

Planning and Development Committee Agenda

Date: Thursday, 21 June, 2018

Time: 9:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

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

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Planning and Development Committee – Terms of Reference

Membership

Chairperson: Councillor G C Innes

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

Meetings: Monthly

Quorum: 7

Purpose

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

Key responsibilities include:

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

- Strategic Planning
 - Futures planning
 - Urban design
- Economic Development
 - District Marketing/Promotions
 - Developer engagement
- Commercial Property
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

Delegations

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
 - (a) approval of expenditure of less than \$5 million plus GST.
 - (b) approval of a submission to an external body
 - (c) establishment of working parties or steering groups.
 - (d) power to establish subcommittees and to delegate their powers to that subcommittee.
 - (e) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
 - (f) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002

Planning and Development Committee Meeting Minutes

Date: Thursday, 17 May, 2018
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Scribe C Brindle (Senior Democracy Adviser)

1. Declarations of Interest

2. Apologies

There were no apologies.

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

Moved By Cr Anna Murphy

Seconded By Cr Tricia Cutforth

That the minutes of the Planning and Development Committee meeting held on Thursday 19 April 2018, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports

4.1 National Environmental Standard for Plantation Forestry

Moved By Cr Sharon Morgan

Seconded By Cr Anna Murphy

That the Planning and Development Committee

- a) approves the amendments to the Operative District Plan, as detailed in Attachments 1-4, in accordance with section 44A (4,) (5) and (6) of the RMA without going through the Schedule 1 Process of the RMA.

Carried

5. Information Reports

5.1 Planning and Development and Strategy and Democracy Operational Report

Moved By Her Worship the Mayor

Seconded By Cr Vince Cocurullo

That the Planning and Development Committee notes the operational report for May 2018.

Carried

6. Public Excluded Business

There was no business conducted in public excluded.

7. Closure of Meeting

The meeting concluded at 9.39am.

Confirmed this 21st day of June 2018

Councillor Greg Innes (Chairperson)

4.1 PC86B Living Environment Rezoning - Operative

Meeting: Planning and Development Committee
Date of meeting: 21 June 2018
Reporting officer: Melissa McGrath, District Plan Manager

1 Purpose

To seek final approval to incorporate plan change 86B Living Environment Rezoning into the District Plan.

2 Recommendations

That the Planning and Development Committee

1. Approve the incorporation of Plan Change 86B Living Environment Rezoning into the District Plan in terms of Clause 17 of the First Schedule of the Resource Management Act 1991, and
2. Approve the notification of Plan Change 86B Living Environment Rezoning becoming operative in terms of Clause 20 of the First Schedule of the Resource Management Act 1991.

3 Background

On 10 August 2016 Council notified the rural plan changes (PC 85 A – D and PC86 A & B). As part of the rural plan changes, PC86B – Living Environment Zoning (PC86B) proposed to rezone specific locations in close proximity to Whangarei City from Countryside Environment to Living 1 and Living 3 Environments. These proposed new residential areas will provide for projected population growth in the Whangarei district.

Table 1 – Chronology of Events

Event	Date
Date of public notification of plan change for submissions	10 August 2016
Closing date for submissions	4 October 2016
Date of public notification for further submissions	23 November 2016
Closing date for further submissions	20 December 2016
Hearing commences (two weeks)	3 July 2017
Right of Reply Reports circulated	8 September 2017
Hearing formally closed	13 September 2017
Decision notified	17 January 2018

Pursuant to s37 of the RMA, the submission period was doubled from 20 working days to 40 working days and the further submission period from 10 working days to 20 working days. Council sent the summary of submissions directly to not only the original submitters but also to any rate payer who may have been affected by a submission seeking rezoning of their land. 530 submissions and 708 further submissions were received on the collective plan changes.

In accordance with Section 34A of the Resource Management Act 1991, Council appointed three Independent Commissioners Greg Hill (Chairperson), Bill Smith and John Williamson to hear submissions and make recommendations on all rural plan changes, coastal area, landscapes and minerals plan changes.

4 Discussion

Appeals

The decision was conveyed to all submitters and publicly notified on 17 January 2018. While 20 appeals have been lodged across the rural, coast, landscape and minerals plan changes, no points of appeal have been lodged against PC86B.

Statutory Requirement

Clause 17 of the First Schedule of the Resource Management Act 1991, which cannot be delegated, provides for the final consideration of the plan change by its approval after all the appeals have been disposed of. This authorises the incorporation of the Plan Change into the District Plan and shall be given effect by affixing the seal of the local authority to the proposed policy statement or plan.

Clause 20 deals with the operative date and publication of the approved policy statement. The plan change will become operative 5 days after public notification.

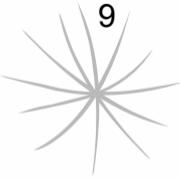
5 Significance and engagement

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

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

6 Attachments

1. No appeal letter of confirmation
2. District Plan Text (relevant rule only)
3. District Plan Environment Maps



SARAH SHAW
BARRISTER

3 May 2018

Whangarei District Council
Private Bag 9023
Whangarei 0140

Email: Melissa.McGrath@wdc.govt.nz

Attention: Melissa McGrath

Dear Melissa

Re: Living zoning, PC86B

Having had regard to the Environment Court's schedule of appeals on the Rural plan changes, I can confirm that no appeals have been filed that oppose the Living 1 or Living 3 up-zonings undertaken through PC86B.

I therefore consider that the PC86B Living up-zonings are now beyond challenge and can be made operative.

Yours faithfully



Sarah Shaw Barrister
sarah@sarahshaw.co.nz
PO Box 4146, Kamo 0141
Ph 022 587 8952

47 Road Transport Rules

47.1 Introduction

This chapter contains rules applicable to activities in all Environments. Road Transport rules (including parking and loading, and vehicle crossing standards) are stated in the rule table below. Principal reasons for the rules are stated after the rule table. In addition to the rules in this chapter, New Zealand Transport Agency regulates access to, and the use, of State Highways.

47.2 Transportation Rules - All Environments

47.2.1 Parking and Loading

<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> a) Off-street parking spaces, loading bays and associated manoeuvring areas, are provided in accordance with Appendix 6A and constructed in compliance with Whangarei District Council's Environmental Engineering Standards 2010; and b) Vehicles are not required to undertake more than one reverse manoeuvre when manoeuvring in or out of any required vehicle parking space or loading bay; and c) Parking spaces and loading bays are not located on any access, manoeuvring area or outdoor living court and they remain unobstructed at all times; and d) Parking spaces and loading bays are located on the same site as the activity for which they are required; and e) All work is undertaken in accordance with the Engineering Performance Standards in Appendix 9. 	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. Parking space numbers; ii. Availability of parking spaces; iii. Parking area location; iv. Parking area design; v. Parking spaces for people with disabilities; vi. Loading areas; vii. Access design; viii. Safety for pedestrians; ix. Location of activity; x. Type and frequency of use; xi. Efficiency and safety of roads; xii. On-site manoeuvring.
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47.2.2 Parking for the Disabled (Refer to Policy 22.4.9 approved Plan Change 96)

47.2.3 Gradient of Parking and Access (deleted)

47.2.4 On-Site Manoeuvring

<p>Any activity is permitted if:</p> <p>On-site manoeuvring is provided to ensure that no vehicle is required to reverse either onto, or off, a site where:</p> <ul style="list-style-type: none"> a) The site has vehicle access to a State Highway, arterial or collector road; or b) The site requires 3 or more vehicle parking spaces; or 	<p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> i. Manoeuvring areas; ii. On-site manoeuvring; iii. Pedestrian safety;
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c) The site is a rear site, or access is provided by a shared access.	iv. Traffic safety and visibility; v. Type and frequency of use.
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47.2.5 Queuing Space (Deleted)

47.2.6 Lighting

Any activity is permitted if: a) In a Business Environment, parking and loading areas, (excluding those for residential activities), which are used at night, are illuminated to a minimum maintained level of 5 Lux.	Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion is restricted to: i. Illumination; ii. Surface of parking and loading areas; iii. Pedestrian safety; iv. Traffic safety and visibility; v. Type and frequency of use.
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47.2.7 Formation Standards (Deleted)

47.2.8 Vehicle Crossings (Deleted)

47.2.9 Shared Access Widths (Deleted)

47.2.10 Road formation (Deleted)

47.2.11 Engineering Standards

An activity is a permitted activity if: a) It complies with all the relevant Standards set out in Whangarei District Council's Environmental Engineering Standards 2010. Note: Written approval from the NZ Transport Agency will be requested for any proposal in the vicinity of the State Highway network should Council consider that the State Highway is potentially adversely affected.	Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity: Discretion is restricted to those matters that do not comply with the Whangarei District Council's Environmental Engineering Standards 2010.
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47.2.12 Living Overlay

	a) The construction of two or more residential units or any subdivision on a site within the Living Overlay is considered a restricted discretionary activity. Discretion is restricted to:
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	<p>i. <i>The extent to which the additional allotments or residential units appropriately address effects on the transportation network, including through:</i></p> <ul style="list-style-type: none"> • <i>The current or future provision of a well-connected street and transport network.</i> • <i>Facilitation of walking, cycling and public transport.</i> • <i>Methods to manage significant localised traffic effects.</i>
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47.3 Principal Reasons for Rules / Explanations

Parking and Loading

Where an activity established on a site or buildings are altered, off-street parking and loading/unloading areas for vehicles using the site must be provided. The provision of off-street parking for each activity minimises the adverse effects on the safety and efficiency of the adjoining road network, inconvenience and loss of amenity to surrounding sites from on-street parking and vehicle manoeuvring. On-site parking needs to be available for staff, residents, and service vehicles to minimise the need for vehicles to park on roads.

For most Environments the parking requirements have been categorised under broad activity headings, each of which generates different parking requirements.

The parking requirements for developments in the Whangarei Central Business District differ from the rest of the district, recognising the difficulties in providing a significant number of car parking spaces on small and restricted sites, and the presence of public parking areas.

The residential requirement for on-site parking helps to protect the safety and efficiency of the road network and reduces adverse effects on amenity.

It is necessary for parking spaces to be located on the same site as the activity for which they are required, so as to provide parking for staff and visitors. Parking and manoeuvring spaces should remain clear and unobstructed to ensure they can achieve their purpose. Similarly, these should not be located in any outdoor living court, as parking or manoeuvring in such areas will detract from their amenity values.

Parking spaces are to be set back from road boundaries in order to maintain the amenity of the streetscape, space for landscaping and to ensure that loading/unloading and cleaning of vehicles does not impact on the public road.

On-Site Manoeuvring

Vehicles reversing onto busy roads can result in significant adverse effects on traffic safety. It is therefore important that, in these circumstances, on-site manoeuvring is provided.

Lighting

Where car parking areas are used at night, it is important to provide some lighting for traffic safety, and the security of people and vehicles. A minimum level of 5

lux will provide such lighting, while preventing the adverse effect of light spill onto adjoining properties.

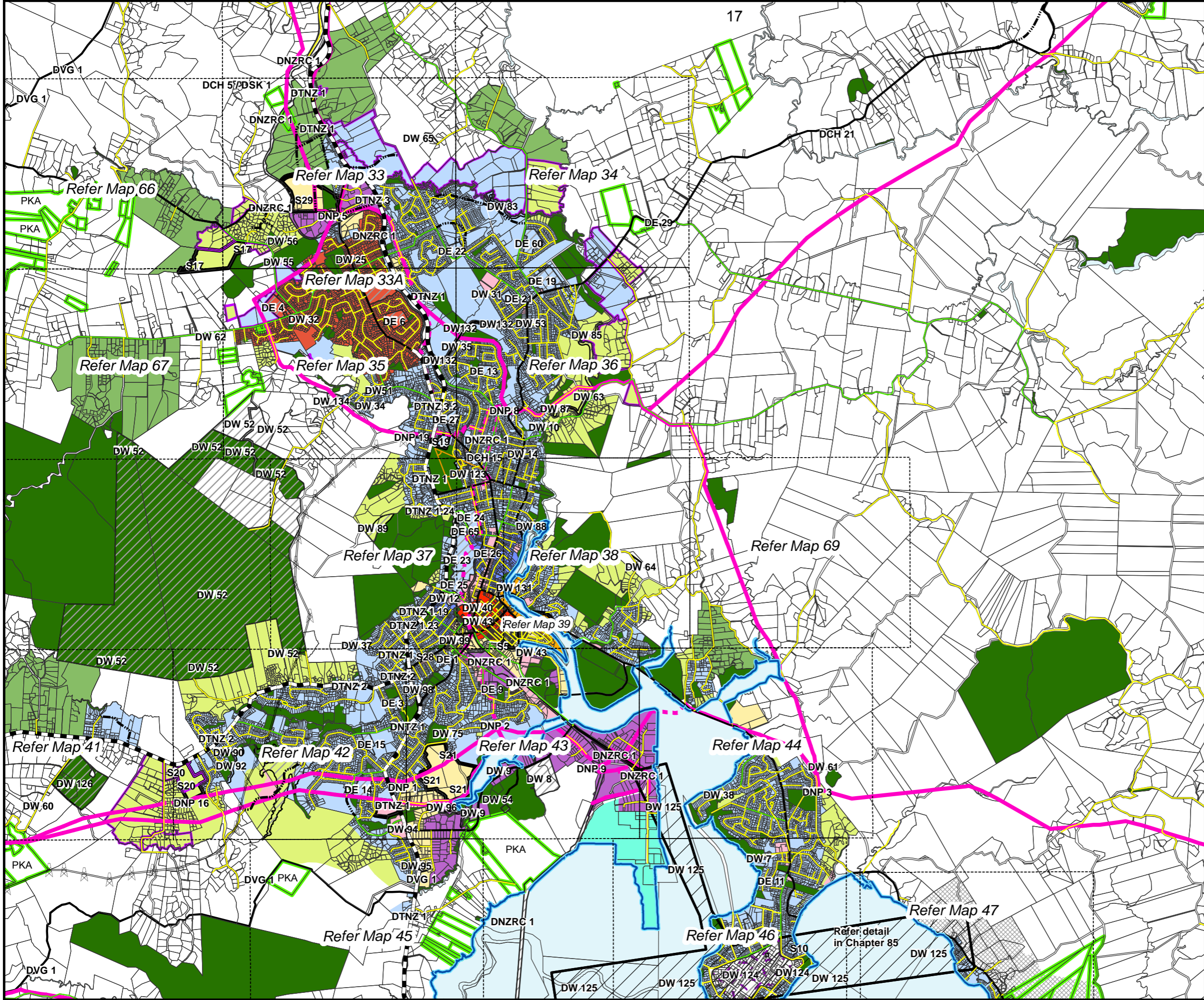
New Roads

Where roads are to be provided, these should be of a legal width and formation standard sufficient to serve the type of road and annual average daily vehicle trips (Sheet 4 of the Whangarei District Council's Environmental Engineering Standards 2010).

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
4 October 2007	FP	47.2.1	Plan Change 50 - Parking and Loading	ES 20 September 2007	PW
4 October 2007	FP	47.2.10b	Plan Change 50 - Road Formation	ES 20 September 2007	PW
4 October 2007	FP	47.3	Plan Change 50 - amendment of definition Parking and Loading and New Roads	ES 20 September 2007	PW
4 March 2009	FP	47.21.1	Underlining of Ref to Appendices removed to avoid confusion with hyperlinks		PW
12 May 2010	FP	47.2.2	Plan change 96 - Approved deletion of Rule 47.2.2. Refer to addition of Policy 22.4.9	ES 12 May 2010 – Operative 25 May 2010	PW
14 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 - consequential changes, this provision no longer exists	Record 10/96471	PW
12 October 2011	FP	47.2.4	Approved Plan Change 76 – deletion and addition of rules	12 October 2011 Operative on 26 October 2011	PW
2 November 2011	LB	47.2.1, 47.2.7 – 47.2.11	Editorial corrections Alignment of headings.		PW
12 September 2012	LB	47.3	Plan Change 123B Referencing of EES 2010 Consequential Changes.	Operative date 25 September 2012	PW

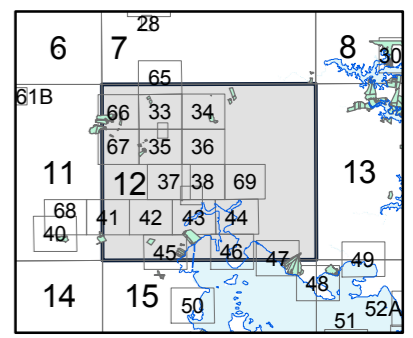
Editor **France Prevost (FP)**
Lisa Blagrove (LB)
 Editor Position Team Administrators Policy Division
 Approved By **Paul Waanders (PW)**
 Approver Position Policy and Monitoring Manager (PW)

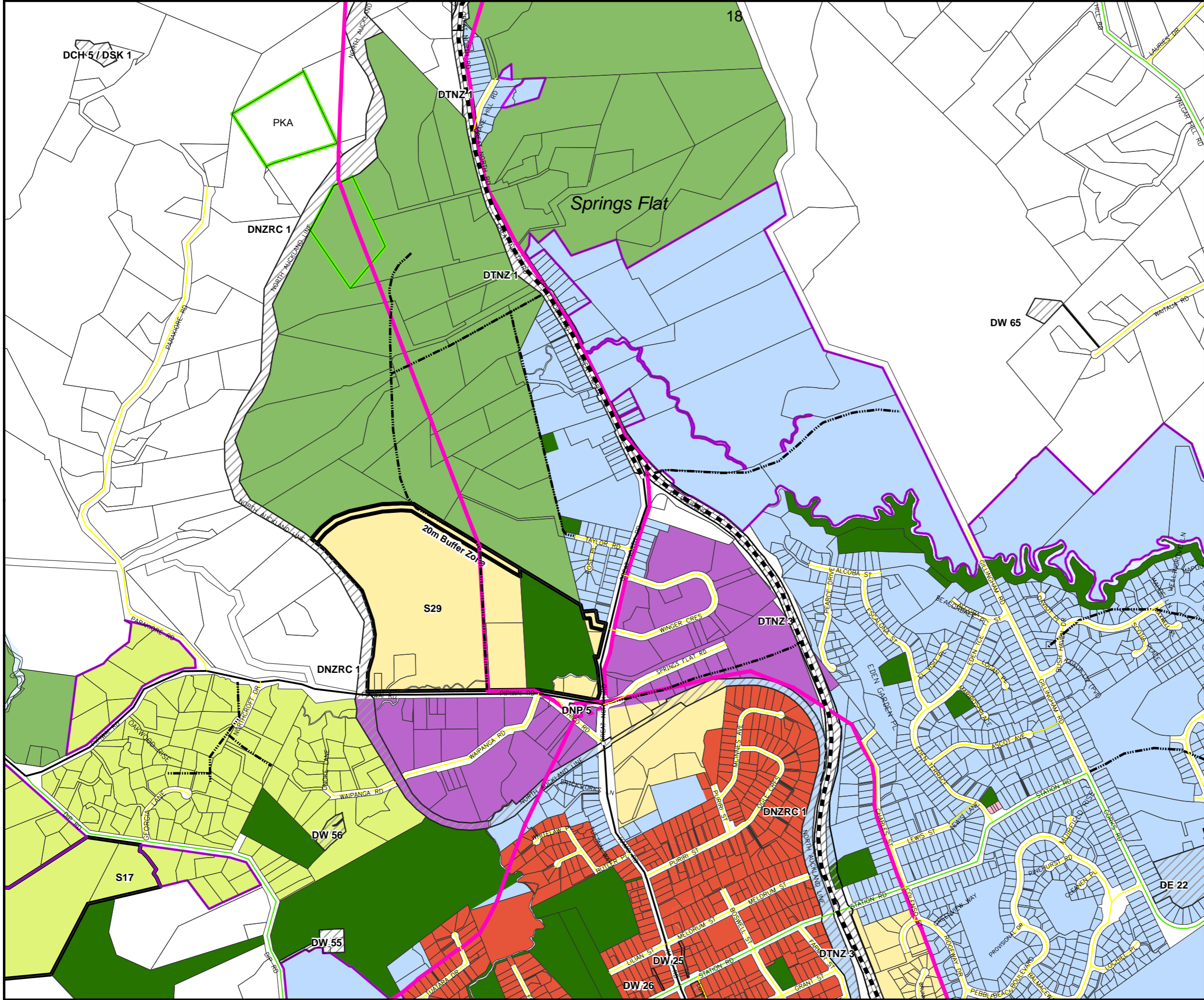


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- Business 1
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 - Business 3
 - Business 4
 - Town Basin
 - Port Nikau
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 - Airport
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 - Living 2
 - Living 3
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 - Ruakaka Equine REE
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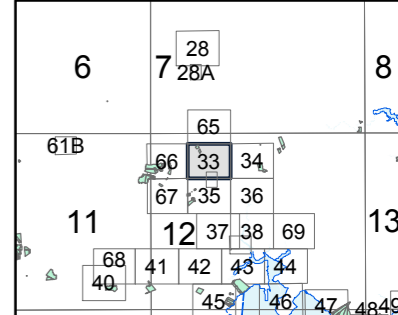


