ to mean “suitable, but not necessarily superior”. “Effectiveness” is noted in the guide as assessing the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address. “Efficiency” is noted as measuring whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary.

### **8.1 The Extent to which the Objectives of the Proposal are the Most Appropriate Way to Achieve the Purpose of the Act**

Section 32(1)(a) requires examination of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act.

The PPC introduces new objectives specific to the rezoning of 422 Marsden Point Road from Heavy Industrial to Light Industrial. These objectives (listed below) supplement the existing objectives of the WDP's Light Industrial Chapter, ensuring site-specific considerations are addressed, while aligning with the RMA's purpose.

#### ***PREC24-O1 - Recognised Activities***

*Enable the operation of appropriate scale trade retail, drive-through-facilities general retail and food and beverage activities located in the 422 Marsden Point Road Light Industrial Precinct.*

#### ***PREC24-O2 - Protected Zones***

*Provide for the establishment and operation of general retail and food and beverage activities located in the 422 Marsden Point Road Light Industrial Precinct, while avoiding reverse sensitivity effects on adjoining Heavy and Light Industrial Zones and protecting the vitality and viability of the Business Zones in the Ruakaka and Marsden Point Area.*

The overarching objective of the proposal is to establish a LIZ at 422 Marsden Point Road to better reflect the site's context, location, and future development potential. This objective is evaluated below in the context of the purpose of the RMA:

The purpose of the Act is to promote the sustainable management of natural and physical resources by enabling people and communities to provide for their social, economic, and cultural well-being 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

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<sup>4</sup> *Rational Transport Soc Inc v New Zealand Transport Agency* [2012] NZRMA 298 (HC)

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposed rezoning achieves the purpose of the RMA for the following reasons:

#### **8.1.1 Efficient Use of Industrial Land**

The PPC facilitates the use of underutilized land within the existing industrial framework, aligning with sustainable management principles by optimizing land use in an already urbanized area. It enables the establishment of less intensive light industrial activities, reducing potential environmental effects associated with heavier industrial uses.

#### **8.1.2 Proximity to Key Infrastructure**

The site is strategically located near major transport links, including State Highways 1 and 15, enabling efficient freight and logistics operations. This reduces transportation costs and emissions, supporting sustainable development. The proposal also supports the efficient use of existing infrastructure capacity already available in the area.

#### **8.1.3 Compatible Development**

The proposed zoning includes provisions to ensure new activities are compatible with the adjoining HIZ, protecting its vitality and viability while minimizing reverse sensitivity effects. The proposed provisions will also ensure that the site does not compete with the function of the nearby Local Centre zoned land by restricting general retail activities and focusing on retail activities that are primarily supportive of industrial and trade operations rather than consumer-facing retail, which could divert business from the Local Centre and adjusting the scale of permitted retail and food and beverage services to ensure that they do not undermine the economic role of nearby commercial zones.

#### **8.1.4 Environmental Management**

The rezoning includes opportunities for improved stormwater management and landscape design, reducing potential environmental impacts and contributing to better ecological outcomes in the surrounding area.

#### **8.1.5 Community Well-being**

By encouraging light industrial and complementary activities (such as retail and food services), the proposal supports local economic growth, job creation, and broader social benefits for the Ruakākā community.

#### **8.1.6 Minimized Visual and Rural Effects**

Concentrating development within an established industrial area mitigates potential character and visual effects that might arise from new industrial development in other locations. The proposal will not affect the Rural zoned land to the west since it is currently being developed as a solar farm, which will avoid any reverse sensitivity effects on rural production activities.

#### **8.1.7 Alignment with District and Regional Policies**

The proposal is consistent with the WDP and broader regional planning documents, demonstrating alignment with anticipated land use and growth strategies.

The proposed objectives for the rezoning of 422 Marsden Point Road are the most appropriate way to achieve the purpose of the RMA. They promote sustainable land use, enhance economic opportunities, and ensure environmental and community well-being. The proposal also aligns with broader regional and local planning frameworks, ensuring sound resource management practices.

It is concluded that the economic, social, cultural and environmental benefits of the PPC outweigh the potential costs. On this basis, the proposed 422 Marsden Point Road Light Industrial Precinct is considered to be an appropriate, efficient and effective means of achieving the purpose of the Resource Management Act.

## 9.0 Accepting the Plan Change Request (Clause 25 Evaluation)

The WDC has discretion under **Clause 25 of Schedule 1** of the Resource Management Act 1991 to adopt, accept, or reject a Private Plan Change (PPC) request, subject to the provisions in Clause 25(4)(a)-(e). The Council may reject a PPC request only on the following grounds:

- a) The Plan Change request is frivolous or vexatious (Clause 25(4)(a));
  - b) Within the last two years, the substance of the request or part of the request—
    - i. has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
    - ii. has been given effect to by regulations made under section 360A;
  - c) The Plan Change request is not in accordance with sound resource management practice (Clause 25(4)(c));
  - d) The Plan Change request would make the plan inconsistent with Part 5 – Standards, Policy Statements, and Plans (Clause 25(4)(d)).
- **Clause 25(4)(a): Not Frivolous or Vexatious** - Extensive technical analysis has been undertaken to support the PPC, as detailed in this application. The proposal is based on sound principles of resource management, is well-reasoned, and seeks to address market demand for Light Industrial land. The foregoing assessment has also explained and demonstrated why a resource consent application cannot achieve the required outcomes. As such, the PPC is neither frivolous nor vexatious.
  - **Clause 25(4)(b): Not Previously Considered** - The rezoning the site at 422 Marsden Point Road from Heavy Industrial to Light Industrial—has not been considered or rejected by the Council or the Environment Court within the last two years.
  - **Clause 25(4)(c): Sound Resource Management Practice** - This PPC aligns with sound resource management practice as the proposed rezoning aligns with the objectives and policies of the WDP and the broader planning framework, technical assessments confirm that the proposed zoning is suitable and no planning barriers exist to prevent development once rezoned, a S32 assessment has been undertaken, supported by technical evidence, demonstrating that the rezoning is efficient, effective, and appropriate, and the PPC promotes the sustainable management of natural and physical resources, consistent with the purpose of the RMA.

- **Clause 25(4)(d): Consistency with Part 5** - The PPC is consistent with the standards, policy statements, and plans outlined in Part 5 of the RMA, ensuring alignment with higher-order planning documents and national policy.

Based on the above assessment, the proposed rezoning of 422 Marsden Point Road satisfies all statutory requirements and aligns with sound resource management practice. It provides an opportunity to address a need for light industrial land in Ruakākā while supporting sustainable development principles. The PPC is suitable for consideration under the standard Schedule 1 process.

## 10.0 CONCLUSION

This report has been prepared in support of On Point Northland Limited's request for a PPC to the WDP. The Plan Change seeks to rezone approximately 2.4455 hectares of land at 422 Marsden Point Road, Ruakākā from Heavy Industrial Zone to Light Industrial Zone under the WDP.

As discussed above, the existing Heavy Industrial zoning of the subject site does not reflect the realities of the site and as a result provides a high level of risk and uncertainty for the future development.

The proposed PPC has been made in accordance with the requirements of Sections 32, 74 and 75, and Schedule 1 of the RMA. The assessment has:

- Demonstrated that the objectives of the Plan Change are the most appropriate way to give effect to the purpose of the RMA and the proposed provisions are the most appropriate way to achieve the objectives;
- Demonstrated that Plan Change will have positive environmental, social and economic effects and that any potential adverse effects can be managed through the amended WDP provisions and subsequent resource consent applications; and
- That the request will give effect to the relevant National Policy Statements and the Northland Regional Policy Statement.

Taking the above into account, it is considered that it is appropriate for the plan change to be accepted and approved.

## 11.0 LIMITATIONS

This Evaluation Report has been prepared for the particular project described to us and its extent is limited to the scope of work agreed between the client and Cato Bolam Consultants Limited.

No responsibility is accepted by Cato Bolam Consultants Limited or its directors, servants, agents, staff or employees for the accuracy of information provided by third parties and/or the use of any part of this Evaluation Report in any other context or for any other purposes.

This Evaluation Report is for the use by the client only and should not be used or relied upon by any other person or entity or for any other projects.

**On Point Northland Ltd  
420 Marsden Point Road, Ruakākā  
Private Plan Change Application**



**Appendix A: Copy of Records of Title**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL



**RECORD OF TITLE**  
**UNDER LAND TRANSFER ACT 2017**  
**FREEHOLD**  
**Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **850948**  
**Land Registration District** **North Auckland**  
**Date Issued** 29 April 2022

**Prior References**  
206582

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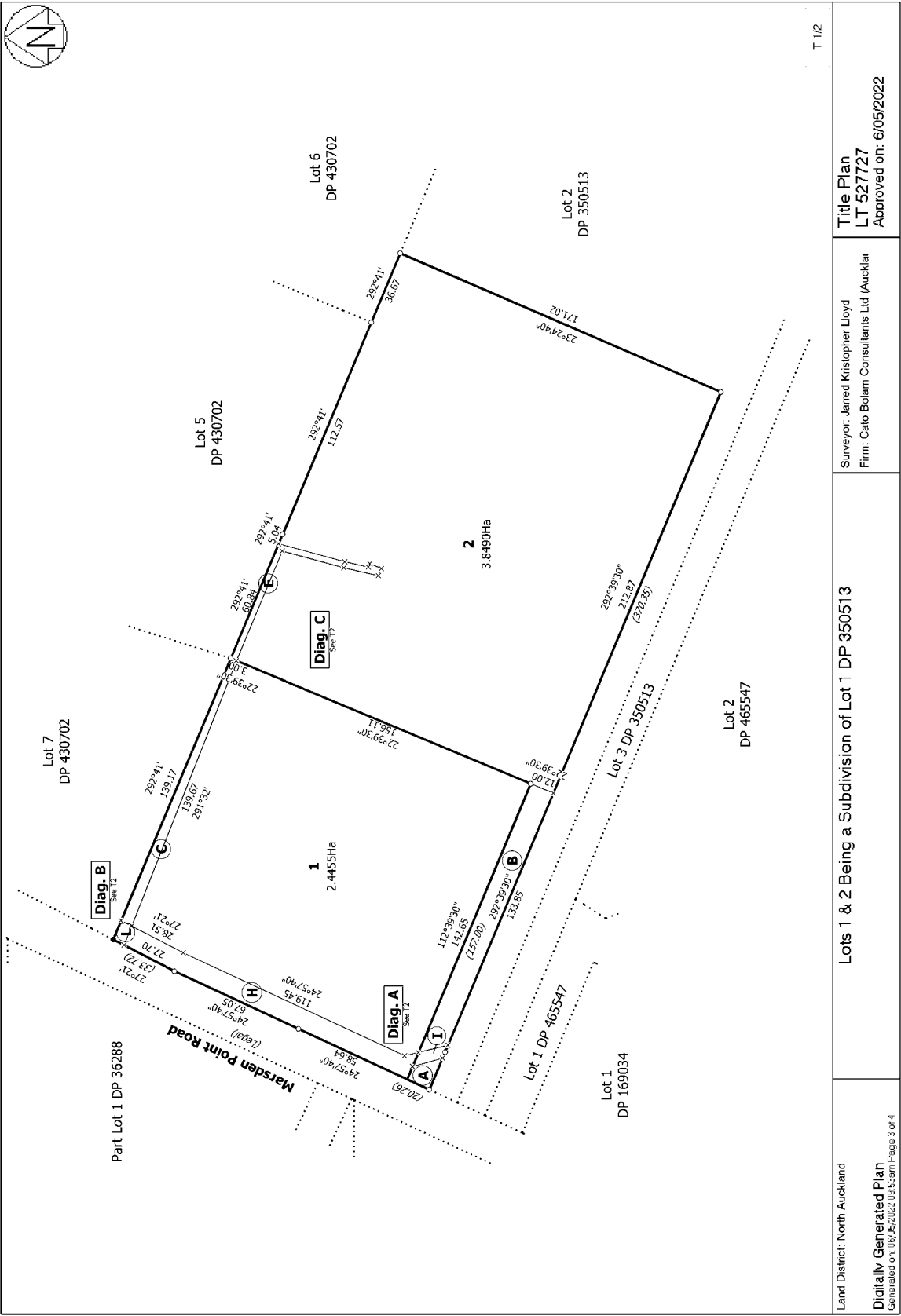
**Estate** Fee Simple  
**Area** 2.4455 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 527727  
**Registered Owners**  
On Point Northland Limited

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**Interests**

Appurtenant hereto is a right of way created by Easement Instrument 6478712.5 - 30.6.2005 at 9:00 am  
12386712.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.4.2022 at 3:00 pm  
Subject to a right (in gross) to drain stormwater over part marked H and L on DP 527727 in favour of Whangarei District Council created by Easement Instrument 12386712.4 - 29.4.2022 at 3:00 pm  
The easements created by Easement Instrument 12386712.4 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey electricity and telecommunications over part marked C and L on DP 527727 created by Easement Instrument 12386712.5 - 29.4.2022 at 3:00 pm  
Appurtenant hereto is a right of way and right to convey water created by Easement Instrument 12386712.5 - 29.4.2022 at 3:00 pm  
Some of the easements created by Easement Instrument 12386712.5 are subject to Section 243 (a) Resource Management Act 1991 (See DP 527727)  
Subject to a right (in gross) to convey electricity and telecommunications over part marked C and L on DP 527727 in favour of Northpower Limited and Northpower Fibre Limited created by Easement Instrument 12386712.6 - 29.4.2022 at 3:00 pm  
The easements created by Easement Instrument 12386712.6 are subject to Section 243 (a) Resource Management Act 1991  
Land Covenant in Covenant Instrument 13010952.4 - 24.5.2024 at 4:12 pm





Approved by Registrar-General of Land under No. 2002/6055  
**Easement instrument to grant easement or profit à prendre, or create land covenant**  
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

**NORTH AUCKLAND**



**EI 6478712.5 Easemen**

Cpy - 01/01, Pgs - 003, 30/08/06, 11:51



DocID: 311999416

Grantor

Surname(s) must be underlined or in CAPITALS.

**MCBREEN JENKINS CONSTRUCTION LIMITED**

Grantee

Surname(s) must be underlined or in CAPITALS.

**MCBREEN JENKINS CONSTRUCTION LIMITED**

**Grant\* of easement or profit à prendre or creation or covenant**

**The Grantor**, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 14<sup>th</sup> day of **June** **2005**

**Attestation**

McBreen Jenkins Construction Limited by:

David Gerald Booth

Signature ~~{common seal}~~ of Grantor

Signed in my presence by the Grantor

Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)  
Witness name

Occupation **T.A. JONES**  
Solicitor  
Auckland

Address

McBreen Jenkins Construction Limited by:

David Gerald Booth

Signature ~~{common seal}~~ of Grantee

Signed in my presence by the Grantee

Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)  
Witness name

Occupation **T.A. JONES**  
Solicitor  
Auckland

Address

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

\*If the consent of any person is required for the grant, the specified consent form must be used.

**Annexure Schedule 1**

Easement instrument

Dated

June 2005

Page **1** of **2** pages**Schedule A***(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way	"A"	Lot 2 DP 350513 CT NA206583	Lots 1 and 3 DP 350513 CTs NA206582 and NA206584
Right of Way	"B"	Lot 3 DP 350513 CT NA206584	Lots 1 and 2 DP 350513 CTs NA206582 and NA206583
Right to Convey Water, Electricity, Gas, Telecommunications, Computer Media and Right to Drain Water & Sewage	"A" and "C"	Lot 2 DP 350513 CT NA206583	Lot 3 DP 350513 CT NA206584
Right to Convey Water, Electricity, Gas, Telecommunications, Computer Media and Right to Drain Water & Sewage	"B" and "D"	Lot 3 DP 350513 CT NA206584	Lot 2 DP 350513 CT NA206583

**Easements or profits à prendre  
rights and powers (including  
terms, covenants, and conditions)**

*Delete phrases in [ ] and insert memorandum  
number as required.  
Continue in additional Annexure Schedule if  
required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~varied~~ ~~negotiated~~ ~~added to~~ or ~~substituted~~ by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

**Covenant provisions**

*Delete phrases in [ ] and insert memorandum number as required.  
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

**All signing parties and either their witnesses or solicitors must sign or initial in this box**

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

14th

June 2005

Page

2

of

2

Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

In addition to the Fourth Schedule of the Land Transfer Regulations 2002, the following shall apply:

The maintenance provisions in the Fourth Schedule to the Land Transfer regulations 2002 are varied by adding Clause 11.(5) reading as follows:

- 11.(5) Any maintenance, repair or replacement of the right of way, right to convey water, electricity, gas, telecommunications, computer media, right to drain water and right to drain sewerage on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor or Grantee) must be carried out promptly by that owner and at the owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with clause 11 of the Fourth Schedule) and the provisions of the Ninth Schedule of the Property Law Act 1952 are expressly negated by this provision.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

# View Instrument Details



<b>Instrument No</b>	12386712.3
<b>Status</b>	Registered
<b>Date &amp; Time Lodged</b>	29 April 2022 15:00
<b>Lodged By</b>	Wilson, Julie Ruth
<b>Instrument Type</b>	Consent Notice under s221(4)(a) Resource Management Act 1991



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<b>Affected Records of Title</b>	<b>Land District</b>
850948	North Auckland
850949	North Auckland

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**Annexure Schedule** Contains 2 Pages.

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## Signature

Signed by Julie Ruth Wilson as Territorial Authority Representative on 11/04/2022 11:38 AM

**\*\*\* End of Report \*\*\***

**IN THE MATTER** of the Resource Management Act 1991  
("the Act")

**A N D**

**IN THE MATTER** of a subdivision consent as evidenced  
by Land Transfer Plan No. 527727

**A N D**

**IN THE MATTER** of a Consent Notice issued pursuant to  
Section 221 of the Act by **WHANGAREI**  
**DISTRICT COUNCIL** ("the Council")

**IT IS HEREBY CERTIFIED** that the following conditions to be complied with on a continuing basis by the subdividing owner and subsequent owners was imposed by the Council as a condition of approval for the subdivision as effected by Land Transfer Plan No. 527727 ("the plan")

In relation to all lots:

1. At the time of building consent on Lot 1 and 2, provide suitable evidence/design to illustrate that stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4 and more specifically Section 4.11 of the Council's Environmental Engineering Standards 2010, to the satisfaction of the Council's Development Engineering Officer.
2. Any development shall comply with the Restrictions and recommendations identified in the Hawthorn Geddes Engineers & Architects Ltd engineering report reference 10688.R1 dated 29/03/2018, a copy of which is available from Council under file SD1800042, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
3. No conventional telecommunication connection has been provided to Lot 1 or Lot 2 as part of the subdivision works as it is intended that wireless or satellite technology will be utilised if/when a telecommunication connection is required. Whangarei District Council will not be responsible for ensuring nor providing telecommunication connections to the proposed lots, upon future development of the site, or at the time of further subdivision.





In relation to lot 1:


4. (Private LPS System) the owner of Lot 1 shall be responsible for the supply, installation, ongoing maintenance and associated costs of a private sewage pumping station and pipeline connecting to the existing Council sewerage reticulation system within the boundaries of Lot 1. A Public Utility application shall be applied for at the time of Building Consent.

In relation to lot 2:

5. The location and foundations of any building on Lot 2 shall be certified by a suitably experienced Chartered Professional Engineer prior to issue of any building consent. This property is in an area that has been identified to be at risk of containing Acid Sulphate Soil as identified on Council's GIS mapping system. These soils, where present, can generate acidic groundwater and may require consideration with regard to land drainage and selection of building materials for buried structures.
6. On Lot 2, a detailed design report for on-site wastewater disposal system shall be prepared at building consent stage by a suitably qualified and experienced person that shall supervise the construction and commissioning of the system.

**DATED** at Whangarei this 22nd day of February 2022.

**SIGNED for WHANGAREI DISTRICT COUNCIL**  
pursuant to the authority of the Council given pursuant  
to the Local Government Act 2002 and the Resource  
Management Act 1991

  
\_\_\_\_\_  
*Authorised Signatory*  
Karen Toni Satherley  
Post Approval RMA Officer

# View Instrument Details



**Instrument No** 12386712.4  
**Status** Registered  
**Date & Time Lodged** 29 April 2022 15:00  
**Lodged By** Wilson, Julie Ruth  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
850948	North Auckland
850949	North Auckland

**Annexure Schedule** Contains 3 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 12101312.1 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Julie Ruth Wilson as Grantor Representative on 02/06/2022 12:20 PM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Julie Ruth Wilson as Grantee Representative on 02/06/2022 12:21 PM

\*\*\* End of Report \*\*\*

Form 22

Easement instrument to grant easement or profit à prendre

(Section 109 Land Transfer Act 2017)

Grantor

ON POINT NORTHLAND LIMITED

Grantee

WHANGAREI DISTRICT COUNCIL

Grant of Easement or Profit à prendre

The Grantor being the registered owner of the burdened land set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional

Annexure Schedule, if required

Purpose of Easement, or profit	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to Drain Storm Water	Marked "H" and "L" on DP 527727	Lot 1 DP 527727 (RT 850948)	In gross
	Marked "I" on DP 527727	Lot 2 DP 527727 (RT 850949)	In gross
Right to Convey Water	Marked "A", "B" and "I" on DP 527727	Lot 2 DP 527727 (RT 850949)	In gross

SS

**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~{varied}~~ ~~{negotiated}~~ ~~{added to}~~ or ~~{substituted}~~ by:

~~{Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017}~~

[the provisions set out in Annexure Schedule ]

28

Annexure Schedule

Page 3 of 3

Insert instrument type:

Easement

Continue in additional Annexure Schedule, if required

**Additional terms and conditions relating to the Right to Drain Storm Water over areas "H" and "L" on DP 527727**

1. The Grantor shall not:
  - (i) plant shrubs or trees nor permit shrubs or trees to be planted or grow;
  - (ii) construct any fence nor permit any fence to be constructed;
  - (iii) construct any item within the Burdened Land which alters the nature of any overland flow nor permit the construction of any item within the Burdened Land which alters the nature of any overland flow;
  - (iv) modify the existing ground contour in any way nor permit the existing ground contour to be modified in any way;

within the easement area unless a design from a suitably experienced and qualified chartered professional engineer mitigating the effects of the proposed activity is received and approved in writing by the Grantee's Stormwater Engineer.

**Additional terms and conditions relating to the Right to Drain Storm Water over areas "H", "L" and "I" on DP 527727**

2. For the avoidance of doubt the same rights, powers, terms and conditions implied in a right to drain water by the Land Transfer Regulations 2018 (**Regulations**) apply to the right to drain storm water created pursuant to this easement instrument. The other provisions contained in this Annexure Schedule take precedence in the event of any conflict with those set out in the Regulations. Any terms used in this Annexure Schedule which are defined terms in the Regulations shall have the meaning given to those terms in the Regulations.

# View Instrument Details



**Instrument No** 12386712.5  
**Status** Registered  
**Date & Time Lodged** 29 April 2022 15:00  
**Lodged By** Wilson, Julie Ruth  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
850948	North Auckland
850949	North Auckland

**Annexure Schedule** Contains 2 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 12101312.1 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Julie Ruth Wilson as Grantor Representative on 02/06/2022 12:21 PM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Julie Ruth Wilson as Grantee Representative on 02/06/2022 12:22 PM

\*\*\* End of Report \*\*\*



This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

## Form 22

### Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

#### Grantor

On Point Northland Limited

#### Grantee

On Point Northland Limited

#### Grant of Easement or *Profit à prendre*

**The Grantor** being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

#### Schedule A required

Continue in additional Annexure Schedule, if

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of way	A, I and B on DP 527727	Lot 2 DP 527727 (RT 850949)	Lot 1 DP 527727 (RT 850948)
Right to convey electricity, telecommunications	C and L on DP 527727	Lot 1 DP 527727 (RT 850948)	Lot 2 DP 527727 (RT 850949)
Right to convey water	A, B, I on DP 527727	Lot 2 DP 527727 (RT 850949)	Lot 1 DP 527727 (RT 850948)

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negatived]~~ ~~[added to]~~ or ~~[substituted]~~ by:

[Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017]

~~[the provisions set out in Annexure Schedule —]~~

# View Instrument Details



**Instrument No** 12386712.6  
**Status** Registered  
**Date & Time Lodged** 29 April 2022 15:00  
**Lodged By** Wilson, Julie Ruth  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
850948	North Auckland
850949	North Auckland

**Annexure Schedule** Contains 6 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 12101312.1 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Julie Ruth Wilson as Grantor Representative on 29/04/2022 02:59 PM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Julie Ruth Wilson as Grantee Representative on 29/04/2022 02:59 PM

\*\*\* End of Report \*\*\*

Northpower CST.L.00.05 Easement in Gross – Electricity and Telecommunications

**Easement instrument to grant easement or *profit à prendre***

(Sections 109 Land Transfer Act 2017)

**Grantor**

On Point Northland Limited

**Grantees**

Northpower Limited and Northpower Fibre Limited

**Grant of Easement or *Profit à prendre***

The Grantor being the registered owner of the Burdened Land set out in Schedule A grants to the Grantees (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**

*Continue in additional Annexure Schedule, if required*

Purpose Easement or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey electricity and telecommunications	C and L on Lot 1 DP 527727	Lot 1 DP 527727 (RT 850948)	In Gross
	E on Lot 2 DP 527727	Lot 2 DP 527727 (RT 850949)	

**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby **substituted** by: the provisions set out in the Annexure Schedule

Northpower CST.L.00.05 Easement in Gross – Electricity and Telecommunications

## EASEMENT INSTRUMENT ANNEXURE SCHEDULE

### 1. DEFINITIONS

1.1 In this instrument unless the context indicates otherwise:

**"Easement Area"** means those parts of the Land referred to in Schedule A as being subject to a right to convey electricity and a right to convey Telecommunications;

**"Electrical Works"** means the Works, Electrical Installations, Electrical Appliances, Fittings and Associated Equipment, as those terms are defined in the Electricity Act 1992, presently fixed or installed on, over or under the Easement Area, or to be fixed or installed on, over or under the Easement Area in substitution, addition or replacement for them, whether of the same, smaller or larger dimensions or capacity;

**"Emergency Situation"** means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply or distribution of electricity or telecommunications;

**"Grantees"** means Northpower Limited, Northpower Fibre Limited and their successors, transferees and assigns;

**"Grantees' Authorised Persons"** means the Grantees' subsidiary and related companies, and the agents, employees, contractors, lessees, licensees, representatives and invitees of the Grantees and the Grantees' subsidiary and related companies;

**"Grantor"** means the registered owner of the Land and includes their heirs, executors, administrators and assigns;

**"Land"** is the land owned by the Grantor described in Schedule A;

**"Burdened Land"** means the Burdened Land as set out in Schedule A;

**"Telecommunications"** means the conveyance, transmission, emission or reception by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not (and for the avoidance of doubt, includes any conveyance that constitutes broadcasting);

**"Telecommunications Works"** means any cables, ducts, wires or conductors of any other kind (including, without limit, fibre optic cables) used or intended to be used for the transmission or reception of Telecommunications and any instrument, furniture, plant, office, building, machinery, engine, excavation, or work, of whatever description, used in relation to, or in any way connected with those cables, ducts, wires or conductors presently fixed or installed on, over or under the Easement Area, or to be fixed or installed on, over or under the Easement Area in substitution, addition or replacement for them, whether of the same smaller or larger dimensions or capacity;

**"Works Owner(s)"** means the Grantees, the Grantees' subsidiary and related companies, or any other person(s) the Grantees authorise to install Electrical Works or Telecommunications Works, and includes such person(s) as they may transfer ownership to.

Northpower CST.L.00.05 Easement in Gross – Electricity and Telecommunications

## **2. GRANT OF ELECTRICITY AND TELECOMMUNICATIONS EASEMENTS**

- 2.1** The Grantor grants to the Grantees, as easements in gross forever, the rights to:
- 2.1.1** convey, reticulate, convert, transform, transmit, supply and use electrical energy and power by means of the Electrical Works; and
  - 2.1.2** convey, reticulate, convert, transform, transmit, supply and use Telecommunications, by means of the Telecommunications Works, in each case without obstruction or interruption, and in any quantity.
- 2.2** The Grantees and the Grantees' Authorised Persons have the right, subject to clause 3, to enter and remain on the Easement Area, and any other parts of the Land as are reasonably necessary, with or without tools, plant, equipment and vehicles to do the following work:
- 2.2.1** To construct, install and lay the Electrical Works and/or Telecommunications Works on, over or under the Easement Area, at a depth or height and along a line determined by the Grantees;
  - 2.2.2** To inspect, maintain, repair, dig up, alter, upgrade, enlarge, renew, relocate, replace or remove those Electrical Works and/or Telecommunications Works; and
  - 2.2.3** To open up the soil of the Easement Area and make any access way, cuttings, fillings, grades, batters or trenches and to re-open the same and generally to do and perform such acts or things upon the Land and/or Works Area as may be necessary or desirable (or incidental thereto) and to do anything else in the full exercise of the rights granted under this instrument.
  - 2.2.4** For the avoidance of doubt, the Grantor's consent shall be deemed for the purposes of clause 10(1)(b) of Schedule 5 of the Land Transfer Regulations 2018 by virtue of this easement).

## **3. ACCESS**

- 3.1** The Grantees must, before exercising the right of entry in clause 2.2:
- 3.1.1** Make reasonable efforts to identify the Grantor or the Land occupier;
  - 3.1.2** Give reasonable notice to the Grantor or the Land occupier of the Grantees' intention to enter the Land, except in an Emergency Situation when prior notice is not required and for the avoidance of doubt, clause 12(2) of Schedule 5 the Land Transfer Regulations 2018 does not apply;
  - 3.1.3** Identify the work they intend to carry out.

The Grantees are not required by reason of the obligations in this clause to delay entry onto the Land from the date notified.

- 3.2** The Grantees, in entering the Land, will take reasonable steps to minimise inconvenience to the Grantor or the Land occupier, including:
- 3.2.1** Liaising with the Grantor to arrange a suitable time of entry to the Easement Area (unless this is not possible due to an Emergency Situation);
  - 3.2.2** Leaving gates as they are found (if applicable);
  - 3.2.3** Driving in a safe manner and taking reasonable steps not to disturb stock; and
  - 3.2.4** Avoiding access through specific areas identified by the Grantor unless necessary to access the Electrical Works and Telecommunications Works.

The Grantees are not required to delay entry onto the Land or to pay any money or other

consideration to the Grantor or any occupier of the Land by reason of the obligations in this clause.

**3.3** When accessing the Easement Area, the Grantees will:

- 3.3.1** Complete the Electrical Works and Telecommunications Works as soon as possible with as little damage as possible to the Land and any vegetation, fences or improvements on it; and
- 3.3.2** Use all reasonable endeavours to repair and make good all damage caused to the Land by the Grantees or the Grantees' Authorised Persons as a result of carrying out the Electrical Works and Telecommunications Works.

#### **4. OWNERSHIP**

Ownership of the Electrical Works and Telecommunications Works will at all times be vested in the Works Owner(s) and no part of the Electrical Works or Telecommunications Works will become a fixture on the Burdened Land or in any building on the Burdened Land. No person, company, or other party has an interest in the Electrical Works and Telecommunications Works by reason only of having an interest in the Land.

#### **5. GRANTOR'S OBLIGATIONS**

**5.1** The Grantor will not, without the prior written permission of the Grantees (which will not be unreasonably withheld):

- 5.1.1** On the Easement Area or within the minimum distance from the Electrical Works and Telecommunications Works as advised by the Grantee from time to time (having regard to the relevant codes of practice and statutory or regulatory requirements applicable from time to time) do or allow the following:
  - (a) construction of any fencing or walls;
  - (b) placement of any buildings or structures;
  - (c) carrying out any earthworks or stockpiling;
  - (d) removal of any soil, substance or material;
  - (e) establishment of any trees, or other vegetation that can cause interference or restrict access;
- 5.1.2** Construct or permit the construction of any roads or driveways on the Easement Area except where the easement is over an access or right of way already in existence or created at the time of registration of this easement;
- 5.1.3** Do or allow anything to be done which would interrupt or restrict the transmission of electrical energy or Telecommunications or interfere with or affect the other rights of the Grantees under this easement;
- 5.1.4** Impede the Grantees' access over the Land or the Easement Area to the Electrical Works and Telecommunications Works.

**5.2** The Grantor may put up fencing or gates on any part of the Easement Area as long as:

- 5.2.1** The Grantor first notifies the Grantees of this intention;
- 5.2.2** Before the Grantor erects the gates or fences, the Grantees have marked the location of the Electrical Works and Telecommunications Works; and
- 5.2.3** If in the reasonable opinion of the Grantees, the design or location of any proposed fence or gate may interfere with the operation of the Electrical Works and/or the Telecommunications Works, the Grantee may prescribe the height, material used and/or location of the fence or gate.



Northpower CST.L.00.05 Easement in Gross – Electricity and Telecommunications

- 5.3 The Grantor must not knowingly cause or permit (or omit to do any act or thing that causes) flooding of the Easement Area.
- 5.4 In the event of any breach by the Grantor of its covenants under clauses 5.1, 5.2 or 5.3, the Grantees may give the Grantor written notice of any failure to comply with the requirements and specify what is required to remedy such failure and a timeframe for doing so. If the Grantor fails to remedy such failure within the time frame specified in the notice, the Grantees may at all times at the Grantor's reasonable cost and at the Grantor's risk, remove any natural or cultivated vegetation or improvement which will interfere with the rights granted by this instrument.