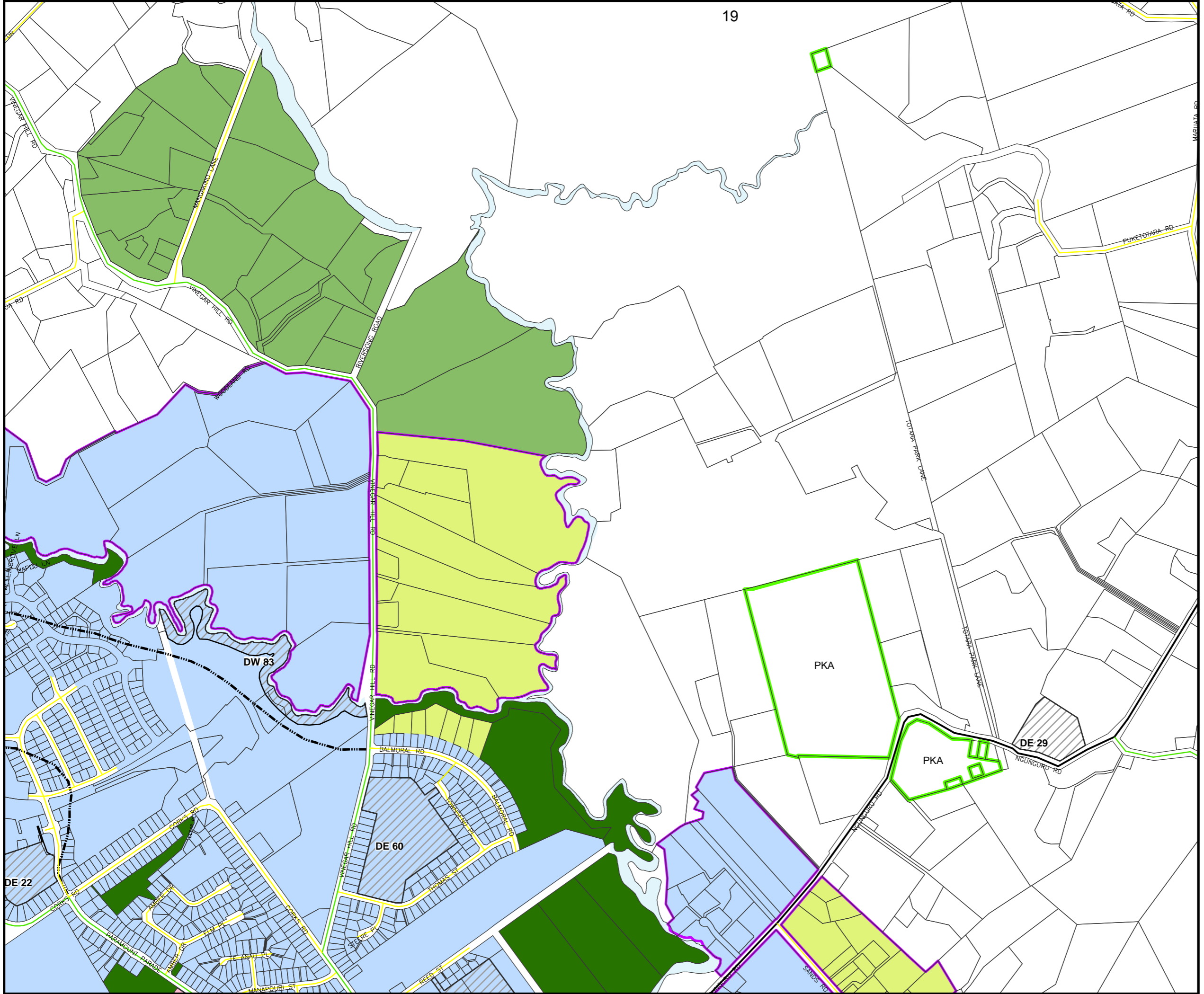


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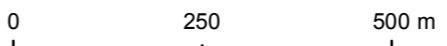
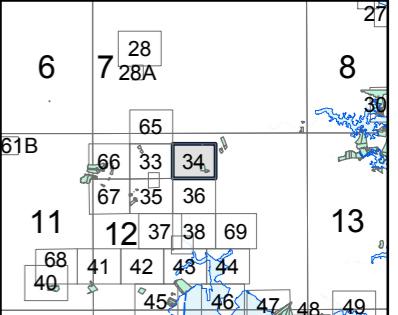


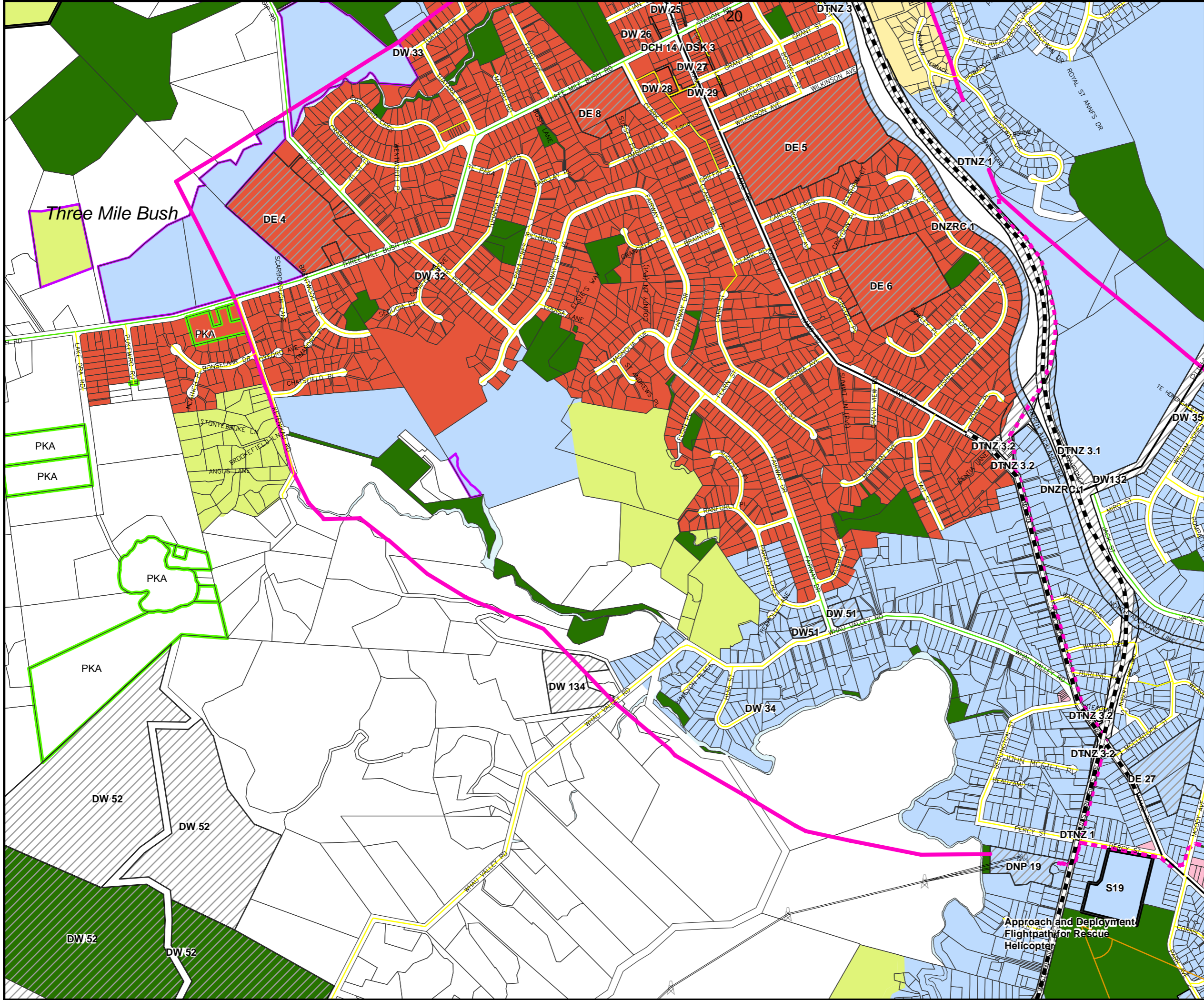
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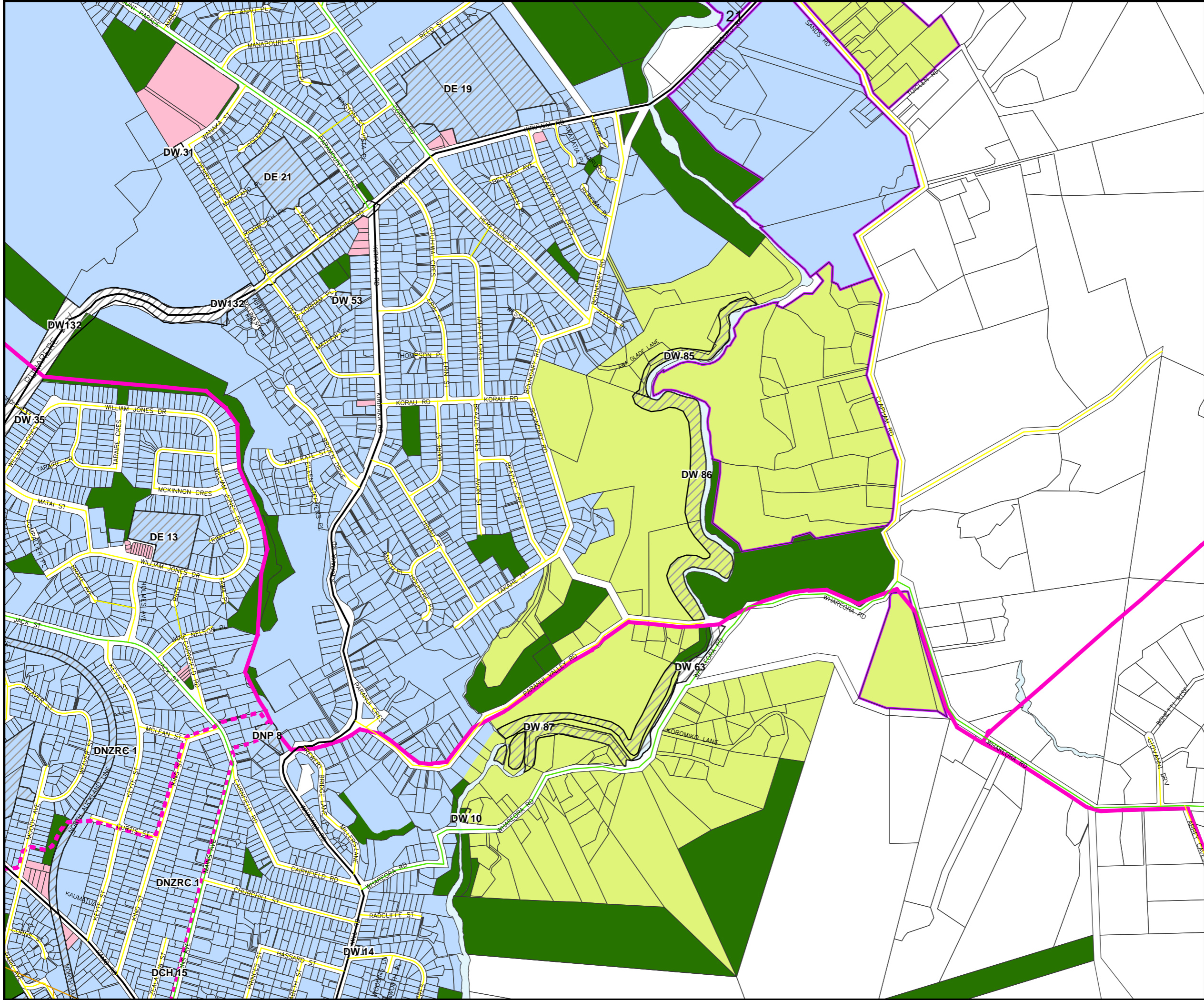
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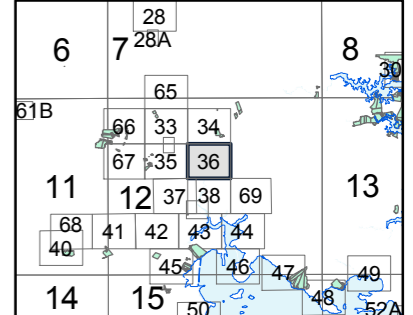
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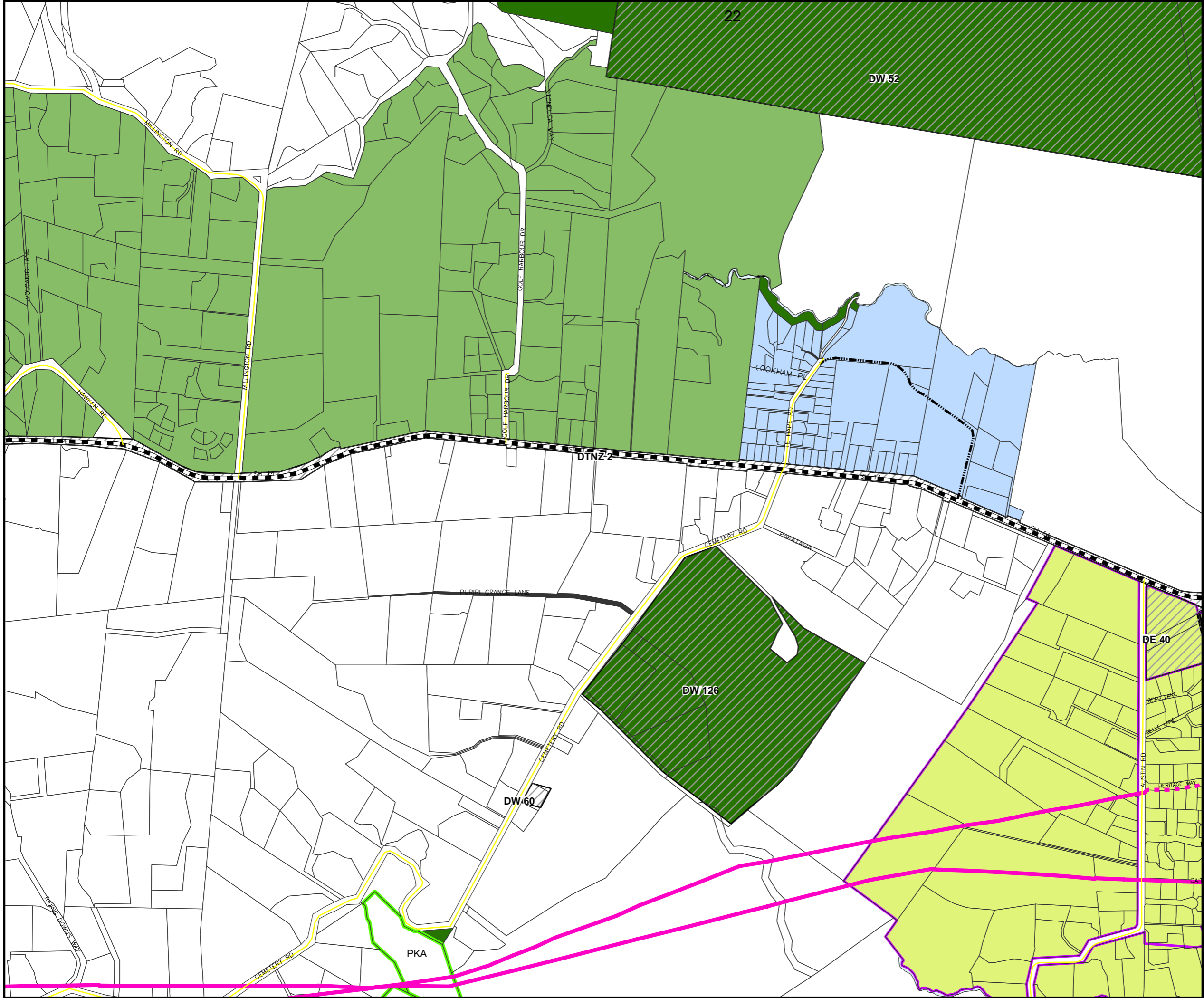


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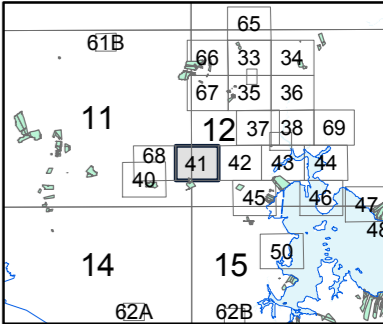


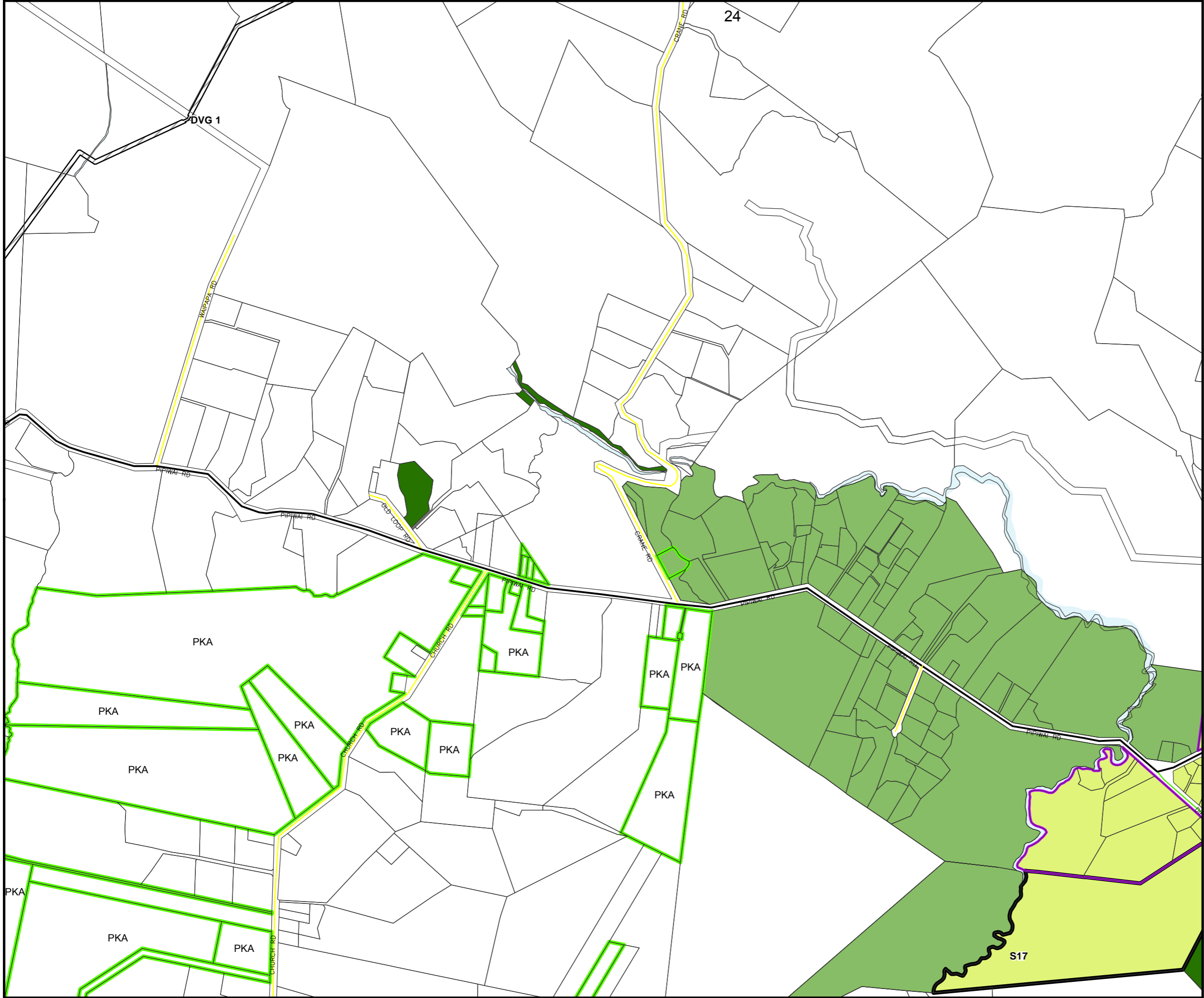
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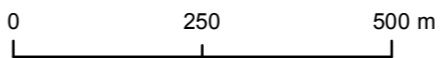
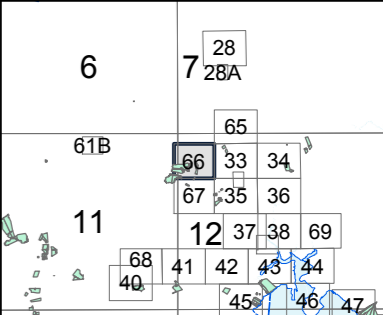