## 6. HEALTH AND SAFETY

- 6.1 The Grantees acknowledge that they have responsibilities as a 'person conducting a business or undertaking' under the Health and Safety at Work Act 2015 (HSAWA), including under any applicable regulations and approved codes of practice relevant to the HSAWA.
- 6.2 When exercising its rights under this easement, the Grantees shall at all times comply with their health and safety obligations under the HSAWA and at law generally.
- 6.3 If the Grantor is also a 'person conducting a business or undertaking' because it conducts a business or undertaking on the Land, the Grantor acknowledges that it also has responsibilities under the HSAWA.
- 6.4 The parties agree that:
  - 6.4.1 the Grantor will inform the Grantees or the Grantees' Authorised Persons of the Grantor's reasonable rules or procedures regarding health and safety of persons on the Land prior to their entry;
  - 6.4.2 the Grantor shall comply with the Grantees' health and safety policies and procedures in relation to the Easement Area, the Electricity Works and Telecommunications Works; and
  - 6.4.3 the Grantor and Grantees shall comply with and use all reasonable endeavours to ensure their visitors comply with all health and safety signs, notices, policies and instructions issued or displayed on or at the Land.

## 7. MAINTENANCE

The Grantees are responsible for maintaining the Electrical Works and Telecommunications Works in the Easement Area so that they do not become a nuisance or a danger, provided that notwithstanding any other provision of this easement, if any maintenance, repair or replacement of the Equipment or any part of the Equipment, is necessary because of any act or omission, neglect or fault of the Grantor (including any tenant, licensee, employee, invitee, contractor or agent of the Grantor), then the Grantor shall be responsible for the whole cost of any such maintenance, repair or replacement.

## 8. NO POWER TO TERMINATE

There is no implied power in this instrument for the Grantor to terminate the easement rights due to the Grantees breaching any term of this instrument or for any other reason, it being the intention of the parties that the easement rights will continue forever unless surrendered.

Northpower CST.L.00.05 Easement in Gross – Electricity and Telecommunications

**9. LICENCE AND ASSIGNMENT**

- 9.1 The Grantees may assign, transfer, lease, licence or otherwise grant or permit the use of all or any part of their rights, obligations and interests under this instrument without needing to obtain the Grantor's consent. The Grantor will if requested to do so by the Grantees sign such documents and obtain such consents as are required to enable registration of a transfer or assignment of part or all of a Grantee's interest under this instrument against the Record of Title(s) for the Land. The Grantees must reimburse the Grantor for the reasonable legal fees incurred by the Grantor when complying with the Grantor's obligations under this clause.
- 9.2 The liability of a Grantee under this instrument is limited to obligations and liabilities arising while that Grantee is the registered owner of the benefit of this easement, and ceases (except for any obligation or liability which has arisen during their time as registered Grantee) upon registration of any transfer or assignment of their interest as Grantee.
- 9.3 If at any time there is more than one Grantee, their liability to the Grantor shall be joint and several.

**10. STATUTORY PROVISIONS**

The easement rights are in substitution for those set out in Schedule 5 to the Land Transfer Regulations 2018, but otherwise this easement does not affect any statutory powers which the Grantees may have. The terms contained in this instrument shall be subject to and do not derogate from the rights and powers of the Grantee under any contract for the supply of electricity or the Electricity Act 1992.

**11. DISPUTES**

If any dispute arises between the Grantor and Grantees about the rights in this instrument which cannot be resolved by negotiation, the parties must submit at the request of either party to the arbitration of an independent arbitrator. This arbitrator is to be appointed jointly by the parties, and if they cannot agree on one within 14 days, to be appointed by the President for the time being of the branch of the New Zealand Law Society where the Land is situated. The arbitration will be determined in accordance with the Arbitration Act 1996 and its amendments or any statute which replaces it. The parties' execution of this instrument is to be treated as a submission to arbitration.

# View Instrument Details



**Instrument No** 13010952.4  
**Status** Registered  
**Date & Time Lodged** 24 May 2024 16:12  
**Lodged By** Murray, Avia Manhattan  
**Instrument Type** Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
536514	North Auckland
850948	North Auckland
850949	North Auckland

**Annexure Schedule** Contains 3 Pages.

## Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Julie Ruth Wilson as Covenantor Representative for On Point Northland Limited on 24/05/2024 10:35 AM

## Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Anthea Mary Coombes as Covenantor Representative for Marsden Point Land Limited Partnership, Marsden Point No.2 Limited Partnership on 24/05/2024 11:49 AM

## Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

**Signature**

Signed by Julie Ruth Wilson as Covenantee Representative for On Point Northland Limited on 24/05/2024 10:35 AM

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**Covenantee Certifications**

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

**Signature**

Signed by Anthea Mary Coombes as Covenantee Representative for Marsden Point Land Limited Partnership, Marsden Point No.2 Limited Partnership on 24/05/2024 11:49 AM

**\*\*\* End of Report \*\*\***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

**Form 26**

**Covenant Instrument to note land covenant**

(Section 116(1)(a) & (b) Land Transfer Act 2017)

**Covenantor**

On Point Northland Limited  
Marsden Point Land Limited Partnership  
Marsden Point No. 2 Limited Partnership

**Covenantee**

On Point Northland Limited  
Marsden Point Land Limited Partnership  
Marsden Point No. 2 Limited Partnership

**Grant of Covenant**

**The Covenantor**, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

**Schedule A**  
*required*

*Continue in additional Annexure Schedule, if*

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	Lots 1-2 DP 527772 Lot 5 DP 430702	Lot 1 DP 527772 (RT 850948)  Lot 2 DP 527772 (RT 850949)  Lot 5 DP 530702 (RT 536514)	Lot 1 DP 527772 (RT 850948)  Lot 2 DP 527772 (RT 850949)  Lot 5 DP 430702 (RT 536514)

**Covenant rights and powers (including terms, covenants and conditions)**

Delete phrases in [ ] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

[Memorandum number \_\_\_\_\_], registered under section 209 of the Land Transfer Act 2017.

[Annexure Schedule \_\_\_\_\_].

Form L

Annexure Schedule

Page 1 of 2 Pages

Insert instrument type

Land Covenant

*Continue in additional Annexure Schedule, if required*

1. In this instrument unless the context indicates otherwise:

**Marsden Point** means the registered owner of the land comprised in Record of Title No. 850949 (**Marsden Point Land**).

**Marsden Point No. 2** means the registered owner of the land comprised in Record of Title No. 536514 (**Marsden Point No. 2 Land**).

**On Point** means the registered owner of the land comprised in Record of Title No. 850948 (**On Point Land**).

2. On Point and its successors in title and those legally entitled to occupy the On Point Land acknowledge and agree that the Marsden Point Land and the Marsden Point No. 2 Land is used for industrial activities including activities that may involve the use of hazardous substances and generate a range of effects on the environment arising out of the use of vehicles, machinery, manufacturing processes, storage and other industrial activities.
3. On Point agrees and covenants that:
- On Point will allow Marsden Point and Marsden Point No. 2 and their successors in title and those legally entitled to occupy the Marsden Point Land and the Marsden Point No. 2 Land to carry out industrial activities on such land without interference or restraint from On Point and its successors in title and those legally entitled to occupy the On Point Land.
  - Provided that the activities on the Marsden Point Land and the Marsden Point No. 2 Land are operating in accordance with any resource consent, lawfully established existing use or certificate of compliance, the Whangarei District Plan, the Northland Regional Plan (or any proposed district or regional plan), and the Resource Management Act 1991 (or any amendment or replacement legislation) On Point will not directly or indirectly through another person make any complaint, objection, or submission, or bring any proceedings for damages, negligence, nuisance, trespass, or interference arising from the use of the Marsden Point Land or the Marsden Point No. 2 Land. For avoidance of doubt, this includes compliance with sections 16-17 of the Resource Management Act 1991 or any amendment or replacement legislation.
  - On Point will not directly or indirectly make or lodge, be party to, procure, assist, support, finance, or contribute to the cost of any submission or proceedings under the Resource Management Act 1991 (or any amendment or replacement legislation) or otherwise designed or intended to or having the effect of preventing or restricting the use of the Marsden Point Land or the Marsden Point No. 2 Land for any lawfully established activity, including, without limitation, any action to require Marsden Point or Marsden Point No. 2 to modify the activities lawfully carried out on the Marsden Point Land or the Marsden Point No. 2 Land.

- d. On Point shall not directly or indirectly make or lodge, be party to, procure, assist, support, finance, or contribute to the cost of any submission or proceedings opposing an application or submission by Marsden Point or Marsden Point No. 2 under the Resource Management Act 1991 or any amendment or replacement legislation to lawfully establish an industrial activity on the Marsden Point Land or Marsden Point No. 2 Land.
4. On Point shall be bound by the terms of this covenant in respect of the use of the Marsden Point Land and the Marsden Point No. 2 Land that is lawfully established as at the date of this covenant and that is lawfully established in the future.
5. On Point shall not be bound by the terms of this covenant in respect of any use of the Marsden Point Land or the Marsden Point No. 2 Land that is not a lawfully established use or that is not operating or being carried out lawfully.
6. Marsden Point and Marsden Point No. 2 and their successors in title and those legally entitled to occupy the Marsden Point Land and Marsden Point No. 2 Land agree and covenant with On Point not to directly or indirectly make or lodge, be party to, procure, assist, support, finance, or contribute to the cost of any submission opposing a private plan change request or council-initiated plan change to rezone the On Point Land from Heavy Industrial Zone to Light Industry Zone or Commercial Zone.
7. In the event of breach of any of the above clauses by a registered owner of the On Point Land, the Marsden Point Land or the Marsden Point No. 2 Land (as the case may be) (**Offending Owner**), the Offending Owner shall be liable to pay liquidated damages to the registered owner of the relevant land at a rate of \$1,000 per week while the breach continues unremedied. The parties agree that liquidated damages as described in this clause are a genuine estimate of the relevant party's foreseeable damages while a breach continues unremedied.
8. Each party to this covenant instrument shall ensure that any person legally entitled to occupy its land is aware of and agrees to be bound by the terms of this covenant.
9. This covenant does not affect or have any bearing on any decision by a consent authority relating to the notification or grant of an application consent by a party to this covenant instrument for resource consent under the Resource Management Act 1991 or any amendment or replacement legislation.

**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**



**Appendix B: Proposed Marsden Light Industrial  
Precinct Provisions**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL



## Light Industrial Zone (LIZ)

### Issues

The Light Industrial Zone (LIZ) is a key driver for the District's economy, generating a significant number of employment opportunities. The Light Industrial Zone is located on the fringes of Whangārei City and larger suburban centres, and requires proximity to major transport corridors.

The Light Industrial Zone provides for industrial activities that do not generate objectionable odour, dust or noise, and trade retail activities that are compatible with industrial activities such as service stations, motor vehicle sales, garden centres, trade suppliers and hire premises. Supporting activities such as cafes and takeaway bars are also provided for. Other non-industrial activities are discouraged as a key principal of the Light Industrial Zone is to preserve land for industrial and trade retail type uses.

Industrial activities range in scale and nature. Those anticipated within the Light Industrial Zone are unlikely to give rise to significant adverse effects beyond the site and include activities such as warehousing, bulk storage, light manufacturing and servicing activities. Therefore, sensitive activities are restricted within the Light Industrial Zone and the scale, design and location of activities and buildings are managed, especially on-sites bordering Residential Zones and Open Space and Recreation Zones.

### Objectives

#### LIZ-01 Industrial Activities

Industrial activities that are not noxious, and do not generate objectionable odour, dust or noise, establish and operate efficiently and effectively within the Light Industrial Zone.

#### LIZ-02 Adverse Effects

Potential adverse effects on adjacent zones and the environment are avoided, remedied or mitigated.

#### LIZ-03 Ancillary Activities

Ancillary activities are enabled while ensuring that industrial land supply is not compromised and that the viability and vitality of other Business Zones are maintained.

#### LIZ-04 Reverse Sensitivity

Avoid activities that may generate reverse sensitivity effects or that compromise the operation of future industrial activities within the Light Industrial Zone or Heavy Industrial Zone.

#### LIZ-05 Subdivision

The supply of large allotments within the Light Industrial Zone is preserved by managing inappropriate fragmentation of land from subdivision.

#### LIZ-06 Retail Activities

To enable larger scale trade retail within the Light Industrial Zone and limit all other retail activity.

## Policies

### LIZ-P1 Character and Amenity

To recognise the character and amenity values of the Light Industrial Zone including, but not limited to:

High levels of noise associated with traffic and commercial activities and industrial activities.

Large allotments with on-site car parking.

Moderate levels of exposure to noxious odour, dust or noise.

High levels of vehicle traffic, particularly on arterial routes and during daytime hours.

A low presence of active building frontages and landscaping.

### LIZ-P2 Industrial Activities

To manage, and where appropriate avoid, industrial activities which have adverse effects on the surrounding environment, nearby sensitive activities or three waters infrastructure, which cannot be mitigated or remedied.

### LIZ-P3 Non-Industrial Activities

To manage non-industrial activities by ensuring that they:

1. Are not likely to generate reverse sensitivity effects that constrain the establishment and operation of industrial activities.

Support, or are compatible with, the operation of industrial activities within the Zone.

Ensure that the potential establishment of future industrial activities is not compromised by the nature, scale and design of activities and buildings.

Do not compromise the viability and vitality of the City Centre, Waterfront, Mixed Use, Local Centre, Neighbourhood Centre and Shopping Centre Zones.

### LIZ-P4 Cross Zone Boundary Effects

To manage adverse effects of industrial activities and large scale commercial activities on more sensitive zones by managing cross zone boundary effects, including through setbacks, building heights and landscaping.

### LIZ-P5 Esplanade Areas

To safeguard esplanade areas and manage stormwater by limiting buildings adjacent to Mean High Water Springs and river banks.

### LIZ-P6 Subdivision

To avoid the fragmentation of Light Industrial Zone land where subdivision design and layout would not facilitate industrial and trade retail type activities.

### LIZ-P7 Zone Interface

To recognise the interface between the Light Industrial and Heavy Industrial Zones by managing non-industrial activities within the Light Industrial Zone to protect the viability of the Heavy Industrial Zone.

### LIZ-P8 Food and Beverage Activities

To limit adverse effects of food and beverage and drive-through-facilities within the Light Industrial Zone on:

1. The viability and vitality of the City Centre, Waterfront, Mixed Use, Local Centre, Neighbourhood Centre and Shopping Centre Zones.

The character and amenity of adjoining Residential Zones or Open Space and Recreation Zones.

## **LIZ-P9 Educational Facilities**

To manage non-industrial activities by providing for educational facilities within the Light Industrial Zone only where the educational facility is defined as general industry.

## **Rules**

### **LIZ-R1 Any Activity Not Otherwise Listed in This Chapter**

Activity Status: Permitted

Where:

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

### **LIZ-R2 Minor Buildings**

Activity Status: Permitted

Note:

1. Minor buildings are exempt from rules LIZ-R3 – R5.

### **LIZ-R3 Building and Major Structure Height**

Activity Status: Permitted

Where:

1. The maximum building height and major structure height is 20m above ground level.

Activity Status when compliance not achieved: Discretionary

### **LIZ-R4 Building and Major Structure Setbacks**

Activity Status: Permitted

Where:

1. All buildings and major structures are set back at least:
  - a. 2.5m from road boundaries.
  - b. 5m from Rural Production Zone, Residential Zone and Open Space and Recreation Zone boundaries.
  - c. 3m from Heavy Industrial Zone, Local Centre Zone and Mixed Use Zone boundaries.
  - d. 27m from Mean High Water Springs or the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).

Activity Status when compliance with rules LIZ-R4.1(a) – (c) are not achieved: Restricted Discretionary

Matters of discretion:

1. Any special or unusual characteristic of the site which is relevant to the rule.

The functional and operation needs of industrial activities.

The effects on the amenity of neighbouring sites.

The characteristics of the development.

Activity Status when compliance with rules LIZ-R4.1(d) is not achieved: Discretionary.

## **LIZ-R5 Building Height and Major Structure in Relation to Boundary**

Activity Status: Permitted

Where:

1. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Rural Production Zone, Residential Zone or Open Space and Recreation Zone boundary.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Any special or unusual characteristic of the site which is relevant to the rule.  
The functional and operation needs of industrial activities.  
The effects on the amenity of neighbouring sites.  
The characteristics of the development.

## **LIZ-R6 Fences**

Activity Status: Permitted

Where:

1. Fencing adjoining a Residential Zone or Open Space and Recreation Zone is not fortified with barbed wire, broken glass or any form of electrification.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion

1. Adverse effects from fortification or electrification of fences.  
Any special or unusual characteristic of the site which is relevant to the rule.  
The functional and operational needs of industrial activities.