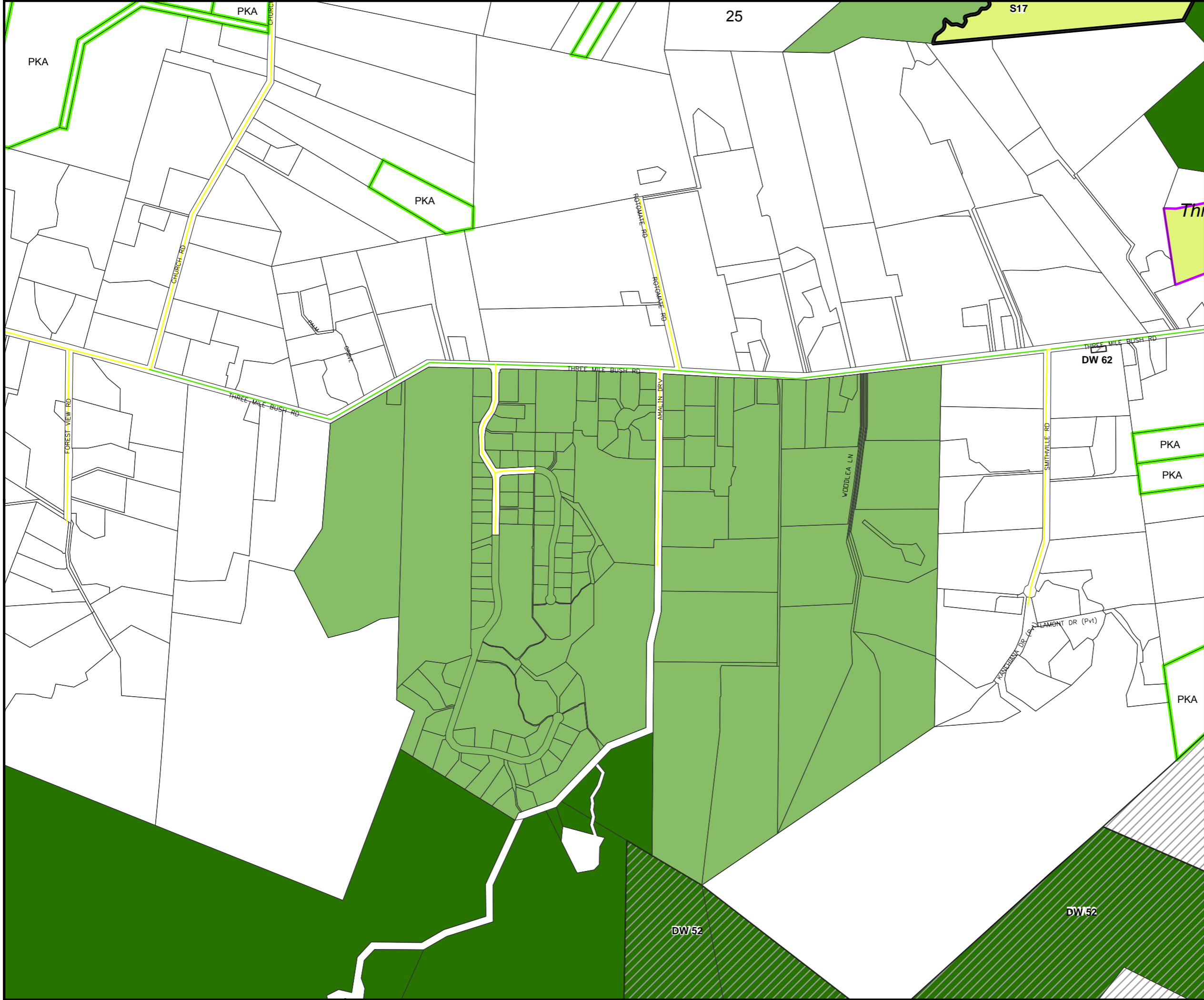


- ### Environments
- Business 1
 - Business 2
 - Business 3
 - Business 4
 - Town Basin
 - Port Nikau
 - Marsden Point Port
 - Airport
 - Living 1
 - Living 2
 - Living 3
 - Kamo Walkability
 - Countryside
 - Marsden Primary Centre
 - Urban Transition UTE
 - Ruakaka Equine REE
 - Coastal Countryside
 - Future Marine Village
 - Future Environment The colour indicates the particular environment
 - Open Space
 - Scheduled or Overlay Area: S# label
 - Croft Timber Overlay
 - Kauri Dairy Factory Overlay
 - Oil Refinery Overlay
 - Portland Overlay
 - Headland Farm Park Overlay
 - Living Overlay
 - Designation
 - Papakāinga Rule PKA 1.5.1 indicative only, Maori Land Court data
 - Rescue Helicopter Flight Path
 - Multi Title Site
 - Indicative Road
 - State Highway
 - Arterial Road
 - Collector Road
 - Local Road
 - Northpower Tower CEL-Cat1
 - National Grid Tower
 - Northpower Overhead Critical Line Cel-Cat1
 - National Grid Line
 - Northpower Critical Overhead Lines CEL
 - Northpower Critical Underground Lines CEL
 - Coastline

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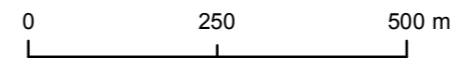
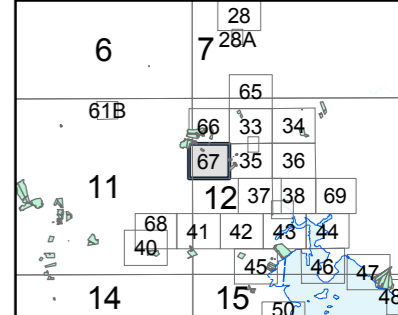


Environments

- Business 1
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- Town Basin
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4.2 PC131 Genetically Modified Organisms - Operative

Meeting: Planning and Development Committee
Date of meeting: 21 June 2018
Reporting officer: Melissa McGrath - District Plan Manager

1 Purpose

To seek approval of Plan Change 131 Genetically Modified Organisms.

2 Recommendations

That the Committee

1. Approves Plan Change 131 Genetically Modified Organisms in terms of clause 17 of the First Schedule of the Resource Management Act 1991; and
2. Approves the notification of Plan Change 131 Genetically Modified Organisms in terms of Clause 20 of the First Schedule of the Resource Management Act 1991.

3 Background

The purpose of PC131 is to insert a new chapter and the following new definitions in the Whangarei District Council Operative District Plan:

- Field Trials (tests)
- Genetically Modified Organism and GMO
- Release
- Environmental Protection Authority and EPA
- Hazardous Substances and New Organisms Act and HSNO
- Veterinary Vaccine
- Genetically Modified Veterinary Vaccine
- Viable Genetically Modified Veterinary Vaccine

PC131 proposes a precautionary approach to the outdoor use of GMOs. PC131 has been developed collaboratively over the past 10 years. In 2003 local authorities in the Northland / Auckland region formed an Inter-Council Working Party on GMO Risk Evaluation and Management Options ('The Working Party') in response to significant community concerns regarding the outdoor use of GMOs. The Working Party comprises Auckland Council (and predecessor councils), Far North District Council (FNDC), Whangarei District Council (WDC), Kaipara District Council and Northland Regional Council.

WDC and FNDC included the same provisions in a plan change to their respective district plans. WDC PC131 was notified and heard concurrently with FNDC PC18.

The timeline for the notification and hearing process was as follows:

Event	Date
Date of public notification of plan change for submissions	15 July 2014
Closing date for submissions	9 September 2014
Date of public notification for further submissions	18 November 2014
Closing date for further submissions	16 December 2014
Hearing dates	14 – 17 June 2016
Hearing closed	7 July 2016
Recommendation of Hearing Panel	31 July 2016

The decision of Council on PC131 was publicly notified 21 September 2016.

4 Discussion

Appeals

On 2 November 2016, Federated Farmers of New Zealand lodged an appeal with the Environment Court. Federated Farmers of New Zealand also had an appeal against the GMO provisions in the proposed Northland Regional Policy Statement (RPS). Progress of the Council plan change appeal was delayed waiting for decision on the RPS appeal.

On 10 May 2018, Federated Farmers of New Zealand withdrew their appeal against PC131.

Statutory Requirement

Clause 17 of the First Schedule of the Resource Management Act 1991, which cannot be delegated, provides for the final consideration of the plan change by its approval after all the appeals have been disposed of. This authorises the incorporation of the Plan Change into the District Plan and shall be given effect by affixing the seal of the local authority to the proposed policy statement or plan.

Clause 20 deals with the operative date and publication of the approved policy statement.

The plan change will become operative 5 days after public notification.

5 Significance and engagement

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

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

6 Attachments

- 1 District Plan Text – GMO District Wide Chapter
- 2 District Plan Text – Consequential Amendments to Chapter 4 Meaning of Words
- 3 Email from Environment Court confirming withdrawal of appeal

From: King, Janice <Janice.King@justice.govt.nz>
Sent: Wednesday, 23 May 2018 4:45 PM
To: 'Donna Yearbury'; 'Richard Gardner'; 'Robert Makgill'; 'mischa.davis@gmail.com'; 'tammy.wooster@fndc.govt.nz'; Melissa Mcgrath
Cc: 'inge@oraoraretreat.co.nz'; 'rolf@oraoraretreat.co.nz'; 'visionkerikeri@gmail.com'; 'linda.grammer@gmail.com'; 'jennykirk273@gmail.com'; 'secretary@gefrees.org.nz'; 'keir_volkerling@xtra.co.nz'; 'info@oanz.org'; 'Tim@ourplanet.org'; 'lisa@peaceteam.org.nz'; 'pittman.benjamin@gmail.com'; 'mtierneywilson@xtra.co.nz'; 'Steve.Goldthorpe@xtra.co.nz'; 'organics@value.net.nz'; 'rossgclark47@gmail.com'; 'admin@patuharakeke.maori.nz'; 'jean.anderson@clear.net.nz'; 'barry.considine@xtra.co.nz'; 'youcangetmeonline@yahoo.com'; 'cambourn@gmail.com'; 'kuklandoltd@orcon.net.nz'; 'peter-brake@hotmail.com'; 'rock.bottom@xtra.co.nz'; 'thejoneses@mail.com'; 'dbkettle@slingshot.co.nz'; 'da_lourie@hotmail.com'; 'maryroygmcd@gmail.com'; 'moko.morris@hotmail.com'; 't.shortland@mokon.co.nz'; 'psgrnzct@gmail.com'
Subject: ENV -2016-AKL-000262 - Federated Farmers of NZ v Far North and Whangarei District Councils - Directions
Categories: Purple Category

Hello parties

ENV -2016-AKL-000262 - Federated Farmers of NZ v Far North and Whangarei District Councils

The Court received a letter, dated 10 May 2018, from the Respondents suggesting this file be closed as the appellants have given notice that they do not intend to proceed with the appeal.

Further to correspondence with all parties and confirmation of there being no outstanding issues, including as to costs, the Court confirms that the above file is withdrawn.

The Court file is now closed.

Regards

Janice



Janice King

Hearings Manager | Environment Court / Land Valuation Tribunal

DDI: +64 09 916 9285 | Mob +64 027 285 8064

janice.king@justice.govt.nz

From: King, Janice

Sent: Monday, 14 May 2018 12:45 p.m.

To: Donna Yearbury <dy@thomsonwilson.co.nz>; 'Richard Gardner' <rgardner@fedfarm.org.nz>; 'Robert Makgill' <robert@robertmakgill.com>; 'mischa.davis@gmail.com' <mischa.davis@gmail.com>; 'tammy.wooster@fndc.govt.nz' <tammy.wooster@fndc.govt.nz>; 'melissa.mcgrath@wdc.govt.nz' <melissa.mcgrath@wdc.govt.nz>

Cc: 'inge@oraoraretreat.co.nz' <inge@oraoraretreat.co.nz>; 'rolf@oraoraretreat.co.nz' <rolf@oraoraretreat.co.nz>;

'visionkerikeri@gmail.com' <visionkerikeri@gmail.com>; 'linda.grammer@gmail.com' <linda.grammer@gmail.com>; 'jennykirk273@gmail.com' <jennykirk273@gmail.com>; 'secretary@gefree.org.nz' <secretary@gefree.org.nz>; 'keir_volkerling@xtra.co.nz' <keir_volkerling@xtra.co.nz>; 'info@oanz.org' <info@oanz.org>; 'Tim@ourplanet.org' <Tim@ourplanet.org>; 'lisa@peaceteam.org.nz' <lisa@peaceteam.org.nz>; 'pittman.benjamin@gmail.com' <pittman.benjamin@gmail.com>; 'mtierneywilson@xtra.co.nz' <mtierneywilson@xtra.co.nz>; 'Steve.Goldthorpe@xtra.co.nz' <Steve.Goldthorpe@xtra.co.nz>; 'organics@value.net.nz' <organics@value.net.nz>; 'rossgclark47@gmail.com' <rossgclark47@gmail.com>; 'admin@patuharakeke.maori.nz' <admin@patuharakeke.maori.nz>; 'jean.anderson@clear.net.nz' <jean.anderson@clear.net.nz>; 'barry.considine@xtra.co.nz' <barry.considine@xtra.co.nz>; 'youcangetmeonline@yahoo.com' <youcangetmeonline@yahoo.com>; 'cambourn@gmail.com' <cambourn@gmail.com>; 'kuklandoltd@orcon.net.nz' <kuklandoltd@orcon.net.nz>; 'peter-brake@hotmail.com' <peter-brake@hotmail.com>; 'rock.bottom@xtra.co.nz' <rock.bottom@xtra.co.nz>; 'thejoneses@mail.com' <thejoneses@mail.com>; 'dbkettle@slingshot.co.nz' <dbkettle@slingshot.co.nz>; 'da_lourie@hotmail.com' <da_lourie@hotmail.com>; 'maryroygmcd@gmail.com' <maryroygmcd@gmail.com>; 'moko.morris@hotmail.com' <moko.morris@hotmail.com>; 't.shortland@mokon.co.nz' <t.shortland@mokon.co.nz>; psgrnzct@gmail.com

Subject: RE: WDC G.253 : ENV -2016-AKL-000262 - Federated Farmers of NZ v Far North and Whangarei District Councils - Directions

Hello parties

ENV -2016-AKL-000262 - Federated Farmers of NZ v Far North and Whangarei District Councils

The Court received a letter from Mr Mathias as counsel for the above councils advising Federated Farmers does not intend to proceed with its appeal therefore the file should be closed.

If any party has any issue with this withdrawal , including as to costs, they need to advise other parties and the Court by 21 May 2018.

The Court has received notice from the Councils that neither of them will be making costs applications.

If there is no issues the file will be closed.

Regards

Janice



Janice King

Hearings Manager | Environment Court / Land Valuation Tribunal

DDI: +64 09 916 9285 | Mob +64 027 285 8064

janice.king@justice.govt.nz

From: Donna Yearbury [<mailto:dy@thomsonwilson.co.nz>]

Sent: Thursday, 10 May 2018 11:16 a.m.

To: King, Janice <Janice.King@justice.govt.nz>; 'Richard Gardner' <rgardner@fedfarm.org.nz>; 'John Burns' <johnb@kmolegal.co.nz>; 'Robert Makgill' <robert@robertmakgill.com>; 'mischa.davis@gmail.com' <mischa.davis@gmail.com>; 'tammy.wooster@fndc.govt.nz' <tammy.wooster@fndc.govt.nz>; 'melissa.mcgrath@wdc.govt.nz' <melissa.mcgrath@wdc.govt.nz>

Cc: 'inge@oraoraretreat.co.nz' <inge@oraoraretreat.co.nz>; 'rolf@oraoraretreat.co.nz' <rolf@oraoraretreat.co.nz>; 'visionkerikeri@gmail.com' <visionkerikeri@gmail.com>; 'linda.grammer@gmail.com' <linda.grammer@gmail.com>; 'jennykirk273@gmail.com' <jennykirk273@gmail.com>; 'secretary@gefree.org.nz' <secretary@gefree.org.nz>; 'keir_volkerling@xtra.co.nz' <keir_volkerling@xtra.co.nz>; 'info@oanz.org' <info@oanz.org>; 'Tim@ourplanet.org' <Tim@ourplanet.org>; 'lisa@peaceteam.org.nz' <lisa@peaceteam.org.nz>; 'pittman.benjamin@gmail.com' <pittman.benjamin@gmail.com>; 'mtierneywilson@xtra.co.nz' <mtierneywilson@xtra.co.nz>; 'Steve.Goldthorpe@xtra.co.nz' <Steve.Goldthorpe@xtra.co.nz>; 'organics@value.net.nz' <organics@value.net.nz>; 'rossgclark47@gmail.com' <rossgclark47@gmail.com>; 'admin@patuharakeke.maori.nz' <admin@patuharakeke.maori.nz>; 'jean.anderson@clear.net.nz' <jean.anderson@clear.net.nz>;

'barry.considine@xtra.co.nz' <barry.considine@xtra.co.nz>; 'youcangetmeonline@yahoo.com' <youcangetmeonline@yahoo.com>; 'cambourn@gmail.com' <cambourn@gmail.com>; 'kuklandoltd@orcon.net.nz' <kuklandoltd@orcon.net.nz>; 'peter-brake@hotmail.com' <peter-brake@hotmail.com>; 'rock.bottom@xtra.co.nz' <rock.bottom@xtra.co.nz>; 'thejoneses@mail.com' <thejoneses@mail.com>; 'dbkettle@slingshot.co.nz' <dbkettle@slingshot.co.nz>; 'da_lourie@hotmail.com' <da_lourie@hotmail.com>; 'maryroygmcd@gmail.com' <maryroygmcd@gmail.com>; 'moko.morris@hotmail.com' <moko.morris@hotmail.com>; 't.shortland@mokon.co.nz' <t.shortland@mokon.co.nz>

Subject: WDC G.253 : ENV -2016-AKL-000262 - Federated Farmers of NZ v Far North and Whangarei District Councils - Directions

Janice

See attached letter.

Regards

Graeme Mathias - *Partner*



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 Address : Mansfield Terrace, PO Box 1042, Whangarei 0140
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Thank you.

4 Meaning Of The Words

4.1 Introduction

This chapter defines the meaning of words used in this Plan. Words defined in the Resource Management Act 1991 have the same meaning in this Plan, unless the context otherwise requires. Where a word is followed by an asterisk (*), the definition that follows is the meaning provided in the Resource Management Act 1991, and is repeated here to assist the readers. Where a word is followed by a double asterisk (**), the definition that follows is the meaning provided in the Hazardous Substances and New Organisms Act 1996, and is repeated here to assist the readers. In the case of any inconsistency, the statutory definition prevails.

4.2 General Rules of Interpretation

- a) Any term which is not defined in this section takes its common meaning from the Concise Oxford Dictionary (Ninth Edition) or the Williams Maori Dictionary (Seventh Edition).
- b) Lists of items (for example, conditions, standards and terms in rules) and sub-paragraphs within paragraphs are to be read conjunctively, unless expressed as alternatives;
- c) Singular includes plural and vice versa;
- d) Headings do not affect the interpretation of the Plan;
- e) Cross references are for the assistance of the reader and are not necessarily exhaustive;
- f) References to New Zealand or overseas standards include amendments.
- g) Definitions of Maori terms are necessarily a brief approximation of meaning and have to be expanded and understood in the context of the specific usage and local language differences.

4.3 Definitions

Access

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

Access Lot

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

Access Strip

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

Accessory Building

means any building, the use of which is incidental to that of the principal building or buildings on the site, and in relation to a site on which no principal building stands, means a building, the use of which is incidental to any permitted activity on the site.

Act*

means the Resource Management Act 1991, including amendments.

Aerial

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

Aerial Support Structure

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

Air Noise Boundary

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

Air Noise Margin

means the area of land that lies between the Air Noise Boundary and the Outer Control Boundary, as identified on Planning Map 46.