## **LIZ-R7 Outdoor Areas of Storage or Stockpiles**

Activity Status: Permitted

Where:

1. The outdoor area of storage or stockpile:
  - a. Complies with rule LIZ-R3.
  - b. Complies with rules LIZ-R4 – R5.
  - c. Is screened from view from adjacent public places and surrounding Local Centre Zone, Mixed Use Zone, Residential Zone and Open Space and Recreation Zones except that this does not apply to construction materials stored to be used on-site within 12 months each 10-year period from 15 July 2020.

Activity Status when compliance with LIZ-R7.1(b) – (c) not achieved: Restricted Discretionary

Matters of discretion

1. Effects in relation to dust and odour.

Visual amenity effects.

The matters of discretion in LIZ-R4 – R5.

Activity Status when compliance with LIZ-R7.1(a) not achieved: Discretionary

## **LIZ-R8 General Industry**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.
3. The activity operates within:
  - a. An outdoor area that is located at least 30m from any Rural Production Zone or Residential Zone boundary.
  - b. A building that is located at least 30m from any Rural Production Zone or Residential Zone boundary; or
  - c. A building that is located within 30m of any Rural Production Zone or Residential Zone boundary and:
    - i. Has no vehicle access or loading bays to or from the building on the side of the building adjacent to the Residential Zone boundary; and
    - ii. Has no main entrance to the building on the side of the building adjacent to the Residential Zone boundary; and
    - iii. Does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

## **LIZ-R9 Manufacturing**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.
3. The activity operates within:
  - a. An outdoor area that is located at least 30m from any Rural Production Zone or Residential Zone boundary.
  - b. A building that is located at least 30m from any Rural Production Zone or Residential Zone boundary; or
  - c. A building that is located within 30m of any Rural Production Zone or Residential Zone boundary and:
    - i. Has no vehicle access or loading bays to or from the building on the side of the building adjacent to the Residential Zone boundary; and
    - ii. Has no main entrance to the building on the side of the building adjacent to the Residential Zone boundary; and

- iii. Does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

### **LIZ-R10 Repair and Maintenance Services**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.
3. The activity operates within:
  - a. An outdoor area that is located at least 30m from any Rural Production Zone or Residential Zone boundary.
  - b. A building that is located at least 30m from any Rural Production Zone or Residential Zone boundary; or
  - c. A building that is located within 30m of any Rural Production Zone or Residential Zone boundary and:
    - i. Has no vehicle access or loading bays to or from the building on the side of the building adjacent to the Residential Zone boundary; and
    - ii. Has no main entrance to the building on the side of the building adjacent to the Residential Zone boundary; and
    - iii. Does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

### **LIZ-R11 Marine Industry**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
- All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.
- The activity operates within:
- a. An outdoor area that is located at least 30m from any Rural Production Zone or Residential Zone boundary.

- b. A building that is located at least 30m from any Rural Production Zone or Residential Zone boundary; or
- c. A building that is located within 30m of any Rural Production Zone or Residential Zone boundary and:
  - i. Has no vehicle access or loading bays to or from the building on the side of the building adjacent to the Residential Zone boundary; and
  - ii. Has no main entrance to the building on the side of the building adjacent to the Residential Zone boundary; and
  - iii. Does not operate or open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

- 1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

### **LIZ-R12 Storage**

Activity Status: Permitted

Where:

- 1. The activity is a primary activity or ancillary activity.
- 2. All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

- 1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

### **LIZ-R13 Artisan Industrial Activities**

Activity Status: Permitted

Where:

- 1. The activity is a primary activity or ancillary activity.
- All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

- 1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.



### **LIZ-R14 Farming**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1m above ground level.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.
2. Mitigation measures to manage reverse sensitivity effects.

### **LIZ-R15 Service Stations**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
2. All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1m above ground level.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.
2. Mitigation measures to manage reverse sensitivity effects.

### **LIZ-R16 Emergency Services**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.
- All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1m above ground level.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

Mitigation measures to manage reverse sensitivity effects.



### **LIZ-R17 Trade Retail**

Activity Status: Permitted

Where:

1. The activity is a primary activity or ancillary activity.  
The activity is larger than 450m<sup>2</sup> gross floor area.

Activity Status when compliance not achieved: Discretionary

### **LIZ-R18 Community Corrections Activity**

Activity Status: Permitted

Where:

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

All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.

Any habitable room is setback at least 30m from all adjacent Heavy Industrial Zone boundaries.

Any outdoor area open to staff, customers or clients that is used for the purpose of teaching, outdoor dining or informal leisure or recreation space is:

- a. Setback at least 30m from all adjacent Heavy Industrial Zone boundaries; and
- b. Setback at least 30m from all adjacent Light Industrial Zone sites; or
- c. Within 30m of any Light Industrial Zone boundary and that boundary is planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m.

*Compliance Standard:*

1. LIZ-R18.3–4 do not apply to Heavy Industrial Zone or Light Industrial Zone boundaries adjoining a road, or any Heavy Industrial or Light Industrial Zoning within a road in accordance with HPW-R6.

Activity Status when compliance not achieved: Discretionary

### **LIZ-R19 General Retail**

Activity Status: Permitted

Where:

1. The activity is:
  - a. An ancillary activity to an industrial activity on the site.
  - b. Less than 250m<sup>2</sup> gross floor area per site.
  - c. Located:
    - i. Within 50m of a Residential Zone boundary and does not operate and is not open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00; or
    - ii. Further than 50m from Residential Zone boundaries.

Activity Status when compliance not achieved: Non-Complying

## **LIZ-R20 Commercial Services**

Activity Status: Permitted

Where:

1. The activity is:
  - a. An ancillary activity to a permitted activity on the site.
  - b. Less than 250m<sup>2</sup> gross floor area per site.
  - c. Located:
    - i. Within 50m of a Residential Zone boundary and does not operate and is not open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00; or
    - ii. Further than 50m from Residential Zone boundaries.

Activity Status when compliance not achieved: Discretionary

## **LIZ-R21 Food and Beverage Activity**

Activity Status: Permitted

Where:

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

The maximum cumulative gross floor area of any food and beverage activity and drive-through-facilities is 250m<sup>2</sup> per site.

All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.

The activity is located:

- a. Within 50m of a Residential Zone boundary and does not operate and is not open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00; or
- b. Further than 50m from Residential Zone boundaries.

Activity Status when compliance not achieved with LIZ-R20.1 – 3 or LIZ-R21.1 – 3: Non-Complying

Activity Status when compliance not achieved with LIZ-R20.4 or LIZ-R21.4: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.
2. Mitigation measures to manage reverse sensitivity effects.

## **LIZ-R22 Drive-Through-Facilities**

Activity Status: Permitted

Where:

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

The maximum cumulative gross floor area of any food and beverage activity and drive-through-facilities is 250m<sup>2</sup> per site.

All site boundaries which are adjoining a Rural Production Zone, 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 2m, except within 5m of a road boundary where the maximum height is 1.2m above ground level.

The activity is located:

- a. Within 50m of a Residential Zone boundary and does not operate and is not open for visitors, clients, deliveries or servicing outside the hours of 06:00 and 18:00; or
- b. Further than 50m from Residential Zone boundaries.

Activity Status when compliance not achieved with LIZ-R20.1 – 3 or LIZ-R21.1 – 3: Non-Complying

Activity Status when compliance not achieved with LIZ-R20.4 or LIZ-R21.4: Restricted Discretionary

Matters of discretion:

1. Mitigation measures to manage adverse effects on adjacent Rural Production Zone, Residential Zone or Open Space and Recreation Zones.

Mitigation measures to manage reverse sensitivity effects.

### **LIZ-R23 Grocery Store**

Activity Status: Discretionary

Where:

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

### **LIZ-R24 Funeral Home**

Activity Status: Discretionary

Where:

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

### **LIZ-R25 Recreational Facilities**

Activity Status: Discretionary

Where:

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

### **LIZ-R26 Waste Management Facility**

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-R27 Landfill**

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-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-R36 Educational 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-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.

## **PREC24 – 422 Marsden Point Road Light Industrial Precinct**

### **Issues**

The 422 Marsden Point Road Light Industrial Precinct is located on the eastern side of Marsden Point Road and northwards of Sime Road. The stretch of Marsden Point Road between Sime Road and Lakeside Park Road is generally characterised by a mix of heavy and light industrial zoned land. The land to the west of this stretch of Marsden Point Road is zoned Rural Production.

The primary purpose of the 422 Marsden Point Road Light Industrial Precinct is to enable a limited range of trade retail, general retail, drive-through facilities and food and beverage activities that are compatible with surrounding heavy and light industrial activities.

Where activities are not listed, the Light Industrial Zone provisions apply.

### **Objectives**

#### **PREC24-O1 Recognised Activities**

Enable the operation of appropriate scale trade retail, drive-through-facilities general retail and food and beverage activities located in the 422 Marsden Point Road Light Industrial Precinct.

#### **PREC24-O2 Protected Zones**

Provide for the establishment and operation of general retail and food and beverage activities located in the 422 Marsden Point Road Light Industrial Precinct, while avoiding reverse sensitivity effects on adjoining Heavy and Light Industrial Zones and protecting the vitality and viability of the Business Zones in the Ruakaka and Marsden Point Area.

### **Policies**

#### **PREC24-P1 Enabled Activities**

To enable trade retail, drive-through facilities, general retail, and food and beverage activities within the 422 Marsden Point Road Light Industrial Precinct, provided they are of a scale and intensity that:

- a. Supports the primary function of the Light Industrial Zone;
- b. Protects the vitality and viability of Business Zones in the Ruakaka and Marsden Point area;
- c. Avoids reverse sensitivity effects on adjoining Heavy and Light Industrial Zoned land;
- d. Manages transport effects to ensure the safe and efficient operation of the transport network; and
- e. Enhances connectivity for pedestrians and cyclists to adjacent destinations where appropriate.

### **Rules**

#### **PREC24-R1 Trade Retail**

Activity Status: Permitted

422 Marsden Point Road PPC shown in green underlined tracked changes

Where:

1. The activity is:
  - a. The activity is a primary activity or ancillary activity.
  - b. Individual tenancies are larger than 250m<sup>2</sup> gross floor area.

Activity Status when compliance not achieved: Discretionary

### **PREC24-R2 General Retail**

Activity Status: Restricted Discretionary

Where:

2. The activity is:
  - a. A primary activity or ancillary activity to an industrial activity on the site.
  - b. More than 250m<sup>2</sup> gross floor area per site.

Matters of discretion:

1. Reverse sensitivity effects.
2. Impacts on the vitality and viability of Business Zones in the Ruakaka and Marsden Point Area.
3. Effects on the sustainability, safety, efficiency, effectiveness, and accessibility of the adjacent transport network, including cumulative effects.
4. The need for connections to adjacent destinations for pedestrians and cyclists.

Activity Status when compliance not achieved: Non-Complying

### **PREC24-R3 Food and Beverage Activity**

Activity Status: Permitted

Where:

1. The activity is:
  - a. Permitted by LIZ-R21; or.
  - b. Located within the same building as a trade retail activity or industrial activity, and the maximum cumulative gross floor area of any food and beverage activity and drive-through-facilities is 450m<sup>2</sup> per site.

Activity Status when compliance not achieved: Non-Complying

### **PREC24-R4 Drive-Through-Facilities**

Activity Status: Permitted

Where:

1. The activity is:
  - a. A primary activity or ancillary activity.
  - b. The maximum cumulative gross floor area of any food and beverage activity and drive-through-facilities is 450m<sup>2</sup> per site.

Activity Status when compliance not achieved: Non-Complying

**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**



**Appendix C: Transport Assessment**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL



<b>PROJECT</b>	<b>LOT 1 DP 527727 PRIVATE PLAN CHANGE</b>
<b>SUBJECT</b>	<b>TRANSPORT ASSESSMENT</b>
<b>TO</b>	<b>EMILY MCDONALD, CATO BOLAM</b>
<b>FROM</b>	SAGAR MALAKAPPA
<b>REVIEWED BY</b>	BRONWYN COOMER-SMIT
<b>DATE</b>	19 FEBRUARY 2025

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## SUMMARY OF OUR TRANSPORT ASSESSMENT

Flow Transportation Specialists Limited (Flow) has been commissioned by Cato Bolam to identify and assess the transport planning and traffic engineering matters relating to the proposed private plan change (proposed PPC) of Lot 1 DP 527727 located at 422 Marsden Point Road, Ruakākā (Site).

The Site is around 2.44 hectares in size and is currently vacant. It is presently zoned Heavy Industrial and is proposed to be rezoned to Light Industrial under the proposed PPC.

Based on our assessment, we do not expect the proposed PPC to adversely affect the safety, capacity and operation of the surrounding transport network.

- ♦ The Site is located near the Ruakākā Town Centre and has good accessibility to/from the State Highway network. The Site is well served by the surrounding catchment areas including One Tree Point, Ruakākā and Waipu
- ♦ For the proposed PPC, we have assessed the worst-case development scenario from a traffic generation perspective which is a Mitre 10 (Trade Retail) development
- ♦ Compared to the current zoning, the proposed PPC results in an additional 138 vehicle trips during the weekday evening peak and an additional 353 vehicle trips during the Saturday inter-peak period
- ♦ Whilst the potential traffic generated by a development enabled under the proposed PPC will be more than the traffic generated by a development enabled under the current zoning, the distribution of this additional traffic across the wider road network will result in only a small increase in overall traffic volumes through nearby intersections. These increases are unlikely to significantly impact the capacity and operation of these intersections given that the potential traffic impact is likely to be on a Saturday, noting that typically the Saturday inter-peak period accommodates lower traffic volumes compared to a weekday
- ♦ The current Whangarei District Plan rules and standards relating to transport are adequate to ensure good outcomes for development on the Site enabled by the proposed PPC. Specific transport provisions for the Site are not necessary.

Overall, we do not consider that there are any transport related reasons to preclude approval of the proposed PPC.

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## 1 THE PROPOSED PLAN CHANGE

The proposed PPC site is located at 420 Marsden Point Road, Ruakākā, is approximately 2.44 hectares in size and is currently vacant.

- ◆ As shown in Figure 1, the Site is currently zoned Heavy industrial zone under the Whangarei District Plan (District Plan)
- ◆ The proposed PPC proposes to rezone the Site to a Light industrial zone. The Site is not subject to any precincts, designations, controls or overlays.

**Figure 1: Current Site zoning**



## 2 DESCRIPTION OF THE SURROUNDING ENVIRONMENT

### 2.1 Site location and the surrounding environment

The location of the proposed PPC Site in the wider environment is shown in Figure 2 below.

- ◆ The Site is located on the eastern side of Marsden Point Road in Ruakākā and is situated east of Port Marsden Highway, i.e., State Highway 15 (SH15)
- ◆ The Site is served by an existing vehicle access located at the southern end of the Site onto Marsden Point Road.

Figure 2: Site location (sourced from Whangarei District Council GIS Maps Viewer)



## 2.2 Existing land use activities in the surrounding area

The existing zoning and land use activities in the immediate vicinity of the Site are shown in Figure 1 previously.

- ◆ Land use to the north is predominantly heavy and light industrial with existing activities such as storage yards, a sawmill and automotive service industries
- ◆ Land use to the west (i.e., opposite the site) is Rural production zone. It is understood that this land will be developed as a solar farm and as such is expected to generate very low traffic volumes
- ◆ Ruakākā Town Centre is located to the south of the Site on Marsden Point Road between Sime Road and Peter Snell Road. The Town Centre has the following amenities:
  - The Ruakākā shopping complex which includes a supermarket, medical centre, cafés, takeaways and local businesses
  - Bream Bay College which is accessed off Peter Snell Road. This is a Year 7 to 13 state, co-educational secondary school with a roll of 574 students. The College serves the Ruakākā community along with One Tree Point and Takahiwai to the north and Waipu to the south
  - Ruakākā Recreation Centre, reserve and skate park located off Peter Snell Road.



- ♦ Land use further to the south within the township consists of residential dwellings on both sides of Marsden Point Road.

## 2.3 Surrounding road environment

Marsden Point Road is approximately 6.2 km long and provides a key connection to/from Ruakākā. It runs north-south, intersecting State Highway 15 to the north and State Highway 1 to the south. Near the Site, Marsden Point Road has the following features.

- ♦ One lane in each direction
- ♦ Unsealed shoulder on both sides of the road
- ♦ No footpaths on either side of the road
- ♦ A gradual reverse (“S” curve) curve located to the north of the site

A typical cross-section of Marsden Point Road in the vicinity of the Site is shown in Figure 3 below.

**Figure 3: Typical layout of Marsden Point Road looking to the north**



The nearest intersection is the T-intersection of Sime Road/Marsden Point Road, which is located approximately 130 m to the south of the Site. The T-intersection operates under a give-way control.

Immediately to the south of the Site (approx. 40 m), there is a speed change point on Marsden Point Road. At this point, the posted speed limit for southbound traffic (heading into the town centre) changes from 60 km/h to 50 km/h and vice versa for northbound traffic.

## 2.4 Existing traffic volumes and speed limits

According to the District Plan, Marsden Point Road is classified as an Arterial. Sime Road, being the nearest side road, is classified as a Secondary Collector.

The average daily traffic (ADT) on both these roads were obtained from the Mobile Road webpage. These are summarised in Table 1 below.

**Table 1: Traffic volume data**

Road	Location	Count Date	Average Daily Traffic (vpd)
Marsden Point Road	Between McEwan Road and McCathie Road	30/06/2023	2,450
Sime Road	Between Marsden Point Road and Kepa Road	30/06/2023	290

The posted speed limit along this section of Marsden Point Road is 60 km/h. As outlined in Section 3.4, there is a speed change point on Marsden Point Road immediately to the south of the Site. At this point, the posted speed limit is 60 km/h for northbound traffic and 50 km/h for southbound traffic.

As part of the Whangarei District Speed Limits Bylaw 2019, we note that the posted speed limit along Marsden Point Road at this location was reduced from 100 km/h to 60 km/h for northbound traffic and reduced from 70 km/h to 50 km/h for southbound traffic.

## 2.5 Existing crash history

We have assessed the 5-year crash history from 2019 to 2023 using Waka Kotahi's Crash Analysis System (CAS). The search area covers Marsden Point Road within a 500 m radius of the Site, including the T-intersection of Sime Road/Marsden Point Road.

The key findings from the crash history are as follows.

- ◆ A total of 6 crashes were recorded, comprising 2 minor injury crashes and 4 non-injury crashes
- ◆ All crashes occurred on Marsden Point Road, with no incidents reported at the Sime Road/Marsden Point Road intersection
- ◆ One of the minor injury crashes involved a southbound vehicle that lost control on a moderate bend and collided into a power pole. The other minor injury crash occurred when a vehicle turning right out of the Ruakākā shopping centre failed to see a southbound motorcyclist
- ◆ The 4 non-injury crashes involved:
  - a vehicle turning left into the Ruakākā shopping centre was rear-ended by another vehicle
  - a parked vehicle on Marsden Point Road where the driver failed to check for traffic and pulled out in front of a truck
  - a vehicle that collided with a cow which stepped into the road
  - a vehicle that lost control on a reverse curve and collided into a ditch.

All crashes that occurred within the search area are low in severity and typical for a semi-rural road. There are no concerning crash trends. Furthermore, the speed limit reduction on Marsden Point Road contributes to improved overall safety outcomes.

### 3 SITE'S TRANSPORT ACCESSIBILITY

#### 3.1 Existing private vehicle accessibility

As shown in Figure 2 above, the Site has excellent accessibility to the State Highway network, with Marsden Point Road intersecting both State Highway 1 to the south and State Highway 15 to the north. Access to/from State Highway 15 is also available via Salle Road and McCathie Road, which run east-west between SH15 and Marsden Point Road.

#### 3.2 Public transport accessibility

There are no existing bus routes in the vicinity of the Site. The Marsden Point – Ruakākā Structure Plan 2008 has identified Marsden Point Road as a possible bus route in future which connects Ruakākā with the Town Centre and One Tree Point Centre.

#### 3.3 Walking and cycling accessibility

Given the semi-rural environment, there are no existing or future planned walking and cycling connections in the vicinity of the Site.

#### 3.4 Future transport network

The Regional Land Transport Plan for Northland (2021-2027) has identified the following priority investment areas in the locality of the Site:

- ♦ State Highway 1 Port Marsden Highway to Te Hana which involves upgrading the existing SH1 to 4 lanes, including upgrading the SH1/SH15 intersection
- ♦ Construction of the Marsden Point Spur rail line which connects Northport to the Auckland Northland Rail Line.

These projects are unlikely to change the travel patterns and/or improve vehicle accessibility in the area for people driving to/from the Site.

### 4 TRANSPORT ASSESSMENT OF THE PROPOSED PRIVATE PLAN CHANGE

#### 4.1 Our transport assessment methodology

In determining the transport effects of the proposed PPC, we have compared the traffic effects of a possible development of the Site that could be enabled under the existing Heavy Industrial zoning to the traffic effects of a possible development that could be enabled under the proposed Light Industrial zoning.

#### 4.2 Estimated vehicle trip generation

We have considered 2 high-level development scenarios:

- ♦ Scenario 1 – Existing Heavy Industrial zoning

♦ Scenario 2 – Proposed Light Industrial zoning.

For Scenario 1, we have assumed a mix of industrial and manufacturing land use activities as permitted under the existing Heavy Industrial zoning.

Based on these activities, weekday evening (PM) peak hour and Saturday inter-peak hour vehicle trip rates have been obtained from the ITE Guide<sup>1</sup>. This is captured in Table 2 below. For our traffic effects assessment of Scenario 1, we have used the average trip rates.

**Table 2: Vehicle trip rates obtained from ITE**

<b>Industrial Land Use</b>	<b>Weekday PM vehicle trip rate (veh/hr/100m<sup>2</sup> GFA)</b>	<b>Saturday inter-peak vehicle trip rate (veh/hr/100m<sup>2</sup> GFA)</b>
General Light Industrial	0.70	0.74
Manufacturing	0.80	1.60
<b>Average</b>	<b>0.75</b>	<b>1.17</b>

For Scenario 2, we have assumed 'Trade Retail' as the primary activity, specifically a Mitre 10 type bulk-retail development. We note that this activity will likely generate the highest number of vehicle trips under the proposed Light Industrial zoning.

We have obtained vehicle trip rates of 3 existing Mitre 10 sites from previous Transport Assessments and historic traffic surveys. This is captured in Table 4 below. For our traffic effects assessment of Scenario 2, we have used the average of these trip rates.

**Table 3: Vehicle trip rates of existing Mitre 10 stores**

<b>Store</b>	<b>Building Gross Floor Area, GFA (m<sup>2</sup>)</b>	<b>Weekday PM vehicle trip rate (veh/hr/100m<sup>2</sup> GFA)</b>	<b>Saturday inter-peak vehicle trip rate (veh/hr/100m<sup>2</sup> GFA)</b>
Mitre 10 Lunn Avenue <sup>2</sup>	9,400	2.28	4.78
Mitre 10 Mega Henderson <sup>3</sup>	13,119	2.20	4.60
Mitre 10 Mega Hastings <sup>4</sup>	6,581	2.89	7.20
<b>Average</b>	-	<b>2.46</b>	<b>5.53</b>

At this stage, there are no specific development plans for the Site. As such we have had regard to a similar sized site in Queenstown, the Queenstown Mitre 10. This site has a gross floor area (GFA) of 8,100 m<sup>2</sup> and an overall land area of approximately 22,000 m<sup>2</sup>. This is similar in size compared to the Site which is approximately 24,455 m<sup>2</sup>. Applying an 8,100 m<sup>2</sup> GFA for this site results in a site coverage of 33%, which is typical for industrial sites.

<sup>1</sup> Institute of Transportation Engineers (ITE) Trip Generation Manual 11<sup>th</sup> Edition

<sup>2</sup> Source: Beca Mitre 10 Mega Lunn Avenue Integrated Traffic Assessment (ITA) report dated May 2007

<sup>3</sup> Source: TPC Albany Block Integrated Traffic Assessment (ITA) report

<sup>4</sup> Source: Trips Database Bureau (TDB) – Traffic Design Group Traffic surveys dated July 2004

Applying the average trip rates from Table 2 and 3 above to the building GFA, the estimated vehicle trips generated by developments that could be enabled under the existing and proposed zoning are summarised in Table 4 below.

**Table 4: Existing and proposed zoning vehicle trip generation**

Scenario	Development Activity	Building GFA (m <sup>2</sup> )	Weekday PM peak vehicle trip rate	Estimated weekday peak hour vehicle trips	Saturday inter-peak vehicle trip rate	Estimated Saturday peak hour vehicle trips
Existing zoning – Heavy Industrial	General Industrial; Manufacturing	8,100	0.75 per 100 m <sup>2</sup> GFA	<b>61</b>	1.17 per 100 m <sup>2</sup> GFA	<b>95</b>
Proposed zoning – Light Industrial	Trade Retail (Mitre 10)	8,100	2.46 per 100 m <sup>2</sup> GFA	<b>199</b>	5.53 per 100 m <sup>2</sup> GFA	<b>448</b>
<b>Difference</b>	-	-	-	<b>138</b>	-	<b>353</b>

Compared to the current zoning, the proposed PPC results in an additional 138 vehicle trips during the weekday PM peak and an additional 353 vehicle trips during the Saturday inter-peak period.

### 4.3 Vehicle trip distribution and assignment

To determine the inbound and outbound split of the additional vehicle trips predicted to be generated by the proposed PPC, we have referred to the ITE Guide for a hardware/paint store and a home improvement superstore. This indicates a 50% inbound and 50% outbound split for both weekday PM and Saturday inter-peak periods. We have adopted these splits in our assessment.

For the trip distribution assessment, we identified 3 major catchment areas where vehicle trips are likely to generate from, namely One Tree Point to the north, Ruakākā and Waipu/Langs Beach to the south. Based on this, we made the following key high-level assumptions regarding trip distribution:

- ◆ Marsden Point Road / Site vehicle access
  - 50% trip distribution to/from Marsden Point Road (to the north)
  - 50% trip distribution to/from Marsden Point Road (to the south)
- ◆ Marsden Point Road / McEwan Road
  - 80% trip distribution to/from McEwan Road (to the west)
  - 20% trip distribution to/from SH15 (to the north)
- ◆ Marsden Point Road
  - 40% trip distribution to/from Peter Snell Road (to the east) - Ruakākā catchment 1
  - 60% trip distribution to/from the east - Ruakākā catchment 2
- ◆ Marsden Point Road / McCathie Road
  - 20% trip distribution to/from the McCathie Road (to the west)



- 80% trip distribution to/from the SH1 (to the south).

Figures 4 and 5 below show the resulting additional vehicle trips of the proposed PPC distributed onto the wider road network during the weekday PM and Saturday inter-peak period.

**Figure 4: Anticipated weekday additional vehicle trips of the proposed PPC onto the wider road network**

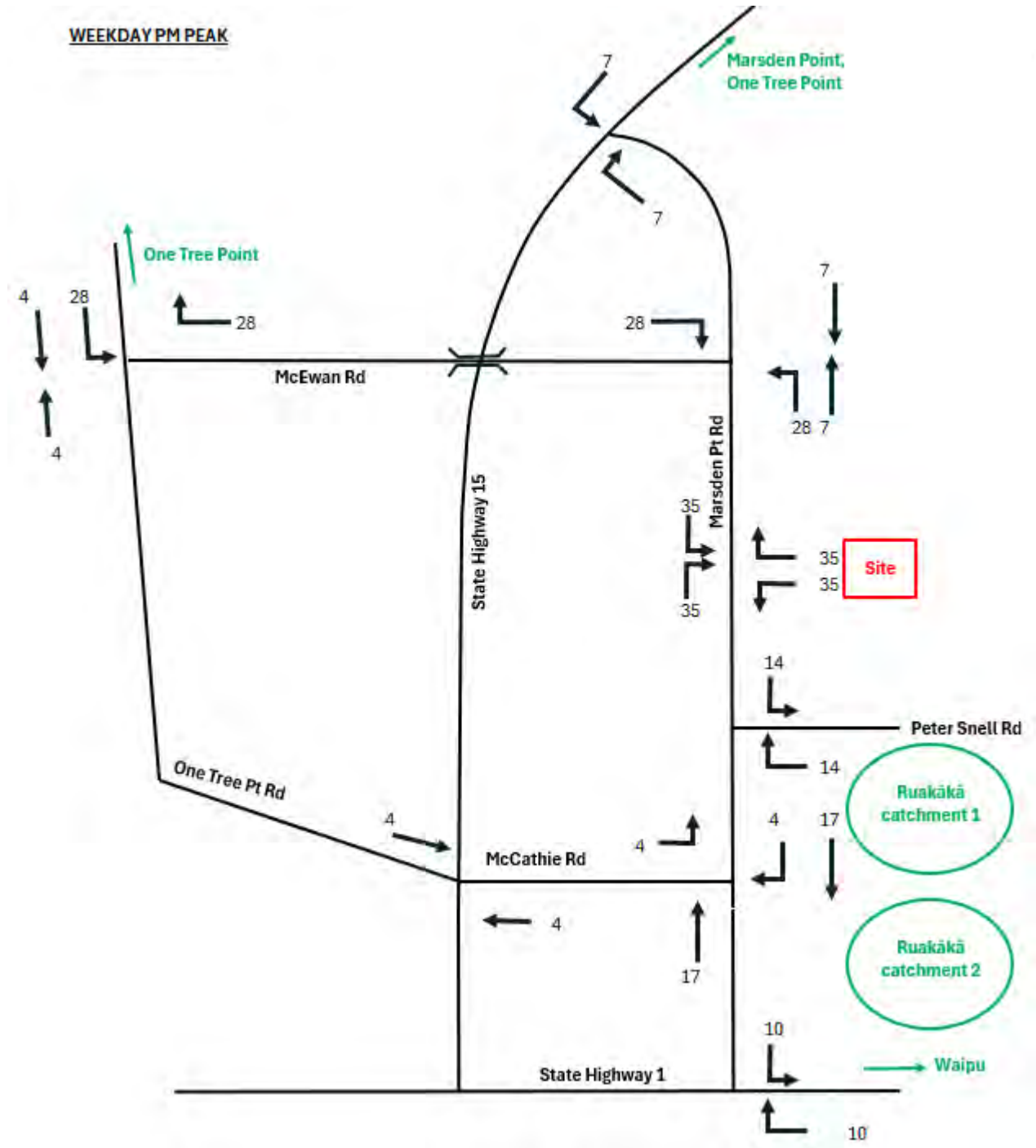
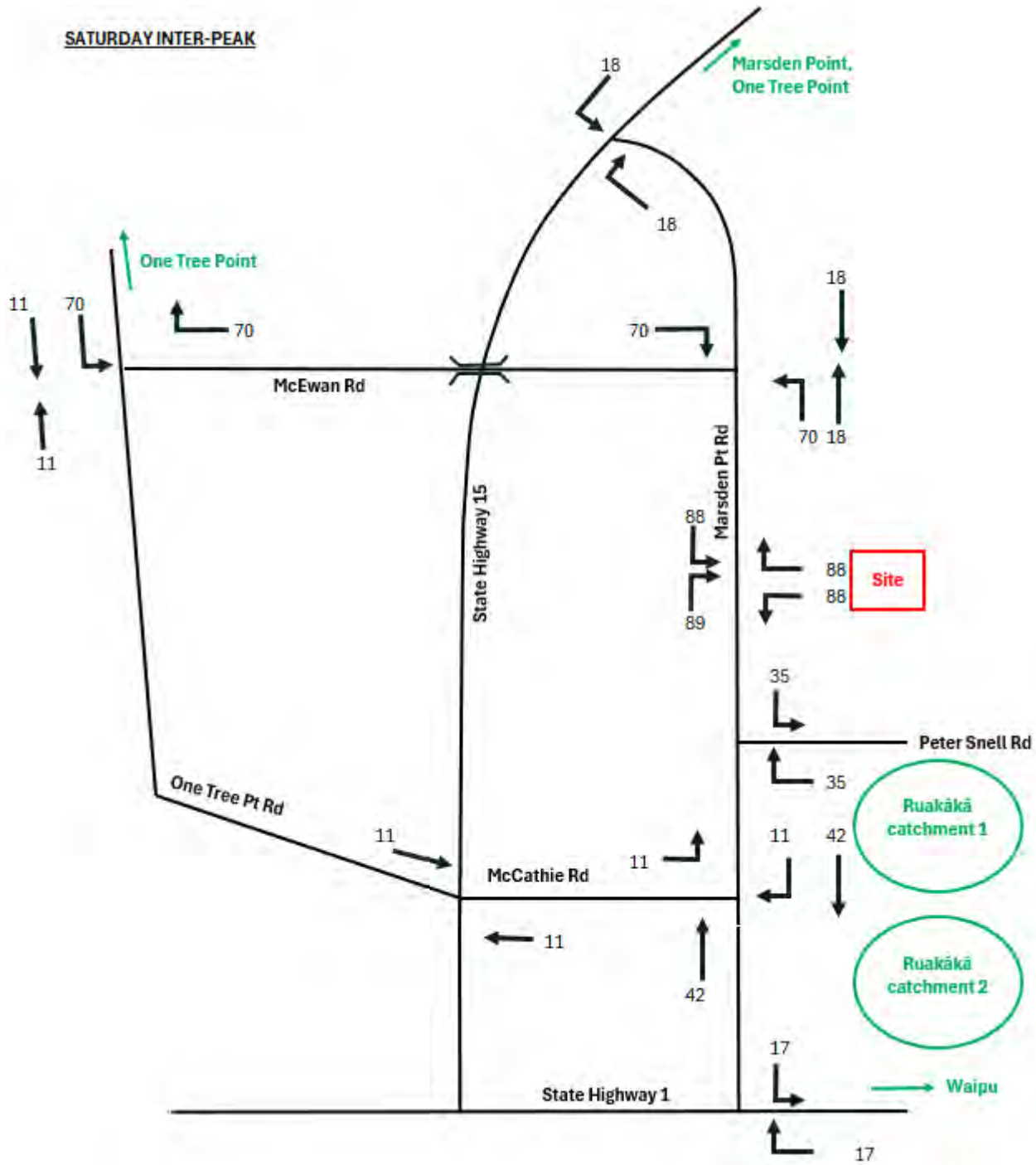


Figure 5: Anticipated weekend additional vehicle trips of the proposed PPC onto the wider road network



#### 4.4 Vehicle traffic effects

Referring to the “worst-case” Saturday inter-peak period, we note the following increase in the overall vehicle volumes at the following intersections.