Allotment

means:

1.
 - a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:
 - i. The subdivision shown on the survey plan has been allowed or subdivision approval has been granted, under another Act; or
 - ii. A subdivision consent for the subdivision shown on the survey plan has been granted under the Resource Management Act 1991; or
 - b) Any parcel of land or building, or part of a building, that is shown or identified separately:
 - i. On a survey plan; or
 - ii. On a licence within the meaning of Part I of the Companies Amendment Act 1964; or
 - c) Any unit on a unit plan; or
 - d) Any parcel of land not subject to the Land Transfer Act 1952.
2. For the purposes of the above, an allotment that is:
 - a) Subject to the Land Transfer Act 1952 and is comprised in one certificate of title or for which one certificate of title could be issued under that Act; or

- b) Not subject to that Act and was acquired by its owner under one instrument of conveyance:
- shall be deemed to be a continuous area of land notwithstanding that part of it that is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under the Resource Management Act 1991, or by a subdivision approval under any former enactment relating to the subdivision of land.
3. For the purposes of Section 1 of this definition, the balance of any land from which any allotment is being, or has been subdivided is deemed to be an allotment.
4. For the purposes of the subdivision rules of this Plan, the terms 'allotment' and 'proposed allotment' shall mean an allotment either created by, or to be created by the subdivision, unless the context indicates otherwise.

Alteration

means reconstruction, relocation or structural changes to a building.

Amenity Values*

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

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

means any place in New Zealand that-

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

Bed*

Means

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

Bird Scaring Device



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

Boundary

means:

- a) In relation to fee simple titles, the site boundary:
 - i. In relation to cross-lease titles, the boundary of any restrictive covenant area;
 - ii. In relation to unit titles, the boundary of the accessory unit associated with a particular principal unit.

Building

means any temporary or permanent, movable or immovable structure, including any place, vehicle or construction used as a place of residence or business or for assembly or storage purposes; but does not include:

- a) A network system owned or operated by a network utility operator whose purpose is to provide reticulation from a network system to and from individual properties and structures, including all structures and equipments owned or used by a network utility operator, provided that a system including any structure or equipment does not exceed 1.5m in height and has 3m² or less ground coverage; or
- b) Any aerial or aerial support structure, clothesline or similar device; or
- c) Scaffolding or support work used in the course of the construction process; or
- d) A fence or wall, or combination of either, 2m or less in height and where such structures are constructed adjacent to each other a minimum separation distance of 1m shall apply; or
- e) Any tank or pool not exceeding 35,000 litres; or
- f) Any tent or marquee erected on a temporary basis; or
- g) Any temporary stack of goods or materials; or
- h) Any sign not attached to a building; or
- i) Any structure 300mm or less in height; or
- j) Any structure which is 2.2m or less in height and which has 9m² or less ground coverage.

Building Coverage

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

Building line Restriction

means a restriction imposed on a site, by reference to a boundary, to ensure that when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt. No part of any such building shall stand within the area between the building line and the relevant site boundary (unless otherwise stated). All building line restrictions are shown on the Resource Area Planning Maps, Volume 2, and are further detailed in Appendix 1.

Built Form

Defined as (a) the general pattern of built form and development intensity and (b) the structural elements that define the District physically, such as natural features,

transportation corridors, open space, public facilities, as well as activity centres and focal elements. Built form refers to the physical layout and design of the city.

Bulk Format Retail

Typically a collection of stand alone large retail stores (20 – 50,000 m² trading floor space in a cluster or retail node) specialising in comparison shopping (i.e. items not obtained on a frequent basis). Typical tenants of bulk format retail stores include trade suppliers (e.g. paint, catering, plumbing, hardware), yard based (e.g. building supplies, garden centres, car sales), bulky comparison goods (e.g. whiteware, furniture, office products, carpet, bedding), general merchandise (e.g. hypermarkets, discount stores, homewares, factory outlet clothing stores).

Business Environments

means Business 1, 2, 3 and 4 and the Kamo Activity Precinct.

Coastal Hazard Area

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

Coastal Hazard Area 1

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

Coastal Hazard Area 2

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

Commercial Activity

means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, restaurants, take-away food bars, professional, commercial, and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.

Comprehensive Development Plan (C.D.P)

A C.D.P. is a plan of proposed development, submitted by an applicant when making a consent application to utilise the rules of an Overlying Environment within a Future Environment. The information to be included within a Comprehensive Development Plan is contained in Rule 48.7 of the District Plan.

Community Sign

means a sign relating to matters of public health and safety, the location of public facilities, place-names and their distances, destinations of historical, cultural, spiritual, sporting, or scenic significance, and the advertising of public events.

Contaminant*

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

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

Contaminated Site



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

Controlled Activity*

means an activity which:

- a) Is provided for as a controlled activity by a rule in a plan or proposed plan; and
- b) Complies with standards and terms specified in a plan or proposed plan for such activities; and
- c) Is assessed according to matters the council has reserved control over in the Plan; and
- d) Is allowed only if a resource consent is obtained in respect of that activity.

Corner Site

means a site which is located on the corner of two intersecting roads.

Day

means the period 0700 to 2200 hours unless specified otherwise.

Discretionary Activity*

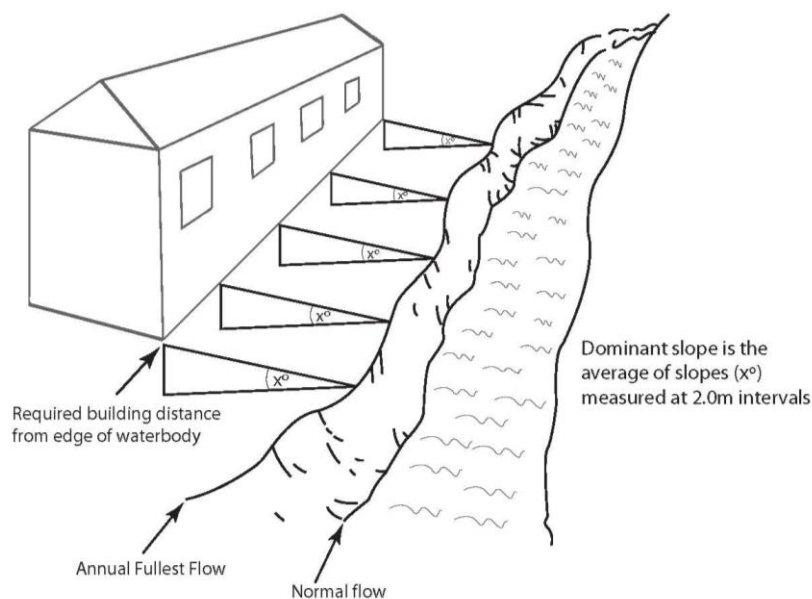
means an activity:

- a) Which is provided for as a discretionary activity, by a rule in a plan or proposed plan; and
- b) Which is allowed only if a resource consent is obtained in respect of that activity; and
- c) Which may have standards and terms specified in a plan or proposed plan; and
- d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

Dominant Slope

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

Illustration of Dominant Slope



Drive through Facilities

means any part of any fast food or restaurant activity where the product is sold directly to the customer while in their vehicle.

Earthworks

means any modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel.

Eaves

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

Effect*

means:

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

Electricity Infrastructure

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

Emergency Services

means the activities of authorities who are responsible for the safety and welfare of people and property in the community and include fire, ambulance and police services.

Environment*

Includes:

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

Environmental Protection Authority and EPA*

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

Equine Related Activities

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

- a) Stabling and care of horses together with incidental buildings.
- b) Equine training and educational facilities.
- c) Accommodation for horse trainers, students and caretakers.
- d) Car parking areas.
- e) Broadcasting.
- f) TAB and related gaming facilities.
- g) Grandstand/viewing areas.
- h) Entertainment (related to race days).
- i) Race meetings.
- j) Racecourse administration with accessory buildings.
- k) Sale and auction of race horses and stock.
- l) Catering activities associated with racing days.
- m) Pony clubs and riding schools.
- n) Activities associated with horse breeding and training, including feed supplies, veterinary services, horse transport, riding schools, saddlery and farriers.

Esplanade Reserve

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

Esplanade Strip

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

Existing Use Rights

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

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

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

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

Exploration

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

Field Trials (tests) **

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

Financial Contribution*

means a contribution of:

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

Flood Susceptible Area

means an area which has been assessed as being likely to experience water covering the surface of the land in a 1 in 50 year stormwater flood event. A flood susceptible area does not imply any particular duration or level of flood water but is generally part of a contiguous area of flood susceptibility. It includes areas likely to experience surface water, either ponding or flowing, from heavy rainfall and overflows from rivers, streams, and drainage channels. In areas adjacent to the coast, the flood susceptible

area relates to areas which are or are likely to be, subject to permanent or temporary inundation from sea water due to sea level rise, storm tides or tsunamis over a planning horizon of 100 years. In the coastal areas there is also the potential for inundation to occur as a result of the combination of stormwater and sea water flood events.

Forestry

means the ongoing management of trees or stands of trees, for the production of timber or timber related products, and includes planting, pruning, felling, and removal of trees from the site but does not involve the processing of timber. A production forest is considered to be forestry or plantation forestry.

Front Site

means a site that is not a rear site.

Frontage

means any boundary of a site abutting a legal road, or contiguous to a boundary of a road designation, or building line restriction defined in Appendix 1 of this Plan.

Future Environments

These are areas set aside in the Plan to accommodate future growth. Each Future Environment contains Overlying and Underlying Environments. The Underlying Environment of a Future Environment is the current zoning of the land. The Overlying Environment(s) indicates potential future Environment(s). Applicants must make a **discretionary** resource consent application and provide a Comprehensive Development Plan of their proposed development (for either a land use or a subdivision) to enable the rules associated with the Overlying Environment to apply. The Future Marine Village Environment is a Future Environment, made up of the Environments shown in [Figure 48.1](#).

Genetically Modified Organism and GMO**

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

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

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

Genetically Modified Veterinary Vaccine

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

Goat Resistant Fencing

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

1. The line of the fence is bulldozed or cleared by some other method to ensure that the bottom wire is no more than 70mm from the ground.
2. There is a minimum of 9 wires (kept tight at all times) such to meet the following standards:
 - minimum high tensile 2.5mm diameter galvanized steel is used;
 - the wires shall be spaced at the following intervals from the bottom – 100, 100, 100, 110, 120, 135. 150 and 165mm;
 - the top wire shall be approximately 50mm below the top of the post;

- the bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.
3. There are no internal stays.
 4. All posts are at the following spacings:
 - less than 30° ground slope – 5m;
 - 30° to less than 45° ground slope – 4m;
 - more than 45° ground slope – 3 m
 5. All battens are at 1m intervals.
 6. Where a water body crosses the boundary of the area to be fenced, either one or both of the following requirements shall be adhered to in order to maintain the integrity of the area to be fenced to prevent stock escape;
 - Fences which meet the above specifications shall be constructed alongside waterways with an appropriate setback to avoid the possible effects of bank erosion and slumping which may cause a breach of the fencing standard; and/or
 - Fences across water bodies, shall require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that it will allow the passage of water but will not cause a breach of the fence by stock escaping up or down the watercourse. Wire netting is not to be used in floodgate construction. Floodgates across culverted water bodies shall be on the downstream side of the culvert.

Gross Floor Area (GFA)

means the sum of the total area of all floor areas of a building or buildings, including additional floors above ground level, measured from the exterior faces of the exterior walls or from the centre line of walls separating two buildings but excluding covered parking areas and covered vehicle loading and unloading areas.

Ground Level

ground level shall be taken as the level of the ground existing when works associated with any prior subdivision of the land are completed, but before excavation for new buildings on the land has commenced.

Habitable Room

means any room in a residential building which is or is likely to be, used as a rumpus or games room, study, lounge, living room, bedroom, dining room, kitchen or general amusement room.

Hapu Environmental Management Plan (Iwi Management Plan)

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

Hazardous Facility

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

Hazardous Substance

means, unless expressly provided otherwise by regulations, any substance:

- a) With one or more of the following intrinsic properties:
 - i. Explosiveness;
 - ii. Flammability;



- iii. A capacity to oxidise;
- iv. Corrosiveness;
- v. Toxicity (including chronic toxicity);
- vi. Ecotoxicity, with or without bioaccumulation; or

Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition; or

When discharged to surface water or groundwater, has the potential to deplete oxygen as a result of microbial decomposition of organic matter (for example, milk).

Hazardous Sub Facility

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

Hazardous Substances and New Organisms Act and HSNO

means the Hazardous Substances and New Organisms Act 1996.

Health Care Facilities

means facilities relating to the physical and mental health, and the care and welfare of people.

Heavy Vehicle

means any vehicle exceeding 3500kg gross laden weight.

Height

in relation to a building means one of the following:

- a) The vertical distance between the highest part of the building and the average ground level, being the level of the ground at the external foundations of the building (see Figure 4.A); or
- b) The vertical distance between ground level at any point and the highest part of the building immediately above that point (see Figure 4.B).

For the purpose of calculating height, account shall be taken of parapets, but not of:

- a) Aerials, provided that the maximum height of aerials normally permitted by the rules for the site are not exceeded; or
- b) Chimneys (not exceeding 1.1m in width); or finials, provided that the maximum height normally permitted by the rules for the Environment is not exceeded by more than 1.5m; or
- c) Steeples, turrets, spires or towers located upon Places of Assembly provided the height limit normally permitted by the rules for the Environment is not exceeded by more than 2.0m.

Figure 4A Above Ground Method

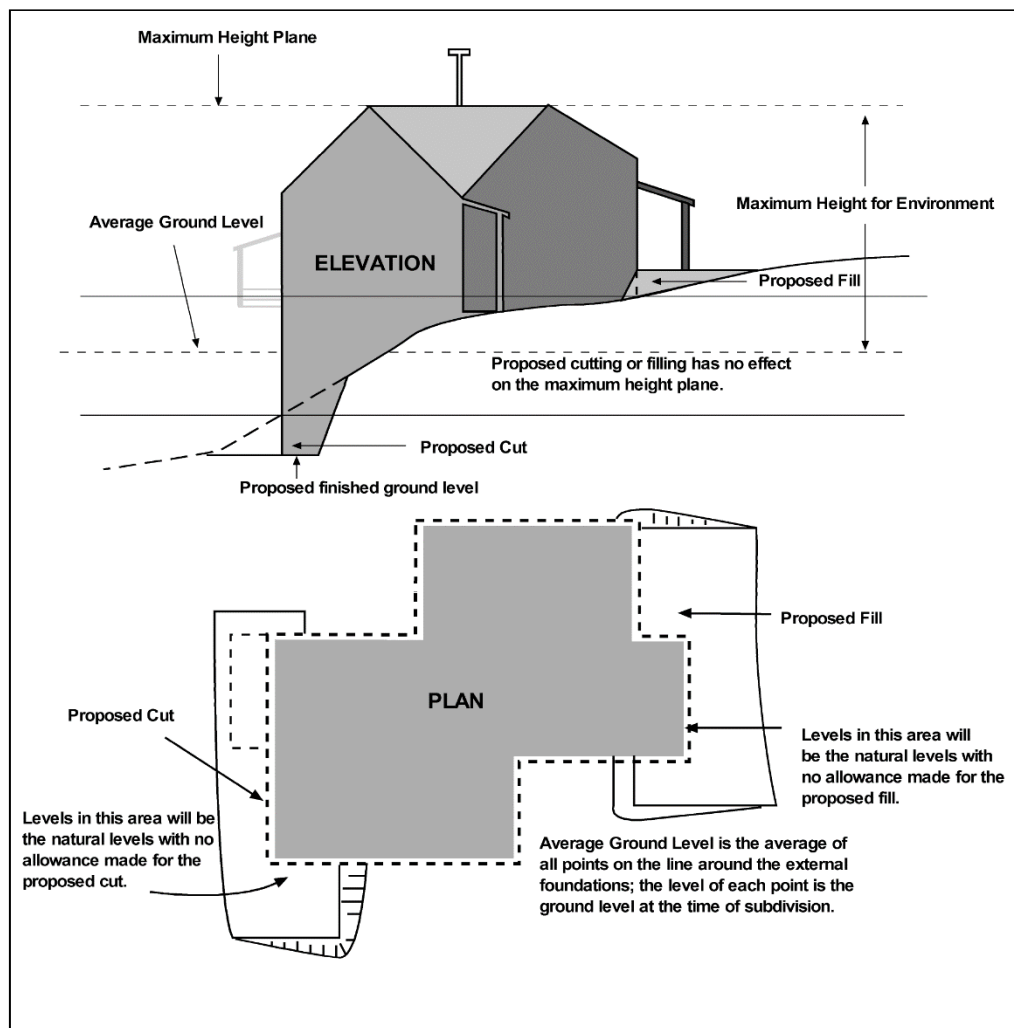
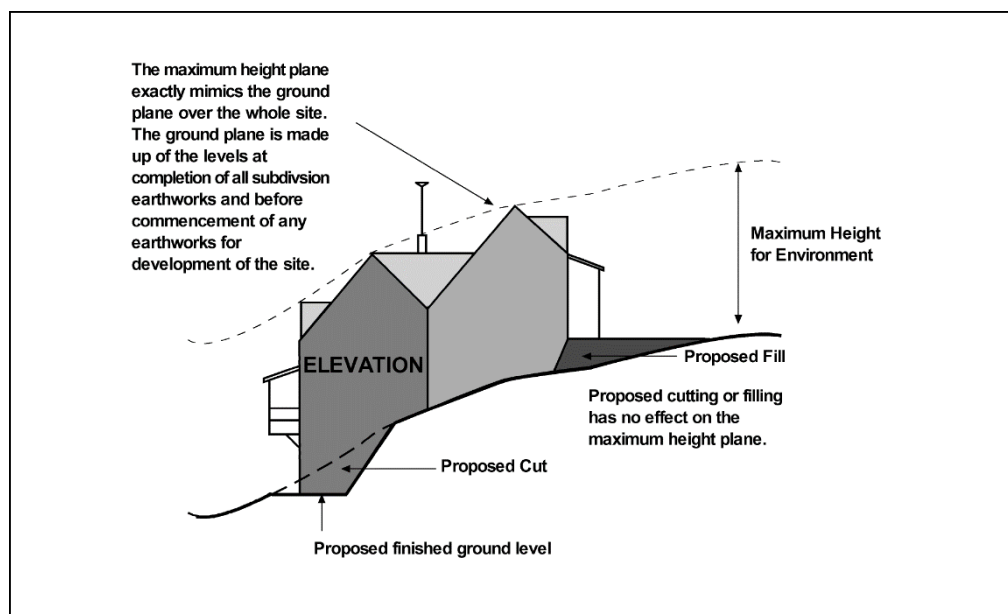


Figure 4B Rolling Height Method



High Noise Area

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

Home Occupation

means an occupation, or craft, or profession that is ancillary to the residential use of the site and where the principal operator of the home occupation is a permanent resident on the site. It does not include panel beating or car wrecking and the activity does not include, before 8am or after 6pm on any day, the operation of machinery, receiving customers or the loading or unloading of vehicles. The storage of materials associated with a non-residential activity shall not be visible from a public road or neighbouring residential property. The generated effects from the scale, hours of operation and the type of home occupation activity shall not be any different from those of other permitted activities in the Environment, except in the KMP and KLP where specific provisions apply.

Impervious Area

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

Includes:

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

Excludes:

- grass and bush areas
- gardens and other landscaped areas
- permeable paving and green roofs
- artificial playing surfaces or fields.

Indigenous Vegetation

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

Indigenous Wetland

means a naturally occurring wetland of 50m² or more (with a minimum width of 5 metres) which is permanently or seasonally wet (in that the water table is at or near the ground surface during high water table conditions), and which is dominated by indigenous wetland plant species including all or some of the following:

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

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

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

- a) Effluent treatment and disposal systems; or

- b) Storm water management; or
- c) Water storage; or
- d) Other artificial wetlands, water courses or open drains.

The definition also excludes:

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

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

Industrial Activity

means the processing, manufacturing, fabricating, packing or storage of goods or other ancillary activities, and includes servicing and repair activities.

Intensive Livestock Farming

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

Intermittently Flowing River

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

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

Iwi Authority*

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

Kaitiaki

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

Kaitiakitanga*

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

L_{AE} (Sound Exposure Level)

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

L_{AFmax} (Maximum Sound Level)

means the maximum, A-frequency-weighted, fast-time-weighted sound level, in decibels (dB), in a given measurement period.

L_{Aeq} (Time Averaged Sound Pressure Level)

means the time-averaged, A-weighted sound level measured in decibels (dB).

L_{Cpeak} (C-Weighted Pressure Level)

means the peak instantaneous C-weighted pressure level recorded during the measurement period. The “peak” level is not RMS averaged within the measurement circuitry of the sound level meter and therefore can appear much higher than other levels of instantaneous noise levels such as L_{AFmax}.

L_{dn} (Day/Night Level)

means the day-night sound level which is calculated from the 24 hour L_{Aeq} with a 10 dB penalty applied to the night-time (2200-0700 hours) L_{Aeq} to account for potentially increased annoyance during this time.