- ♦ Marsden Point Road / McEwan Road – An additional 176 vehicles, with 70 vehicles turning left-in and right-out of McEwan Road
- ♦ One Tree Point Road / McEwan Road – An additional 162 vehicles, with 70 vehicles turning left-in and right-out of McEwan Road

- ♦ Marsden Point Road / McCathie Road – An additional 106 vehicles, with 42 vehicles travelling straight through the intersection
- ♦ Marsden Point Road / Peter Snell Road – An additional 70 vehicles, with 35 vehicles turning left-in and right-out of Peter Snell Road
- ♦ Marsden Point Road / SH15 – An additional 36 vehicles, with 18 vehicles turning left-in and right-out of Marsden Point Road
- ♦ Marsden Point Road / SH1 – An additional 34 vehicles, with 17 vehicles turning right-in and left-out of Marsden Point Road
- ♦ McCathie Road / SH15 / One Tree Point Road – An additional 22 vehicles, with 11 vehicles travelling straight through the intersection.

Based on the above, the intersections of interest that are predicted to have the higher additional traffic demands are Marsden Point Road / McEwan Road intersection and the One Tree Point Road / McEwan Road intersection as these involve additional right turning movements.

Vehicles turning right out of McEwan Road may experience some delays as they give-way to traffic on the main road. However, we note that the background through traffic volumes at both intersections on a Saturday will be much lower compared to a typical weekday commuter peak period. On this basis, we consider that the additional vehicle trips generated by the proposed PPC are unlikely to significantly impact the capacity and operation of these intersections.

We have also considered the safety elements of both intersections, and we note the following.

- ♦ One Tree Point Road / McEwan Road is a standard four-legged (crossroads) intersection which operates under a give-way control. The posted speed limit on One Tree Point Road is 80 km/h
- ♦ Marsden Point Road / McEwan Road is a standard T-intersection which operates under a give-way control. The posted speed limit on Marsden Point Road is 60 km/h
- ♦ Both intersections have an appropriate alignment, providing vehicles waiting on McEwan Road with clear and adequate visibility of traffic on the main road in both directions
- ♦ The 5-year historic crash record of both these intersections indicates a low number of reported crashes with 2 crashes at the One Tree Point Road / McEwan Road intersection (1 minor, 1 non-injury crash) while no crashes are reported at the Marsden Point Road / McEwan Road intersection.

Based on the above, we consider that the additional vehicle trips generated by the proposed PPC will not adversely impact the safety of these intersections.

The additional traffic generated by the proposed PPC travelling further afield towards the Marsden Point Road / SH15 intersection to the north and Marsden Point Road / SH1 intersection to the south can be safely accommodated as both intersections include dedicated right-turn and left-turn lanes.

Overall, we consider that the additional vehicle trips generated by a development that could be enabled under the proposed PPC will not have any adverse transport effects on the surrounding road network.

## 5 PLANNING OUTCOMES

Cato Bolam proposes specific planning provisions and precinct rules to accompany the proposed PPC.

We consider that the current transport provisions set out in the District Plan will form an appropriate basis for the assessment of a resource consent under the proposed rezoning to Light Industrial and that no additional transport provisions are required to be included in the proposed PPC.

It is highly likely that any Trade Retail development on the Site under the proposed zoning will trigger the need to provide a Discretionary Integrated Transport Assessment as part of TRA-R16. The development will exceed the building GFA thresholds in Table TRA 16 of the Whangarei District Plan (2,000 m<sup>2</sup> GFA).

As such, at the time of resource consent, the Integrated Transport Assessment will require a more detailed evaluation of the traffic and safety effects on the surrounding transport network, including any mitigation on Marsden Point Road that may be required to facilitate safe and efficient access to and from the Site.

## 6 SUMMARY AND CONCLUSION

Based on our assessment, we do not expect the proposed PPC to adversely affect the safety, capacity and operation of the surrounding transport network.

- ◆ The Site is located near the Ruakākā Town Centre and has good accessibility to/from the State Highway network. The Site is well served by the surrounding catchment areas including One Tree Point, Ruakākā and Waipu
- ◆ For the proposed PPC, we have assessed the worst-case development scenario from a traffic generation perspective which is a Mitre 10 (Trade Retail) development
- ◆ Compared to the current zoning, the proposed PPC results in an additional 138 vehicle trips during the weekday evening peak and an additional 353 vehicle trips during the Saturday inter-peak period
- ◆ Whilst the potential traffic generated by a development enabled by the proposed PPC will be more than the traffic generated by a development enabled under the current zoning, the distribution of this additional traffic across the wider road network will result in only small increases in the overall traffic volumes through nearby intersections. These increases are unlikely to significantly impact the capacity and operation of these intersections given that the potential traffic impact is likely to be on a Saturday, noting that typically the Saturday inter-peak period accommodates lower traffic volumes compared to a weekday
- ◆ The current Whangarei District Plan rules and standards relating to transport are adequate to ensure good outcomes for development on the Site enabled by the proposed PPC. Specific transport provisions for the Site are not necessary.

Reference: P:\CATO\009 \_ 422 Marsden Point Road, Ruakākā PPC\Reporting\T1C250219 Final.docx - Sagar Malakappa

**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**



**Appendix D: Economic Letter**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL

05 November 2024

The Principals  
Cato Bolam  
Town Planning Specialists  
Henderson Office

**Attention: Emily McDonald**

Dear Ms McDonald,

**Re: 420 Marsden Point Road – On Point Northland Limited (OPL)**

My name is Matthew Prentice, I am a licenced real estate agent (registration number 10000827) operating in the commercial and industrial real estate markets from the offices of Colliers New Zealand Limited.

I am familiar with the above property and OPL's various endeavours to lease, sell and or develop the site. Although the odd party has expressed some interest, as at today's date no party has proceeded with any project, plan or scheme. I firmly believe this is a function of the existing zoning being Heavy Industrial. There is a very limited number of prospective tenants that require such a zone plus there is no shortage of land in the surrounding area with the Heavy Industrial zone.

I firmly believe that this prime, road frontage, level and regularly shaped site would be materially better off with a Light Industrial zone and with such a zone genuine interest would follow.

In my opinion this is an ideal site for bulk retail, trade building ie a Mitre 10 or Bunnings outlet and with this type of anchor tenant the residual land would be complimented by perhaps fast food and or symbiotic retail.

There is ample room for carparking with great access off Marsden Point Road.

I am aware that back in circa 2021 the owner of Mitre 10 Whangarei approached OPL direct with the view to open a Mitre 10 branch in Ruakaka. This project did not proceed as a direct result of the existing zone not permitting such an activity and the time and risk required to achieve same was considered too great for the Mitre 10 operator so the project did not proceed.

A similar response was received from Bunnings which was approached when the Mitre 10 transaction did not proceed.

A large, US based corporate (a confidentiality agreement prohibits disclosing its name) spent months assessing the site for a particular purpose, its interest collapsed once it became evident that not only would the site require a complex resource consent but a re-zoning as well.

An OPL director advised that a direct approach from an agent representing the interests of Progressive Enterprises (in the last fortnight) didn't get to first base expressly because of the existing zone. The comment was along the lines of once you achieve your re-zoning sing out, in the interim we will not spend any time assessing the project even though we like the demographics and growth stats in Ruakaka.

In summary, the existing zone really does hamper development. OPL has been active with a number of local agents as well as conducting numerous direct approaches to prospective tenants. As yet nothing has eventuated which I take as a clear sign that there is a disparity between the property itself and its current zone.

Conversely, with a light industrial zone (with a level of activity flexibility contained in the overlay) this site can be actively promoted and I have every expectation would generate genuine activity.

I trust my comments assist, please do not hesitate to contact me if further input is required.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Matt Prentice", is shown above a faint yellow rectangular stamp.

**Matt Prentice**

Director | Industrial Sales & Leasing

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**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**



**Appendix E: Service Report**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL



# Memorandum

**Subject:** Infrastructure  
**To:** Emily McDonald – Senior Planner  
**From:** Simon Reiher - Director

**Date:** 17/12/2024  
**Job Number:** 48354

As part of the proposed plan change (“PPC”) to change 422 Marsden Point Road, Ruakaka’s (“the site”) underlying zoning from “Heavy Industrial” to “Light Industrial” with specific precinct rules to allow for a range of trade retail type activities, we have carried out an overview of the infrastructure services to check whether the future development needs will be able to be met.

The infrastructure services for this area appear to have sufficient capacity to service the site. It is noted that the wastewater treatment facility is nearing capacity, however the site has the ability to discharge one Household Equivalent without restrictions.

Preliminary consultation has been undertaken with Whangarei District Councils (“WDC”) Waste and Drainage department to understand if they had concerns about rezoning of the site. From their point of view, they are not concerned about the zoning (heavy or light industrial) only whether future development meets the Environmental Engineering Standards.

## Roading

Marsden Point Road is an Arterial Road feeding directly to State Highway 15. The site has an access as a standard type 2 vehicle crossing in the southwestern corner. This access is shared with the rear lot and deemed appropriate for the scale of the site. There is ample opportunity for separate access to be constructed on the road frontage if desired.

## Water Supply / Fire fighting

As highlighted in **Figure 1** below the site has a direct water connection from an existing 125mm water main on its southern boundary. This line connects to the 250mm main in Marsden Point Rd. There is a separate 350mm line directly abutting the sites western boundary in the road berm, however this line has been historically unused remaining separate for Marsden Point Refinery.



Figure 1: Marsden Point existing water supply services, retrieved from WDC Assets GIS Map

There are two fire hydrants are located on the 125mm main and additionally there are two hydrants located on a separate 350mm line to the west.

Water demand for industrial and trade retail units can be very subjective to calculate depending on the type of activity. However, based on the assumption that the site will have a medium water usage of 0.7l/sec/ha there is sufficient supply available. Equally firefighting design needs to be specific to the industrial building and activity proposed, however there is sufficient residual pressure available to allow for firefighting flow to be achieved for a standard Fire Hazard 3 building

We see no difference in capacity or serviceability regarding this proposal.

## Wastewater

The site is within a the “Pressure Sewer” area. This means that all discharge must be connected via a private pressure pump and boundary kit to the public pressure lines. The site is serviced by a 65mm Pressure main in the southwest corner. This connection allows for capacity of the full site to use medium water usage of 0.7l/sec/ha.

As with water supply, the wastewater discharge can be very subjective to calculate depending on the type of activity proposed. The wastewater industrial standards are activity based, not zoned based so would apply irrespective of what zone is applied to the property. Note that the category of usage (light, medium and heavy) is not linked to district plan zoning (i.e. light or heavy industrial) as it is the flow rate that determines what category of minimum Design Flows an activity falls into.

The WDC have notified that the Ruakaka wastewater treatment plant is nearing capacity. The site does have allowance for one Household Equivalent to be discharged (500l/day). This would allow for a significant trade retail activity. Any further activity requiring increased wastewater will require an onsite storage chamber and have pump discharge timed to discharge at off peak times. This alternative discharge would require the approval of the WDC Waste and Drainage Manager.

WDC’s Waste and Drainage department have confirmed that the wastewater requirements are potentially less for light industrial uses compared with heavy and referenced the table shown as **Figure 2** below.

**Table 5-3: Design Dry Weather Flow Rates (Business)**

Minimum Design Flows	Flow Rates (litres/sec/ha)
Light water usage	0.4
Medium water usage	0.7
Heavy water usage	1.3

*Figure 2: Engineering Standards 2022 - Chapter 5, page 14 (wdc.govt.nz)*

We see no difference in capacity or serviceability regarding this proposal.

## Stormwater

The site drains to a large open drain on the western boundary. This drain discharges to the north, where it drains directly to the Ruakaka river catchment via a 900mm culvert under Marsden Point Road. There are no capacity issues for this catchment.

On site attenuation can be achieved via ground level storage on this site. There is an existing storage pond located on the norther boundary of the site that can act as attenuation device and discharge to the open drain.

On site flooding and overland flow is restricted to the open drain on the western boundary and the storage area on the northern boundary. This is shown within the WDC GIS flood storage data image below.



Figure 3: Marsden Point Road Services, retrieved from WDC Assets GIS Map

Both Light and Heavy Industrial zones allow for significant site coverage and similar landscape of the road edge. Therefore we see no difference in capacity or serviceability regarding this proposal.

### **Power**

Power is serviced to this site as a three-phase signal connection pillar. Northpower design engineers have indicated there is capacity within their network in this area to allow for significant changes of use.

### **Fibre**

Northpower Fiber Ltd have confirmed that there is significant capacity for multiple fibre connections in this area.

**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**



**Appendix F: 2018 Submission on the Proposed District  
Plan**

PLANNERS  
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ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL

**SUBMISSION ON NOTIFIED PLAN CHANGE TO THE WHANGAREI DISTRICT PLAN**

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Whangarei District Council  
Private Bag 9023  
Whangarei 0148

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

- 1 The submitter is Volume Two Limited (**VTL**).
- 2 This is a submission on the Proposed Urban and Services Plan Changes to the Whangarei District Plan. The submission specifically relates to Proposed Plan Changes 88G – Light Industrial Zone (**PC88G**), 88H – Heavy Industry Zone (**PC88H**), and 148 – Strategic Direction and Subdivision (**PC148**).
- 3 VTL could not gain an advantage in trade competition through this submission.
- 4 The specific provisions of the Proposed Urban and Services Plan Changes and VTL's submissions are as set out on the attached pages.
- 5 VTL seeks that the Whangarei District Council allow the submission and grant the specific relief sought, as set out on the attached pages.
- 6 Without derogating from the specific submission points attached, VTL generally supports the provisions in Proposed Plan Changes 82A – Signs, 82B – Lighting, and the consequential amendments to the Whangarei District Plan.
- 7 VTL wishes to be heard in support of its submission.
- 8 If others make a similar submission, VTL will consider presenting a joint case with them at a hearing.

**Dated** 3 July 2019



---

V J Toan  
Counsel for Volume Two Limited

**Address for service:**

C/- Glaister Ennor  
PO Box 63, Shortland Street, Auckland 1140  
For: V J Toan  
Email: [vicki.toan@glaister.co.nz](mailto:vicki.toan@glaister.co.nz)  
Telephone: + 04 9 356 8243

**Urban and Services Plan Changes to the Whangarei District Plan:  
Specific Submissions and Relief Sought | Volume Two Limited**

<b>PC88G</b>			
<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
Zone Map 45Z Marsden	Oppose	<p>VTL opposes the zoning of part of Lot 1 DP 350513 Light Industry because:</p> <ul style="list-style-type: none"> <li>the Light Industry Zone is inconsistent with the current lawfully established activities on Lot 1 DP 350513 and adjacent land</li> <li>the most appropriate zone for Lot 1 DP 350513 is Heavy Industry</li> <li>the zone boundary does not follow the cadastral boundaries resulting in part of Lot 1 DP 350513 being zoned Light Industry and the balance being zoned Heavy Industry</li> </ul>	That the part of Lot 1 DP 350513 that is proposed to be zoned Light Industry be re-zoned Heavy Industry so that all of Lot 1 DP 350513 is in the Heavy Industry Zone
<b>PC88H</b>			
<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
Zone Map 45Z Marsden	Support	<p>VTL supports the zoning of part of Lot 1 DP 350513 Heavy Industry because:</p> <ul style="list-style-type: none"> <li>the Heavy Industry Zone is consistent with the current lawfully established activities on Lot 1 DP 350513 and adjacent land</li> <li>it is the most appropriate zone for Lot 1 DP 350513</li> </ul>	That Lot 1 DP 350513 is zoned Heavy Industry
HI-O1-HI-O5, HI-P1-HI-P7, HI-R1-HI-R31	Support	<p>VTL supports the objectives, policies, and rules in the Heavy Industry Zone because:</p> <ul style="list-style-type: none"> <li>they will support and facilitate the continuation of the current lawfully established on Lot 1 DP 350513 and adjacent land;</li> <li>they are the most appropriate provisions to support heavy industry activities;</li> </ul>	That the objectives, policies and rules in the Heavy Industry Zone are adopted

		<ul style="list-style-type: none"> <li>they are the most appropriate provisions to achieve the statutory purpose of sustainable management</li> </ul>	
<b>PC148</b>			
<b>Provision</b>	<b>Position</b>	<b>Submission</b>	<b>Relief Sought</b>
SUB-R9 and SUB-R10	Oppose	VTL opposes rules SUB-R9 and SUB-R10 because: <ul style="list-style-type: none"> <li>both rules relate to the Light Industry Zone;</li> <li>there is no equivalent subdivision rule for the Heavy Industry Zone</li> </ul>	That SUB-R10 be amended to apply to the Heavy Industry Zone or an alternative rule is adopted to appropriately provide for subdivision in the Heavy Industry Zone



### Evidence from Submitters and Right of Reply

63. Mr Hood presented evidence on behalf of Port Nikau Three Joint Venture (PNTJV), supporting their original submission seeking to retain a LIZ zoning with a precinct overlay to include exemptions from LIZ rules. Ms McGrath responded to this evidence in Part 11 of the RoR.