Low Noise Area

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

Live/Work

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

Living Environments

means Living 1, 2, and 3, Kamo Medium Density Living Precinct, Kamo Low Density Living Precinct.

Mana Whenua*

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

Metal Working

includes the smelting, casting, milling, forging, turning, die casting, machining, pressing, tumbling, drawing, rolling and galvanising electroplating, grinding of metal or related activities.

Mineral

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

Mineral Extraction

means the excavation of minerals from the ground, including:

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

Mining Hazard Area

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

Mining Hazard Area 1

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

Mining Hazard Area 2

indicates:

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

Mining Hazard Area 3

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

Minor Residential Unit

means a residential unit located no more than 15.0 metres from another residential unit on the same site/lot with a gross floor area of no more than 70.0m², excluding the gross floor area used exclusively for the storage of motor vehicles in association with the minor residential unit.

Minor Upgrading

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

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

Minor upgrading shall not include:

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

Multi Title Site

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

Multi Unit Development

means development of three or more residential units on a site.

National Grid

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

National Grid Corridor

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

Natural and Physical Resources*

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

Natural Hazard*

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

Net Site Area

means the total area of the site, excluding any part of the site:

- a) Subject to a building line restriction;
- b) Containing a right-of-way servicing other sites;
- c) Used for access less than 6m wide.

Network Utility Operator*

means a person who:

- a) Undertakes or proposes to undertake, the distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy; or
- b) Operates or proposes to operate a network for the purpose of telecommunication or radio communication, as defined in section 2(1) of the Telecommunications Act 1987; or
- c) Is an electricity operator or electricity distributor, as defined in section 2 of the Electricity Act 1992, for the purpose of line function services, as defined in that section; or
- d) Undertakes or proposes to undertake, the distribution of water for supply (including irrigation); or
- e) Undertakes or proposes to undertake, a drainage or sewerage system; or
- f) Constructs, operates or proposes to construct or operate, a road or railway line; or
- g) Is an airport authority, as defined by the Airport Authorities Act 1966 for the purposes of operating an airport, as defined by that Act; or
- h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- i) Includes the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information, including telecommunication, radio and satellite links required as part of meteorological activities; or
- j) Undertakes, or proposes to undertake, a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act. The words "network utility operation" have a corresponding meaning.

Night

means a period 2200 to 0700 hours unless specified otherwise.

Noise Sensitive Activities

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

Non-Complying Activity*

means an activity which:

- a) Is provided for as a non-complying activity, by a rule in a plan or a proposed plan; or
- b) Contravenes a rule in a plan or a proposed plan, and is allowed only if a resource consent is obtained in respect of the activity.

Notional Boundary

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

Outdoor Living Court

means an area of outdoor open space including balconies, decks and roof terraces, available for the exclusive use of the occupants of the residential unit to which the space is allocated, that has direct access to a main living space and that does not contain structures that would impede its use for outdoor living purposes.

Outer Control Boundary

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

Overlying Environment

An Overlying Environment indicates the proposed environment (or proposed environments), of any Future Environment. The Overlying Environment will have been defined in a strategic land use study, either undertaken by council or privately initiated. In order to utilise the provisions of the Overlying Environment, an applicant must make an application for a resource consent (either subdivision or land use), and provide a Comprehensive Development Plan of the proposal. Rules relating to Overlying Environments apply as though they are the rules of that Environment in the assessment of the **C.D.P.** unless the Plan specifically provides otherwise.

Parent Lot

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

Pedestrian Network

means the Primary Pedestrian Network and Secondary Pedestrian Network as shown on the District Planning Maps within the Kamo Walkability Environment.

Permitted Activity*

means an activity that is allowed by a plan or proposed plan without a resource consent, if it complies in all respects with any conditions (including any conditions in relation to any matter described in sections 108 or 220 of the Resource Management Act 1991) specified in the Plan.

Place of Assembly

means any land or buildings used principally for public or private assembly of people, worship, educational, recreational, social, ceremonial and spiritual activities; for meditation and functions of a community character; and includes churches, church halls, church yards and marae complex.

PPV (Peak Particle Velocity)

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

Public Place

means a place

a)

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

b) includes—

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

Prohibited Activity*

means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2) (b) of the Historic Places Act 1993.

Radio-Communication

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

Rear Site

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

Recognised Acoustician

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

Refuse Accumulation

means the process of collection and storage of discarded and/or derelict organic or inorganic material and includes domestic appliances and whiteware, scrapmetal, vehicle bodies, vehicle parts, machinery, glassware, paper, timber and building materials.

Requiring Authority*

means -

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

Release**

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

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

Residential Activity

means the use or occupation of land and buildings by people for the purpose of living accommodation, where the occupiers voluntarily intend to live at the site for a period of one month or more, and includes accessory buildings and leisure activities directly associated with the residential activity. It also means the occupation of land or buildings for the purpose of living accommodation on a temporary basis (i.e. up to one month) where the accommodation is ancillary to the predominant use or activity on the site, and involves up to six people only, such as bed and breakfast, farmstay or homestay accommodation. For the purposes of this definition, residential activity therefore includes rest homes (Geriatric Care facilities), guesthouses, apartments, emergency and refuge accommodation, domestic pastimes and activities associated with residential accommodation. The definition of residential activity therefore does not include motels or hotels; backpackers, bed and breakfast, farmstay or homestay accommodation, for more than six people; which are commercial activities.

Residential Unit

means a building or group of buildings, room or group of rooms, with associated services and facilities, designed, used or intended to be used separately or in conjunction with each other as a single independent and separate household unit for a Residential Activity. This includes baches or other similar private holiday accommodation but excludes temporary Activities.

Restricted Discretionary Activity

means an activity which is provided for as a restricted discretionary activity by a rule in a Plan or Proposed Plan, and which is allowed only if a resource consent is obtained in respect of that activity, but the matters or standards to be assessed in considering an application for resource consent are limited to those specified in the Plan or Proposed Plan.

Retail Activity

means land and/or buildings from which goods, merchandise, equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public and includes: a market; a showroom; a banking chamber (being that part of a bank which includes all the teller areas and all areas to which the public generally has access); off-licensed premises; and betting premises, but does not include a service station, motor vehicle sales and service premises or a restaurant, café and other eatery places.

Reticulated

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

Retirement Village

Part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with shared services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum return for their right to live in the place. As well as a lump sum, a "capital sum" can also mean periodical payments, if the payments are substantially more than would be paid to cover rent and such services or facilities for the relevant period. A retirement village is centrally managed and includes common areas and facilities to which residents of the retirement village have access under their occupation right agreements.

River*

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

RMS (Root Mean Square) Velocity

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

Road

shall have the same meaning, as defined in section 315 of the Local Government Act 1974 and includes a motorway, as defined in section 2(1) of the Transit New Zealand Act 1989. The width of the Building Line Restrictions identified for specific roads, (refer to Appendix 1 of this Plan and the Planning Maps) shall be included as forming part of the road, for the purpose of calculating building setbacks.

Note: Mapping of Roads : *A road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. Roads are generally represented without Environment colouring on the Planning Maps. Formed roads are marked with a line on a white background to provide orientation to map users and to provide a ready reference point to locate properties.*

Roads are in the same Environment as the land that surrounds them. Where a road runs along the boundary between two Environments, the boundary of the Environments is the centre line of the road. Where the road runs beside the coast, the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land Environment.

Safe Potable Water Supply

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

Seasonal Activity

means the following activities:

- a) The harvesting, picking, pruning or planting of primary produce on a temporary seasonal basis; or
- b) Forestry, including the storage of harvested timber within forest plantation sites (whether recently harvested or not) and the transport of raw logs with the processing or packing of primary produce and harvested timber not constituting seasonal activities for the purposes of this definition.

Segregation Strip

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

Sensitive Activities

means, within a National Grid Corridor, childcare and education facilities, Residential Activity, hospitals, Health Care Facilities and Retirement Villages.

Service Station

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

Set Back

means the horizontal distance between a building and a water body, boundary or frontage of its site. For the purposes of this definition, intrusions of eaves or guttering

of up to 800mm are excluded, except where an eave would overhang an easement or a boundary.

Shared Access

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

Showroom

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

Sign

means any device intended to attract attention for the purpose of directing, identifying, informing or advertising, except for traffic signs and advertising matter placed on or within a display window of commercial premises, and includes structural supports; three dimensional and inflatable surfaces; and flags.

Sign Area

means the entire area with a continuous perimeter enclosing the extreme limits of lettering, graphics or symbols, together with any material or colour forming an integral part of the display or used to differentiate such a sign from the background against which it is placed. Sign area in relation to a multiple-sided sign means that the total signage area that may be viewed from any viewable perspective (including front and back, and inflatable or three dimensional signs). Structural supports and building surfaces are not included in the calculation of sign area, except where they form an integral part of the sign.

Site

means an area of land or volume of space, shown on a plan with defined boundaries, and includes:

- 1)
 - a) Land which is:
 - i. Comprised in a single allotment or other legally defined parcel of land, and held in a single certificate of title; or
 - ii. Comprised in a single allotment or legally defined parcel of land for which separate title cannot be issued without further consent of the council; or
 - b) An area of land which is comprised of two or more adjoining certificates of title where such titles are:
 - i. Subject to a condition imposed under Section 80 of the Building Act 2004; or
 - ii. Held together in such a way that they cannot be dealt with separately without the prior consent of the council;
- or
- 2) In the case of land subdivided under the cross lease or company lease systems (other than strata titles), an area of land containing:
 - a) A building for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of those buildings; or
 - b) A remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes; or
- 3) In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan, together with its accessory units; or

- 4) In the case of strata titles, site shall mean the underlying certificates of title, immediately prior to subdivision.

Site shall also include the access to the site.

Stone Wall

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

Stream

Refer to definition of River.

Structure*

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

Subdivision*

means:

- a) The division of an allotment:
 - i. By an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
 - ii. By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - iii. By a lease of part of the allotment which, including renewals, is or could be for 20 years or longer (unless that part of the allotment is in the coastal marine area, and that lease is allowed for a term of 20 years or longer by a coastal permit or by a rule in a regional coastal plan); or
 - iv. By the grant of a company lease or cross lease in respect to any part of the allotment; or
 - v. By (the deposit of a unit plan or) an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226, and the term "subdivide land" has a corresponding meaning.

Supermarket

A self-service store selling mainly food, typically with a gross floor area of up to 6,500 square metres, with supporting car parking.

Surface Water

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

Tangata Whenua*

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

Taonga

means treasure, or all that is held precious.

Telecommunication

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

Temporary Activity

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

Temporary Military Training Activity

means a temporary military training activity undertaken for defence purposes. Defence purposes are described in section 5 of the Defence Act 1990.

Tikanga Maori*

means Maori customary values and practices.

Traffic Movement

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

Underlying Environment

An Underlying Environment is the existing (or current) Environment of any Future Environment at the time that the Future Environment is created. Permitted activities, as defined in the existing Environment continue to be permitted when this Environment becomes an Underlying Environment of a Future Environment. Rules relating to Underlying Environments are applied as though they are the rules of that Environment, unless the Plan specifically provides otherwise.

Urban Area

Refers to areas that are considered 'urban' in the context of this chapter (and the wider District Plan), refers to both Living and Business Environments, including areas zoned as Living and Business Environments in coastal and rural settlements.

Vegetation Clearance

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

Vegetation Cover

means an area that is principally covered in indigenous vegetation.

Vehicle Crossing

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

Verandah

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

Versatile Soils

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

Veterinary Vaccine

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

Viable Genetically Modified Veterinary Vaccine

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

Visitor Accommodation

means short stay accommodation such as short stay apartments, hotels, motels, hostels or boarding houses.

Visual Permeability

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

Waahi Tapu

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

Water*

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

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

Water Body*

means fresh water or geothermal water in a river, lake, stream, pond, indigenous wetland or aquifer or any part thereof that is not located within the coastal marine area. Environmental Rules relating to building setbacks from water bodies are applicable only in relation to rivers, lakes and Mean High Water Springs.

Wind Turbine

means a wind turbine used to extract kinetic energy from the wind and having a swept area of greater than 200m².

Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
27 June 2007	FP	Building definition	MS Word reformatting of bullet points to read correctly a) to i)	27 June 2007	PW
1 October 2007	FP	Definition of Contamination site	Plan Change 45 Adopted by Council ES meeting	20 September 2007	PW
1 October 2007	FP	Definition of Forestry	Plan Change 45 Adopted by Council ES meeting	20 September 2007	PW
5 October 2007	FP	Definition of Eaves and Set Back	Plan Change 57 Adopted by Council ES meeting	20 September 2007	PW
26 March 2008	FP	Intensive Livestock Farming	Plan Change 45 Amendments to Factory Farming definition.	ES 12 March 2008	PW
11 March 2008	FP	Building	Plan Change 45 Amendment to the definition of 'Building'	ES 9 April 2008	PW
17 April 2008	FP	Intensive Livestock Farming	Move this definition to match the alphabetic order of the definitions		PW
23 May 2008	FP	Various	Plan Change 45 amendments of various definitions Bed* (of a river) Dominant Slope and illustration, Home Occupation, Residential Activity, Set Back and Water Body.	ES 14 May 2008	PW
11 July 2008	JL	Public Place and Community Sign	Plan Change 41 addition of definitions	ES 9 July 2008	PW
13 October 2008	FP	Residential Unit	Plan Change 45 amendment of the definition	ES 8 October 2008	PW
30 October 2008	FP	Eaves	Move this definition to page 7 to suit the alphabetical order		PW
15 July 2009	FP	Comprehensive Development Plan	Cross reference to Rule 47.4 corrected to read 48.7	Email from Consent Planner 2 July 2009	NW
12 May 2010	FP	Addition of a note in the Definition of Roads	From chapter 1.9 Mapping of Roads - Introduction Section 'Sophisticated Yet simple' Clause 16(2) 10/37288	Clause 16(2) 10/37288 12 May 2010	NW
4 August 2011	FP	New definitions	Bulk Form Retail, Built Form, Supermarket, Urban Area	Operative Date 24 August 2011	NW
11 April 2012	LB	New definitions	Live/Work, Retirement Village, Showroom	Operative Date 24 April 2012	NW
12 June 2013	LB	Change of definition	Minor Upgrading	Operative Date 25 June 2013	NW
11 December 2013	MD	New definitions	Electricity Infrastructure, National Grid, National Grid Corridor, Sensitive Activities	Operative Date 13 January 2014 TRIM 14/4071	NW
10 June 2015	TB	Additions and amendments to definitions	Plan Change 120 additions and amendments to definitions	Operative Date 23 June 2015 TRIM 15/52461	MM
11 May 2016	TB	Additions and amendments to definitions	Plan Change 110 additions and amendments to definitions	Operative Date 24 May 2016 TRIM 16/52692	MM

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
24 November 2016	LM	New definition	Plan Change 113 addition to definitions.	7 December 2016	MM
27 April 2017	AM	Intensive Livestock Farming	Correction of Minor error	Clause 20A Minor Amendment - Scheduled Activities. DSTPLN-659943184-68	MM

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GMO.1

Genetically Modified Organisms

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GMO.1 Genetically Modified Organisms

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GMO.1.1 Description and Expectations

The purpose of this chapter is to manage the outdoor use of Genetically Modified Organisms (GMOs). The outdoor use of GMOs can have adverse effects on people, communities, tangata whenua, social and cultural wellbeing, the environment and the economy.

Sources of risk from the outdoor use of GMOs include:

- Socio-cultural risk - concerns of Maori, such as mauri, whakapapa, tikanga, including the integrity of nature, the mixing of genes from unrelated species, and effects on indigenous flora and fauna.
- Environmental risk - including adverse effects on non-target species (e.g. birds and insects), genetically modified (GM) plants becoming invasive and disrupting ecosystems, and altered genes transferring to other organisms.
- Economic risk - the risk that cultivation of GM crops will cause economic damage, in particular through accidental or unintentional migrations of GMOs resulting in GM contamination appearing in non-GM crops and associated market rejection and loss of income, negative effects on marketing and branding opportunities, and costs associated with environmental damage.

There is a lack of information, including scientific uncertainty, concerning the effects of GMOs in the environment and risks of irreversible, adverse effects which could be substantial. In order to manage the effects of outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs, an adaptive precautionary approach to risk management is adopted for the Whangarei District.

The application of a precautionary approach shall mean that the Release of a GMO is prohibited and that Field Trials of a GMO (where the proponents of such activities have prior approval from the Environmental Protection Authority (EPA)) shall be a discretionary activity so as to avoid the risks of potential adverse effects. Some activities, such as research within contained facilities, some veterinary vaccines and certain medical applications are permitted activities. The classification is based upon a hierarchy of risks, from negligible for permitted activities to high risk for prohibited activities. Discretionary activities (Field Trials) are subject to development and performance standards, including a requisite for bonds to cover possible environmental or economic damage and monitoring requirements.

The application of an adaptive risk management approach is to avoid foreclosure of potential opportunities associated with a GMO development that could benefit the district. There is the ability to review a particular GMO activity if it were to become evident during the field trial stage, or in light of other new information, that the particular GMO activity would be of net benefit to the district and that potential risks can be managed to the satisfaction of Council. Council or a GMO developer can initiate a plan change to change the status of an activity.

GMO.1

Genetically Modified Organisms

It is anticipated that the objectives, policies, eligibility rules and general development and performance standards in this chapter will achieve the following results:

1. Adoption of a precautionary approach to manage potential risks (social, cultural, environmental and economic) associated with the outdoor use of GMOs.
2. Ensuring users of GMOs are financially accountable in the long-term through bonding and financial fitness provisions for the full costs associated with the GMO activity. This includes accidental or unintentional contamination, clean-up, monitoring and remediation.
3. Protection of local/regional marketing advantages through reducing risks of adverse effects associated with market rejection and loss of income from GM contamination of non-GM crops, and negative effects on marketing, branding and tourism opportunities.
4. Addressing cultural concerns of Maori, particularly given that Maori make up a considerably greater proportion of the population in Northland than is represented nationally.

GMO.1.2 Eligibility Rules

1. Research within contained laboratories involving GMOs is a permitted activity.
2. Medical applications involving the manufacture and use of non-viable GM products are permitted activities.
3. The use of non-viable genetically modified veterinary vaccines and viable genetically modified veterinary vaccines with a specific delivery dose supervised by a veterinarian are permitted activities.
4. The use of viable genetically modified veterinary vaccines not supervised by a veterinarian are discretionary activities.
5. Other GMO activities not requiring consent as a discretionary activity or listed as a prohibited activity are permitted activities.
6. Field Trials of GMOs (where the proponents of such activities have prior approval of the EPA) are discretionary activities.
7. Food-related and non food-related GMO Releases are prohibited activities.

Note: permitted activities may require consents and / or permits under other legislation / plans.

GMO.1.3 Notification

All applications for resource consent must be publicly notified.

GMO.2

GMO Land Use Controls

GMO.2.1 Objectives

1. The environment, including people and communities and their social, economic and cultural wellbeing and health and safety, is protected from potential adverse effects associated with the outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs through the adoption of a precautionary approach, including adaptive responses, to manage uncertainty and lack of information.
2. The sustainable management of the natural and physical resources of the district with respect to the outdoor use of GMOs, a significant resource management issue identified by the community.

GMO.2.2 Policies

1. Precautionary Principle

To adopt a precautionary approach by prohibiting Release of a GMO, and by making Field Trials of a GMO and the use of viable GM veterinarian vaccines not supervised by a veterinarian a discretionary activity.

2. Financial Accountability

To ensure that a resource consent granted for the Field Trials of a GMO is subject to conditions that ensures that the consent holder is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation, including via the use of bonds.

3. Risk Avoidance

To ensure that a resource consent granted for the Field Trials of a GMO is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, the mauri of flora and fauna, and the relationship of mana whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a GMO.

4. Monitoring Costs

To ensure that a resource consent granted for the Field Trials of a GMO is subject to a condition requiring that monitoring costs are met by the consent holder.

5. Liability

To require consent holders for a GMO activity to be liable (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.

6. Adaptive Approach

To adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a GMO in the district through periodic reviews of these plan provisions, particularly if new information on the benefits and/or adverse effects of a GMO activity becomes available.

GMO.2.3 Information Requirements

Applications for GMO Field Trials are to provide:

- Evidence of approval from the EPA for the specific GMO for which consent is sought. The duration of any consent granted will be aligned with EPA approval terms.
- Details of proposed containment measures for the commencement, duration and completion of the proposed activity.

GMO.2

GMO Land Use Controls

- Details of the species, its characteristics and lifecycle, to which the GMO activities will relate.
- Research on adverse effects to the environment, cultural values and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects.
- Evidence of research undertaken that characterises and tests the GMO, and the certainty associated with the accuracy of that information.
- A management plan outlining on-going research and how monitoring will be undertaken during, and potentially beyond, the duration of consent.
- Details of areas in which the activity is to be confined.
- Description of contingency and risk management plans and measures.

GMO.2.4 General Development & Performance Standards

Without limiting the discretion reserved to Council on any application for consent, discretionary activities are to comply with the following minimum controls in order to establish in the district. The general development and performance standards are in addition to any controls/conditions that are imposed and monitored by the EPA under the Hazardous Substances and New Organisms (HSNO) Act.

1. Bond

Council requires the applicant for the resource consent to provide a performance bond, with an approved trading bank guarantee, in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the GMO activity (prior to, during and after the activity). This bond is to be available for payment to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry of the consent. The form of, time and manner of implementing and discharging the bond shall be decided by, and be executed to the satisfaction of Council.

2. Monitoring Costs

All costs associated with monitoring required for discretionary activities will be borne by the consent holder. This includes any monitoring that is required to be undertaken beyond the consent duration, as required by a resource consent condition.

3. Assessment of Applications and Conditions

Where necessary, more stringent measures than those required under the provisions of the HSNO Act may be imposed to manage potential risks. A review clause (pursuant to Section 128 RMA) may be included in the conditions, where deemed necessary, to address any future changes in technology, and the scope of environmental, economic and cultural effects. An application for a discretionary activity may be granted with or without conditions, or be declined by the Council having regard to the relevance of the following matters:

- **Site Design, Construction and Management**

Site design conditions should ensure GMO sites are designed and managed in a manner that avoids or minimises risks of adverse effects from activities carried out on the site. This shall include provisions to prevent the migration of GMOs beyond the area designated for the activity.

GMO.2

GMO Land Use Controls

- **Transport**

Ensure the transportation of GMOs is carried out in a manner that minimises the risk of adverse effects by preventing the escape of GMOs from the transporting vehicles. Appropriate procedures must be in place to ensure that any vehicle visiting the site is thoroughly cleaned and checked prior to leaving the site to avoid unintentional GMO distribution.

- **Monitoring**

A GMO discretionary activity may require monitoring during, and beyond the duration of consent. Monitoring is to be carried out by either the Council or consent holder with appropriate reporting procedures to the relevant regulatory authority.

- **Reporting**

Reporting requirements by the consent holder will be stipulated in the consent conditions.

GMO.2.5 Particular Matters

Matters that will be considered when determining the amount of bond required are:

- What adverse effects could occur and the potential significance, scale and nature of those effects, notwithstanding any measures taken to avoid those effects.
- The degree to which the operator of the activity has sought to avoid those adverse effects, and the certainty associated with whether the measures taken will avoid those effects.
- The level of risk associated with any unexpected adverse effects from the activity.
- The likely scale of costs associated with remediating any adverse effects that may occur.
- The timescale over which effects are likely to occur or arise.
- The extent of monitoring that may be required in order to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied.

A monitoring strategy for a GMO discretionary activity can include the following matters:

- Inspection schedules for the site, storage areas and equipment (daily, weekly, monthly, events based).
- Testing of procedures (e.g. accidental release response).
- Training programmes for new staff, updates for existing staff.
- Audits of sites and site management systems.
- Sample testing of plants, soils and water in neighbouring properties or localities for the presence of migrated GMOs.

4.3 New Road Name - RMA Consents - Lenz & Sharp Ltd

Meeting: Planning and Development Committee
Date of meeting: 21 June 2018
Reporting officer: Keryn Ryan – Team Leader Support (RMA Consents)

1 Purpose

To name a private right of way in the Whangarei District.

2 Recommendation

That the Planning and Development Committee approve the new private right of way off Austin Road, to be named Fieldstone Lane.

3 Background

A road naming application for Lenz & Sharp Ltd has been received on 16 May 2018 for the new private right of way off Austin Road.

4 Discussion

The private right of way has been considered in accordance with the Council Road Naming Policy.

5 Significance and engagement

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

6 Attachments

- 1) Application for naming of a new road – Fieldstone Lane
- 2) Location map – Fieldstone Lane – Lenz and Sharp Ltd

Application for the naming of a new Private Right of Way

Subdivision off Austin road, Maunu

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Private ROW	Fieldstone Lane	Area noted for its heritage stone walls, which can be seen on early survey plans dating back to c.1879. Applicant would like to recognise the significance of these stone walls, with 'Fieldstone' being a play on words in relation to the existing heritage stone walls and reference to the stones once being littered across the fields before being utilised.	Accepted	N/A
	Greystone Lane	As per above, this is a play on the existing heritage stone walls on the property, and referencing the notable colour of the walls.	Accepted	N/A
	Drystone Lane	As per above, referencing the existing stone walls, and referencing the construction methods of these walls.	Accepted	N/A

Consultation

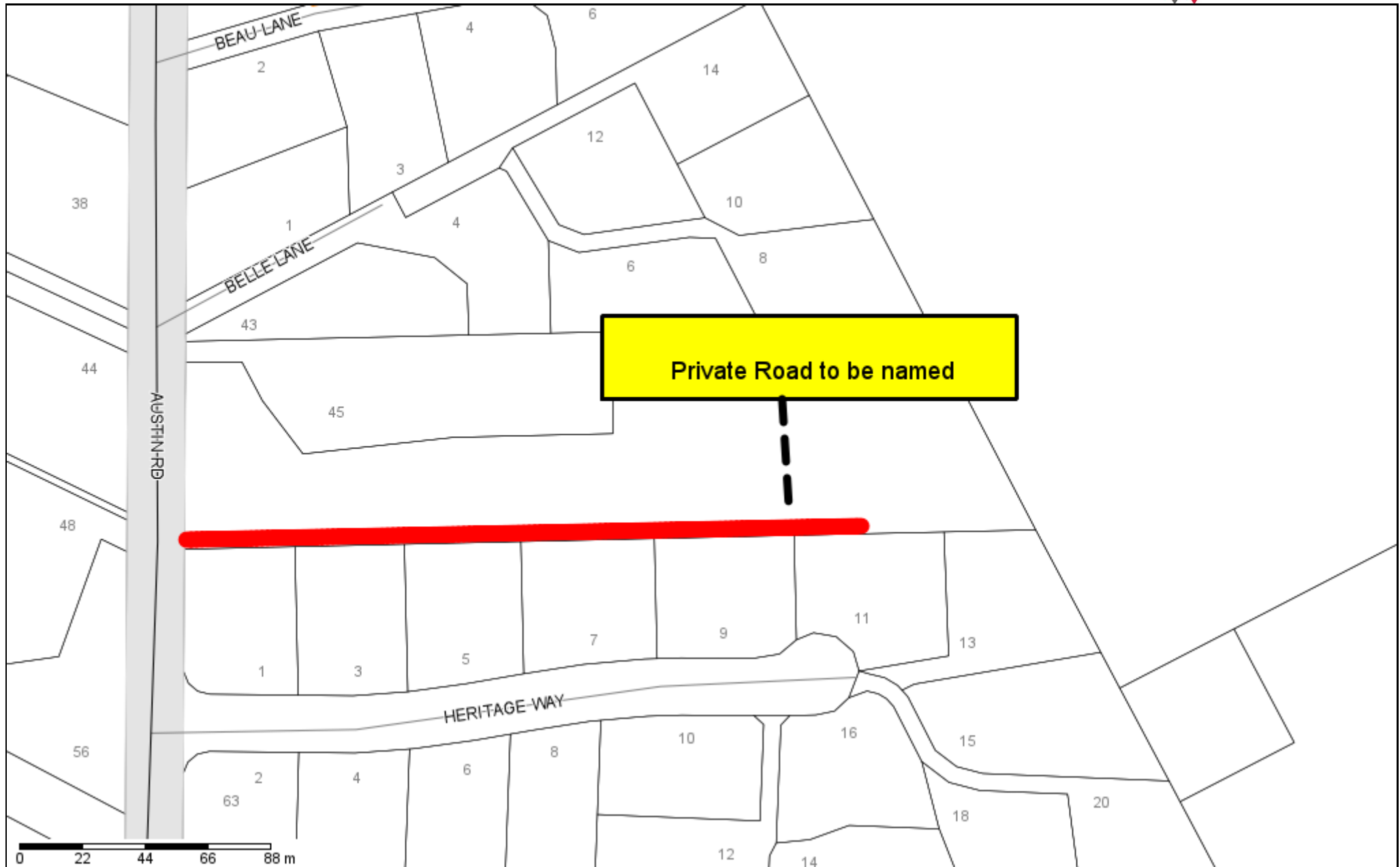
No consultation has been undertaken with neighbouring properties, as they do not have access over the private ROW, and as such are not affected. No titles have been issued yet for this development and the land is therefore still owned by the developer, Lenz & Sharp Ltd.

Recommendation

That the new private Right of Way off Austin Road be named Fieldstone Lane.

Document References

Location Map – Fieldstone Lane – Lenz and Sharp Ltd



4.4 New Road Name – RMA Consents - Waipu Green Estate

Meeting: Planning and Development Committee
Date of meeting: 21 June 2018
Reporting officer: Keryn Ryan – Team Leader Support (RMA Consents)

1 Purpose

To name one public road and three private right of ways within the Whangarei District.

2 Recommendation

That the Planning and Development Committee approves the new public road off Argyle Street be named Green Estate Drive and the three, new private right of ways, off this new public road be named as follows:

Private ROW A : Kermadec Crescent
 Private ROW B: Kahikatea Tree Lane
 Private ROW J: Puka Way

3 Background

A road naming application for Waipu Green Estate has been received on 27 April 2018, for one new public road and three new private right of ways, located with a new subdivision at Waipu.

4 Discussion

All road names have been considered in accordance with Council's Road Naming Policy.

5 Significance and engagement

Having considered the Significance and Engagement policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

6 Attachments

- 1) Application for naming new roads – Waipu Green Estate
- 2) Location Map – Waipu Green Estate

Application for the naming of 1 public road and 3 private right of ways.

Subdivision at Waipu

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Public Road	Green Estate Drive	In reference to the beautiful green colour of the Puka, Magnolia and Kahikatea trees within the subdivision, and the open green fields neighbouring the site.	Accepted	N/A
	Magnolia Green Lane	In reference to the rich green colour of the Magnolia tree	Accepted	N/A
	Magnolia White Lane	In reference to the white colour of the Magnolia Flowers	Accepted	N/A
Private ROW Lane A	Kermadec Crescent	All In reference to the Kermadec Palms throughout Waipu area	Accepted	N/A
	Kermadec Nikau Crescent		Accepted	N/A
	Nikau Crescent		Rejected – duplicate nearby.	N/A
Private ROW Lane B	Kahikatea Tree Lane	In reference to the Kahikatea trees located on site.	Accepted	Yes
	Green Palm Lane	Keeping with the theme of acknowledging the nikau palms.	Accepted	N/A
	Green Lea Lane	In reference to the open green space surrounding the subdivision.	Accepted	N/A
Private ROW Lane J	Puka Way	In reference to the Puka trees within the subdivision.	Accepted	Yes
	Meryta Way	Binomial name for Puka tree.	Accepted	N/A
	Green Puka Way	In reference to the lush green colour of the Puka Tree.	Accepted	Yes

Consultation

local Iwi contact for Patuharakeke (Juliane Chetham) was consulted 29/05/18 and subsequently given approval of Maori names to be considered by Council. No titles have been issued yet for this development and the land is therefore owned by the Developer, Waipu Green Estate.

Recommendation

That the public road off Argyle Street be named Green Estate Drive, and the three new private right of way's off this new public road be named as follows:

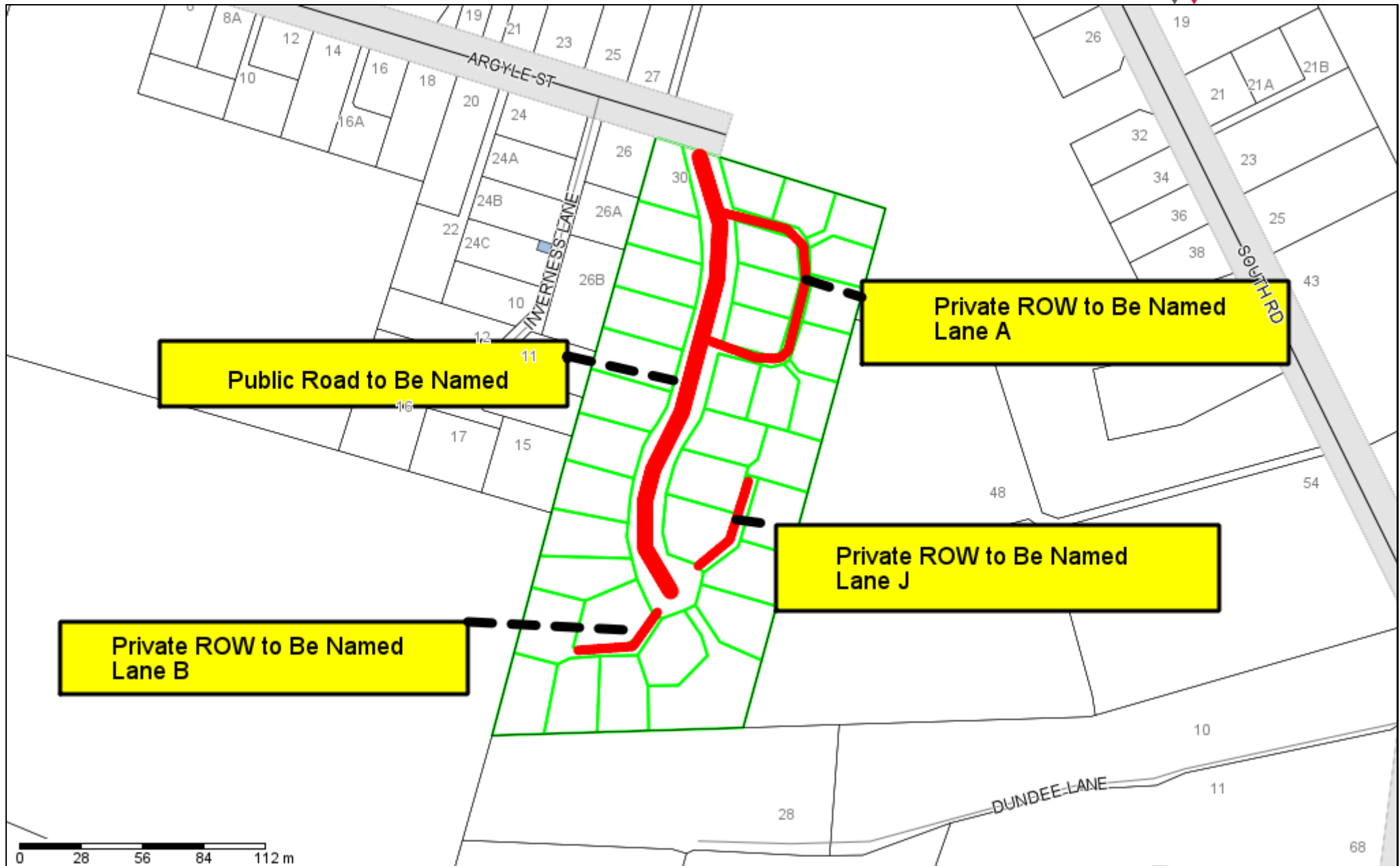
Private ROW A: Kermadec Crescent

Private ROW B: Kahikatea Tree Lane

Private ROW J: Puka Way

Document References

Location Map – Waipu Green Estate



4.5 New Road Name – RMA Consents –Advance Developments

Meeting: Planning and Development Committee
Date of meeting: 21 June 2018
Reporting officer: Keryn Ryan – Team Leader Support (RMA Consents)

1 Purpose

To name a public road in the Whangarei District.

2 Recommendation

That the Planning and Development Committee approve the new public road off Matapouri Road to be named Admiral Way.

3 Background

A road naming application for Advance Developments has been received on 1 June 2018 for a new public road located within a subdivision at Tutukaka.

4 Discussion

All road names have been considered in accordance with the Council's Road Naming Policy.

5 Significance and engagement

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the Council website.

6 Attachments

- 1) Application for the naming of a new road – Advance Developments
- 2) Location Map – Advanced Developments

Application for the naming of a new public road.

Subdivision at Tutukaka

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Public Road	Admiral Way	The site is located off Matapouri Rd, Tutukaka, which is a local harbour with boat access and has a nautical theme applied to the nearby roads. In keeping with the local theme, Admiral Way is in reference to the Navy ranking and the frigate Waikato scuttled offshore.	Accepted	N/A
	Compass Way	In keeping with the local nautical theme, Compass Way is in reference to the navigational devices used.	Accepted	N/A
	Commodores Close	This is in reference the nautical theme and the Navy's ranking term.	Accepted	N/A

Consultation

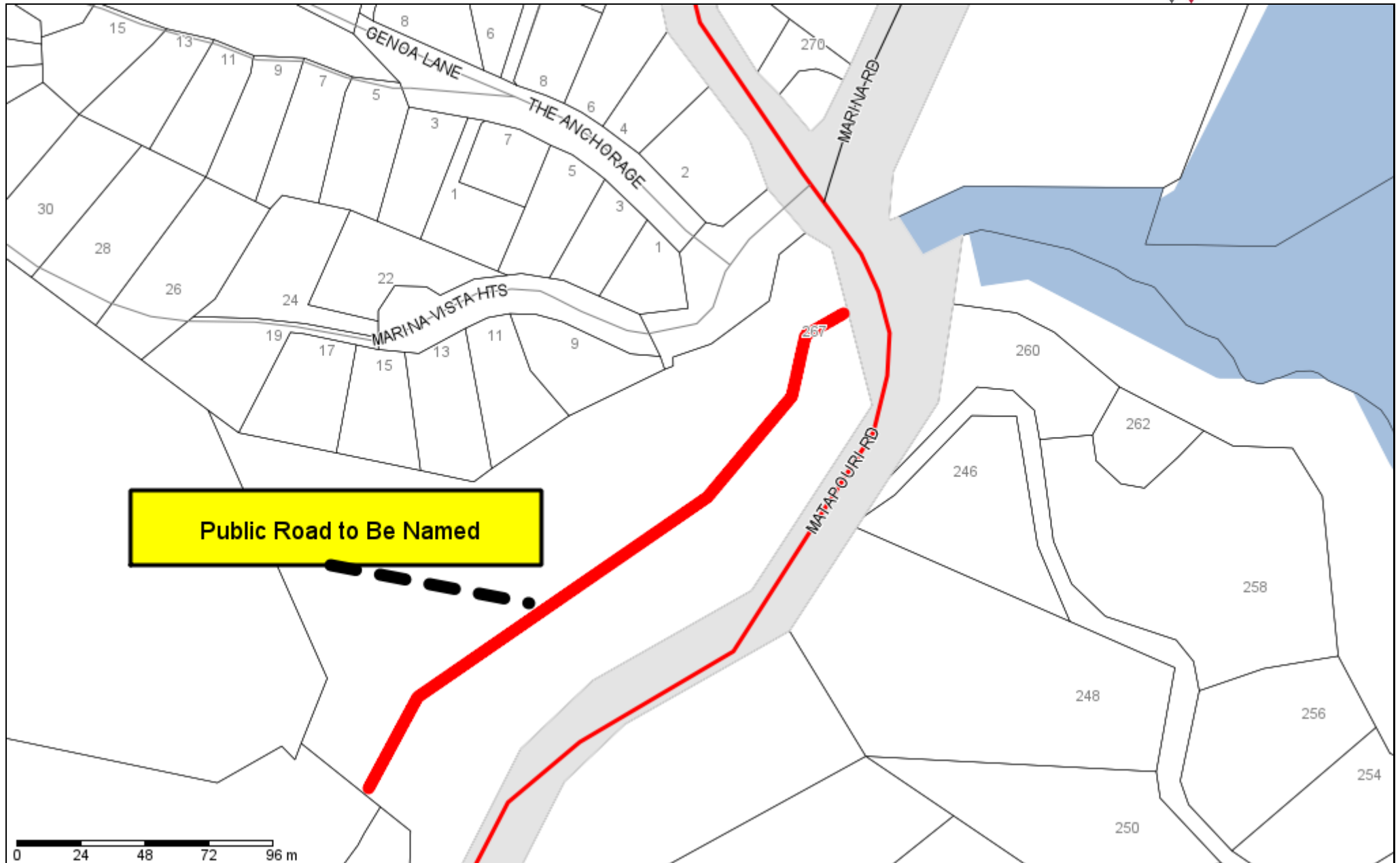
No consultation has taken place, as no titles have been issued yet for this development and the land is therefore owned by the developer, Advanced Developments.

Recommendation

That the new public road off Matapouri Rd be named Admiral Way.