### Discussion and Reasons

64. We adopt the analysis of the s42A Report and agree that the submissions should be accepted, accepted in part or rejected accordingly
65. In regards to PNTJV submission this is been dealt with comprehensively in our Part 13 recommendations report (Precincts).

## **Topic B: Ruakaka Zoning (LIZ and HIZ)**

### Relevant Submissions

<b>Submitter</b>	<b>Submission# &amp; Point #</b>
JB & RM Keith Trustees Ltd	43.1
R Hislop	287.1
C Meyer	289.1
Bennet	312.1
Ruakaka Motorcross Park	124.2
F Shirley-Thomson and K Hansen	271.1
Point Timber Ltd	272.1
J Keith and Lakeside Business Park	292.1
NPP Limited	295.1
L Witteem	305.1
C Yearbury	306.1
Bream Bay Toy Library	279.1
R Mosley	293.1
P Hope	288.1
GEK	219.2
North Sawn	249.1 and 2
Volume Two	250.1 and 2
EPG	126.3
Ruakaka Parish Residents and Ratepayers Association Inc	314.8
REDG	180.1
Advance Development Limited	251.1

### Principal Issues Raised

- Rezone the land between Innovate Road and Lakeside Park Road from HIZ to LIZ.
- Rezone the area of land bounded by Lakeside Park Road and the fuel line from HIZ to LIZ.
- Rezone Part of Lot 5 DP 430702 from LIZ to HIZ.
- Rezone Lot 5 DP 430702 and Lot 1 DP 350513 from LIZ to HIZ.
- Rezone Part Section 39 Block VII Ruakaka Survey District and Section 28-29 SO 322547 (Highway Property), and Section 2 SO 311980 and Section 30-32, 37 SO 322547 (Marsden Point Road Property) from LIZ to HIZ.
- Requests that the areas encompassed by the HI and LI in Ruakaka be not compromised or reduced.



- Amendment of the proposed planning maps 14, 41, 42 and 44 by rezoning the Marsden Point Area in accordance with the plan attached to the submission (submission 180), including to LIZ.
- Rezone Corner of McCathie Road and State Highway 15 Ruakaka (Section 13 SO322547, Lot 2 DP 348043, Lot 1 DP 386730, Lot 1 DP 348043, and Lot 2 DP 325771) from RPE to LIZ with a Marsden Technology Park Precinct.

#### Reporting Planners 42A Recommendation

66. These issues are addressed in pages 84 to 93 of the s42A Report, Ms McGrath recommended the following:
- Amend the HIZ of the land between Innovate Road and Lakeside Park Road to LIZ as detailed in the s42A Report **Attachment 1**.
  - Amend the HIZ zoning of Lots 5 and 6 DP 430702 and Lot 1 DP 350513 as detailed in the s42A Report **Attachment 1**.
  - Amend the LIZ zoning as detailed in the s42A Report **Attachment 1**.
  - Amend the LIZ zoning and insert a new Precinct as detailed in the s42A Report **Attachment 1** subject to acceptance of recommendations in response to submission points listed in Part 5 of the s42A Report.

#### Evidence from Submitters and Right of Reply

67. Mr Keith spoke in support of his submission highlighting the importance of his eco-innovate business park and the importance of HIZ. Ms McGrath responded to this submission in Page 15 of Part 5 of the RoR.
68. Ms Abernethy spoke to her original submission (submission 29) clarifying her written submission and focused upon the zoning of land between Sime and Innovate Roads at Ruakaka, seeking to retain the notified HIZ. Ms McGrath responded to this submission in Page 15 of Part 5 of the RoR.
69. Mr Henahan presented evidence on behalf of Ruakaka Economic and Development Group (REDG), supporting the recommendation in Part 8 of the s42A report to rezone Part Lot 1 DP 36288, Lot 1 DP 406479 and Part Section 11 Block VII Ruakaka SD to LIZ.
70. Mr Hood and Mr Trass, Director of Advance Development Limited (ADL), provided evidence at the hearing and spoke in support of the submission, the establishment of a Marsden Technology Park and a summary of this is covered in Report 6 - Topic M.

#### Discussion and Reasons

71. In relation to the submission and evidence on behalf of ADL and the establishment of the Marsden Technology Park Precinct this has been covered in Report 6 - Topic M and our decision on the submission is to reject it for the reasons given.
72. In relation to the submission by REDG, the s42A notes that no technical assessments were supplied in support of the submission. This concerned us, given that a significant portion of the site is subject to a Flood Susceptible notation. The Reporting Officer advised that the site has the same hazards as the surrounding HIZ and LIZ land. We disagree with this assessment. It is clearly evident in the Council's GIS that the industrially zoned land on the eastern side of Marsden Point Road has very few isolated areas of land that is flood susceptible. On this basis alone, we find that rezoning this land would not give effect to the NRPS.
73. One of the key reasons given in the s42A is that other recommended rezoning will significantly reduce the LIZ capacity. As we have discussed in Report 6, Topic M, we are required, under the NPSUDC to ensure that there is sufficient business land development capacity in the medium term that is feasible, zoned and serviced or funded in the Long Term Plan. As we observed in Report 6, the plan as notified already provides sufficient capacity for the long term. We therefore find that additional LIZ is not required

at this location.

74. Overall, we adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted, accepted in part or rejected accordingly

### Topic C: Southern Whangarei Zoning (LIZ ad HIZ, PC88G and PC88H)

#### Relevant Submissions

Submitter	Submission# & Point #
Bunnings	60.2
Tauroa	160.1
Commercial Centres	210.3
Harvey Norman	99.1 & 2

#### Principal Issues Raised

- Rezone 124 Tauroa Street from LIZ to COMZ.
- Retention of the LIZ of 124 Tauroa Street as notified.
- Retention of LIZ of 130 Tauroa Street as notified.
- Rezone the properties identified on the map included as part of the submission (submission 99) to a 'Special Purpose - Gateway Large Format Retail Zone'. The Gateway Large Format Retail Zone would adopt the same provisions as the underlying LI, with the exception that retail activities over 600m<sup>2</sup> GFA (per tenancy) are provided for as permitted activities, and any consequential changes as needed to give effect to the above.

#### Reporting Planners 42A Recommendation

75. These issues are addressed in pages 93 to 98 of the s42A Report, Ms McGrath recommended the following:
- Retain the LIZ as notified.
  - Insert a new precinct to the LIZ chapter as detailed in the S42A Report **Attachment 1**.

#### Evidence from Submitters and Right of Reply

76. Mr Collins presented evidence on behalf of NZTA, supporting their primary submission opposing the rezoning of land LIZ and HIZ near Rewarewa Road as the s32 is not accompanied by an assessment of traffic effects. Ms McGrath responded to this evidence on pages 15 – 17 of Part 5 of the RoR.
77. Mr Badham tabled evidence on behalf of Bunnings Ltd, he supported the retention of LIZ for Bunnings Whangarei site, noting the recommended precinct.
78. Mr Shao and Mr Arbuthnot presented a joint statement on behalf of Harvey Norman Properties (NZ) Limited (**Harvey Norman**) and 124 Tauroa Street Limited (**Tauroa**), they supported the s42A recommended Gateway Precinct, recommending minor amendments to the provisions.
79. Ms Baugely spoke to the Commercial Centres Limited submission accepting the zoning and recommendations.

#### Discussion and Reasons

80. We adopt the analysis of the s42A Report, as amended by the RoR, and agree that the submissions should be accepted in part accordingly and that the Light Industrial zoning should be retained and a new Precinct added to the Light Industrial Zone.

**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**



**Appendix G: Local Rūnanga Consultation**

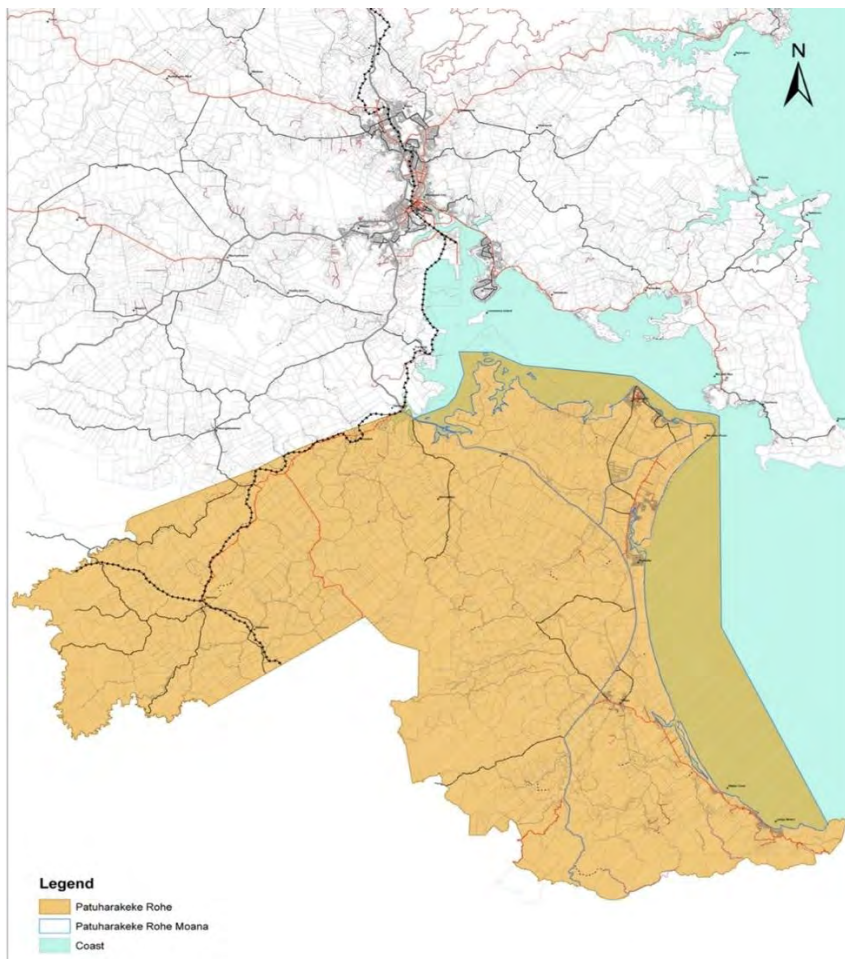
PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL

Kia ora,

Thank you for notifying Te Pou Taiao o Patuharakeke Te Iwi Trust about the following proposal:

422 Marsden Point Road, Ruakākā  
Proposed Private Plan Change from Heavy Industrial to Light Industrial

This application is within the rohe of Patuharakeke. It is the responsibility of Te Pou Taiao to develop and implement the aspirations of Patuharakeke hapū, which includes the sustainable management of our taonga; maunga, ngahere, whenua, awa, moana, and ki uta ki tai, led by mana whenua. Patuharakeke hapū are mana whenua and kaitiaki of the rohe between Piroa/Brynderwyn up to and including Whangārei-Terenga-Paraoa (Whangārei harbour) as per the map below. As ahi kā and kaitiaki, Patuharakeke have a responsibility to protect the environment within our rohe.



*Figure 1: Patuharakeke rohe (gazetted for contemporary management purposes).*

Notwithstanding the industrial complex in this location, Patuharakeke as ahi kā retain a contemporary cultural relationship with the areas surrounding the subject site. Our mana whenua, mana moana and mana tangata are based on historical connection and whakapapa, however the modern descendants of those tūpuna see this as a living and contemporary relationship and not only as a traditional or historic memory. Hence our engagement in any activities in these areas is essential to maintain these connections and our visibility on our ancestral whenua. Patuharakeke are responsible for both the knowledge (mātauranga) and the practice (tikanga) of kaitiakitanga in relation to resources and their sustainable management in perpetuity. The retention and revitalisation of kaitiakitanga can be facilitated through appropriate engagement with developers and input into consenting outcomes.

Te Pou Taiao represents Patuharakeke as an 'Other Iwi Authority' for the purposes of the Resource Management Act 1991 (RMA) and therefore have the role of responding to proposed developments that require resource consents. The comments from Te Pou Taiao are limited to the information provided by the Applicant.

Based on our desktop review and assessment of our Hapū Environmental Management Plan provisions, the nature of this application does not cause concern for Te Pou Taiao. Therefore, provided the Whangārei District Council standard consent conditions apply, we do not have any substantive issues with this proposal. **However, Te Pou Taiao o Patuharakeke would like to maintain involvement through the plan change process, in order to ensure our values as ahi kā and kaitiaki are upheld for the future of this site. For example, we may wish to develop a relationship with future developers of the site.**

We would be happy to discuss any aspect of this letter and any queries should be forwarded to Alyssa Thomas ([alyssa@patuharakeke.maori.nz](mailto:alyssa@patuharakeke.maori.nz)) in the first instance.

#### DISCLAIMER

Please note that the above response is based on the information received so far and that if new information is received or if the application is amended then this advice may become invalid.

Ngā mihi,



Alyssa Thomas  
Pou Arahi Taiao (Environmental Advisor)  
On behalf of Te Pou Taiao o Patuharakeke Te Iwi Trust

3 February 2025



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# Acknowledgement of Engagement

**To:** Gordon McKay

**From:** Pari Walker, Georgina Olsen, Mira Norris-Te Parāwhau Hapū Resource Management Unit

**Date:** 18 February 2025

**Re:** Private Plan Change – 422 Marsden Point Road, Ruakaka

---

Kia ora anō Gordon

Thank you for meeting online with Te Parāwhau Resource Management Unit on 05 February 2025 to discuss your application for a Private Plan Change to rezone your land at 422 Marsden Point Road, Ruakaka (Lot 1 DP 527727) from Heavy Industrial to Light Industrial.

To better understand the whenua, and in keeping with our tikanga, we visited the whenua subject to this kaupapa on 31 January 2025. Although our visit was brief and limited to viewing the whenua from the gravel access entrance and track, we observed a drain, watercourse running parallel to Marsden Point Road. No trees were visible from the entrance. Historically, the surrounding whenua was a large repo (wetland), which has been significantly impacted by development and roading infrastructure. The whenua and entire surrounding taiao (environment) are our Hapū ancestral lands. Te Parāwhau have a long history with this whenua and lands around Whangārei.

As discussed, the properties surrounding the site at 422 Marsden Point Road are predominantly zoned Light Industrial, except for an allotment to the west of your site. The current Heavy Industrial zoning of your land poses potential reverse sensitivity issues and increases other adverse effects, which are unacceptable to the Hapū. Therefore, in principle, we do not oppose your proposal to rezone the land to Light Industrial, as it is assumed this will reduce future activities establishing on the whenua that could cause environmental harm and conflict with our uara ahurea (cultural values).

We request that the Council be advised of our position and that we seek engagement at the time of building consent or any future resource consent applications on the site.





Should you have any questions, we welcome you to contact us.

Mauri ora

Pari Walker

Mira Norris

Georgina Olsen

Te Parāwhau Resource Management Unit





## **Appendix A: Accidental Discovery Kaupapa**







## Accidental Discovery Kaupapa

In the event of a discovery, of archaeological material and taonga, Accidental Discovery Kaupapa shall be immediately implemented as follows:

- All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
- The contractor/works supervisor/owner will take immediate steps to secure the archaeological 'find site' (cordon/tape the area off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health safety requirements and tikanga Māori. Works away from the 'find site' can continue once the 'find site' is secured.
- The contractor/works supervisor/owner will immediately notify the Kaitiaki Monitor on site and the Area Archaeologist of the Heritage New Zealand Pouhere Taonga (Northland Office). The Kaitiaki Monitor will have a direct line of communication with the Heritage New Zealand appointed archaeologist.
- The Kaitiaki Monitor will undertake karakia and any other protocol in accordance with tikanga Māori. If required, the Kaitiaki Monitor will escalate the matter and contact Te Parawhau Kaumatua and Kaiarahi (contact details below) for further guidance and support.
- Te Parawhau Kaiarahi: Pari Walker 021 2136309 email:pariwalker@hotmail.com
- If the material is confirmed as being archaeological, as defined by the Heritage New Zealand Pouhere Taonga Act 2014, an assessment will be carried out before work resumes. If koiwi tāngata are uncovered, the above step is must be taken and the area dealt with according to tikanga Māori and the law.