Document References

Location Map



5.1 Planning and Development Capital Projects Report for the month ending 30 April 2018

Meeting: Planning & Development Committee
Date of meeting: 21 June 2018
Reporting officer: Alison Geddes – Group Manager Planning and Development

1 Purpose

To provide the Planning and Development Capital Projects Report for the month ending 30 April 2018.

2 Recommendation

That the Planning and Development Committee note the Planning and Development Capital Projects Report for the month ending 30 April 2018.

3 Background

This Report provides an update on Planning and Development Capital Projects expenditure to date compared to budget, as well as the forecast spend for the year and carry forwards against budget.

4 Discussion

The Capital Projects expenditure for Planning and Development as at 30 April 2018 is currently \$685k more than budget. Planning and Development is forecasting to spend a total of \$5.3m against the \$4.3m budget.

The unfavourable variance forecast for the year is mainly due to:

- the unbudgeted \$3.4m spent on the RSA site (funded from Property Reinvestment Reserve).

In addition, we are looking to carry forward \$2.2m largely made up of:

- the Port Road Site remediation of which \$650k is forecast to be carried forward.
- the Parihaka Transmission Mast Upgrade of which \$903k is forecast to be carried forward.

5 Significance and engagement

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

6 Attachment

Capital Projects Report - Planning and Development – April 2018

PLANNING & DEVELOPMENT CAPITAL PROJECTS REPORT

AS AT 30 April 2018

(Figures include both Operating and Capital Expenditure)

	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Forecast \$000	Full Year Revised Budget \$000	Forecast (Underspent)/ Overspent \$000	Forecast Carry Forwards \$000	Total (Underspent)/ Overspent \$000
Economic Growth								
Twin Coast Signage	0	30	(30)	0	30	(30)	0	(30)
Whangarei City Entrance Signage & Beautification	93	89	4	93	89	4	0	4
Economic Growth Total	93	119	(27)	93	119	(27)	0	(27)
Planning & Regulatory								
Dog Pound Renewals	0	20	(20)	0	20	(20)	20	0
Planning & Regulatory Total	0	20	(20)	0	20	(20)	20	0
Support Services								
Central City Carpark Upgrades & Improvements	2	100	(98)	2	204	(201)	201	0
Commercial Property Renewals & Improvements	66	0	66	66	0	66	0	66
Old Harbour Board Building Development	6	1,469	(1,463)	805	1,469	(664)	468	(196)
Parihaka Transmission Mast Upgrade	0	300	(300)	100	1,003	(903)	903	0
Port Road Site Remediation	605	1,500	(895)	793	1,500	(707)	650	(57)
Property Purchases	3,414	0	3,414	3,413	0	3,413	0	3,413
Town Basin Property Renewals & Improvements	27	0	27	27	0	27	0	27
Water Services Building Renewals	0	20	(20)	0	20	(20)	0	(20)
Support Services Total	4,121	3,389	731	5,207	4,196	1,011	2,223	3,234
Total	4,213	3,529	685	5,300	4,335	965	2,243	3,207

5.2 Planning and Development and Strategy and Strategy Operational Report

Meeting: Planning and Development Committee

Date of meeting: 21 June 2018

Reporting officer: Alison Geddes (General Manager Planning and Development)
Dominic Kula (General Manager Strategy and Democracy)

1 Purpose

To provide a brief overview of work occurring, in the current financial year, across functions that the Planning and Development Committee has responsibility for.

2 Recommendation

That the Planning and Development Committee notes the operational report for June.

3 Discussion

Planning and Development

Adam Worley has left his position as Manager District Development and I am considering options for his replacement. I am pleased to announce the appointment of Reiner Mussle to the position of Manager Health and Bylaws where he has been in an acting capacity for a while. I am very pleased to welcome Reiner as a member of the Planning and Development group leadership team.

The forestry harvest at the Whau Valley dam and the removal of the old fertilizer stores in Port Road is now complete. We are now working on the remediation of the site. We have also made significant progress on the strategic commercial property project and have nearly completed mapping all council owned commercial properties on a GIS data base which is directly linked into the LINZ database. We are working through an exercise of categorising properties and will have a further working session with Councillors to gain input and refine this categorisation in due course.

The District Plan team is spending the majority of their time working through Environment Court mediation of the outstanding rural plan change appeals and where rezoning is beyond challenge, sections are being reported to Council for final approval with a view to being and made operative.

Resource consents and building consent volumes remain high and throughput in the building function is consistently close to 100%. Building consent application for 48 new dwellings have been received this month. A significant Hearings Commissioners decision on the Winstone's Quarry overburden was received this week and circulated to Councillors.

The re-inspection of swimming pools is proceeding and two new swimming pool inspectors are being appointed to carry out this function. We are setting a set fee for certificates of compliance and building consents of \$615 for a period of two years to encourage owners of non-compliant pools to regularise their pools. This is discussed in further detail in the agenda item on fees and charges the council meeting on 28th of June. We have also launched a review of business process in the Health and Bylaw area which includes swimming pool inspections, dog control and other regulatory processes.

I have joined the Northland Housing Taskforce as the WDC representative. The Northland Housing Taskforce has been created to work with interagency partners “to provide urgency to the establishment and provision of transitional and public housing in the Northland Region, creating pathways to equitable, sustainable housing solutions in the longer term.” The Taskforce recognises that Councils are key stakeholders as they have regulatory roles in the supply chain and the taskforce wants to be proactive in understanding Council requirements in developing housing stock. The taskforce also understands that developers and providers also need to understand the capacity of Council infrastructure and how new developments could put pressure on transport, water and wastewater networks. I have identified that one area that gains can be made is through working with Ministry of Business, Innovation and Employment (MBIE), the private sector and other Territorial Local Authorities (TLAs) in the North to improve the uptake of Multi Proof approvals to streamline consenting processes. Multi Proof is a service offered by MBIE by which a designer/developer can gain approval from MBIE to demonstrate that their design meets the requirements of the Building Code and can be replicated in any local authority in New Zealand, reducing the need for multiple approvals. From my investigation, the uptake of this service seems to have been limited and I think there is considerable scope for greater use of it, particular with regard to modular and prefabricated housing.

Strategy and Democracy

The Strategy team have made progress on a number of initiatives working across Council and, in the case of bylaws and treaty settlements, across the Region.

The Alcohol Control Bylaw working group has continued to workshops across the region and an update on the bylaw will be reported through the June scoping meeting.

Key strategic projects of the team include the Climate Change Strategy and Council’s response to the National Policy Statement for Urban Development Capacity, both of which will be reported to the June scoping meeting. Progress has also been made on the Recreation Strategy project.

Outside of these projects the team have been progressing both the work behind projects and actions for the City Core Precinct Plan and Council’s involvement in the Kaipara Moana Treaty Settlement.

In addition, work on the Long-Term Plan has continued with deliberations being held in May, and the draft 2018 – 2028 Long Term Plan then being developed for Audit.

4 Significance and Engagement

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

5 Attachment

Planning and Development Operational Report – June 2018.

June Operational Report

Planning and Development and Strategy and Democracy (May 2018 activities)

District Development

Photoshoots have taken place throughout autumn to refresh and update the Whangarei image library. The images showcase Whangarei's outstanding landscapes and activities in a subtropical climate offering great water and land activities and experiences.

These are a sample of the images that will be used in destination marketing activities including brochure production and through our digital channels.





Economic Development

During the month of May activities included hosting nine Ministry of Foreign Affairs and Trade ambassadors to Whangarei and Northland to showcase industry opportunities.

In conjunction with Northland Inc through the Landing Pad four other opportunities were accommodated including an innovative construction system for affordable housing as well as a potential Incineration of Waste to Energy Plant.

The Economic Development Facilitator also attended a forum presented by The Consul General of the People's Republic of China in Auckland, Madame Xu.

The purpose of the forum was to facilitate China-New Zealand Tourism and Trade opportunities and provide better assistance establishing connections and exploring investment opportunities between incoming Chinese regional government/business delegations and Northland in the future.

In attendance, along with Madam Xu was a delegation of major Chinese State Enterprises in New Zealand, including the Bank of China, China Construction Bank, China Travel Service, Industrial and Commercial Bank of China, China Forestry Group Corporation Huawei and China Ocean Shipping (Group) Company (COSCO).

Commercial Property

Town Basin

Patronage to the Town Basin does not appear to have decreased with the change in the weather. The popularity of the Hatea Loop and a steady line up of community based events continue to provide opportunities for tenancies to capitalise on visitors/locals to the area. Pedestrian counts from the recent Property Institute Pedestrian Survey see some parts of the Town Basin nearly double from the previous 2016 survey.

Some extreme weather events (early June) have again seen some historical leaks returning to one tenancy in particular. The tenant, staff and contractors are all very frustrated with the situation and are working towards a permanent solution.

The Quay is scheduling a temporary closure to rejuvenate the floor. The popular restaurant is using the winter time to smarten the existing floor that is showing signs of wear and tear from the volume of traffic it has been subjected to. This provides an opportunity for staff to inspect some of the piles and address minor issues.

Feedback from tenants have been received and collated as part of the roading team's summary of paid parking at the Town Basin. Since the implementation there has been lots of discussion and suggestions regarding the impact on business, availability of parking for customers, hourly rates and enforcement. Tenants have been asked to comment and a full summary was presented to Council at the June Infrastructure Meeting.

Forestry – Whau Valley Dam

The forestry harvest has been completed and the Whau Valley Dam was opened to the public in time for the Queen's Birthday weekend. The Commercial Property Manager, Parks and Roding staff are working together to complete the re-establishment of the car park and lawn areas at the top of the dam. Sediment traps will remain until the work is complete. There will be some temporary inconvenience during the re-establishment phase, with limited access at certain times to manage the risk and the safety of both contractors and members of the public.

The last of the debris being removed.



201-209 Port Road (ex-Balance/ Fertilizer Stores)

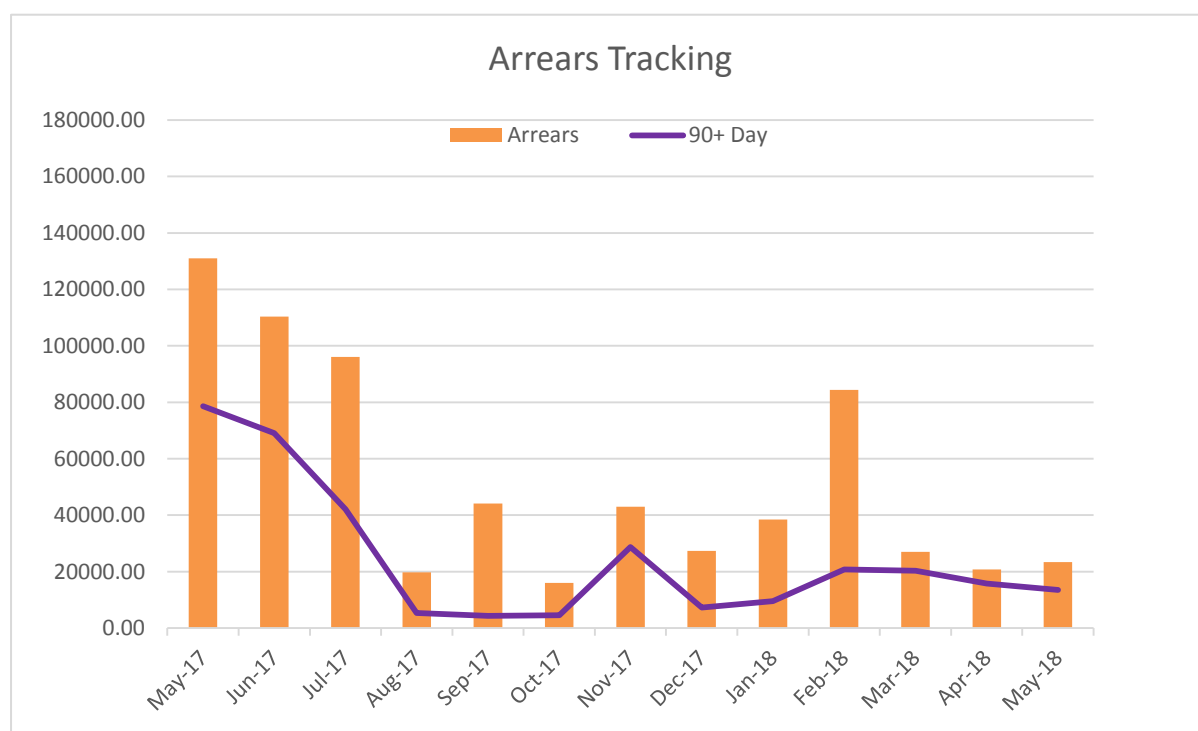
The removal of the old fertiliser stores are now complete. Stage two of the process includes the investigation into ground contamination. A request for quote (RFQ) was issued to quantify the cost of an environmental site assessment. This assessment includes a Preliminary Site Investigation, Detailed Site Investigation and developing a Remedial Action Plan (if required). Prices are due by 15 June 2018, with investigation works likely to happen in July.

Rent Reviews/Renewals

Rental reviews and renewals continue in accordance with both ground and commercial freehold leases.

Rental Arrears

Staff continue to work with tenants regarding the recovery of arrears. Council's debt collection agency has been engaged to address a long term arrears matter, as per policy.



*The data is reflective of the entire May invoicing cycle.

Legal Fees

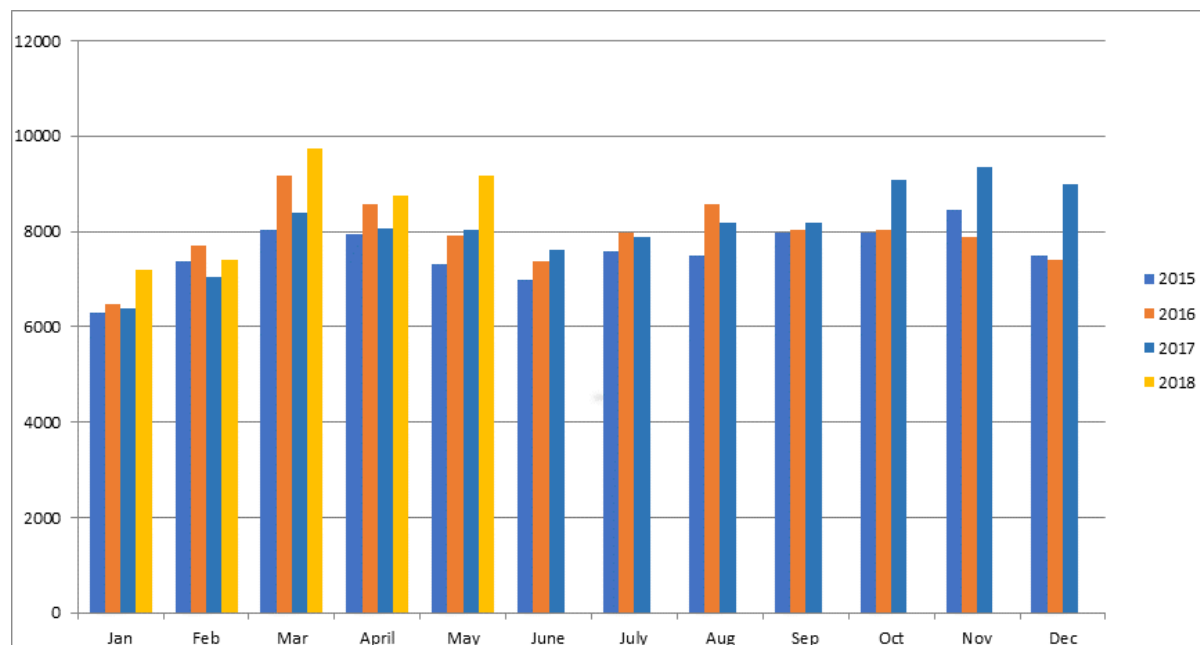
A long term dispute over the recovery of legal fees associated with a High Court arbitration, has now been resolved. The payment of nearly \$300,000 incl. GST has been received in accordance with the award of legal cost associated with the 21 year rent review dispute.

Airport

Passenger numbers

Passenger numbers, for the eight month in a row, exceed previous monthly totals. Data for the month of May reflect 1100 more passengers for the same period last year.

Monthly Passenger numbers



Airport Operations

- The Safety Management System (SMS) implementation plan has been lodged with the CAA and awaiting acceptance.
- A user group meeting is scheduled for June.
 - Main item of business is the formation of an airport safety committee (SMS related).
 - New CAA requirement for a runway safety committee has to be in place by the end of August.
- A successful emergency exercise was held on 24 May 2018. Police and Ambulance personnel who arrived ahead of the fire crews managed the drill as required. It was a great success despite fire communications having to abandon the exercise due to a real emergency at Auckland International airport.
- An approach from a potential airline operator has been made regarding a small alternate service from Whangarei with possible growth later. Further discussions are expected.
- The annual customer satisfaction survey has been completed with 150 responses. Results are still being compiled but indications are that the overall satisfaction with the terminal facilities is good. The Café is well liked and the car park being overly full and difficulty in finding a parking space was a common theme.
- The Ministry of Transport has been notified of the recent resolution to implement parking charges.

Strategy

Alcohol Control Bylaw

The Alcohol Control Bylaw working group held its second meeting on 21 May. Staff have continued to work with colleagues at Far North District Council and Kaipara District Council. Stakeholder workshops have been held across Northland, including in Whangarei on 29 May. An update on this bylaw will be given to Councillors at the scoping meeting on 21 June.

Long Term Plan

The Strategy Department have continued to assist in the LTP through project management of the programme including coordinating the analysis of submissions to support deliberations on the issues raised.

Formal Deliberations Meeting took place on the 16 May. A briefing on 12 June allowed elected members to review the draft document.

Climate Change Strategy

The proposed climate change strategy consists of two parts. Part one is our organisations approach to climate change through the way we work. Feedback will be sought from Councillors at the June scoping meeting.

Part two will consist of a District Wide adaptation strategy. An overview and scoping for this part will be given to Councillors in July.

National Policy Statement for Urban Development Capacity (NPS-UDC)

Work on the requirement of the NPS-UDC to calculate our capacity for housing and business land to meet future demand is nearly complete. This is vital information to support the review of Sustainable Futures 30/50 and our District Plan. An overview of the results will be presented in July.

Recreation Strategy

Staff presented a progress report at the Infrastructure Update meeting on 8 May 2018. This confirmed the detailed scope and procurement process, which is now underway.

City Centre Plan

Following the presentation at the May scoping meeting a more in-depth workshop is being scheduled to discuss the key projects and actions for the City Core Precinct Plan.

Kaipara Moana Treaty Settlement

The proposed Kaipara Moana Working Party planned for 21 May did not occur. However, a series of technical meetings were held between the Auckland Council, Northland Regional Council and Kaipara District Council and Office of Treaty Settlements on the key issues. To progress these discussions a Kaipara Moana Working Party meeting is being requested within the next four weeks (subject to availability).

District Plan

PC85 A – D, PC86 A&B Rural, PC87 Coastal Area, PC102 Minerals and PC114 Landscapes

The District Plan Department have entered into Environment Court mediation which requires significant resourcing in preparation and attendance. The first three days was completed in the last week of May 2018 with one draft consent order being submitted to the Court. PC86B Living 1 and 3 rezoning is beyond challenge being reported separately for final approval.

Urban and Services Plan Changes

The working draft plan changes for urban rezoning, open space rezoning, transport and three waters have been scoped with Council. Pre-consultation commenced on 13 of June 2018 and will close 24 August 2018.

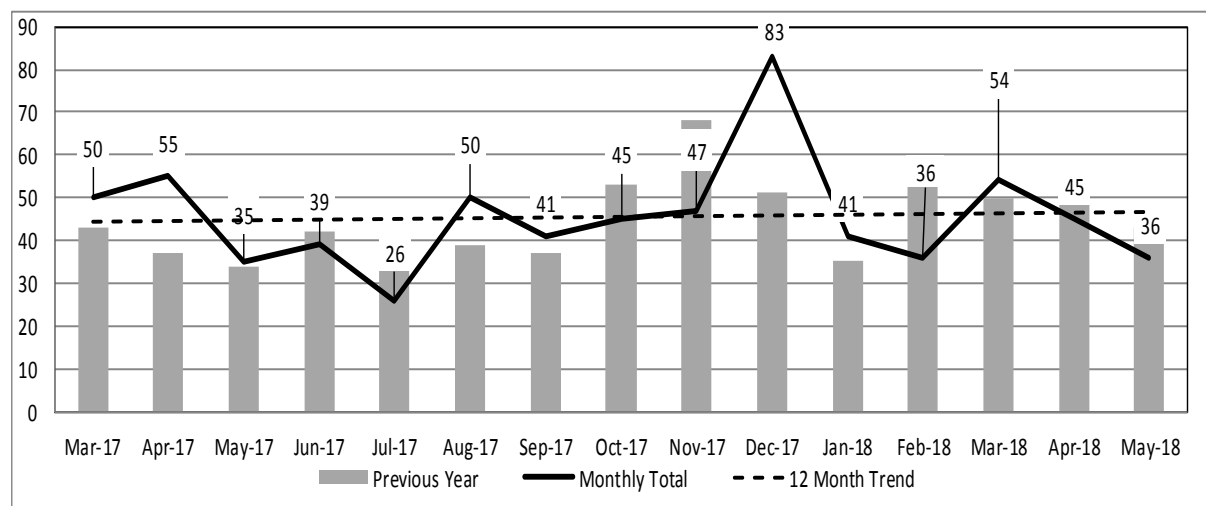
PC129 Notable and Public Trees

Formal notification closed on 8 June 2018. At the time of writing this report (prior to close of notification), 16 submissions had been received. These submissions will be summarised and the summary of submissions will be notified for further submission mid July 2018.

Resource Consents

Resource Consent Processing

May has seen a seasonal decrease in applications as winter approaches. This is consistent with previous years. It is noted that including the permitted boundary activities applications would see a slight increase over previous year's results.



Subdivision

Subdivision applications equated to 64% of the total number of applications. With some parts of the rural plan changes now beyond challenge, we are seeing some activity taking place in new zones. An application for a 12-lot subdivision in Austin Road has been declined by the Hearings Commissioner.

Landuse

Landuse applications made up 36% of the total number of resource consents for the period.

The application by GBC Winstone for overburden disposal from the Otaika Quarry has been granted consent by Commissioners. An application for a house moving yard at Piano Hill has been declined by the Commissioner.

Other Permissions

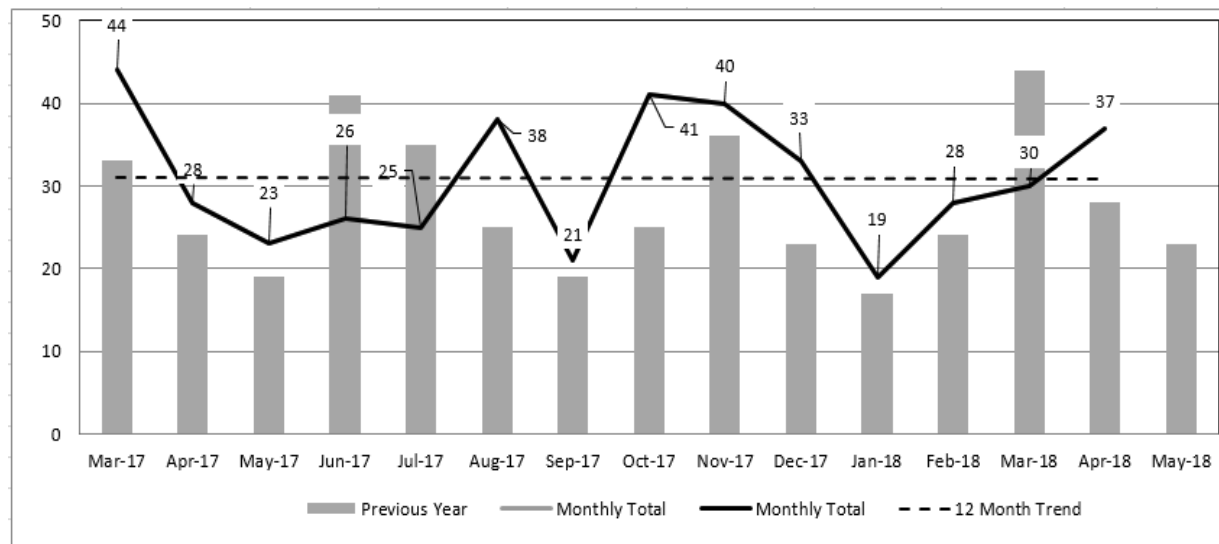
Eight applications were received for permitted boundary activities, outline plan of works (for designated sites) and liquor licencing. (Note these are not included in the charted statistics).

Pre Lodgement Meetings

A new reporting line is being introduced this month. Pre lodgement meeting are held with applicants prior to the lodgement of applications. The purpose of the meetings (whilst optional) is to engage early with applicants to discuss any relevant issues prior to lodgement. These meetings are multi-disciplinary and cross departmental. In the year to date staff have attended 31 meetings with applicants, there have been 12 meetings in in May. This indicates that the current high activity levels are likely to continue.

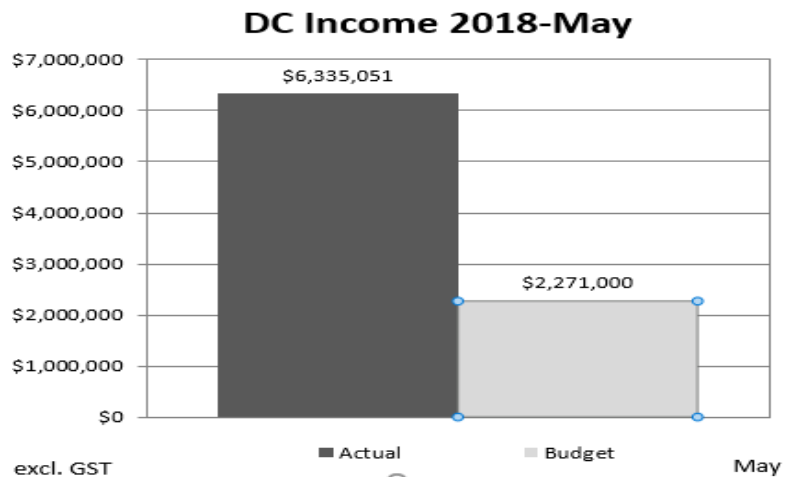
Post-Approval

Applications were a little quieter than expected with 31 section 223 & 224 applications being processed in May. Due to weather events, engineering works have been delayed and consequently the completion of some developments. A notable completion has been stage 4 of Totara Parklands for 54 residential lots, this has been reflected in the development contribution income.



Development Contributions

Currently Development Contribution (DC) income to the end of March is \$6.3m, this includes contributions for Stage 4 of Totara Parklands, is well above the budgeted DC revenue. This reflects the level of development activity. As DCs recover part of the cost of past and future projects, which have or will be been undertaken in anticipation of growth, this money is already allocated to those projects.



Appeals

There is currently one appeal by Segmental Liners against a decision to decline an application for subdivision in Austin Road for 12 residential lots

Building Department – 30 April 2018 – 25 May 2018

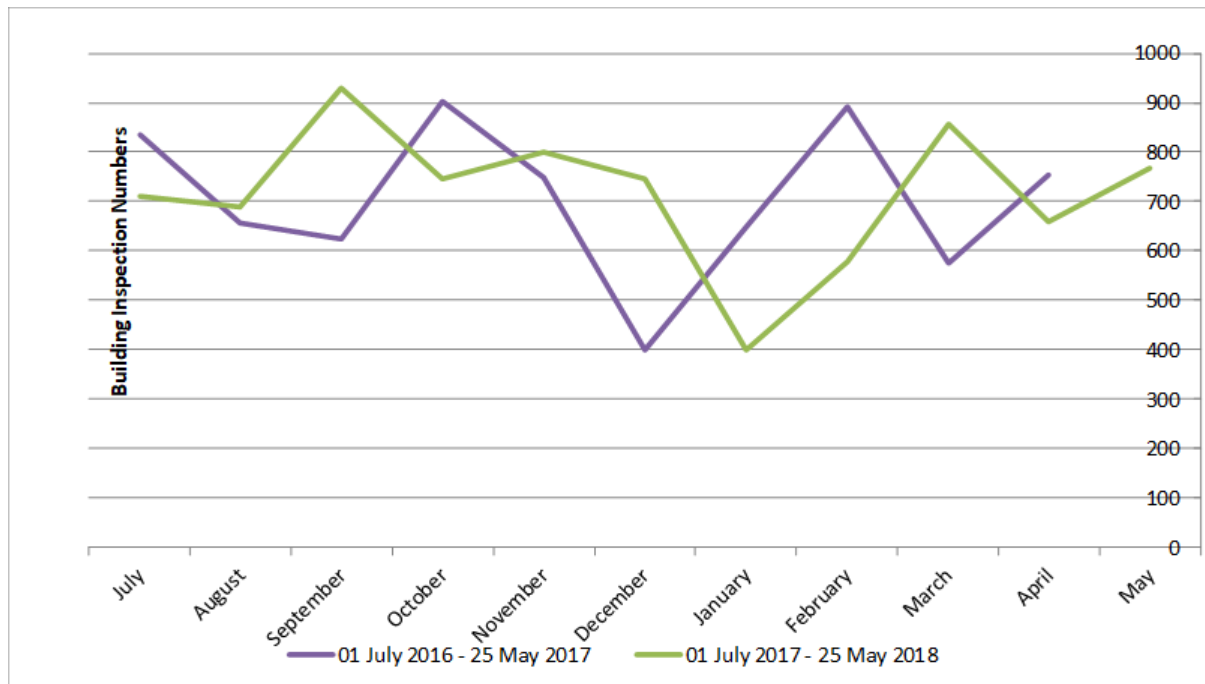
Building Consent Processing

Building consent applications have continued to show a steadiness in activity. The number of consents issued within timeframe has improved again from last month's figures 96% to 99%. LIM's timeframes are substantially compliant whilst the PIM's are under substantive pressure. Inspection delivery is just under the Annual Plan requirement and is at 97%.

Performance Indicators			
		May-18	Year's Average To Date
Building Consents	Issued In 20 Days	99%	67%
LIMs	% Within 7 Days	93%	90%
LIMs (Statutory Requirement)	% Within 10 Days	100%	100%
PIMs	% Within 5 Days	51%	86%
Inspections (Completed within 48 Hrs)	% Complete Within 2 Working Days	98%	97%

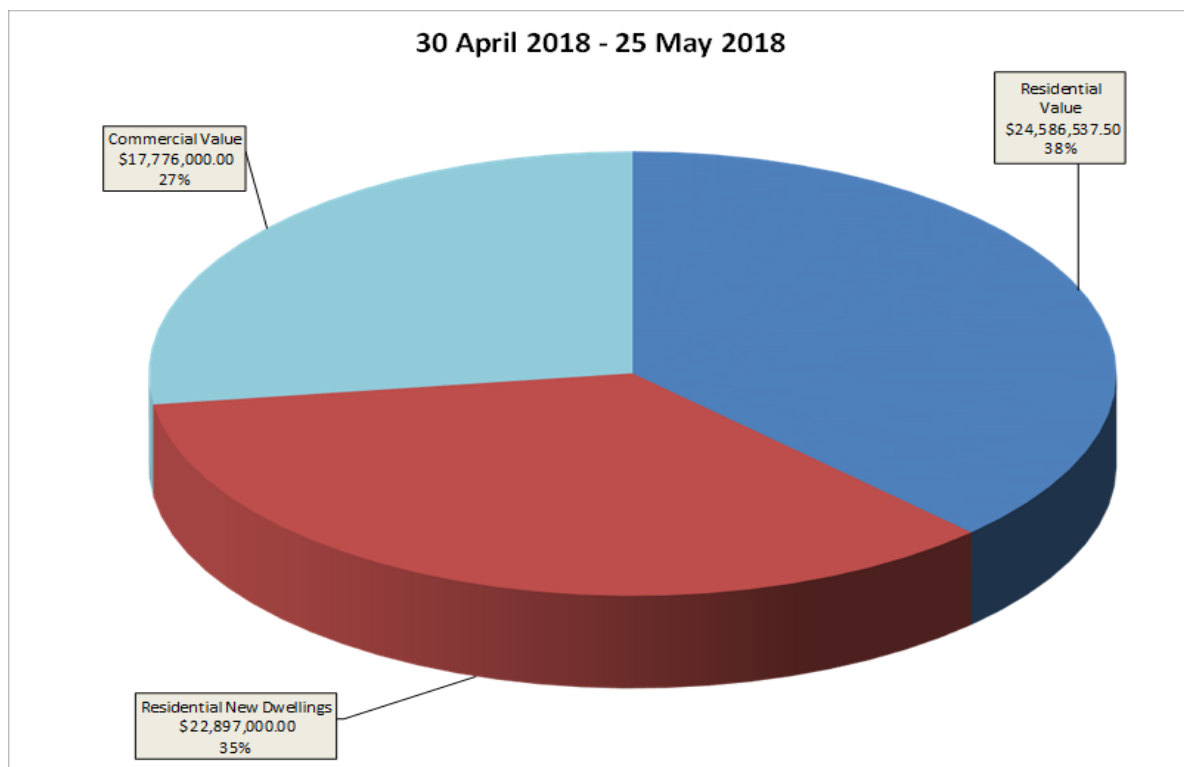
Inspections

Inspection numbers are increasing at this time of year. Recruitment for experienced staff is ongoing.



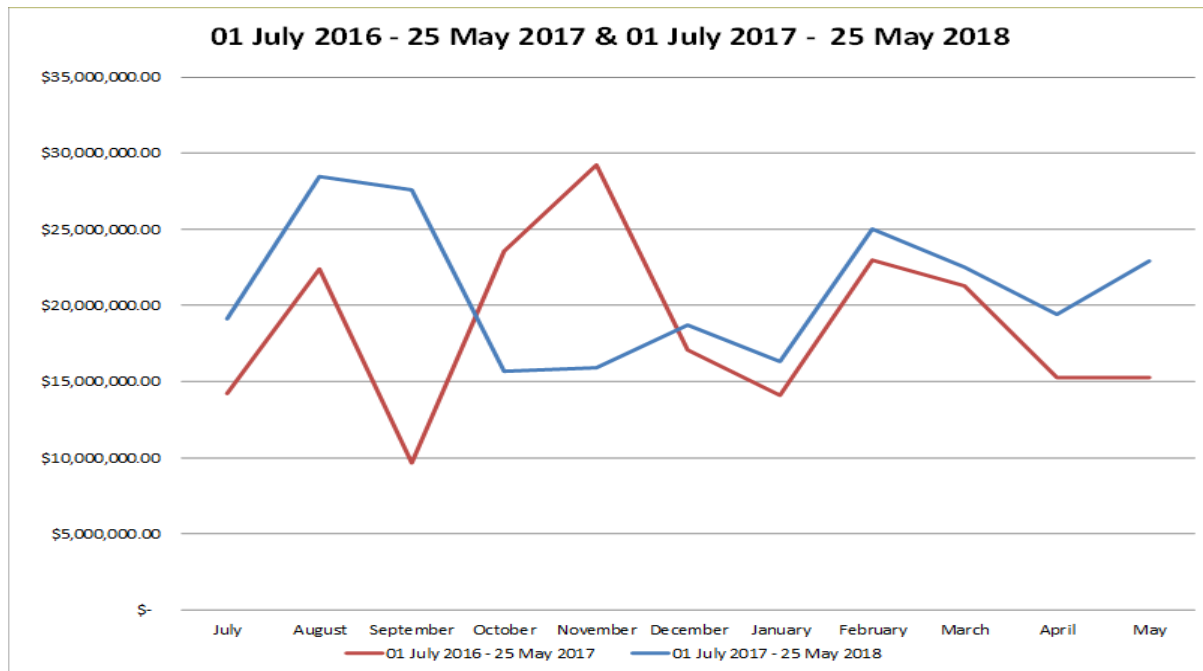
Residential and Commercial trends

The residential sector continues to show strength with new dwellings being 35% of building work. This has dipped this quarter due to the large increase in the commercial sector to 27%. This increase is due mainly to Hundertwasser.



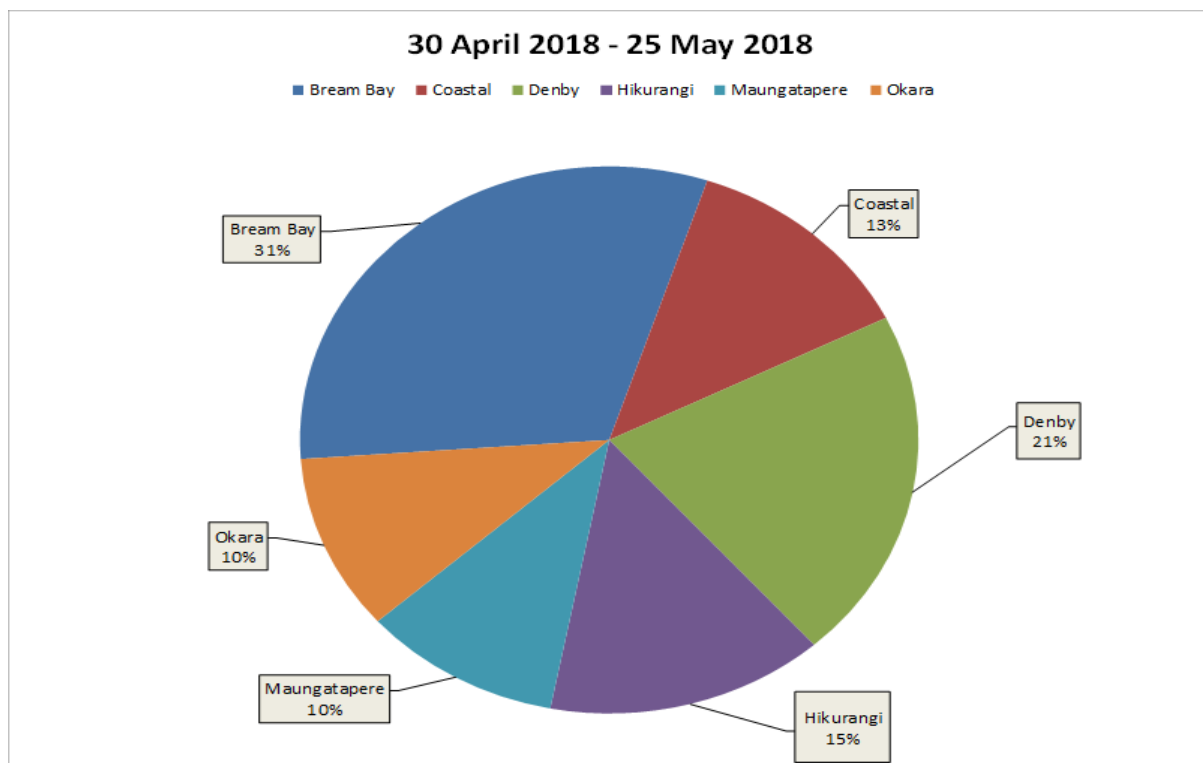
New Dwelling Financial Trends

New dwellings have continued to show an increase in growth around the forecasted prediction of 7% for the financial year (48 for the month).



New Dwelling Ward Trend

The large Ward pattern change from last month has now settled with minor changes. Bream Bay has increased from 30% to 31%, Coastal has increased from 5% to 13%, Denby has increased from 19% to 21%, Hikurangi has increased from 11% to 15%, Maungatapere has shifted 19% to 10% and Okara has increased from 8% to 10%.



Health and Bylaws

Registered premises

At the end of May 2018, there were a total of 621 premises registered under the various legislation dealt with by the Environmental Health team (Health & Food Act, only). 89 of these premises are registered under the Health Act, such as hair dressers, offensive trades, camping grounds etc.

The remainder, 532 premises are registered under both the old and new food legislation. 320 premises currently operate under the Food Act 2014 and have thus already transitioned, as required. The remainder - 212 premises still need to transition during the current and last year of the 3-year transition program.

Number of Food Act verifications (audits) or food premises inspections under the previous legislation:

The previous legislation required Environmental Health Officers (EHO) to 'inspect' all food premises at least twice a year. During the year to date, EHO inspected 187 of these premises, which thus far remained on the old scheme.

The new Food Act assigns a risk category and depending on the operator's performance, well performing food businesses are usually verified (audited) annually or even only every 18 months. Operators that do not perform well are verified more frequently.

This year, to date, EHO's have conducted 221 Food Act verifications (audits) and thus a total of 408 inspections and verifications.

Sale and Supply of Alcohol Act licensed premises and inspections:

There are currently 206 alcohol licences issued in the district, including On-; Off-; and Club-licences.

The Act requires Licensing Inspectors (LI) to inspect all of these at least once a year. Thus far this year we've inspected 164 premises.

In addition, LI's conduct after-hour monitoring operations, usually with Police and monitor Special licensed events, such as the Fritter Festival etc.

Bylaw Enforcement:

On the Bylaw enforcement side of the business, our Bylaw Enforcement Coordinator continues to work with our enforcement contractor (Armourguard), other parts of council and the public to continue to improve on our systems and processes, to enhance our service to the community and resolve conflict or concerns raised.

We are confident that once our existing processes have been reviewed and where necessary provided or updated, that this will lead to a much smoother operation, a reduction of justified complaints and greater customer service.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

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

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

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

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.