Works within the cordoned archaeological find area shall not recommence until an archaeological assessment is made and, the Kaitiaki Monitor together with the on-site archaeologist confirm that all archaeological material has been dealt with appropriately, and statutory requirements met which includes the active Crown protection of Māori interests which includes their culture, taonga and their future generations in accordance with Te Tiriti.



**On Point Northland Ltd**  
**420 Marsden Point Road, Ruakākā**  
**Private Plan Change Application**

**Appendix H: NZTA Consultation**



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ARCHITECTS  
ENVIRONMENTAL

**From:** Tessa Robins (Chester Consultants) <Tessa.Robins1@nzta.govt.nz>  
**Sent:** Tuesday, 25 February 2025 9:13 am  
**To:** Emily McDonald  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095  
**Attachments:** Re: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Morena Emily,

I apologise for the delay as I wasn't able to receive all feedback by Friday.

NZTA appreciates that the information within the package sent to NZTA for comment on 28 November 2024 is aligned with the private plan change application lodged on 20 December 2024.

NZTA's initial response (attached) is still relevant although NZTA request that if the application is subject to amendments throughout the application process, specific to any change in traffic generation or any proposed physical change to the road environment that would impact the state highway, NZTA are consulted prior to any final determinations with Council.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <emilym@catobolam.co.nz>  
**Sent:** Wednesday, February 19, 2025 8:44 AM  
**To:** Tessa Robins (Chester Consultants) <Tessa.Robins1@nzta.govt.nz>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Great, thank you so much Tessa.

We really appreciate all your work on this!

Cheers,  
Emily



**Emily McDonald**  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)



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**From:** Tessa Robins (Chester Consultants) <Tessa.Robins1@nzta.govt.nz>  
**Sent:** Wednesday, 19 February 2025 7:27 am  
**To:** Emily McDonald <emilym@catobolam.co.nz>  
**Subject:** Re: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Kia ora Emily,

I can't guarantee it sorry. I'll do my best to try finalise our comments by Friday though.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Tuesday, February 18, 2025 4:26 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Great, thank you Tessa,

We have received the RFI from WDC and it's asked for an update on our consultation with NZTA. We're hoping to have our response back to Council by the end of this week. Do you know if we will have feedback by then?

Cheers,  
Emily



**Emily McDonald**  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)

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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Tuesday, 18 February 2025 4:16 pm  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Emily,

Just waiting on one more. I followed up yesterday so managed to have a few that confirmed their original comments stood.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Tuesday, February 18, 2025 4:10 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Tessa,

Have you had the final comments from the SMEs?

Kind regards,  
Emily

**Emily McDonald**



Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)



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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Tuesday, 11 February 2025 8:09 am  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Emily,

I'm just awaiting final comments from a few of the SMEs.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Monday, February 10, 2025 5:14 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Good afternoon Tessa,

Just wondering how the review of the PPC at 422 Marsden Point Road is going?

Kind regards,  
Emily



Emily McDonald  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)



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**From:** Emily McDonald  
**Sent:** Thursday, 30 January 2025 11:21 am  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Tessa,

The link I sent on 14 January has now expired. However, the application is now publicly available on the Council's website, which may be easier for you to access. You can find it here: [Private Plan Change: 422 Marsden Point Road Rezoning - Whangarei District Council](#)

Please let me know if you have any issues accessing the information or require anything further.

Kind regards,

Emily

---

**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Thursday, 30 January 2025 11:14 am  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Subject:** Re: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Emily,

Could you please send through the relevant details of the lodged PPC? Specifically, the ITA and AEE with any DP provision amendments/additions?

That is the level of detail that the project team can provide at this time, once landowner consultation begins they will be able to give more detail.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Thursday, January 30, 2025 11:10 AM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Great, thank you Tessa,

Thank you for your response and for the update on the NZTA Northern Corridor project.

Would it be possible for you to provide any further information on how the site at 422 Marsden Point Road may be affected by the proposed corridor? This would help us gain a clearer understanding of any potential implications for our client's proposed private plan change.

As noted, we have already lodged the Plan Change and provided the relevant documentation. The Traffic Assessment evaluates potential impacts on the SH1 and SH15 intersections and concludes:

*"The additional traffic generated by the proposed PPC travelling further afield towards the Marsden Point Road / SH15 intersection to the north and Marsden Point Road / SH1 intersection to the south can be safely accommodated as both intersections include dedicated right-turn and left-turn lanes".*

We appreciate NZTA's input and welcome any further feedback.

Ngā mihi,  
Emily McDonald

**Emily McDonald**

Senior Planner

09 427 0072

19 Tamariki Avenue, Orewa

[catobolam.co.nz](http://catobolam.co.nz)



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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Thursday, 30 January 2025 9:30 am

To: Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>

Subject: RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Morena Emily,

I appreciate your patience whilst we reviewed the preliminary information associated with your client's proposed private plan change at 422 Marsden Point Road, Ruakaka.

Given the information provided to date, NZTA do not oppose the concept of this private plan change. NZTA would appreciate being contacted prior to formal lodgement with the application package to provide further detailed input where appropriate/necessary. NZTA request that any ITA associated with this application assess any impact that this PPC will have on the intersections of SH1 and 15 in the locality.

Please note that your client's site is located within the area being investigated for the NZTA Northern Corridor, key messaging from the project team below.

*There are four sections of the corridor; with work on the first section between Pūhoi and Warkworth completed in 2023.*

*Three RoNS make up the Northland Corridor: Ara Tūhono - Warkworth to Te Hana, Te Hana to Port Marsden Highway, and Port Marsden Highway to Whangārei. Each section is at a different stage of planning and development:*

**Phase One:** Ara Tūhono - Warkworth to Te Hana: *This is the most advanced and investment ready section as it is already designated and has regional consents for a four-lane carriage way (including for twin bore tunnel and viaduct).*

**Phase Two:** Te Hana to Port Marsden Highway (Alternative to the Brynderwyns): *This is the longest section and the least advanced, with an unconfirmed Brynderwyn Hills bypass alignment to address critical safety and environmental concerns. Further design is required to obtain the relevant consenting and designations for this section.*

**Phase Three:** Port Marsden Highway to Whangārei: *An indicative design for a four-lane carriage way has been identified. However, the preferred option has not yet been consulted on, and consenting and designations are still required.*

*As we don't yet have a route for the second and third phases of the corridor, we haven't started discussions with landowners.*

If you have any questions, please feel free to call me.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

From: Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>

Sent: Tuesday, January 28, 2025 10:01 AM

To: Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>

Subject: RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Great news! Look forward to hearing from you soon.

Kind regards,  
Emily



**Emily McDonald**

Senior Planner

09 427 0072

19 Tamariki Avenue, Orewa

[catobolam.co.nz](http://catobolam.co.nz)



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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Tuesday, 28 January 2025 9:54 am  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Subject:** Re: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Emily,

Thank you for the follow up. I received comments on Friday afternoon and will be looking at them later today.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Tuesday, January 28, 2025 9:53 AM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Good morning Tessa,

Just wondering if you have heard anything further regarding the proposed plan change within 422 Marsden Point Road, Ruakaka.

Kind regards,  
Emily



**Emily McDonald**  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)

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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Tuesday, 14 January 2025 3:11 pm  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Cc:** Kaaren Joubert <[KaarenJ@catobolam.co.nz](mailto:KaarenJ@catobolam.co.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Emily,

I did, thank you. I hope you did too!

Thank you for the polite reminder, I have undertaken consultation internally but awaiting feedback from a specific person involved with the area. I had a quick call with them prior to the break but they don't return from leave until the 21st of January.

I apologise for the delay in response times but their review is important to NZTA's comments on a whole.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services



Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Tuesday, January 14, 2025 2:53 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Cc:** Kaaren Joubert <[KaarenJ@catobolam.co.nz](mailto:KaarenJ@catobolam.co.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Hi Tessa,

I hope you had a great holiday break?

We submitted the Plan Change for 422 Marsden Point Road to Council before Christmas noting that consultation with Iwi and NZTA were being undertake concurrently with the application. The application is currently being reviewed by Council and we are hoping to receive feedback by the 10<sup>th</sup> of February. The plan change application is included in the following link [Click here](#)

Have you received any further feedback from NZTA regarding the application?

Please let me know if you require any additional information from us to assist with your review process.

Looking forward to your response.

Kind regards,  
Emily



**Emily McDonald**  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)

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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Monday, 16 December 2024 3:41 pm  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Cc:** Kaaren Joubert <[KaarenJ@catobolam.co.nz](mailto:KaarenJ@catobolam.co.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Some people who received this message don't often get email from [tessa.robins1@nzta.govt.nz](mailto:tessa.robins1@nzta.govt.nz). [Learn why this is important](#)

Hi Emily,

I just wanted to provide you with an update that it's unlikely NZTA will be able to formulate comments to you before the end of the week as I am awaiting comments from multiple parties.

I appreciate your patience and I'll touch base next year and do feel free to follow up with me at any point.

Have a lovely break 😊

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

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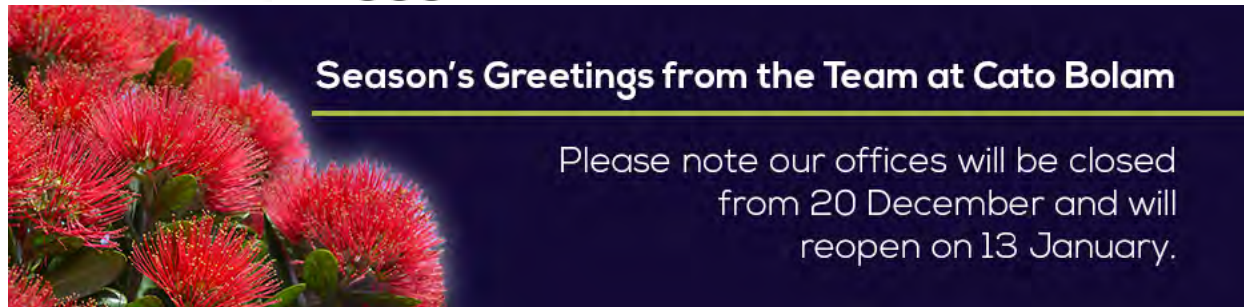
**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Thursday, December 5, 2024 12:59 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Cc:** Kaaren Joubert <[KaarenJ@catobolam.co.nz](mailto:KaarenJ@catobolam.co.nz)>  
**Subject:** RE: [CBC 48354] 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

Great, thank you Tessa.

Kind regards,  
Emily



**Emily McDonald**  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)



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**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Thursday, 5 December 2024 12:36 pm  
**To:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Subject:** 422 Marsden Point Road, Ruakaka - Enquiry-2024-1639 CRM:0503000095

You don't often get email from [tessa.robins1@nzta.govt.nz](mailto:tessa.robins1@nzta.govt.nz). [Learn why this is important](#)

Kia ora Emily,

Thank you for sending through your client's transport assessment.

I have circulated this to the relevant parties internally for comment and will get back to you once they have undertaken a review.

Ngā mihi

**Tessa Robins**  
Consultant Planner  
Te Toki, System Design, Transport Services  
Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)  
Mobile: 022 377 8812

---

**From:** Emily McDonald <[emilym@catobolam.co.nz](mailto:emilym@catobolam.co.nz)>  
**Sent:** Thursday, 28 November 2024 3:42 pm  
**To:** Environmental Planning <[EnvironmentalPlanning@nzta.govt.nz](mailto:EnvironmentalPlanning@nzta.govt.nz)>  
**Cc:** Hannah Thompson <[Hannah.Thompson@nzta.govt.nz](mailto:Hannah.Thompson@nzta.govt.nz)>; Kaaren Joubert <[KaarenJ@catobolam.co.nz](mailto:KaarenJ@catobolam.co.nz)>  
**Subject:** [CBC 48354] Consultation on Proposed Private Plan Change – 422 Marsden Point Road, Ruakaka

Good afternoon,

I hope this email finds you well.

We are in the process of preparing a request for a Private Plan Change (PPC) to rezone the site at Lot 1 DP 527727 ([422 Marsden Point Road, Ruakaka](#)) from Heavy Industrial to Light Industrial. Our aim is to lodge this request by the end of the year.

We are reaching out to inform you about this Proposed Plan Change and to invite your feedback on the proposed rezoning and associated provisions. We would appreciate it if you could confirm whether you wish to provide feedback at your earliest convenience.

As part of our preliminary discussions with the Whangarei District Council's policy team, we understand that the transport effects of the PPC and associated with the site are an important matter for consideration. The attached traffic assessment has been prepared by Flow Transportation Specialists to identify and assess the transport planning and traffic engineering matters relating to the PPC. We are therefore reaching out to seek feedback from Waka Kotahi on the proposed rezoning. 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. Kind regards,



**Emily McDonald**  
Senior Planner  
09 427 0072  
19 Tamariki Avenue, Orewa  
[catobolam.co.nz](http://catobolam.co.nz)

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On Point Northland Ltd  
420 Marsden Point Road, Ruakākā  
Private Plan Change Application



**Appendix I: Consultation With Neighbouring Properties**

PLANNERS  
SURVEYORS  
ENGINEERS  
ARCHITECTS  
ENVIRONMENTAL

## Emily McDonald

---

**From:** Emily McDonald  
**Sent:** Friday, 22 November 2024 11:39 am  
**Cc:** Simon Reiher; Kaaren Joubert  
**Subject:** [CBC 48354] Consultation on Proposed Private Plan Change – 422 Marsden Point Road, Ruakaka  
**Attachments:** 48354-LT-PLN-TA02 422 Marsden Point Road PC Letter.pdf; 48354-RP-PLN-PL01 PPC 420 Marsden Point Road - Light Industrial Zone.pdf

Good morning,

I hope this email finds you well.

We are in the process of preparing a request for a Private Plan Change (PPC) to rezone the site at Lot 1 DP 527727 ([422 Marsden Point Road, Ruakaka](#)) from Heavy Industrial to Light Industrial. Our aim is to lodge this request by the end of the year.

The client has faced challenges in marketing the site for Light Industrial activities due to its current Heavy Industrial zoning, making rezoning a viable and practical solution.

As an adjoining neighbour, we are reaching out to inform you about this Proposed Plan Change and to invite your feedback on the proposed rezoning and associated provisions. We would appreciate it if you could confirm whether you wish to provide feedback at your earliest convenience.

As part of our preliminary discussions with the Whangarei District Council's policy team, we understand that consultation with hapū is an important step to identify and consider cultural values associated with the site. We are therefore reaching out to confirm if this site falls within Te Parawhau's rohe and to seek feedback from the local hapū on the proposed rezoning.

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.

Kind regards,

Our Ref: 48354

22 November 2024

**Application for Private Plan Change – On Point Northland Ltd, 422 Marsden Point Road, Ruakaka**

To whom it may concern,

We are writing to update you on the envisaged Private Plan Change (“PPC”) application on behalf of On Point Northland Ltd to rezone the property at 422 Marsden Point Road, Ruakaka (“**The Site**”) from the Heavy to the Light Industrial Zone (LIZ) under the Whangarei District Plan (“**WDP**”).

The intention of the PPC is to provide for precinct rules as the “422 Marsden Point Road Light Industrial Precinct” to append the LIZ chapter and certain Whangarei-wide provisions to manage the way in which the Plan Change area is developed and used. Consistent with other precincts within the WDP, the proposed precinct also includes place-based provisions for development. These provisions will include some variation to the standard Whangarei-wide and LIZ provisions to introduce more tailored standards, matters of discretion and assessment criteria. This will support light industrial development within this locality that responds to its context, landform and existing industrial characteristics of the PPC area.

A package of proposed provisions, including policies and activity standards are proposed to achieve the objectives of the precinct and the wider WDP. We have attached our draft revisions to the WDP including precinct rules added to the Light Industrial Chapter shown in red and underlined from Pg 14.

As an adjoining neighbour, we are reaching out to inform you about this Proposed Plan Change and to invite your feedback on the proposed rezoning and associated provisions. We would appreciate it if you could confirm whether you wish to provide feedback at your earliest convenience.

Cato Bolam Consultants Ltd is the agent for this application and should be the primary contact for any correspondence relating to the application. 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



Emily McDonald  
**SENIOR PLANNER**  
**CATO BOLAM CONSULTANTS LTD**